

Maasai Communities and Land Conflicts in Tanzania:

The Role of Customary Conflict Resolution Practices in Peacebuilding

Abstract

This research examines how land-related conflicts are negotiated and resolved among Maasai communities in northern Tanzania, with particular attention to the role of community-based justice systems and customary institutions. In Tanzania, increasing pressures linked to conservation policies, agricultural expansion, privatization processes and competing land-use practices have intensified conflicts over access to land and natural resources, particularly in pastoral areas. These conflicts are shaped not only by material competition, but also by tensions between different understandings of land, authority and governance.

Focusing on land-use conflicts among Maasai communities in Arusha region, the study explores how disputes are managed through customary mechanisms grounded in mediation, dialogue and collective negotiation. Particular attention is given to the role of elders, customary leaders and community assemblies in mediating disputes and maintaining social cohesion within contexts characterized by legal pluralism and the coexistence of customary and statutory systems.

The research is situated within the interdisciplinary field of Peace Studies and draws on insights from decolonial thought and Legal Anthropology. It approaches community-based justice as a socially embedded practice through which coexistence, authority and access to resources are continuously negotiated.

Methodologically, the study adopts a qualitative and ethnographic research design. Data will be collected through participant observation, in-depth interviews, focus group discussions, key informant interviews and case studies of selected land-related conflicts. The research aims to contribute to debates on peacebuilding, legal pluralism and land governance by providing an ethnographic understanding of grassroots conflict resolution practices in pastoral settings.

Keywords: land-use conflicts, community-based justice, customary institutions, pastoral communities, land loss.

Background and Literature Review

In Tanzania, conflicts related to land use, control, and access represent one of the main sources of social tension and local dispute. These conflicts are not merely the result of competition over a scarce resource, but reflect deeper structural tensions between different epistemologies and conceptions of land, authority, and social organization, shaped by historical processes and embedded in contemporary governance systems (Maddox, 1996; Bluwstein et al., 2018).

Pastoral communities occupy a particularly vulnerable position within this context. In Tanzania, pastoralists have long been marginalized within dominant policy frameworks and are often portrayed as incompatible with models of development based on sedentary land use, territorial stability, and centralized governance (Collins et al., 2021). Their land-use practices – based on mobility, shared access, and negotiated arrangements – challenge fixed and bounded understandings of land, often leading to tensions both with institutional frameworks and with other land users (Maganga et al., 2016; Bluwstein et al., 2018).

These dynamics have contributed not only to conflicts between communities and the state, but also to a growing number of intra- and inter-communal conflicts, particularly in contexts where access to land and resources is under increasing pressure (Bluwstein et al., 2018; Maganga et al., 2016). Such conflicts frequently emerge around issues of access, use, and control of grazing areas and water sources, as well as around the definition of boundaries and rights between communities.

These dynamics are particularly evident in northern Tanzania – Arusha region, where pastoral communities – especially Maasai communities – maintain a strong presence and continue to rely on forms of social organization deeply connected to mobility, communal land use, and customary systems of governance. Historically organized around mobile pastoralism and collective systems of land management, Maasai communities have developed complex social institutions to regulate access to land and manage disputes (Tarayia, 2004; Goldman, 2011). As a result, northern Tanzania represents a particularly relevant context for analysing how different epistemologies and understandings of land, authority, and justice interact and sometimes conflict.

Legal pluralism and local governance of land

The governance of land and the management of disputes in Tanzania take place within a context of legal pluralism, characterized by the coexistence of statutory and customary systems of law (Chirayath et al., 2005; Lukiko et al., 2026). While customary law is formally recognized within the legal framework established by the Land Act and Village Land Act (1999), it operates within a system in which state institutions retain ultimate authority.

This configuration reflects what has been described as state-dominant legal pluralism, in which customary institutions are incorporated into the formal system but remain structurally subordinated (Lukiko et al., 2026; Maganga, 2002). As a result, multiple normative orders coexist and interact, creating a complex institutional landscape in which actors may navigate between formal and informal mechanisms of dispute resolution (John & Kabote, 2017).

Rather than resolving tensions, legal pluralism often produces overlapping jurisdictions and asymmetries of power, which shape both access to land and access to justice (Barume, 2010). At the same time, customary institutions remain central to everyday practices of governance, due to their embeddedness in local social relations.

Land conflicts: intra-Maasai territorial disputes

Existing literature on land conflicts in Tanzania highlights how disputes occurring at the local level are deeply connected to broader structural dynamics related to land governance, conservation policies, pastoral marginalization, and competing understandings of territory and authority (Bluwstein et al., 2018; Benjaminsen et al., 2009; Mtenga, 2025). Conflicts over land therefore emerge not as isolated local disputes, but as manifestations of wider historical and political processes that shape access to land and natural resources.

Within Maasai society, however, land conflicts do not only occur between different communities or land users. They may also arise between different Maasai territorial groups over the definition and use of village boundaries, grazing areas, and access to shared natural resources. While these groups share a common cultural background and customary institutions, disputes emerge from competing territorial claims, changing patterns of land governance, and increasing pressure on pastoral resources. Processes such as village demarcation, conservation initiatives, agricultural expansion, privatization, and demographic change have altered longstanding arrangements regulating access to land and mobility, generating new forms of contestation within Maasai society itself.

These disputes are therefore shaped both by structural pressures and by everyday relational dynamics. They are not only conflicts over territory, but also arenas in which questions of authority, legitimacy, coexistence, and collective governance are continuously negotiated. The relational nature of pastoral land use means that access to land and natural resources depends on ongoing social agreements between neighbouring groups, which must be constantly maintained and renegotiated. As a result, conflict is not an exceptional event but a recurring aspect of social life, requiring locally embedded mechanisms for its management and resolution.

Community-based justice and customary institutions

Within this context, community-based justice systems play a central role in managing conflicts and maintaining social cohesion. In northern Tanzania, disputes involving Maasai communities over access to land, water, and mobility routes are often addressed through customary mechanisms grounded in dialogue, negotiation, and collective mediation (Goldman, Makko & DeLuca, 2014). These include both formal and informal practices such as mediation by elders, community assemblies, reconciliation processes, and forms of social sanctioning aimed at restoring relationships and reinforcing communal responsibilities.

Such institutions are embedded in consensus-oriented processes that prioritize social harmony and the restoration of relationships over punitive approaches centred on individual blame (Gabagambi, 2021; Scoville-Snyder, 2016). Elders and customary leaders play a key role as mediators, drawing on social legitimacy, cultural knowledge, and relational networks to facilitate agreements and manage tensions. Their authority often extends beyond dispute resolution itself, encompassing the representation of community interests, mediation between different groups, and the maintenance of social norms and collective cohesion.

Importantly, these systems operate both independently and in interaction with formal institutions, forming part of a broader and dynamic landscape of conflict resolution. In many cases, disputes are first addressed through customary mechanisms before being taken to formal structures, reflecting their accessibility and perceived legitimacy (Maganga et al., 2004; John & Kabote, 2017).

Community-Based Justice as Peace from Below

From a theoretical perspective, these practices can be understood as forms of grassroots peacebuilding, in which peace is not imposed from above but emerges through everyday practices of negotiation, coexistence, and social repair (Maphosa & Keasley, 2014).

Community-based justice systems reflect relational understandings of peace, where the objective is not only to resolve disputes but to sustain long-term relationships and enable collective life. This perspective resonates with broader approaches in peace studies that emphasize peace as a social process, grounded in participation, dialogue, and local agency (Galtung, 1969). It also aligns with restorative justice approaches that emphasize repair, dialogue, and community involvement (Zehr, 2002; Wolff, 2017), as well as with relational philosophies such as ubuntu, which stress interdependence and collective well-being (Molefe, 2013). From a decolonial perspective, community-based justice systems can also be understood as expressions of alternative epistemologies, rooted in lived experience and local knowledge systems (De Sousa Santos, 2016; Mignolo & Walsh, 2018). Rather than being residual or informal, these practices represent coherent

and dynamic systems of governance that challenge dominant, state-centric models of law and conflict resolution.

Research Gap and Contribution

While existing literature has extensively examined land conflicts and pastoral marginalization in Tanzania, less attention has been paid to:

- the everyday practices of conflict resolution among Maasai communities;
- the role of customary institutions in mediating intra-communal conflicts;
- the ways in which these systems function as mechanisms of peacebuilding from below;
- the interaction between customary and formal systems of justice in practice.

This research addresses these gaps by focusing on community-based justice systems among Maasai communities, with particular attention to how land-related conflicts are negotiated and resolved at the local level. By examining these practices ethnographically, the study aims to contribute to a deeper understanding of how peace, authority, and coexistence are constructed within contexts of legal pluralism and social change.

Problem Statement

In Tanzania, land-related conflicts constitute a persistent and complex challenge, particularly in rural areas where access to land and natural resources is central to livelihoods and social organization. A substantial body of literature has examined these conflicts across multiple scales, including tensions between the state and pastoral communities, as well as conflicts between different land users.

However, existing research has tended to focus primarily on the structural drivers and institutional dimensions of land conflicts, often emphasizing policy frameworks, land governance systems, and large-scale dynamics. As a result, less attention has been given to the everyday practices through which such conflicts are negotiated and resolved at the community level, particularly in relation to intra-communal disputes.

Among Maasai communities, land-related conflicts are embedded in social relations and involve ongoing negotiations over access, authority, and resource use. These dynamics are frequently managed through customary institutions and community-based justice mechanisms, which operate alongside formal systems but remain insufficiently explored in their practical functioning and local meanings. This research addresses this gap by examining how land-related conflicts are experienced, negotiated, and resolved among Maasai communities in northern Tanzania. It focuses on the role of customary institutions and community-based justice practices in mediating intra-communal disputes,

and on how these practices contribute to processes of coexistence and peacebuilding within a context of legal pluralism. While the research focuses on community-level practices, it adopts a multi-scalar perspective that connects everyday conflict resolution processes with broader structural dynamics shaping land governance.

Objectives and research questions

Main and specific objectives

The main objective of this research is to investigate how land-related conflicts are negotiated and resolved among Maasai communities, with particular attention to the role of community-based justice systems and customary institutions, and to assess their contribution to locally grounded processes of coexistence and peacebuilding.

The specific objectives of the research can be summarized as follows:

1. To analyse how community members perceive and negotiate intra-communal land use conflicts arising from the structural pressures;
2. To examine community-based justice practices used to resolve land-related conflicts;
3. To explore the role of customary institutions and leaders (e.g., elders) in mediating disputes and maintaining social cohesion;
4. To explore how the community-based justice systems interact (resist or complement) with statutory structures.

Research questions

This research is guided by the overarching question:

How are land-related conflicts negotiated and resolved among Maasai communities in Tanzania, and how do community-based justice systems contribute to locally grounded processes of coexistence and peacebuilding?

From this main inquiry, several specific questions emerge:

1. How do community members perceive and experience intra-communal land-use conflicts in their everyday lives?
2. How are land-related conflicts negotiated and resolved through community-based justice mechanisms?
3. What principles and values underpin these practices?
4. What roles do customary institutions and leaders play in mediating disputes and maintaining social cohesion?

5. How do community-based justice systems interact with statutory institutions in practice?

Significance of the Research

This research contributes to ongoing debates on land, justice and peacebuilding in postcolonial African contexts by examining how community-based justice systems operate in the everyday management of land-related conflicts among Maasai communities in Tanzania.

The study contributes theoretically to Peace Studies by expanding understandings of peacebuilding beyond formal institutions and top-down interventions. By focusing on everyday practices of mediation, negotiation and reconciliation, the research conceptualizes peace as a relational and locally grounded process that emerges through community interactions and social repair. In doing so, it contributes to scholarship on grassroots and community-based peacebuilding.

The research also contributes to debates on legal pluralism and decolonial approaches to governance and justice. By examining how customary institutions function alongside statutory systems, the study highlights the coexistence of multiple normative frameworks and explores how local actors navigate them in practice. At the same time, the research contributes to decolonial scholarship by questioning universalist assumptions about law, governance and conflict resolution, and by recognizing community-based justice systems as legitimate forms of knowledge and social regulation.

Empirically, the study provides an ethnographic and process-oriented account of how land-related conflicts are experienced and negotiated in pastoral settings. While much existing literature has focused on structural dimensions of land conflict and pastoral marginalization, fewer studies have examined the everyday practices through which conflicts are managed at the community level. By focusing on concrete conflict trajectories and local dispute-resolution processes, the research addresses this gap and contributes to a deeper understanding of conflict management in contexts of legal pluralism.

The study also has practical relevance for policymakers, NGOs and practitioners working in the fields of land governance, conflict resolution and community peacebuilding. Understanding how community-based justice mechanisms function in practice may support the development of more context-sensitive and inclusive approaches to land governance and dispute resolution. Rather than treating customary systems as informal or secondary mechanisms, the research highlights their continuing importance in maintaining social cohesion and managing conflicts at the local level.

More broadly, the study contributes to discussions on how peacebuilding initiatives can engage with locally grounded forms of authority, knowledge and conflict management in ways that recognize the complexity of postcolonial social realities.

Theoretical Framework

This research is situated within the interdisciplinary field of Peace Studies, which conceptualizes peace not simply as the absence of violence, but as a dynamic process of conflict transformation, coexistence and relationship-building (Galtung, 1969). Within this perspective, peace is understood as something that is continuously negotiated through social practices, institutions and everyday interactions. This approach is particularly relevant for analysing community-based justice systems, where conflict resolution is often oriented toward restoring social relations and maintaining communal cohesion rather than imposing punitive sanctions.

To analyse these processes, the study combines insights from three interconnected theoretical domains: Peace Studies, decolonial thought, and legal anthropology.

First, the research draws on relational and restorative approaches within Peace Studies, which understand conflict not as an abnormal rupture but as an inherent aspect of social life that requires ongoing negotiation and management (Zehr, 2002; Wolff, 2017). This perspective allows community-based justice practices to be approached as forms of grassroots peacebuilding, embedded in local social relations and collective responsibilities. The concept of ubuntu is particularly relevant in this regard, as it emphasizes interdependence, reciprocity and communal well-being as foundations of social coexistence (Molefe, 2013).

Second, the study engages with Decolonial Studies to examine how dominant models of law, governance and land management have historically marginalized pastoral systems of knowledge and authority. Drawing on Quijano's concept of coloniality and on the work of Mignolo and Walsh (2018), the research understands contemporary land governance not as politically neutral, but as shaped by historical hierarchies of power and knowledge that privilege state-centred and sedentary understandings of territory. From this perspective, customary justice systems are approached not as residual traditions, but as living and dynamic forms of knowledge and governance that continue to structure social life and conflict management.

Third, the research is informed by Legal Anthropology and theories of legal pluralism, which conceptualize law as socially embedded and negotiated across multiple normative orders (Moore, 1989; Comaroff & Comaroff, 2006). Rather than viewing state and customary systems as separate and fixed domains, the study examines how they interact in practice through processes of negotiation, overlap and contestation. In this perspective, community-based justice mechanisms are understood as dynamic arenas where authority, legitimacy and social belonging are continuously constructed and renegotiated.

Together, these frameworks allow the research to understand peace and justice not as institutional outcomes but as social processes of negotiation, repair and coexistence that unfold in the everyday life of communities living under structural and ecological pressure.

Methodologies and Timeframe

Research Design

This study adopts a qualitative, ethnographic and process-oriented research design to investigate how land-related conflicts are experienced, negotiated and resolved among Maasai communities in Tanzania. Grounded in an interpretive and relational epistemology, the research focuses on disputes not as isolated events but as ongoing social processes, embedded in everyday interactions, power relations and local systems of meaning. Particular attention is given to the practices, actors and arenas through which justice is enacted at the community level.

Research Approach

The study is informed by an emic perspective, privileging local understandings of justice, conflict and coexistence, while situating these within broader dynamics of legal pluralism and state-society relations. It adopts a relational and processual lens, examining how conflict resolution unfolds over time, across different arenas and through interactions among diverse actors. In this perspective, community-based justice is understood as a set of situated practices embedded in social relations, while customary institutions are approached as dynamic structures of authority shaping and guiding these processes.

Access to the field will be facilitated through a local gatekeeper, who will support initial contact with communities and key participants. While this role is essential for community entry and trust-building, particular attention will be paid to maintaining diversity of perspectives and minimizing potential biases in participant selection. The research adopts a reflexive approach, acknowledging the researcher's positionality and the mediated nature of field access.

Study Area

The research will be conducted in Arusha region, focusing on areas characterized by recurrent land-use conflicts and the presence of active community-based justice mechanisms. Site selection will follow a purposive strategy based on: (1) the presence of recurrent land-use conflicts; (2) the existence of functioning customary community-based justice mechanisms; (3) the diversity of social and ecological settings.

Target Population

The study employs a purposive and snowball sampling strategy, oriented around concrete cases of land-related conflict. Participants will be selected across three main groups:

- Core participants: customary leaders, elders, mediators, and individuals directly involved in recent or ongoing land disputes;
- Community members: men and women of different age groups, including youth, to capture diverse perceptions of conflict and justice;
- Institutional actors: local government representatives, NGO staff, and other stakeholders involved in land governance and conflict resolution.

This sampling strategy allows for the triangulation of perspectives across different social positions and institutional roles.

Data Collection Tools

The study will employ multiple, complementary qualitative tools to ensure triangulation and depth of understanding:

1. Conflict Case Study

The research develops in-depth case studies of selected land-related disputes (from one up to three), reconstructing them as social processes over time, including actors, stages, outcomes, unresolved tensions, and interaction between customary and statutory systems.

2. Participant Observation

The core method of the study is participant observation, including attendance at community assemblies, dispute-resolution meetings (e.g., enkiguana), and informal interactions.

Drawing on the concept of social arenas, the research examines how actors interact, negotiate and exercise authority in both formal and informal settings. Particular attention is given to participation patterns (who speaks, who remains silent), forms of authority, spatial arrangements and embodied practices, extra-formal moments.

3. Shadowing of Customary Leaders

The study includes shadowing of selected elders and mediators to capture informal and relational dimensions of authority, including backstage negotiations and everyday interactions. Particular attention is given to the interactions with formal institutional actors in the context of legal pluralism.

4. In-depth Narrative Interviews

Semi-structured interviews adopt a narrative and case-based approach, focusing on participants' lived experiences of conflict. Through the reconstruction of concrete conflict

episodes, the interviews aim to reconstruct conflict trajectories, key decision points and perceptions of justice.

5. Focus Group Discussions

Focus groups are conducted with different social groups (e.g., elders, youth, women) using case-based prompts to explore collective norms, perceptions of justice and potential divergences within the community.

6. Spatial methods

Participatory mapping and walking interviews will be used to explore how land, conflict and meanings are interconnected. Participatory mapping allows for the visualization of contested spaces and overlapping claims, while walking interviews connect narratives of conflict to specific locations and lived experiences.

7. Key Informant Interviews

Key informant interviews will be conducted with selected institutional and intermediary actors, including local government representatives, NGO staff, and individuals involved in land governance and conflict resolution. These interviews aim to provide contextual and institutional perspectives on land-related conflicts, including policy frameworks, implementation challenges, and interactions between customary and formal systems.

Data Analysis

- Data will be analysed through a thematic and process-oriented approach;
- Transcript and fieldnotes will be coded based on both inductive (emerging from the data) and deductive themes (guided by research questions and theoretical framework).

Ethical Considerations

The research will adhere to ethical principles of informed consent, confidentiality and respect for participants. Given the sensitivity of land-related conflicts, particular care will be taken to avoid harm, ensure voluntary participation, and protect participants' identities.

The use of a gatekeeper will be approached with reflexivity, acknowledging both its role in facilitating access and its potential influence on participant selection and research dynamics. Efforts will be made to engage a diverse range of voices within the community.

Limitations

The study acknowledges potential limitations related to mediated access to the field, language barriers, and the time-bound nature of fieldwork. The reliance on a gatekeeper may influence initial access and participant selection, although this will be mitigated through snowball sampling and continuous reflexivity. Additionally, the research does not aim to provide an exhaustive account of

the interaction between customary and statutory systems, but rather a situated and case-based analysis grounded in specific conflict trajectories.

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