

# *Household Livelihood Strategies and Local Institutions*

*- A Working Paper Series -*

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Mapping Traditional Structures in Decentralisation Policies: illustrations from  
three countries in Sub-Saharan Africa and the Near East

*Working Paper No. 12*

January 2001

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Rural Development Division  
Food and Agriculture Organization of the United Nations

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### **Acknowledgements**

Thanks are due especially to the field research teams, led by S. Soumaré (Mali), I. Lundin (Mozambique), and A. Othman (Yemen). Also to be thanked is Jennie Dey Abbas, for her technical inputs and contribution to as facilitating an environment as possible for this work to come to fruition, as well as Robin Marsh, Astrid Blom, Luis Llambí, and Reinhart Kössler.

**KEYWORDS:** *Agriculture; Anthropology/cultural dimensions; Community-based development; Decentralisation; Farmers organisations; Forestry; Governance; Hunting; Indigenous knowledge systems; Institutional analysis; Irrigation; Islamic institutions; Land tenure (common property); Mediation/conflict management; Natural resource management; Participation/legitimacy; Poverty; Programme design; Range management (Yemen); Rice (Mali); Rural development sociology; Social capital; Stakeholder strategies/organising practices; Traditional institutions; Traditional mutual support networks.*

**POP<sup>N</sup>. GROUPS:** *Amakhuwa; Angoni; Dafing; Dogon; Peul; Vangoni.*

**GEOG.:** *MALI - Diangoumerela (Yanfolila circle, Sikasso region); Samori (Bankass circle, Mopti region). MOZAMBIQUE - Netia (Monapo district, Nampula province); Ntengo-wa-Mbalame/Banga (Tsangano district, Tete central province); Zitundo (Matutuine district, Maputo province). YEMEN - Alhami (Alsher Directorate, Hadramout Governorate); Almisial – Almaramid (Bani Saad Directorate, Almahwit Governorate); Hadran (Bani Matar Directorate, Sana'a Governorate).*

## **1. ABSTRACT**

It is important to realise that, no matter how “parallel” the two institutional set ups and the different production systems they govern may seem at first glance, some sort of informal articulation and communication normally exists between the traditional and modern sphere, often on land matters. With the probable exception of land conflict resolution, for which decision-making is more focused and ultimately usually lies with only one key authority, at all echelons there is a multiplicity of decision-making levels that frame traditional institutions. The involvement of traditional community leaders brings natural resource claims and conflicts closer to illiterate persons, who rarely dispose of the many resources necessary to bring to bear their civil rights over livelihood assets through formal government channels and do not understand all the rules and regulations, and the rights and duties that come with them.

They may not have any such rights under national statute law, which does not recognise traditional usufruct. The village is not usually recognised as legal entity, yet it is at this level that we find the traditional institutions that could sustain genuinely community-based natural resource management (NRM). As different worldviews and knowledge systems will run, or flow, into each other under decentralisation and devolution, the dichotomy that often opposes “indigenous knowledge” to “modern science” is misleading, and the participatory evaluation of both would appear a fundamental starting point when analysing the dynamics of adopting new technologies, or new management and decision-making procedures. Arguably, community participation must take into account the norms upheld by traditional leaders, which implies that “win-win” scenarios are usually rare at any level and some trade-offs unavoidable.

Leadership structures must be assessed and informed by local settlement histories, which contribute to determine institutional in- and exclusion. Cross-country comparisons, although in a context of adherence to different legal systems, will still be of use, to the extent that the recording and endorsement of local organising

practices is based upon certain “cultural traits” common to agricultural and merchant societies. In relation to these traits, among the myths to be dismantled is that the customary authority structures they produce are gender-biased, atavistic, opaque, unaccountable, unchecked and necessarily “undemocratic”: when applying the “modern” criteria of “good governance” to traditional structures, most of them fare surprisingly well – rather, their roles are tied to different mechanisms for participation, social inclusion and decision-making on NRM.

NRM and village development committees have become ubiquitous, but their social legitimacy must be analysed, and the way in which their including traditional authority would modify decision-making mechanisms (and the interface with local government). This inclusion can take place in direct or in less direct ways, but should always be accompanied by providing flexibility in institutional arrangements that can be revised. Committees should not be newly created, but, if possible, existing institutions used, and, if necessary, adapted: in many areas a point of “saturation” with “artificial” committee structures has been reached (some call it “committee-mania”) oblivious to farmers’ time constraints. Within the time constraints of development agencies there is a need to promote more thorough work on feasibility analyses and longer term investigation, which can also take place alongside project activities.

The mode of “ownership” will be reflected in local interpretations of, and expectations from, the decentralisation process, which should be explored, as they may augur well or not, so that early “remedies” can be sought. Since for the time being it remains the most visible manifestation of decentralisation at the village level, local perceptions are much related to the process of restructuring administrative territories, as geographical units. Information is provided below on why to involve traditional leaders in the decentralisation and restructuring process. The extent to which this may be happening anyhow (by default) is part of the research hypotheses that guided fieldwork, which have not found to be relevant in all countries.

## **1.1 Introduction**

FAO's involvement with the issues emerging below goes back more than thirty years. In 1965, O. Draz, then FAO adviser in Syria, travelled to Saudi Arabia and was struck by local traditional *hema* range management, by its potential and the religious sanction behind the system; upon his return he began to promote the restoration of tribal control of grazing (discussed below in the context of Yemen).

Past centralised approaches to socio-economic development have led to meagre results, which is why advocacy for greater decentralisation is gaining momentum at a global level. Decentralisation is no new item on the agenda of policy-makers, but it is now taking place in a different, arguably more favourable context in political terms. Former attempts at greater decentralisation have largely failed to take into account the vital dimension of local institutions (Pretty 1995, Uphoff 1997). In the words of N. Uphoff, "for rural development, it is important to consider the capacity of local institutions, not as an alternative but as a complement to central institutions." (...) "Local decisions can benefit from generalized knowledge just as central decisions can be improved upon by considering local knowledge" (1997: 11, 19). Local knowledge embodied in "traditional" community institutions and customary authority systems are not always visible to outsiders – unless some representatives of such systems are already incorporated into local government structures, and hereditary positions are confirmed and recognised officially. They may not necessarily be that "traditional" either, and there is an ongoing debate about how tradition has often been "invented" (Hobsbawm and Ranger 1983, Douglas 1986, Mamdani 1996) to further the interests of particular actors in the rural setting, especially the colonial regimes of the time<sup>1</sup>.

In rural areas decentralisation policies intervene in already established political arenas which notably are marked by the legacy of numerous development interventions. Development initiatives using the rural community as an entry point should thus be informed by a detailed

analysis of the local polity and social structure if the benefits for those who are normally excluded are to be more than marginal (Messer 1998). The involvement of traditional community institutions may come at the expense of broad community participation, and not include groups of lower social standing. However, in situations where their involvement is indeed desirable, how could this be achieved? Related to such discussion is the increasingly popular concept of social capital as an analytical tool to appraise the "development value" of autochthonous patterns of collaborative social organisation and cohesion. The present research has therefore asked what constitutes social capital linked to traditional institutions in the context of community-based development, what in- and exclusion rules may lead to the bypassing of certain segments of rural society and/or to disproportionate advantages of certain others?

Among the few areas in which some formal articulation has been documented between decentralised government institutions (and NGOs or multi-/bilateral agencies) and traditional (community) institutions is the realm of common property resource management (see, e.g., FAO 1999a,b). But in reality informal linkages do already take place. A sustainable operational mode of organisation, articulation and communication among the stakeholders of decentralisation processes must be found, and the policy framework be not just "enabling", but one that would allow an iterative process to mature, until such a mode is found and adjusted to. A people-centred development and sustainable livelihoods focus implies reaching beyond the relatively "safe" production and environmental issues to some more sensitive geo-political, socio-economic and cultural concerns, and the rise of civil society. Policymakers often lament inadequate levels of management capacity at local levels, and sometimes use this as an excuse to not further devolve responsibilities. By backing local practices, "advertising" and, possibly, articulating them better, the realisation is endorsed that decentralisation must also take place "from below", and the process equipped with a greater deal of credibility and the reciprocal trust necessary for its success.

## **1.2 Background<sup>2</sup>**

The present publication builds on a brief literature review (FAO 1997c), which found that the various considerations on these institutions in connection with the particular historical and political background of the different countries have led to government policies that can be related to in five groups: policies of exclusion, policies of integration, policies of adaptation or “modernisation”, policies of association or “controlled dualism”, and policies of informality or “laissez-faire”. These policies defy all generalisation and unilateral relation of cause and effect, but nonetheless reveal a strong tendency toward exclusion among the former command economy countries whereas countries with free market ideologies can be found elsewhere in the typology<sup>3</sup>. “In general, the role of traditional institutions is much determined by the nature of the layout of local political arenas, the modes of negotiation and confrontation between the different local institutions and the strategic groups that interact with them, the nature of what is at stake, the potential for institutional mobilisation and the social or symbolic capital which the main actors of these institutions dispose of. This “micro-political dimension” is important but often underestimated in the field of development, particularly in respect to the management of resources generated by projects or other interventions” (FAO 1997c: 1).

In the past just like today, to refer to the sphere of “tradition” may come in handy for any given individual or group of actors attempting to take advantage of opportunities. In a number of cases, “traditional” authority has thus been enforced by powerful groups from outside the community to suit specific purposes through the legitimacy conferred upon it by the explicit reference to the “traditional”, and justified by that same elite in their interactions with international development personnel on that basis, exploiting romantic Western notions of long-lost “community life”.

What may be appealing to outside organisations (trying to find an entry point for commu-

nity-based initiatives) is of course the sustainability of these rural institutions, enduring many a change in central government and development paradigm. This sustainability is in large part due to what Douglas (1986) calls a stabilising principle, which is often supernatural, or ancestral. It is this same principle that has frequently enabled the imposing of “traditional” leadership and practices on local communities who “should [and would, of course] know better”, in other words, they may be aware of the fact that traditions are not impartial, are being manipulated or invented, but may put up with it as long as these arrangements are not seen as socially contrived. The processes unfolding in local socio-political arenas need to be understood on a case by case basis and the relationship of traditional authority to the history and heritage of the population groups of a given community assessed. Only then can we speak of social organisations and “grass-roots institutions” that are traditional in the sense that they are agents embodying important levels of cultural and social capital. It will then be necessary to examine what (type of) “agency” they have, namely, the capacity for action of social actors, or else their pragmatic competence<sup>4</sup>.

Villagers themselves will create strategic alliances and invoke rules and legislation to best suit their needs (Messer 1999). This leads to different ways of trying to secure benefits from a project (or a decentralisation programme), or to impose exclusion or damage to competing social groups, but may also lead to new synergies. Personal identity is to a certain extent pre-determined through kinship, but may emerge in coalitions and change according to the resources to be captured, in function of the necessities felt at a certain point in time, and by a certain member of the household (it will be subject to the dynamics of intra-household resource allocation and decisions based on gender roles). In view of understanding what is “traditional”, and how, it is therefore essential to disentangle the actors and their web of interlinked tactics, local norms and their dialectic relationship to individual strategies. According to Baland and Platteau (1996), “Tradition can play two central roles to support

village-based common property resource management: (a) via norms of social behaviour and (b) via well-established patterns of authority and leadership. These two effects are in fact tightly linked in so far as one of the functions of traditional authorities is precisely to activate and reinforce social or moral norms” (324). The present analysis examines the practical implications of these norms through field research carried out during 1998 and 1999 in Yemen, Mali, and Mozambique. The underlying hypotheses, taken up in section 5 below, were never perfectly relevant in all research settings. Nonetheless, they guided fieldwork inquiries by providing a background against which the same kind of questions were asked<sup>5</sup>.

### *1.2.(i) The broad institutional framework of decentralisation and rural development*

After a period of state formation, many developing countries are now facing the challenge of improving the performance of governance by bringing the latter closer to the daily trials and tribulations of their rural constituencies<sup>6</sup>. As elsewhere, in Mali, Mozambique, and Yemen, community participation and political decentralisation have in part been determined by the “development paths”, the major macro-economic and political decisions, of these nations, which are quite unlike each other. The latter two countries have only recently emerged from civil wars that have had profound impacts on parts of their countryside and rural development programmes, particularly with regard to the physical and psychological consequences on local institutional relationships. To start discussing wider civil society-state relations the broad institutional framework and some stylised facts are introduced below to set the stage for an analysis of traditional community institutions<sup>7</sup>.

#### Yemen

During the 1960s the Government of Yemen established a “Central Council for Tribal Affairs”, to resolve disputes between rural tribesmen at the community level, and to provide suggestions about local needs. After the independence of South Yemen in 1967, the country

became divided into two states: the People’s Democratic Republic of Yemen (PDRY) in the south and the Yemen Arab Republic (YAR) in the north. The latter replaced the councils in the early 1970s with Local Development Associations (LDAs)<sup>8</sup>, formed through local elections and developed independently, and supported these associations technically and through the contribution of 75% of the traditional (religious) tax of *zakat*, collected by local government authorities at district level. In the mid-1980s the LDAs were replaced by the parastatal Local Development Boards (LDBs), and people felt their local initiatives were constrained by the new LDB laws, as these became less independent and their *zakat* support controlled by the Ministry of Finance. The People’s Democratic Republic of Yemen (PDRY) was divided into six governorates, superseding the earlier tribal administrative divisions, and the government established state agricultural and cooperative farms. In 1968, it declared a reconciliation among the tribes, prohibited tribal revenges and passed two land reform laws, in 1968 and 1970. These laws confiscated the property of sultans, emirs and sheikhs without compensation, and classified *waqf*, desert, and forest land, common rangeland and water resources as state property – whereby most of land in the southern governorates turned legally into state property. Most rangelands became neglected after the abandonment of traditional (*urf*) management rules.

#### Mali

During the first republic of Mali, the conception and execution of development activities during the period immediately following independence were characterised by strong government involvement and national consolidation (with the associated standardisation of many norms and policies), sometimes to the detriment of local people’s initiatives. The circulation of goods and capital was controlled and the country relatively isolated, leading to informal cross-border transactions through a number of illicit networks and a devaluation in 1967. After the national assembly was dissolved after a coup in 1968, GDP slumped and food insecurity expanded, following a phase of ex-

treme hardship especially for the rural population, transactions and the movement of cereal within the country are liberalised; collective agricultural fields abolished; the population allowed to move freely between the cities, and; contacts facilitated by government with the farmers of neighbouring countries. The government of the second republic of Mali brought about several steps towards decentralisation beginning in 1977 by creating participatory regional, local and sub-local structures called Development Committees and Councils<sup>9</sup>, which are assigned authority to conceive, programme, implement and control development initiatives. These are converted into budgetary terms by the Council, composed two-thirds of elected members and one-third by appointees of the government administration in Bamako – the Committee is in charge of their execution, under the supervision of the Council. However, farmers suffered from heavy taxation, dissatisfaction spread, and after the growing civil society movements finally overthrew the 2<sup>nd</sup> Republic in 1991, democratisation became unstoppable.

### Mozambique

At independence (1975), the Government of Mozambique put in place a system of state farms and government marketing boards in charge of administering prices for agricultural commodities, sold through (now abolished) stores part of a nation-wide rationing system. It also introduced *Grupos Dinamizadores* (GDs), a political branch of the party in power, Frelimo<sup>10</sup>, including in the rural areas the *Presidentes de Localidades*. The idea of decentralisation takes hold in 1984 with Frelimo's fourth party congress, which initiated changes centred on four main reforms: regional prioritisation, administrative decentralisation, liberalisation of commercial activity, and allocation of resources on the basis of economic pragmatism. Military destabilisation by Renamo<sup>11</sup> and ensuing civil war left infrastructure and rural institutions – shaped by colonialism, socialism, and local customs that have “survived” both – severely damaged. In 1996, an amendment to the 1990 constitution establishes the municipal framework, and in 1997

twelve further municipal laws are passed (law 2/97), which state that the decentralisation process does not affect the rural areas, but only the autonomy of urban municipalities (*ciudades, vilas, or postos administrativos*). Discussions are in progress on the role to be given to municipal governors, as well as the geography of the decentralised provinces<sup>12</sup>. Recently, the event causing the most interest among civil society groups has been the process of formulating the new land law (19/97<sup>13</sup>) by which individuals or communities can acquire land rights through occupancy and use of a plot for at least ten years, or by occupying land according to “customary norms and practices”, provided these are not contrary to the constitution.

## **2. COMPARING THE INCOMPARABLE?**

### **Placing the issues in a rural development context**

The first thing that comes to mind, when reading a comparative study based mainly on fieldwork in Yemen, Mali, and Mozambique, is to ask, is there anything among these very different countries that can be meaningfully compared at all, and, in the affirmative, for what use? The metaphor used in methodological discussions is often that of “comparing apples and oranges”. Or can we go to scale, and compare them as “fruit”? I would argue the latter, namely that if the issues are placed in a context of current policy challenges for rural development, we must not shy away from such complex concerns. Rather than the unit of analysis and time frame, what needs to be modified and relaxed is the intent of such a normative output: it cannot pretend to do more than give clues and insights, directions for consideration, reflection on the part of policymakers, and further action-research for validation and consolidation, for made-to-measure solutions. This purpose is referred to in the title of the document as “mapping”, which “constitutes a basis for a thorough investigation of a specific research question [...] As such mapping is not neutral, but depends on the particular context. It is more than just description, but stops short of analysis” (Engberg-Pedersen 1998: 95).

Communication is a very important part of implementing the decentralisation process (also discussed in section 3 below), both linguistically (the national language is not normally used at the village level) and contents (the dissimilar awareness outlined above). It has become evident that communication problems, and difficulties concerning consensus-building at community level, will inevitably include disagreement among actors located at different levels of the horizontal networks that are entrusted with the promotion of development<sup>14</sup>.

This is relevant to the present discussion in as far as it will bear much influence in the debate on the envisaged role of traditional structures in decentralisation policy, laying out the parameters and “margins for manoeuvre” officially accorded to such structures. It is the point where, to use J. Ribot’s (1998) words, “the twain shall meet” (“...if ever...”), the interface between community participation and political decentralisation. Both need to be worked on and promoted if this is to happen, but the balance between mobilising existing (possibly “dormant”) resources and introducing appropriate new knowledge and technology will depend on what is envisaged in local, village-level development plans and the limitations identified therein.

First and foremost, the participatory evaluation of “indigenous knowledge systems<sup>15</sup>” would appear a fundamental starting point when analysing local constraints (and opportunities) to the adoption of new technologies, given that these systems have evolved over centuries to adapt to agro-ecological realities, labour conditions, gender roles and socio-cultural circumstances<sup>16</sup>.

It is important to point out that technology transfer does not depend solely on the successful articulation between the two knowledge systems, but that new technologies are evaluated and interpreted locally *through* indigenous knowledge systems. We must ask the question of whose indigenous knowledge are we looking at, and who will decide how to apply it and what for.

## **2.1 Modern technocratic versus indigenous knowledge**

As different worldviews and knowledge systems collide during this *rapprochement*, the bottom-up formula of participation will not easily marry the essentially “top-down” framework of decentralisation. It will lead to a confrontation of social actors with a different epistemology, a different way of knowing – particularly when it comes to discussing natural resource management objectives and requirements and their devolution<sup>17</sup>. The “gap” between what project documents (to take but the most concrete expression of an application of the modern knowledge system of “development”) specify as “expected outputs, products, or results”, and what has actually taken place, can be measured from a monitoring point of view as an indicator of sustainability – in the sense that this gap may reflect the extent of local appropriation, adaptation, and, eventually, “ownership” and therefore institutional and social sustainability. The dichotomy that often opposes indigenous knowledge to modern scientific knowledge is misleading<sup>18</sup>; says N. Long: “The encounter between different configurations of knowledge involves a transformation or translation of existing knowledges and a ‘fusion of horizons’”(1992: 274).

The knowledge systems’ institutional settings are described by Usher (1986): “The state system [deriving its legitimacy and authority from the rule of law of the nation-state] rests on a common property concept in which the state assumes exclusive responsibility and capability for managing a resource equally accessible to all citizens. The state manages for certain levels of abundance on a technical basis, and then allocates shares of this abundance to users on an economic and political basis. The system of knowledge is based on a scientific accumulation, organization, and interpretation of data, and management problems are resolved in a technical, ahistorical framework. This system of management is bureaucratic, which is to say, hierarchically organized and vertically compartmentalized. Managers become distinct from harvesters, authority becomes centralized



and flows from the top down. The environment is reduced to conceptually discreet components which are managed separately. As these separate management units take on a life of their own, management objectives diverge and become focused on specialized objectives: maximizing fur production, trophy production, or recreational expenditures. Not least, the management of fish and wildlife resources becomes separated from the management of the lands and waters that sustain them" (71).

"The indigenous system [based on self-regulation] rests on communal property arrangements, in which the local harvesting group is responsible for management by consensus. Management and harvesting are conceptually and practically inseparable. Knowledge comes from the experience of every aspect of harvesting itself – travelling, searching, hunting, skinning, butchering and eating. It is accumulated by every individual, and shared intimately and constantly within the household, the family, or whatever is the social unit of production. It is also shared and exchanged within the larger society, and handed down in the form of stories from one generation to the next. In sum, these observations, like those of the state system's, become coded and organized by a paradigm or a set of paradigms that provide a comprehensive interpretation of them. The knowledge, so produced becomes the cultural heritage of these societies, just as what we call science is part of ours. (...) The indigenous system (...) is therefore intimately linked with their values, ethics and cosmology, which are generally based on an integrated, non-compartmentalized view of the environment" (71<sup>19</sup>).

By way of the development agencies and the complicity of other partners, the state system penetrates the indigenous system through rural and agricultural development projects. The outcome of a given project is the consequence of a negotiation process, visible and, mostly, invisible, engaging the technical-scientific reasoning of development professionals, with an urban-based educational background in the natural sciences, and the "holistic" reasoning of the project "beneficiaries". Their different

worldviews could be succinctly (and simplistically) characterised as anthropocentric versus cosmocentric (without doing justice to ubiquitous syncretic practices) which are anchored in different historical traditions, whereby the former, derived from Judeo-Christian values (but not affirmed as such), have largely dominated the development paradigms, whilst the latter have been classified in the "risks" category of project documents as "cultural" constraints and irrational, exploitative and short-sighted behaviour, implicitly attributed to what are essentially seen as feudal agrarian relations.

## **2.2 Traditional institutional structures vis-à-vis processes of decentralisation**

*"The state can designate the administrator and the governor, but our chief comes from our traditions."* (From a conversation with a group of villagers in Banga, Tete Province, Tsangano District, Mozambique, January 1999 (Lundin and Alfane 1999)).

The theoretical and practical foundation of traditional authority is generally of a symbolic-religious nature, and is given legitimacy only by the communities themselves (often finally endorsed through bodies such as councils of elders). They are thus "grass-roots institutions" that in effect have to negotiate their power day-by-day, and therefore embody a degree of flexibility that may be extremely useful for the efficient management of natural resources. The physical closeness to their "constituency" allows for the application of a set of rules and norms that will rarely be out of touch with the ecological reality and the management and conservation requirements of the resources in their territory. In West Africa, for example, in the case of negotiating and managing transmigrant cattle corridors, this flexibility is vital if ecological degradation and social conflict are to be avoided. It may also ensure that cultural rights are respected within the complex ethnic mosaic of most rural societies, in Africa including matrilinear as well as patrilinear groups<sup>20</sup>.

In Africa, traditional chiefs act as mediators between a given ethnic group and its environ-

ment, and their relationship to the land is determined by the location of the burial places of the ancestors of a given lineage (or tribe). Traditional community leaders are the symbol of an intimate alliance with their territory<sup>21</sup>. The primary function of such traditional authorities is to ensure peace and harmony in the rural communities within their territory. Thus, a “bad” chief or sheikh would be someone not able to assure this, for example, during celebrations when people consume alcohol and fights may break out. The main tasks of traditional authority revolve around mediating in land conflict resolution and regulating access to land. Solutions are normally reached among the parties involved, often with the mediation of the respective local lineage chief(s) or sheikh. Only when the latter are unable to reach a verdict acceptable to everyone is the traditional chief or the grand sheikh (*sheikh daman*) approached. He or she is acknowledged to have ultimate knowledge of the customary geographical boundaries and will take a decision, in consultation with his or her counsellors. In performing these services, traditional leaders have obligations and duties without any rights. There is no reward for the work they carry out for the institutions of the government, for organisations or companies, which occupy their time to the detriment of their fields.

To make land claims before the traditional authorities usually takes the form of oral testimony by credible witnesses and state institutions in charge of land administration are rarely approached for conflict resolution<sup>22</sup>, unless one of the parties derives the legitimacy to substantiate their claim from modern legislation rather than customary rights and thus stands to gain from their involvement. There is in fact a broad (and not necessarily consistent) repertoire of norms and laws that the more shrewd and better-informed individuals can draw upon and interpret to their own advantage (discussed in some detail in section 4 below). The resolution of land conflicts, therefore, becomes somewhat unpredictable, and the involvement of traditional authorities does not *a priori* guarantee that outcomes favour the aggrieved party. Rather, results are determined by a dialectic

relationship between traditional norms and individual behaviour, and may be strongly influenced by political considerations. In Mozambique, the vital role of customary institutions in supervising access to land, particularly amidst recent waves of thousands returning after 1992 with the end of the civil war, has been documented (Tanner 1996).

With regard to traditional leadership, the unification of Yemen in 1990 has brought together two very diverse sets of Government policies. In the Republic of Yemen’s administrative and local power structures it is the sheikhs who at village and sub-district level represent both the local population and the state. The government administration is only represented by the district chief, two levels higher up, who exerts authority by confirming or rejecting the choices made at the local level according to customary rules (Mundy 1995). Traditional leadership includes sheikhs, *akels* (wise men), *amins* (religious authorities who organise the collection of the *zakat* Islamic tax), religious leaders (*hijra* or *sada*), and, related to water management, *mukaddams* or *almudawels* (for details, see Othman and Messer 1999). Although households are directly involved in NRM, traditional leaders assist them in solving community-level problems related to land disputes, the distribution of irrigation water and the practices of the traditional *hema* rangeland management and conservation system. The influence of such leadership is increasingly re-emerging in southern Yemen.

In rural Mali, the nomination of village chief (*chef de village*) is for an indefinite period of time and can not be revoked other than in the case of drastic offences against the interests of the village community. In all the villages where fieldwork was undertaken (Mopti and Sikasso regions) the village chieftaincy is inherited, and the chief is named from within the founding family of the village. Like in Yemen, an administrative decision is only taken later to regularise and endorse what is already a *de facto* situation.

The village chief can be of any age, provided he or she is adult – at the time of fieldwork enquiry,

a village chief was active who is only 34 years old, and has held that position for the last eight years. All interaction with other village institutions and partners goes through the village chief or is supervised by him or her. The village chief resolves all conflicts that may arise as the result of the implementation of an administrative decision. In all the research villages in Mopti the village chief is responsible for regulating access to land, however this is not the case in the villages under research in the southwestern part of Sikasso, although the chief is informed of all decisions taken in this respect<sup>23</sup>.

Land conflict is not usually inspired by an intent of appropriation and the notion of private property of land is almost unknown. Given the mode of settlement and the numerous marriage ties, non-autochthonous population groups are not considered « strangers » and enjoy equal rights and duties. The Domain and Land Tenure Code (*Code Domaniale et Foncier*, CDF) states that land on which customary tenure rights are applied has no property value and belongs to the domain of the state<sup>24</sup>, and that the application of customary tenure rights is confirmed as long as the state does not require the land on which these are applied. The code affirms that “customary chiefs who regulate land use on the part of families and individuals according to custom, may in no case use their functions to claim other rights over the soil other than those resulting from their personal use, in conformity with custom”<sup>25</sup>.

Mozambique’s law no. 2/97 is vague towards traditional authorities, and does not specify areas or sectors of collaboration, or the bases for interaction between the administration and traditional authority. But in article 28<sup>26</sup>, para. (2), it makes clear that “the local authority bodies may sound out the opinions and suggestions of the traditional authorities who are recognised as such by the communities, so as to coordinate with them activities which seek to satisfy the specific needs of these communities”. Other than for the 33 urban areas that have been municipalised, there is no law, decree or *diploma* that mentions any institution that could substitute the municipality in “sounding out” the traditional authorities. The situation is even more compli-

cated in the majority of districts, where the extension of local state bodies down to the communities is rare or is absent. In the urban areas, traditional authority is less evident than in rural ones, where institutionally, below the Head of the Post, the physical presence of the state declines and the room for manoeuvre of traditional leaders increases.

Throughout the country the political-administrative figure of the political party secretary persists, a post that was created after independence in order to carry out party political tasks at local level, but also to replace the traditional chief in his role as a link between the population and the state administration. At the community-level, the political secretaries have no legitimacy to look after traditional matters, only the chiefs do. Furthermore, in the perception of rural communities many administrative matters also fall within the domain of the traditional chiefs because of their symbolism, such as in the case of land, and of conflicts without bloodshed.

Throughout the country there persists a coincidence or overlapping between the political secretary and various levels of traditional authority in terms of geographical space and political-administrative functions, which are: mobilising the population for taking part in local development activities; solving minor social disputes that arise in “their” areas; notifying and channelling to the competent institutions problems they cannot solve and those outside their sphere of competence; passing on guidelines from the local administration to “their” population; involving the population in agricultural production; mobilising the population for sanitation work; opening landfills and building latrines; supporting vaccination campaigns; collecting taxes (also a task of *régulos*); meeting with the population to listen to problems.

The role of the customary leadership as regards responsibilities outside of the conventional traditional sphere is thus undefined, due to this overlap and the gap in the existing laws (Lundin and Alfane 1999). “The big chiefs should understand [the importance] of the role of the tra-

ditional authorities... to collaborate with them... it is necessary to better understand and know who is the authority at local level"<sup>27</sup>.

### **2.3 SOCIAL CAPITAL as linked to mutual support and conflict resolution mechanisms**

Social capital, defined here as the context-specific structural interplay, based on social relations and trust, feelings of sympathy and obligation, of certain socially-constructed political, historical, cultural, and communal (non-economic) characteristics that facilitate a social group's interaction and collective action for the achievement of shared (economic) objectives. The concept has increasingly attracted the attentions of both academia and development agencies. However most, studies on social capital and local-level institutions have taken a rather reductionist approach and focused particularly on the quality of membership in local organisations, expressed above all as attendance of, and active participation in, meetings. We investigate here one particular aspect of what has been called 'civil society social capital' (Collier 1998<sup>28</sup>) and its interrelation with government in the light of its potential for supporting decentralisation measures – namely traditional leaders and the opportunities and constraints of bringing to bear their intimate knowledge of the local natural and human resource base<sup>29</sup>.

In this social capital definition, the scope of what is meant by "social groups" is flexible and context-specific, but has invariably been tied to NRM. Bearing this in mind, the social units responsible for management tasks have been described in the framework of the traditional affiliations in which they are embedded. The importance of understanding the role of identity and its formation (ethnicity, gender, religion, occupation, etc.) as a basis for collective action among the poor, and as a basis for developing more sustainable local institutions generally, has been pointed out by Webster (1998). Institutional development may in turn be facilitated or inhibited by the social trust and local norms and codes of conduct that traditional leaders patronise, nourish and uphold, and by which a social group identifies itself.

Policies and programmes that directly tackle poverty alleviation must therefore make judicious choices in respect to whether and how to associate with traditional leaders to "tap" the social capital they command. This may imply trade-offs, and the overriding objectives must thus be clear and the programmes designed accordingly<sup>30</sup>. It is important, on the one hand, not to exclude traditional institutions when bypassing traditional norms which from a development perspective appear unjust towards certain segments of society.

On the other hand, the "fallback options" of the poor must not be endangered: by setting up "modern" institutional arrangements in a project context there is the danger that these remain unsustainable without outside support; in the long run, they may undermine or even deplete part of the social capital stock that constituted an imperfect but reliable safety net for the poor in terms of basic food security.

One of the main arguments brought forward against the larger, more active and "official" involvement of traditional institutions in supra-community affairs is that these are often viewed as endorsing and sanctioning a "neo-patrimonial" style of management, largely inconsistent with the emancipation and equal treatment of women, youth, and non-autochthonous groups. This situation may be worse still, that is, their actions and financial transactions more opaque and less accountable, in cases where traditional authority overlaps with important religious authority and functions (FAO 1997c). The clue here is not so much in terms of the social organisation that traditional leaders preside over, including their courts of counsellors, and the respect they command, but in the fact that their ascribed positions (and spiritual authority) may make them inclined to feel that community resources are equivalent to their own. This leads to an almost "natural" inability to distinguish public from private funds (Bayart 1989), "the king from the crown", and has important implications for the fight against corruption and fraudulence.

Decentralisation brings suspicious practices physically closer to the people who will bear the consequences of those same practices, and villagers in a number of countries have been reported to be angry at what they see as the “decentralisation of corruption”. In the long run, if accountable leadership is to become a local reality, this may at times be a transitory requisite for successful socio-political transformation. If there exists such a thing as “negative” social capital<sup>31</sup>, of which the Mafia is possibly the most-cited and well-known example, it must be clear that its root cause is not inherently to be sought with traditional, but with any form of authority and power.

#### Yemen

In Yemen, for instance, it has been found that due to a mix of historical, cultural and socio-political circumstances, the social capital embodied in traditional community leaders should be “tapped” with great care, if at all. The study has highlighted a limited number of cases in which such social capital has indeed found its way into local-level institutions geared towards the NRM objectives of a wider subset of the population in the countryside (Othman and Messer 1999). Some issues in the debate on social capital discussed above, namely, the mutual support networks, the common property regimes of rangelands, the collection and redistribution of the *zakat* religious tax, and, particularly, the protection of *hijra* (marginal) groups on the part of the rural élite and national polity in Yemen, must be seen in this light. The successful maintenance of most of these practices depends to a certain extent on traditional leaders. Before these functions can be realistically taken over by the state, rural development initiatives must seek to promote the enfranchisement of poor population groups gradually and incrementally, making choices informed by social research at local level.

#### Mopti (Mali)

In rural Mali, social cohesion is cherished by mutual support mechanisms (such as, for example, the “*pari*”, which is given in kind or cash; Bâ 1999). Yet it appears threatened, first and foremost by problems related to land tenure –

as in Niono, Diéma and Konza (Bertrand 1999). In the Samori area, divergences of interest have led to the competing application on the same tracts of land of both customary rules and modern legislation, resulting in a legitimacy crisis at the interface of the two rule systems. Land pressure is exacerbated by return migrants who try to take advantage of the political campaigns, and challenge traditional authority by accusing the latter of not respecting their customary succession rights because of their long absence. In the implementation of Mali’s national communalisation programme (regrouping villages as communities for administrative purposes within the decentralisation agenda), land tenure security will have to be achieved through the redynamisation of rural (state and customary) institutions. To that end, the preoccupation with transparency and social equity must lead the stakeholders in land tenure to draw from their social capital the consensual bases for community-based NRM.

In the Samori area, this means involving the *sinangouya* (see also section 2.4.(i) below), and the prevention and management of conflicts, the development of communal land charters, and inter-communal cooperation mechanisms. The “*sinangouya*” or “cousinship” is the result of social pacts that were concluded in order to consolidate friendship and family ties. The *sinangouya* embodies tolerance and community spirit through the grouping around common meals during traditional festivities and in visits to the weekly markets<sup>32</sup>. In Samori, it indicates the range of inter-lineage blood pacts consolidated in *dafing* culture. At its most extreme, the *sinangouya* formally prohibits marriages between lineages bound by blood pacts. The *sinangouya* thus contributes to reinforce intra-lineage cohesion and inter-communal cooperation between Baye, Socoura, and Ouenkoro<sup>33</sup>.

The *sinangouya*, initially, plays a moderating role by facilitating the mediation between the protagonists of conflicts (between individuals, and lineages) over land or other natural resources. In the event of a dispute, the channel of appeal can be at several levels (the village, or founding village) through the customary in-

stitutions (the village chiefs) or resource persons (e.g., the blacksmiths) who can contact the village chief and the wise men. At the (individual) user level, mediation passes through dialogue and the offering of excuses in the presence of the customary authority. In this circumstance, the wise men fix the rules of the mediation by making decisions during general meetings. At the village level, social conflicts are managed within each lineage. Grave offences, for example, fall within the domain of competence of the village council, with the channels of appeal being the resource persons (old men, blacksmiths).

The village chief is the ultimate channel of appeal, as a last resort. The “land institutions” of the founding village are the channels of appeal to manage inter-village conflicts at that level. In case of persistent conflict, the paramount chief is called upon. In the event of further persistence of the conflict, the protagonists may approach the administration (the head of the district, *chef d'arrondissement*, of Baye) to manage the conflict. Government authorities are only approached for specific types of conflict (theft, divorce, hunting accidents, etc.). The involvement of the Traditional Female Groupings in the management of social conflicts can take place at two levels, depending on the causes and sources of these conflicts. At the household level, three female leaders are selected by the *sinangouya* from within the affected lineages, to resolve the conflict from within the households.

The *sinangouya* is also a regulator of inter-community social capital and is always present as a factor acting upon the regulation of land tenure conflicts. The Bankass Initiative conceals unquestionable assets from the point of view of the implementation of the communalisation process. The positive dynamic at the interface between human and natural resources has been reinforced by the maintenance of a framework for dialogue between the customary and modern land institutions, due to the practice of standardising the customary acts of mediation. The latter, signed in turn by the customary chiefs (of the village hamlets and foun-

ding villages), the local representatives of the chamber of agriculture, the local administrative authority (the district head), the representatives of the Ministry of Rural Education (*Encadrement rural*) and NGOs, the head of the administrative circle (*Commandant de Cercle*), and the legal authority (the judge), indicate the importance of coding of the habits and customs in the process of elaborating the communal land charter. Initiatives such as Bankass, offer an opportunity to codify the customs and norms, for the development of conventions between customary and modern institutions, and to work out the legal status of administrative entities (villages, communities, circles, and regions). They are likely to legitimate endogenous land tenure institutions and to make NRM laws more efficient in Mali, whilst local development agencies aim at reinforcing the institutional capacities of customary authorities in the process of participative development. The consensual bases that they generate (participation-responsabilisation, prevention or management of conflicts, land tenure education, mediation skills) symbolise the socio-cultural values of local population groups, a vision that is all the more justified in the context of the communalisation process.

#### Sikasso (Mali)

In Sandougoula (Sikasso region), the *griots*, blacksmiths and Touré (*marabouts*) regulate almost all conflicts together. After reconciliation, the payment of a lump sum is asked from each party (the amount is left to discretion). If the conflict is solved by the village council, these sums are used to buy symbolic cola nuts for the conciliators. If it is solved at the level of the village chief, they are put in a case and entrusted to the oldest of the council members and will be used in the interest of the village (e.g., for a reception or ceremony). If the conflict is solved at the level of the *gouatigui*, the sums paid by the parties are put in a case kept by the respective *gouatigui* – thus the *peul* population group have their case and the blacksmiths theirs. The final payment of a litigation is the occasion for a celebration proportional to the conflict, and may be a great festival to which all nearby villages are invited.

Men of caste play a significant role in conflict management. A noble person who refuses the reconciliation proposed by a *griot* (the caste of musicians) is looked down upon. The *sina-ngouya* that exists between the *peuls* and blacksmiths obliges them to accept reconciliations suggested by one another. The one between the Sidibé and Sangaré lineages (including the 3<sup>rd</sup> and 4<sup>th</sup> sons of the ancestor of the *peuls*) obliges them to support each other, to reconcile themselves in all circumstances, and prohibits them to keep resentment. This value is taken advantage of in Koussan, where the population includes mainly Sidibé and Sangaré lineages. In the event of major conflicts, a village calls upon another, depending on whether they are of the same clan or maintain particular friendship relations, and the mediation team is chaired by the village's coordinating *gouatigui*.

### Mozambique

The social capital of communities in Mozambique<sup>34</sup>, mainly in rural ones, is a "capital that originates, grows and develops in a productive system exogenous to the laws of the modern state. When the state is absent, or is kept out, it is this capital that sustains the system of production and reproduction of social groups, and of the communities. It circulates in a stock exchange of social contacts and rests on group loyalties based on kinship, ethnicity, religion or, to a lesser extent, political affiliation"<sup>35</sup>. The exercise of power of traditional chiefs attending to their personal and to the interests of the community, is based on the process by which (hereditary) political power is constantly legitimised through actions and practices that satisfy community interests, which the community retributes in turn with a counter-provision of services. The latter refer to the respect, prestige and economic assistance (gifts and help in agricultural work, for instance) that are granted to the chief by members of the community, the route by which the customary leader attains a higher status, and receives social standing. Within a system of inter-dependence this constitutes part of a community's "social capital" in the form of symbolic capital, according to Bourdieu (1977: 171-183).

Vylder (1996) widens Putnam's (1993) definition to "include processes and structures [...] as different institutions relate to each other, power structures, social norms and networks within and between different organisations... The cultural setting, including the family and kinship structure, the extension of ethnic diversity, the role of customary and traditional laws, define the wider context in which social capital is accumulated (or depreciates). Even the simplest agricultural production system requires a minimum of social capital." For example, "all traditionally agricultural cultures have established strict social norms preventing the theft of agricultural products and cattle; when cattle theft is frequent the social capital of an agricultural community has become severely eroded" (13). Part of the wealth accumulated "trickles down" in the form of benefits to the needy, whether they are relatives (part of the lineage, or a wider kinship unit) or not, following a principle traditional wealth redistribution and mutual assistance.

In rural northern Mozambique, this ensures that the community does not accuse the better-off members of the community of having achieved their economic gains through witchcraft<sup>36</sup>. An accusation of witchcraft works as a mechanism for maintaining social order, imposing a certain top-down vertical solidarity<sup>37</sup>, within the hierarchies and unequal status positions of rural society. Social cohesion and harmony are a product of the relatively effective and efficient functioning of social, political, economic, educational, judicial and religious institutions. Jointly and in integrated ways, these institutions interrelate to enact in individuals the search for the solutions to their problems in their more immediate surroundings (in the family group, neighbours, or better-off members of the community), by transforming them into social beings. For example, in order to meet basic needs without using money, which is in short supply in most rural communities of Mozambique, individuals (their households and lineages) have established relationships of interdependence that operate on the basis of kinship links, spatial and spiritual identity around which mutual support groups are formed in agriculture and various community undertakings<sup>38</sup>.

## **2.4 Roles and status: Existing dimensions of traditional leadership**

Traditional community leaders have status (legitimacy), based on the lineage (or tribe) as a social unit and on religious grounds, as mediators between a given ethnic group and its natural and social environment. Their prime function is to ensure peace and harmony in the rural communities within their territory. Given the vast heterogeneity of traditional community institutions, which reaches well beyond the simplistic dichotomies taken as parameters within the confines of the definition employed in the present context<sup>39</sup>, the present study focuses on the *existing dimensions of leadership* in a given rural area, and on the membership dynamic of their attributes. In many traditional agricultural and pastoral societies there is the custom of not passing decisions unless there is an absolute consensus among the local élite that in effect acts as watchman over natural resource management at the village level.

This unanimity rule presupposes important qualities in conflict resolution, mediation, and, especially, in negotiation and conciliation (Swift 1991). These skills will much depend on experience, charisma, prestige and status, and are thus embodied by traditional leaders, and are the very mechanism by which one can aspire to traditional leadership. Although status may be ascribed at birth through the lines of inheritance, it will often be challenged over time, and, unless a traditional leader lives up to expectations, he or she may be relieved of their duty.

In Hadran (in the Directorate of Bani Matar, Sana'a Governorate), Yemen, the grand sheikh (*sheikh daman*) represents the whole community within official circles, deals with tribal and rangeland disputes at the sub-district level (*uzlah*), and is responsible for solving problems at the village-level. The rank of sheikh at the local (*uzlat*) level comes after that of the grand sheikh. The "wise man" (*akel*), is found at the third level, tackles land and irrigation disputes, and collects the religious tax (*zakat*) from the farmers. The *amin*, who prepares the list of farmers for the payment of the *zakat* for the

*akel*, is sometimes ranked at the fourth level. Other important persons at the community level are the notables (*alian*), who speak on behalf of their lineage (*rubā*), attending the meetings arranged by the sheikh or the *akel*. In Alhami, the *akel* of the fishermen has a basic role in regulating the dates, quantities and the designation of the areas for fishing. The sheikhs are responsible for supervising the rangeland activities related to *hema*, and the *mukaddam* (guardian, usually the head of an extended family) of the *mian* (water source), who is selected by the farmers, is responsible for distributing irrigation water, and the cleaning and maintenance of the irrigation system.

In the Samori area of Mali (circle of Bankass, Mopti region), there exist customary supra-village resource management institutions that function under the aegis of the land tenure institutions of the founding villages, whereby the lineage chiefs assist the customary land tenure institutions. Being embedded in a structure of age groups, the former decide on the management modes by fixing the codes of conduct (social, economic and environmental) applicable to all users (autochthonous and allochthonous). Under the supervision of the village chief, the general meeting of the council of wise men proposes the management rules related to agricultural production and to resource conservation in the reserved (protected) areas.

Three women are delegated to this assembly by the village chief and invited to analyse the debates in order to revert to him or her with modified suggestions. The decisions to be taken are approved by the chief of cults and the village judge. The neighbourhood representatives (the lineage chiefs) inform the members of their respective lineages. Under customary rules, once decisions are taken by the land tenure institutions of the village, the council of wise men designates the youths of the village for the firm application of the management rules to all users of natural resources, without distinction of sex or ethnic group.

At village hamlet (*villages-hameaux*) level, decisions relating to agricultural activities are



taken by the council of users under the aegis of the chief of the village hamlet. They are informed by the village chief of the sanctions and authorisation rules to be applied. Again, three women are delegated to the council by the chief of the village hamlet and invited to analyse the debates to revert to him or her with their suggestions. Through the council, the users inform the members of the household of the decisions taken and of the modalities for the implementation of the agricultural calendar. Junior age groups follow up on the decisions related to breeding and gathering activities.

In social terms, the legitimacy of traditional authority rests with the quality of their management as reflected in the equity of both autochthonous and allogeous users regarding their rights of access to community resources. Customary authority is legitimated through lineage members' adhesion to the management processes of village-held land and the levels of integration between the lineages in the reinforcement of social cohesion. It restricts the application of resource use rules by deciding on principles of crop rotation – leaving certain plots fallow – and by determining the boundaries within which village-held land can be used. This leads to unused and unclaimed tracts of land between the villages, acting as “buffer zones”. Although the land tenure authorities know the limits of their land well, they do not speak about them explicitly in order to avoid conflicts, leaving these fringes unused<sup>40</sup>.

In the Koussan (circle in Yanfolila, Sikasso region) area, all the population practises Islam, of which the *imam* is the charismatic leader. He closes the debates (in particular at the time of dispute reconciliation) with blessings. As a spiritual guide of the community, the *imam* plays a significant role in decision-making, because he is well-placed to declare an act licit or not. The *imam* is named by the council of wise men according to his morality and educational level, and can be autochthonous or not, noble, or a man of caste. He is entitled to gifts in nature or kind, and, moreover, people voluntarily bring part of their *zakat* (Islamic tax) to him.

As an armed body, the local hunters are assigned the role of protecting the population and their property, the territory and agricultural fields, and women going into the bush (to collect *shea* tree nuts), and also to transmit urgent messages. In Ouassoulou, these men are called “*lanaya mogo*”, the “persons worthy of confidence”, and have by far the greatest capacity of mobilising the local population<sup>41</sup>. This is also due to the fact that the hunters dispose of the only purely traditional organisation that is structured from the local, village level up to the national level, including also the sub-local, circle (*cercle*) and district (*arrondissement*) levels. It is as important to take into account that the hunters are famous for their level of both objective and mystical knowledge. The “*mandé mori*” or “*kontoro*” oath reinforces the solidarity among hunters. The decisions taken by the hunters can be questioned only by themselves or with their agreement. Given the continuous reduction of wildlife, the hunters of Koussan have recently decided to prohibit forest access to allogeous hunters.

At the socio-cultural level, customary authority in the Samori area has suffered from a number of invasions (by the *dina*, the *toucouleur*, the *bambara* of Ségou, and the French), which have accelerated their decline. In the Islamised villages, the *hogan* has come to occupy the functions of the *aamirou* (the village chief). Following this arrangement each Muslim member of the *alamodiou* and *kaana* NRM institutions was replaced by their sons. These have become almost passive observers, given their only limited knowledge of natural resource management. Over the course of time, the *alamodiou* and *kaana* have become increasingly similar to the religious worship institutions solicited to bless the exploitation of natural resources, and less effective at protecting natural resources. As for the *tons*, they have not suffered from as many negative influences owing to the fact that they do not have a religious connotation. However, the colonial administration reduced their functioning by establishing the forest guards to replace them, which left them without a mandate in NRM<sup>42</sup>.

According to Lundin (1998), traditional authority in Mozambique includes: persons who hold local traditional power – the traditional chiefs, lower (lineage) chiefs<sup>43</sup>, and chiefs of social groups<sup>44</sup>; those who hold spiritual power – spirit mediums and traditional doctors, and, in Islamic areas, the *machehe*; those with knowledge of how to cure psychological, physical and social ills – traditional doctors; those who know about plants, leaves, roots, fruits, etc. – herbalists; those who know the skills for the physical survival of the agricultural community – traditional midwives, rain-makers, ironsmiths, clay and straw workers, those who know about animal habits, the movement of water, plant cycles, etc., and those who, to some extent, hold economic power; those who know and can work with social control mechanisms and those who control cultural transmission – chiefs, those officiating rituals, judges, elders, spirit mediums, traditional doctors, and so on. These skills or tasks can, and often do, overlap.

In northwestern Mozambique, the political structure of the *vangoni* in Banga (Tsangano district, Tete central province), uses *ngoni* terminology, and includes: The *abambo* - head of the family unit (*banja*); the *ankhoswe* - head of the lineage<sup>45</sup> (*limana*); the *nyakwawa* - head of the lineage territory (*mudzi*, or group of lineages); the *mfumo* - head of a group of lineage territories, and of his own *banja*, *limana*, and *mudzi*. Within this territory, called “*regulado*” by the Portuguese colonial administration, the *mfumo* was appointed as its head, as *régulo* (a derogatory term, meaning “little king”).

The *mfumo* is the head of the hierarchically highest lineage which first occupied a larger territory, and from where the occupation of relatively smaller plots by lower lineages took place. In the case of Banga and the *mfumo* Gimo, local history can be traced back to the conquest of the territory of Angónia by the *vangoni*. For the case of the *vangoni*, there exists a *nkhoswe wa makossi* – a paramount chief – who at present is Mr. Sebastião M. Dahama who lives in Ulongwe in Angónia. This is a title of nobility of a formerly centralised political

structure, which has mostly lost the deferences to the great chiefs, but with much symbolism by way of the respect it commands.

Normally, as in the case of Banga, the *nyakwawa* is a member of the dominant lineage in the lineage territory where the population resides, with a history dating back to the period of the occupation of the territory. The *nyakwawa* is the uppermost representative of the population. In north-eastern Mozambique, the *nyakwawa* is the paramount representative of the population groups. It is the basic traditional political authority in the village, responsible for the well-being of the village<sup>46</sup>. When the territory is divided into two or more neighbourhoods, in reality two or more lineage territories, two *azinyakwawa*<sup>47</sup> also exist, one hierarchically above the other<sup>48</sup>.

The *ankhoswe* is a small “*nyakwawa*” within the village (*aldeia*) whose tasks are restricted to his lineage. Delegated by the *nyakwawa*, he is in charge of all tasks to be carried out in the community. The *ankhoswe* is the first instance appealed to in case of land conflict, being the person who knows the traditional forms of resolution of these conflicts and the boundaries of the lineage-held lands best.

The social organisation of the populations of the administrative post of Netia is also based on the lineage as a social unit (called *nloko*), and the lineage chief is called *nanloko* or *humu*. Normally, the name of the *nloko* is the same as that of its chief, and is the name that will be taken on by its offspring. For example, if the *humu* is called “*mweri*”, his or her *nloko* will be called *nloko na mweri* (the lineage of *mweri*); its members will be called *ananloko-a-mweri* (the members of the lineage of *mweri*), or *an-anloko-a-humu mweri* (the members of the lineage of the *humu* of *mweri*)<sup>49</sup>.

Below the lineage level we find the *erukulu* (or *irukulu*, in the plural), which in Emakhuwa means “belly”), which refers to the family unit or to the group consisting of all the children of the same mother, a feature of matrilinear social organisation. The father is the head of the *eru-*

*kulu*, but his authority over the children is limited by the brother of the mother of the children, because by custom it is he who is responsible for most of the problems of the children of his sister. For the children of the couple it is the *atata* (or *azitata*, in the plural). The *makhulupale*, the elders, of the *nloko* constitute the council of elders, with the basic role of advising the *humu* and of deliberating on his decisions. Each elder in the council is generally representative of the members of his *erukulu*, within which he takes decisions and may decide on minor social quarrels without previously consult the *nanloko*.

This means that in the *nloko* some elders have the status of *humu* (or *mahumu*, plural) at the level of their *erukulu*, and therefore play an important role. Other elders hold the right to succeed the *nanloko*, but may prefer not to and leave the place to their younger brother, while they take on the role of counsellors. This is interesting because it allows for the existence of young and formally educated chiefs, under the tutelage of the elders, who hold more symbolic authority within the community, because of their "proximity" to the ancestors.

Some *azitata* hold the status of *humu*. It may happen that, through their chief, a numerous *erukulu* splits off the founding *nloko* to constitute a new *nloko*, in which case a segmentation takes place. However, the force of kinship relations will ensure that the new lineage and its new leader will continue to depend on the *humu* of the founding lineage. This influence in more than one lineage leads to a situation whereby the status of *humu* increases or changes to *mwene* – the chief of the lineage territory (the equivalent of the *nyakwawa* in Baga). The enthroning ceremony (*mukelampa em emakhuwa*) is another way of raising the status of the head of the lineage from *humu* to *mwene*. It is a moment of learning, qualification and civic education on what from now on will be the *mwene*'s behaviour and socio-political functions. Each *humu* or *mwene* has a female *apiyamwene*, normally the niece of the chief, with the role of counsellor.

#### 2.4.(i) West African land management institutions: The example of Mali<sup>50</sup>

Broadly speaking, land management is the task of the lineage chiefs. If land disputes fall within the domain of the *sharia* under Islamic law, the *imam* is in charge of resolving the case, and may choose to be assisted or not, and normally presides over the closing (conciliation) ceremonies that sign the resolution of a dispute (Messer 1992, 1993). The customary village chief is the manager of the land within the village territory, according to traditional rules. The chief of cults (*chef de culte*) is accountable to the founding family of the founding village.

Among the *dogon* population group, this function is assigned to the *hogan*, among the *dafing* to the *zora*, and among the agro-pastoralist *peuls* to the *maoudo leeynol* – they are always nominated among the lineage chiefs that claim descent from the founding ancestor. In their exercise of customary authority, they do not, given their social status, intervene directly in land management, but delegate their functions to each lineage chief, who will manage lineage-held land under supervision of the customary village chief, the village judge, and the council of wise men<sup>51</sup>.

With the upsurge of democratisation, and rice cultivation, new village hamlets are being created in the Sourou valley. In order to turn areas under cultivation into village hamlets, the public administration has approached the traditional authorities of the founding village to carry out exhaustive inquiries. This has resulted in the hamlet-creation process being carried out basically along customary lines, as follows: in respect to customary authority, the claim for settlement of the new user colony is transmitted to the *massa*. The *massa* then consults the lineage chiefs with regard to the relevance of the claim and the land tenure regime of the land parcel in question. The district government official, the *chef d'arrondissement*, is then informed of the designation of the new village hamlet, and informs the new colony of the necessary administrative formalities<sup>52</sup>. This is done by the *massade*, who are persons chosen among the lineages of the founding village to

carry out the functions of the *massa*, and their assignments in turn vary from one area to another depending on the degree of Islamisation of the founding village, and the character of their relations (marriage, friendship, and socio-professional ties) with the *massa* of the founding village. In administrative and juridical terms, they report to both the local government and to the *massa* of the founding village. Concerning land tenure, the village hamlet disposes only of a temporary management autonomy over the customary lands of the founding village. In village hamlets in which rice cultivation is the dominant agricultural activity, customary loans of land parcels take place rather differently.

The creation of village hamlets in the valley of Sourou is therefore based on a fragile balance between customary authority and that of the state. It can certainly be postulated that customary leadership is relatively more important in the negotiations of land loans to allogeous groups (farmers and pastoralists) for rice cultivation. Traditional authorities usually take a careful stance with regard to the village hamlets' leaning towards autonomy. As a result of the massive return migration of population groups originally from the Sourou valley, these increasingly consider the creation of village hamlets a kind of deliberate negligence of their succession rights over customary lands, justified by their prolonged absence. This leads to some frustration in relation to the reclaiming of land on loan, or conflicts concerning inter-village boundaries. The flexibility of customary authority mechanisms can do much to prevent these, by regulating access to land under rice. There is thus the mounting tendency among traditional leaders to insist on an annual renewal of customary land loans.

The land tenure institutions of the village of Libbé-Peul include the *massa* (the chief of the *massake*, who, among the *dafing*, is also the customary village chief) assumes a political-military authority and his advice is sought on all decisions at the village level. His nomination is based on the deontological rules of succession, and he is chosen among the descendants of the *massa* (the *massaden*). Eligibility is based on a good knowledge of the lineages' genealogies in the

different villages, governance capacity, and qualities serving to reinforce social cohesion at the lineage, village- and inter-village level. NRM is the task of the *massa* and the *zora*, who determine the management and user rules concerning crop harvesting, hunting, fishing, and wood cutting. Their watchman functions (acting as social, economic and environmental police) are delegated to the *tons*, which are made up of age groups with the task of patrolling the forest area and of applying local land tenure rules. Every *ton* (or *tondén* as they are often called in the Samori area<sup>53</sup>) nominates its own chief, and there thus exists the chief of the traditional *ton(déni)* of the hunters, the chief of the traditional *ton(déni)* of collective hunting, the chief of the traditional *ton(déni)* of the wells, the chief of the traditional *ton(déni)* of the waters of the Sourou valley, and so on.

The *alamodiou* in the village of Pissa and the *hooré gollé* in the village of Libbé-Peul supervise the mobility of local users, both in the areas devoted to agricultural production and in the reserved areas. In Libbé-Habbé, Pissa, Baye, and Oula villages, the *hooré gollé* collaborates with the *ton inwe*. The supra-territoriality of the *alamodiou* and the importance of its police functions (social and environmental) equip it with a resistance to an unaccommodating national legislation, and characterises its persistence and sustainability. The tasks conferred upon its executive members<sup>54</sup> allow this institution to serve as an intermediary between natural resource users and land tenure institutions. The richness and smooth functioning of the traditional and customary structures, integrated horizontally and vertically, in these two rural areas of Mali, at the extreme of the country's national borders and at a distance from the capital Bamako, testify to the necessity and logic of decentralising NRM.

## **2.5 Traditional institutions' support to local livelihoods at the state-civil society interface**

In lineage-based, hierarchical societies, mechanisms for redistribution are an expression of the moral obligations of the senior members of the community who are responsible for ensuring social and spiritual reproduction, as well as its

junior members, responsible for ensuring economic welfare. They are essentially networks of mutual support and solidarity, as well as clientelistic relations among kinship groups of unequal social status, nested in historical power relations and priority rights for some lineages which are largely the consequence of who occupied the land first. The descendants of the first to settle and cultivate the land will claim superior social status, as will those who are members of a lineage who came to dominate others by battle and conquest. This leads to the configuration of local property relations and differentiated rules of access to land and other natural resources, in turn leading to the subordination and poverty of certain groups<sup>55</sup>.

The privileges of one particular lineage and clan, therefore, have their roots in the ancestral domain, legitimised through religious ideology and ritual by means of the symbolic capital embodied in traditional authorities (Bourdieu 1977). Arguments are made in favour of bypassing traditional structures and authority in NRM programme design precisely on the grounds of their not including such population groups adequately into decision-making, as working within these structures would amount to an inadmissible formal sanctioning and “institutionalising” customary male chauvinism.

In Yemen, common property of rangelands may be viewed as a form of mutual assistance (Othman and Messer 1999). Legally, agricultural land is privately owned, and in practice it is managed by the extended family (*alaket*). Hence, the basic unit for NRM is the household, and the main social unit for rangeland management is the *bait* – a group of households that constitutes a segment of the tribe. *Hijra* (marginal) groups, including butchers, barbers, and other poor groups, provide several services to the villagers, especially during the occasions of marriages, deaths and national festivals. In return, these groups are protected by the tribe, and are also exempted from other duties, such as fines (*gharamat*, used as contributions for the common benefit of the villages), membership fees of charitable organisations (*algamiat alkhiriah*), and tribal warfare. In Hadran vil-

lage (Bani Matar Directorate, Sana'a Governorate) in Yemen, decision-making of traditional leaders goes through several steps. First, the *imam* of the mosque calls a meeting of the leaders and the sheikhs, *akels* and elders. When these meet (Fridays), the sheikh and the *akel* present a problem or a case for approval to the community. If there is opposition, a discussion is initiated by the *alian*, and changes are introduced, until a consensus is reached. Sometimes the members of the community (that is to say, those who are not regarded as traditional leaders) participate in the discussion, especially the more senior villagers, whose opinions are widely respected. Cooperation exists, for example, between traditional leaders (*sada* and sheikhs) and the farmers in terms of sharecropping (*ishrak*), and between the *akels* (who meet and establish rules for fishing), and the fishermen cooperative (which enforces them).

In the study areas of Mali, the relations between farmer and pastoralist leaders are indicative of a high degree of integration of crop and animal production systems. They concern, among other things, the sphere of animal traction, the feeding of draught animals, the contracts regulating the provision of manure, and the custody of agricultural surplus including forestry and livestock products.

Likewise, several cooperation mechanisms are at work in the relations between farmers, blacksmiths and pastoralists (concerning, for example, the fertilisation of land, the security of productive activities, and the lending of inputs), and those between users of land and its customary owners, autochthonous and allogeous. Many of the farmers – both holders of land rights under the customary regime and sharecroppers – have recently turned to rice cultivation and are increasingly engaged in the rearing of draught animals (bulls) and the “conversion” of surplus livestock to draught animals. These animals are given in trust to the transmigrant pastoralists, who engage in barter arrangements with the sedentary villagers (rice against custody and against milk). The pastoralists also enjoy access to some plots for rice

cultivation themselves, and lend draught bulls to the *dafing* rice farmers.

In their role as « economic police », the *ton(déni)* (see section 2.4.(i) above) in the Mopti region in the northeast of Mali support village solidarity and mutual support networks. Their sphere of action reaches from works of collective interest, in the fields, to the management of the rice (and cereal) storage banks and emergency stock facilities to ensure food security at the village level.

In rural Mozambique, the relationships between traditional and state-appointed local leaders vary across regions, and there is continuing dispute over power and space. The major traditional chief in the area considers himself by tradition the “lord of the land”, according to a legitimacy that is related to the symbolic power flowing from the diverse traditional norms of each region. However, with the armed conflict (1984-1992), a lot of land in Mozambique was abandoned when populations were dislocated to other areas within the country or took refuge in the neighbouring countries, and in some cases the collective memory of a given area, in respect to who has customary rights over which land, was “lost”. The political secretary considers him- or herself the person sanctioned by political power, claiming to have taken over leadership ever since independence in order to involve the population in development activities, to consolidate national unity and independence.

Generally, problems between individual members of the different lineages (*alimana*), depending on the issue in question, are discussed in an assembly, the *azinkhoswe* (lineage chiefs), the *azinyakwawa* (village chiefs at the *aldeia* level) and the *azimulumuzana* (elders) of the lineage in conflict, or else at the level of the community court (*coti*), where the population of each village is represented.

In rural Mozambique, the forms of interaction between community leaders and development managers vary considerably between regions and local settings, according to the manner in which each institution involves the communities to establish programmes objectives. Since it is not

regulated, the relationship between traditional leaderships and the state depends heavily on personal attitudes. In Tsangano district, for example, the head of the Mtengo-wa-Mbalame administrative post interacts with the *mfumo* Gimo, but complains of the lack of definition at a higher level of governance, which creates problems also at the local level. It would seem as if relationships between traditional leaders and non-government organisations (NGOs) are good – at least in the study districts of Tsangano (Tete Province), Monapo (Nampula Province) and Matutuíne (Maputo Province). For the most part, harmonious interactions can be traced back to the fact that a majority of NGOs have deliberately chosen to associate traditional leaders to their activities. This goes usually beyond using the participation of traditional authority to call for meetings with the local populations, and includes not only a more permanent role as intermediary, but also, beyond that, their being assigned concrete implementing responsibilities in a number of domains upon which NGOs intervene, notably land use planning and common property resource management.

In the communities of Banga and Djavula (Matutuíne district, Maputo province), since the state is *de facto* “absent”, the traditional chief functions to the full extent of his or her customary range of responsibilities. In Banga, there is a chairman of the locality<sup>56</sup>, but not in Djavula. In Netia, a political-administrative chief (the *chefe de posto*) is present, and there is an overlap in the same geographical space between the traditional chiefs and the political secretaries, and a duplication of tasks both in the rural areas and in the administrative post headquarters. The party secretaries filled a major political space up until mid-1980, since they were linked to the village structure of the communal villages policy, an attempt to group dispersed farmers into centralised and previously demarcated areas, where there would be a school, health units and other state services. With the disintegration of the communal (collective) villages (*aldeias*), and the return of the population to their former habitat by occupying geographical space according to tradi-

tional patterns, the sphere of influence of the political secretaries diminished, or even disappeared, along with their basis of authority<sup>57</sup>. At the political level, the deputies of the provincial, district and local "People's Assembly", elected in 1986 in the last general elections held under the one-party system, have as of 1999 still not been formally "demobilised".

### 2.5.(i) *Traditional institutions and gender*

In rural Yemen, women do not in fact participate significantly in traditional, male-dominated decision-making mechanisms, although their role in agriculture and natural resource management is considerable, particularly in rangeland-based activities (Othman and Messer 1999), and even though a significant number of households are female-headed (often due to male labour out-migration to Kuwait in the past – before the Gulf War in the early 1990s). Historically, land ownership in many Yemeni communities has been associated with tribal kinship relations, but the socially marginal *hijra* population groups are not viewed as part of the kinship unit, and are thus not entitled to land ownership under customary rules. Participation in decision-making related to the affairs of the local community in general, and NRM in particular, depends on individual and group relations to agricultural land ownership. The landless do not usually participate in the decisions concerning natural resource management. This does not mean that members of marginal groups can not own land at all, but that they can do so only on as individuals, not as groups.

In rural Mali, women usually designate three female leaders to represent the interests of all women during meetings. Under certain circumstances, the village chief delegates one of his counsellors, to join them in order to analyse together the meeting agenda, as no amendments can be made to decisions already taken. Women are increasingly represented within village associations and play an ever more important role in decision-making during general assemblies. In Ouassoulou village there are secret associations among widowed women called "*moussou koma*", one of the protective institu-

tions of the people and their property, and its help is appealed to whenever a danger threatens the community: caterpillars, drought, epidemics, etc. The *moussou koma* exert their functions on a voluntary basis, but the *gouatigui* often present gifts to their members. In northeastern Mali, in the Mopti region, there exist village-based women's associations called *ganodins*, which focus on mutual aid and solidarity and include both married and widowed women. The traditional female groups, GFT (*groupements féminins traditionnels*) of the rural commune of Baye (circle of Bankass), are centred around ritual, marriage and friendship ties. In Seenou they serve, although rather discreetly, as a vehicle of expression for women's opinions regarding NRM. The GFTs contribute to fund the village treasuries, and to fight crime<sup>58</sup>.

The matrilinear areas in northern Mozambique present a picture whereby women are more integrated into community affairs – even though in many patrilinear areas women are dynamic and increasingly important actors in the informal market in the cities including Maputo, the national capital<sup>59</sup>. Matrilinear descent is not the same as matriarchy, but the matrilinear factor among the *amakhwa*, for example, places women in a more favourable position in society than does the patrilinear nature of the patrilinear societies in the south and centre of the country. It is important to note in addition that the greater or lesser participation by women in domestic decision-making is also frequently conditioned by the internal hierarchy of an age group, and the consequently lower status of recently married women compared to the high social status conferred by motherhood of adult children.

In the matrilinear areas of Banga and Netia (in the Monapo district of Nampula province), one notes the important role played by women in the households, particularly in the management of agricultural production with the decision-making power they hold regarding the amounts to offer and/or to sell, and regarding the granaries, which are linked to the responsibility women have to prepare food for the children throughout the year, an activity that presupposes the availability of basic foodstuffs. But there is inequality bet-

ween women and men even in matrilinear areas, for example during the rites of widowhood.

Within the largely traditional role of women in Netia, that of the *apiyamwene* of the lineage deserves to be highlighted. She is a socio-political leader of prominence and always by the side of the lineage chief (the *humu*), in her quality of "mother of mothers", whereby she is the symbol of the origin of the family group. As "mother of mothers", the *apiyamwene* is the person whom other women of the lineage consult and approach with their concerns. She is the intermediary through which others from the lineage, particularly its younger members and other women, pass their concerns on to the lineage chief, including, if applicable, criticisms toward the improper behaviour of the chief. Because of her role and social status, the *apiyamwene* is always invited to provide feedback in the meetings between the chiefs and the council of elders, where the decisions that affect the lineage are taken.

### **3. INTERMEDIARIES AND FACILITATORS of development**<sup>60</sup>

A recent FAO publication (1997a) finds that "In the project framework, the mismatch between the system of reasoning of the "development world", imported through the project-language, and the rural (peasant) world brings about a productive misunderstanding which manifests itself in (...) the emergence of intermediaries, whose competence acquired in terms of mastering the project-language makes them real development brokers, who may enter into competition with politically dominant actors at the local level" (59<sup>61</sup>).

The organisations promoting development have increasingly sought to interact directly with lower-level counterparts in government. With the pulling out of the state from the provision of most services and from direct involvement in pro-ductive activities<sup>62</sup>, and the rise in importance of civil society and the private sector, more interaction is sought with local and regional-level organisations and institutions.

The emergence and consolidation of small-scale, local initiatives has been placed at the core of many current development programmes, and has led to a much more important role for intermediaries, facilitators and 'brokers' of development. These actors, mediating between the rural population and project staff, are typically people who comprehend the "project language". Often, they are relatively younger persons who have migrated, learnt the national language well, are functionally literate and have recently returned to their village (in the case of former civil servants, frequently as a result of the downsizing of the state apparatus). In the best of cases they are the local school teachers (or extension agents), but often these intermediaries have not much legitimacy in the eyes of the villagers, and during their absence from the community have lost touch with the natural resource base and, especially, the norms and institutions that govern it.

They are in effect the local 'development facilitators', and are important personalities who will influence local institutional development. Process documentation (Mosse 1995) is one methodological tool to investigate the issues revolving around their brokerage function. There are also other clues that emerge from participatory exercises, for example, a qualitative assessment of the way the project language finds its way into local idioms<sup>63</sup>. Intermediaries may be agents or agencies (go-between institutions, favoured by most development agencies), and their role may be one of acting as filters who translate the project rhetoric not just into local dialect but into reality on the ground, an undertaking that may appear successful to the outside, by superficially complying to donor conditions. In the anthropological literature the study of development brokerage has recently intensified<sup>64</sup>. It is a function that may of course also be positive, as agents or catalysts of change<sup>65</sup>, through a demonstration effect of "how to do things differently".

The issue of the relationship between the rise of the new type of intermediary and the traditional community leaders, structures and institutions,



is particularly interesting and complex. Historically, the latter are the “classic” facilitators who have assured the mediation between the (colonial, then –often but not always<sup>66</sup> – post-colonial) state and the local population, whereas, increasingly, the former are occupying the role of mediation between development agencies and the local population.

But traditional community leaders do not normally master the tools, first of all linguistically, to bridge the rift with “modern” institutions and have thus, arguably against their will and gerontocratic control, “allowed” the appearance of the new category of intermediaries. Baland and Platteau (1996) conclude that “collective action is probably most satisfactory when it is led by relatively young, literate persons who have been exposed to the outside world and who can find some way of collaborating with traditional structures of authority and leadership” (345). But policymakers must bear in mind that this new type of intermediary generally follows a different agenda, in other words, he or she is usually motivated by self-interest rather than by a desire to preserve the “common well-being” of the community, and is not always a direct stakeholder in NRM. The strategies of both categories of intermediaries will diverge even more substantially in areas in which cash crop production has led to significant financial gains (for example, cotton production in southwest Mali and the northeast of Mozambique<sup>67</sup>) and incentives for intermediaries to take advantage of their role to (re)gain influence in community affairs (possibly after a prolonged absence).

With increasing commercialisation, monetarisation and commoditisation, there has been a concurrent increase in the levels and expansion of accumulation strategies of an individualistic (“profit-maximising”) type, often opposed to the customary community strategies of the subsistence and moral economy. However, the rationale behind the former is not necessarily in contrast with the relations of production inscribed in traditional community institutions, as a number of authors in the development literature would argue (a.o., Lewis, Hyden, Meillassoux,

J. Scott). But as its origin lies not with traditional community institutions but usually outside the village, and generally outside of subsistence agriculture, this implies that decentralisation policy, if it is to increase access to resources for a wider percentage of the rural population, must take this into account. Private accumulation is also a quest for prestige and draws its thrust and financial support primarily from commerce, (increasingly) migration, and (decreasingly) the civil service.

In the fieldwork areas in Yemen, intermediaries have become apparent as important actors, particularly in the process of communication between local institutions, development managers and policy makers, including members of Parliament and of political parties, sheikhs, *akels*, and teachers. Rural development projects in Hadran (Bani Matar Directorate, Sana'a Governorate) are implemented through private contractors with the central government, and include the construction of local roads, health units and schools. The *akel* of Bait Dalea village (see section 2) monitors a number of projects consisting of the establishment of a water system and the construction of a dam in the village. Sometimes the sheikh, the *akel* or ordinary villagers provide feedback on the implementation of these projects, and, in most cases the government considers them, but the private contractors do not always revise their plans accordingly. In the case of the Almisial-Almaramid villages (Bani Saad Directorate, Almahwit Governorate, in the mountainous area west of the capital), such private contractors are absent and traditional community leaders play a more central role in NRM.

In Mozambique, traditional rules and practices have not been codified into law nor spelled out, but nonetheless their respect is legally binding. Experience in Mozambique with the land demarcation process, which includes considering the boundaries of the former colonial chieftaincies, the *régulados*, with the local community definition and production systems analysis process in the context of the National Land Programme, has highlighted the important role of FAO and other partners to step in as

“neutral” mediators, by bringing in international experts with a legal anthropology background to articulate Western statutory law with customary rules and practices. Such personnel, who should be socially neutral – also by way of nationality, language and technical background – may draw on the symbolic and political capital of an international agency to bridge the substantial social distance between actors at the national and local levels, as it can easily access most decision-making levels, from village civil society to the national polity.

#### **4. LEGAL ASPECTS of community-based natural resource management**

Without going at this point into a more detailed discussion of the spirit and disposition of recent decentralisation measures<sup>68</sup>, it will be useful to briefly sum up the reasons generally underlying such interventions as they relate to the agricultural sector and to natural resource management. “Using the provision of agricultural support services [and specifically agricultural extension] the three major factors determining the desirability and degree of intergovernmental decentralisation are the extent of economies of scale, the nature of any spillover effects and the extent to which local needs differ from those of the nation in general” (Smith 1997). Whilst decentralisation is likely to reduce agro-ecological variability, and therefore facilitate the design of differentiated and more sensitive policies in locations other than the capitals, this will much depend on the gap between the policy priorities and goals at the national, regional and local levels.

The shift from command to market economies has triggered the gradual development of official land markets in a number of countries where these did not exist, and economic liberalisation and Structural Adjustment Programmes have further increased land titling and privatisation. There has consequently been a “delegitimisation of the state’s monopoly on land” (Le Roy et al. 1996), either legally, or in fact, or else both; the factors contributing to such a shift are complex and multifold, and defy cross-country generalisation<sup>69</sup>. However, local prac-

tices have always differed in their interpretation of government ownership of land and stewardship over natural resources, and have thereby been sustained by traditional community institutions, which much determine the scope, configuration and social morphology of tenure regimes. That these practices have – often supported by NGOs – recently been given relatively more space to unfold, has promoted the concept of “community-based natural resource management (CBNRM)” to a more important place in mainstream development.

For CBNRM to work effectively, some degree of authority must be shifted to community level. Nonetheless, locally elected community leaders have expressed their concern that more often than not, the domains over which responsibility is devolved are those that were giving a hard time to the central government, and, worse still, those where no significant financial gains can be made. In Senegal, for example, as in most of West Africa, the spheres over which the state has transferred liability to the rural communities (*communautés rurales*) include: land; the environment and NRM; health, population and social action; youth, sports and leisure; culture; planning; territorial organisation (*aménagement du territoire*); education; urbanism and habitat (but neither agriculture, nor forestry or fisheries). Activities related to any of these are to be carried out by the rural communities through the rural councils (*conseils rurales*). The role of such councils as new actors and what constitutes their “good governance”, is increasingly under debate, as CBNRM is inextricable from the concept of “governance” in decentralised NRM<sup>70</sup>. “Governance” is, following a perspective derived from legal anthropology and political science<sup>71</sup>, often encapsulated as consisting of: legitimacy of authority; public responsiveness; and public accountability, as well as of: tolerance of other actors with a public character; information openness; and public management effectiveness. Jacob et al. (1994) define “local governance” as “the totality of processes (or functions) which contribute to the development of a specific area as well as the norms necessary for mediating a harmonious integration of actions”.

From the point of view of the legal foundations underlying the governance concept, the observation of daily juridical reality has led a number of researchers to recognise that all law is relative, that there exists a pluralism in the sources of law, and that there should thus be a return to pragmatism (Arnaud 1990). The available spectrum of legality and legitimacy related to local institutions often takes a form that includes, in most developing countries, at least the following three broad categories: modern, religious, and traditional norms, can be found in a tense triangle of factors that shape the local arena in which the institutional setting of development is negotiated locally. This situation is sometimes exacerbated even more by ill-informed (or uninformed) and culturally-insensitive projects that have set up their very own rules of access to natural resources, of in- and exclusion (Vel 1992, Benda Beckmann 1997, Onibon 1999), leading to further superimposition and confusion of authorised NRM rules. It has been argued – forcefully and convincingly – that this confusion has at times led to disincentives for sustainable management, anarchy and the abandonment of former rules and norms (Kéita 1985, Soumaré 1998), as in the case of traditional *urf* rangeland management in Yemen.

On the one hand, excessive legal pluralism may be paralysing, on the other, it may lead to a situation of cohabitation, syncretism and symbiosis, by which desirable elements of the different spheres of legitimacy are included and balanced in daily practice, be it from the point of view of NRM or of social equity and sustainability. Thus, in countries as different as Mali, (coastal) Mozambique, or Indonesia, the rules of access to natural resources are embedded in claims derived from national legislation (and/or other “modern” judicial and extra-judicial means such as political power, etc.), Islamic norms and customs, and traditional (pre-Islamic) norms and customs. Shrewd and well-informed villagers will draw on this broad repertoire to their own advantage (e.g., to capture project resources) and play out the different stakeholders against each other.

Le Roy (1996) therefore postulates that it is essential that the legitimacy of new local management institutions be based on a certain institutional autonomy, and, one may add, concurrent adaptability and flexibility.

In Niger, the traditional chieftaincy is an institution that is officially recognised by the national legal system, which grants it a role of conflict management. In effect, article 78 of law 62-11 of 16 March 1962, states that upon the (political-administrative) district chief (*chef de canton*) or group chief (*chef de groupement*), the village chief or tribal chief according to custom, are conferred the power to reconcile the conflicting parties in any customary, civil and commercial matters subject to a transaction (Synergies Africa/ACTN/IREN, 1996: 23). There may exist locally an institutional void due to relatively recent legislative changes (for example, in Burkina Faso after the agrarian and land reform in 1984), that is to say, traditional NRM rules, rights and power structures may have been abolished but not replaced by anything else (Le Roy 1996) – this institutional void may be apparent through the absence of a uniform power that is: strong enough; informed; and legitimate to regulate access to land and other natural resources.

The Decentralisation Mission (*Mission de Décentralisation*) of the third republic of Mali has elaborated a number of declarations since its creation in 1993 that determine the conditions of the free administration of the territorial collectivities (*collectivités territoriales*), the code of the territorial collectivities, and the principles of the constitution and management of the territorial collectivity domain<sup>72</sup>. Law NE93008 of February 11, 1993, specifies that the private domain of a territorial collectivity is managed by the president of the executive body under the conditions prescribed by the laws and rules and whose acts of acquisition or provision must be authorised by the deliberating body (art. 13). The land of Mali will be split up between the state and the decentralised collectivities, who will manage them at their will. The village (*le village*) in sedentary areas and the fraction (*la fraction*) in nomadic areas are defined as the

local communities (*les communautés de base*) of those areas according to article 60 of law NE95-034 of April 12, 1995. But they are not recognised as decentralised territorial collectivities under the terms of law NE93008 of February 11, 1993. Thus arises the difficulty of exercising customary land rights and the responsibility of customary authorities in relation to natural resource management, since the villages in effect apply customary land laws.

The exercise of customary land rights, referred to in articles 127, and thereafter, of the CDF are threatened since the decentralised territorial collectivities will be responsible for the management of their domain. This implies that any activity concerning land will have to be done with the agreement, be it implicit, of the communal authorities. It does, however, not mean that current use rights will be systematically removed. The texts are not explicit on this point, but one can suppose that these use rights will be exerted according to principles to be worked out by the communal authorities after consulting customary leaders. The dispositions of the CDF make the consultation of the holders of customary land rights compulsory before such land can be assigned. Currently, following these provisions, the administration does not allot any land without listening to the opinion of the customary title holders. In the process, the latter are gaining increased respect and honour. But if article 136 of the CDF were applied, the domains of the collectivities would be purged of customary land rights, resulting in the suppression of the advantages, be they moral, until present attributed to the customary right holders. As far as land transactions are concerned (hiring, sale, royalty collection), carried out according to customary rules regardless of the law texts, they will have to cease after full implementation of decentralisation.

Law 95-034 of April 12, 1995, states in article 17 that: to deliberate on the matters hereafter, the communal consultation is held, to take into account the opinion of the communal council(s) of villages or/and of fractions or of the neighbourhood chiefs concerned<sup>73</sup>. The obligation of the communal council to consult the

village, fraction or neighbourhood council is clearly expressed in article 72 (subparagraph 3) which explains that these bodies are obligatorily consulted on certain matters<sup>74</sup>. However, no obligation is made to the communal council to abide by the opinion of the village, fraction or neighbourhood councils or to those of the village, fraction or district chiefs (the *communautés de base*). Moreover, the communal council is not obliged to use the rights of collaboration conferred to it by law NE96-050 of 16/10/96. Consequently, the application of the various provisions relating to the collaboration between the village, fraction or neighbourhood authorities on the one hand and territorial collectivities on the other, will depend only on the goodwill of the latter. The supervision of the territorial collectivities is enshrined in law<sup>75</sup>.

In the case of Mozambique, J. Hanlon (1998) writes that: "Traditional leaders clearly retain power and influence in many areas, and marriage and inheritance are often covered by customary law. Practices vary widely throughout Mozambique, but in many areas women are discriminated against in terms of land and [other] inherited property. There was a strong move at the time of the end of the war in 1992 to pay more attention to traditional leaders and the land commission draft [of the new land law] specifically recognised "customary systems". This was criticised at the land conference as supporting discriminatory and backwards systems. The Council of Ministers withdrew these references and substituted [them with] the concept of "local community". This still leaves space for customary law where it retains a recognised role, but does not enshrine it in law. The concept of local community evolved during the debate this year, and is probably the most important concept added to the [land law] bill by the widespread public discussion"<sup>76</sup>.

Today the reality of rural Mozambique consists of local communities that identify themselves with the land within the territorial limits of the former colonial *regulado*, which is usually a traditionally demarcated territory, where a chief exerts authority through the legitimacy conferred by the symbolic bond to the land. There

are also communities that identify with a smaller territory, the lineage territory, like the *mutethe* lineage of the *amakhuwa* (Netia) or the *mudzi* lineage of the *vangoni-achewa* (Banga).

There persists a perception of power that is consolidated from top to bottom by administrative directives (Lundin and Alfane 1999). This is in contrast with the process of building citizenship from the bottom to the top which first guided the idea of decentralisation at the beginning of the 1990s, with the principle to decentralise to keep the national territory united and construct a citizenship with Mozambican nationality. From the point of view of this objective, traditional leadership, based on regional-ethnic criteria, and the creation of chasms between national institutions and institutions of local power, could endanger the fostering of this citizenship.

In addition to being a natural space (that can be characterised through agro-ecological data), a territorial area is a social product, and it is necessary to specify which is the traditional unit of social organisation for agricultural production, as this will have repercussions on managing food security and rural development. Genuinely participatory planning should take into account not only important local conceptions of poverty and well-being, but also those of “space” and spatial organisation.

In order to better grasp the interlinkages between space and social organisation, the concept of “territory” is useful, and local “territoriality” must be examined beyond strictly legal land demarcations. Traditional authorities may be very useful interlocutors and partners to initially trace out local land tenure relations and territoriality, in their role as mediators between a given territory and population group. Thereby – if land is held by the lineage (or a segment thereof) as a social and productive unit – the most pertinent authorities are the tribal or lineage chiefs or leaders. Who such traditional authorities comprise will vary by locality; for example, in Mali, the land chief or chief of cults in addition to the lineage chief, or the chief of the production space (*hooré gollé*, in Mopti), should be approached; in Yemen, the *akel*.

## **5. CONCLUDING REMARKS**

The compartmentalisation and resulting shortcomings of many specialised government line agencies are in contrast with traditional NRM institutions that are “holistic”, and, although at other levels often “specialised” (section 2.4.(i)), cross-sectoral. Land, water, and health, for example, are concerns informally handled by customary leaders used to consult each other regularly to discuss the problems arising until an agreement is reached on how to proceed (section 2); including, if necessary, a call for government or other “outside assistance”<sup>77</sup>.

Rural development and NRM requires a high degree of policy fine-tuning to different local conditions. An advantage of traditional institutions is that they are genuinely local, and that they may also be, as in Mali, present at higher up levels of government. Conversely, in many countries, below a certain level there is absolutely no official representation of the state. In both Mozambique and Yemen, the lowest state representation is the district, in Mali, the rural commune. In any case, it is never the village<sup>78</sup>, which does not have legal personality. But it is precisely at this level that we normally find the traditional institutions that could sustain genuinely community-based NRM.

Yet, due to a mix of historical, cultural and socio-political circumstances, the social capital embodied in traditional community leaders should sometimes be “tapped” only with great care, as much of that capital, although grounded in traditional networks of mutual assistance and solidarity (section 2.4), is also nested in clientelistic relations among kinship groups of unequal social status. Policymakers and development managers need to be aware of the pros and cons of giving a (more) prominent role to traditional and neo-traditional leaders in envisaged initiatives, and of the implications of making them (again), consciously or against their intentions, intermediaries between government (and international development agencies) and civil society. Although this may ensure local patronage and increased “ownership”, it may under certain circumstances work against the

long-term goals of promoting the “thickening of civil society” (Fox, 1996) that would push for democratic and forward-looking local governance, and increased participation in political development and economic progress.

On the other hand, the conventional run-of-the-mill approach of creating new local development and NRM committees engenders a number of problems, above all in terms of local social legitimacy. These committees will legally (not necessarily in fact) replace all or at least part of already existing, traditional organising practices. The latter are not usually acknowledged by those putting the ‘modern’ committees in place, let alone are they studied, understood or built upon. The trick, then, is to improve existing committees: concerning group decision-making, for example, there are clear advantages in anchoring mechanisms in the locally derived spectrum of legitimacy discussed above (section 4). The unanimity rule applied to most local NRM concerns, and upheld by traditional community leaders (section 2.1), means that ultimately decisions need to be based on consensus. Rather than resting on notions derived from the exogenous concept of democracy, the gradual achievement of consensus is based on endogenous procedural norms.

Yet, the norms linked to traditional institutions and leadership should be scrutinised as to their genuineness and legitimacy, and the problem of causality (the “chicken-and-egg” question): traditional authority may at times be the precise reason why certain traditional norms have become such in the first place (Le Roy 1996), and may no longer be discernible as an arbitrary injection into the collective consciousness (see, e.g., the discussion of modern versus traditional tasks in Mozambique, section 3). Where they persist, objectionable traditional practices that discriminate against certain population groups (section 2.5), for instance, against women, or in relation to the descendants of former slaves, are less likely to be problematic in areas of relative ethnic homogeneity. According to Bruce (FAO 1999b), “it seems likely that the negative elements of community organization of resource use are more vulnerable to development itself,

than to our well-meant attempts to outlaw them or require that they be abandoned as a condition of collaboration with such institutions” (72). Thus, the question to accompany an endorsement, however informal, of customary decision-making by “outsiders” should be: consensus at what price?

Nelson and Wright (1995) remind us that “Before attempting to shift power in a system it is important that the basis of existing and future institutional arrangements are well understood” (13). More specifically, Bonfiglioli (1997) finds that “in the specific context of development initiatives or of political-administrative decentralisation, the balance among the different dimensions or configurations of authority is often destabilised and their more or less coherent integration destroyed<sup>79</sup>” (*pers. comm.*).

In conclusion, bearing in mind the issues to investigate beforehand, and the caveats discussed above, it can be postulated that more often than not, a much increased role of traditional structures in decentralisation and NRM programmes would indeed be beneficial and appropriate, especially on the grounds of sustainability. In the long run, this would contribute to adapt some of the concepts contained in the colonial construct of the nation-state to new forms and institutional arrangements. The latter may be much closer to the organisational culture, life-world and knowledge systems of a majority of diverse and heterogenous population groups (especially the rural poor), thus enhancing their political and economic participation. To achieve this is difficult but not impossible, but it requires that a great deal of sensitive and often complex issues are looked into.

The human right to self-determination should ensure that the democratisation process, a development objective by itself, does not overlook the important traditions and organising practices of people whose livelihoods were sustained by their agricultural and natural resource base long before the advent of national governments and rural development programmes, and will in all likelihood continue to do so for the foreseeable future.

## **ANNEX: A short note reviewing the hypotheses<sup>80</sup>**

*Diminishing state interventions in rural areas in conjunction with persisting selected market failures have resuscitated and/or increased the role of certain traditional institutions such as chiefs, sheikhs, councils of elders, etc.*

Fieldwork has shown that the significance of this hypothesis is much constrained by the fact that in the specific rural areas under review, the presence of the state has historically been very thin, so that there has not been any noticeable diminishing of its interventions as a result of government restructuring. The extent to which an increased role of traditional structures has been determined by market failures is very difficult to disentangle in causal relationships, so that it would make more sense to speak of selected “institutional failures”.

Lundin (1999) finds that: “Traditional Authorities in Mozambique have always been present in their communities of origin, acting often “under cover” in community life. If anything has contributed to the reinforcement of their role, one could point to the fact that the state has not yet managed to provide services to the rural areas, schools, hospitals, law and order, and so on. However, even if the state will be able to eventually fulfill the role of facilitating development and market mechanisms to structure commercialisation, it is likely that traditional authority will persist in its capacity of community leader. It is an important part of the cultural universe of Africans; the structuring of the personality of an individual is in a certain way related to this authority. Thus, it is more likely that the role of traditional authority will be re-arranged within the social dynamics of community life, with greater, the same, minor, or even without contact to the modern state”<sup>81</sup>.

In Mali, the experience of the village-hamlet creation process has pointed to an increased role of certain traditional community institutions, particularly those involved in land management and conflict resolution, legitimised by their symbolic link to, and power over, the ter-

ritory. In many rural areas, these could be termed “neo-traditional”, not so much because of their re-emergence within territorial restructuring programmes, but in the sense that the gradual, historical super-imposition at the village level of modern structures “on top of” traditional ones has encouraged the latter to reinvent and adapt themselves in order to be able to participate in the modern institutional setting in one way or another. Their control of rice plantations, for example, provides customary institutions with new forms of customary leadership. This is so much so that the traditional loan principle is increasingly regarded as a risk, due to the fact that the borrowers after a few years claim rights of inheritance, invoking national legislation, by which all land belongs to the state, and calling into question the rights of the lender. The emergence of commercial rice cultivation and sedentary breeding (milch cows, draught animals) show that the new forms of cohabitation are rather more conflictive<sup>82</sup>.

*If traditional community institutions are integrated more meaningfully into decentralised rural development initiatives the net benefits outweigh the net costs, provided that their role is formalised to the appropriate extent, clarified, and endorsed by all stakeholders involved.*

Regarding this hypothesis, Lundin (1999) finds that: “[In Mozambique] a certain measure of integration at some sectoral levels exists already, for example in the case of agricultural extension, health, and the work of the NGOs. But it is diluted in the personal attitudes of people and the attitude of the established power holders present in the different zones of the country. There exists no formalisation of this integration in laws, decrees, or sectoral directives. As far as such formalisation is concerned, any potential step to be taken in this direction should be carefully considered beforehand. Traditional authority is an institution that is legitimised in community settings, in the sphere of a community civil society of an agricultural base. In case that this instrument of legitimisation is transferred from a civil to a state level, this authority would lose its intrinsic assets and would probably become frozen in time. It

would thereby gradually lose its value of representation of civil society in the niches that it occupies at present, this representativity being its most important quality in interactions with the state, NGOs, and so on”<sup>83</sup>.

Although the case of Mozambique is instructive with respect to the inclusion of traditional institutions in decentralisation policy, it would seem too early to allow for a qualified assessment of this hypothesis. The integration of traditional structures into decentralised rural deve-

lopment initiatives has until present only been observed on a relatively minor scale, and this only fairly recently. By taking local development plans and regional policies as a starting point, an assessment of the benefits and costs of such an articulation will depend on the objectives to be achieved. No generalisation can be extrapolated from the present research findings as such, but locality-specific examples have been given to illustrate which points of the state-civil society interface need to typically be investigated.

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<sup>1</sup> "Traditional" community institutions refers here to a variety of power structures (or 'dimensions of authority') in local communities, both 'formal' and 'informal' authorities, 'visible' and 'less visible', legal/rational and charismatic, political and religious, structural and functional, general and specific (e.g., leadership among women, youth, etc.) that can be conceived of as being "traditional" or "customary" in the functionalist sense -- no value judgement is implied. "Traditional" community institutions are based on interpersonal, mostly face-to-face relationships among social (rather than administrative) units that are conceptually distinct from those contained in the modern construct of the nation-state. Throughout the document the risk is taken of over-simplifying complex ethnographic information, and the terms "traditional" and "customary" are used in an inter-changeable way.

<sup>2</sup> A semantic note...on the terminology contained in the present document is necessary, as the changes and modifications in language and its use are normally much slower to occur and establish themselves than the changes and modifications in the cognitive environment that they refer to (Mafeje 1999). As a result of the difficulties of conceptualising a number of notions employed below it has proven very difficult to use certain terms. Given that none of them is new or "neutral", they will evoke feelings and memories that are shaped by international, national and local history and they therefore become to a large extent locality-specific – or else the same terms will be interpreted differently depending on the context in question. Among these, many are directly associated with the colonial period, and the designations in use then may still be current today, formally or informally. This poses a considerable problem (and threat) to those who would like to see certain community institutions considered within the new context of decentralisation without the stigma carried over from the past. Which does not mean that historical information will be ignored, or that stigmatisation does not play a role in people's awareness, behaviour, and preferences vis-à-vis collaborative activities. On the importance of local history and perceptions thereof in NRM planning see e.g., Astone (1998).

- <sup>3</sup> More examples of the traditional/administrative chieftaincy, the councils of elders and the traditional associations illustrate these different policies further, and are discussed in that paper. Future research could elaborate an equivalent typology of *local responses* to government policies vis-à-vis traditional leadership (Scott 1999).
- <sup>4</sup> The concept of agency has been elaborated by Giddens (1979).
- <sup>5</sup> Draft Working Papers/Discussion Notes produced 1997-2000 by this research programme include:
- FAO, 1997c, "Relations de Processus de Décentralisation et Pouvoirs Traditionnels: Typologie des Politiques Rencontrées", by N. Bako-Arifari, *Decentralisation et Développement Rural 15*, FAO, Rome, 31 pages.
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- <sup>6</sup> This may of course rather happen "by default", in attempts to capture important rural votes. The important thing to remind oneself of is, to borrow a phrase from Chambers (1997), whose reality counts?
- <sup>7</sup> The technical details of the legal provisions of decentralised NRM are discussed in section 4 below.
- <sup>8</sup> For a succinct discussion of community-based associations see also UNDP, 1999, "Community-Based Regional Development in the Republic of Yemen", Component IV, Programme III, PAEG.
- <sup>9</sup> Government decree NE77-44/CMLN of 12 July 1977 created the *Comité de Développement et Conseil*.
- <sup>10</sup> The *Frente para a Libertação de Moçambique*. J. Hanlon finds that: "It could be argued that democratisation is even more important at local level than at national level. Indeed, Frelimo's biggest mistake may have been to convert the *grupos dinamizadores* (GDs) into party cells rather than local government structures. At their best, the system of GDs and mass meetings was profoundly democratic; local people in their neighbourhoods and workplaces were involved in all of the decisions that affected their lives. If Frelimo had been able to maintain some of this level of democratisation, many later problems might have been avoided" (1997).
- <sup>11</sup> The *Resistência Nacional de Moçambique*.
- <sup>12</sup> "The first law on decentralization with the deconcentration of responsibilities, Law 2/87, is approved by the one-party Popular Assembly in 1987. In August of 1994, Law 3/94 is approved, where it is considered to decentralise the management of urban and rural districts, with a local government to manage the finances and *património* of these territories in 128 rural and 23 urban districts. It is a product of this phase of the debates that provoked many reflections, which obviously were not without controversies. In June of 1998 the first local elections, took place in thirty three autarchies, but the opposition boycotted the act almost in full" Guambe (1998).
- <sup>13</sup> Passed by parliament in September 1997.
- <sup>14</sup> This is because here too, the underlying perceptions behind the most appropriate means to achieve community-based development vary. The tension between the schools of thought is illustrated by Olivier de Sardan (1998), who argues that there is an inherent contradiction in the actions pursued by development agencies: they include professionals who adhere to a "populist ideology" ("*idéologie populiste*") of promoting policies that value people's own resources and support the dynamics of local societies, and those adhering to policies promoting education (of an "*idéologie misérabiliste*"), with the objective of spreading external knowledge to "help local populations help themselves" through the transfer of information, technology, and resources; this second position is most notably exemplified through the approach of identifying and working with innovative "pilot farmers".

- <sup>15</sup> It is superficial to always speak of indigenous knowledge systems; oftentimes, local knowledge is neither organised in any sort of system, nor underpinned by a common “theoretical” thread (see, e.g., for the case of the *dogon* of Mali, the discussion in Van Beek 1993). Also, as Hecht and Cockburn (1989, quoted in Mayers and Bass 1999) suggest, referring to the actions that have been proposed to counter deforestation of the Amazon, “‘knowledge systems’ are systems of domination – the question of who defines a situation is critical. In recent years, NGOs, particularly the green movement, have been adept at defining situations in ways which make the influential listen. Yet there are a number of pitfalls that lie in the line of march staked out by the ‘green’ movements in the First World. By de-emphasising ‘old-fashioned’ concerns with political economy, property relations and distribution, they extol the [non-timber forest products] reserves as environmentally sound solutions where the good rural life can continue. But all reserves are far more precarious than their current popularity would suggest” (p231).
- <sup>16</sup> Some inroads have been made along those lines with “participatory technology development” methodologies.
- <sup>17</sup> However, as Notzke (1995) remarks: “The integration and mutual accommodation of such dissimilar entities as the indigenous and state systems of resource management in any form of co-management is an extremely complicated and potentially frustrating process” (187).
- <sup>18</sup> On how most formal research, biased in favour of natural sciences and corvée participation, treats indigenous knowledge, and how it is erroneously subjected to “scientific verification” systems, see, e.g., Campbell and Salagrama 2000. Redclift (1992, in Campbell and Salagrama 2000) reminds us that: “[although purporting to be people-centred] sustainable development is usually discussed without reference to epistemological issues [issues relating to the study and theory of human knowledge]. It is assumed that the system of acquiring knowledge in the North, through the application of scientific principles, is a universal epistemology. Anything less than the ‘scientific knowledge’ hardly deserves our attention. Such a view, rooted as it is in ignorance of the way we ourselves think, as well as of other cultures’ epistemology, is less than fruitful” (34; parentheses added).
- <sup>19</sup> Quoted in Notzke 1995. The parentheses are added.
- <sup>20</sup> For good, short general definitions of concepts such as “village chief”, “land chief (*chef de terre*)”, “matri- and patrilinear society”, etc. as they relate to land tenure issues, see Ciparisse 1999.
- <sup>21</sup> Benwell (1997, quoted in Riddell, 2000) finds that “it is well documented that for many people to have a land right in their natal area is part of their definition of self – the land does not belong to them, but they belong to the land” (9).
- <sup>22</sup> For the case of Mozambique, see Mucussete 1996.
- <sup>23</sup> For more details, see Bâ 1999, and Togola 1999.
- <sup>24</sup> Article 37 of the CDF explains that : land that is the object of a title established by or transferred in the name of the state, land that is not registered – including vacant plots and without owner, in case they are not subject to any use right or right of bestowal, be it by virtue of applying written property rights or else customary tenure rights, and land on which customary use rights or rights of bestowal are exercised, either on an individual or a collective basis, all fall under the private domain of the state.
- <sup>25</sup> Respectively, Article 127, Paragraph 21, and Article 129, Paragraph 3.
- <sup>26</sup> This art. is entitled “involvement of the traditional authorities, in the strict respect for the constitution ...”.
- <sup>27</sup> Lucas N. Waisse, head of the Ntengo-wa-Mbalame administrative post, Tsangano district, Tete province, Mozambique.
- <sup>28</sup> “Social Capital and Poverty,” unpublished manuscript, World Bank.
- <sup>29</sup> On the shaky conceptual foundations of social capital as researched by mainstream economists, see e.g. Fine 2000.
- <sup>30</sup> In the words of Bruce (1999, writing on common property arrangements for community forestry): “We are dealing with choices between goods: The good of decentralization and community autonomy and empowerment versus the good of full community citizenship for members historically disadvantaged” (FAO 1999b: 72).
- <sup>31</sup> It can be argued that in certain situations these may be two sides of the same coin, that criminal organisations such as the Mafia are merely negative expressions of social capital, in the sense that in those cases, social capital is being applied to promote not collective action for the common good, but a type of “club good” to the benefit of a selected few, and, possibly, the detriment of others. The implications of the characteristics of corruption, particularly of “legitimate” versus “illegitimate” corruption (“commissions” and “fees” versus bribes), are all the more relevant when seen in the light of the discussion on intermediaries (see section 3), who are particularly prone to capture and thrive on such possibilities due to their mastering – and, often, monopolising – of certain communication skills, and the fact that corruption and rent-seeking have become amalgamated with the institutional workings of the wider social and moral economy of redistribution and traditional networks of mutual assistance, making it difficult to draw the line between phenomena that can be traced back to different origins.
- <sup>32</sup> In the Seeno area, *sinangouya* exists between the *peuls* (of Libbé-Peul village), the *dogons* (of the villages of Pissa and Libbé-Habbé) and the *dafings* (of the villages of Baye and Oula). “The *peuls* sat on the thighs of the *dogons* (saying of

the village chief of Pissa); "The *dogons* sat on the thighs of the *peuls* (saying of the village chief of Libbé-Peul); "Cella gollé boné" means "Avoid wrong doing"; "Cella nambara" means "Do not deceive" (sayings of the village chief of Libbé-Peul). These quotes in the *sinangouya* can be considered indicators of social cohesion. By facilitating agreement within polygamous households, and the redistribution of agricultural produce and migration remittances, the *sinangouya* contributes to the stock of social capital of these communities.

<sup>33</sup> Examples of the *sinangouya*'s maintenance of "cousinship" are that of the villagers of Ganida and Baye; that of the villagers of Baye and Para; and that between the *moissi* and *samogo* population groups. The presence of the *sinangouya* makes it at times difficult for outsiders to notice village conflicts. In Némé (now Baye), the descendants of Ofa and Yessa had concluded social pacts (blood pacts) with Tionou (the oldest village of Samori in the rural commune of Ouenkoro) and Daah (a village located in the commune of Socoura). Thereby, the blood pact between the Konaté family of Tionou (Ouenkoro commune), the Deou family of Daah (Socoura commune), and the Senou family of Baye prohibits any inter-community marriages.

<sup>34</sup> The next paragraphs are adapted from Lundin and Alfane 1999 and have been translated from Portuguese by the author.

<sup>35</sup> Baptista Lundin; 1997: 1

<sup>36</sup> Accusations of witchcraft are frequent. In Djavula, a very well-off cattle farmer left the area and his land, because accused of witchcraft, since he was not complying with the local traditional norms of reciprocity, by offering his agricultural produce, or some other form of aid, to keep his presence in the area harmonious (Lundin & Alfane 1999).

<sup>37</sup> These are what Narayan (1999) would call "bridging" (versus "bonding") mechanisms.

<sup>38</sup> For example, funerals, weddings, initiations, and caring for the most vulnerable population.

<sup>39</sup> The working definition used for fieldwork and in the present document is given in footnote 1 (section 1.1) above. To give further justification to the use of a pragmatic, "loose" definition of traditional and customary community institutions that focuses on their "margins for manoeuvre", Bourdillon (in "Is Customary Law Customary?", 1975, p1), trying to come to grips with the difference between the "traditional" and the "customary" sphere in Rhodesia, decided to employ the term "customary" in the legal sense, and the adjective "traditional" to refer to the customary rules and norms that govern people's behaviour, but that are not necessarily static.

<sup>40</sup> Despite harmonious circumstances at inter-village level in general, and a solid "stock" of social capital in (subsistence-based) agrarian relations in particular, a number of dispute situations revolving around land assets in the Samori area are noteworthy. With the emergence of rice growing in Sourou valley and the return of many migrants, the cohabitation between the village's customary land tenure institutions, return migrants and allogeous users of natural resources is becoming more conflictive, with competition over the control of key resources (see Bâ 1999 and Togola 1999).

<sup>41</sup> E.g., Nsia (1999), finds on the other hand that this is no longer so in the case of the "brotherhood of hunters" of the *magot* and *mahi* population groups of the Kétou and Dogo forests in southeast Benin.

<sup>42</sup> Soumaré (1999) postulates that they would be the structures best placed to play a major role in the participation of (neo-) traditional civil society institutions in the decentralisation process in Mali.

<sup>43</sup> "Traditional chieftaincies in Mozambique and elsewhere are decentralised institutions, and as such have been a constant socio-cultural presence throughout the history of rural communities. They are a socio-political expression of local African social organisations, based on lineage. They can be found throughout the country, in both rural and urban areas, and as such are attached to a given territory, unlike tribal chiefs [found, for example, in the Republic of South Africa]. The political structure producing lineage chieftaincies is very different from the political structure producing the legitimate authority of the modern Mozambican state, which is not at all a product of local culture" (Lundin 1998).

<sup>44</sup> I.e., of segments of the lineage, family and others, depending on the place and ethnic group concerned.

<sup>45</sup> Local lineages include: *maphiri*, *manghoma*, *gwanda*, *nkazi-wa-sanje*, *mdola*, *malikhuleni*, *ntanthangali* or *ndzamputeni*, *mampewe*, *sungwe*, *ndacirima*, *massawa*, *mattenko*, *magoe*, *makonyani*, *kabungo*, and *gorongosa*.

<sup>46</sup> Namely: to receive and pass on information from the administrative institutions and political parties to the population, and to interact with these institutions and organisations; to discuss with the institutions the modalities of attending to the needs of the population; to help the government in the collection of taxes; to mobilise the population for the accomplishment of various tasks (relating to agriculture, the maintenance of physical infrastructure, vaccination campaigns, meetings, etc.); to facilitate the implementation of government programmes, and those of organisations and other active institutions, in his area of influence. Nowadays, there are cases where we find community leaders, traditional or not, acting as middlemen or facilitators of contacts between governmental organisations, NGOs and the communities.

<sup>47</sup> = plural of *nyakwawa*.

<sup>48</sup> In the case of Banga village, the *nyakwawa* of the "Banga" neighbourhood has a hierarchically superior status to the *nyakwawa* of the "Manyani" neighbourhood.

- <sup>49</sup> Many areas of the country have received their names from lineage heads or from the more influential clans of the area; this applies to the provinces, districts, administrative posts, neighbourhoods, etc... After independence some places had their names changed for political reasons, as much to remove the colonial connotation as also the traditional one.
- <sup>50</sup> This part is adapted from Bâ 1999 and Togola 1999, and translated from French by the author. See also the reports of FAO project TCP/MLI/6716 (Goislard 1999) for a complete inventory of endogenous pastoralist institutions, and especially how these have adapted the concepts discussed in 2.1 and 2.2 above to a non-sedentary setting.
- <sup>51</sup> Before Islamisation, according to *dafing* and *dogon* traditions, land management was the mandate of the chief of cults (*chef de culte*), regarded as the customary landowner, and of the customary chief of the founding village (*village-mère*), regarded as the customary manager of land tenure in the village territory. The legitimacy of the stewardship of these institutions and their vigilance over the application of commonly agreed management rules derives from the moral standards of discipline inherent in ritual process, relating to the symbolic purification of the land and the human beings using such land. There is a range of different institutional adaptations of local land management practices: In the circle of Yanfolila (Sikasso region), Filamana, Sandougoula and Sangarédjing villages, lineages have full autonomy over managing their land, unless a parcel is assigned to allogeneous groups; in Sangarédjing the *gouatigui* handles common property resources. In Diangoumerela, when a land claim is addressed to the village chief, he or she transmits it to the *gouatigui*, while in Bassidibédjing, all requests for land are made to the coordinating *gouatigui*.
- <sup>52</sup> These consist of filling out the booklet that includes the permission to cultivate the land, the administrative census of the population of the village hamlet, the confirmation of the designation of the *massade* and his responsibilities, vis-à-vis the traditional authorities and the government authorities, concerning matters of governance and NRM.
- <sup>53</sup> Strictly speaking, “*tondéni*” would appear to refer not to the institution (the *ton*) but rather to its free members, the *tonden* (the plural of which is also spelled *tondenw*). They are free members of the age group, in contrast to the *ton* slave caste called *tonjonw* (later assimilated for political purposes into a warrior slave caste under Ngolo Diarra in the ancient Bamana empire of Ségou) in the historically important Ségou region in the centre of the country.
- <sup>54</sup> The *seri* is the chief of the *alamodiou*, as he is the guarantor of the tradition and the guardian of the cults (the fetish), and as such holds a social status of first order that allows him to re-establish discipline when necessary.
- The *saga* is the assistant chief of the *alamodiou*, is chosen among its most courageous members, and counsels and assists the *seri* in his functions, being also the spokesman for the other members of the institution, and acting as an intermediary between the *seri* and the village-based land tenure institutions (the political-administrative chief and the council of wise men).
- The *baladjiriwon* in his capacity as the manager of forest resources is the representative of the *seri* at the level of each village. His mandate as a guardian (« police officer ») of the environment confers him the authority of surveillance over natural resources.
- The *djiriwon* in his capacity as judge also represents the *seri* at the village level, as his mandate as a guardian (« police officer ») of social affairs confers him the authority to manage social conflicts.
- The *soroman* in their capacity of « village delegates » have the mandate, conferred upon them by the *seri*, for following-up on the application of environment protection rules (access to natural resources such as fruit gathering and wood cutting, and the sanctioning of offences or disregard of established rules). They are also in charge of training young newcomers to the *alamodiou*.
- The *brigadiers* are recruited on a voluntary basis. Certain parents entrust the *alamodious* with the civil education of their children, who must later prove their integrity to the users and households, as they will guard all land held by the villages and report on offences to the *soromans*.
- <sup>55</sup> Groups of lower social status generally, and for the purposes of the present paper, include: women, the poor, youth (junior status groups), the handicapped, migrants, landless, lower caste groups, (descendants of) slaves and servant lineages, non-autochthonous (sedentary) groups and seasonal migrants (agricultural labourers, nomadic pastoralists).
- <sup>56</sup> The *presidente da localidade*, is appointed by the party and represents the state and the party, Frelimo.
- <sup>57</sup> A fact that illustrates a misunderstanding between the local political party secretary and a traditional chief in Netia happened in the area of Mpitokwiri. According to the director of the primary school of Netia, the directorate of education had planned to construct a primary school in that area. When its construction was due to begin, the traditional chief of Mpitokwiri wanted it to be carried out close to his residence, while the political secretary demanded that the school be constructed in his village. This conflict of interests prevented the school from being built. When an agreement finally emerged to construct the school halfway, it was already late. The local political-administrative chief had instructed the district directorate of education to this effect, but the proposal was not approved, with the justification that the misunderstanding between the leaders had obliged the directorate to construct the school in Cahiva, in the *regulado* of Moterra, and that from there it could not be removed if a conflict with the local population were to be avoided. Thus, there is no school in Mpitokwiri. It has been argued, for example by Lange (1999), that school

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enrolment reflects the adhesion of civil society to objectives of the nation-state, beyond party politics and the equation by which schools equal the party in power, as in the case of Netia described above, where, not surprisingly, the traditional chief was unsympathetic to the party in power.

- <sup>58</sup> Says the wife of a transmigrant pastoralist from Libbé-Peul, who sells milk in Baye : "The bush belongs to the men and the milk to the women. Recently, the craze for rice cultivation has become the root cause of our constraints regarding the production of our milk. The constraints to find drinking water for the milch animals have become alarming in the Sourou valley. Every year, one assists the new land occupations in a powerless way. These obstruct the corridors of passage of the animals towards the water points." There is empirical evidence from a number of developing countries that testifies a correlation between female involvement in milk marketing for cash, and female political participation and power in decision-making, both intra-household and related to agricultural production. The example from Mali shows that this important avenue of female empowerment is not always considered within the full context of the trade-offs inherent in rural development policy, as in Samori, where there is the danger of losing the momentum generated by this important step towards less gender inequality.
- <sup>59</sup> Matrilinear descent is characteristic of most social organisation of the population groups who originally came from north of the Zambezi river. Patrilinear descent is the dominant model to the south of the Zambezi. In areas where the two are adjacent, and in the Islamic *waswahili* communities on the northern coast, there is a hybrid model of social organisation, mixing matrilinear and patrilinear elements.
- <sup>60</sup> "Intermediaries" may be rightly understood, in the context of a debate on decentralisation, as including those entities at the intermediate level between central and local government units: the regions, provinces, districts, circles, etc. However, here the focus is on a particular category of individuals who carry out certain related functions in several ways. On the role of the regional level, see a.o. FAO 1997b.
- <sup>61</sup> Translation from French by the author.
- <sup>62</sup> Lange (1999) sums the phenomenon up as follows: "The arrival of democracy in Africa is accompanied by a process of state withdrawal" (132 – translation from French by the author).
- <sup>63</sup> There are interesting studies e.g. among the *baka* pygmies of Cameroon, supposedly among the most remote population groups of the world, but who have a word for 'project' and for 'stakeholder' in their language. The term "project" has also found its way into the Zarma language ("*porze*") of the songhai-zarma population groups of Niger, West Africa (Maman Sani 1994), who, in Torodi, use that word in day-to-day village life – but none of the other language adopted during events taking place within a participatory land management exercise is employed at all in a "normal" situation.
- <sup>64</sup> See, e.g., the Association euro-africaine Pour l'Anthropologie du changement social et du Développement, Marseille.
- <sup>65</sup> For a good typology of "development brokers", see Olivier de Sardan (1998).
- <sup>66</sup> See FAO 1997c.
- <sup>67</sup> For SW Mali, see for example the fieldwork report of Togola 1999, and for NE Mozambique, the case of the cotton company SODAN (Sociedade de Desenvolvimento Algodoeiro de Namialo, SARL) in Netia, and of the sisal plantations, discussed in the fieldwork report of Lundin and Alfane 1999.
- <sup>68</sup> For a number of definitions and concepts, such as "decentralisation", see for example Messer 1997.
- <sup>69</sup> They may also be specific to particular domains of natural resource tenure. Karsenty (1996) postulates that from a point of view of positive law, a fundamental incompleteness persists in forestry: state forest tenure regimes are mostly applied on tracts of land that have never been registered as state property.
- <sup>70</sup> On this issue see, e.g., Tendler 1997.
- <sup>71</sup> See, e.g., Le Roy et al. 1996 for the former and Charlick 1991 for the latter viewpoint.
- <sup>72</sup> Respectively, decrees NE93-008 of 11 February 1993, NE95-034 of 12 April 1995 and NE96-050 of 16 October 1996. On the constitution of the domain of the decentralised territorial collectivities, according to article 1 of law NE 96-050 of 16 October 1996, it comprises both a public and a private one. The domain of public real estate (*domaine public immobilier*) of the territorial collectivities includes a public natural domain (*domaine public naturel*) and a public artificial domain (*domaine public artificiel*). The former domain consists of all the outlays (*dépendances*) of the public natural domain of the state situated within the territories of the collectivities and over which the state has transferred the tasks of conservation and management to these collectivities. They are: waterways ; ponds, lakes and pools ; underground sheets of water ; the perimeters of protection ; natural sites declared public domain by law (articles 6 and 7 of law NE96-050 of 16 October 1996). According to article 8 of the same law, the public artificial domain of the collectivities relates to land use planning (*les aménagements*) and works that are of interest to the Region, Circle or Commune, as well as to the territories supported thereby, determined by law or having been classified (as protected area). Within the private domain of the communities, the real estate of the local collectivities includes: the registered land of the private domain of the state that the latter has transferred against payment or for free; the unregistered land located within the limits of the territorial collectivities, assigned or transferred to them by the state according to the



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interest of the region, circle or commune within this land; and the acquired real estate acquired through payment or not, or earmarked by the state (art. 9 of law 96-050). This article, which subsumes within the private domain of the collectivities, the unregistered land located within the boundaries of the collectivities, is in contradiction with article 136 of the Domain and Land Tenure Code (CDF – *Code Domanial et Foncier*) which specifies that only land that is subject to a land title established or transferred in their name following a transfer by the state, of an acquisition subject to a payment or not or following the transformation of a rural concession after investment on the land, can be part of the private real estate domain of decentralised collectivities.

<sup>73</sup> In relation to: - the road system, drainage and sewage collection; - public transport; - protective activities of the public domain; - the cadastre - the organisation of agricultural, pastoral, forest, fishing or hunting activities; - the construction of wells and water points; - communal land use planning and land settlement plans; - environmental conservation and natural resource management; - the management of the public and private communal domain; - the establishment and management of communal equipment.

<sup>74</sup> Such as: - the organisation of agricultural, pastoral, forestry, fishing and hunting activities; - the procurement and management of communal equipment; - the development and implementation of the diagrammes of communal land use planning and land settlement plans; - environmental conservation and natural resource management; - domanial and land disputes; and - the component of the development programme concerning their village, fraction and neighbourhood. In addition, the village, fraction or neighbourhood chief chairs the council of his commune and takes part in the development and implementation of the development initiatives affecting it.

<sup>75</sup> (Art. 230). Also, article 229 of law NE95-034 of April 12, 1995 lays out that: the Minister in charge of the territorial collectivities will ensure the supervision of the regions. The representative of the state at the regional level ensures the supervision of the circles of the region and of the commune of the regional capital. The state representative at the circle-level ensures the supervision of the communities.

<sup>76</sup> The Land Law (Law 19/97 of 7/10/1997), Art. 1 pt. 1, defines a 'local community' effectively as: "groupings of families and individuals living in a territorial circumscription at the locality level or lower, which aims at safeguarding its common interests through the protection of habitat areas, agricultural areas, cultivated or idle, forests, sites of cultural importance, pastures, water points and areas of expansion". However, the communities related to here are in reality more extensive than the definition provided by this concept, and the "common interests" imply loyalties and group solidarity that physically exceed the identified land areas.

<sup>77</sup> Increasingly, for example, traditional leaders appeal for help from GO and NGOs to deal with AIDS.

<sup>78</sup> As writes O. Dubois (1997): "In Francophone West African countries, the village does not represent a government level. It is never recognised as an administrative level, i.e. with legal power to negotiate contracts, *enforce laws*, carry out financial transactions, and so on"<sup>78a</sup> (page 6, emphasis added; see also section 4 above).

<sup>79</sup> He continues: "It is what has happened in many West African countries (like Niger), for instance, where the "trade-off" between the *chef de guerre* and the *chef de terre* within the same tribal groupings was ignored by the colonial administration (and, subsequently, by the independent states and by development programmes). In other situations, for instance among the *touareg* nomadic pastoral societies like the *kel tamasheq* in Mali and Niger, the complementarity and '*rapport de force*' existing between caste-like groupings, such as the *ineslem* (religious élite) and *imajeghen* (warriors), was misunderstood. Among the nomadic *fulbe* (*fulani*), on the contrary, the charismatic and functional role of 'pastoral guides' or 'senior scouts', in charge of looking for good pastures for the herding/migratory group, has too quickly been translated into political terms" (*pers. comm.*).

<sup>80</sup> Originally there were three research hypotheses. The one dropped mid-way, after extensive discussion, is the following: "Until present the objectives of decentralisation have not been achieved because of the "seizure" of decentralisation measures by local élites, a shortcoming that can be seriously redressed only in as far as innovative and judicious ways are found to appropriately integrate traditional institutions". In its most naked form, this hypothesis postulates that decentralisation has simply replaced the urban technocracy with the rural aristocracy (or, even, theocracy). In sum, in the countries under review, decentralisation processes have predominantly been confined to urban areas, where the authority of the type of traditional institutions discussed here is weak, or else, where they have included rural areas in any significant way, rural traditional institutions have to varying degrees found to be part of that élite themselves.

<sup>81</sup> Translated from Portuguese by the author.

<sup>82</sup> Thus the behaviour of the *bellah* and *peul* transmigrants (*foulane criabé*) and of the *dogons* is viewed badly in the areas receiving them. Their reputation for clandestine felling of trees is a source of conflict. The urgency of this situation implies that the practice of "disguised share-cropping" and the complaints regarding the loans made in the framework of the land use and settlement plans of Sourou valley, constitute sources of frustration for the immigrants (who lend the land). Also, the persistent spreading of rumours on the possibility of nationalising the land under these land use and settlement plans (following the example of the *Office Riz* and of the *Office du Niger*) add to a climate of mistrust.

<sup>83</sup> Translated from Portuguese by the author.