1. Record Nr. UNINA9910798119403321 Autore Mashamba Clement J. Titolo Alternative dispute resolution in Tanzania: law and practice / / Clement J. Mashamba Pubbl/distr/stampa Dar es Salaam:,: Mkuki na Nyota,, [2014] **ISBN** 9987-753-54-X Edizione [POD edition.] 1 online resource (226 p.) Descrizione fisica 967.8 Disciplina Dispute resolution (Law) - Tanzania Soggetti Compromise (Law) - Tanzania Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Includes bibliographical references (pages 201-205). Nota di bibliografia Nota di contenuto Cover: Title page: Copyright page: Contents: Acknowledgments: Preface; Abbreviations and Acronyms; Part 1 - The Genesis of Alternative Dispute Resolution (ADR); Chapter One - The Concept of Dispute and Conflict Management: 1.0 Introduction: 1.1 Understanding Disputes and Conflicts; 1.1.1 Introduction; 1.1.2 The Dimension and Nature of Conflict; 1.1.3 Functions of Conflict; 1.1.4 Causes of Disputes and Conflicts; 1.1.5 Conflict Analysis; 1.1.6 Tools for Conflict Analysis; Chapter Two - The Concept of Alternative Dispute Resolution (ADR); 2.0 Introduction 2.1 Meaning of Alternative Dispute Resolution (ADR)2.2 Origins and Ideology of ADR: 2.2.1 General Overview: 2.2.2 Rationale for the Emergence of Modern ADR; 2.3 Reform of the US Justice System in Favour of ADR; 2.4 The Spread of ADR Beyond the US; 2.4.1 The Spread of ADR to Other Developed Countries; 2.4.2 The Spread of ADR to Africa; 2.5 The Benefits of ADR; Chapter Three - Alternative Dispute Resolution (ADR) in the African Cultural Context; 3.0 Introduction; 3.1 The Role of Culture in Dispute Resolution; 3.1.1 The Place of Culture in

3.1.2 The Cultural Orientation of Parties to a Dispute 3.1.3 Cultural Aspects are Prevalent in Every Conflict Situation; 3.2 The Role of Ubuntu in Dispute Resolution in Africa; 3.2.1 The Place of Restorative Justice in Dispute Resolution in Africa; 3.2.2 The Place of Ubuntu in Dispute Resolution in Africa; 3.3 Comparison between Formal ADR and

Conflict

Traditional Justic e Systems in Africa; 3.3.1 Emphasis on Informality of Procedures; 3.3.2 Methods of Dispute Resolution in Traditional Africa; 3.3.3 Neutrality of the Mediator in Traditional Africa Dispute Settlement 3.3.4 The Notion of Privacy and Confidentiality vis-a-vis Conflict of Interest of Mediators in the African Traditional Dispute Resolution3.3.5 The Need to Maintain Cohesion and Collaboration; Chapter Four - Transplanting ADR into Tanzania from the West; 4.0 Introduction; 4.1 Retention of the Colonial Legal System and its Impact on Dispute Resolution in Africa; 4.1.1 General Overview; 4.1.2 The Rationale for the Retention of the Colonial Justice System; 4.1.3 The Implications of the Retention of the Colonial Justice System in Dispute Resolution in Africa

4.2 Prelude to the Introduction of ADR in Tanzania4.2.1 E arly Measures to Reduce Caseloads in Civil Courts; 4.2.2 The Need for ADR in Tanzania; 4.3 Introduction of ADR in Tanzania; 4.3.1 General Overview; 4.3.2 Consequences of the 1994 Amendments to the Civil Procedure Code; 4.4 Challenges Facing ADR in Tanzania: Findings of the ADR Evaluation Report; 4.5 Recommendations of the ADR Evaluation Report; Part 2 - Theories and Principles of Alternative Dispute Resolution (ADR); Chapter Five - Theories and Principles of Negotiation; 5.0 Introduction; 5.1 Meaning and Dimensions of Negotiation 5.2 Approaches to Resolving Disputes Through Negotiation