

Implementation of Alternative Dispute Resolution Methods in Zanzibar: Law and Practice

Machano Pandu Machano
The Open University of Tanzania

Abstract—This paper aimed to examine how Zanzibar practices alternative dispute resolution methods, the study was held in Unguja Island, this paper spoken about meaning of alternative dispute resolution, the benefits of using alternative dispute resolution methods in Zanzibar, Laws applicable in Alternative Dispute Resolution in Zanzibar, as well Practice of Alternative Dispute Resolution methods in Zanzibar. Participants of this study were the Officers of the Courts, Clients, Advocates and Magistrates of the Regional and Districts Courts. The results revealed that an alternative dispute resolution method applicable in Zanzibar with no doubt and some of the people in Zanzibar prefers more this method instead of ordinary Court procedure. In this context and for this reason, the writer of this paper use this opportunity to recommend for the revolutionary government of Zanzibar in using this way (alternative dispute resolution) in resolving social disputes, this decision will encourage the Zanzibar societies in maintaining social relation and avoiding Court process which are too long and high cost.

Keywords—Court; Alternative Dispute Resolution; Law and Practice; Social Relation; Qualitative Analysis; Zanzibar.

Date of Submission: 05-12-2024

Date of acceptance: 17-12-2024

I. INTRODUCTION

ADR or Alternative Dispute Resolution is increasingly becoming a common practice in many judicial processes around the world [1]. This is because of its many benefits as compared to other judicial mechanisms of dispute resolution. Some of the benefits of Alternative Dispute Resolution include its capability to reduce litigation costs as well as less time involved in the determination of disputes. Alternative dispute resolution (ADR) refers to a set of practices and techniques aimed at permitting the resolution of legal disputes outside the courts. It is normally thought to encompass mediation, arbitration, and a variety of “hybrid” processes by which a neutral facilitates the resolution of legal disputes without formal adjudication [2]. Alternative Dispute Resolution (often referred to as “ADR”) is any means of settling a dispute without going to a court or tribunal and can be a faster and/or cheaper way of resolving a disputed matter than taking it to a court or tribunal for a decision [3]. Alternative Dispute Resolution (ADR) is the general name given to a variety of procedures available to parties in civil cases to resolve their disputes before a formal trial [4]. Alternative Dispute Resolution is an all-encompassing term which refers to multiple non-judicial methods of handling conflict between parties [5]. Alternative Dispute Resolution is the way of resolving dispute out of the court, it is one of the mechanisms applied to reduce overlapping of cases in the courts of law and intend to preserve the relationship between parties [6]. Alternative Dispute Resolution simply entails all modes of dispute settlement or resolution other than the traditional approaches of dispute settlement through courts of law. While the most common forms of Alternative Dispute Resolution are mediation and arbitration, however there are many other forms; like judicial settlement conferences, fact finding, ombudsmen special masters and etc.

In this study the researcher discusses the meaning of alternative dispute resolution by looking at the forms of alternative dispute resolution, benefits of using Alternative Dispute Resolution, limitations of using Alternative Dispute Resolution method. The study also traces the brief history of Alternative Dispute Resolution and Laws applicable in alternative dispute resolution methods in Zanzibar. Lastly, the Chapter looks at Practice of alternative dispute resolution methods in Zanzibar.

II. REVIEW OF LITERATURE AND DEVELOPMENT OF THE CONCEPT OF ALTERNATIVE DISPUTE RESOLUTION

Pre-colonial, during colonial and after independence dispute settlement procedures and institutions which existed before European influence in what was then called Tanganyika is discussed in this part. This is done in the light of the assumption that in any society there must exist procedures which can be used to deal with alleged breaches of norms and the consequent injuries.

Prior to the establishment of colonial rule in Tanganyika there was no control machinery for the administration of justice and neither was practice of settling disputes uniform. The mode of dispensing justice varied comparatively from one tribe to another, African peoples lived according to their indigenous customs, traditions and usages [7]. Society was hetero genius in nature. Thus the institutions and procedures of dispute settlement varied. There were as many dispute settling institutions and procedures as there were tribes [8]. Most tribes in Tanganyika prior to the establishment of colonial rule were living under primitive communalism. The family unit, the clan and the tribal organization were very important social units. Traditional African societies in this country portrayed two distinct systems of political organization. There were chiefly or kingly systems which have generally been called societies with centralized authority [9]. In these societies power was concentrated on one person and kind of an institutionalized ruling class. Secondly there was the chief less system where authority lay in the hands of the whole social unit rather than on a few individuals [10].

Before 1884, German interest in Tanganyika was limited. The idea of conquest came from an individual, one Dr. Carl Peters who visited East Africa late in 1884 and obtained "treaties" with a number of local chiefs along the Tanganyika coast granting him large tracts of land granted for settlement by German settlers. When he returned to Germany in 1885, his government declared a protectorate over the interior of Saadani [11]. Thereafter, Peters formed the German East Africa Company to rule this protectorate. The German government helped him but did not want the responsibility itself. When it came to acquisition of colonies, the actual physical occupation of the territories was mostly left into the hands of mere German Companies. In East Africa, actual occupation was left to the German East Africa Company which had been set up by a private society for German colonization. The Company by way of an Imperial charter was given tremendous powers such as to exercise sovereign rights and dispense justice without restrictions on interference with the indigenous people's institutions, rights and customs [12]. During the German East Africa Company's reign there was neither an introduction of the metropolitan legal system and law into German East Africa nor did the company uphold or respect the indigenous institution and their legal systems. A different approach was taken in respect of native jurisdiction. The requirements of native policy appeared to make it desirable that there should be the closest possible connection between the executive and the judiciary. The German administration considered the overwhelming majority of natives insufficiently "advanced" to be subjected to a system of law; applicable to whites. Accordingly, jurisdiction over Natives of the Protectorate (Schutzgebiet) and over persons belonging to foreign colored tribes and races (Arabs, Indians etc.) was exercised by the local administrative authorities and Appeals. The coming of the British however, did not alter the hitherto capitalist relations and the contradictions attendant there to as imposed by the Germans. There was continuity in capitalist exploitation of Tanganyika despite its differing approach and dimensions. The German and British colonial legal structures to support these imposed relations were similar. Also, the impact of the continuity in colonial exploitation by the Germans and British upon their victims was more or less the same the destruction of the old indigenous communities and their customary laws and the superimposition of an alien legal system and laws. This is supported by G.P. Moffot in his statement thus: It will be seen that the Germans attitude towards. Administration of justice amongst the inhabitants of Tanganyika did not differ very much from the British except perhaps in so far as native courts came to be recognized as such after the assumption of the mandate [13].

Dispute resolution outside of courts is not new; societies world-over have long used non-judicial, indigenous methods to resolve conflicts. What is new is the extensive promotion and proliferation of Alternative Dispute Resolution models. Alternative Dispute Resolution is the way of resolving dispute out of the court, it is one of the mechanisms applied to reduce overlapping of cases in the courts of law and intend to preserve the relationship between parties. In Tanzania Alternative Dispute Resolution was introduced in 1994 through Government Notice No. 422, which amended the First Schedule to the Civil Procedure Code Act (1966), and it is now an inherent component of the country's legal system. In recognition of its importance in civil litigation in Tanzania, Alternative Dispute Resolution has been made a compulsory subject in higher learning or training institutions for lawyers. In Tanzania before introduction of Alternative Dispute Resolution the only methods which were applicable were the traditional methods and court proceedings. However, the two methods were not enough as far as solving the dispute amicably is concerned, the history of Alternative Dispute resolution has been a little bit different from other ways that Tanzania. Today, Alternative Dispute Resolution (ADR) has gained international recognition and is widely used to complement the conventional methods of resolving

disputes through courts of law. Alternative Dispute Resolution was transplanted into the African legal systems in the 1980s and 1990s as a result of the liberalization of the African economies, which was accompanied by such conditionality as reform of the justice and legal sectors, under the Structural Adjustment Programs. However, most of the methods of Alternative Dispute Resolution that are promoted for inclusion in African justice systems are similar to pre-colonial African dispute settlement mechanisms that encouraged restoration of harmony and social bonds in the justice system. The need for African countries to adopt these methods of resolving dispute arose and many countries in Africa started to incorporate the Alternative dispute resolution methods in their laws.

III. METHODOLOGY

The article was conducted on Zanzibar Island. This place is surrounded by the Indian Ocean and geographically is a remote area where natives of this island are facing many land disputes, hence, the study critical wanted to access how ADR is practiced in Zanzibar in land dispute resolution. The population of this study included magistrates, lawyers and clients of the Land Tribunal so as to understand causes of land disputes in Zanzibar and the applicability of mediation in its resolution. In this article, the researcher has employed a qualitative research method in order to gain a total or complete picture of the problem under investigation. The qualitative research method was used in this article because this method deals with society, which in turn deals with the human context; this method itself allows the researcher to conduct studies in the field in a natural setting. A qualitative approach allows the researcher to collect opinions [14].

In addition, empirical analysis is utilized to determine how mediation practiced on land dispute resolution as a whole. This technique assisted in determining the impact of mediation applicability and how it interacts with land tribunal clients. Field Observations in the Urban West Land Tribunal and in-person interviews with Land Tribunal clients were used to gather the empirical data. Information gathered using an empirical technique was assessed in light of legislative provision; recommendations and conclusions were made.

IV. DATA ANALYSIS AND RESULTS

The article interviewed 150 respondents, whereby 80 Respondents are the Land Tribunal Staffs, 30 are Clients of the Land Tribunal and 40 Advocates. It revealed that, the practice of ADR in land dispute resolution has grown and encompass all areas of life, meditation as a form of ADR are practiced across the lives of the Zanzibar, since 2014, where by many people in urban west region of Unguja practice mediation in land dispute resolution, where by many people look like to enjoy Mediation method in resolving their Land dispute instead of Court process. In Zanzibar, alternative dispute resolution methods most of time practiced in the form of mediation and arbitration. The practice of this forms has grown and encompass all areas of life, this practice cuts across the lives of the zanzibarian, where by many people look like to enjoy mediation or and arbitration as forms of ADR in resolving their dispute including Land dispute, labor dispute and other like instead of using Court process. ADR has been practiced for a long time in Zanzibar, a special in civil suits as seen and legitimated under the ORDER XXVII RULE 3 of the Civil Procedure Decree Cap 8, the Law of Zanzibar. Some traditional practices are similar to approaches that Zanzibarian define as mediation or and arbitration where the parties make their own decisions, where the third party (e.g. a Chief or Elder) makes the decision after listening to others for a considerable length of time. Traditional or customary mediation and arbitration as a form of ADR, practices can also be grounded in religious principles e.g. Islamic religion, which influence the way that conflict is viewed and handled [15].

There are a number of factors which contributing to the increased interest of practice ADR in Zanzibar today, instead of a Court process, including the inability of the civil justice systems to deal with the increasing load of cases (triggering lengthy delays), scarce resources (such as legal aid), the rising costs of litigation, and the uncertainty of outcomes where the dispute is not based on a clear legal principle. Other factors donating to the increased interest in using ADR include; the need to preserve ongoing relationships, people choosing to stay in control of their conflict or dispute and its resolution, and/or the need for privacy to avoid public humiliation [16]. Alternative dispute resolution is the oldest forms of conflict or dispute resolution in the world, having being practiced by many communities from the time when society became complex and started to experience conflicts. Traditionally, alternative dispute resolution methods were, and remain in some societies, however, due to the increasing complexity of disputes and a blend of parties to them, ADR need to possess a certain amount of skills to enable them to effectively facilitate the alternative dispute resolution methods process [17].

When we use alternative dispute resolution methods in Zanzibar same time principle of natural justice used by depending the circumstance, as noted by Turker, L.J in Russel V. Duke of Norfolk [18]. There are, in my view, no words which are of universal application to every kind of inquiry and every kind of domestic tribunal. The requirements of natural justice must depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject matter that is being dealt with, and so forth.” Although this

case is directed as shown above, but in reality ADR in Zanzibar in many courts adheres to the principle of natural justice and that is why if those principles are violated, the dissatisfied party can go to higher levels of decision-making. In the Government Agencies which practice alternative dispute resolution methods, also people required to appear before it either in person or by a pleader, as noted in the *Pett v Greyhound Racing Association* [19]. That; ‘When a man’s reputation or livelihood is at stake; he not only has a right to speak by his own mouth. He has also a right to speak by counsel or solicitors...’. This situation regarding how to appear in court has been appreciated by the general public and the public can take advantage of this opportunity by using Lawyers to represent them. Also the position has been that although the Government agencies practices ADR in Zanzibar but they must give reason for the decision made, as it was stated in the *Case of M.P. Industrial v Union of India* [20]. “There is an essential distinction between a court and an administrative tribunal. A judge is trained to look at things objectively, but an executive officer generally looks at things from the standpoints of policy and expediency. The habit of mind of an executive officer so formed cannot be expected to change from function to function or from act to act. So it is essential that some restrictions shall be imposed on tribunal in the matter of passing orders affecting the rights of parties: and the least they should do is to give reasons for their orders” This is one of the principle of natural justice where in the event of a breach the person has the right to ask the high court to intervene in the act.

Currently most of Zanzibarian prefers to use ADR in finding a solution to their grievances; this has been confirmed by the researcher of this paper where these people have been using ADR while being guided by the law of The Civil Procedure Decree Cap 8, The Arbitration Decree Cap 25, Kadhi’s Court Act No.9/2017 as well as The Labour Relation (Mediation and Arbitration) regulation of 2011. These laws are the basis for the use of ADR in the islands, the use of ADR in Zanzibar seems to be growing day by day due to the importance of these dispute resolution methods compared to the court system. For instance, in the case of *Mr. Juma Mrisho v. Haji Mrisho* [21], the court ruled that, it has been found that most people with land disputes are more interested in resolving their disputes through arbitration than in ordinary courts, and this is the best way for the Zanzibar environment, as all Zanzibaris are one community, where The arbitration process in resolving the conflict will help to reduce the severity or impact of the relevant conflict. Also in the case of *BI. AISHE MOHAMED ALI v. JOSEPHINE MAZIKU* [22], the Land Tribunal held that....sometimes using alternative dispute resolution especially in land disputes is better, that is why Revolutionary Government of Zanzibar established a Land tribunal, the purpose was to resolve land disputes amicable and not to otherwise. That goal will be achieved if people will continue to use those alternatives ways instead of the traditional court system.

V. THE BENEFITS OF USING ADR IN ZANZIBAR

Alternative Dispute Resolution is generally regarded as having many benefits over the formal litigation mechanisms, ranging from being less expensive, speedier, less formal and more flexible. ‘The flexibility of Alternative Dispute Resolution is said to lend itself to the crafting of “win-win” solutions rather than the “zero sum” game of litigation. In this regard, Alternative Dispute Resolution suits and functions well in situations where the disputants are to maintain ongoing relationships even after the dispute are resolved. These situations include employer and employee, landlord and tenant, and family relationships. This is the main reason why all dispute settlement mechanisms introduced in Zanzibar recently in these areas of the law make it mandatory to initially try to resolve by some form akin to Alternative Dispute Resolution. For instance, under section 28 (1) of the Labor Relations (Mediation and arbitration) regulation (2011), all labor disputes should ordinarily be referred to the Commission for Mediation and Arbitration, whose procedure requires a dispute first to be mediated and if mediation fails it should be arbitrated. In addition, section 101 of the Law of Marriage Act (1971), as a general rule, obliges disputants in a marriage dispute to first refer the matter to the Marriage Conciliation Board, which should reconcile parties, upon failure of which it should certify the failure to the court. In terms of section 106(2) of this law, every petition for divorce to be filed in court must be accompanied by a certificate issued by the Board within six months. ADR has been increasingly used alongside, and integrated formally, into legal systems internationally in order to capitalize on the typical advantages of ADR over litigation. For this purpose, ADR is suitable for multi-party disputes; and it is flexible in terms of procedure, the process is determined and controlled by the parties the dispute. Unlike formal litigation, ADR lowers costs to both the disputing parties and mediator in that it is less complex. In ADR, parties choose a neutral third party to direct negotiations, which is of particular importance, in ADR there is a likelihood and speed of settlements and practical solutions are tailored to parties’ interests and needs. Also, there is durability of agreements and parties to a dispute tend to feel they own them and great emphasis of the principle of confidentiality; and the preservation of relationships; and the preservation of reputations of the disputing parties.

VI. LAWS APPLICABLE IN PRACTICING ALTERNATIVE DISPUTE RESOLUTION METHODS IN ZANZIBAR

Alternative dispute resolution as process which consist all modes of dispute settlement or resolution other than the traditional approaches of dispute settlement through courts of law, always these practices has its own laws which governing it, in Zanzibar Laws applicable in ADR are as following: -

Civil procedure Decree Cap 8 - Civil procedure Decree is one among the law used in ADR in Zanzibar, where by the parties in dispute may pray before the Court to use ADR for compromise out of the Court by containing the third party, if that case has been already brought before the Court, the Court uses the ORDER XXVII RULE 3 of the Civil procedure Decree Cap 8, to remove a case, where by the order explain that:- Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the suit. Also, within civil procedure Decree, there are arbitration (Application in suits) rules which govern on how to conduct arbitration for civil suits. A registrar may exercise the power and duties of a judge or of a Magistrate and make orders and transact the business of the High Court or of the Court of a Magistrate in any of the matter referred to in paragraphs 1 to 8 in the third Schedule to the Civil Procedure [23]. However; any person who is dissatisfied with an order of the registrar made under sub-paragraph (1) hereof may apply by summons supported by affidavit to a judge or Magistrate (as the case may require), who may if he thinks fit set aside the order of the registrar and make such other order as he shall deem just [24].

Arbitration Decree Cap 25 - There have been several issues addressed in Arbitration Decree, the arbitration decree applicable as governing law in all matters requires arbitration process, the arbitration aims to enforce arbitral awards along with the incorporation of international arbitration. this decree use and apply all procedures like a normally courts, for stance; when the arbitrators or umpire have made their award, they shall sign it, and shall give notice to the parties of the making and signing thereof, and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award; an award on being filed shall be given its serial number in the civil list, and all subsequent proceeding in connection therewith shall be similarly numbered, also the arbitrators or umpire shall file the award within seven days of a request being duly made under section 10 (1) of the Decree [25]. According to this Decree, the arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein, have power to administer oaths to the parties and witnesses appearing, to state an award as to the whole or part hereof in the form of a special case for the opinion of the Court, on any question of law involved; and to correct in an award any clerical mistake or error arising from any accidental slip or omission [26]. However, the arbitration Decree cap 25 does not apply to proceeding and awards under the Trades Dispute.

The Kadhi's Court Act No.8/2023 - The Kadhi's Court Act is among the law applied in alternative dispute resolution in Zanzibar, the law and rules of evidence to be applied in a Kadhi's Court Act, those applicable under Muslim law, where by the disputants parties encouraged in using Mediation as a form of alternative dispute of resolution and it is the best method of resolving Islamic disputes, in conducting any mediation session, the mediator assist the parties to reduce cost and delay in litigation and facilitate timely and fair resolution of dispute; the mediator facilitate communication between the parties to the dispute in order to assist them in reaching a mutually acceptable solution; if it is impossible to proceed with mediation due to failure of one party to attend the proceeding with no justifiable reasons or by any reason beyond the control of the mediator, the mediator may cancel the mediation and revert the matter to the Court, a party who disagree with the decision of mediation cancelation may apply to the Court responsible for their case, for the restoration of the mediation [28]. Where upon the conclusion of mediation, no settlement agreement is reached, the matter shall revert to the Kadhi who shall continue with trial from the point when and at which the suit was referred to mediation.

The Labor law (Mediation and Arbitration) regulation of 2011 - Not only Laws but also there are Regulation applicable in alternative dispute resolution, this regulation manly used in governing the dispute of right, dispute of interest and Labor dispute a special those dispute occur in the Private sectors, Mediation and arbitration are the forms of ADR which explained in this Regulation, where by the Mediators and arbitrators of these kind of dispute (Labor dispute) appointed by the Labor Commissioner [29]. In conducting mediation as a form of ADR, the Mediators has the power of requiring further mediation meeting between the parties after the initial hearing scheduled by the Unit, provided that the Mediator may do this after the period set aside for mediation has expire and in deciding whether to require further meeting, to summon a person for questioning, attending a hearing and order the person to produce a book, document or object relevant to the dispute if the

person's attendance may assist in resolving the dispute [30]. Also, this regulation encourage uses of arbitration (as a form of ADR), in which a person appointed as an arbitrator for resolving a dispute determines the dispute for the parties, the arbitrator's decision is provided with reasons in a writing award, and an arbitration award is binding on the parties to the dispute and is enforced before the Court. In this context the arbitrators has the power of administer an oath or accept an affirmation from any person called to give evidence, and or to summon a person for questioning, attending a hearing and order the person to produce a book, document or object relevant to the dispute if the person's attendance may assist in resolving the dispute [31]. In general this regulation applied in ADR like others Laws mentioned above, ADR's Methods in Zanzibar seen as normal procedure like a Court process, as noted in the Case of Mwanaidi Shau Ali v. Tamani Foundation, Where by the Dispute Handling Unit in Zanzibar (DHU) stated that "The procedure for conducting litigation in the Zanzibar Labor Dispute Resolution Unit does not differ much from the traditional Courts procedure.". So this study observe that it is clear that the procedures for the hearing of labor disputes are the same as the procedures used in ordinary courts, which in turn contributes significantly to the absence of differences in the conduct of litigation or criminal proceedings in Zanzibar. The thing that makes many people with their job-related grievances rush to the Labor unit for a solution.

VII. RECOMMENDATIONS

Based on the results, the following recommendations were made; the Article recommends that the Government of Zanzibar should provide comprehensive and ongoing training programs for mediators to enhance their skills and effectiveness. High-quality training ensures that ADR practitioners are well-equipped to manage a wide range of disputes, maintain the integrity of the process, and deliver satisfactory outcomes for all parties involved. Training should start with a thorough understanding of the principles, processes, and types of ADR, including mediation, and negotiation. Practitioners need to grasp the theoretical foundations and practical applications of each method. This knowledge helps ensure that Mediation processes comply with legal standards and that practitioners can navigate any legal issues that arise.

The study further recommended reviewing the legal framework for the resolution of land disputes in Zanzibar. The Laws that governing resolution of land disputes in Zanzibar should be reviewed to include detailed provisions concerning resolution of land disputes in Zanzibar as data collected from field in this study the ADR laws should conform with international instrument governing resolution of land disputes to which Zanzibar is signatory.

Lastly, it is recommended that Ensuring reliability and enforceability of ADR mechanisms legalized. It is important and urgent also is the need for ensuring that local mechanisms are reliable and trustworthy by guaranteeing that there is no favoritism and corruption as regards to land allocation; strictly adhering to the laid down regulations governing land administration procedures such as land allocation and taking appropriate harsh action to corrupt individuals will come in handy in ensuring transparency as far as land matters are concerned. Co-ordination within and between the various land institutions should be encouraged or enhanced where weak. Hence by ending this Article, the researcher advice the Revolutionary Government of Zanzibar to encourage uses of this approach for their citizens, in solving their disputes, so as to enjoy it's reimbursements.

VIII. CONCLUSION

In conclude this Article researcher tried to provide as much details as possible regarding the title. This study found out, meaning of alternative dispute resolution, Laws applicable in alternative dispute resolution methods in Zanzibar (which are Civil Procedure Decree Cap 8, The Arbitration Decree Cap 25, The Kadhi's Court Act No.9/2017, The Labor law (Mediation and Arbitration) regulation of 2011, Practice of alternative dispute resolution methods in Zanzibar, The benefits of using ADR in Zanzibar. Implementation of Alternative dispute resolution (ADR) in Zanzibar seen successfully in different government institutions found in Zanzibar, like the High Court of Zanzibar, Regional, Districts and Primary Courts, Labor Commission, Kadhi's Court, the Land Tribunal and other like. So, this paper will assist the Government and societies in general to know how and for what extents the alternative dispute resolutions are practiced in Zanzibar.

REFERENCES

- [1] Y. Shamir, "Alternative dispute resolution approaches and their application", Unesco, p. 2, 2016.
- [2] R. H. Mnookin, "Alternative dispute resolution", Harvard Law School, (p. 232), 1998.
- [3] "Alternative Dispute Resolution Guidance for compulsory purchase claims", Derived on: 6/6/2024, Derived from: www.hs2.org.uk
- [4] "Secret justice: alternative dispute resolution", The Reporters Committee for Freedom of the Press, 2001.
- [5] "Alternative Dispute Resolution", Derived on: 10/10/2024, Derived from: https://www.law.cornell.edu/wex/alternative_dispute_resolution
- [6] M. Galanter, "Justice in many rooms: Courts, private ordering, and indigenous law", The Journal of Legal Pluralism and Unofficial Law, vol. 13, no. 19, 1-47, 1981.

- [7] T. O. Elias, "The nature of African customary law", Manchester University Press, 1956.
- [8] N. Sultana, K. S. Rahman, K. Z. Islam & S. Ahmad, "An exploration of bancassurance: standpoints of banks, insurance companies and customers in Bangladesh", In 2023 4th International Conference for Emerging Technology (INCET), pp. 1-7, IEEE, May, 2023.
- [9] N. Sultana, R. P. Lima & S. Ahmad, "Enabling technologies for human development in developing countries: A bibliometric analysis on Insur-Tech", In 2023 International Conference on Computational Intelligence, Communication Technology and Networking (CICTN) (pp. 396-400), IEEE, 2023.
- [10] S. Ahmad, C. Saxena, S. Islam & R. Karim, "Impact of insur-tech on the premium performance of insurance business", SN Computer Science, vol. 5, no. 1, 138-143, 2024.
- [11] F. Rigby, "Kinship and Social structure in Changes in Local Government", Ithaca, Cornell University Press, 1969.
- [12] J. W. Kotende, "Why were Punishments in Pre European Africa Mainly Compensation Rather than Punitive", Journal of the Denning Law Society, 1967.
- [13] J. F. Moffet, "Native Courts in Tanganyika, history of the development of native Courts from the German Times", Journal of African Administration, vol. 4, no. 17, 1952.
- [14] O. Mugenda & A. Mugenda, "Research Methods, Qualitative and Quantitative Approach Acts", Press Nairobi, 2003.
- [15] Al-quran, Sura no. 42
- [16] S. Ahmad & C. Saxena, "Artificial intelligence and blockchain technology in insurance business", In The International Conference on Recent Innovations in Computing, pp. 61-71, Singapore: Springer Nature Singapore, May, 2022.
- [17] M. J. Block, "The benefits of alternative dispute resolution for international commercial and intellectual property disputes", Rutgers Law Record, vol. 44, no. 1, 2016.
- [18] (1949) 1 ALL ER 109.
- [19] (1968) 2 ALL ER 545.
- [20] AIR 1966 SC 671.
- [21] Civil case No.115 of 2015 Zanzibar Land Tribunal (Unreported).
- [22] Civil case No.78 of 2019 Zanzibar Land Tribunal (Unreported).
- [23] See section 2 (1) of the arbitration (Applications in Suits) Rules of the Civil Procedure Decree Cap 8.
- [24] Ibid op cit, section (2) (2).
- [25] See section 3-4 of the Arbitration Rule of the Arbitration Decree cap 25.
- [26] See section 9 of the Arbitration Decree cap 25.
- [27] Quran- Surat Shuraa.
- [28] See Section 25 of the Kadhi's Court Act No.9/2017.
- [29] See section 11 (1-3) of the Labour law (Mediation and Arbitration) regulation of 2011.
- [30] Opsite See section 31.
- [31] Op site section 44 (1).
- [32] Zanzibar Dispute Handling Unit /KA/017/2019.
- [33] M. K. Hoque, R. I. Ripon, S. Ahmad, M. M. Iqbal, H. Kaur & M. Kaur, "Mini-review on blockchain technology for social media", In AIP Conference Proceedings, vol. 2535, no. 1, AIP Publishing, May, 2023.