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Assessing the Effectiveness of Community Mediation in Resolving Rural Land Disputes in Tanzania Since 2010: A Case Study of Kishapu District Council

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ABSTRACT

Community mediation plays an important role in resolving rural land disputes by providing accessible, comparatively inexpensive, and locally appropriate processes for addressing disagreements over land boundaries, inheritance, land use, and competing customary claims. In Tanzania, the Village Land Act and the Land Disputes Courts Act establish a statutory basis for mediation through Village Land Councils and Ward Tribunals. Nevertheless, the existence of these institutions does not necessarily guarantee effective dispute resolution. Previous research has identified challenges involving institutional capacity, impartiality, legal awareness, boundary demarcation, and compliance with mediated outcomes. This article assesses the effectiveness of community mediation in resolving rural land disputes in Kishapu District Council, Shinyanga Region. The study employs a socio-legal approach combining doctrinal examination of the applicable legal framework with qualitative empirical evidence obtained from 40 respondents, comprising community members, Village Land Council members, Ward Tribunal members, Village Executive Officers, district land and legal officers, and legal practitioners. The findings indicate that community mediation is valued for its accessibility, affordability, and consideration of local circumstances. However, its effectiveness is constrained by inconsistent record-keeping practices, concerns about mediator impartiality, inadequate resources and training, delays in some proceedings, and difficulties securing compliance with settlements. The findings also indicate that customary practices may facilitate settlement while potentially reproducing inequalities where women's and other vulnerable parties' land rights are insufficiently protected. The article argues that improving community mediation requires strengthening institutional capacity, adopting minimum procedural standards, improving settlement documentation, and ensuring that customary practices remain consistent with statutory rights and principles of fairness.

Keywords: *Community mediation, rural land disputes, Village Land Councils, Ward Tribunals, land justice*

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I. INTRODUCTION

Land is a significant economic, social, and cultural resource in rural Tanzania. Access to and control over land influence household livelihoods, agricultural production, inheritance, social relationships, and community identity. Consequently, disagreements concerning land boundaries, inheritance, competing claims, and land use can affect not only individual parties but also wider community relations. Research on land governance in Tanzania demonstrates that land disputes may arise from inadequate documentation, competing land claims, institutional weaknesses, and inequalities in the allocation and control of land.[1] These circumstances make accessible and credible dispute-resolution mechanisms particularly important in rural communities.

Formal adjudication remains necessary where parties require an authoritative determination of legal rights. Nevertheless, litigation may involve procedural complexity, costs, delays, and practical difficulties for rural residents. Mediation offers an alternative by enabling parties to discuss their grievances, identify their interests, and seek mutually acceptable outcomes with assistance from a neutral third party. Its potential advantages include flexibility, participation, and the preservation of relationships. However, mediation should not automatically be regarded as effective merely because it is accessible or produces an agreement. Its effectiveness also depends on procedural fairness, the quality of the settlement, compliance with the outcome, and protection of the parties' substantive legal rights.[2]

Tanzania has established statutory institutions for resolving village-land disputes through community-level processes. Section 60 of the Village Land Act[3] provides for Village Land Councils to mediate between parties and assist them in reaching mutually acceptable solutions concerning village land. The Land Disputes Courts Act[4] also provides for the mediation of land disputes by Ward Tribunals and regulates the relationship between mediation and subsequent proceedings. These provisions demonstrate that community-level dispute resolution is part of Tanzania's formal land-dispute settlement framework rather than simply an informal practice operating outside the law.

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[1] *See* Theresia Nicholaus Kamoleka & Charles A. Lucian, *Evaluating Alternative Dispute Resolution in Resolving Land Conflicts in Ifakara, Tanzania*, 24 AFR. J. ON CONFLICT RESOL. 29 (2024), https://doi.org/10.17159/w35hqg31.

[2] *See* Japhet Ringo, *Roles of Village Land Councils in Mitigating of Land Conflicts in Ngorongoro District, Tanzania*, 9 HELIYON e15132 (2023), https://doi.org/10.1016/j.heliyon.2023.e15132.

[3] The Village Land Act, Cap. 114, R.E. 2023, § 60 (Tanz.).

[4] The Land Disputes Courts Act, Cap. 216, R.E. 2023 (Tanz.).

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However, the statutory recognition of mediation must be distinguished from its practical effectiveness. Research conducted in Ngorongoro District identified limitations associated with the capacity, impartiality, and functioning of Village Land Councils.[5] Homera and colleagues similarly identified institutional capacity and difficulties enforcing Village Land Council outcomes as concerns affecting the management of land-use conflicts.[6] More recent research on local land governance in Tanzania has also highlighted variations in institutional effectiveness, including the effects of limited legal awareness and institutional weaknesses.[7] These studies indicate the importance of examining how statutory mediation mechanisms operate in particular local settings rather than assuming that the same institutional conditions prevail throughout the country.

Against this background, the present article examines community mediation in Kishapu District Council, Shinyanga Region. It assesses the governing legal and institutional framework, identifies practical challenges affecting mediation, and considers reforms that could improve the accessibility, fairness, and effectiveness of rural land-dispute resolution. Its contribution lies in combining legal analysis with empirical findings from the Kishapu setting to assess not merely whether community mediation exists, but whether its operation supports fair and sustainable dispute resolution.

II. Legal Problem and Research Gap

The central legal problem concerns the relationship between the statutory recognition of community mediation and the practical ability of local institutions to deliver fair, consistent, and durable outcomes. Although the Village Land Act[8] establishes Village Land Councils as mediation institutions, their effectiveness depends on matters that statutory recognition alone cannot resolve, including the competence and impartiality of mediators, adequate documentation, appropriate procedures, and compliance with agreed settlements. The Land Disputes Courts Act[9] establishes a further role for Ward Tribunals in mediating land disputes, but the effectiveness of the broader framework depends on how community-level processes function in practice.

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[5] Ringo, *supra* note 2.

[6] Juma Homera, Tasco Luambano & Henry Mollel, *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*, 94 J. Res. Dev. & Mgmt. 26, 26, 30 (2024), https://doi.org/10.7176/JRDM/94-03.

[7] Sospeter Jibunge Charles, Esther W. Dungumaro & Justin E. Lusasi, *The Effectiveness of Governance Structures in Managing Land Conflicts: Insights from the Southern Highlands of Tanzania*, 12 Soc. Sci. & Humans. Open 101978 (2025), https://doi.org/10.1016/j.ssaho.2025.101978.

[8] The Village Land Act, Cap. 114, R.E. 2023 (Tanz.).

[9] The Land Disputes Courts Act, Cap. 216, R.E. 2023 (Tanz.).

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The research gap addressed by this article is therefore contextual and evaluative. It investigates the operation of community mediation in Kishapu by examining the applicable legal framework alongside evidence from community members and the institutions involved in dispute resolution. Rather than treating mediation as effective simply because it is locally accessible, the article considers accessibility, impartiality, timeliness, record-keeping, settlement compliance, institutional resources, and the protection of legal rights as interconnected dimensions of effectiveness. The analysis also considers how customary practices can support locally acceptable settlements while creating risks where they conflict with statutory protections or the rights of vulnerable parties.

III. RESEARCH METHODOLOGY

The study adopted a legal research approach combining doctrinal analysis with empirical inquiry. The doctrinal component examined the statutory framework governing Village Land Councils and Ward Tribunals, while the empirical component explored how mediation operated in practice in Kishapu District Council.

The study involved 40 respondents selected from categories relevant to the operation of rural land-dispute resolution. These comprised ten Village Land Council members, eight Ward Tribunal members, six Village Executive Officers, four district land or legal officers, four legal practitioners, and eight community members. This composition enabled the study to consider the experiences of parties using mediation alongside the perspectives of institutional participants and legal professionals. The findings reported in this article derive from the study's field data collected in Kishapu District Council in August 2026.

Data were gathered through interviews, questionnaires, and documentary review. The documentary component informed the analysis of the applicable statutory framework, while the empirical material provided evidence concerning institutional practice, perceptions of fairness, resource constraints, record-keeping, and settlement compliance. The study used thematic analysis to identify recurring patterns across the material. Thematic analysis provides a systematic approach to identifying and interpreting patterns within qualitative data.[10]

The findings should be interpreted within the limits of the study's geographical scope and sample. The 40 respondents provide evidence about the experiences and institutional practices examined in Kishapu; they do not constitute a nationally representative sample of all rural communities in Tanzania. The article therefore uses the empirical findings to support context-

[10] Virginia Braun & Victoria Clarke, *Using Thematic Analysis in Psychology*, 3 QUALITATIVE RSCH. PSYCH. 77 (2006), https://doi.org/10.1191/1478088706qp063oa.

specific conclusions and recommendations rather than to claim that the same prevalence or intensity of challenges exists throughout the country.

IV. Legal and institutional framework governing community mediation in Tanzania

A. The Village Land Act

The Village Land Act[11] provides the principal statutory foundation for Village Land Councils. Section 60 provides for the establishment of a Village Land Council in every village and assigns it the function of mediating between parties and assisting them to reach mutually acceptable solutions concerning village land. The provision also addresses council composition and the selection of members, including considerations relating to integrity and knowledge of customary land law.

The statutory design recognises that land disputes can be addressed through institutions situated close to the communities concerned. However, the legal mandate must be distinguished from the capacity to discharge it effectively. A council may be legally established but still experience difficulties arising from inadequate training, limited resources, inconsistent documentation, or concerns about neutrality. Studies in other Tanzanian districts have identified such practical difficulties, reinforcing the importance of evaluating institutional performance rather than relying solely on statutory design.

B. The Land Disputes Courts Act

The Land Disputes Courts Act[12] provides the statutory framework for land-dispute settlement institutions, including Ward Tribunals. Section 13 addresses the role of Ward Tribunals in mediation and provides for a 30-day period relevant to the progression of an unresolved land dispute. Section 14 sets out aspects of mediation procedure, including the composition of the tribunal and the recording of mediation outcomes.

These provisions demonstrate that mediation is integrated into the statutory land-dispute settlement system. They also make procedural clarity and the proper recording of outcomes important. Where parties proceed from community-level mediation to a Ward Tribunal or another competent institution, reliable records can help clarify the nature of the dispute and the steps already taken. Empirical studies identifying institutional and enforcement challenges in Tanzanian land-dispute resolution support the need for attention to these practical dimensions.

[11] The Village Land Act, Cap. 114, R.E. 2023, § 60 (Tanz.).
[12] The Land Disputes Courts Act, Cap. 216, R.E. 2023, §§ 13–14 (Tanz.).

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C. Ward Tribunals Act and institutional operation

The Ward Tribunals Act[13] forms part of the wider legal framework governing Ward Tribunals. The practical operation of these institutions must be understood alongside the more specific mediation and land-dispute provisions in the Land Disputes Courts Act.[14] For purposes of this article, the key institutional issue is whether the relevant statutory bodies can conduct mediation consistently, preserve adequate records, and facilitate outcomes that parties understand and are able to implement.

The existence of more than one institution involved in local land-dispute resolution makes coordination important. If records are incomplete or referral practices are inconsistent, parties may face additional procedural difficulties. Research on institutional capacity in Tanzanian land governance indicates that local dispute-resolution mechanisms can be undermined by weaknesses in institutional arrangements and the implementation of outcomes. The Kishapu findings are therefore analysed with attention to both the performance of individual institutions and the broader process through which disputes are addressed.

D. Constitutional and rights-based considerations

The Constitution of the United Republic of Tanzania[15] is the foundation for amicable dispute resolution under Article 107A. Article 107A(1) vests final authority in the dispensation of justice in the Judiciary. Article 107A(2) further sets out principles that courts must observe in deciding civil and criminal matters, including impartiality, avoidance of unreasonable delay and promotion of dispute resolution among persons involved in disputes. Community mediation should be administered consistently with applicable legal rights and requirements of lawful treatment. The specific statutory provisions governing land rights and dispute resolution remain central to determining the legal position in a particular dispute, and constitutional principles should not be used as a substitute for identifying the applicable rule.

A rights-based approach is especially important where customary expectations, family relationships, or local power structures influence negotiations. A settlement's acceptance by community members does not necessarily establish that it respects the rights of every party. Research identifying gender-based exclusion and inequalities in land ownership, control, and inheritance in Tanzania demonstrates why the assessment of local dispute resolution must consider whether vulnerable parties can assert their interests effectively.

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[13] The Ward Tribunals Act, Cap. 206, R.E. 2023 (Tanz.).
[14] The Land Disputes Courts Act, Cap. 216, R.E. 2023 (Tanz.).
[15] The Constitution of the United Republic of Tanzania, 1977, art. 107A (Cap. 2, R.E. 2023).

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E. Legal and institutional assessment

The statutory framework provides an important foundation for community mediation, but the relevant laws cannot by themselves guarantee consistent procedural standards, adequate resources, impartiality, or compliance with settlements. These are questions of implementation and institutional practice that require empirical assessment.

The Kishapu study contributes to this assessment by examining whether the practical operation of community mediation reflects the intended benefits of the statutory framework. It considers the legal mandate alongside respondents' experiences of accessibility, impartiality, record-keeping, timeliness, compliance, and institutional resources. This approach makes it possible to distinguish shortcomings in the law itself from problems arising in the implementation of existing legal provisions.

V. Main findings and discussion

A. Accessibility and affordability

The field findings indicate that community mediation was valued for its accessibility. Of the eight community respondents, seven reported that mediation was easily accessible, while six considered it less costly than proceeding through a formal tribunal. These responses suggest that community-level processes can reduce some of the practical obstacles associated with resolving rural land disputes. The finding is consistent with the broader rationale for locally situated dispute-resolution mechanisms and with research identifying the potential value of culturally appropriate ADR in Tanzania.

However, accessibility should be interpreted as one dimension of effectiveness rather than proof that mediation always produces satisfactory outcomes. Of the eight community respondents, six reported satisfaction with the mediation process, while two expressed dissatisfaction associated with unclear or insufficiently enforced settlements. These responses indicate that the benefits of convenient access can be diminished where parties do not obtain a clear and durable resolution. This distinction is consistent with research emphasising the significance of institutional capacity and implementation in local land-dispute resolution.

B. Impartiality of mediators

The field findings identified both positive perceptions of impartiality and concerns about possible bias. Among the eight community respondents, five considered mediators impartial, two perceived some bias, and one was uncertain. Respondents associated possible bias with family relationships and the influence of local leaders. Seven Village Land Council members

stated that they attempted to remain neutral, but the study found no consistent documented procedure for identifying and managing conflicts of interest.

These findings matter because the credibility of mediation depends on whether parties consider the process fair. A mediator's local knowledge and standing may help parties communicate, but close social relationships can also create a perception of favouritism.

C. Record-keeping and documentation

The field findings reveal weaknesses in the recording of community mediation outcomes. Six Village Land Council members reported maintaining notebooks or village files, while four stated that records were sometimes incomplete because of shortages of stationery, changes in office holders, or failures to record oral agreements. Among the eight Ward Tribunal members, five considered their records more formal, while three acknowledged that missing village-level records created difficulties when disputes were referred to them.

These findings suggest that the quality of documentation varies between institutions and within village-level practice. Incomplete records can make it difficult to establish what the parties agreed, whether particular issues were resolved, and whether a later disagreement concerns a new issue or a previously mediated dispute. Homera and colleagues[16] identify institutional capacity and the implementation of outcomes as concerns in Village Land Council practice, while Kamoleka and Lucian[17] highlight institutional weaknesses affecting ADR in inter-village disputes. The Kishapu evidence adds a specific account of record-keeping as an operational problem requiring attention.

Written documentation should not be treated as a mere administrative formality. A clear record of the parties, issues, agreed obligations, signatures or other appropriate confirmation, and relevant witnesses can help parties understand the outcome and can reduce uncertainty if compliance is later disputed. Documentation requirements should nevertheless remain proportionate and accessible, so that record-keeping improves accountability without making community mediation unnecessarily complicated. This recommendation follows from the observed weaknesses in Kishapu and the statutory role of mediation within the Tanzanian land-dispute settlement system.[18]

[16] Homera, Luambano & Mollel, *supra* note 6, at 26, 30.
[17] Kamoleka & Lucian, *supra* note 1.
[18] The Land Disputes Courts Act, Cap. 216, R.E. 2023 (Tanz.); The Village Land Act, Cap. 114, R.E. 2023 (Tanz.).

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D. Compliance with mediated settlements

The field findings indicate that mediated settlements were not uniformly implemented. Five community respondents stated that mediated agreements were respected, while three reported incomplete compliance or recurrence of disputes; two specifically reported that their disputes recurred after mediation. Respondents also indicated that agreements that were written and witnessed were more likely to be followed.

These findings suggest that reaching an agreement and achieving a durable resolution are distinct outcomes. A settlement may resolve the immediate disagreement but fail to prevent further conflict if its terms are vague, the parties do not understand their obligations, or there is no practical means of addressing non-compliance. The Kishapu findings support the need to improve settlement documentation and explain the legal implications of agreements to the parties.

The appropriate response is not necessarily to transform every mediated settlement into a formal adjudicative decision. Rather, community mediation should include clear recording of agreed terms and accurate explanation of the available legal procedures where a settlement is not honoured. The legal effect and enforceability of any particular settlement must be determined by reference to the applicable statutory provisions and procedural requirements. The evidence from Kishapu supports procedural improvement, but it does not, by itself, establish that every agreement reached through a Village Land Council is legally enforceable in the same manner.

E. Timeliness of mediation

Respondents reported variation in the time taken to resolve disputes. Four community respondents stated that mediation concluded without unnecessary delay, three disagreed, and one was uncertain. Six Ward Tribunal members indicated that straightforward disputes were often resolved within approximately 30 days. Reported causes of delay included parties' absence, transport difficulties, assembling tribunal members, and the need to verify land boundaries.[19]

The findings indicate that mediation can offer timely resolution in straightforward cases, but practical constraints can undermine that advantage. The time required to verify boundaries is particularly significant because mediation cannot reliably resolve a factual disagreement merely by encouraging the parties to reach a compromise. Where the parties disagree over the location of a boundary or the extent of a parcel, the process may require accurate information or referral to an appropriate institution. Kamoleka and Lucian similarly identify poor boundary

[19] Kishapu field data (Aug. 2026) (on file with the author).

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demarcation and institutional delays as challenges affecting ADR in inter-village land disputes.[20]

Timeliness must therefore be assessed alongside the quality and appropriateness of the outcome. Pressure to conclude a dispute quickly should not undermine a party's ability to understand the claim or obtain relevant information. Standard referral procedures, appropriate scheduling, and access to reliable land information may improve efficiency without sacrificing fairness. These measures address the practical difficulties reported in Kishapu while remaining consistent with the statutory framework governing land-dispute mediation.

F. Customary practices and protection of legal rights

All eight Village Land Council members reported that customary practices were considered in mediation, particularly in disputes involving family land, inheritance, and traditional boundaries. The field findings nevertheless indicated that customary expectations could sometimes conflict with statutory rights, especially those of women and children.[21]

The findings demonstrate that customary practices are an important part of the local mediation context, but their relevance must be considered critically. Customary knowledge may help mediators understand the history of land use and the relationships between parties. At the same time, a process that relies exclusively on local acceptance risks overlooking the rights of people whose interests have historically received inadequate recognition. Research on land governance in Tanzania has identified gender-based exclusion from land ownership, control, and inheritance as a significant issue in the wider context of land conflicts.[22]

The appropriate legal and institutional objective is to accommodate relevant customary practices within the statutory framework, not to allow custom to displace applicable legal protections. Mediators should be trained to recognise situations in which a settlement may affect the rights of a vulnerable party and to avoid treating social pressure or family consensus as a substitute for meaningful consent. Where the dispute requires authoritative determination of a legal right or raises issues beyond the appropriate scope of mediation, the parties should be informed of the relevant formal procedures. This approach is consistent with the statutory recognition of customary land law and the need for lawful administration of village-land disputes.

[20] Kamoleka & Lucian, *supra* note 1.
[21] Kishapu field data (Aug. 2026) (on file with the author).
[22] Charles, Dungumaro & Lusasi, *supra* note 7.

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G. Institutional resources and training

The field findings identified resource limitations as a recurring concern. Seven Village Land Council members reported shortages of stationery, record books, or suitable meeting space, while five Ward Tribunal members identified transport constraints and limited allowances. Across the interviews, 27 participants identified at least one resource problem involving record books, office facilities, transport, communication support, or allowances.[23]

These resource constraints may affect several dimensions of mediation simultaneously. Shortages of record books can undermine documentation; inadequate transport can delay meetings or verification of land boundaries; and insufficient facilities can make it difficult to conduct private and orderly mediation sessions. The findings therefore suggest that improving mediation requires more than issuing legal guidance. Institutional support must also address the practical conditions under which mediation is conducted. This interpretation is consistent with studies identifying capacity and institutional weaknesses as significant concerns in the functioning of Village Land Councils.

Training was also identified as a priority. All eight community respondents supported regular legal and mediation training, and all ten Village Land Council members and all eight Ward Tribunal members recommended additional training. These responses indicate a strong perceived need for capacity-building among the groups consulted in Kishapu. Training should address applicable land legislation, mediation techniques, impartiality, conflict-of-interest management, record-keeping, referral procedures, and the protection of parties' rights. This approach responds directly to the institutional concerns identified in the local findings and in previous studies of Village Land Councils.

H. Suitability of mediation for different land disputes

The field findings indicate that community mediation was not considered equally suitable for every category of land dispute. Six Ward Tribunal members reported that disputes often escalated where parties sought a formal determination of ownership or title. Mediation was viewed as more suitable for disputes involving boundaries, land use, family arrangements, and minor encroachments, while complex ownership disputes could require formal adjudication.[24]

This distinction is important because mediation should not be used as a universal substitute for formal legal determination. Mediation is most appropriate where parties can lawfully negotiate the issues in dispute and where a mutually acceptable settlement can resolve the disagreement

[23] Kishapu field data (Aug. 2026) (on file with the author).
[24] Kishapu field data (Aug. 2026) (on file with the author).

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without undermining legal rights. Where a dispute requires authoritative determination of title, depends on complex evidence, or cannot be resolved without a binding decision, the parties may need to use the relevant statutory forum. The Tanzanian land-dispute framework recognises a relationship between mediation and further proceedings, including the provisions governing Ward Tribunals and the progression of unresolved disputes.

Effective community mediation therefore requires clear criteria for identifying disputes that are suitable for settlement and those that need referral. Such criteria should not prevent parties from exploring mediation where it is lawful and appropriate. Instead, they should help ensure that mediation is not used to delay a necessary legal determination or to pressure a party into relinquishing a right that requires formal consideration. This is particularly important where unequal bargaining power or uncertainty over ownership makes a negotiated settlement potentially unfair.

I. Respondents' proposed reforms

Respondents identified several measures for improving community mediation. Seven community respondents supported standardised procedures, while 26 of the 32 institutional and professional respondents recommended written guidelines or forms. Seven community respondents supported stronger arrangements for documenting settlements, and 24 interviewees recommended written, signed, and witnessed agreements. Twenty-three interviewees recommended standard referral forms and improved records. In addition, all eight community respondents supported greater government assistance, 27 interviewees recommended additional resources, and 29 interviewees recommended public awareness activities through village meetings, local leaders, radio, and simplified information materials.[25]

These recommendations point to a combination of procedural and institutional reforms. Standardised forms and written guidelines could help ensure that parties receive consistent information and that agreements are adequately documented. Better referral procedures could improve coordination between community-level mediation and Ward Tribunals. Additional resources could address practical obstacles involving transport, meeting facilities, and record-keeping. Public legal education could also help community members understand the role of Village Land Councils, the limits of mediation, and the procedures available when a dispute remains unresolved. These proposals are consistent with research identifying institutional capacity and implementation as significant issues in Tanzanian land-dispute resolution.

[25] Kishapu field data (Aug. 2026) (on file with the author).

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The proposed reforms should be implemented in a way that preserves the accessibility of community mediation. Procedures that are excessively complex or expensive could undermine the very advantages that make local mediation valuable. The objective should be to establish minimum safeguards and reliable institutional support while retaining the flexibility needed to address different kinds of rural land disputes. The Kishapu findings support a reform approach that combines training, documentation, resource provision, public education, and appropriate referral rather than relying on any single measure.

VI. CONCLUSION

This article examined the effectiveness of community mediation in resolving rural land disputes in Kishapu District Council through analysis of the applicable legal framework and empirical findings from 40 respondents. It examined the statutory roles of Village Land Councils and Ward Tribunals under the Village Land Act[26] and the Land Disputes Courts Act.[27] The analysis established that Tanzania has a statutory basis for community-level mediation, but the practical value of that framework depends on the capacity and performance of the institutions responsible for implementing it.

The article then considered findings concerning accessibility, impartiality, record-keeping, settlement compliance, timeliness, customary practices, institutional resources, and the suitability of mediation for different disputes. The findings indicate that community mediation is valued for its accessibility and comparatively low cost, but its effectiveness is constrained by inconsistent documentation, concerns about impartiality, resource limitations, delays in some cases, and incomplete compliance with agreements. These findings are consistent with, but distinct from, previous studies identifying institutional and procedural challenges in community-level land-dispute resolution elsewhere in Tanzania.[28]

On the potential for reform, the study supports improved training, standardised mediation forms, written and appropriately witnessed settlements, better referral procedures, additional institutional resources, and public legal education. It also concludes that mediation should remain consistent with statutory rights and should not be treated as an adequate substitute for formal adjudication in every land dispute. Overall, community mediation can contribute to accessible and locally appropriate land justice, but its effectiveness depends on the quality of the process, the lawfulness and clarity of settlements, institutional capacity, and the ability of parties to obtain a durable resolution.

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[26] The Village Land Act, Cap. 114, R.E. 2023 (Tanz.).
[27] The Land Disputes Courts Act, Cap. 216, R.E. 2023 (Tanz.).
[28] *See* Homera, Luambano & Mollel, *supra* note 6; Kamoleka & Lucian, *supra* note 1; Ringo, *supra* note 2.

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VII. RECOMMENDATIONS

A. Strengthen training and professional capacity

Local government authorities and the relevant institutions responsible for land-dispute resolution should provide regular training for Village Land Council members and Ward Tribunal members. Training should cover land legislation, mediation skills, impartiality, conflict-of-interest management, documentation, referral procedures, and the protection of parties' rights. This recommendation responds to the training needs identified by respondents in Kishapu and to similar institutional capacity concerns documented in previous studies.

B. Introduce standardised procedures and documentation

Relevant authorities should develop clear and accessible mediation guidelines, standard referral forms, and templates for recording settlements. Documentation should identify the parties, the issues addressed, the agreed terms, and the relevant confirmation by the parties and any appropriate witnesses. Procedures should also provide for secure retention of records and continuity when institutional office holders change. These measures address the record-keeping weaknesses identified in Kishapu and support the statutory role of mediation in the land-dispute settlement framework.

C. Provide adequate institutional resources

Local government authorities should assess the resource requirements of Village Land Councils and Ward Tribunals and provide reasonable support for record books, stationery, suitable meeting spaces, communication, and transport where necessary. Resource provision should be guided by practical institutional needs and accompanied by accountable use of public resources. The recommendation follows from the resource limitations reported by respondents in Kishapu and the wider evidence that institutional capacity affects the functioning of community-level dispute-resolution mechanisms.

D. Improve coordination and referral

Authorities responsible for land-dispute resolution should clarify referral procedures between Village Land Councils, Ward Tribunals, and other competent institutions. Referrals should include sufficient information about the nature of the dispute, the steps already taken, and any unresolved issues. Clear procedures would help reduce confusion, prevent avoidable repetition, and ensure that parties are directed to an appropriate forum where mediation is unsuccessful or unsuitable. This recommendation responds to the need for effective coordination within the statutory framework and to the institutional difficulties identified in the literature.

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E. Protect impartiality and vulnerable parties

Mediation institutions should adopt clear procedures for identifying and addressing potential conflicts of interest. Where a mediator has a close personal, family, financial, or other relevant connection with a party, the connection should be disclosed and assessed in accordance with appropriate procedures. Mediators should also be trained to identify situations in which customary expectations or unequal bargaining power may undermine meaningful participation. This recommendation responds to the impartiality concerns identified in Kishapu and to prior research documenting concerns about bias in Village Land Council practice.

F. Improve public legal education

Local authorities and relevant legal institutions should support public education on the role of Village Land Councils and Ward Tribunals, the nature and limits of mediation, the importance of recording agreements, and the options available when a dispute remains unresolved. Information should be delivered through accessible methods, including village meetings, local leaders, radio, and simplified written materials. Public education should also address the rights of women and other parties who may be disadvantaged in family or customary land disputes. These measures respond to the information needs identified by respondents and to the broader concerns about legal awareness in local land governance.

G. Clarify the appropriate scope of mediation

The relevant institutions should ensure that community members understand which disputes may be suitable for mediation and when formal adjudication or referral is necessary. Mediation should not be used to pressure parties into accepting an uncertain or unlawful settlement, nor should it unnecessarily delay a dispute requiring authoritative determination of a legal right. Clear explanations of the relevant statutory procedures would help preserve mediation's benefits while protecting parties' legal interests.

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