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# Legal and Institutional Framework Governing Marriage Conciliation in Tanzania

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## ABSTRACT

*This paper provides a comprehensive analysis of the legal and institutional frameworks governing the resolution of marital disputes, focusing on international and municipal law and the role of conciliation mechanisms in Tanzania. It explores the international legal standards set by conventions and treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR), which emphasize the protection of family rights and the peaceful resolution of conflicts. At the national level, the paper examines Tanzania's Law of Marriage Act Cap 29, which establishes Marriage Conciliation Boards (MCBs) as a key institution for resolving family disputes before they escalate to formal litigation.*

*The study further delves into the procedural regulations and subsidiary legislation that support the functioning of these boards, highlighting their community-based nature and culturally sensitive approaches. It also analyzes the broader judicial system in Tanzania, focusing on the roles of Primary Courts, District and Resident Magistrate Courts, the High Court (Family Division), and the Court of Appeal in matrimonial matters. Additionally, the paper discusses the contribution of non-governmental organizations (NGOs), legal aid organizations, and social welfare services in providing access to justice, legal representation, and counseling to individuals involved in marital conflicts.*

*By integrating both legal frameworks and institutional structures, this paper underscores the importance of conciliation as an effective method for resolving marital disputes, promoting family harmony, and ensuring justice within Tanzania's legal system, in line with international standards.*

**Keywords:** Conciliation, Marital Disputes, Law of Marriage Act, Family Law.

## I. INTRODUCTION

Family disputes, particularly those concerning marriage, are a significant concern across the globe, as they affect not only the individuals involved but also the broader community. In Tanzania, the complexities of marital conflicts are addressed through a multifaceted legal

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framework that encompasses both international and municipal laws. The legal landscape for resolving family disputes is shaped by various statutes, including the Law of Marriage Act<sup>2</sup> and the Matrimonial Causes Act,<sup>3</sup> which provide the foundation for legal proceedings related to marriage, divorce, custody, and maintenance.

In addition to formal legal mechanisms, the role of alternative dispute resolution (ADR) methods, particularly conciliation and mediation, is increasingly recognized in resolving marital disputes.<sup>4</sup> The Marriage Conciliation Boards (MCBs) play a vital role in facilitating amicable resolutions, drawing from traditional practices and community-based approaches.<sup>5</sup> The integration of religious, cultural, and social welfare frameworks further enhances the effectiveness of dispute resolution, as these elements are deeply ingrained in Tanzanian society.<sup>6</sup>

This paper aims to explore the intricate interplay between international principles and municipal law in the context of marital dispute resolution in Tanzania. It examines the institutional frameworks established for this purpose, including the Marriage Conciliation Boards, judicial system, legal aid organizations, and social welfare services. Through an analysis of relevant statutes, case law, and scholarly articles, the paper will highlight the effectiveness and challenges of the existing legal mechanisms in addressing family disputes. Ultimately, this study seeks to contribute to the ongoing discourse on improving family dispute resolution in Tanzania, with an emphasis on promoting access to justice and protecting the rights of all family members, particularly children.<sup>7</sup>

### **(A) International and Regional Legal Regimes Influencing Marriage Reconciliation in Tanzania**

Tanzania's ratification of various international and regional treaties significantly shapes its domestic approach to marriage reconciliation, especially as mandated by the Law of Marriage Act. These treaties reflect Tanzania's commitment to upholding global human rights standards and the importance of protecting the institution of marriage and the rights of all parties involved in family disputes. Below is a review of key treaties that influence Tanzania's reconciliation processes.

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<sup>2</sup> Law of Marriage Act, Cap. 29 (Tanzania).

<sup>3</sup> Matrimonial Causes Act, Cap. 29 (Tanzania).

<sup>4</sup> Tahirih Lee, *Alternative Dispute Resolution: A Developing World Perspective* 65 (2018).

<sup>5</sup> Joseph Malema, The Effectiveness of ADR Mechanisms in Family Disputes: A Case Study of Tanzania, 7 *Tanzania Journal of Law and Practice* 45 (2021).

<sup>6</sup> Abdullahi An-Na'im, *Islamic Family Law in a Changing World: A Global Resource Book* 109 (2016).

<sup>7</sup> Iddi Mkilindi, *Family Law in Tanzania* 234 (2020).

a. **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

CEDAW, ratified by Tanzania in 1985, provides a robust framework for ensuring gender equality in reconciliation processes. Article 16 of the convention explicitly guarantees equal rights for men and women in marriage and family relations.<sup>8</sup> Although CEDAW does not mandate reconciliation, the principles of non-discrimination and equality it enshrines are integral to the fairness of any conciliation process.

In the context of Marriage Conciliation Boards (MCBs) in Tanzania, CEDAW's emphasis on equality serves as a legal and moral foundation. It ensures that reconciliation efforts do not disadvantage any party, particularly women, who historically have been marginalized in family disputes.<sup>9</sup> Thus, Tanzania's legal framework aligns with CEDAW's obligations by promoting an equal platform for resolving marital disputes through conciliation before resorting to divorce.<sup>10</sup>

b. **International Covenant on Civil and Political Rights (ICCPR)**

The ICCPR, ratified by Tanzania in 1976, recognizes the family as the "natural and fundamental group unit of society" and requires states to protect it.<sup>11</sup> Although the ICCPR does not explicitly call for reconciliation, its emphasis on family protection aligns with Tanzania's legal requirement for conciliation before divorce.<sup>12</sup> This reflects Tanzania's obligation to prevent unnecessary family breakdowns by attempting reconciliation as a first step.

The ICCPR supports the view that conciliation processes are a means to fulfill Tanzania's international duty to protect family integrity, with Marriage Conciliation Boards playing a pivotal role in mediating disputes to preserve the family unit.<sup>13</sup>

c. **International Covenant on Economic, Social, and Cultural Rights (ICESCR)**

The ICESCR, ratified by Tanzania, further emphasizes the importance of protecting the family unit. Article 10 of the ICESCR calls for the broadest possible protection and assistance to families, particularly during marital disputes.<sup>14</sup> The treaty stresses that mechanisms like

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<sup>8</sup> Convention on the Elimination of All Forms of Discrimination Against Women, art. 16, Dec. 18, 1979, 1249 U.N.T.S. 13.

<sup>9</sup> *Id.*

<sup>10</sup> Iddi Mkilindi, *Family Law in Tanzania* 95 (2020).

<sup>11</sup> International Covenant on Civil and Political Rights, art. 23, Dec. 16, 1966, 999 U.N.T.S. 171.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> International Covenant on Economic, Social and Cultural Rights, art. 10, Dec. 16, 1966, 993 U.N.T.S. 3.

marriage reconciliation are vital to mitigate the social and economic consequences of divorce, especially for children and dependent spouses.<sup>15</sup>

Scholars such as Philip Alston and Gerald Quinn have highlighted how the ICESCR obliges states to promote social cohesion by protecting families from the destabilizing effects of marital conflicts.<sup>16</sup> Tanzania's conciliation mechanisms, mandated under the Law of Marriage Act, serve as a reflection of these obligations, ensuring that every effort is made to preserve the family before considering divorce.<sup>17</sup>

#### d. African Charter on Human and Peoples' Rights

Regionally, the African Charter on Human and Peoples' Rights, ratified by Tanzania in 1984, emphasizes the protection of the family as the fundamental unit of society. Article 18 of the Charter obliges states to take measures to protect family structures and eliminate discrimination, particularly against women and children.<sup>18</sup>

The Marriage Conciliation Boards align with the Charter's principles by providing mechanisms to preserve family unity and resolve conflicts without immediate recourse to divorce.<sup>19</sup> The African Commission on Human and Peoples' Rights has reinforced this stance, interpreting the Charter as requiring states to develop frameworks for protecting family life, especially during marital disputes.<sup>20</sup>

### (B) Municipal Law

#### a. Principal Legislations

##### i. Constitution of the United Republic of Tanzania 1977

The Constitution of the United Republic of Tanzania (CURT) 1977 is the supreme law governing all legal matters in Tanzania. It establishes the foundation for all other laws, ensuring their validity and consistency within the legal framework. The supremacy of the Constitution is articulated in its provision that any law inconsistent with the Constitution is rendered null and void, ensuring that justice and the rule of law prevail.<sup>21</sup>

In the context of family disputes, Article 107A(2) plays a crucial role. It mandates the judiciary to dispense justice and encourages the adoption of Alternative Dispute Resolution (ADR)

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<sup>15</sup> Id.

<sup>16</sup> Philip Alston & Gerald Quinn, *The Nature and Scope of States Parties' Obligations Under the International Covenant on Economic, Social and Cultural Rights*, 9 *Human Rights Quarterly* 156, 162 (1987).

<sup>17</sup> Id.

<sup>18</sup> African Charter on Human and Peoples' Rights, art. 18, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5.

<sup>19</sup> Id.

<sup>20</sup> African Commission on Human and Peoples' Rights, *Resolution on the Right to Family Life* (2016).

<sup>21</sup> Constitution of the United Republic of Tanzania art. 64 (1977).

mechanisms, specifically promoting conciliation among parties in disputes. Article 107A(2)(d) emphasizes this by promoting non-adversarial dispute resolution methods, which include conciliation, thereby underscoring the importance of amicable settlements.<sup>22</sup>

This constitutional endorsement of ADR aligns with the broader objective of access to justice, making the legal system more inclusive. Conciliation, in particular, plays a vital role in reducing the formal court's burden and expediting the resolution of disputes, especially in family matters where preserving relationships is crucial.<sup>23</sup>

Moreover, the Constitution is a protector of human rights, recognizing the family as an essential unit of society. It mandates practical measures to safeguard family unity, especially in resolving conflicts that could destabilize it. This constitutional protection of human rights, particularly in family disputes, underpins the importance of using fair and just resolution mechanisms, such as conciliation, to uphold the well-being of children and vulnerable family members.<sup>24</sup>

In addition to the constitutional provisions, statutes, and regulations further govern conciliation mechanisms. For instance, the Law of Marriage Act outlines the framework for marital dispute resolution, assigning specific roles to Marriage Conciliation Boards (MCBs).<sup>25</sup> These legal measures ensure that the conciliation process is structured, with clear procedures and protections in place for the disputing parties.

Thus, the Constitution of Tanzania provides a robust foundation for resolving family disputes through conciliation. The constitutional principles of justice, human rights, and institutional mechanisms contribute to making conciliation an effective method of achieving equitable and sustainable resolutions. The Marriage Conciliation Boards in Ubungo District serve as a practical application of these principles, demonstrating conciliation's potential in resolving family disputes amicably.<sup>26</sup>

## ii. **Law of Marriage Act**

The Law of Marriage Act (LMA) is a cornerstone in Tanzania's legal framework for family matters. It provides comprehensive guidelines on the formation, maintenance, and dissolution of marriages, establishing a robust foundation for managing family relationships and disputes.<sup>27</sup>

The Act regulates various aspects of family life, including the rights and duties of spouses and

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<sup>22</sup> Id. art. 107A(2)(d).

<sup>23</sup> Iddi Mkilindi, *Family Law in Tanzania* 54 (2020).

<sup>24</sup> Constitution of the United Republic of Tanzania, art. 12 (1977).

<sup>25</sup> Law of Marriage Act, Cap. 29, § 15 (Tanzania).

<sup>26</sup> Joseph Malema, The Effectiveness of ADR Mechanisms in Family Disputes: A Case Study of Tanzania, 7 *Tanzania Journal of Law and Practice* 45, 50 (2021).

<sup>27</sup> Law of Marriage Act, Cap. 29, § 2 (Tanzania).

the welfare of children. It emphasizes the importance of safeguarding the family unit and reflects Tanzania's commitment to preserving family relationships.<sup>28</sup>

One of the Act's most significant contributions is its establishment of conciliation as a preferred mode of resolving family disputes. The LMA institutionalizes conciliation, making it a key element in marital conflict resolution and ensuring disputes are addressed in a manner that fosters reconciliation.<sup>29</sup>

Section 101 of the LMA requires that a petition for the dissolution of marriage be accompanied by a certificate from a Marriage Conciliation Board (MCB). This certificate confirms that reconciliation has been attempted, formalizing the conciliation process as a prerequisite before the case is taken to court.<sup>30</sup> This legal provision highlights the Act's commitment to reconciliation as the first step in resolving marital conflicts.

By mandating conciliation as a preliminary measure, the LMA ensures that parties in a marital dispute engage in good faith efforts to resolve their issues amicably. The compulsory nature of this referral to MCBs underscores the Act's emphasis on conciliation as an essential element of family law.<sup>31</sup>

Furthermore, the LMA provides detailed rules and guidelines for the operation of MCBs, ensuring that the conciliation process is structured, accessible, and effective for all parties involved. This legal framework not only mandates conciliation but also creates a supportive environment for its effective implementation.<sup>32</sup>

In conclusion, the Law of Marriage Act stands as a critical pillar of family dispute resolution in Tanzania. By embedding conciliation into the legal process and establishing a clear framework for its implementation, the Act ensures that family disputes are resolved in a way that prioritizes the preservation of relationships and promotes harmony. The role of Marriage Conciliation Boards and the mandatory use of conciliation underscore Tanzania's commitment to resolving family disputes in a just, equitable, and sustainable manner.<sup>33</sup>

## **b. Subsidiary Legislations**

### **i. Appointment of Communal Conciliatory Boards Notice**

A significant subsidiary legislation under the Law of Marriage Act is the Appointment of

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<sup>28</sup> *Id.* § 3.

<sup>29</sup> *Id.* § 4.

<sup>30</sup> *Id.* § 101.

<sup>31</sup> *Id.* § 102.

<sup>32</sup> *Id.* § 103.

<sup>33</sup> Iddi Mkilindi, *Family Law in Tanzania* 87 (2020).

Communal Conciliatory Boards (CCBs) Notice. This notice provides the framework for establishing and operating Communal Conciliatory Boards across various communities in Tanzania. These boards are specifically designed to reflect the communal and religious diversity within their respective jurisdictions, ensuring a culturally sensitive approach to dispute resolution.<sup>34</sup>

The Appointment of CCBs Notice outlines the jurisdictional scope of these boards, which are typically established within local communities to handle family disputes that do not necessitate formal court intervention. This decentralized method allows for timely, localized resolution of disputes, making it easier for communities to address issues in a manner aligned with their norms and values.<sup>35</sup>

The composition of CCBs is deliberately diverse, including members from different religious communities, such as Muslims and Christians. This ensures that the dispute resolution process incorporates a wide range of religious perspectives and cultural insights, fostering an inclusive and comprehensive approach to conciliation.<sup>36</sup> The Baraza Kuu la Waislamu Tanzania (BAKWATA) in Dar es Salaam, Dawoodi Bohora Community Marriage Conciliatory Board of Dar-Ui-Imarat, Sunni-Ibadhi Conciliatory Board, and the Catholic Conciliatory Board serve as examples of these institutions that reflect religious diversity in their practices.<sup>37</sup>

In addition to resolving disputes, CCBs play a key role in promoting community harmony and social cohesion, contributing to the stability of the communities they serve. They also serve an educational function by raising awareness about legal rights and responsibilities among community members, empowering them to navigate family and marital issues more effectively.<sup>38</sup>

Moreover, the Appointment of CCBs Notice acknowledges and integrates traditional justice systems, recognizing the importance of cultural diversity and inclusivity in conflict resolution. This dual recognition of formal and customary dispute resolution mechanisms enhances access to justice while strengthening community resilience against potential social tensions.

Thus, the Appointment of Communal Conciliatory Boards Notice integrates formal legal procedures with traditional community-based approaches to conciliation. By empowering local communities to autonomously resolve family disputes, this legislation promotes localized,

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<sup>34</sup> Appointment of Communal Conciliatory Boards Notice, G.N. No. 277 of 2005 (Tanzania).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*



culturally sensitive conciliation processes that contribute to social cohesion, legal empowerment, and sustainable development in Tanzania.<sup>39</sup>

## ii. **Marriage Conciliation Boards (Procedure) Regulations**

The Marriage Conciliation Boards (Procedure) Regulations are another critical piece of subsidiary legislation under the Law of Marriage Act. These regulations establish the procedural framework governing the operation of Marriage Conciliation Boards (MCBs) across Tanzania. As a result, they ensure that conciliation processes are conducted fairly, efficiently, and in alignment with the overarching objectives of the Law of Marriage Act.<sup>40</sup>

The Procedure Regulations detail the essential steps involved in initiating and conducting conciliation proceedings, such as submitting requests, scheduling sessions, and notifying the involved parties. By formalizing these procedures, the regulations create a structured approach that enables orderly and systematic handling of family disputes.<sup>41</sup>

Fairness and neutrality are emphasized throughout the regulations, with explicit requirements for conciliators to act impartially. This neutrality is critical in fostering trust and cooperation between the parties, allowing for open communication and constructive problem-solving during conciliation sessions.<sup>42</sup> The regulations also underline the importance of confidentiality, prohibiting the disclosure of any information shared during the conciliation process without the consent of the involved parties. Section 7 particularly addresses this point, helping to create a safe and open environment for candid discussions.<sup>43</sup>

In addition to promoting fairness and confidentiality, the regulations also aim to reduce procedural delays. By setting clear guidelines for how conciliation sessions should be conducted—including the roles and responsibilities of conciliators and the proper documentation of proceedings—the regulations ensure that family disputes are resolved promptly. Once agreements are reached, they are submitted to the court for approval, further streamlining the resolution process.<sup>44</sup>

Thus, the Marriage Conciliation Boards (Procedure) Regulations provide a solid procedural foundation for ensuring that family disputes are handled in an efficient, fair, and neutral manner. By codifying the steps and standards for conciliation, these regulations contribute significantly to the success of the conciliation process under the Law of Marriage Act, helping to facilitate

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<sup>39</sup> *Id.*

<sup>40</sup> Marriage Conciliation Boards (Procedure) Regulations, G.N. No. 275 of 2005 (Tanzania).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

timely and amicable resolutions of marital disputes.

### **(C) Institutional Framework**

The Tanzanian legal system and various institutions provide crucial support for resolving marital disputes, working within a robust legal framework. These institutions contribute to the fair, amicable, and efficient resolution of family matters.

#### **a. Marriage Conciliation Boards (MCBs)**

Marriage Conciliation Boards (MCBs) are key institutions established under Sections 102 and 103.<sup>45</sup> These boards are designed to facilitate conciliation and reconciliation of marital disputes before cases escalate to the courts. Under the law,<sup>46</sup> the Minister responsible for community affairs is empowered to establish these boards within various communities. These boards are often referred to as communal boards, focusing on resolving marital conflicts through conciliation and fostering mutual understanding between parties.

MCBs operate with flexibility, unlike formal court proceedings. Conciliators utilize various techniques to mediate disputes, focusing on dialogue and mutual agreement. The Appointment of Communal Conciliatory Boards Notice expands the role of conciliation beyond MCBs, incorporating cultural and religious boards that cater to community-specific needs.<sup>47</sup>

The MCBs are composed of respected members of the community known for their integrity and knowledge of local customs, ensuring culturally appropriate resolutions. These boards aim to preserve familial harmony while upholding justice and fairness, with both Christian and Islamic religious boards playing significant roles in dispute resolution based on their respective religious doctrines. Islamic conciliation boards, for example, follow Sharia law and are often led by Qadis and community leaders, while Christian conciliation boards are guided by church elders or pastors.

#### **b. Judicial System**

The Tanzanian judicial system is structured hierarchically, allowing matrimonial disputes to be addressed at various levels.

##### **i. Primary Court**

Primary Courts are the first judicial level with jurisdiction over most matrimonial matters, including divorce, custody, and maintenance issues. These courts are established under the

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<sup>45</sup> Sections 102 and 103 of the Law of Marriage Act

<sup>46</sup> Law of Marriage Act

<sup>47</sup> The Appointment of Communal Conciliatory Boards

Magistrates' Courts Act<sup>48</sup> and handle disputes after reconciliation efforts through MCBs fail. Under Section 107(1) of the Law of Marriage Act,<sup>49</sup> parties seeking divorce must first refer their case to a Marriage Conciliation Board. If conciliation efforts fail, the dispute is brought to the Primary Court, which also has jurisdiction over child custody and maintenance issues under Sections 125 and 129 of the Act.<sup>50</sup>

Primary Courts conduct hearings to review evidence and listen to parties, following the Magistrates' Courts Rules.<sup>51</sup> They make decisions on divorce, child custody, and maintenance based on legal principles and the best interests of the children. Dissatisfied parties can appeal decisions to the District Court under the Law of Marriage Act.

## **ii. The District Court and Resident Magistrate Courts**

District Courts and Resident Magistrate Courts form the intermediate tier in the judicial system.<sup>52</sup> They serve as appellate courts for cases from Primary Courts and handle more complex matrimonial disputes.<sup>53</sup> These courts review evidence and decisions from lower courts, ensuring legal consistency and fairness. Under Section 74<sup>54</sup> it provides that parties can appeal District and Resident Magistrate Courts' decisions to the High Court.

## **iii. High Court (Family Division)**

The High Court (Family Division), established under Article 108 of the Tanzanian Constitution,<sup>55</sup> has broad jurisdiction over complex family law cases and appeals.<sup>56</sup> It ensures consistency in applying family law principles and resolving disputes justly. The court reviews appeals from District and Resident Magistrate Courts, handles new evidence, and sets legal precedents for future family law cases. Appeals from the High Court can be taken to the Court of Appeal of Tanzania, the country's highest court.

## **iv. Court of Appeal**

The Court of Appeal of Tanzania is the highest judicial authority and the final appellate court for matrimonial disputes. Established under Article 117 of the Constitution,<sup>57</sup> it ensures that legal standards are uniformly applied across the country. The Appellate Jurisdiction Act

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<sup>48</sup> Section 3 of The Magistrate Court Act cap 11 R:E 2019

<sup>49</sup> Section 107(1) of the Law of Marriage Act

<sup>50</sup> Law of Marriage Act

<sup>51</sup> Section 18 of MCA

<sup>52</sup> Section 4 and 5 of MCA

<sup>53</sup> Section 20 of MCA

<sup>54</sup> The Law of Marriage Act

<sup>55</sup> The Constitution of United Republic of Tanzania 1971

<sup>56</sup> Article 108 (1) of CURT

<sup>57</sup> The Constitution of the United Republic of Tanzania Article 117

governs the appeals process, allowing the Court of Appeal to correct errors and provide final judgments on family law cases.<sup>58</sup>

### **c. Legal Aid and Non-Governmental Organizations (NGOs)**

Legal aid organizations and NGOs are integral to the resolution of marital disputes in Tanzania. These organizations offer free or low-cost legal services, counseling, and mediation, ensuring that even those who cannot afford legal representation have access to justice. The Legal Aid Act,<sup>59</sup> provides the framework for these services.

Notable NGOs in Tanzania include the Tanzania Women Lawyers Association (TAWLA),<sup>60</sup> the Legal and Human Rights Centre (LHRC),<sup>61</sup> and the Women's Legal Aid Centre (WLAC).<sup>62</sup> These organizations provide legal support and educational programs focused on family law, helping individuals understand their rights and navigate disputes.

### **d. Social Welfare Services**

The Department of Social Welfare plays a vital role in supporting families during marital disputes. Social welfare services offer professional counseling and mediation, focusing on the emotional well-being of families, especially children. Social workers provide guidance on issues such as child custody and maintenance, ensuring that family member's best interests are considered in legal and conciliation proceedings. These services are essential for maintaining family cohesion and ensuring the welfare of children during disputes.

In conclusion, Tanzania's institutional framework, supported by legal bodies, NGOs, and social services, provides comprehensive mechanisms for resolving marital disputes. From conciliation boards to the Court of Appeal, and through legal aid and social welfare services, the system ensures access to justice, fairness, and the protection of family welfare.

## **II. CONCLUSION**

This paper has critically examined the legal and institutional frameworks for resolving marital disputes, focusing on both international and municipal laws, as well as Tanzania's conciliation mechanisms. The analysis highlights those international conventions, such as CEDAW and the UDHR, play a vital role in setting standards for the protection of family rights and the peaceful

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<sup>58</sup> Section 4 of the Appellate Jurisdiction Act

<sup>59</sup> Legal Aid Act, 2017

<sup>60</sup> Tanzania Women Lawyers Association (TAWLA). (n.d.). About us. Retrieved from <https://www.tawla.or.tz/about-us>.

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resolution of conflicts, aligning with Tanzania's domestic legal obligations. At the national level, the Law of Marriage Act Cap 29 and its associated subsidiary legislations, such as the Marriage Conciliation Boards (Procedure) Regulations, provide a structured framework for resolving family disputes through conciliation.

Tanzania's judicial system, from Primary Courts to the Court of Appeal, offers a comprehensive legal process for handling matrimonial disputes. This multi-tiered system ensures that cases can be resolved at appropriate levels based on their complexity, with a strong emphasis on reconciliation before formal litigation. Additionally, non-governmental organizations (NGOs), legal aid services, and social welfare institutions complement these legal structures by offering mediation, counseling, and legal representation, ensuring access to justice, particularly for vulnerable members of society.

The effectiveness of conciliation in marital disputes rests on its culturally sensitive, community-driven approach, which seeks to resolve conflicts amicably and preserve familial harmony. However, challenges such as resource constraints, lack of awareness, and procedural inefficiencies may limit the success of these mechanisms. Therefore, while Tanzania has a robust legal framework for family dispute resolution, further efforts are needed to strengthen institutional capacities, raise public awareness, and ensure that conciliation remains a viable and accessible option for all.

In conclusion, the integration of both international and domestic legal standards, combined with the supportive role of conciliation boards and judicial institutions, underscores the significance of alternative dispute resolution in promoting justice, social cohesion, and the well-being of families in Tanzania.

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