

# Evaluation on the Effectiveness of Tanzania's Legal and Institutional Frameworks in Enforcing International Rules on Carriage of Goods by Sea

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## Abstract

Efficient, predictable enforcement of the Hague-Visby Rules is critical to Tanzania's competitiveness in global supply chains, yet circumstantial evidence suggests systematic delays and uncertainty. This paper evaluates Tanzania's performance using a sequential mixed-methods design. Phase 1 undertook the Analysis on Statutes governing Carriage of Goods by Sea, Case and Judgments of the Court on Carriage of Goods by Sea and Phase 2 collected Surveyed data from 50 purposively selected Stakeholders and 16 semi-structured interviews. A five-item Perceived-Mechanism Effectiveness Scale ( $\alpha = 0.81$ ) yielded a mean score of 2.34/5, signaling broad dissatisfaction. A Relative importance index ranked the absence of a Specialist Maritime Forum as the most severe obstacle (0.88), followed by long Court procedures (0.81) and Award Enforcement Weaknesses (0.77). Thematic coding of interview transcripts highlighted knowledge gaps, institutional fragmentation and "cargo leakage" to rival ports. Logistic regression confirmed that a one-point drop in institutional confidence triples the odds of dispute-related financial loss ( $\beta = -1.21, p = 0.04$ ). These results validate Transaction-Cost Economics and Institutional Theory: high governance costs and low legitimacy divert trade elsewhere.

## Keywords

Tanzania, Maritime Arbitration, Carriage of Goods by Sea, Hague-Visby Rules, Dispute Resolution, Institutional Effectiveness

## 1. Introduction

Tanzania's maritime economy functions as the country's principal gateway to

global commerce, with Dar es Salaam Port alone handling more than 90 percent of national import-export tonnage and servicing eight land-linked neighbors (World Bank, 2024). Recent capital projects such as the dredging of Berth 11 - 12, a new Oil Handling Jetty, and the Standard Gauge Rail link have substantially boosted physical throughput capacity. Yet the legal and institutional infrastructure charged with adjudicating cargo disputes has not kept pace, the average time to resolve the Carriage of Goods by Sea claims in the High Court (Commercial Division) exceeds 12 months, compared with fewer than 6 months in Singapore and under 9 months in South Africa Maritime arbitration docket (UN Trade and Development—UNCTAD, 2024). These enforcement bottlenecks generate hidden transaction costs demurrage, cargo deterioration, and insurer risk premia that ultimately inflate consumer prices and undermine Tanzania's competitiveness in regional supply chains (Economist Impact, 2025).

Uniform Rules on Carriage of Goods by Sea such as the Hague-Visby Rules—The Hague Rules as Amended by Brussels Protocol 1968 are designed to mitigate precisely the frictions by prescribing clear liability thresholds for shipowners and cargo interests. Although Tanzania incorporated the Hague-Visby Rules into the Merchant Shipping Act of 2003 (Cap 165), evidence shows that implementation has been uneven (Nyabunya & Gurumo, 2024). Court shows inconsistent application of limitation of time provisions, while overlapping mandates of the Tanzania Shipping Agencies Corporation (TASAC), the Tanzania Ports Authority (TPA), and the Registrar of Ships complicate jurisdictional clarity as a result, Shippers of high-value or perishable goods increasingly select to discharge in Mombasa or Durban Port perceived to offer swifter and more predictable legal remedies before trucking cargo back into Tanzania, adding 7 - 10 percent to logistics costs (Owa & Sinmi-Adetona, 2025).

International scholarship underscores that ratification alone does not guarantee efficacy. Robust domestic rules are needed to interpret and operationalize Convention norms (Ripley-Evans, Maseko, & Dibben, 2024). In Transaction-Cost Economics terms, weak enforcement raises ex-post governance costs, incentivizing market actors to seek lower-risk jurisdictions (Williamson, 1996). Complementing this, Institutional Theory posits that regulatory legitimacy hinges on the perceived competence and predictability of enforcement bodies. When Court lack technical expertise or agencies are under-resourced, Stakeholders question the value of formal rules, leading to informal work arounds and forum shopping (North, 1990). Both theories predict that Tanzania's current enforcement deficits will translate into measurable economic leakage. In this study, cargo leakage refers to the diversion of Tanzanian-origin or Tanzanian-destined consignments to foreign ports (e.g., Mombasa, Durban) because those venues are perceived to offer faster or more predictable dispute resolution, thereby shifting throughput, port fees, ancillary logistics services, and associated value-added away from Dar es Salaam.

Empirical studies within the Southern African Development Community

(SADC) illustrate the magnitude of potential gains from reform. South Africa's 2019 introduction of Specialist Maritime panels and an expedited Arbitral track cut average resolution time from 26 to 12 months and correlated with a 14 percent uptick in container trans-shipment volumes via Durban (Arbitration Foundation of Southern Africa—AFSA, 2024). On the other hand, Nigerian Carriage of Goods by Sea disputes still average 24 to 30 months, a lag blamed for a documented 11 percent insurance surcharge on Lagos-bound cargoes (Ajayi, 2022). Tanzania occupies a middle ground faster than Nigeria, but significantly slower than leading hubs suggesting both the urgency and the feasibility of targeted rules upgrades.

Despite Scattered case commentaries and agency reports, a consolidated assessment of how Tanzania's statutory provisions, judicial practice, and Alternative Dispute Resolution (ADR) avenues interact to enforce the Hague-Visby Rules regime remains absent. Existing work tends either to focus narrowly on doctrinal consistency or to surface practitioner stories without systematic measurement (Mugisha & Mwendapole, 2024).

By illuminating the precise fault lines knowledge gaps, procedural drag and institutional fragmentation, the research aims to furnish Policymakers, Adjudicators and Leaders with evidence backed reform levers. Recommendation is on establishment of a dedicated Maritime Arbitration Center, refining High Court (Commercial Division) Case Management and introduction of a Sector Capacity building trainings to reduce disputes, reduce Cargo handling payments and position Dar es Salaam Port as a reliable hub for the Northern, Central and Southern Corridors. Ultimately, effective enforcement of the Hague-Visby Rules is not merely a legal nicety but a strategic imperative for Tanzania's ambition to anchor regional Supply chains and attract blue economy Investment.

## 2. Literature Review

### 2.1. International Norms and Domestic Incorporation

The Hague-Visby Rules—The Hague Rules as Amended by the Brussels Protocol 1968 remain the prevailing international instrument for allocating carrier cargo liabilities, owing to their wide ratification and perceived commercial pragmatism (Girvin, 2022). Although newer regimes under the United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules) 1978 and the (Rotterdam Rules) 2009 seek to modernize liability limits and multimodal coverage, global uptake has been uneven. Only 35 States have acceded to Hamburg Rules and a 7 States to Rotterdam Rules. Scholars attribute the continued dominance of Hague-Visby Rules to its market familiarity and the Maritime insurance sector's fixed actuarial models, which bake the Hague Visby Rules liability ceilings into payment calculations (Britannia P&I, 2024).

Jurisdictions that pair ratification with specialized adjudicatory forums demonstrate superior enforcement consistency. Singapore's Supreme Court, aided by its Admiralty and Shipping List, delivers the Carriage of Goods Judgments in a median 167 days, while its Singapore Chamber of Maritime Arbitration (SCMA) re-

solves most cargo claims in under six (06) months (Tan, 2022). Likewise, England's Business and Property Courts channel maritime disputes to judges versed in Charterparty, Bills of Lading and multimodal liability doctrines, limiting doctrinal drift (Judiciary of England & Wales, 2024). These examples illustrate that domestic implementation architecture specialist benches, maritime savvy bar associations, and coherent appellate paths is decisive in converting international norms into predictable outcomes.

## 2.2. African Experience with Maritime Alternative Dispute Resolution

Sub-Saharan Africa offers a laboratory for observing how institutional design influences dispute-resolution timelines. South Africa's 2019 amendment to its Arbitration Act introduced a fast-track protocol for Maritime Claims, empowering tribunals to issue partial awards within 60 days of the first procedural order. Empirical data show average dispute cycles halved from 26 to 12 months (AFSA, 2024). The reform's success has been partly credited to the Admiralty Jurisdiction Regulation Act, which already vested the High Court (Commercial Division) with robust in-rem powers, enabling arbitral tribunals to secure assets efficiently (Ripley-Evans et al., 2024). Kenya's 2021 Draft Maritime Law Bill similarly proposes a dedicated Admiralty Division and encourages pre-litigation mediation, reflecting the African Continental Free Trade Area's broader push to de-risk supply-chain corridors (African Union, 2023).

Conversely, jurisdictions lacking institutional depth continue to struggle. Nigerian Carriage of Goods by Sea Cases still average more than two years to judgment due to congested Federal High Court dockets and limited arbitral culture (Ajayi, 2022). Ghana's Ports and Harbours Authority reports that 72 percent of bills of Lading disputes escalate to protracted litigation, prompting cargo owners to re-route sensitive consignments through Lomé (Templars, 2024). The continental experience thus underscores that specialist forums and streamlined procedural codes are prerequisites to exploiting the efficiency promises of the Alternative Dispute Resolution.

## 2.3. Tanzanian Context

Tanzania domesticated the Hague-Visby Rules via the Carriage of Goods by Sea Act, Cap 164, yet enforcement remains fragmented across TASAC, TPA, and the High Court (Commercial Division) (Nyabunya & Gurumo, 2024). Annual Report of the TASAC (2023) noted that only three of its in-house lawyers possess formal Maritime qualifications, hampering regulatory oversight of the Carriage of Goods Act. Judicially, the High Court (Commercial Division) hears Maritime claims alongside with all other disputes that is the banking and construction disputes, diluting doctrinal specialization. A 2022 docket review recorded an average 14-month disposition time for Cargo Cases, double the Division's own target. Stakeholder surveys further reveal limited awareness (Mugisha & Mwendapole, 2024)

found that just 46 percent of port-operations staff correctly identified the one-year Hague-Visby Rules suit time-bar, and 58 percent of practicing lawyers deemed domestic enforcement “slow or very slow”.

TASAC regulates ship agents and cargo clearance but relies on TPA for berth allocation and detention orders, creating procedural “ping-pong” when a vessel under legal hold requests shifting (TASAC, 2018). Appeals from TASAC enforcement decisions funnel to the Minister of Transport before reaching to the High Court introducing political and administrative layers absent in peer jurisdictions. Such fragmentation aligns with Transaction Cost Economics predictions; each additional procedural node multiplies coordination costs and incentivizes shippers to favour ports where legal pathways are linear and specialized.

## 2.4. Research Gap

The present literature review provides valuable fragments a doctrinal critique of statutes, a survey of Stakeholder awareness (Mugisha & Mwendapole, 2024), and isolated Case analyses but lacks an integrated, mixed-methods appraisal that connects statutory design to empirical performance. Prior studies seldom triangulate field data with doctrinal findings, leaving policymakers without a holistic map of where legislative text, institutional design and operational practice diverge. Moreover, comparative metrics such as resolution timelines, relative importance index scores that situate Tanzania against regional benchmarks remain sparse.

This study addresses those deficiencies by weaving together doctrinal analysis, a 50-responder survey and 16 semi-structured interviews to produce a multi-layered evaluation of enforcement effectiveness. By anchoring Stakeholder’s perceptions in statistical patterns and aligning them with statutory diagnostics. The research aspires to move beyond story toward evidence driven reform proposals capable of repositioning Dar es Salaam Port as a credible dispute resolution hub in the Northern, Eastern and Southern Corridors.

## 3. Methodology

### 3.1. Research Design

The investigation adopted a qualitative-dominant sequential mixed-methods design, a strategy well-suited to legal research that must first interrogate black-letter doctrine and then test real-world perceptions (Creswell, 2014). Phase 1 comprised a doctrinal analysis of Tanzania’s the Carriage of Goods Act, Cap 164 and the Merchant Shipping Act, Cap 165, allied with the Shippers Registration Regulations GN 382 of 2023 leading High Court (Commercial Division) and Court of Appeal decisions and five reported Arbitral Awards that invoked the Hague-Visby Rules. This stage mapped statutory wording against international rules text and isolated areas where domestic jurisprudence diverged from global norms. Phase 2 layered empirical evidence onto the doctrinal foundation through a field survey of 50 Stakeholders and 16 semi-structured interviews. Because the doctrinal review had already surfaced likely pressure points time-bar interpretation, forum

selection and enforcement of foreign awards the primary instruments were designed to probe those precise issues, enabling a tightly integrated sequential design.

### 3.2. Sampling and Data Collection

A purposive sampling frame targeted actors with direct decision-making or front-line exposure to maritime disputes namely, judges of the High Court (Commercial Division), Advocates, Senior officials from TASAC and TPA, practicing arbitrators, and managerial staff from shipping lines and port-terminal operators. The  $n = 50$  survey size follows Cochran's (1963) large-population formula (assuming  $p = 0.5$  for maximum variability and  $\pm 14\%$  precision), and the occupational quotas mirror Dar es Salaam port's stakeholder composition. The questionnaire incorporated a five-item Perceived Mechanism Effectiveness Scale (PMES) validated by a pilot Cronbach's  $\alpha$  of 0.78 and supplementary Likert items on enforcement bottlenecks. Survey packets were hand-delivered and collected to secure a 100% response rate, while 16 respondents (32%) consented to follow-up interviews. Interviews, averaging 29 minutes, followed a semi-structured guide that explored statutory ambiguities, procedural delays, and appetite for a specialist maritime forum. All sessions were audio-recorded with consent and transcribed verbatim, yielding 7 hours 42 minutes of raw text.

### 3.3. Data Analysis

Doctrinal findings were coded for three dimensions: 1) statutory gaps vis-à-vis Hague-Visby provisions, 2) precedent consistency across comparable fact patterns, and 3) alignment with international best practice (e.g., Singapore, South Africa). Quantitative survey data were processed in SPSS: descriptive statistics profiled stakeholder views; Cronbach's  $\alpha$  (0.81) confirmed scale reliability;  $\chi^2$  tests examined whether dissatisfaction varied significantly by affiliation; and a Relative Importance Index (RII) ranked perceived obstacles. A binary logistic regression model then tested whether low institutional-confidence scores predicted self-reported financial loss, controlling for respondent role and years of experience. Qualitative material transcripts and open-ended questionnaire comments underwent Braun and Clarke's (2006) six-step thematic analysis in NVivo: initial familiarization, systematic coding, theme generation, theme review, definition, and narrative synthesis. Inter-coder reliability on 20% of the transcript sample produced a Cohen's  $\kappa$  of 0.82, attesting to coding consistency. This triangulated analytic suite provided a multilayered view of how statutory text, institutional performance metrics, and lived stakeholders experience converge or clash in Tanzania's enforcement of the Carriage of Goods by Sea, Cap 164.

Finally, the study integrated strands by using the qualitative themes (e.g., knowledge gaps, institutional fragmentation) to explain the why behind the quantitative patterns for instance, interpreting low PMES timeliness scores and the RII ranking of "absence of a specialist forum" through interview evidence on docket

congestion and limited maritime expertise.

## 4. Results and Findings

### 4.1. Perceived Effectiveness of Dispute-Resolution Mechanisms

The Perceived-Mechanism Effectiveness Scale (PMES) distills stakeholder views on five core attributes of Tanzania's carriage-of-goods dispute-resolution machinery. Means for all items hover well below the neutral mid-point of 3 on a 1-to-5 Likert scale, signaling broad dissatisfaction. Timeliness of rulings is the lowest-scoring dimension ( $M = 2.18$ ), mirroring the survey statistic that 54% of respondents' experience case cycles longer than a year; Cost proportionality and Enforceability of awards also rate poorly, reflecting complaints that successful parties must embark on separate proceedings to register or execute judgments. Although Predictability of outcomes fares slightly better ( $M = 2.53$ ), it still falls short of "acceptable", indicating that even seasoned practitioners cannot confidently forecast how similar disputes will be resolved. The composite PMES average of 2.34, supported by a high internal-consistency coefficient ( $\alpha = 0.81$ ), demonstrates that negative perceptions cut across every procedural dimension rather than clustering around a single pain point.

The standard-deviation values (0.72 - 0.90) are modest relative to the scale's five-point range, showing that discontent is not driven by a handful of outliers but is widely shared across the respondent pool. Nearly two-thirds of participants rate each component "Ineffective" or "Very ineffective", which reinforces both the statistical robustness of the findings and their policy relevance. In subsequent analyses, this composite PMES score functions as a reliable proxy for institutional confidence: logistic regression confirms that declines in PMES are significantly associated with higher odds of dispute-related financial loss. In practical terms, **Table 1** quantifies a critical weakness: Tanzania's existing forums are perceived as slow, costly, and uncertain, factors that collectively undermine the country's attractiveness as a maritime-trade hub.

**Table 1.** Perceived-mechanism effectiveness scale (PMES).

PMES Item	<i>M</i>	<i>SD</i>
Clarity of jurisdiction	2.42	0.83
Timeliness of rulings	2.18	0.90
Cost proportionality	2.26	0.79
Enforceability of awards	2.31	0.88
Predictability of outcomes	2.53	0.72
<b>Composite PMES (<math>\alpha = 0.81</math>)</b>	<b>2.34</b>	<b>0.71</b>

Five-point Likert scale: 1 = Very Ineffective ... 5 = Very Effective. Source: Field Data (2025).

## 4.2. Relative Importance of Institutional Obstacles

The Relative Importance Index (RII) (**Table 2**) ranks the structural barriers that respondents believe most undermine the enforcement of the Hague-Visby Rules in Tanzania. With an RII of 0.88 the nearest possible approach to the maximum value of 1.00 the absence of a specialist maritime forum towers above all other impediments. Stakeholders repeatedly remarked that without a dedicated court or arbitration center, cargo cases are funneled into generalist dockets where judges and counsel lack domain expertise, producing doctrinal inconsistency and procedural drift. Lengthy court procedures follow close behind (RII = 0.81), substantiating survey data that place the average dispute cycle well beyond a year. The third-ranked obstacle, weak enforcement of awards (RII = 0.77), highlights a second wave of delay: even after parties' secure favorable judgments or arbitral determinations, they face an additional round of litigation to register and execute the decision an inefficiency confirmed by interviewees who spoke of "winning the case but losing the cargo".

**Table 2.** Rank-ordered institutional obstacles (RII).

Institutional Obstacles	RII	Rank
Absence of specialist maritime forum	0.88	1
Lengthy court procedures	0.81	2
Weak enforcement of arbitral/court awards	0.77	3
Limited stakeholder legal awareness	0.64	4
Regulator resource constraints	0.59	5

Source: Field data (2025).

The lower half of the table limited stakeholder legal awareness (0.64) and regulator resource constraints (0.59) still scores above the 0.50 midpoint, indicating that these factors are consequential rather than marginal. Their placement suggests a cascading effect: front-line knowledge gaps and under-resourced agencies feed directly into the procedural and enforcement problems that top the ranking. Notably, the obstacle order mirrors the qualitative coding frequencies, providing convergent validity across methods; "knowledge gaps", "institutional fragmentation", and "protracted enforcement" are the three most frequently cited themes, matching the top three RII positions. Collectively, the table paints a clear reform roadmap: prioritize the establishment of a specialist forum and streamline court timelines, while simultaneously bolstering enforcement mechanisms and capacity-building programmes to address the underlying awareness and resource shortfalls.

## 4.3. Affiliation and Dissatisfaction

The cross-tabulation of stakeholder category against the proportion rating the dispute-resolution system "ineffective" ( $PMES \leq 2$ ) reveals a steep, statistically sig-

nificant gradient in discontent. Shipping-line and port-operation staff register the highest frustration 83 percent a figure that dwarfs the 38 percent recorded among professional arbitrators. Maritime lawyers and judges sit in the upper-middle tier (64 percent), while TASAC and TPA regulators cluster around 60 and 40 percent, respectively. A Pearson  $\chi^2$  value of 11.76 (df = 4,  $p = 0.019$ ) confirms that these differences are unlikely to be random; dissatisfaction clearly varies by institutional vantage point.

The pattern aligns with respondents' exposure to operational and financial risk. Front-line commercial actors bear the direct costs of demurrage, cargo spoilage, and schedule slippage, so delays and enforcement hurdles translate into immediate balance-sheet hits hence their pronounced criticism. Conversely, arbitrators, who typically engage once a dispute is already formalized, perceive fewer pain points, explaining their relatively lower gripe rate. From a policy standpoint, the **Table 3** underscores those reforms such as creating a specialist maritime forum and accelerating award enforcement would deliver the greatest relief to the very stakeholders most burdened by current inefficiencies, thereby maximizing economic impact and stakeholder buy-in.

**Table 3.** Stakeholder category  $\times$  perceived ineffectiveness.

Stakeholder group	% rating PMES $\leq 2$	n
Shipping/port operators	83%	18
Maritime lawyers & judges	64%	14
TASAC officials	60%	5
TPA officials	40%	5
Arbitrators	38%	8

$\chi^2$  (4, N = 50) = 11.76,  $p = 0.019$ . Source: Field data (2025).

#### 4.4. Qualitative Themes

The Nvivo-derived frequency counts spotlight a clear narrative hierarchy: "Knowledge gaps and misinterpretation" tops the list with 42 coded references, confirming stakeholders' repeated claims that many frontline actors still rely on outdated bills of lading or misconstrue pivotal Hague-Visby provisions such as the one-year suit time-bar. Interview excerpts describe freight forwarders who "think the Hague Rules expired in the 1960s", illustrating how misunderstandings at the document-drafting stage seed disputes that later clog court dockets. The theme's dominance aligns with the survey finding that legal awareness scored a modest RII of 0.64 high enough to matter, yet low enough to perpetuate the errors (**Table 4**).

**Table 4.** Thematic frequencies (NVivo coding).

Theme	Coded references
Knowledge gaps & misinterpretation	42

**Continued**

Institutional fragmentation & expertise deficit	38
Protracted litigation & enforcement barriers	34
Economic drag & strategic leakage	27

Source: Field data (2025).

Close behind sits “Institutional fragmentation and expertise deficit” (38 references), which captures complaints that cargo claims ping-pong among TASAC, the TPA, and the High Court (Commercial Division) none of which possesses a fully maritime-trained bench or dedicated case-management rules. This fragmentation feeds directly into the third theme, “Protracted litigation and enforcement barriers” (34 references): respondents recount spending “another year” merely to register foreign awards or secure cargo release, echoing the quantitative finding that 54 % of cases run longer than twelve months. Finally, “Economic drag and strategic leakage” (27 references) shows how legal dysfunction translates into re-routed cargo, insurance surcharges, and lost port revenue hard costs that validate the logistic-regression result linking low institutional confidence to higher odds of financial loss. Taken together, the frequency pattern demonstrates a cascading logic: gaps in knowledge exacerbate institutional fragmentation, which prolongs enforcement and ultimately drains economic value from Tanzania’s corridor.

#### 4.5. Predictors of Financial Loss

The logistic-regression model tests whether institutional confidence captured by the composite PMES score predicts the probability that a firm has incurred a dispute-related financial loss in the past three years. The coefficient for PMES is negative and statistically significant ( $\beta = -1.21$ ,  $p = 0.040$ ), and the odds ratio of 0.30 indicates that each one-point rise on the five-point confidence scale cuts the likelihood of a financial hit by roughly 70%. Put differently, a one-point drop in confidence multiplies the odds of loss by 3.3, underscoring that perceived procedural weakness translates directly into balance-sheet risk. The model’s goodness-of-fit is acceptable (Hosmer-Lemeshow  $p = 0.72$ ), and the Nagelkerke  $R^2$  of 0.28 shows that institutional confidence alone explains more than a quarter of the variance in loss experience substantial explanatory power for a single attitudinal predictor.

Control variables offer additional nuance. Years in the sector is positive but non-significant ( $\beta = 0.07$ ,  $p = 0.161$ ), suggesting that greater tenure does not immunize firms from loss once institutional conditions are held constant. The stakeholder dummy (shipping/port actors versus all others) approaches significance ( $\beta = 0.83$ ,  $p = 0.073$ ), hinting those frontline commercial operators are inherently more exposed, yet their risk premium diminishes sharply as confidence in legal mechanisms rises. Overall, **Table 5** provides hard evidence for what interviewees repeatedly asserted: improving procedural speed, award enforceability, and specialist expertise would not merely boost perceptions but yield tangible financial savings for industry actors.

**Table 5.** Logistic regression: institutional confidence → Financial loss.

Predictor	$\beta$	SE	Wald	$p$	Exp( $\beta$ )
PMES composite	-1.21	0.58	4.37	0.040	0.30
Years in sector	0.07	0.05	1.96	0.161	1.07
Stakeholder dummy	0.83	0.46	3.22	0.073	2.30

Source: Field data (2025).

## 5. Discussion

The consistently low PMES (Performance Management and Evaluation System) scores recorded in this study confirm that Tanzania's current enforcement architecture is under-performing when benchmarked against jurisdictions that have invested in specialist fora and streamlined procedures. A mean of 2.34 sits almost two full points below Singapore's Maritime Dispute Resolution Registry average of 4.2, where a purpose-built Admiralty & Shipping List and the Singapore Chamber of Maritime Arbitration together dispose of most cargo claims in fewer than 180 days (Tan, 2022). It also trails South Africa's post-2019 fast-track model, whose specialist maritime panels and compressed filing timetables have lifted user confidence to an average of 3.9 (AFSA, 2024). These contrasts echo Zhang's (2023) comparative review, which shows that "doctrinal uniformity without institutional specialization merely transplants rules into inhospitable soil". In Tanzania's case, the absence of a dedicated forum emerged as the top obstacle (RII = 0.88), suggesting that statutory incorporation of the Hague-Visby Rules has not been matched by an adjudicatory ecosystem capable of applying them with speed and consistency.

Link to Transaction-Cost Economics (TCE). The results map directly onto TCE's core constructs. First, uncertainty rises where adjudication is slow and outcomes are inconsistent (low PMES; high RII for lengthy procedures). Second, frequency of carriage contracts in liner shipping amplifies the cumulative impact of even small governance frictions. Third, asset-specific investments in reefer chains and time-sensitive cargoes heighten exposure to delay-related losses (asset specificity). Together these conditions elevate ex-post governance costs (award registration, enforcement, demurrage), making forum-shopping a rational response precisely the behavior we observe as cargo leakage toward competing ports.

Transaction-Cost Economics offers a compelling explanation for the commercial repercussions of this institutional lag. Williamson (1996) argues that when ex-post governance costs become excessive, rational firms reconfigure their logistics chains to minimize exposure. Owa and Sinmi-Adetona's (2025) finding that Tanzanian routes now carry a 7% - 10% insurance premium attributable to legal uncertainty. That premium is not merely a market signal; it represents a direct transfer of competitiveness from Dar es Salaam to rival hubs. The high RII scores for long Court procedures (0.81) and weak award enforcement (0.77) provide the procedural mechanics behind this economic leakage. Every extra month spent registering a foreign award or contesting jurisdiction is a month in which demur-

rage accrues and cargo values depreciate.

The study also highlights the human-capital dimension of enforcement deficits. Logistic regression demonstrates that a one-point decline in institutional confidence triples the odds of suffering a dispute-related financial loss, extending [Ripley-Evans, Maseko and Dibben's \(2024\)](#) South-African evidence to an East-African context.

## 6. Conclusion and Recommendations

Conclusively, the study confirms that Tanzania's enforcement of the Hague-Visby Rules is restricted by legislative gaps than by institutional architecture that lacks specialization, agility, and domain expertise. Consequently, maritime disputes linger, transaction costs mount and cargo increasingly bypass Dar es Salaam for ports with swifter, more predictable forums. The following points to an actionable reform triad, namely, firstly; Establishment of a dedicated Maritime Arbitration Centre to concentrate expertise and shorten case cycles; Secondly, Embed fast-track rules on hearing of the Carriage of Goods by sea cases with limited case procedures within the High Court (Commercial Division) to curb procedural drift; and Thirdly, Launch targeted Capacity building programs (Trainings) for Regulators, Advocates, and Operators to close the legal literacy gap that seeds many maritime disputes. Implemented together the above recommended measures would not merely align Tanzania with international best practice but also unlock tangible economic gains lower insurance premia, reduce demurrage, and restore investors' confidence crucial to cementing Tanzania's role as a competitive maritime hub in East Africa.

Evidence from South Africa indicates that targeted institutional reforms are feasible and impactful: the introduction of specialist maritime panels and a fast-track arbitral protocol reduced average dispute cycles from roughly 26 to 12 months and coincided with measurable gains in cargo throughput demonstrating that similar reforms can yield operational and commercial benefits ([AFSA, 2024](#); [Ripley-Evans et al., 2024](#)).

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## Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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