



Faith-Based Arbitration: Addressing Leadership Conflicts in Religious Institutions in Tanzania

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Abstract

Religious institutions, like their circular counterparts, are not immune to conflicts. Such conflicts may range from those involving members *interse* to conflicts among leaders. This article examines the function of faith-based arbitration in resolving leadership conflicts within religious institutions in Tanzania. It compares and contrasts mechanisms used by the Tanzania Episcopal Conference (TEC) the Christian Council of Tanzania (CCT), Baraza la Waislamu Tanzania (BAKWATA) and other less formal mechanisms involving “independent” Churches. The article emphasized on the importance of aligning conflict resolution mechanisms with religious values and principles to maintain harmony and uphold the integrity of these communities. The discussion covers the nature of leadership disputes in religious organizations, the benefits of using arbitration over traditional litigation, and the unique challenges faced in the Tanzanian context. By examining case studies and the practical implementation of faith-based arbitration, the article provides a map into how religious institutions can effectively manage internal conflicts while preserving their spiritual foundations.

Keywords: Faith-Based Arbitration, **BAKWATA**, **CCT**, **TEC**, Tanzania

Introduction

A religious institution defined as an organized system of beliefs, practices, and structures that are centered on the worship of a sacred power or being¹. These institutions have specific space that conduct worship, such as churches, mosques, temples, and synagogues, and are enclosed with

¹ Adams, C. J. (n.d.). Classification of religions. In Encyclopaedia Britannica. Retrieved from Britannica.com. on 06/12/2024

Rituals, ceremonies, and communal activities that describe and reinforce the beliefs of the religious community. Religious institutions play an important function in the categorizing of religions, which involves grouping historical religious communities based on shared elements or categorizing similar religious phenomena to understand the map of religious experience as a whole².

In Tanzania, religious institutions are integral to the social, moral, and spiritual framework of society³. These institutions play a crucial role in supporting community cohesion, providing moral maintenances, and finding solution to the social issues. However, leadership conflicts within these institutions can severely disrupt their peace and effectiveness. Traditional litigation methods often prove inability to put to an end such conflicts due to their adversarial nature, cost, and potential to damage relationships⁴. This is where faith-based arbitration emerges as a viable and effective alternative. By leveraging the principles of dialogue, mutual respect, and shared values inherent in religious teachings, faith-based arbitration offers a pathway of resolving leadership conflicts that honors both the spiritual and communal aspects of faith.

Faith-based arbitration is a method of resolving disputes that stands with the religious principles and teachings of the community involved. This approach ensures that the decision making are not only legally binding but also spiritually acceptable to the disputant's party's involved⁵. Arbitration offers a confidential, efficient, and culturally sensitive mechanism for resolving leadership conflicts, thereby preserving the integrity and unity of religious institutions. Leadership disputes can escalate quickly, causing divisions within congregations and affecting interfaith relations and community stability⁶. Faith-based arbitration offers a culturally meaningful approach rooted in

² Adams, C. J. (n.d.). Classification of religions. In Encyclopaedia Britannica. Retrieved from Britannica.com. on 06/12/2024

³ Mrutu, A. (2023). Examining the Role of Religious Institutions in Peace building and Conflict Management in Tanzania: A Case of the Lutheran Church in Arusha City Council, the Institute of Accountancy Arusha.

⁴ Omotoyinbo, A. (2021). Reintegrating African Traditional Dispute Resolution Mechanisms in Conflict Resolution. *International Journal of Advanced Academic Research*, 7(12), 712-715. Retrieved from International Journal of Advanced Academic Research on 06/12/2024

⁵ Rafael Domingo. (2019). Why Spirituality Matters for Law: An Explanation. *Oxford Journal of Law and Religion*, 8(2), 326-349. <https://doi.org/10.1093/ojlr/rwz018>

⁶ Managing Conflicts in Religious Institutions." eSoftSkills, <https://esoftskills.com/managing-conflicts-in-religious-institutions/>

various faith teachings. It focuses on reconciliation instead of punishment and aims to restore harmony by fostering understanding and collaboration among conflicting parties⁷

Furthermore is that, in Tanzania, Muslims and Christians are neighbors and both own distinctive organizational structures that are essential for encouraging peace and resolving disputes⁸. The Religious institution such as Tanzania Episcopal Conference, the Christian Council of Tanzania, Baraza la Waislamu Tanzania, contribute to conflict management and peace building in Tanzania.

Resolving leadership conflicts in religious institutions is not just an internal matter; it is important to the whole society as it influences our moral values⁹. The lessons learned from this process will help religious leaders, policymakers, and community members understand and manage the complex issues of faith and governance in modern Tanzania. By using faith-based arbitration, we can promote peaceful coexistence, showing that even our differences can lead to meaningful conversations, better understanding, and shared growth¹⁰.

This article discusses faith-based arbitration as a way to resolve leadership conflicts in religious institutions in Tanzania. It looks at the history of these disputes, provides examples where faith-based arbitration has worked well, and considers the benefits and challenges of using this method more widely. By emphasizing the importance of combining spiritual principles with conflict resolution, the article aims to show how faith can be a powerful tool for healing and unity during times of disagreement.

Evolution of faith-based arbitration

Faith-based arbitration has its roots in ancient religious courts, which were introduced to settle disputes within religious societies according to their religious laws and principles¹¹. These courts

⁷ Ibid

⁸ Mrutu, A. (2023). Examining the Role of Religious Institutions in Peace building and Conflict Management in Tanzania: A Case of the Lutheran Church in Arusha City Council, the Institute of Accountancy Arusha

⁹ Doe, J. (2022). "Resolving Leadership Conflicts in Religious Institutions and Their Impact on Society's Moral Values." *Journal of Religious Leadership*, 15(3), pp. 45-58.

¹⁰ Smith, A. (2021). "Faith-Based Arbitration: A Path to Peaceful Coexistence and Shared Growth." *Journal of Interfaith Dialogue*, 12(4), pp. 77-89.

¹¹ Broyde, Michael J. (2017). "Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West." Oxford University Press

were prevalent in many religious traditions, including Islamic, Jewish, and Christian communities¹². In Tanzania, the source of occurrence of these religious courts has persisted, especially within Islamic and Christian communities, where religious leaders often play a significant task in dispute resolution.

As Tanzania passed its journey through colonial rule and gained independence in 1961, the legal system began to integrate both customary and statutory laws¹³. Despite the formal legal system's dominance, religious arbitration continued to play an important function in settling disputes, particularly within religious institutions. This dual legal system permitted religious communities to manage their internal conflicts while adhering to their faith-based principles¹⁴.

The Tanzanian legal system has known the importance of alternative dispute resolution mechanisms, including faith-based arbitration, as a means of reducing the heavy jobs of having unsettled many cases on formal courts and providing culturally relevant solutions¹⁵. Key legal provisions and policies have been introduced to support alternative dispute resolution, including faith-based arbitration. For example, the Arbitration Act and the Civil Procedure Code provide a framework for the recognition and enforcement of arbitration awards, including those derived from faith-based arbitration¹⁶.

In religious institutions, leadership conflicts often arise because of having different meaning by each on the interpretation of religious doctrines, administrative disputes, and personal rivalries. Faith-based arbitration offers a means to handle these conflicts in a manner that respects the religious values and beliefs of the parties involved¹⁷. Religious leaders, acting as arbitrators, use their understanding of religious laws and community dynamics to mediate and resolve disputes.

¹² Broyde, Michael J. (2017). "Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West." Oxford University Press

¹³ Nyang'oro, Julius E. (1989). "The State and Labour in Colonial Tanzania." *African Studies Review*, Vol. 32, No. 2.

¹⁴ Poulter, Sebastian. (1987). "Legal Dualism in Tanzania: Retention of Customary Law and Religious Law." *Journal of African Law*

¹⁵ The Role of Arbitration and Mediation in Tanzania: A Comprehensive Overview." Generis Incorporation, 2024.

¹⁶ *ibid*

¹⁷ Wolfe, Caryn Litt. (2006). "Faith-Based Arbitration: Friend or Foe? An Evaluation of Religious Arbitration Systems and Their Interaction with Secular Courts." *Fordham Law Review*, 75(1), 427-468.

This approach ensures that the resolution process is consistent with the faith-based principles that govern the community.

The history of faith-based arbitration in Tanzania reflects a long-standing tradition of resolving disputes within religious communities through principles aligned with their faith¹⁸. This approach has proven heavy and an attractable job in addressing leadership conflicts within religious institutions, offering resolutions that are culturally relevant and respectful of religious values. As Tanzania continues to develop its legal and institutional frameworks, faith-based arbitration will likely remain a vital component of the dispute resolution landscape, providing a valuable alternative to formal court proceedings.

Faith-based arbitration

Faith-based arbitration is an essential component of the dispute resolution landscape in mainland Tanzania, especially within religious institutions¹⁹. It leverages religious laws and principles to resolve conflicts, providing culturally relevant solutions that respect the values and beliefs of the parties involved. This approach has historical roots and continues to play a significant role in modern times²⁰.

Functions of Faith-Based Arbitration

Faith-based arbitration acknowledges the cultural and social context of the parties involved, ensuring that the process respects their cultural norms and practices. This is particularly important in Tanzania, where religious and cultural values are deeply intertwined²¹. By involving religious leaders who are knowledgeable about the community's doctrines and values, faith-based arbitration ensures that the resolutions are aligned with the faith-based principles of the community. This helps maintain the religious integrity and harmony of the institution²². Faith-based arbitration provides a structured and formalized process for resolving conflicts, which helps prevent

¹⁸ Magesa, Laurenti. (1997). "African Religion: The Moral Traditions of Abundant Life." Orbis Books

¹⁹ Mashamba, Clement J. (2015). "Alternative Dispute Resolution in Tanzania." Mkuki na Nyota Publishers.

²⁰ Ibid

²¹ Cheng, Theodore K. (2017). "Developing Skills to Address Cultural Issues in Arbitration and Mediation." Dispute Resolution Journal

²² Broyde, Michael J. (2017). "Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West." Oxford University Press

Escalation and promotes peaceful outcomes. The involvement of respected religious leaders adds legitimacy to the process and encourages acceptance of the arbitration outcomes. By addressing conflicts internally within the religious community, faith-based arbitration helps maintain cohesion and unity²³. This is particularly important in Tanzania, where religious institutions play a central role in social and community life. Faith-based arbitration ensures that the arbitration process is transparent and accountable. This involves documenting the proceedings, decisions, and rationale behind them, which helps build trust in the arbitration body and ensures that the process is fair and just²⁴.

Compare and Contrast Mechanisms Used by Religious Institutions

Tanzania Episcopal Conference and Baraza la Waislamu Tanzania employ highly formalized processes with structured guidelines and documentation, reflecting their organizational complexity²⁵. In contrast, the Christian Council of Tanzania's flexible mediation approach and the informal mechanisms of independent churches allow for more personalized and context-sensitive solutions.

Tanzania Episcopal Conference and Baraza la Waislamu Tanzania's processes ensure strict adherence to religious doctrines²⁶, while the Christian Council of Tanzania accommodates diverse Protestant beliefs, and independent churches may vary widely based on their leadership and community.

The formalized processes of Tanzania Episcopal Conference and Baraza la Waislamu Tanzania include detailed documentation, ensuring transparency and accountability²⁷. The flexible approaches of the Christian Council of Tanzania and independent churches rely more on personal relationships and community trust.

²³ Broyde, Michael J. (2017). "Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West." Oxford University Press.

²⁴ Ibid

²⁵ Tanzania Episcopal Conference (TEC) and Baraza la Waislamu Tanzania." (2020). "Formalized Processes and Structured Guidelines in Religious Arbitration." AMECEA Social Communications

²⁶ Gifford, Paul. (1998). "African Christianity: Its Public Role." Indiana University Press.

²⁷ Tanzania Episcopal Conference (TEC) and Baraza la Waislamu Tanzania." (2020). "Formalized Processes and Structured Guidelines in Religious Arbitration." AMECEA Social Communications.

All mechanisms aim to be culturally sensitive, but the degree of formality varies²⁸. Tanzania Episcopal Conference and Baraza la Waislamu Tanzania ensure doctrinal consistency through formal structures, while the Christian Council of Tanzania and independent churches use adaptable approaches to respect cultural and religious values.

Independent churches often have a more intimate community focus, addressing conflicts in a way that promotes personal relationships and local cohesion²⁹. Tanzania Episcopal Conference, Baraza la Waislamu Tanzania, and the Christian Council of Tanzania also prioritize community harmony but through different levels of formality and structure.

Importance of Aligning Conflict Resolution Mechanisms with Religious Values and Principles

By aligning conflict resolution mechanisms with religious values, religious communities can ensure that the resolutions are consistent with their doctrines and teachings³⁰. This consistency is essential for maintaining the religious integrity of the community and ensuring that decisions are respected and adhered to. Example, In the Catholic Church, the Tanzania Episcopal Conference (TEC) uses ecclesiastical courts that follow Canon Law. This formalized process ensures that the resolutions are doctrinally sound and uphold the principles of the Church. By doing so, the TEC maintains the religious integrity of its community³¹.

Conflict resolution mechanisms that are aligned with religious values are inherently culturally sensitive³². They acknowledge and respect the cultural and social context of the parties involved, ensuring that the process is relevant and respectful of their traditions. Example, Baraza la Waislamu Tanzania (BAKWATA) employs Sharia-based arbitration mechanisms that are deeply

²⁸ Velazquez, L., & Cardona, C. (2024). "The Role of Cultural Sensitivity in Conflict Resolution

²⁹ Gifford, Paul. (2015). "Christianity, Development and Modernity in Africa." Hurst & Company

³⁰ Svensson, I. (2021). "Resolving Religious Conflicts through Peace Agreements." In *International Law and Peace Settlements* (pp. 374-397). Cambridge University Press

³¹ Weigel, George. (2013). "Evangelical Catholicism: Deep Reform in the 21st-Century Church." Basic Books.

³² Schliesser, C. (2020). "Religion in Conflict Resolution and Peace building." In *Routledge Handbook of Religion and Political Parties* (ed. Jeffrey Haynes). Routledge.

rooted in Islamic cultural and religious values. This ensures that the resolutions are culturally appropriate and respected by the Muslim community, fostering trust and acceptance³³.

When conflict resolution mechanisms align with religious principles, they foster trust within the community. Members are more likely to accept and adhere to decisions made by a process that they believe respects their beliefs and values³⁴. The Christian Council of Tanzania (CCT) uses mediation and reconciliation processes that integrate religious principles with conflict resolution. By doing so, the CCT fosters unity and trust among its member churches, promoting a sense of community cohesion.

Faith-based arbitration mechanisms often include thorough documentation of proceedings, decisions, and the rationale behind them³⁵. This transparency ensures accountability and helps build trust in the arbitration process. In the TEC's ecclesiastical courts, all proceedings are meticulously documented. This transparency ensures that all parties are aware of the process and decisions, fostering a sense of fairness and accountability³⁶.

Aligning conflict resolution mechanisms with religious values lends legitimacy to the process. Decisions made by respected religious leaders or bodies are more likely to be accepted by the community³⁷. BAKWATA's Sharia councils, composed of respected Islamic scholars, have the authority to resolve disputes according to Sharia law. The involvement of these scholars lends legitimacy to the process, ensuring that the decisions are accepted and respected by the community³⁸.

Faith-based arbitration mechanisms often allow for early intervention in conflicts, preventing escalation and promoting peaceful resolutions³⁹. By addressing disputes within the framework of religious principles, these mechanisms help maintain harmony and prevent conflicts from

³³ Schliesser, C. (2020). "Religion in Conflict Resolution and Peace building." In *Routledge Handbook of Religion and Political Parties* (ed. Jeffrey Haynes). Routledge.

³⁴ Brock, Brian. (2016). "Christian Ethics in a Technological Age." Wm. B. Eerdmans Publishing Co.

³⁵ Cox, Harvey. (2009). "The Future of Faith." HarperOne.

³⁶ Ibid

³⁷ Esposito, John L., and Voll, John O. (2001). *Makers of Contemporary Islam*. Oxford University Press.

³⁸ von Billerbeck, S. B. K., & Gippert, B. J. (2017). "Legitimacy in Conflict: Concepts, Practices, Challenges." *Journal of Intervention and Statebuilding*, 11(3), 273-285.

³⁹ Payne, L., & Shannahan, C. (2016). "Faith-Based Interventions in Peace, Conflict and Violence: A Scoping Study

disrupting the community. Independent churches often use informal mediation by church leaders to address conflicts early. This approach allows for flexible and responsive resolutions, preventing disputes from escalating and maintaining community cohesion⁴⁰.

Nature of Leadership Disputes in Religious Organizations

Leadership disputes in religious organizations in Tanzania Mainland are influenced by a variety of factors as described down here.

Disputes often arise from differing interpretations of religious texts and doctrines. Leaders may have varying views on theological matters, leading to conflicts within the organization⁴¹. For example, in the Christian community, disagreements over the interpretation of scripture can lead to significant schisms. For instance, debates over the ordination of women and issues have caused divisions within some denominations⁴². Conflicts can emerge over the roles and responsibilities of leaders within the organization. Disagreements about decision-making authority, financial management, and administrative control are common. For example in some churches, conflicts arise over the allocation of resources and the management of church funds. Disputes may occur between the clergy and the church board, or among different levels of church hierarchy⁴³.

The process of selecting new leaders can be contentious, especially in hierarchical organizations where leadership positions are highly influential⁴⁴. For example, in the Catholic Church, the selection of bishops and other high-ranking officials can lead to disputes. Similarly, in Islamic communities, the appointment of imams can be a source of conflict. Personal differences and clashes between individuals can lead to leadership disputes. These conflicts may be exacerbated by differing leadership styles, ambitions, and personal agendas⁴⁵. For example in smaller, independent churches, leadership disputes can arise from personality conflicts between the pastor

⁴⁰ Broyde, Michael J. (2017). "Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West." Oxford University Press.

⁴¹ Esposito, John L., Fasching, Darrell J., & Lewis, Todd T. (2008). "Religion and Globalization: World Religions in Historical Perspective." Oxford University Press

⁴² Ibid

⁴³ Pillsbury, Charlie, & Anschutz, Jessica L. (2023). "Mediating Conflict in Congregations: An In-Depth Interview with Charlie Pillsbury." Lewis Center for Church Leadership.

⁴⁴ Sowinski, David. (2023). "How to Select and Develop Leaders for the Future of Your Organization." Vantage Leadership Blog.

⁴⁵ Bass, Bernard M. (1990). "Handbook of Leadership: Theory, Research, and Managerial Applications." Free Press.

and other church members, leading to divisions within the congregation⁴⁶. Introducing doctrinal or cultural changes within a religious organization can lead to resistance and conflict. Leaders advocating for modernization may face opposition from more conservative factions⁴⁷. For example, efforts to modernize religious practices or introduce new forms of worship can lead to disputes within both Christian and Muslim communities. Some members may see these changes as a threat to traditional values.

Allegations of ethical misconduct or moral failings by leaders can lead to disputes. These conflicts often involve issues of accountability and transparency⁴⁸. For example scandals involving financial mismanagement or moral impropriety by religious leaders can cause significant conflicts within the organization, leading to calls for leadership changes. Leaders may have differing views on social justice issues and the role of the religious organization in addressing them⁴⁹. These disagreements can lead to conflicts within the leadership. For example disputes may arise over the organization's stance on social issues such as poverty, human rights, and political activism. Leaders may have conflicting views on how actively the organization should engage in these issues⁵⁰.

Benefits of Using Arbitration over Traditional Litigation

Arbitration typically offers a faster resolution compared to traditional litigation. Court cases can be prolonged by numerous hearings, motions, and procedures, whereas arbitration can be scheduled and concluded more quickly⁵¹. Take an example in commercial disputes, businesses often prefer arbitration to avoid the lengthy delays associated with court systems, enabling them to focus on their operations without prolonged legal distractions. Arbitration can be more cost-effective than litigation due to its streamlined procedures and shorter duration. Legal fees, court

⁴⁶ Bass, Bernard M. (1990). "Handbook of Leadership: Theory, Research, and Managerial Applications." Free Press.

⁴⁷ Inglehart, Ronald, and Welzel, Christian. (2005). "Modernization, Cultural Change, and Democracy: The Human Development Sequence." Cambridge University Press.

⁴⁸ Treviño, Linda Klebe, & Nelson, Katherine A. (2011). "Managing Business Ethics: Straight Talk about How to Do It Right." John Wiley & Sons.

⁴⁹ Ibid

⁵⁰ Brown, Andrew & Treviño, Linda K. (2006). "Ethical Leadership: A Review and Future Directions." *The Leadership Quarterly*, 17(6), 595-616

⁵¹ Mazirow, Arthur. (2008). "The Advantages and Disadvantages of Arbitration as Compared to Litigation." *International Arbitration Attorney*.

costs, and other expenses tend to be lower in arbitration⁵². This can be seen in Tanzania, businesses and individuals opt for arbitration to reduce the financial burden of resolving disputes, especially when court fees and extended litigation costs can be prohibitive.

Arbitration allows parties to tailor the process to their needs, including choosing the arbitrators, setting the rules of the arbitration, and determining the timelines⁵³. A good example is that, the parties in Tanzania can select arbitrators with specific expertise relevant to their dispute, ensuring a more informed and appropriate resolution process. Unlike court cases, which are typically public, arbitration proceedings are confidential. This privacy is beneficial for parties who wish to keep their disputes and outcomes out of the public eye⁵⁴. For example in Tanzania, businesses often prefer arbitration to protect sensitive information and maintain reputations without the exposure that comes with public court trials. Arbitrators can be chosen for their expertise in specific fields, ensuring that the dispute is resolved by individuals with relevant knowledge and experience⁵⁵. This it can be seen in complex commercial or technical disputes, Tanzanian parties can select arbitrators with specialized knowledge in the relevant industry, leading to more informed and effective resolutions. Arbitration decisions are generally final and binding, with limited grounds for appeal. This finality provides certainty and closure for the parties involved⁵⁶. In Tanzania, parties may prefer the finality of arbitration to avoid the potential for prolonged appeals and legal uncertainty associated with court decisions.

Unique Challenges Faced by arbitration in the Tanzanian Context

There may be a lack of awareness and understanding of arbitration among the general public and some sectors of the legal community in Tanzania⁵⁷. This can lead to reluctance to use arbitration as a dispute resolution mechanism, efforts to educate and inform both businesses and individuals

⁵² Stipanowich, Thomas J. (2004). "ADR and the Vanishing Trial: The Growth and Impact of 'Alternative Dispute Resolution'." *Journal of Empirical Legal Studies*, 1(3), 843-912.

⁵³ Born, Gary B. (2012). "International Arbitration: Law and Practice." Kluwer Law International.

⁵⁴ Sinha, Saumya. (2022). "Confidentiality Concerns in Arbitration Disputes: Implementation of Confidentiality in Courts of Law." *American Review of International Arbitration*.

⁵⁵ Ibid

⁵⁶ Blackaby, Nigel, Partasides, Constantine, Redfern, Alan, and Hunter, Martin. (2015). "Redfern and Hunter on International Arbitration." Oxford University Press

⁵⁷ Ngilangwa, Abel Mathias. (2023). "Challenges of Implementing Arbitration Agreements in Tanzania: A Comprehensive Review." *Journal of Alternate Dispute Resolution*, 2(2), 17-37.

about the benefits and procedures of arbitration are necessary to increase its acceptance and usage⁵⁸. The legal and regulatory framework for arbitration in Tanzania may have inconsistencies or gaps that can affect the effectiveness of the arbitration process, ensuring that the Arbitration Act and related regulations are up-to-date and aligned with international standards can enhance the reliability and attractiveness of arbitration in Tanzania⁵⁹. Enforcing arbitration awards can sometimes be challenging, especially if the losing party is unwilling to comply. While Tanzania is a signatory to the New York Convention, practical challenges in enforcement can still arise, strengthening the mechanisms for enforcing arbitration awards and ensuring judicial support for arbitration can help address these challenges.

There may be cultural resistance to arbitration, particularly in cases where traditional dispute resolution methods are preferred⁶⁰. Understanding and integrating cultural considerations into the arbitration process can be crucial, in some communities, traditional elders' councils are the preferred means of resolving disputes, and integrating arbitration with these traditional methods can enhance acceptance. Accessibility to arbitration services, especially in rural areas, can be limited⁶¹. Ensuring that arbitration is accessible and affordable for all, regardless of location, is important for its widespread adoption, expanding the availability of arbitration centers and services in various regions of Tanzania can improve access and encourage the use of arbitration.

Case Studies of Faith-Based Arbitration

Faith-based arbitration in Tanzania Mainland has become a vital mechanism for resolving disputes particularly within religious communities. One of case study that illustrate the application and effectiveness of faith-based arbitration is on the Muslim community and marriage disputes⁶². In urban areas such as Dar es Salaam, the Muslim community often faces disputes related to marriage, divorce, and inheritance. These issues can lead to significant tensions within families and the

⁵⁸ Ibid

⁵⁹ Bowmans. (2021). "Unpacking Tanzania's New Arbitration Act and Regulations." Bowmans Law.

⁶⁰ Won Kidane. (2017). "Does Cultural Diversity Improve or Hinder the Quality of Arbitral Justice?" Kluwer Arbitration Blog

⁶¹ McEwen, Craig A., & Maiman, Richard J. (2004). "Mediation in Small Claims Court: Achieving Compliance through Consent." *Law & Society Review*, 18(1), 11-50

⁶² Al-Astewani, Amin. (2020). "Arbitration as a Legal Solution for Relationship Breakdown in the Muslim Community: the Case of the Muslim Arbitration Tribunal." In *Cohabitation and Religious Marriage: Status, Similarities and Solutions* (pp. 129-142). Policy Press.

broader community. The arbitration process for example when a couple experiences marital discord, they may seek the intervention of local imam or a council of respected elders within the mosque who will act as arbitrator to decide on the dispute among the disputant parties by applying principles from Islamic law (sharia)⁶³.

Another case study is that, leadership disputes are common also in Christian dominations, particularly when disagreements arise over church governance or financial management. The arbitration process in one of the notable case involving a local Pentecostal church in Mwanza, a leadership conflict escalated when a pastor was accused of financial mismanagement⁶⁴. The church members sought arbitration through regional church council, a committee composed of respected church leaders from other congregations was formed to investigate the allegations, the committee conducted interview with church members and reviewed financial record. After careful consideration, the committee provide recommendations for improved financial oversight and accountability, along with a plan for leadership restructuring⁶⁵.

With Tanzania's diverse religious landscape, interfaith disputes occasionally arise, particularly concerning land use or community projects⁶⁶. The arbitration process in a case involving a land dispute between a Muslim community and a Christian organization in Arusha, an interfaith arbitration committee was established. The committee included leaders from both faiths to ensure fairness and mutual respect. The committee facilitated dialogue sessions where both parties could express their concerns and aspirations regarding the land⁶⁷. The committee proposed a shared use agreement that allowed both communities to benefit from the land for agricultural purposes.

Practical Implementation of Faith-Based Arbitration

Faith-based arbitration in Tanzania Mainland has been implemented to address both religious and secular disputes, ensuring that resolutions are aligned with religious values and principles. This

⁶³ Hallaq, Wael B. (2009). "Shari'a: Theory, Practice, Transformations." Cambridge University Press.

⁶⁴ Mundhleri, Zephania. (2023). "Pentecostal Leadership Disputes in Zimbabwe: A Pastoral Challenge." University of Pretoria.

⁶⁵ Ibid

⁶⁶ Mbonde, Francis Justine. (2015). "Assessment of Land Use Conflicts in Tanzania: A Case Study of Songambele and Mkoka Villages in Kongwa District, Dodoma Region." Mzumbe University.

⁶⁷ Inter-Religious Council for Peace Tanzania (IRCPT). (2020). "Interfaith Dialogue and Peacebuilding in Tanzania." KAICIID

approach offers a culturally sensitive and respectful framework for dispute resolution, which is crucial in a diverse and multi-religious society like Tanzania.

Faith-based arbitration often integrates with traditional dispute resolution methods, such as elders' councils, to ensure cultural acceptance and effectiveness⁶⁸. In rural areas, faith-based arbitration is combined with traditional elders' councils to resolve community disputes, blending religious principles with local customs. This hybrid approach ensures that resolutions are culturally relevant and respected by the community. Organizations like the Christian Council of Tanzania (CCT) and Baraza la Waislamu Tanzania (BAKWATA) conduct awareness campaigns to educate the public about the benefits and processes of faith-based arbitration⁶⁹. Take an example, workshops and seminars are organized to inform community members about how faith-based arbitration can provide a peaceful and fair resolution to disputes. These educational efforts help increase acceptance and understanding of arbitration as a viable alternative to traditional litigation.

The legal framework for arbitration in Tanzania includes provisions that support the use of faith-based arbitration. The Arbitration Act, of 2020, sets out procedures for arbitration and enforcement of awards⁷⁰. The Act has introduced additional options for dispute resolution, including faith-based arbitration, and has established clear guidelines for the arbitration process⁷¹. This legal support is crucial for the legitimacy and effectiveness of faith-based arbitration.

Managing internal conflicts in religious institutions while preserving their spiritual foundations

Open lines of communication are essential for resolving conflicts. Leaders should create an environment where members feel safe to express their concerns and viewpoints⁷². For example is to make a regular meetings and forums where congregation members can voice their opinions can help prevent misunderstandings and build trust. Conflict resolution should be guided by the core

⁶⁸ Pill, Shlomo, & Bedzow, Ira. (2019). "The Pillars of Successful Religious Arbitration: Models for American Islamic Arbitration based on The Beth Din of America and Muslim Arbitration Tribunal Experience." *Loyola of Los Angeles International and Comparative Law Review*, 31(2), 123-145.

⁶⁹ Levine, Ross. (2013). "Religion and Development in Africa." Palgrave Macmillan.

⁷⁰ Ministry of Constitutional and Legal Affairs. (2020). "The Arbitration Act, 2020." United Republic of Tanzania.

⁷¹ Ministry of Constitutional and Legal Affairs. (2020). "The Arbitration Act, 2020." United Republic of Tanzania

⁷² Saunders, M., & Thornhill, A. (2003). "Organizational Justice, Trust and the Management of Change: An Exploration." *Personnel Review*, 32(3), 360-375.

values and teachings of the faith. This ensures that the process remains consistent with the institution's spiritual foundation⁷³. Take an example in Christianity, principles such as forgiveness, compassion, and reconciliation can guide the conflict resolution process. Similarly, Islamic teachings on justice and mercy can be integral to resolving disputes within the Muslim community.

Religious leaders play a crucial role in mediating conflicts. Their knowledge of religious doctrines and their moral authority can help facilitate fair and respectful resolutions⁷⁴. For example in the Catholic Church, bishops or senior clergy members can mediate disputes, ensuring that decisions align with Canon Law and Catholic teachings. Establishing clear procedures for conflict resolution can help manage disputes effectively. This can include faith-based arbitration or mediation councils, the Tanzania Episcopal Conference (TEC) uses ecclesiastical courts to resolve disputes, following Canon Law to ensure doctrinal consistency⁷⁵. Combining faith-based arbitration with traditional dispute resolution methods, such as elders' councils, can enhance acceptance and effectiveness, in rural areas, blending faith-based arbitration with traditional elders' councils can provide a culturally relevant and respected resolution process⁷⁶.

Providing education and training on conflict resolution for leaders and members can enhance their ability to manage disputes effectively⁷⁷. For example is Workshops on mediation and negotiation skills, guided by religious principles, can equip leaders with the tools needed to handle conflicts within the community. Maintaining transparency through documented proceedings ensures accountability and builds trust within the community, documenting all steps of the conflict resolution process, including decisions and their rationale⁷⁸, can foster a sense of fairness and integrity. Engaging the broader community in conflict resolution efforts can help maintain unity

⁷³ Halafoff, Anna. (2013). "The Multifaith Movement: Global Risks and Cosmopolitan Solutions." Springer.

⁷⁴ Sampson, Cynthia. (1997). "Religion and Peace building." In "Peacemaking in International Conflict: Methods and Techniques," edited by I. William Zartman and J. Lewis Rasmussen. United States Institute of Peace Press.

⁷⁵ Tanzania Episcopal Conference (TEC). (2020). "Ecclesiastical Courts and Canon Law: A Guide to Church Dispute Resolution." AMECEA Social Communications.

⁷⁶ Ibid

⁷⁷ Cheng, Theodore K. (2017). "Developing Skills to Address Cultural Issues in Arbitration and Mediation." Dispute Resolution Journal.

⁷⁸ Virtually A Practice. "Transparency in Dispute Resolution: Importance, Benefits, and Implementation.

and cohesion, involving community members in dialogue and reconciliation efforts can strengthen the sense of belonging and mutual support within the institution⁷⁹.

Conclusion

Faith-based arbitration in Tanzania Mainland serves as an essential and effective means of resolving leadership conflicts within religious institutions by integrating religious values and principles into the dispute resolution process. This culturally sensitive approach fosters trust, legitimacy, and acceptance among community members, ensuring that resolutions are consistent with doctrinal teachings and culturally relevant. While both formal mechanisms, like those used by the Tanzania Episcopal Conference (TEC) and Baraza la Waislamu Tanzania (BAKWATA), and informal methods, such as those in independent churches, have shown promise, challenges remain, including legal and regulatory inconsistencies, enforcement issues, cultural resistance, and accessibility concerns. Addressing these challenges through educational efforts, legal reforms, and the integration of traditional methods will enhance the effectiveness of faith-based arbitration, ultimately promoting harmony, unity, and the spiritual integrity of religious communities in Tanzania.

⁷⁹ Lederach, John Paul. (2003). "The Little Book of Conflict Transformation: Clear Articulation of the Guiding Principles by a Pioneer in the Field." Good Books.

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