

**ALTERNATIVE DISPUTE RESOLUTION ON THE RIGHTS OF WOMEN IN
GAROWE, SOMALIA.**

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JUNE 2022

DECLARATION

I declare that this document and the research it describes are my original work and that they have not been presented in any other university for academic work.

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DEDICATION

I dedicate this work to all my family members who have provided me with a lot of encouragement, moral and financial support throughout my studies in Kenya. I would also like to dedicate this work to my friends and classmates who have been of great assistance and have walked this journey with me.

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ABSTRACT

Alternative dispute resolution (ADR) platforms exist in Somalia, but most women are not aware of this structure and therefore perceive that violations against them are culturally and legally justified. Even though ADR is already being used by the majority in Somalia to resolve conflict in their communities and dispense justice, the system lacks access to fair and equitable justice system and is one of the most pressing problems in addressing the right of women in the country. The study sought to investigate the effect of ADR on the rights of women in Garowe, Somalia. Specifically, it evaluated the application of the ADR system in addressing the rights of women in Garowe, Somalia, explored on the strategies that have been applied to improve use of ADR in resolving issues affecting the rights of women in Garowe, Somalia and assessed the key challenges to the application of ADR in addressing the human rights issues affecting women in Garowe, Somalia. It was guided by theories of conflict resolution and conflict transformation. This study was conducted in Somalia, Garowe district, and it focused on the role of Alternative Dispute Resolution in solving conflicts regarding women in relation to their socio-economic rights. The target was a total population of 57,801 residents of Garowe district, with a focus on 26,357 men and women residing in Garowe, mainly of ages between 15 and 55 years. Purposive and stratified random sampling were used to examine a sample of 204 respondents. It targeted community workers, village elders, and male and female employees of government and non-government agencies dealing with the rights of women in Somalia. Questionnaires and interviews were used as the main tools of data collection where a pilot study was conducted on 20 respondents from Arrolei district to ensure the reliability of the instruments. Cronbach Alpha test was used to test the reliability of the research instruments. Quantitative data collected was analyzed using SPSS 20 and qualitative data analyzed in thematic discussions. Results of the study revealed that 80.3 percentage of women in Somalia do not understand their rights as women with only 68 percentage of them aware of the ADR system. Results further revealed that only 19.2 percentage of women in Somalia have used the ADR system and only 21.2 percentage of them can trust the ADR system. 90.7 percentage of the respondents indicated that the ADR system is faced by numerous challenges where 91.2 percentage indicated that all cases that have gone through the system did not reach an agreement. Results therefore called for government, non-governmental organizations and local communities to popularize the ADR system in Somalia and regularize its application to make it more effective. The research therefore recommends research on cultural effects the rights of women in Somalia to address the challenges facing the application and use of the ADR system in the country. This study will contribute to the understanding of the effects ADR has and how the community suffer the absence of women's rights.

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DEFINITION OF TERMS

Alternative Dispute Resolution: These are means of settling disputes and conflicts outside the court system.

Clan: This is a group of people of interrelated families with strong common interests.

Conflict: This is a long-term with deeply rooted issues that are seen as “non-negotiable”

Dispute: This is a short-term disagreement that can result in the disputants reaching some sort of resolution; it involves issues that are negotiable.

Rights of women: These are rights that promote the social and legal position of women in a society

Rights: This is a right that is believed to belong to every person, and they aim to protect all people everywhere from any severe political, legal, and social abuses

Violation: Violation can be defined as a breach of law or conduct. Violation of human rights is when any state or non-state agency or an individual breach any term or provision of the humanitarian law.

ABBREVIATIONS AND ACRONYMS

ADR: Alternative Dispute Resolution

FGM: Female Genital Mutilation

HRC: Human Rights Council

IDLO: International Development Law Organization

SPSS: statistical package for social Sciences.

UN: United Nations

UNICEF: United Nations International Children's Emergency Fund

USA: United States of America

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CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Introduction

This study investigated effects of Alternative Dispute Resolution (ADR) on the rights of women in Garowe Somalia. This chapter focuses on the background of the study, statement of the problem, purpose of the study, objectives, the research questions, hypothesis, significance of the study, scope, delimitation, limitations of the study, assumption, theoretical framework and the conceptual framework.

1.2 Background of the study

The ADR refers to the various methods and techniques that are aimed at solving disputes outside the court system. It has been defined as the process of settling and resolving disputes by other means rather than litigation, such as mediation, negotiation and arbitration (Ware, 2001). Internationally, ADR has been formalized where some of its decisions and outcomes are legally binding. These informal procedures outside the formal court often lead to a more efficient and accessible justice system (United Nations, 2009).

In the United States of America (USA), ADR movement was launched in the 1970s, when it began as a social movement to resolve community-wide civil rights disputes through mediation, and as a legal movement to address increased delay and expense in litigation arising from an overcrowded court system. Since then, the legal ADR movement in the United States has been growing rapidly, and has it has advanced from experimentation to being institutionalized mainly through the support of the American Bar Association, academics, courts, the Congress and state governments in USA (Watson and Stanley, 2017).

Taiwan and China are known to have the best examples of largely and deeply institutionalized ADR systems. In both countries, government officials as well as some citizens act as conciliators, mediators, and arbitrators in solving most of the local disputes. On the other hand, governments in these two countries have laid well defined laws to raise the status of women and protect their rights since late 1940s. However, violence and discrimination against women is still evident in the two countries (United Nations, 2002). In Taiwan, ADR system appears to be growing more popular over time, despite social changes that have begun to erode Confucian norms of deference to local notables. Despite the many changes that have been happening in Taiwan, the country's ADR system appears to be growing more popular over time. On the other hand, China has established over one million village-based People's Mediation Courts, mainly created by the 1982 constitution (Spiroska and Ristovska, 2014).

In pre-colonial Africa, most ethnic groups had communal as well as private tools for dispute resolution. Magesa (2014) observes that modern law and courts as well as formal systems of justice became entrenched in Africa during the colonial and the post-colonial era. Africa is home to numerous mechanisms of handling conflicts which are cultural and contextual. It is argued that law and dispute resolution are inseparable particularly when disconnecting law from cultural and traditional practices, customs and taboos, besides clan structures, family ties and lineage. Even though women from parts of pre-colonial Africa participated in diverse roles like politics, religious and socio-economic- apart from their domestic roles as wives and mothers- the rights of women in most African communities have been violated and solving disputes related to such rights have not been granted the attention it deserves (Boampong and Agyeiwaa, 2019).

In Africa, conflict resolution pivots participation of the parties involved in a dispute as well as the wider community to a great extent; hence making the process of solving disputes as a

communal responsibility as opposed to an interpersonal encounter. It is a process whose values and principles prescribe restructuring a relationship from negative to positive perspective, with the later characterized by among other elements; equality, participation and respect. ADR has become a key component of the modern system of justice. It has been used to resolve sensitive communal, family and interpersonal issues outside of the formal courts. Naturally, ADR is restorative, and the settlement reached through it is as a result of participation and consensus between the involved parties. (Kithamba, 2017).

Somalia became an independent state in 1960, from the United Kingdom and Italy. It has strongly held its history and has remained a fairly homogeneous nation in culture, religion, ethnicity as well as the language, which is usually not very common among African nations. Abdile (2012) shows that Somalia has a rich cultural mediation and justice system through ADR, which is an informal justice system with an old history in the country. This has been described as a kind of justice system in which the arbitrator listens to both sides of dispute and then concludes a solution that is acceptable by both parties. Like many other African nations, Somalia exists in a state of legal pluralism where Xeer, which is the customary law operates. In Somalia, Xeer is a dominant system that governs societal relations and very serious crimes that arise from various political or historical aspects. It has persisted through years of civil war in the country primarily due to its core position underneath the legitimacy of Somali traditional structures, especially in the provision of justice and arbitration (Abdile, 2012).

To date, the people of Somalia still largely rely on traditional justice systems, especially at the local level, as they lack trust and confidence with the legal or judicial systems. In Somalia context, ADR mechanisms and techniques are used to settle disputes in a non-confrontational way and usually out-of-court engagements. However, the IDLO (2017) shows that the ADR system in

Somalia has been faced with many difficulties as many aspects of the system mostly violate the provisions in the constitution especially those relating to the rights of women.

Since the 19th century, women have continued to campaign for their rights a move that has continued to date. Back in 1945, as United Nations was being established, most women across the globe would not even be allowed to vote, and the few allowed would only get some restricted rights. To date, women are still struggling to safeguard their rights though a lot of effort is being put in place to safeguard the same especially though global developmental goals. According to Hannum (2016), as much as international human rights bodies cannot tolerate inequalities and injustices against women, discrimination against them is still rampant where countries like Afghanistan currently tops the list where women are mainly discriminated against and their rights violated. Protecting the rights of women should be treated as a de facto requirement in the 21st century and with or without government intervention or that of international bodies, women rights should be respected.

In Puntland Somalia, sexual violence is a common occurrence and a relatively commonplace that never shocks anyone, yet the perpetrators are never prosecuted. In fact, most of these cases go unreported for fear of stigmatization and social sanctions, weak rule of law and lack of access to information on human rights (UN, 2018). However, a court in Garowe sentenced 5 men to death in March 2019 after they gang raped a 16-year-old girl in the area. This was rather after a series of demonstrations for the state to adopt the sexual offences law to deal with such cases, where men almost made it a routine to sexually harass women and girls. Nevertheless, inasmuch as that was a powerful signal towards fight for the rights of women in Somalia, a lot need be done to ensure other forms of injustices against women and girls are handled.

1.3 Statement of the problem

The ADR platforms exist in Somalia but most women are still not aware of it and therefore perceive that violations against them are culturally and legally justified. UNICEF (2018) shows that 76% of Somali women who have ever been married believe that their male partners are justified to physically abuse them under certain circumstances.

Even though ADR is already being used by the majority in Somalia to resolve conflict in their communities and dispense justice, the system lacks access to fair and equitable justice system and is one of the most pressing problems in addressing the right of women in the country (IDLO, 2017). According to Human Rights Council (2017), Somalia is largely dominated by a Clan System which is mainly and heavily influenced by male traditional elders who rarely recognize the rights of women especially when it comes to sexual and gender-based violence. Even though rape is one of the highest gender-based violation faced by women in Somalia, the clan system treats it as any other civil dispute in the country where victims are either forced into marriage with the perpetrators or are paid with some amount of money. Ironically, the same clan leaders constitute part of the team representing the community in the ADR platforms that are expected to dispense justice to aggrieved women (United Nations, 2020). This therefore contradicts the representation and purpose of the ADR system, a gap that is currently not addressed and requires an urgent focus.

Further, United Nations (2020) shows that women in Somali are suffering greatly under violations of women rights; as Somali currently ranks forth under the countries with the highest rates of gender based violence and violation of women rights globally. The United Nations- under UN Women- has launched several programs to address the violations and improve the lives of women in Somalia, though little has been achieved. For instance, In October 2017, a Somali woman was stoned to death for allegedly being suspected of committing adultery. If only this

woman was subjected to any formal or informal hearing such as ADR, such a ruthless statistic would not be existing.

As this study evaluated the effects of ADR on the rights of women, it is paramount to create awareness on the same particularly to enlighten Somalia women so as their rights are protected. Additionally, there is need to re-evaluate the purpose and constitution of the ADR platforms and provide suggestions and recommendations through this study in light of the rights of women in Somalia. The use and effects of the alternative dispute resolution is not extensively covered particularly on how it affects the rights of women in Somalia, as well as how they can make use of the ADR system to handle issues relating to the rights of women in the country. It is against this ground that this study sought to investigate the effects of Alternative Dispute Resolution on the rights of women in Garowe, Somalia.

1.4 Purpose of the study

The purpose of this study was to evaluate the effects of ADR on the rights of women in Garowe, Somalia.

1.5 Objectives of the Study

1.5.1 General Objective

The general objective of this study was to investigate the effect of ADR on the rights of women in Garowe, Somalia.

1.5.2 Specific Objectives

The specific objectives of this study were to:

- i. Evaluate the application of the ADR system in addressing the rights of women in Garowe, Somalia
- ii. Examine the strategies that have been applied to improve use of ADR in resolving issues affecting the rights of women in Garowe, Somalia
- iii. Assess the key challenges to the application of ADR in addressing the human rights issues affecting women in Garowe, Somalia.

1.6 Research Questions

- i. How is ADR system being applied to address the rights of women in Garowe, Somalia?
- ii. What are the strategies that can be applied to resolve issues affecting the rights of women in Garowe, Somalia?
- iii. What are the challenges affecting the application of ADR in addressing the rights of women in Garowe, Somalia?

1.7 Significance of the study

The significance of the study refers to the rationalization of the practical and scholarly significance of the research problem (APA, 2003). Since legal systems are not well established in Somalia, this study will firstly be of significance to the social wellbeing of Garowe people, as it will create awareness on available informal procedures of solving, managing and preventing conflicts and disputes that affect the rights of women in Garowe. The study will contribute to the understanding of the effects ADR has and how the community suffer the absence of women's rights. This study will be useful to the policy makers especially the Ministry of justice and religious affairs, Ministry of women development and family affairs, for it will bring to light the various

mechanisms that can be employed to solve disputes among Somalia communities without necessarily employing the legal systems.

Secondly, the findings of this study will be of significance to the academic realm as it will contribute to academic knowledge to scholars especially those that are responsible to improving the welfare of the community and also those that are involved in promoting justice system.

Further, the findings will be providing up to date literature and data for researchers and academicians and also be used as the basis of further research.

1.8 Scope of the Study

Scope of the study refers to the parameters under which the study will be operating (Wiersma, 2000). This study was conducted in Garowe district, Nugal province in Somalia to investigate the impact of Alternative Dispute Resolution on the rights of women. It focused on the role of Alternative Dispute Resolution in solving conflicts regarding women in relation to their socio-economic rights. Reference was made on the events that have unfolded in solving conflicts in regard to the rights of women through mediation, negotiation and arbitration with main analysis focusing on women of ages between 15 and 55.

1.9 Delimitations of the Study

According to Orodho (2005), delimitations are those factor that limit the scope and define the boundaries of the study. This study therefore concentrated on Alternative Dispute Resolutions on the rights of women in Somalia and it did not focus on other human rights. It only investigated the role of ADRs on the rights of women in Somalia and it therefore left out other measures employed to address issues regarding the rights of women in Somalia.

1.10 Limitations

Limitation is an aspect of study that the researcher knows may adversely affect the results of general ability of the study, but over which he or she has no direct control (Orodho, 2005). This study was faced with a challenge of respondent's willingness to participate in the study as it involved on issues that touch their private lives. Some respondents were faced with psychological trauma and anger due to their experiences as this made them emotional while responding and participating in this study. However, the researcher overcame this challenge by assuring the respondents of the confidentiality of the information they will provide during this study, and the assurance that the information collected will be for purposes of study only. The researcher also created a good and friendly environment to the respondents and also encouraged them based on their experiences.

1.11 Assumptions

These are conditions or events that the investigation takes for granted although they might affect the outcome of the researcher (Mugenda, 2008). The study assumed that ADR procedures are not well applied in Garowe, Somalia in addressing the rights of women. The researcher also assumed that the respondents will give honest responses and that they will be cooperative and willing to participate in this study.

1.12 Theoretical Framework

Theoretical framework aims to examine important models or theories that explain a research problem (Kreuger, 2000). This study was guided by theories of cooperation and competition and conflict transformation. These theories have developed an insight on the nature and existence of conflicts and how such conflicts can be solved and prevented peacefully.

1.12.1 Theory of Cooperation and Competition

There exist two main orientations in solving disputes between and amongst aggrieved parties; cooperative and competitive. The theory of cooperation and competition was first developed by Morton Deutsch (1949), where the theory uses competition and cooperation to better the understanding of conflict processes and resolution. According to the theory, the goals of the aggrieved parties can either be negatively interdependent or positively interdependent. Negative interdependence yields a win-lose orientation with one party's success banking on the other party's failure. On the other hand, positive interdependence yields a win-win orientation with each party banking on the other party's success.

According to Deutsch (1949) "friendly empowering gestures tend to evoke cooperative responses while suspicious domineering attitudes tend to provoke competitive responses" (p. 29). The theory shows that while solving conflicts, a cooperative disposition would help bring a trustful atmosphere that would help to mutually settle disputes in a beneficial way, as opposed to the other competitive approach. Therefore, Deutsch (1949) guides through cooperation in solving conflicts as the only constructive process, while the opposite, being destructive process, would be through competition.

The theory therefore shows that it is paramount to build and foster cooperative relationships which are more effective, well-coordinated, friendly and open, are mutually beneficial and has a will for each party to build and increase on each other's power. Societal support is necessary in creating such cooperative relationships and it would be with the help of the same society that parties are brought together to solve conflicts and grievances. Such positive and cooperative relationships would go a long way in incorporating ADR system in addressing women right issues

in Somalia; by ensuring the system is well- coordinated, friendly, open and mutually beneficial to benefit both the society and women of Somalia.

1.12.2 Theory of Conflict Transformation

Conflict transformation can only be achieved by addressing negative attitudes and negative interdependence between parties, hence bringing about fundamental change in a society. Theorists of conflict transformation were such scholars like Johan Galtung and John Paul Lederach where according to them, conflict transformation should aim at rebuilding relationships in a positive way with focus on reconciliation and strengthening of long-term peace building initiatives in a society. The theorists stress the need to empower disputed parties to understand their situations and needs in efforts to bring about transformation in them. The theory is opposed to settling disputes as the latter is only short-term and does not address the underlying issues that bring about conflicts and disputes in a society.

As any society is faced with conflict challenges, most societies employ various methods of resolving conflicts but mechanisms and techniques in which solving conflicts are based on need be founded on societal existing cultural frameworks and other resources that may be employed in peace building and dispute management.

The theory of conflict transformation focuses on conflict prevention through change in attitude and behavior as well as improved communication between parties, communities and societies. The theory further encourages state actors and community leaders to all join hands and engage and encourage conflict transformation within their societies for it is better to prevent conflicts than managing them. This therefore call for ADR procedures to be employed so as to realize conflict transformation in the communities, particularly in addressing and solving issues affecting the rights of women in Somalia.

1.13 Conceptual Framework

Conceptual framework can be referred to as a tool that is used by a researcher to help in comprehending the situation under investigation (Cohen, Manion and Marrison 2013). In this study, the researcher has identified the independent variables being the ADR mechanisms, ADR challenges and ADR strategies; and it shows how the independent variables affect the dependent variable, which is the rights of women in Somalia. Their interaction is as elaborated on Figure 1.1

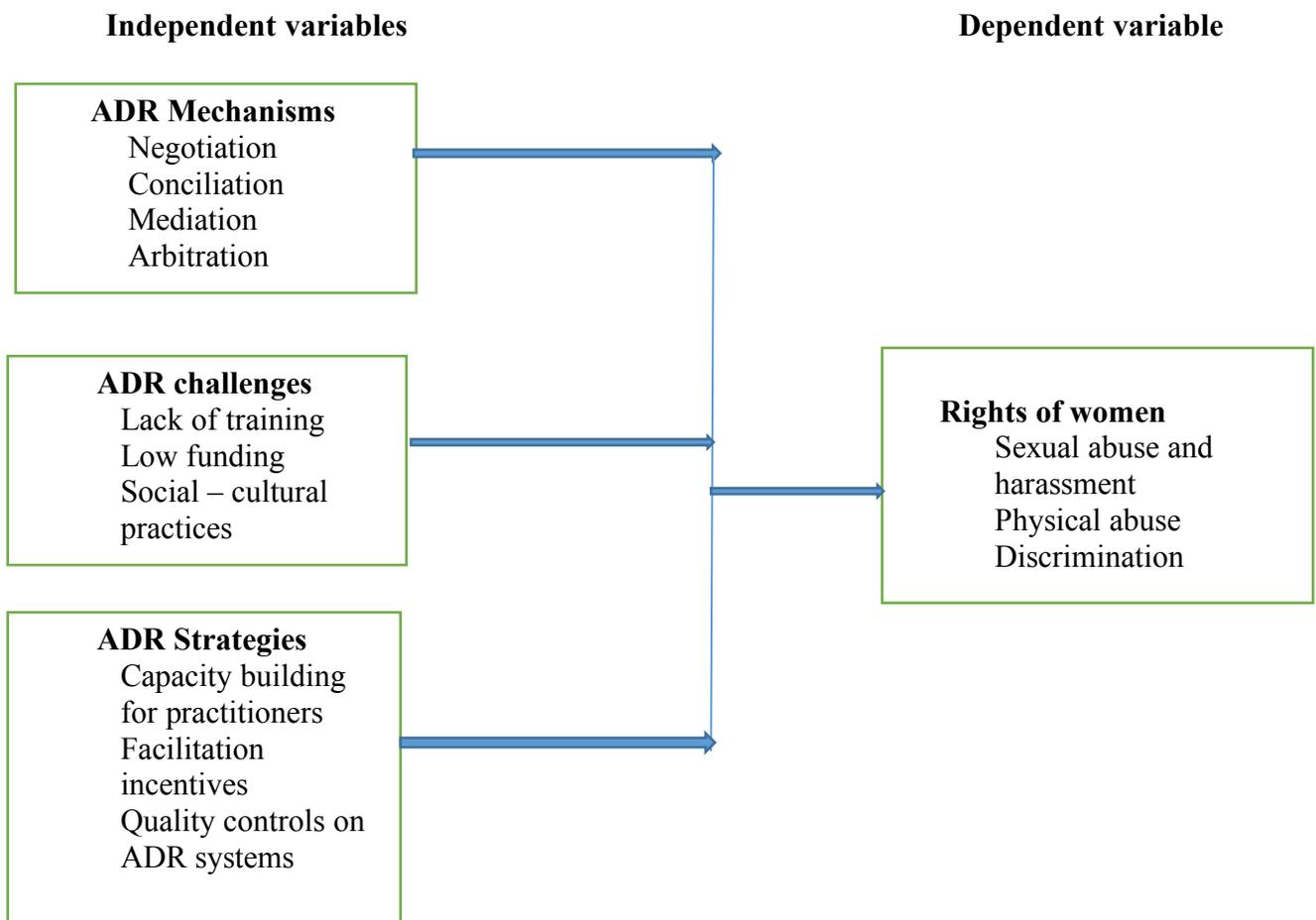


Figure 1.1 Conceptual Framework, **Source:** Author (2021)

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents a review of literature on the effects of Alternative Dispute Resolution on the rights of women. The first section covers the effects of mediation, arbitration and negotiation on the rights of women, while the second section of the literature review will discuss the research gap within the area of study.

2.2 Empirical Review of Literature

This section covers on the history and existing literature on use of Alternative Dispute Resolution towards enhancement of the rights of women. It will cover history across the globe, the region as well as Garowe in Somalia.

2.2.1 The nature of Alternative Dispute Resolution on the rights of women

Women rights are the entitlements and prerogatives that are claimed by women and girls across the globe and they cover all aspects of life cutting across all social-economic and religious dynamics. However, despite the vigorous campaigns that have been carried by various organizations and bodies to create awareness and harness the rights of women across the globe, women are still marginalized and discriminated against (United Nations, 2014).

Lack of awareness, exposure, financial muscle and illiteracy has seen more women fail to access the formal legal processes of solving disputes. Most of them will suffer violence and other forms of abuse silently for fear of social sanctions and isolation. Even though not all disputes and offences can be solved through the ADR system, women need be encouraged to make use of the

same as the latter provides a platform for women to be heard locally by local bodies that respect and understands their concerns. Their disputes can therefore be resolved in a non-discriminatory manner that is simple, cost friendly and clear (Deyessa, 2010).

For a very long time, rights on women have greatly been discriminated against in most countries across the globe; for instance, in Australia, right from the Institute of Arbitrators and Mediators in Australia (IAMA), where women representation is dismal. According to Kirby (2009), ADR system should be developed with a view of solving social injustices across both gender on a cost-effective way and bring justice to more citizens than the legal systems would.

In America, an act on Administrative Dispute Resolution was passed in the year 1990 to promote use of ADR in the region. Angus (2018) contends that this followed after numerous complains on gender violence, mainly sexual harassment on women; hence violating on the rights of women in the region, where civil disputes would take too long to be resolved through the legal systems. Other legislative acts have followed since then with processes of mediation and arbitration being widely enforced to solve disputes that are related to the rights of women. Consequently, the number of sexual harassment on women that were covered through arbitration and mediation processes of ADR doubled from 3 million to 6 million from the year 1996 to the year 2002 respectively.

In Africa, ADR was the main sole mean of solving disputes in the pre-colonial era until colonialism when the latter was overshadowed by the formal legal system. Nigeria was among the first countries in the continent to adopt and incorporate use of ADR in their legal system beginning 1980. However, Odiaka (2013) affirms that the country has over the years remained to gain negative popularity on violation of women rights as they are mainly subjected to excessive abuse and ridicule based on the country's societal, cultural and religious norms. Such include child

marriage, women property rights and women succession before and after death of a husband. He further asserts that violation on the rights of women in Nigeria “starts at birth and ends death” where such is based on social-cultural and religious norms that are arguably at the root of neglect of women in the country.

Particularly on women rights and land inheritance, most efforts to address this issue have focused on educating women on legal matters as well as on mechanisms of informal justice like ADR. However, women have remained unprotected on this, as land disputes are mainly solved through the court systems where most of them lack access, especially financially. Rudy, et. al. (2014) argues that failings of the formal justice system must be addressed on solving disputes that touch on the rights women by creating an environment where ADR can be embellished. In Uganda, land rights against women remain entrenched within both the gender issues and social- cultural beliefs in the country; where at least 31 percentage of women in Uganda had experienced disputes in land grabbing by the year 2013. Most of these women are widows and the perpetrators ordinarily use physical force and threats to overpower them mainly within one year after the husband’s death. With this face of threats, women are prevented from obtaining any support from local or traditional leaders and hence their rights are violated.

According to Human Rights Watch (2017), humanitarian crisis in Somalia has continued to devastate the country’s civilians mainly women and children. Following the numerous civil wars and militia attacks in the country, over 7 million people in the country are in dare need of humanitarian aid; with at least 2.1 million of them being internally displaced by the year 2017. Majority of these being women and children, are often faced with a lot of injustices, notably sexual and other form of gender violence. At least 76 percentage of all girls in Somalia are illiterate hence making them more susceptible to gender violence and abuse of their rights, where 98% of all

women and girls in the country have undergone FGM; 77 percentage having gone through the most extreme form of FGM. The study further shows that at least 75percentage of married women in Somalia believe that their husbands are justified to physically abuse them. Formal justice system in Somalia is relatively weak and hence the presence of ADR complementing the former is rare. This has therefore left women in Somalia subject to violation of their rights where most of them are not even aware of the violations (IDLO, 2017).

2.2.2 Challenges faced in the application of Alternative Dispute Resolution in addressing the human rights issues affecting women

In as much as ADR processes are important and of great benefit to many people across the globe, laws relevant to ADR have remained inadequate and lacks uniformity. According to Mian and Hossain (2013) lack of training for persons facilitating ADR processes has remained a challenge in application of ADR in Bangladesh. This has been especially due to the differences in legislation of different ADR mechanisms that are applied to different ADR procedures- mainly negotiation, mediation, conciliation and arbitration- to settle various forms of disputes. In addition, most of these ADR decisions are biased either social-cultural or politically and hence most aggrieved parties do not get justice as it should. Further, Bangladesh is among the top countries in the world with the highest ranking gender inequality where women are discriminated against mainly due to extreme poverty and gender norms. This, conjoined with poor administration of ADR procedures has seen many women being deprived off their rights in the country; with main forms of violence against women ranging from domestic violence, acid violence, sexual harassment and assault as well as rape (United Nations, 2014).

Lack of sufficient ADR centers and low funding for ADR procedures has been a huge

hindrance to the application and effectiveness of ADR system especially in developing economies. Rafiu (2015) asserts that lack of monitoring and evaluation of ADR facilitators and practitioners has negatively affected application of ADR in Africa. Uwazie (2014) concurs that the ADR system lacks in capacity building as well as on incentives for the practitioners, and this has narrowed down on adoption of ADR mechanisms.

Most countries to date do not have any formal Acts of law to clearly outline the application and processes of ADR, and hence not seen as an integral part in the modern justice system across the globe. Muigua (2018) observes that application and use of ADR should be treated as a human right as all citizens have a right to fair hearing that is fast, effective and cost effective. He further points out that countries and societies where ADR processes are not operating in consistence with such rights therefore sizes to be an instrument but rather becomes an obstacle (Muigua, 2018).

Additionally, professional legal practitioners have been very skeptical about the use and application of ADR, but this has mainly been due to the fear that ADR may be a threat to their profession. Rafiu (2015) contends that where most judicial cases are referred to ADR, lawyers are usually agitated as they feel part of their revenue stream has been cut off. This has therefore seen most of them discourage their clients from accepting use of ADR in settling their disputes, a move Rafiu (2015) views that it may not allow the ADR system to flourish.

On the contrary, ADR mechanisms have proven to work positively in Ghana since when the process was put to test in the year 2003. The prudence of ADR application has manifested itself in reducing the backlog of cases in the country as well as acting as the most cost-effective platform of solving conflicts and disputes within a short period of time. This positive milestone also has also seen finalization and application of the ADR Act 2010 which is currently being used on both domestic and international arbitrations; to address conflicts in in human rights, political affairs

commercial interests as well as family and community issues (Uwazie, 2014).

2.2.3 Strategies to improve use of Alternative Dispute Resolution in resolving issues affecting the rights of women

The ADR Model offers one of the best methodologies for addressing conflicts in the society as it is cost effective and provides verdict fast. Even though ADR system cannot be adopted to substitute the formal legal system, ADR procedures acts as a perfect complement of the legal system. However, in as much as the ADR mechanisms have increased access to justice for majority of social groups that lack proper access to the formal judicial system, and that the latter has appeared very feasible in the modern times, a lot need be done to ensure that it meets both the preparation and implementation criteria, as well as evaluation procedures (Muigua, 2018).

Uwazie (2014) emphasizes on the need for quality controls for practitioners of ADR to monitor and evaluate facilitation of ADR procedures. This, he says, should be done periodically especially for those cases that are usually referrals from the judicial system; as this will help keep track of their progress and the process in use so as to ensure that the cases do not assume or apply characteristics of the judicial or litigation procedures.

Further, the need to build on capacity of ADR practitioners is paramount. This will involve training the local and village elders, security officers, religious leaders and other ADR practitioners on use and application of ADR methods which include mediation, negotiation, conciliation and arbitration in settling disputes and conflicts in the community. Rafiu (2015) therefore points out that governments and international organizations should have the burden of facilitating the infrastructure and training support of ADR practitioners so as to ensure smooth continuity and advancement of ADR practice.

Incentives for practitioners for instance religious leaders, local and village leaders/elders and legal professionals is also vital in effective application and use of ADR systems in the society. This is especially in societies where women are discriminated against and their rights violated based on social- cultural and religious beliefs; as most of these practitioners are and they may be subject to biases. Rafiu (2015) argues that when these local mediators are not motivated financially, chances of them being biased and favoring the other party are high especially where bribes may be used. He therefore calls on governments and other international organizations to allocate adequate financial resources towards stipends of the ADR mediators, especially the local and religious leaders.

Additionally, more women should be encouraged to train as mediators and join in the ADR field, as this may help in protecting the rights of women across the globe. Beyers (2017) shows that women served in only 18 percentage of all the ADR cases in the United States of America. These statistics are intensely discouraging and hence calls for women to gain parity in the ADR profession. This imbalance has greatly affected fairness in the process and hence continued violation of the rights of women across the globe.

2.3 Summary of Literature Review

Efficient use and application of ADR procedures is of great importance to the society at large, as it creates public processes meant to bring positive social-economic changes and restructuring. This is as community and religious leaders increase their engagement with the society members through the ADR processes and mechanisms. Most economies have adopted use of ADR so as to complement the existing formal litigation processes with an aim of increasing effectiveness and justice in handling conflicts and disputes. However, Angus (2018) and Odiaka

(2013) concurs that as much as use of ADR is gaining popularity in the modern times, the same is not being effectively utilized especially in handling issues related to human rights and particularly the rights of women.

Lack of proper training for the ADR practitioners and poor monitoring and evaluation of ADR processes has negatively affected effective use and practice of ADR. Both Rafiu (2015) and Uwazie (2014) agrees that capacity building for ADR practitioners is paramount and that a lot need be invested in the same as use of ADR mechanisms is of great importance to any community. On the other hand, Beyers (2017) and Rafiu (2015) are of the opinion that awareness on use of ADR should be created and that more women should be encouraged to join the ADR practice. This will see more community members resolve their conflicts through ADR mechanisms which are more efficient and cost effective.

So as to have ADR system used to accomplish and promote developmental agendas both in the rule of law as well as in other social-economic agendas, a lot of improvements and interventions need be made. Formal acts outline use and practice of ADR need be incorporated in the rule of law so as to give clear guidelines on how, when and where to apply the ADR processes and mechanisms. However, the ADR system has been successful in a number of countries and therefore it can similarly be utilized by more countries and communities to seamlessly complement the judicial system with an aim of honoring and safeguarding human rights and particularly those of disadvantaged groups like children and women.

2.4 Research Gaps

From the literature review, it is evident that ADR is currently being used to settle disputes and conflicts in most communities across the globe. Literature clearly shows the milestones most

countries have been through to have ADR systems established and how the latter has assisted in the rule of law. Some literature outlines statistics on the number of cases that have been settled by means of ADR system and the duration the same took to settle. However, the literature fails to establish how ADR has been applied to settle disputes related to the rights of women and lacks statistics on the number of women who have used ADR to fight for their rights. This study therefore seeks to bridge this gap by identifying statistics on the effects of ADR on the rights of women in Garowe, Somalia.

Several barriers have hindered use and application of ADR especially adherence to social norms and cultural practices. Odiaka (2013) outlines how women in Nigeria are usually ridiculed and their rights violated since cultural practices and adherence to social norms are usually held as of high significance. This study will further seek to explore on strategies that need be put in place to break such barriers and improve use of ADR system in handling issues related to the rights of women.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the research design and methodological procedures that were used in data collection and analysis. It includes the study design, study location, study population, sampling procedures, the sample size and instruments that were used in collecting data as well as the analysis tools and procedures.

3.2 Research Design

Research design can be described as an arrangement or a structure and procedure of examining how to research questions can be answered. It describes how data can be collected and analyzed, where to be collected and when to be collected and analyzed (Ogula, 2005).

The study adopted a descriptive case study research design to gather information on perceptions and attitudes of women in Garowe in regard to the rights of women. According to Mugenda & Mugenda (2012), a case study research design aims at helping a researcher gain understanding of complex issues or matters that can broaden experience and strengthen already existing knowledge through any previously conducted research. Further, Trochim (2005), observes that it is through the design of any research that a research project gets organized for it allows a researcher to use a descriptive design that where information is collected without changing the environment of the population.

Additionally, descriptive study design is a credible method of gathering data and information for research works that require both qualitative and quantitative analysis. Aspers and Corte (2019), indicates that qualitative approach helps the researcher to draw opinions of the

respondents and it also provides strategies of the inquiry under investigation. This study therefore applied both quantitative and qualitative data as it sought to gather information that describe issues and events as well organize tabulate and depict the gathered information. The qualitative approach enabled the researcher to collect data in form of words besides numbers, as well as verbal descriptions besides numeric, which was grouped into categories for ease of analysis. So as to make reliable conclusions and inferences, the researcher made use of quantitative approach to analyze statistics.

3.3 Research Site

A research site can be described as a geographical area that is applicable to the research questions and objectives and for which data is analyzed in a report; that is convenient for both the researcher and the respondent (Kothari, 2003). This study was conducted in Garowe, Somalia, an area that is located in Nugaal valley, on northeast of Somalia and inhabited by Somalis from the Harti Darod clan. Being the third largest city in Puntland state after Galkayo and Bosaso, it has an estimated population of 190,000 persons, most of whom are women. Garowe being the main city in Puntland, SIDRA (2019) shows that there are frequent cases of violation of women rights reported. The district has a hot desert climate and the major economic activities include livestock rearing, agriculture as well as frankincense and myrrh production.

3.4 Target Population

A target population is a group of persons, elements or objects that have the traits and characteristics that interests a researcher in a given study. Kombo and Tromp (2006) states that it is a specific population from which a researcher gathers information from. In this study, the researcher targeted women of ages between 15 and 55 years and it involved all those women that

have some information on ADR and the rights of women in Garowe. The study also targeted community workers, village elders, and government and non-government officials in middle level management. Those working with the government were drawn from the Ministry of Women and Human Rights Development and those working with non-governmental organizations were drawn from gender-based organizations.

3.5 Determination of Study Sample

Study sample is usually determined from various scopes and Kothari (2004) suggests that a study sample should neither be too small nor too large. In this study, the two main scopes included the sampling procedure and the sample size; as this ensured accuracy and reliability of the data the researcher collected in this study. Further, Kothari (2004) suggests that a researcher can use at least 10 percentage to 30 percentage of the study population as the sample size.

3.5.1 Sampling Procedure

Sampling is the process of describing elements and characters that perfectly represents a population (Mugenda and Mugenda, 2003). In this study, the researcher used purposive sampling to ensure data that was collected was of purpose and useful to the study. According to Lewis and Sheppard (2006), purposive sampling is a technique that is exemplified through key informants and it does not require any set number of informants or underlying theories. The decision of the informants to be reached out primarily lies with the researcher as the researcher decides what need be investigated in the study as well as sets the respondents to participate that are willing to provide the information needed.

As key informants within a community maybe selectively few, purposive sampling was the most appropriate to use in selecting the female leaders as well as male and female respondents

working with both the government and non- government organizations in Garowe district. Random sampling was used to select the rest of the respondents residing in Garowe (See table 3.1). This helped the researcher adhere to research ethics and legal considerations; for based on the nature of this study, not all members of the community may be willing to share information. Benard (2002) outlines that key informants in any study are members of a community that are observant, know much about the culture and other social practices of their community and they are willing to share the knowledge they have; as such was the case with women living in Garowe community.

3.5.2 Study Sample Size

A sample size is a fraction of population and it defines the number of elements or objects that should be included in a sample, and the sample size is very crucial towards achieving significant and reliable results in a study. Garowe has an estimated population of 113,782 living in both rural and urban areas of the district, with the population of women is estimated to be 57,801 (Garowe Urban Baseline Report, 2012). The population Estimation Survey of Somalia (2013-2014) further estimates that 45.6 percent of women in Somalia are between the age of 15 and 55 years. Therefore, the researcher targeted an estimated total population of about 26,357 women in Garowe.

To calculate the sample size, the researcher used Yamane (1967) formula

$$n = \frac{N}{1+Ne}z$$

where:

n = the sample size

N = the population size

e = the acceptable sampling error of 7% at 93% confidence level

therefore,

$$n = \frac{26357}{1+26357(0.05)} = 204$$

The sample size was therefore 204 men and women of ages between 15 and 55 years living in Garowe, Somalia. This sample size was distributed to various respondents as shown in

Table 3.1.

Table 3.1 Distribution of Sample Size

Male and female respondents	Respondents' representation	Sampling Procedure
Women Leaders	2	Purposive
Women working with the government	6	Purposive
Men working with the government	4	Purposive
Women working with non-governmental organizations	6	Purposive
Men working with non-governmental organizations	4	Purposive
Other women	128	Random
Other men	54	Random
TOTAL	204	

Source: Researcher, 2021

3.6 Data Collection Measures

The researcher used primary data which was collected by use of questionnaires and interview guide. This was structured and organized according to the objectives of the study and the topic under investigation.

3.6.1. Questionnaires

Questionnaires are an important instrument of collecting data as they have the potential of reaching out to large numbers of respondents within a short period of time. They are an essential tool of gathering information as they allow the researcher to explain the objectives of the study and clear out areas of the study that may seem unclear to the respondents. Further, the provision of open-ended questions in a questionnaire provides an opportunity for the researcher to generate explanatory and qualitative data that may give research broader information and results (Dornyei, 2007).

The researcher therefore used both closed and open-ended questionnaires so the respondents can have the freedom of responding to the study questions and hence enrich the study. This gave them room to provide additional information at their own will of which will be useful to the study. The researcher self-administered the questionnaires through the help of a well-trained research assistant; and this allowed the researcher and the research assistant to make any clarifications that may be needed in the process of collecting data to the respondents. Where need be, clarity was made in Somali language in case of respondents who may not understand English, or questions read out and interpreted in Somali language as respondents answer on their own. Questionnaires were administered to 182 male and female residents of the Garowe district, who are not primarily employees of either the government or non-government agencies.

3.6.2 Key informant Interviews

An interview guide is a tool of collecting primary data where a conversation between the interviewer and interviewee is involved with a sole purpose of providing rich and sufficient data. Structured or semi-structured, Marshall and Rossman (2006) observes that semi-structured interviews are a good source of collecting primary data as they provide flexibility, helping the

researcher to probe deeper into the problem of the study being investigated. The researcher therefore maximized on this flexibility as it helped in gathering and exploring more opinions and views of the respondents. The researcher personally conducted the interviews which were mainly administered to the 2 women leaders and the 20 men and women working with both the government and non-governmental organizations in Garowe, Somalia.

3.6.3 Pilot Testing of Research Instruments

Examining the trustworthiness of research instruments is crucial in ensuring reliability in qualitative research and hence the importance of carrying out a pilot study to this effect (Haulmann, 2008). In this regard, the researcher carried out a pilot study to test the research instruments as this ensured reliability of the same. Questionnaires were administered to a smaller group of the population that will be separate from the sample size selected in this study. The researcher therefore interviewed 10 male and 10 female respondents from the city of Arrolei as it is the most immediate city to Garowe, and it is not listed in the sample size.

3.6.4 Instrument Reliability

Reliability is the extent to which results are accurate and consistent over a given period of time and are a true presentation of the total population being investigated. Mugenda and Mugenda (2012) outlines that if a test is administered twice on a subject and gets the same results on a second test as of the first test, then the instruments used are termed as reliable. However, different and wavering results will show that research instruments on use are not reliable.

The researcher measured the reliability of the instruments being used to determine their consistency, where the researcher performed a Cronbach Alpha test using Statistical Package for Social Science (SPSS) on the pilot study to test on instrument reliability. The higher the test results the higher the more reliable the research instruments.

3.6.5 Instrument Validity

When a research instrument does measure what is expected to measure in a study, then that instrument is considered as valid (Mugenda and Mugenda, 2012). Instrument validity is defined as significance and accuracy of inferences based on the outcome of the study. In qualitative study, validity is mainly used to monitor the extent in which a research instrument is executing what is expected to deliver. The researcher made use of content validity to validate the instruments of the study to measure the degree in which the questions administered reflects the objectives of the study and all areas under investigation.

3.7 Data Processing and Analysis

Data analysis is the procedure of giving meaning and order to a mass of collected data. As depicted by Mugenda and Mugenda (2003), the primary target of any substantial investigation is to muse the current data so as to internalize different issues and concepts of the investigation to clarify a particular wonder. Information gathered will be examined by use of both qualitative and quantitative analyses.

The researcher made use of descriptive statistics to analyze and present various responses by making use of measures of central tendency and dispersion that were carefully displayed in tables, charts and graphs. The researcher also made use of Statistical Packages for Social Sciences (SPSS) to code and analyze both qualitative and quantitative data. Interpretations obtained from the descriptive statistics were given and used for better understanding of the statistics. Any other qualitative data gathered was thematically analyzed in accordance to the research objectives and questions.

3.8 Legal and Ethical Considerations

Legal and ethical considerations are described as the principles of conduct that distinguishes acceptable and unacceptable behavior and conduct within the process of research and other forms of investigations (Resnik, 2011). As legal and ethical considerations form an important aspect of modern research, guidelines on confidentiality and informed consent should be a key consideration in any research. Bryman (2012) indicates that the researcher has the responsibility of careful assessment of the welfare of the research participants, where all reasonable precautions should be taken to ensure they are protected from any harm, coercion, or intimidation.

The researcher ensured that clearance from all regulating institutions were attained, where the first clearance letter will be attained from Africa Nazarene University. Thereafter, the researcher sought a research permit from the Ministry of Education in Somalia to conduct the research in Garowe district. The researcher also sought consent of Garowe residents in Somalia to collect data from them, where participation was voluntary. The researcher ensured that data collected was treated with confidentiality and it was used for purposes of this study only.

CHAPTER FOUR

DATA ANALYSIS AND PRESENTATION OF FINDINGS

4.1 Introduction

The main objective of this research was to investigate the effect of Alternative Dispute Resolution (ADR) on the rights of women in Somalia. In the study, three objectives were examined; the application of the Alternative Dispute Resolution system in addressing the rights of women in Somalia, the strategies that have been applied to improve use of Alternative Dispute Resolution in resolving issues affecting the rights of women in Somalia and the key challenges to the application of Alternative Dispute Resolution in addressing the human rights issues affecting women in Somalia. The results of the study are as presented in the sections below.

4.2 Data Reliability

The researcher sought to test the reliability of the research instruments to ensure that the data and the results were reliable. Table 4.1 shows results of the reliability test conducted.

Table 4.1 Reliability Test

Reliability Statistics	
Cronbach's Alpha	N of Items
.684	28

Source: Researcher, 2021

A reliability test was conducted on all the 28 study variables and the Cronbach's Alpha coefficient was at 0.684. The results showed that the data was 68.4 percentage reliable.

4.3 Response Rate

Response rate indicates the total responses received from the respondents with the total number of questionnaires that were filled and submitted back for analysis, the number of questionnaires that were not filled; against the number of questionnaires that were distributed. The researcher targeted 204 respondents, 142 female respondents and 62 male respondents. at least 193

of the 204 respondents filled and submitted back the study questionnaires and therefore a response rate of 94 percentage. This was therefore an excellent response rate as described by Kothari and Gang (2014). Table 4.1 shows the response rate analysis.

Table 4.2 Response rate

	Variable	Frequency	Percentage
Respondents	Male	55	
	Female	138	
	Total	193	94%
Non-Respondents	Male	7	
	Female	4	
	Total	11	6%

Source: Researcher, 2021

4.4 Demographic Characteristics

The study sought to find out the demographic characteristics of the respondents; the age, gender, marital status, education level, clan and their occupation. Table 4.3 shows demographic characteristics of respondents who participated in the study.

Respondents were required to indicate their demographic characteristics (the age, gender, marital status, education level, clan and their occupation) to help the researcher in understanding the dynamics of the demographic dynamics, to establish the type of respondents participating in the study as well as to understand the phenomenon of the respondents and that of the study site.

Table 4.3. Demographic characteristics

	Variable	Frequency	Percentage
Gender	Male	55	28.5
	Female	138	71.5
Age	15-20	18	9.3
	21-30	103	53.4
	31-40	28	14.5
	41-50	30	15.5
Marital Status	51-60	14	7.3
	Married	157	81.3
Education level	Single	36	18.7
	Primary	152	78.8
	Secondary	29	15.0
	College/ Tertiary	12	6.2
Clan	Isaaq	4	2.1
	Darod Dir	162	83.9
	Hawiye	7	3.6
	Rahanweyn	20	10.4
Occupation	Employed	7	3.6
	Self employed	143	74.1
	Farmer	13	6.7
	Others	30	15.5

Source: Researcher, 2021

Results of the study shows that 71.5 percentage of the respondents were female while 28.5 percentage were male. Majority of the respondents turned out to be women since this issue is sensitive and is of greater concern to women, hence their full participation. Majority of the respondents (53.4) were aged between 21 and 30 years with only 7.3 percentage aged between 51 and 60 years.

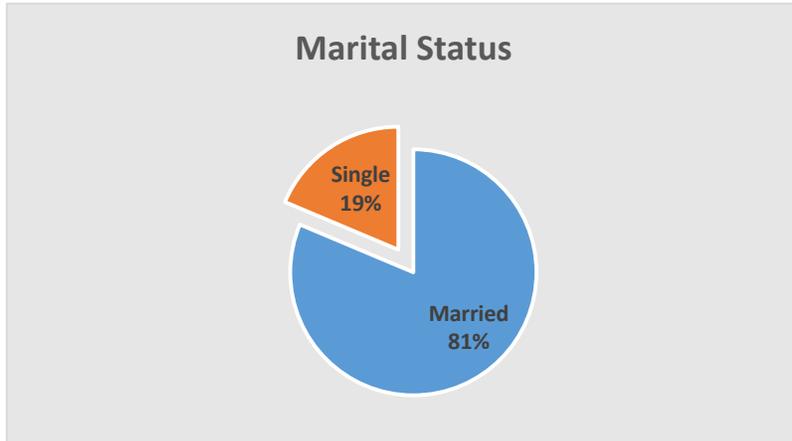


Fig. 4.1 Marital Status, **Source:** Researcher (2021)

Results indicated that 81 percentage of the respondents were married while 19 percentage of them were single as shown in fig. 4.1. The researcher sought to find out the dominant clan in Garowe, as clans are considered as strong parties in the cultural practices of the Somali people. Results showed that Darod Dir is the most dominant clan in Garowe (83.9%), followed by Rahanweyn (10.4%). Isaaq was the least represented clan at 2.1%. Majority of the respondents (74.1%) are self-employed where 6.7 percentage are farmers. Only 3.6 percentage of the respondents indicated that they are employed, as presented in fig. 4.2

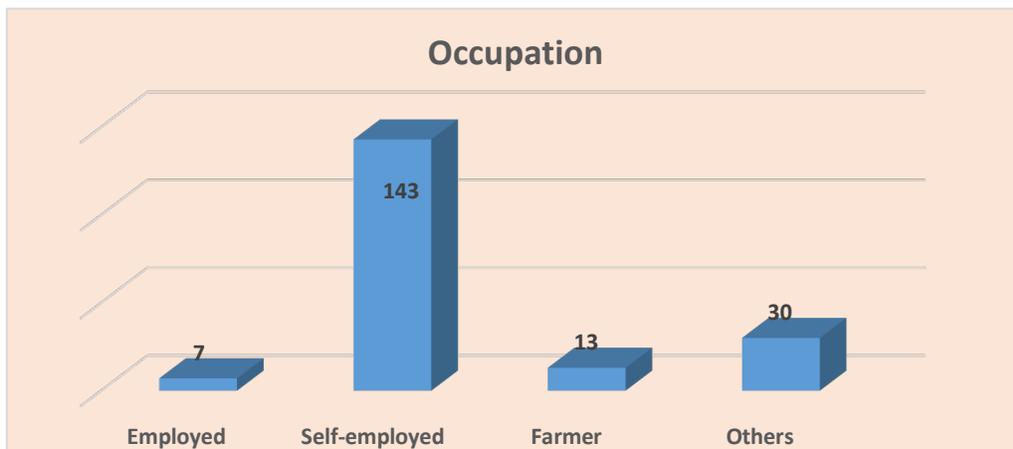


Fig. 4.2 Occupation, **Source:** Researcher (2021)

Additionally, the respondents were required to indicate how long they have lived in Garowe district and 73 percentage of the respondents indicated that they were born and raised in Goarowe district, while 9.8 percentage indicated that they were born elsewhere and they have only lived in Garowe district for less than 10 years. 5.2 percentage indicated that they were born elsewhere but they have lived in Garowe district for a period between 10 and 20 years while 12 percentage of the respondents have lived in Garowe for more than 20 years, even though they were born elsewhere.

Table 4.4 Place of birth and residence

Variable	Frequency	Percentage
Born and raised in Garowe	141	73
Born elsewhere and have lived in Garowe for less than 10 years	19	9.8
Born elsewhere but have lived in Garowe for a period between 10 and 20 years	10	5.2
Born elsewhere and have lived in Garowe for more than 20 years	23	12
Total	193	100

Source: Researcher 2021

4.5 Descriptive Statistics

The researcher analyzed the collected data and presented it in both quantitative and qualitative analyses. Results in this section describe research themes based on the research objectives and research questions.

4.5.1 The application of the Alternative Dispute Resolution system in addressing the rights of women in Garowe, Somalia

Only 19.7 percentage of the female respondents indicated that they understand their rights as women, while 80.3 percentage of them indicated that they do not understand their rights clearly, even though 68 percentage of them have heard about the Alternative Dispute Resolution (ADR). 75.6 percentage of the respondents indicated that they are familiar with mediation as a form of ADR while 24.6 percentage indicated that they are aware of negotiation as an ADR mechanism. None of the respondents seemed to be aware of arbitration as a form of ADR mechanism.

The respondents who indicated that they know and understand their rights highlighted the right to live, right to own property, right to attain education, freedom of movement as some of the rights that they believe they are entitled to. They also indicated that they believe they should live a life that is free from any form of violence and that they should be treated equally to their male counterparts. However, they indicated that their male counterparts as well as clan leaders have dominated decision making in their homes and in the community.

“Even though we know and understand our rights, our husbands are final in decision making in our homes. It does not make much difference. These clan leaders also dictate how things should be done in the community.” (Source: Respondent 17)

According to respondent 92, Somali women are dictated on what to do by their husbands as their main duty is to give birth and bring up the children. However, a few of the women in the younger generation are now understanding their rights, especially those that have managed to attain post-secondary education. The following responses were obtained.

“I know my rights very well. Unfortunately, it’s very hard to exercise our rights as women as long as we are in Somalia; unless you are lucky to live abroad. Our culture is still deep rooted in the cultural practices which mostly discriminate against women. Like for instance FGM, as much as we know it’s against our rights, we are still forced to go through it. It’s very bad.” (Source: Respondent 62).

Most of the respondents indicated that FGM, physical violence and child marriage were the most common forms of violation of rights against women in Somalia. Even though they are aware of ADR as a form of solving disputes in their communities, 63.2 percentage indicated that it's rarely used to solve disputes in Somalia. 7.8 percentage indicated that it is usually used but it's not effective while 29 percentage of the respondents indicated that it has never been used to solve any dispute related to the rights of women in Somalia as shown in fig. 4.3. Only 19.2 percentage of all the respondents that indicated to have ever used ADR to solve disputes, either as a facilitator or as an aggrieved party.

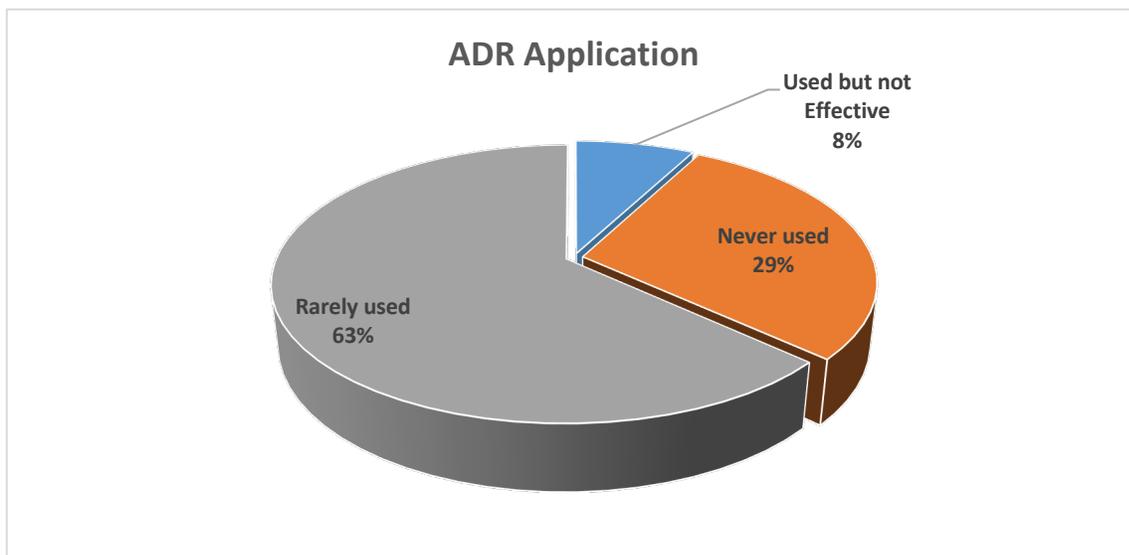


Fig. 4.3 ADR Application, **Source:** Researcher (2021)

Of the respondents that indicated that they have used ADR system to solve conflicts relating to their rights as women, physical and sexual violence was highlighted as the main disputes where they have ever used the ADR system to solve. However, one respondent indicated that she

used the ADR system to solve a dispute relating to ownership of property, a right that she was denied after her spouse passed on.

Results of the study further revealed that ADR is not being used as a friendly and effective way to solve disputes relating to violation of the rights of women in Somalia. 81.3 percentage of the respondents indicated that the ADR process is usually biased and only used to serve the interests of the accused parties with the help of the facilitators- who are mainly church and clan leaders. Table 4.5 shows how respondents rated the ADR facilitators on how they use the system to solve disputes amongst them.

Table 4.5 Application of ADR system in solving the rights of women in Garowe

Application of ADR in solving the rights of women in Garowe	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Mean	SD
Leaders facilitating ADR usually establish communication between two or more aggrieved parties for the purpose of arriving at a mutually agreeable solution	9	7	37	127	13	46	50.86
Leaders use back and forth communication to ensure the parties in conflict reach an agreement	21	17	54	90	11	43	33.23
The aggrieved parties and ADR facilitators come the realization that there is a problem to be solved and they are all aware that by talking to each other, they can find a solution to the problem	73	49	7	36	28	30	24.54
ADR facilitators meet to work with or against each other for their own position or pre-determined, desired outcome	12	131	19	8	23	45.25	51.98
ADR facilitation takes place between groups of people and the tactics used in the proceedings is long and tiresome	109	53	4	18	9	21	43.76
ADR facilitation takes place between individuals and the tactics used in the proceedings is brief and effective	43	11	26	94	19	37.5	33.14
Use of ADR is based on the interest of the parties and the facilitators are always biased.	99	73	1	9	11	23.5	44.39
Aggregate Score	366	341	148	382	114	35.18	

Source: Researcher 2021

4.5.2 The strategies that have been applied to improve use of Alternative Dispute Resolution in resolving issues affecting the rights of women in Garowe, Somalia

Even though the ADR is not as popular as it should be, according to the respondents, 78.8% believe that the system is fairly acceptable while 21.2% believe that it's highly acceptable. Moreover, majority of the respondents (75.6%) indicated that there is hope to improve use of ADR in solving disputes relating to the rights of women in Somalia, as there are so many non-governmental organizations that are currently drumming up the system and creating awareness of the same among the people of Somalia. However, 77.2% of the respondents believe that the Somali government has not, and is not doing much to improve the use of the ADR system in the country.

According to respondent 8, women and girls need to be sensitized about the use, application and benefits of the ADR system and even have this included in the school curriculum as a recognized form of solving disputes in Somalia. The following response was obtained.

“Almost 99% of women in Somalia are illiterate and they will never be treated right by their male counterparts as long as they remain this way. I wish women would embrace adult education and agree to go to school irrespective of their age. That will be the only way they will be courageous enough and empowered enough to understand their rights as women”. (Source: Respondent 84).

Additionally, most of the respondents believe that the government should work together with non-governmental organizations to improve use and application of the ADR system in Somalia, and mostly in solving disputes relating to the rights of women- as they are considered as a marginalized group in the country. As such, 76.2% of the respondents indicated that they would love to see establishment of justice systems that uses local strategies like ADR and 23.8% indicated that would be happy if there was a policy framework that would foster partnerships between the government and local communities, to improve the use of ADR, popularize it and make it practical in solving issues relating to the rights of women in the country.

Further, respondents indicated that the government should focus on formerly formulating ADR systems that will also include women as some of the facilitators. They noted that the ADR system as it is currently will not solve any issues relating to the rights of women effectively, as it is fully composed of male facilitators. The below response obtained.

“Both genders should be considered while appointing or electing the facilitators. If possible, we as members of the communities should be the ones to elect them. Women must be involved as well if it has to work” (Source: Respondent 84).

Table 4.6 Strategies to improve use of ADR

Strategies to improve use of ADR system in resolving issues affecting the rights of women in Garowe.	Frequency	Percentage
Development of policy framework that fosters partnerships between government and grassroots communities	67	34.7
Establishment of justice system that uses local strategies	41	21.3
Recognition of community led ADR initiatives by the government	85	44
Total	193	100

Source: Researcher 2021

44% of the respondents indicated that they would prefer recognition of community-led initiatives by the government as the main strategy to improve use of ADR system in solving the rights of women in Garowe. 34% indicated that they would like to see development of policy framework that fosters partnerships between government and grassroots communities as the main strategy while 21.3% indicated that they would prefer establishment of justice system that uses local strategies as the main strategy in improving the use of ADR system in Garowe.

4.5.3 The key challenges to the application of Alternative Dispute Resolution in addressing the human rights issues affecting women in Garowe, Somalia.

90.7% of all the respondents indicated that the ADR system is faced by challenges in addressing the rights of women in Somalia. Majority indicated that lack of awareness is the main challenge facing the ADR mechanism as most women have not heard of the system; and those who have heard of it are not aware of how it is applied in solving disputes, particularly those relating to the rights of women. On the other hand, there is also a lot of biasness from the facilitators as in most cases they have sided with the accused at the expense of the aggrieved. 91.2% of the respondents indicated that almost all the cases they are aware of going through ADR for a solution did not reach an agreement.

Most women in Somalia do not trust the ADR system, and as the legal system is expensive, slow and tedious they result in learning to live with their grievances however painful they may be.

“In fact, the lady who was aggrieved in that case was told that she was actually the one on the wrong, as her husband has every right over her. Imagine she was even penalized...very unfair. I can't even think of using such negotiations” (Source: Respondent 59).

Additionally, the respondents indicated that the government has not invested enough in the ADR system and has left the religious and clan leaders to run with it. It was also indicated that it has proved very difficult for non-governmental organizations to penetrate in assisting run the ADR system as clan and religious leaders are very powerful and respected among the Somali communities.

Respondents also indicated that their cultural beliefs, practices, and the place of women in the Somali community limit them even though they would love to address issues violating their rights as women, through the ADR system. This is especially because women are not allowed to make decisions in most Somali communities as such should be left to their male counterparts; and this includes how grievances affecting them should be handled and addressed.

“Our husbands make all the decisions. If you try to interfere, they say you are disobedient and you can even be divorced, or he gets another woman for a wife.” (Source: Respondent 116).

CHAPTER FIVE
SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS AND
RECOMMENDATIONS

5.1 Introduction

The main purpose of this research was to investigate the effect of Alternative Dispute Resolution (ADR) on the rights of women in Somalia. Specifically, the study sought to examine the application of the Alternative Dispute Resolution system in addressing the rights of women in Somalia, the strategies that have been applied to improve use of Alternative Dispute Resolution in resolving issues affecting the rights of women in Somalia and the key challenges to the application of Alternative Dispute Resolution in addressing the human rights issues affecting women in Somalia. A summary of the study findings, discussions, recommendations and conclusions are as discussed in the sections below.

5.2 Summary of Major Findings

The major findings of this study are presented based on the general and specific objectives and the research questions. Generally, the researcher sought to investigate the effects of Alternative Dispute Resolution on the rights of the women in Somalia. At least 73% of the respondents are born and raised in Garowe and they therefore have a deep and clear understanding of the area and its social economic activities. They also well familiar with the cultural, social and religious practices within Garowe. 12 percent of the respondents are born elsewhere but they have lived in Garowe for more than 20 years, while 5.2 percent are born elsewhere and they have only lived in Garowe for a period between 10 and 20 years. Only 9.2 percent are born elsewhere and have only lived in Garowe for a period less than 10 years.

Female respondents comprised of 71.5 percent while their male counterparts comprised of 28.5 percent of the respondents. This was a good gender representation as the researcher sought to understand the experience most women in Garowe have had in relation to solving conflicts related to the rights of women. The male gender representation was also critical as they also gave their experiences and encounters they have seen their female counterparts go through while solving conflicts related to the rights of women. Majority of the respondents were between the age of 20 and 30 years with 81.3 percent of them having attained education of up to primary level. In this case, the researcher and the research assistants had to interpret the questions to the respondents as most of them cannot read or write.

Further, results of the study revealed that most women in Somalia (80.3%) do not understand their rights and hence even though 68% of them have heard about the ADR system, it has not had any impact in solving issues related to their rights as women.

5.2.1. The application of the Alternative Dispute Resolution system in addressing the rights of women in Somalia

Results of the study revealed that only 19.2% of women in Somalia have used the ADR system to solve their disputes. Results further showed that 63.2% of the population believe that ADR is rarely used in Somalia while 78.8% believe that the ADR system is fairly used. The respondents indicated that the application of the ADR system is not effective in Somalia as the facilitators- who are mainly church and clan leaders- are always biased and in most cases the accused is favoured at the expense of the aggrieved party. Of the 19.2 percent that have used the ADR system to solve disputes, 74 percent believe that the process is very tedious and the tactic used in the proceedings is long and very tiresome. This is an experience that majority of the women who have used the ADR system would not prefer to go through for a second time.

Results showed that 66 percent disagree with the notion that leaders facilitating the ADR system usually establish communication between two or more aggrieved parties and they strongly believe that such facilitators do not establish such communications. In this regard, the main purpose of arriving at a mutually agreeable solution through the use of the ADR system in Somalia is hardly met. Additionally, 51.3 percent believe that ADR facilitators, who are mainly religious and clan leaders, are highly biased while facilitating ADR sessions. In this case, application of the ADR system is not realized by the women of Garowe in solving issues relating to the rights of women. However, most respondents agreed that both the facilitators and the aggrieved parties are always in agreement that there is a problem at hand, and that a solution can always be found by holding amicable talks especially those that are facilitated by means of the ADR system.

This therefore shows that most women in Somalia have not embraced the ADR system as a form of solving their disputes where most of them do not have faith in the system; despite having information about it. It would hence be paramount to improve the process of the ADR system to make it more acceptable and applicable in solving issues related to the rights of women in Somalia.

5.2.2. The strategies that have been applied to improve use of Alternative Dispute Resolution in resolving issues affecting the rights of women in Somalia

With only 21.2% of the respondents believing in the ADR system, the study sought to evaluate the strategies that can be put in place to ensure that the ADR system is popularized and effectively applied to solve issues relating to the rights of women. Results revealed that only 19.7% of the women in Somalia understand their rights as women, and therefore one of the main strategies should be to create awareness to have more women understand their rights and be able to embrace the ADR system to solve their disputes. Additionally, 77.2% indicated that the Somali government has not invested much in the ADR system and hence the ineffectiveness of the system. Results

indicated that the people of Somalia would love to see the government form partnerships with non-governmental organizations as well as with local communities to popularize the ADR system and to increase its application and effectiveness.

34.7% of the respondents would be very happy if there was development of policy framework that would foster partnerships especially between the government, local communities and non governmental organizations. This would help in developing and shaping structures as well as infrastructure that is required for use of ADR system in Somalia. Further, 44% of the respondents would like to see community-led ADR initiatives being recognized by the government. In that case, such initiatives would be recognized by the law, and being owned by the local community, it would therefore be a more acceptable strategy that would entice the local communities to embrace; and particularly in solving disputes relating to the rights of women in Somalia.

In addition to, at least 21.3% of the respondents indicated that they would like to see justice systems that use local strategies established. This would therefore call for local engagement in raising and adopting strategies that would help to improve use of the ADR system and particularly in solving disputes relating to the rights of women in Somalia.

5.2.3. The key challenges to the application of Alternative Dispute Resolution in addressing the human rights issues affecting women in Somalia.

At least 97% of the respondents indicated that the ADR system is faced by a number of challenges. Results indicated that 32% of women in Somalia are not aware of the ADR system, and hence the main challenge in application of the ADR system in addressing issues related to the rights of women in the country is lack of awareness. This was further attributed to the low literacy

levels among women in Somalia, making it hard for them to understand their rights and the ADR system. According to 91.2% of the respondents, all cases that they are aware of having gone through the ADR system did not reach an agreement, and according to them, this is because the facilitators are always biased.

Further, most respondents indicated that they do not have faith in the ADR system as they do not trust the facilitators. Women of Somalia indicated that they are not represented as ADR facilitators as the facilitators are mainly drawn from clan elders and religious leaders who are male. This, according to the respondents has created a lot of bias while handling disputes where the rights of women have been violated by their male counterparts.

Breaking the cultural barrier has proven difficult in Somalia where religious and clan leaders are highly respected and hence their decisions are considered final; yet they are the main ADR facilitators that are expected to make decisions on cases presented to them against violations of the rights of women in the country. Respondents indicated that they are not given room to make any decision including how their disputes should be addressed, and hence their male counterparts, religious and clan leaders decide on their behalf.

The process and the mode of communication used by the facilitators during the ADR system is very inadequate. Even though communication between the aggrieved parties, as established by the facilitators is aimed at arriving at a mutually agreeable solution, there is usually minimal communication between parties which makes it very difficult for them to reach an agreement effectively. This has rather seen the conflict levels escalate even further and hence creating even more disputes. There also lacks the goodwill from clan and religious leaders- who are usually the main ADR facilitators- to make any efforts and ensure that there is smooth and efficient communication between the aggrieved parties.

Inasmuch as the government is aware of the significance of ADR system in Somalia, there isn't much effort put to improve use of ADR system in Somalia, either in strategy, policy or infrastructure. Local communities and non-government organizations also lack government support in their efforts to improve use of ADR system in addressing human rights issues affecting women in Somalia.

5.3 Discussion of the Findings

The findings of this study concur with the literature reviewed that the ADR system is not effectively applied to address disputes related to the rights of women in Somalia. Even though the majority (68%) are aware of the ADR system in Somalia, results of the study revealed that the system is not effective as only 19.2% of the women in Somalia have used the ADR system to solve their disputes. 91.2% of disputes subjected via the ADR system did not reach an agreement and therefore these cases were not conclusive. Rafiu (2015) concurs with these results and points out that even though the ADR mechanisms are of great importance to any community around the globe, it's effectiveness can only be achieved through proper government investment so as to build capacity for the ADR practitioners and facilitators. However, results of this study revealed that the Somali government has not invested much in the ADR system; and possibly the reason why the system is not effective.

Further, in as much as the people of Somalia agree that both the facilitators and the aggrieved parties can amicably solve their disputes by holding talks especially those facilitated through the ADR system, 66 percent strongly believe that ADR facilitators fail in realizing this as they do not establish proper communication between the facilitators and the aggrieved parties. This, according to at least 89.1 percent of the respondents shows that the ADR system is based on partisans' interests and hence making the entire ADR system to appear as biased. Results further

revealed that facilitators work with or against each other to attain a certain pre-determined outcome.

To increase the applicability of the ADR in most African communities, and especially to solve issues relating to the rights of women, literature reviewed in this study shows that awareness on the use of the ADR system should be drummed up and have more women encouraged to make use of the system to solve their disputes. This will see more community members solve their conflicts in a cost effective way and in a more efficient manner compared to the legal system (Beyers, 2017). Additionally, there should be a well established mode of communication between the aggrieved parties, initiated by the facilitators, for efficient application of the ADR system in solving issues relating to the rights of women. Results of this study concurs with this literature as the findings revealed that 32% of women in Somalia are not aware of the ADR system, with 63.2% indicating that the ADR system is rarely used.

Women in Somalia are ready to embrace the ADR system as they feel that it's cheaper and easier for them to use the system but they have lost trust on how the system is run. They strongly believe that the facilitators will use the ADR system for the interest of some parties making the ADR process to be very biased. It will therefore be paramount for the Somali government, the non-governmental organizations and other community leaders to combine effort and streamline the process of ADR mechanisms and its application; to make it more acceptable and effective and also gain trust of the community members. This will earn the trust of the community members, particularly women, and make the ADR system more applicable.

Results of this study further revealed the need to employ a number of strategies to help improve the use of the ADR system in solving issues affecting the rights of women in Somalia. As per the reviewed literature in this study, ADR system is one of the best models of addressing

conflicts in any society, as a complement of the judicial system and not as a replacement. Strategies on policy development on how to improve the use and application of the ADR mechanisms should be highly considered as the system is becoming very popular in the modern communities (Muigua, 2018). This concurs with the results of this study as the findings show that one of the strategies that should be employed to increase the use and application of ADR system is through a policy framework that would have the government, the non-government organizations and local communities work together through a formal partnership to popularize the ADR system as well as streamline its application.

Further, as this study focused on the effects of the ADR mechanisms on the rights of women in Somalia, it will be paramount to encourage adult education to increase literacy levels among women in Somalia. Additionally, civic education should be provided to both men and women in Somalia to have both men and women understand the rights of women and other human rights, be able to separate the latter from their cultural practices, and be courageous enough to make use of the ADR system to solve their conflicts.

The women of Somalia would love to make use of the ADR system without any prejudice. However, results of this study revealed that most women do not trust the ADR system as they believe that the facilitators are always biased. This is because the facilitators are mainly male religious and clan leaders who are deeply rooted into the social-cultural and religious beliefs and practices, and therefore most of the ADR ruling has discriminated against women. These results agree with the literature reviewed in that 82% of ADR practitioners across the globe are male (Beyers, 2017), and hence the call for women to gain parity in the ADR practice.

ADR practitioners and facilitators should be well trained on the ADR mechanisms and processes and possibly, legal practitioners should be included in these sittings as well. This will

improve on the effectiveness of the system and help change the opinion of the community members and encourage them to embrace the ADR practice. The end result will be a women population that is aware of its human rights, a peaceful society and improved social welfare among the people of Somalia.

5.4 Conclusions

Women rights are human rights and justice should always be exercised on the latter. Even though women in Somalia constitute at least 50% of the total population, the country is placed as fourth highest in gender inequality index globally. Somali women have limited access to economic resources as well as rights to own property and other assets. However, based on the results of this study, it will be difficult for women of Somalia to exercise their rights and get justice when their rights are violated; as there lacks a proper system to practice the same. The ADR system would be the most admired system to solve disputes in any community but when community members are not aware of it, and those aware have lost trust in it, then its application can never be effective. In Somalia, the ADR system is fairly applied and fairly acceptable by the community members and therefore not effective in addressing issues relating to the rights of women in the country.

In this regard, based on the research and findings, the study concludes that the ADR system has not had any effects on the rights of women in Somalia, as it is not well embraced and hence rarely applied. As the rights of women are under attack in Somalia, all stakeholders should stand, combine their efforts and fight back; and one of the means is by ensuring that the ADR system is effective and well applied in Somalia and the rest of the globe.

5.5 Recommendations

As results of the study revealed that the ADR system is not effectively applied in solving

issues relating to the rights of women in Somalia, mainly due to lack of awareness, this study therefore recommends that the Somali government invests in fostering partnerships with both the local communities and non-governmental organizations to create awareness about the ADR system and its application in solving disputes. The government should also consider formalizing the ADR system to make it formally acceptable by the community members.

Additionally, the government, non-governmental organizations and the local community leaders should work together on formation of the ADR facilitators and make it an all-inclusive panel that will include all parties and also have some women representatives as facilitators. This will earn trust and confidence from the people of Somalia and they will therefore be more willing to embrace the system in solving their disputes.

Further, it will be paramount to encourage and promote adult education to improve literacy levels among both men and women in Somalia. This will help them understand and differentiate between their cultural practices and their rights and have the courage and information to seek for justice whenever their rights are violated.

5.6 Areas for Further Research

Based on the result findings and the discussions, this study recommends further research on cultural effects of the rights of women in Somalia, as cultural practices seem to be a hindrance to exercising the rights of women in the country. This will be paramount in addressing the challenges facing the use and application of the ADR system in Somalia.

REFERENCES

- Abdile, M. (2012). Customary Dispute Resolution in Somalia. *African Conflict and Peacebuilding Review*. 2(1), 87-110.
- Amoah-Boampong C. & Agyeiwaa C. (2019). *Women in Pre-colonial Africa: West Africa*. (eds) *The Palgrave Handbook of African Women's Studies*. Palgrave Macmillan, London.
- Angus, S. (2018). *Confidentiality in ADR and its Effects on Workplace Sexual Harassment. An analysis of legislative developments in the U.S. addressing the use of non-disclosure agreements*. Tilburg University, Netherlands.
- Aspers, K & Corte, U., (2019). What is Qualitative in Qualitative Research. *Qualitative Sociology*, 42, 139- 160.
- Assefa, H. (1996). *Peace and Reconciliation as a Paradigm: A Philosophy of Peace and its Implication for Conflict, Governance and Economic Growth in Africa*. East African Educational Publishers: Nairobi.
- Beyers, M. (2017). *Avoiding a Train Wreck: Best Practices for Multi-Tracked Litigation, Mediation & Arbitration*. ABA Business law. Arizona, USA
- Craver, C. (2017). Do Alternative Dispute Resolution Procedures Disadvantage Women and Minorities? *Law Journals*. 70(4), 890-912
- Delgado, R., Dunn, C., Brown, P., and Lee, H. (1985). *Fairness and formality: Minimizing the risk of prejudice in alternative dispute resolution*. *Wis. L. Rev.*, 1359.
- Deutsch, M., (1949). A Theory of Co-operation and Competition. *Human Relations*, 2, 129-152.
- Deyessa, N. et. al., (2010). Violence against women in relation to literacy and area of residence in Ethiopia. *Global Health Action*. 3, 10.
- Hannum, H. (2016). Reinvigorating Human Rights for the Twenty-First Century. *Human Rights Law Review*, 16(3), 409-451.
- Human Rights Watch, (2018). *Somalia Events of 2017*. New York; 350 Fifth Avenue
- International Development Law Organization, (2017). *Reforming and Modernizing the Alternative Dispute Resolution (ADR) System in Somalia*. IDLO, Rome.
- International Development Law Organization, (2020). *Customary and Information Justice and Alternative Dispute Resolution in the East, Southern and Horn of Africa*. IDLO, Rome.
- Jarayaj, D. (2020). *Conflict Resolution in Somalia; Role of Women in Mediation*. Centre for International Arbitration, Nairobi.
- Kothari, C.R. (2004). *Research Methodology: Methods and Techniques*. 2nd edition, New Age International Publishers, New Delhi.

- Kreuger, (2000). Police interrogation in the 1990s: An empirical study of the effects of Miranda.
- Kwadwo, A. (2013). Alternative Dispute Resolution and its Implications for Women's Access to Justice in Africa- Case Study of Ghana. *Frontiers of Legal Research*, 1(1), 36-57.
- Magesa, L. (2014). *African religion: The moral traditions of abundant life*. Orbis Books. United States, New York.
- Mahdi Abdile, (2012). *African Conflict and Peacebuilding Review*. Published by: [Indiana University Press](#).
- Miall, H., (2004). *Conflict Transformation: A multi-Dimensional Task*. Bergh of Research Center for Constructive Conflict Management.
- Mian, N. & Hossain, S. R. (2013). Problems of Alternative Dispute Resolution Mechanisms and Proposals for Improvement: A study in Bangladesh. *International Journal in Management and Social Science*. 1 (1), 22-32.
- Mnookin, R. (1998). *Alternative Dispute Resolution*. Harvard Law School, John M. Olin Center for Law, Economics and Business Discussion Paper Series. Paper 2322
- Mugenda G. A (2008). *Social science research, theory and principle*. Nairobi, Art Press.
- Mugenda, O. & Mugenda, A. (2012). *Research Methods Dictionary*. Applied Research and Training Services. Nairobi, Art Press.
- Mugenda, O. M & Mugenda, A. G. (2003). *Research methods, Quantitative and Qualitative Approaches*. Nairobi, Acts press 1999.
- Mugenda, O. M., & Mugena, A. G. (1999). *Research methods: qualitative and quantitative approaches*. Nairobi: Acts press
- Muigua, K. (2014). *ADR: The Road to Justice in Kenya*. International Arbitration Conference, August 2014.
- Muigua, K. (2015). Effective Justice for Kenyans: Is ADR Really Alternative? *Law Society of Kenya*. 2(1), 49-62.
- Muthama, B., M. (2020). *Men and Women's Participation in Alternative Dispute Resolution Mechanisms in Kapsokwony Bungoma County, Kenya*. Kenyatta University, Nairobi.
- Odiaka, N. O. (2013). The concept of gender justice and women's rights in Nigeria: Addressing the missing link. *Journal of Sustainable Development Law and Justice*. 2 (1), 190-2015.
- Orodho, J.A. (2003). *Essentials of educational and social research methods*. Nairobi: Masola Publishers.
- Pilcher, J. & Whelehan, I. (2016). *Key Concepts in Gender Studies*. 2nd ed. Sage Publications
- Rensik D. B. (2011). *What is Ethics in Research and why it is important?* National Institute of Environmental Health Sciences, United States.

- Sage, A., L. (2005). *Stateless Justice in Somalia: Formal and Informal Rule of Law*. Report, July 2005. Centre for Humanitarian Dialogue.
- Spiroska, E. & Ristovska, M. (2014). Needs Assessment and Sustainability of Alternative Dispute Resolution (ADR) in Civil Disputes Resolving. *Balkan Social Science Review*. 2, 83-101
- UNICEF, (2018). *Global databases, Child Marriage*. New York, 3 UN Plaza: UNICEF.
- UNICEF, (2019). *Statistical profile on female genital mutilation*. New York, 3 UN Plaza: UNICEF.
- United Nations Development Program, (2014). *Women's Rights in the New Somalia: Best Practice Guidelines for MPs and CSOs*. January 2014, Nairobi Kenya.
- United Nations Human Rights Council, (2014). *Women's Rights are Human Rights*. New York, 3 UN Plaza
- United Nations Human Rights Council, (2017). 'Report of the Independent Expert on the Situation of human rights in Somalia (Advance edited version)', page 15.
- United Nations Women, (2018). *Gender Responsive Alternative Dispute Resolution*. Seminar Paper, December 2017. UN Women, Timor Leste
- United Nations Women, (2020). *Somalia: Funding for Gender Equality and the Empowerment of Women and Girls in Humanitarian Programming*. June 2020, Nairobi Kenya.
- United Nations, (2020). *Funding for Gender Equality and the Empowerment of Women and Girls in Humanitarian Programming: A case of Somalia*. New York, 3 UN Plaza
- USAID, (2020). *Alternative Dispute Resolution Initiatives in Somalia: The Expanding Access to Justice Program in Somalia*. Pact Kenya, Nairobi.
- Uwazie, E. (2014). *Alternative Dispute Resolution and Peace-building in Africa*. Cambridge Scholars Publishing, Newcastle. UK
- Ware, S. J. (2001). *Alternative Dispute Resolution*. West Group, USA
- Watson, T., Watson, L., & Stanley, A. (2017). *Conflict Management and Dialogue in Higher Education. A global perspective*. 2nd ed. Information Age Publishing, USA.
- Wiersma, W. (2000). *Research methods in education: An introduction*. MA. Allyn and Bacon, Boston, USA.

APPENDICES

APPENDIX 1: INTRODUCTION LETTER

Dear respondent,

RE: EFFECTS OF ALTERNATIVE DISPUTE RESOLUTION ON THE RIGHTS OF WOMEN IN GAROWE, SOMALIA.

I am a student undertaking a master's program in Peace, Governance and Security at Africa Nazarene University in Nairobi, Kenya. I am currently working on my research project and in the process of collecting data as it is a requirement to fulfil my course of study. This is therefore a kind request to contact you as my respondent to gather in-depth information on my research topic.

Enclosed is a copy of my questionnaire for you to fill. Kindly note that all information that you will give will be used entirely for the purpose of this research project and will not be altered for whatsoever reasons. Please do NOT indicate your name.

Thank you for your assistance.

Ahmed Farah Jama.

APPENDIX 2: AUTHORIZATION LETTER

JAMHUURIYADA FEDERAALKA SOMALIA
Wasaaradda Waxbarashada, Hidaha iyo
Tacliinta Sare
Xafiiska Agaasimaha Guud



Somali Federal Republic

جمهورية الصومال الفدرالية
وزارة التربية والثقافة والتعليم العالي
مكتب الأمين العام

Ministry of Education, Culture & Higher Education
Office of the Director General

Ref: MED/756/21

Date: 02/10/2021

This is to certify that Mr. **Ahmed Farah Jama** of Africa Nazarene University has been licensed to conduct research in Garowe on the topic: **ALTERNATIVE DISPUTE RESOLUTION ON THE RIGHTS OF WOMEN IN GAROWE, SOMALIA**. For a period of one year.

Mr. Abdi Ahmed Ali
General Director



APPENDIX 3: RESEARCH QUESTIONNAIRE

SECTION A: Demographic and Background Information

1. Age

- a) 15 to 20 years
- b) 21 to 30 years
- c) 31 to 40 years
- d) 41 to 50 years
- e) 51 to 60 years

2. Marital Status

- a) Married
- b) Single
- c) Others (Please indicate) _____

3. Educational level

- Primary Secondary College/ Tertiary University

4. Clan

- Isaaq Darod Dir Hawiye Rahanweyn Mayle Others (please indicate)

5. Occupation

- Employed Self-employed Farmer Student Others (please indicate) _____

6. How long have you lived in Garowe District?

- I was born and raised here
- I was born elsewhere but I have lived here for less than 10 years
- I was born elsewhere but I have lived here for 10 to 20 years
- I was born elsewhere but I have lived here for more 20 years

SECTION B: Effect of ADR on the rights of women

7. Do you understand your rights as a woman?

YES NO

8. What are some of the rights that you are entitled to as a woman? Please list.

.....
.....
.....
.....

9. What forms of women rights violations are you aware of and how many times have you experienced them in the last 12 months?

- a). Female Genital Mutilation
- b). Child Marriage
- c). Rape
- d). Physical violence
- e). Others (please indicate) _____

10. Have you heard about alternative dispute resolution (ADR)?

YES NO

11. What forms of alternative dispute resolution are you familiar with?

- a) Arbitration
- b) Mediation
- c) Negotiation
- d) Others _____

12. What do you think of the use of alternative dispute resolution in addressing the rights of women in Garowe?

- a) It is being highly used and it is effective
- b) It is being used but it is not effective

- c) It has never been used
- d) It is rarely used

13. Is there any situation that you used alternative dispute resolution to solve a dispute relating to violation of women rights?

YES NO

If yes above, which form of alternative dispute resolution did you use?

.....

14. Which statement(s) below depicts what leaders normally do while using alternative dispute resolution to solve issues against the rights of women? *Please tick appropriately.*

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
Leaders facilitating ADR usually establish communication between two or more aggrieved parties for the purpose of arriving at a mutually agreeable solution					
Leaders use back and forth communication to ensure the parties in conflict reach an agreement					
The aggrieved parties and ADR facilitators come the realization that there is a problem to be solved and they are all aware that by talking to each other, they can find a solution to the problem					
ADR facilitators meet to work with or against each other for their own position or pre-determined, desired outcome					
ADR facilitation takes place between groups of people and the tactics used in the proceedings is long and tiresome					
ADR facilitation takes place between individuals and the tactics used in the proceedings is brief and effective					
Use of ADR is based on the interest of the parties and the facilitators are always biased.					

15. Do you think ADR is being used as a friendly and effective way of addressing the rights of women in Somalia compared to the court system?

Strongly agree Agree Not sure Disagree Strongly disagree

SECTION C: Strategies to improve use of ADR in resolving issues affecting rights of women

16. What is the level of acceptability of the ADR mechanisms by women in Garowe in solving their disputes?

- a) Highly acceptable
- b) Fairly acceptable
- c) Not acceptable

17. Are there any formal or informal independent and impartial structures that have been put in place by the government for purposes of ADR facilitation?

- a) YES
- b) NO

If yes, kindly give examples

.....
.....
.....

18. Are there any non-governmental organizations that are involved in ADR facilitation?

- a) YES
- b) NO

If yes, kindly give examples

.....
.....
.....

19. Who constitutes formation of ADR structures and sittings in your area? Tick all that is applicable

- a) Government officials
- b) Clan elders
- c) Religious leaders

- d) Civil society representatives

20. In your opinion, what are some of the strategies that can be put in place to address issues of the rights of women in Somalia? Kindly list.

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21. How can such strategies used for ADR be made to be part of government strategies?

- a) Development of a policy framework that fosters partnership between government and grassroots communities.
- b) Establishment of justice system that uses local strategies.
- c) Recognition of community-led ADR initiatives by the government.
- d) Others(specify)

22. In your opinion, how can both the government and non-government be involved to enhance use of ADR in addressing human rights issues affecting women?

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SECTION D: Challenges to the application of ADR in addressing issues of the rights of women

23. Do ADR mechanisms face any challenges in Garowe?

- a) YES
- b) NO

If your answer is YES above, what challenges do you face while using ADR mechanisms in addressing issues of the rights of women?

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24. Are there any cases where the ADR facilitators fail to reach an agreement between the aggrieved parties?

- a) YES
- b) NO

If YES above, what actions do the ADR facilitators take in such a situation?

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25. Are there any limitation to the women of Somalia in presenting cases affecting their rights through the ADR system?

- a) YES
- b) NO

If yes above, kindly explain.

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26. In your own opinion, why do you think use of ADR is not as popular as it ought to be in solving issues affecting the rights of women in Garowe?

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SECTION E: Recommendations

27. What recommendations would you give to improve use of ADR mechanisms in Garowe to address issues affecting the rights of women?

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28. Any other comment

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Thank you for your time!

APPENDIX 4

INTERVIEW GUIDE

Dear respondent, my name is Farah Jama and I am a student at Africa Nazarene University; currently conducting a study for my research project on effects of ADR on the rights of women in Garowe, Somalia. I am kindly requesting for your few minutes so can assist me gather information for the research project by responding to a few questions as I will ask you. All the information that you will give will be sorely used for purposes of this study only.

- 1) What is your role in your organization?
- 2) Can you classify your organization as a government institution or non-governmental institution?
- 3) Are you in any way involved in working with women?
If yes, how?
- 4) Are there any violations of the rights of women in Garowe?
- 5) What are some the women rights that are commonly violated?
- 6) Have you witnessed use of ADR in solving disputes relating to violation of rights of women in Garowe?
- 7) What structures has the government put in place to facilitate use of ADR in solving disputes in Garowe?
- 8) How are non-governmental institutions involved in enhancing and facilitating use of ADR in solving disputes in Garowe?
- 9) How do you compare use of ADR mechanisms to that of court system?
- 10) In your opinion, do you think ADR mechanisms are effective in solving disputes in Garowe?
- 11) Are there any challenges faced while using ADR in addressing issues of human rights affecting women?
- 12) Are there any gaps that you can identify in the process of facilitating ADR mechanisms in addressing issues affecting the rights of women?
- 13) How would you suggest such gaps to be filled?
- 14) What recommendations would you give on improving use of ADR mechanisms in addressing issues affecting the rights of women in Garowe?
- 15) Any other comment?

Thank you for your time.

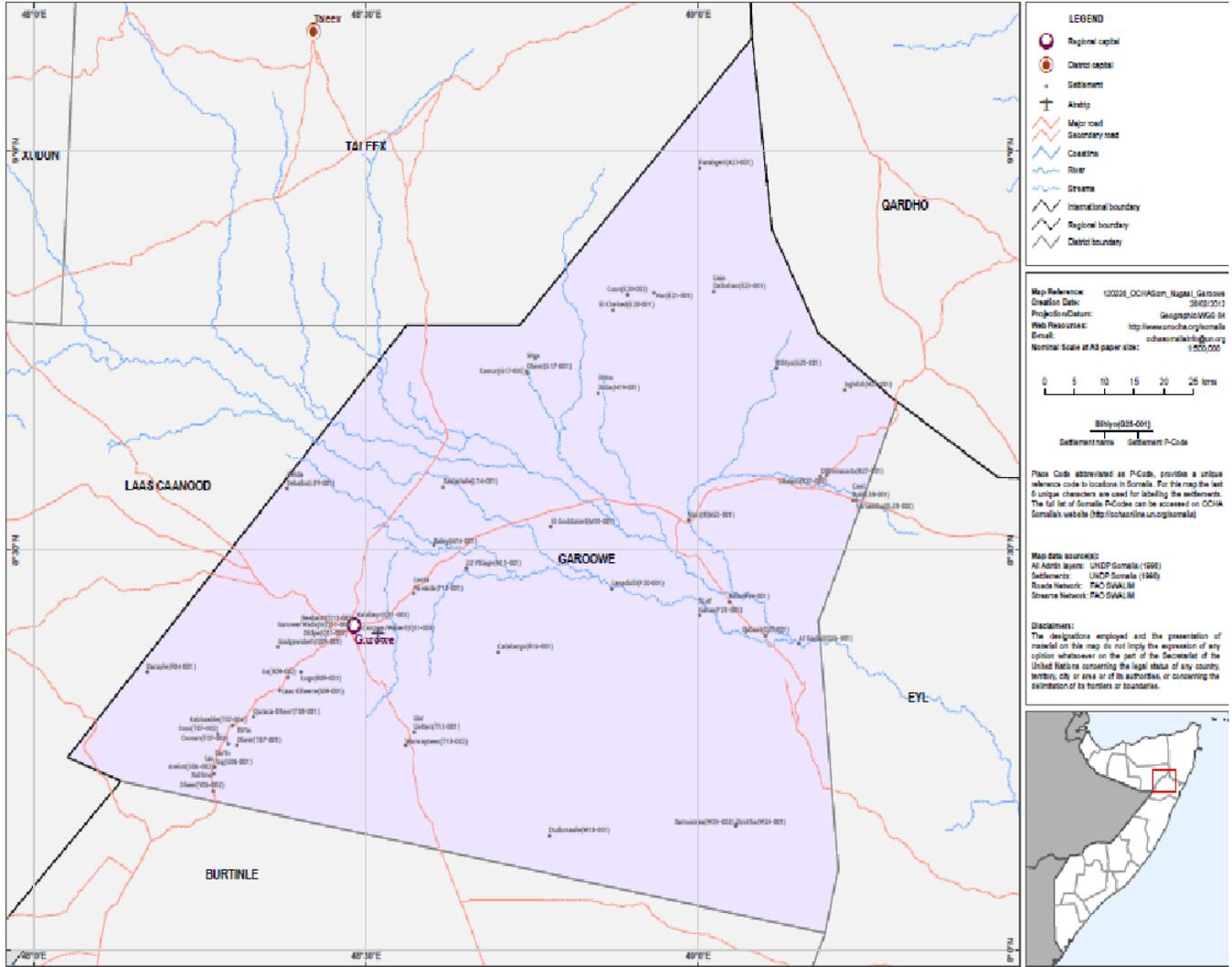
APPENDIX 5

Work Plan

	July- December 2019	January - March 2020	April- May 2020	May- June 2020	July- August 2020	August- September 2020
Proposal Development						
Proposal Defense						
Data Collection, and analysis						
Thesis writing						
Thesis defense						
Thesis correction and submission						

APPENDIX 6

MAP OF GAROWE DISTRICT IN SOMALIA



Source: UN Office for the Coordination of Humanitarian Affairs.