

# Discursive Constructs of the Sabhuku Land Deals in Zimbabwe: A Conflict-Prevention Analytical Perspective

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## Abstract

The principal aim of this inquiry is to analyse how village heads (Sabhuku) shape conflict-preventive land governance in rural Zimbabwe. Specifically, it interrogates the tensions that arise when lineage-based authority, oral memory, and reciprocal obligations intersect only loosely with statutory frameworks, creating gaps that can compromise security of tenure and heighten the risk of boundary or inheritance disputes. Guided by discursive institutionalism, legal pluralism and conflict theory, the research adopts a qualitative case-study design, drawing on document analysis, participant observation and semi-structured interviews with villagers, traditional leaders and district officials in Mashonaland West province. Evidence shows that the Sabhuku's culturally resonant mediation often delivers swift, low-cost settlements and nurtures social harmony, yet opaque decision-making, selective favouritism and limited record-keeping fuel perceptions of bias and legal ambiguity. The study concludes that durable peace and equitable land administration demand integrative reforms that formally recognise Sabhuku allocations, introduce transparent oversight and cultivate community-led capacity-building to harmonise customary practices with statutory frameworks.

**Keywords:** Customary practices, Sabhuku, Conflict prevention, Legal pluralism, Discursive institutionalism, Land governance.

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## 1. Background to the Study

In rural Zimbabwe, village heads, known locally as Sabhuku, play a pivotal role in land allocation and dispute resolution. As custodians of customary practices, they oversee matters involving boundaries, inheritance and access within their villages. However, their authority operates largely outside statutory frameworks and their decisions often lack institutional support or legal enforceability, which can undermine long-term tenure security for community members. This raises questions about potential power imbalances and inconsistencies in decision-making.

The primary objective of the customary practices managed by Sabhuku is to maintain social harmony by facilitating mutually agreeable resolutions among disputants and their supporters. This process emphasises dialogue and the restoration of relational balance rather than adversarial legal proceedings or punitive measures. Consequently, land governance at the village level prioritises the re-establishment of communal order and kinship cohesion over strict adherence to legal precedents. This approach aligns with broader theories of legal pluralism, which recognise the coexistence of formal and informal legal systems in post-colonial contexts (Merry, 1988).

Rural households continue to rely on Sabhuku-mediated arrangements for several reasons. First, many

Zimbabweans in communal areas have limited access to formal cadastral services and courts. Second, statutory frameworks for land registration or transfer are often perceived as costly, time-consuming and unresponsive to lineage-based claims that are central to local notions of land legitimacy. Third, as Scoones, et al., (2014) argue, state land administration agencies are under-resourced and struggle to address the numerous minor disputes arising from everyday agricultural and grazing activities.

By exploring how discursive elements such as oral memory, lineage prestige and reciprocity influence Sabhuku-mediated land arrangements, this study aims to determine whether these customary practices prevent conflict by strengthening social ties or, in some cases, exacerbate exclusion and grievances. Drawing on ethnographic methods and theories of conflict resolution, the research seeks to identify pathways for harmonising the moral authority of Sabhuku with statutory frameworks, thereby promoting equitable and conflict-sensitive land governance in rural Zimbabwe.

## 2. Problem Statement

Land allocation and dispute resolution in Zimbabwe's communal areas are predominantly managed by Sabhuku, whose decisions are rooted in lineage-based legitimacy, oral memory and reciprocal social obligations. However, these customary practices operate largely outside statutory frameworks, creating legal ambiguities that undermine tenure security, obscure accountability and, in some cases, fuel boundary and inheritance disputes. While legal pluralism in Southern Africa has been widely acknowledged (Hellum, 2024), there is limited empirical research on the discursive foundations that enable or constrain Sabhuku authority or how these foundations interact with statutory frameworks to influence conflict outcomes. This gap leaves policymakers without clear guidance on how to harmonise culturally resonant practices with formal land regulations to promote equitable and conflict-sensitive rural development.

## 3. Research Questions

To frame the investigation, the study poses the following research questions:

- How do oral histories, lineage narratives and communal memory construct and sustain the Sabhuku's authority over land allocation in rural Zimbabwe?
- In what ways do Sabhuku land decisions align with or diverge from statutory frameworks, including the Communal Land Act?
- Under what conditions do Sabhuku-mediated land allocations prevent conflict, and when do they exacerbate boundary or inheritance disputes?
- What institutional and community-driven measures can enhance transparency, equity, and accountability in Sabhuku land governance while aligning it with statutory frameworks to support conflict-sensitive rural development?

## 4. Literature Review

The literature on land tenure and conflict resolution in rural Africa highlights the limitations of adversarial, court-centred procedures, which often exacerbate social fissures and undermine everyday cooperation in communal settings (Cousins, 2000; Alden Wily, 2011). Instead, scholars advocate for conflict-preventive approaches rooted in dialogue and restorative practices, particularly in contexts where land rights are embedded in kinship ties and ritual obligations rather than individualised titles (Berry, 1993). This perspective aligns with discursive institutionalism, which emphasises the role of collectively shared ideas in structuring governance arrangements without relying on coercive authority. This theoretical framework is particularly relevant to understanding how Sabhuku (village heads) in Zimbabwe mediate land disputes through culturally resonant practices that prioritise social harmony over strict legal precedents.

Ethnographic studies on Zimbabwe reveal that land disputes are deeply embedded in multilayered moral economies, where historical narratives, clan mythology and everyday speech acts determine the legitimacy of land claims (Rutherford, 2008; Nyambara, 2001). These studies highlight how oral memory and lineage prestige frame notions of rightful occupation, often rendering formal statutes peripheral to local discourse. This legal pluralism (the coexistence of customary and statutory systems) shapes practical access to land and resources, creating a complex interplay between informal and formal legal frameworks (Boone, 2014). This literature is

crucial for understanding how Sabhuku authority is sustained through lineage-based legitimacy and reciprocal social obligations, which often diverge from statutory frameworks.

The concept of tenure security has also been critically examined, challenging the assumption that formal land registration alone guarantees peace. Lund (2008) introduces the notion of the “pastoralisation of the state,” arguing that land security is achieved when multiple actors, that is, state officials, traditional leaders and neighbours publicly recognise a claim. Building on this, Delville (2020) demonstrates that harmonious land relations depend more on the continuity of reciprocal obligations than on documentary proof. This suggests that Sabhuku-mediated settlements, though informal, can provide a widely accepted sense of assurance if they are transparent and inclusive. However, the lack of formal oversight and record-keeping in these processes can also lead to perceptions of bias and legal ambiguity, as highlighted in the problem statement.

Gender-sensitive studies add another layer of complexity, revealing how customary practices can both empower and marginalise different constituencies. Mutopo (2014) documents how women negotiate land access through kin ties and informal markets, while Deere & León (2001) show that land reform programmes often overlook women’s secondary rights, reinforcing patriarchal norms. These findings imply that opacity or favouritism in Sabhuku decisions can exacerbate grievances, particularly in cases where inheritance rules intersect with gendered labour contributions. This is particularly relevant to the study’s focus on equitable land governance and the need for reforms that address exclusion and bias.

Cross-continental research on customary authority further highlights the tendency of village leaders to prioritise compensation, reconciliation and social reintegration over punitive sanctions (Berry, 2002; Chimhowu, 2019). Fitzpatrick (2005) notes that such facilitative roles thrive in contexts where state capacity is limited, but they risk reproducing elite capture when checks and balances are weak. For Zimbabwe, this suggests that integrating community-led oversight and accessible appeals mechanisms into Sabhuku land governance could mitigate bias while preserving the restorative logic that underpins local legitimacy. This insight directly informs the study’s research questions, particularly the need for institutional measures to enhance transparency and accountability in Sabhuku-mediated land allocations.

Collectively, these strands of scholarship illuminate the discursive, relational and pluralistic dimensions of land conflict management in rural Zimbabwe. They also signal that any reform aiming to harmonise Sabhuku practices with statutory frameworks must preserve culturally resonant notions of justice while embedding safeguards that promote equity and accountability. This literature review thus provides a robust theoretical and empirical foundation for the study’s investigation into how Sabhuku authority is constructed, how it aligns or diverges from statutory frameworks and how it can be reformed to support conflict-sensitive land governance in rural Zimbabwe. Recent studies on village-level mediation elsewhere in Africa show both striking parallels and instructive contrasts. Homera & Mollel (2024) report that Tanzanian Village Land Councils succeed only where minutes are public and capacity-building is continuous, whereas Ringo (2023) finds that opaque hearings spur forum-shopping to ward tribunals. In Burkina Faso, Noufé (2023) demonstrates that secure tenure delivered through customary recognition boosts productivity but still requires multi-source validation. These findings highlight the central argument of the present paper: restorative forums can prevent escalation only when reciprocal obligations are matched by procedural visibility. By tracing the discursive construction of Sabhuku legitimacy, this study therefore extends earlier work beyond administrative efficacy to the ideational foundations that make—or break—customary conflict prevention.

## 5. Research Methodology

The study adopted a qualitative case-study design because it sought an in-depth understanding of Sabhuku-mediated land governance within three contrasting districts of Chegutu, Hurungwe and Zvimba in Mashonaland West Province. The target population comprised Sabhuku, traditional elders, women plot-holders, youth farmers and district land officers where for feasibility a stratified random sample of forty participants ( $N = 40$ ) was drawn, balanced by gender (eighteen women, twenty-two men) and covering ages twenty-five to seventy-seven. Data were gathered through a triangulated set of instruments (semi-structured interviews, two focus-group discussions per district and documentary review of statutes and village records). Both interview and discussion guides were piloted with six respondents from an adjacent district, then refined for clarity and cultural fit before field deployment. In keeping with the University of Botswana’s low-risk ethics protocol (UB Policy RD 04/05H), gatekeeper assent was obtained from District Land Officers and each Sabhuku; all participants gave verbal consent, chose pseudonyms and could withdraw at any time. Credibility was enhanced through method triangulation and member-checking of three transcripts, while an NVivo-based audit trail, reflexive journaling

and thick contextual description supported dependability, confirmability and transferability. Thematic analysis, guided by discursive institutionalism, legal pluralism and conflict theory, was applied to the coded data to illuminate the conditions under which Sabhuku decisions prevent or inflame boundary and inheritance disputes.

## 6. Findings

This section presents the key findings of the study, organised around six empirically grounded themes. These themes address the research questions and provide insights into how Sabhuku land governance operates in rural Zimbabwe. The findings are based on triangulated evidence from interviews, focus groups, participant observation and document analysis, interpreted through the lenses of discursive institutionalism, legal pluralism and conflict theory.

### 6.1 Genealogical Narratives as Performative Authority

The study found that oral histories, lineage narratives and communal memory play a central role in sustaining the Sabhuku's authority over land allocation. Village elders consistently framed the Sabhuku's legitimacy in terms of their mastery of clan itineraries, ancestral boundary markers and burial sites. These narratives are not merely recollections but performative speech acts that translate collective memory into enforceable social facts, thereby suppressing overt confrontation. Participants emphasised that a Sabhuku who can "trace the footsteps of the forefathers" enjoys immediate deference. This finding aligns with Schmidt's (2008) concept of discursive institutionalism, which highlights the structuring power of collectively endorsed ideas. It also demonstrates how discursive authority substitutes for written title in creating a sense of tenure security.

### 6.2 Hybrid Legalities and the Challenge of Transparency

The study revealed that Sabhuku land governance operates within a hybrid legal framework, where customary practices are sometimes combined with statutory frameworks such as the Communal Land Act. While 23% of cases involved the selective citation of statutory law to bolster contentious reallocations, only eight of the forty case files reviewed contained written minutes or sketch maps, illustrating a persistent transparency deficit. This hybrid approach supports Lund's (2008) argument that security of tenure rests on multi-source recognition rather than formal title alone. However, it simultaneously exposes villagers to discretionary rule-making, raising concerns about accountability and fairness. The lack of formal documentation and procedural transparency undermines trust in the system, particularly when decisions appear to favour certain individuals or groups.

### 6.3 Decisive Conditions Influencing Conflict Outcomes

The study identified three decisive conditions that determine whether land disputes escalate or are resolved locally:

1. **Density of Reciprocal Obligations:** Where land exchanges are embedded in ongoing labour-sharing, marriage ties, or livestock loans, disputes were resolved within 72 hours through apology and symbolic restitution.
2. **Visibility of Deliberation:** Open hearings in public courtyards were associated with durable settlements, whereas private discussions fostered rumours of favouritism. Conflict escalated when fewer than one-third of adult women attended the hearing, indicating that gender-balanced participation is a proxy for perceived procedural fairness.
3. **Value Differential of the Contested Plot:** High-value plots, such as irrigable gardens or roadside stands, generated escalation regardless of the first two conditions because material incentives outweighed social norms.

When all three conditions were present, none of the observed disputes proceeded beyond the village level. When one or more conditions were absent, 78% advanced to ward courts or district offices, and 11% led to minor violence. These dynamics are distilled in **Table 1**, which juxtaposes each decisive condition with a representative field quotation and the typical trajectory of the dispute.

**Table 1. Decisive conditions, representative quotations and typical dispute trajectories**

Decisive condition	Illustrative field quotation (district / speaker)	Typical dispute trajectory
Density of reciprocal obligations	“We work his fields and he minds our cattle, so a quarrel cannot last beyond tomorrow’s sunrise.” (Elder, Hurungwe)	Disputes resolved locally within seventy-two hours; symbolic restitution (goat or communal work party) suffices
Visibility and gender balance of deliberation	“When the cases are heard in the courtyard and the women sit in front, no one whispers that the Sabhuku took beer money.” (Women’s group member, Chegutu)	Durable settlements; no appeals recorded when at least one third of adult women attend the hearing
Value differential of the contested plot	“A roadside stand feeds the whole family, so even cousins become enemies.” (Youth farmer, Zvimba)	Three-fold increase in escalation to ward court; occasional crop destruction or minor assaults

Table 1 condenses the qualitative evidence underpinning Section 6.3. Each decisive condition is paired with a verbatim field quotation that captures local reasoning and the most frequent outcome pattern observed across forty documented disputes. The table shows that high reciprocity and visible, gender-balanced hearings correlate with rapid, low-level resolution, whereas high-value plots regularly override social norms and propel cases into formal or violent escalation.

#### 6.4 Leadership Capacity and the Need for Professional Development

The study highlighted the skills and competencies required for effective Sabhuku land governance, including impartiality, statutory knowledge and transparent consultation. However, twelve Sabhuku acknowledged uncertainty about key clauses of land law, while fifteen requested training in basic cartography and record-keeping. These capacity gaps undermine procedural visibility and heighten the risk of biased allocation, confirming Avolio & Luthans (2005) linkage between ethical leadership and organisational trust. This finding highlights the importance of targeted capacity-building initiatives to enhance the effectiveness and legitimacy of Sabhuku-mediated land governance.

#### 6.5 The Political Economy of Customary Authority

The study found that political alignments influence Sabhuku decision-making, particularly the tendency to favour co-partisan households. In wards where local political networks are strongly aligned with one party, Sabhuku decisions were three times more likely to favour co-partisan households, often justified through the selective invocation of genealogical narratives. Such partisan incentives intensify the potential for elite capture, echoing Chimhowu’s (2019) warning that monetary and political rewards can erode restorative logics within customary systems. This finding highlights the vulnerability of customary systems to political manipulation and the need for safeguards to protect the integrity of Sabhuku-mediated land governance.

#### 6.6 Informal Accountability Mechanisms in Land Governance

The study revealed that informal accountability mechanisms such as church associations, farmer cooperatives and women’s savings groups play a critical role in monitoring Sabhuku conduct. These bodies publicised perceived deviations from expected ethical conduct, thereby imposing reputational sanctions on Sabhuku who accepted gifts or excluded women from hearings. This supports Cousins’ (2000) contention that social accountability mechanisms can supplement weak formal oversight. The presence of these informal watchdogs highlights the potential for community-driven solutions to enhance transparency and accountability in Sabhuku land governance.

### 7. Discussion of major findings

This study highlights the critical role of Sabhuku in mediating land disputes and maintaining social harmony in rural Zimbabwe. The findings reveal that genealogical narratives and oral histories are central to Sabhuku authority, functioning as performative speech acts that translate collective memory into enforceable social facts. This aligns with Schmidt’s (2008) concept of discursive institutionalism, which emphasises the power of collectively endorsed ideas in structuring governance arrangements.

However, the hybrid nature of Sabhuku land governance where customary practices intersect with statutory frameworks creates transparency deficits and accountability challenges, as seen in the selective use of the Communal Land Act and the lack of written records. This supports Lund's (2008) argument that security of tenure rests on multi-source recognition rather than formal title alone.

Three decisive conditions shape conflict outcomes: the density of reciprocal obligations, the visibility of deliberation, and the value differential of the contested plot. When these conditions are met, disputes are resolved locally; when absent, conflicts escalate. The study also identifies capacity gaps among Sabhuku, particularly in statutory knowledge and record-keeping, which undermine procedural visibility and increase the risk of biased allocation.

The political economy of customary authority further complicates matters, as partisan incentives and elite capture erode the restorative logics of customary systems. To address these challenges, the study highlights the role of informal accountability mechanisms such as church associations and women's savings groups in monitoring Sabhuku conduct and imposing reputational sanctions for ethical breaches.

## **8. Summary, Conclusions and Recommendations**

### **8.1 Summary**

This study examined how village heads (Sabhuku) exercise authority over land allocation and dispute resolution in rural Zimbabwe, the extent to which that authority contributes to conflict prevention and the capacity gaps that limit its effectiveness. Guided by discursive institutionalism, legal pluralism and conflict theory, the research employed a qualitative case study design across three districts of Mashonaland West province, drawing on forty semi-structured interviews, focus groups and document analysis. The findings show that Sabhuku legitimacy, anchored in genealogical narratives, enables rapid, low-cost settlements and fosters social cohesion. However, the governance system is typified by a hybrid legality in which customary practice is selectively reinforced with statutory language, providing short-term tenure security but little procedural transparency. Three decisive conditions namely, density of reciprocal obligations, visibility and gender balance of hearings and the economic value of contested plots, determine whether disputes remain local or escalate. Finally, limited training in statutory land law, record-keeping and inclusive facilitation, together with partisan incentives, undermines impartiality and heightens the risk of elite capture.

### **8.2 Conclusion**

Sabhuku-mediated mechanisms remain indispensable for regulating everyday land relations in communal areas, yet their effectiveness in conflict prevention is contingent on both the integrity of oral authority and the presence of clear procedural safeguards. Where deliberations are public, gender-balanced and embedded in reciprocal obligations, customary settlements are durable and widely accepted. Where transparency is weak, material stakes are high or political interests intrude, disputes escalate and perceptions of bias intensify. Sustainable peace in rural land governance therefore requires an integrated framework that preserves culturally resonant restorative logics while embedding minimum standards of accountability, equity and capacity-building.

### **8.3 Recommendations**

To address the challenges identified in this study, the following recommendations are proposed. First, capacity-building initiatives should be prioritised, including annual district-level workshops to induct Sabhuku in the Communal Land Act, inheritance provisions and gender-inclusive facilitation, as well as peer-mentoring sessions where experienced village heads share conflict-management strategies. Second, efforts to enhance transparency and accountability should include the distribution of plain-language summaries of relevant statutes (land, inheritance, environmental and human rights) in Shona and Ndebele, and the provision of bound register templates for recording allocations, witnesses and outcomes, reviewed quarterly by ward officials. Third, gender inclusion should be promoted through a local by-law requiring that no land hearing is valid unless at least one-third of adult women in the affected lineage cluster are present and hearings should be conducted in open spaces, with outcomes announced publicly to limit rumours of favouritism. Fourth, community oversight should be strengthened through the formalisation of Land Ethics Forums composed of church councils, farmer cooperatives and women's savings groups to review cases and publish procedural adherence scorecards. Fifth, political neutrality should be encouraged through a code of conduct for Sabhuku, publicly signed and co-witnessed by ward councillors of all parties, committing them to impartial adjudication, with automatic review triggered where credible allegations of partisan bias are lodged. Sixth, networking and partnerships should be fostered through collaboration with universities and civil-society organisations to deliver short courses in record-



keeping, GPS boundary mapping and participatory rural appraisal methods, as well as inter-village exchange visits to share good practices in restorative land governance. Finally, monitoring and evaluation should be institutionalised through bi-annual audits, jointly undertaken by provincial authorities and academic partners, to track improvements in transparency, gender inclusion and conflict outcomes. In concert, these measures aim to strengthen the skills and accountability of traditional leaders, embed transparent procedures, and forge constructive links between customary and statutory systems, thereby fostering a more equitable and conflict-sensitive regime of land governance in rural Zimbabwe.

## 9. Areas for Further Research

Future scholarship could profitably extend the present inquiry in six directions:

- Investigate how kinship structures (e.g., matrilineal vs. patrilineal systems) influence Sabhuku authority and conflict outcomes across different provinces.
- Explore how widows, female-headed households and youth navigate customary land institutions, particularly where inheritance laws clash with patriarchal norms.
- Analyse financial and partisan networks surrounding Sabhuku office to understand how resource flows and political incentives shape land governance decisions.
- Study how rainfall variability and population pressure impact customary legitimacy and tenure security, integrating climate-stress modelling with ethnographic research.

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#### **Appendix A: Semi-structured interview protocol**

The interviewer greets the participant, thanks them for their time and reads the following opening script: “I am conducting a study on how Sabhuku (village heads) manage land and prevent conflict in this district. Participation is voluntary, the discussion will be audio-recorded, and you may stop at any point without giving a reason. Everything you say will be anonymised. Do I have your verbal consent to proceed?” Once consent is affirmed, the recorder is switched on and the conversation proceeds in four ordered blocs.

**Bloc 1 – Background and demographic context.** The interviewer asks the participant to state their current role in the village (for example Sabhuku, elder, plot-holder, youth farmer or district land officer), the number of years they have held that role, their age bracket (twenty-five to thirty-four, thirty-five to forty-four and so on) and their gender. The purpose is to situate subsequent answers within a clear social position.

**Bloc 2 – Narratives of authority.** The participant is invited to describe, in their own words, how Sabhuku authority is normally explained or justified in the community. Typical prompts are: “Which stories about the founding ancestors are most often mentioned when land is allocated?” and “How important is genealogy compared with written law when people assess whether a decision is fair?”

**Bloc 3 – Governance practices and conflict experience.** The interviewer explores concrete procedures by asking: “Can you walk me through the steps that occur when two households dispute a boundary?” and “What records, if any, are kept of such decisions?” Follow-up probes seek examples of success or failure: “Describe a recent case that ended peacefully” or “Recall a situation where Sabhuku involvement worsened tensions. What happened?”

**Bloc 4 – Perceptions of reform and training needs.** Final questions examine opportunities for improvement: “What kind of support or training would help Sabhuku make more transparent decisions?” and “If the Communal Land Act were amended tomorrow, which clauses should change to strengthen customary mediation rather than weaken it?”

The session closes with an open invitation: “Is there anything else about Sabhuku land governance that we have not discussed but you consider important?” The participant is thanked, reminded that a summary of findings will be shared with the community and the recorder is switched off.