

# Institutional Capacity of the Village Land Councils in Managing Land use Conflicts between Farmers and Pastoralists: across Case Analysis of the selected Districts in Tanzania

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## Abstract

The establishment of the Village Land Councils in Tanzania intended to resolve land based conflicts either among farmers or between farmers and pastoralists. Rural people in Tanzania have been affected with such endless conflicts which have brought social and economic chaos in the respective communities. The study focuses on assessing the institutional capacity of the VLC in managing land use conflicts between farmers and pastoralists in Mbarali, Tunduru and Kilosa districts. Key informant interviews and semi-structured interviews were used to collect data from the land and legal officers working in the District Authorities, Village Chairpersons, Village Executive Officers and members of the Village Land Councils respectively. NVivo software 14 was used to analyze the qualitative data. The results depicted that Village Land Councils had played a significant role in resolving land based conflicts between farmers and pastoralists through mediation. However, inability to enforce VLCs' decisions makes the organs weak and thus encouraging endless violence in rural communities. The study suggests for the need of reviewing the land policy and land act in order to add more powers for the VLCs in order to enhance accountability and rule of law in the marginalized communities where formal judiciary services are not available and accessible.

**Keywords:** Farmers and Pastoralists Conflicts, Village Land Council, Institutional Capacity, Mediation Services

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## 1. Introduction

Land is one of the natural assets which accommodates different socio-economic activities which support human life and ultimately contribute to the attainment of socio-economic development in society. Some of the key economic activities whose operations rely on land include agriculture, livestock keeping which employ millions of Tanzanians particularly in rural areas. In addition, the respective asset allows operations of social services such as water, education and health which are essential for promoting human development. Therefore, it is evident that the presence of land enables various socio-economic activities to be undertaken coherently for the common good. Land conflicts have alarmingly grown, consequently destroying the rural economy which remains to be the base for sustainable rural development.

According to Mwamfupe (2015), land conflicts threaten both the socio-economic status of the local people and the political stability of states. In addition, Lund et al (2006) reported that land conflicts are seriously affecting the wellbeing and safety of people and properties. Practical experiences from Tanzania have shown that inter-personal and inter-village boundary conflicts are increasing tremendously as they remain to be the underlying causes of economic and social disharmony in the productive areas (Kamaliza, 2018).

The establishment of the National Land Policy of 1995, Land Act No.4 and Village Land Act No.5 of 1999 intended to reduce the rate of land conflicts in Tanzania, especially in rural areas where majority of people need land for undertaking their main economic activities which directly support their livelihoods and other people's wellbeing. Ngonyani (2018) revealed that the land acts and Village Land Act No. 4 and 5 introduced Village Land Councils, Ward Tribunals, and District Land and Housing Tribunals to speed up the adjudication procedures of land conflicts.

The establishment of the Village Land Councils intended to end land use conflicts that have caused deaths, injuries, and loss of properties for thousands of the marginalized people in the countryside. The Village Land Councils have been established to operate as mediation organs with the purpose of resolving land disputes through mediation. Ringo (2023) reported that the Village Land Councils are courts confined to reconciling conflicting parts at the village level only contrary to the Ward Tribunals, which are entrusted with reconciling and judging conflicts on land at ward levels. They are courts limited to mediating land conflicts without making any adjudication on which side of the conflict is right.

Despite the establishment of VLCs in rural Tanzania, land use conflicts in rural Tanzania continue to exist and thus affecting the wellbeing of the marginalized people in the respective zone. This situation prevails because most of the Village Land Councils lack institutional capacity to implement their key duties as stipulated by the land policy, land acts and other legal entities. Such capacity can be attributed to the legal aspect, physical, financial, and human resources which are substantial in the process of providing mediation services to the land users.

Low capacity of the Village Land Councils to provide mediation services for the land disputes and thus paving a way for the continuation of endless land use conflicts in the rural communities. Millanzi (2018) reported that most of the Village Land Councils fail to fulfill their duties because they have members who lacked skills and competency. As a result, most of them operate based on experience, nepotism, and other unprofessional attributes. Mlingwa (2019) argued that majority of the VLC members are primary school leavers with insufficient skills on land issues. This situation limits their capacity to provide quality services to the public as the respective members rely too much on customs which subsequently marginalize some community members, particularly the poor.

Ringo (2023) depicted that some VLC members undermine the provision of justice because they lack proper training from the respective authorities. This leads them to operate locally for the betterment of the few who share similar interests with the service providers. Other scholars such as Ngonyani (2018) and Rutta (2018) pointed out about the institutional breakdown among responsible organs operating in the land sector implying that higher authorities do not support lower organs which provide services directly to rural people. Such higher authorities fail to provide technical and moral support to the lower organs which consequently leads to poor performance in mediation services in the land sector. Debates on the effectiveness of the institutional linkages between the Village Land Councils and top legal organs such as Ward Land Tribunals, the District Land and Housing Tribunal and the High Court (Land Division) reveal gaps that can be filled through critical analysis in the scholarly works that need to be undertaken coherently for the common good.

This study therefore intended to assess the institutional capacity of the Village Land Councils in managing land use conflicts between farmers and pastoralists. The obtained findings can reveal objectively the capacity of VLC in providing quality services to their clients. Also, the findings can reveal the relationships between/among the respective actors within the land sector and how such relationships enhance efficacy in provision of mediation services for the targeted communities.

## **2.0 Methodology**

### **2.1 Study Area**

The research focused on three distinct district in Tanzania: Mbarali in Mbeya, Kilosa in Morogoro, and Tunduru in Ruvuma. The choice was based on the prevalence of conflicts between pastoralists and farmers, as well as the presence of VLCs (NBS, 2021)). These regions have been addressed in literature as areas experiencing land use conflicts by (Loserian & Jeckoniah, 2018; Mwalimu & Matimbwa, 2019; Sanga, 2019), implying the need to assess the effectiveness of VLCs in resolving such conflicts.

### **2.2 Research Design**

This study employed a cross-sectional design with both cross-sectional and exploratory components (Creswell, 2014) to investigate the institutional capacity of Village Land Councils (VLCs) in managing land use conflicts between farmers and pastoralists in Mbarali, Kilosa, and Tunduru districts in Tanzania.

### **2.3 Sampling Procedures**

Non-probability sampling techniques, specifically purposive sampling was employed to select regions, districts and villages with land use conflicts between farmers and pastoralists. Key informants, including VLC members, technocrats, and local leaders, were chosen based on their ability to offer in-depth insights into the institutional capacity of VLCs (Van den Berg et al., 2020). Technocrats were chosen from the respective district authorities

while VLC members and local leaders were selected purposely from the following villages: Muhuwesi, Mischela both in Tunduru district then Mbwade and Rudewa Mbuyuni in Kilosa district and Mwanavala and Matebete in Mbarali district.

## 2.4 Data Collection Methods

Semi-structured interviews, key informant interviews, and focus group discussions (FGDs) were used to gather primary data, allowing for an in-depth understanding of community perception towards VLCs. The study incorporated a pilot test for tool evaluation and enumerator training, following recommendations from (Rahman, 2020) and (Dang et al., 2020) for robust data collection.

## 2.5 Data analysis and Framework of Analysis

### 2.5.1 Data Analysis

NVivo software 14 was employed for qualitative data analysis, easing coding, identification of important themes, and visualization of data. The analysis includes case-by-case and cross-case approaches, as recommended by (Ahmad et al., 2019) and (Turner et al., 2017) with an emphasis on exploring the institutional capacity of VLCs.

### 2.5.2 Framework for analysis

#### The Onion Model of Conflict Analysis

The Onion Model, proposed by Fisher et al. (1991), provides a multi-layered approach to understanding conflicts. Each layer is different aspects and dimensions contributing to the conflict. This model will guide the analysis of land use conflicts between farmers and pastoralists within the context of Village Land Councils (VLCs) in Mbarali, Kilosa, and Tunduru districts as shown on Figure 1:

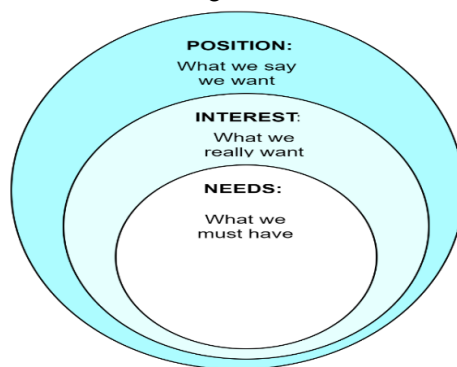


Figure 1: The Onion model for analysis

#### The Triangle Model of Conflict Analysis

The Triangle Model, developed by Pruitt and Carnevale (1993), conceptualizes conflicts as having three primary dimensions: relations, emotions, and substantive issues. This model complements the Onion Model by providing a focused lens on the dynamics of conflicts.

The framework of analysis integrates both the Onion Model and the Triangle Model, creating a comprehensive approach to examining land use conflicts. This dual-model framework enables a nuanced exploration of conflicts, considering various layers and dimensions (Bergius et al., 2020). The analysis used these frameworks to generate insights into the institutional ability of Village Land Councils in effectively addressing and mitigating conflicts between farmers and pastoralists across the selected districts as shown on Figure 2.

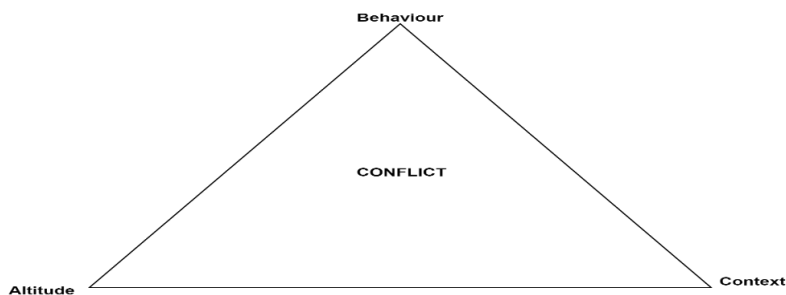


Figure 2: Conflict resolving triangle from Johan Galtung in 1969

### 3.0 Results and Discussions

#### 3.1 Unveiling Layers of Institutional Capacity

The content analysis of interviews and focus group discussions revealed multiple layers of institutional ability within the Village Land Councils (VLCs) across Mbarali, Kilosa, and Tunduru districts (Walwa, 2020). Utilizing the Onion Model and Conflict Triangle frameworks and navigated through the surface-level beliefs to unveil the intricate dynamics influencing the effectiveness of VLCs in managing land use conflicts between farmers and pastoralists.

##### VLCs' Procedural Efforts

At the outer layer of the Onion Model, respondents from all districts emphasized the procedural efforts undertaken by VLCs in conflict resolution. Statements such as

*"VLCs play a crucial role in mediating disputes, easing dialogue between farmers and pastoralists to establish mutually agreeable solutions but we need more resources to effectively mediate conflicts by training our members with an ongoing effort, but sustainable solutions require broader support."*  
(VLC leader, Rudewa Mbuyuni Village)

##### Resource Mobilization and Training

Moving to the intermediate layer, the analysis highlighted the significance of resource mobilization and training for enhancing VLCs' institutional ability. Respondents acknowledged the challenges of limited resources and the need for capacity-building initiatives. One VLC leader told,

*"We recognize the need for more training programs to equip our members with skills in conflict resolution and negotiation. Additionally, resource mobilization is crucial for implementing sustainable solutions."*  
(VLC leader, Mwanavala Village)

##### Governance and External Influences

Delving into the inner layer of the Onion Model, governance structures and external influences appeared as pivotal factors affecting VLCs' institutional ability. Leaders from different districts recognized the need for stronger governance mechanisms within the councils. A statement captured this sentiment,

*"Strengthening internal governance is crucial. We need clear guidelines and better coordination to address conflicts effectively."*  
(VLC leader, Muhuwesi Village)

#### 3.2 Institutional Capacity of Village Land Councils

The content analysis of the data revealed intricate layers of information about the institutional ability of Village Land Councils (VLCs) in managing land use conflicts between farmers and pastoralists across Mbarali, Kilosa, and Tunduru districts. The Onion Model, employed for analysis, delved into various levels of responses, ranging from surface-level feelings to deeper insights, unravelling the multifaceted nature of the challenges faced by VLCs.

##### 3.2.1 Perceptions and Awareness

At the surface layer, VLC leaders expressed varying degrees of awareness about the conflicts between farmers and pastoralists. Statements such as "We acknowledge that conflicts exist, but often, they are not reported promptly," shed light on the first recognition of issues. This lack of immediate reporting highlights a potential gap in the early detection and resolution of conflicts.

##### 3.2.2 VLCs' Decision-Making and Intervention Strategies

Moving to the intermediate layer, the Conflict Triangle framework brought to light the decision-making processes and intervention strategies employed by VLCs. Statements like *"We try to mediate and promote dialogue, but the lack of legal authority limits our effectiveness,"* underscored the challenges faced by VLCs in wielding tangible authority over conflict resolution. This constraint may hinder the implementation of sustainable solutions.

##### 3.2.3 External Influences and Resource Constraints

At the deeper layer, external influences and resource constraints appeared as significant factors impacting VLCs' institutional capacity. VLC leaders expressed concerns, telling,

*"Limited resources hamper our ability to implement long-term solutions, and external pressures from powerful interest groups often influence the outcomes."*

This highlights the vulnerability of VLCs to external forces and resource limitations.

#### 3.3 Implications and Challenges Faced by the VLC Leaders

The challenges faced by VLC leaders in managing land use conflicts hold implications for the effectiveness of VLCs as conflict resolution entities. Limited reporting of conflicts may lead to delayed interventions, potentially exacerbating tensions. The constrained legal authority of VLCs may impede their ability to enforce decisions and ensure compliance with conflict resolution measures. Resource constraints pose a significant hurdle, hindering the implementation of sustainable solutions.

VLC Leader from Rudewa Mbuyuni Village;

*"Addressing conflicts promptly requires resources and authority, which we lack. Our efforts often revolve around mediation, but without legal backing, our impact is limited."*

VLC Leader from Matebete Village;

*"External pressures sometimes overshadow our local initiatives. We strive to balance conflicting interests, but it's challenging without adequate resources and legal empowerment."*

VLC Leader from Muhuwesi Village;

*"Our commitment to resolving conflicts is strong, but the lack of resources hampers our ability to provide lasting solutions. We need support to fulfil our mandate effectively."*

The content analysis, guided by the Onion Model and Conflict Triangle, exposes the complex web of challenges faced by VLCs in managing land use conflicts. These challenges, ranging from limited awareness to external influences, need a holistic approach for enhancing the institutional ability of VLCs, ensuring they play a more robust role in conflict resolution.

In addressing the implications of these insights for solving conflicts between farmers and pastoralists, it is clear that a holistic approach is needed. Sustainable solutions require not only internal capacity building within VLCs but also external support and alignment with broader policies.

This aligns with the broader African context, where traditional land use practices intersect with modern governance structures (Feldt et al., 2020). As the Conflict Triangle dynamics underscore, resolving conflicts necessitates an understanding of the interconnectedness of communities, VLCs, and external factors, offering a pathway towards sustainable coexistence in the rich tapestry of African agricultural landscapes.

## 4.0 Conclusion and Recommendations

### 4.1 Conclusion

The investigation into the institutional ability of Village Land Councils (VLCs) in addressing land use conflicts between farmers and pastoralists across Mbarali, Kilosa, and Tunduru districts in Tanzania has unravelled a complex web of challenges. Utilizing content analysis guided by the Onion Model and Conflict Triangle frameworks, this study has provided a nuanced understanding of the hurdles faced by VLCs and their profound implications for conflict resolution.

#### 4.1.1 Complex Interplay of Challenges

At the surface layer, there is an acknowledgment of conflicts, but a notable gap in prompt reporting was found. This delay in reporting may hinder prompt interventions, allowing tensions to escalate. Moving deeper, the constrained legal authority of VLCs appeared as a significant obstacle, limiting their effectiveness in enforcing decisions and ensuring compliance with conflict resolution measures. Additionally, external influences and resource constraints were identified as formidable challenges, often overshadowing local initiatives, and hindering the implementation of sustainable solutions.

#### 4.1.2 Implications for VLCs and Conflict Resolution

The challenges found have profound implications for the effectiveness of VLCs as conflict resolution entities. The limited reporting of conflicts and the absence of legal backing may compromise the ability of VLCs to address issues promptly and enforce decisions. Furthermore, vulnerability to external pressures and resource constraints raises concerns about the sustainability of conflict resolution efforts.

#### 4.1.3 Navigating Challenges for Effective Conflict Resolution

As the Onion Model and Conflict Triangle unveil the layers of challenges faced by VLC leaders, it becomes clear that their efficacy in conflict resolution is impacted at various depths. At the surface layer, the need for enhanced reporting mechanisms and awareness programs is imperative to bridge the gap in acknowledging and addressing conflicts promptly. In the intermediate layer, the dilemmas surrounding legal authority and decision-making constraints highlight the necessity for legal empowerment to bolster the role of VLCs in lasting conflict resolution.

Delving into the deeper layer, the complexities of external influences and resource constraints underscore the vulnerability of VLCs, needing a comprehensive approach to fortify their institutional ability. In navigating these challenges, VLC leaders must grapple with limited reporting, legal constraints, and resource shortages. The implications stretch beyond the immediate resolution of conflicts, affecting the overall stability and well-being of communities. Therefore, a concerted effort from policymakers, stakeholders, and communities is indispensable to empower VLCs, enhance their ability, and pave the way for a more harmonious coexistence between farmers and pastoralists in the studied districts.

## 4.2 Recommendations

### 4.2.1 Recommendations for Enhancing Institutional Capacity

To fortify the institutional ability of Village Land Councils (VLCs) and augment their effectiveness in managing land use conflicts, a comprehensive set of recommendations is proposed. First and foremost, the establishment of enhanced reporting mechanisms is imperative. Implementing systems that ease prompt reporting of conflicts will be instrumental in enabling prompt interventions, preventing the escalation of tensions, and fostering a proactive approach to conflict resolution.

Legal empowerment stands as a pivotal recommendation, advocating for both legal backing and increased authority for VLCs. This empowerment would provide VLCs with the tools necessary to enforce decisions and wield tangible influence in the realm of conflict resolution. By addressing the current constraints on legal authority, VLCs can play a more robust role in shaping lasting solutions to land use conflicts.

Simultaneously, there is an urgent need for resource allocation to bolster VLCs' ability. Securing adequate resources is paramount for VLCs to implement sustainable solutions and effectively address the root causes of land use conflicts. Adequate funding and resource allocation will enable VLCs to start and sustain initiatives that contribute to long-term harmony between farmers and pastoralists.

Lastly, the implementation of community awareness programs is recommended. These programs would foster a better understanding of the dynamics of land use conflicts, encouraging proactive reporting and active community involvement in resolution efforts. Community awareness can empower individuals to play a more proactive role in mitigating conflicts and contribute to the overall success of VLC-led conflict resolution initiatives.

### 4.2.2 Moving Forward: Strengthening VLCs for Sustainable Conflict Resolution

The challenges faced by VLCs in managing land use conflicts underscore the complexity of the issues at hand. Strengthening the institutional ability of VLCs demands a holistic approach that addresses awareness, legal empowerment, resource constraints, and external pressures. By fortifying VLCs, we can foster a more effective and sustainable mechanism for conflict resolution between farmers and pastoralists in the studied districts.

As we heed the voices of VLC leaders from Kilosa, Mbarali, and Tunduru Districts, advocating for support, resources, and legal backing, the path forward involves collaborative efforts to empower VLCs and enhance their ability. Only through such concerted endeavours can we pave the way for a more harmonious coexistence between farmers and pastoralists in these diverse Tanzanian districts. The recommendations put forth serve as a roadmap for policymakers, stakeholders, and communities to work collectively toward the fortification of VLCs and the promotion of sustainable conflict resolution mechanisms.

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