

**JUSTICE MECHANISMS AND RESOLUTION OF BELEDWEYNE TRIBAL  
CONFLICTS IN SOMALIA**

**BY  
ABDULFATAH MOHAMED ABDULLAHI  
REG: NO.MCR 45262 143 DF**

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### DECLARATION

I **ABDULFATAH MOHAMED ABDULLAHI** hereby declare that the work presented in this thesis is my original work and has never been presented to any other University or Institution of higher learning for any academic qualification or otherwise.

Signature.....

Date.....08-11-2016.....

### APPROVAL

I certify that the work submitted by this candidate was under my supervision. His work is original and worth for the award of a Master's degree in conflict resolution and peace building of Kampala International University.

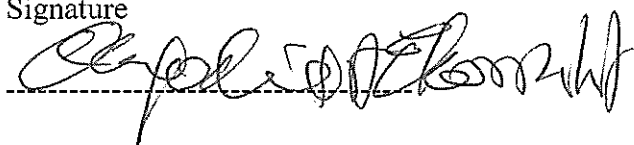
Name of the supervisor

Date

DEONHODIA A. EKOMOLOT

08-11-2016

Signature



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## **ABSTRACT**

The study focused on justice mechanisms and resolution of Beledweyne tribal conflicts in Somalia. The study objectively sought to; examine analyze the role of local courts and resolution of Beledweyne tribal conflicts in Somalia, to appraise the effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia and to examine the mediation and resolution of Beledweyne tribal conflicts in Somalia. The study adopted a descriptive design because it gathered data from a sample of a population at a particular time and in so doing, pertinent data was collected from all respondents once and for all to reduce on time and costs involved. A sample of 136 respondents was selected. Using, purposive sampling and simple random data was analyzed using the computer software package called SPSS to generate tables and graphs. The findings of the study were that correlation coefficient 0.864 is strong and showed that policy and legal framework has a significant strong effect on resolution of Beledweyne tribal conflicts in Somalia. The study concluded that there was a significant relationship between the effect of clan meeting and resolution of Beledweyne tribal conflicts in Somalia since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between local courts and resolution of Beledweyne tribal conflicts in Somalia to be a strong one. The study recommends that the international community needs to assist in establishing an impartial National Somali Army and Police Force. This is possible through reinstatement of former “clean” Army and Police Force personnel as well as recruiting and training young people. The leaders need to work on a progressive plan aimed at restoring peace, security and stability by involving the clans and their leaders and not just the warlords, especially in disarmament to pacify the process. That the government must face the challenge of reconciling people at all levels of the society including inter and intra clan and sub-clans, factional and political groupings. The government has the responsibility to manage the reconstruction process through national authorities, provincial and local channels as well as security forces. This will call for peaceful environment by establishing a transparent, representational and interactive political structure, to avoid the spectacle of people falling back to clanism and lawlessness.



## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Introduction**

This research project sought to explore the effect of justice mechanisms and resolution of the Beledweyne tribal conflicts in Somalia. This chapter presents the historical, theoretical, conceptual and contextual aspects of the study. It also gives the research problem, purpose and objectives of the study, research questions, scope and significance of the study

#### **1.2 Background to the study**

Under this section, four perspectives that build this problem are brightly presented. These are the historical, theoretical, conceptual and contextual.

##### **Historical perspective**

Throughout history, tribal conflicts have long been a component of international politics. Even today, tribal wars continue to be the most common form of armed conflicts around the world. Newspapers and television are rife with stories about ethnic violence among the people of Africa, the Middle East, India, China, Srilanka, Ireland, etc. The Uppsala Conflict Data Project (UCDP) reports that for the 13-year period, 1990-2002, there were 58 major armed conflicts in the world, of which, on close examination, ethnic related ones constituted a considerable number, with the following regional distribution: Africa (19), America (5), Asia (17), Europe and Middle East (Eriksson, 2002).

In Africa since the mid-1960s there have been prolonged and protracted tribal-related violent political conflicts, including in some cases, civil wars in the following countries: Algeria, Burundi, Chad, Congo-Brazzaville, the Democratic Republic of the Congo (formerly Zaire), Cote d'Ivoire, Eritrea Ethiopia, Guinea-Bissau, Liberia, Mali, Mauritania, Morocco, Niger Republic, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, the Sudan, Uganda and Zimbabwe (Jinadu, 2007). Horowitz (2000) considers tensions arising from ethnic diversity to have been the principal trigger of genocide in Rwanda, violent riots in the Democratic Republic of Congo, civilian mass killings in Burundi, army killings in Uganda and repeated hostilities in Chad - that have occurred during the last two decades of the 20th century.

According to Shibru (2009), the Horn of Africa region is regarded as highly susceptible to conflicts, and is one of the most conflict-prone areas in the continent. The Horn is the sub-region of protracted conflict and instability (Weyesa, 2011). Over the past six decades there was no single year when the sub region had free from conflict (Tafesse, 2011). In the Horn, the conflicts that have occurred since 1960s have largely been internal. Border conflicts have been rare (Sriram and Nielsen, eds., 2006), and most of the wars in this part of the continent during the last decades of the 20thC have been described in terms of ethnic conflicts (Befekadu and Diribssa, 2005). For example, the civic unrest in Darfur, the protracted war between Ethiopia and Eritrea (before its independence in 1993), ethnic violence in Kenya after the 2007 presidential election, among others. Some even contend the Horn of Africa region as highly complicated because politics and ethnicity are deeply interwoven. Similarly, the region is known for the pastoralist movement from place to place leading to almost continuous local warfare and frequent forced migration. In general, the sub-region is often considered as the most volatile area in the world despite some progress made in ending long lasting regional wars (Dereje, 2010).

In Somalia, conflicts can be traced to the colonial administration that divided Somalia into British Somaliland, Italian Somaliland (South-Central region) and French Somaliland (Djibouti). This division not only planted seeds of clan divisions but also brought inequality among clans (Ali, 2007). The colonial enterprise was based on oppression and exploitation of the Somali citizens—a practice that subsequent regimes inherited. The ruling elites in Somalia since colonial times up to and after 1991 emerged from the Mudug and Majertinia clans. The colonial administration favoured clans that could deliver colonial interests and not necessarily the most capable individuals (Ali, 2007). This clan based nepotism would continue even after independence (Mbugua, 2013). Most of the fighting that has taken place in Somalia, apart from the one of Al Shabaab, has been organized along clan lines (Mbugua, 2013).

The impact of Somalia conflict is manifested in various ways including: breakdown of families, destruction of economies, erosion of culture, devastation of the community, poor hygiene and health sector, collapse of the economy, divisions within sub-clans, destruction of government institutions, lawlessness, religious divisions, division of Somalia into different regions and

general uncertainty (Mbugua, 2013). Armed conflict in Somalia has crippled the prospects of a better life for over two decades through destruction of institutions, encouraging human and capital flight, undermining investors' confidence, spreading disease and disrupting trade. Consequently, several mechanisms are being adopted to resolve these conflicts in different contexts and intensity (Glasl, 1999). Among others is the use of justice mechanisms such as local courts, Alternative Dispute Resolutions like mediation, and other informal and traditional systems like council of elders and clan meetings (Beledweyne District Conflict and Security Assessment Report, 2015). This study seeks to examine how such justice mechanisms affect the resolution of tribal conflicts with specific reference to Beledweyne District in Somalia.

## **1.2 Theoretical perspective**

This study was guided by the instrumentalist theory of ethnic violence which was put forward by Andersons, (1991) who pointed out that ethnic conflict is the product of community leaders "who used their cultural groups as sites for mass mobilization and as constituencies in their competition for power and resources, because they found them more effective than social classes" (Smith 2001 cited in Musvosvi, 2010). In this approach ethnicity and ethnic identification "are viewed as instrumental identities, organized as a means to particular ends" (Cornell and Hartmann 1998). In the recent violence in Kenya, many participants were asked by the news media why they were fighting. Some gave answers that reflected the words of leading politicians. A number of them said they did not know. One man said he was fighting because everyone was fighting. Another said that he was fighting because he wanted to protect his family from the enemies (Musvosvi, 2010). This theory seems to be the most plausible. It seems to be supported by the demonstrable reality that most ethnic conflicts involve certain leaders, and peace and reconciliation negotiations will only succeed if these leaders are involved. The researcher also believes that resolution of Beledweyne tribal conflicts would only succeed if leaders of the conflicting tribal groups and involved.

## **1.3 Conceptual perspective**

According to Angstrom (2000) Justice mechanisms consist of judicial and non-judicial measures implemented in order to redress legacies of human rights abuses. Such measures "include criminal prosecutions, truth commissions, reparations programs, and various kinds of

institutional reforms".<sup>[1]</sup> Transitional justice is enacted at a point of political transition from violence and repression to societal stability and it is informed by a society's desire to rebuild social trust, repair a fractured justice system, and build a democratic system of governance. The core value of transitional justice is the very notion of justice—which does not necessarily mean criminal justice. This notion and the political transformation, such as regime change or transition from conflict are thus linked toward a more peaceful, certain, and democratic future.

Transitional justice has recently received greater attention by both academics and policymakers. It has also generated interest in the fields of political and legal discourse, especially in transitional societies. In period of political transitions, from authoritarian, dictatorial regimes or from civil conflicts to democracy, transitional justice has often provided opportunities for such societies to address past human rights abuses, mass atrocities, or other forms of severe trauma in order to facilitate a smooth transition into a more democratic or peaceful future.

According to Tarekegn (2005) the conflict resolution community seems to pursue conflict resolution efforts in Africa from a variety of purposes and interests and with policies that are often replete with ambiguities and contradictions. This situation may be the reason why many African conflicts may be silenced but remain largely unresolved. As Zartman (2000:3) has pointed out, although African conflicts involve the activities of seasoned peacemakers using the best of personal skills and recently developed knowledge about ways of managing and resolving conflicts, international efforts at conflict management have not been particularly effective or efficient in overcoming the disasters that have brought them to the continent. The critical question then is how we understand the problem of conflict resolution in Africa when the actors, mainly external to Africa, propagate the idea of peace and conflict resolution corresponding mainly to their own interests and view of Africa and the world.

#### **1.4 Contextual perspective**

Beledweyne is a vibrant commercial Centre because of its strategic trade links with Mogadishu in the south, Galkacyo and Bosaso to the north, Ethiopia to the northwest, and Huddur & Tiye glow in the west. The district is divided into four food economy groups, namely: pure pastoralists (25%), agro-pastoralists (50%) farmers (10%) and the urban (15%). The district economic backbone is agriculture and livestock product in the rural, while in poor urban and

IDPs depend on casual labor, and remittances remain the major source of income (Angstrom 2000).

Beledweyne is the capital city of Hiiraan region and is located along the Shabelle River, approximately 315 km northeast of Mogadishu. It shares borders in the west with Tiyeeglow district of Bakool region, north with Somali region of Ethiopia, south with Buuleburde district and northeast with Mataban district. The district is divided into four subdivisions namely Hawo Tako, Buunda Weyn, Hawl Wadaag and Kooshin. The district economic backbone is agriculture and livestock produce in the rural, while in poor urban and IDPs depend on casual labor, and remittances remain the major source of income. According to the Beledweyne District Conflict and Security Assessment Report, (2015), Beledweyne district has for a long time suffered from recurrent clan conflicts despite existence of several conflict resolution mechanisms like local courts, mediation, and other informal and traditional systems like council of elders and clan meetings. This study therefore sought to examine whether there is any relationship between these justice mechanisms and resolution of tribal conflicts in the context of Beledweyne District in Somalia.

The Observatory for Conflict and Violence Prevention (OCVP), based in Somalia/Somaliland, was established in 2009 as a non-political, non-denominational, and non-governmental organization with the goal of organising and supporting initiatives that promote peacebuilding, security, safety and sustainable development across all regions of Somalia. As a part of its efforts, the OCVP conducts ongoing District Security and Conflict Assessments (DCSAs) in order to obtain feedback at the community level in relation to four thematic areas: security; governance; justice; conflict and violence. The assessments are conducted using a mixed-method approach, including a household survey of district residents along with focus group discussions and key informant interviews with community representatives and key stakeholders in the local provision of governance, security and justice.) regarded, both collectively and individually. There was also notable room for improvement in respondents' trust and confidence in the formal entities.

A number of entities collaborate to provide security services in the district of Beledweyne. The formal security providers in the district are the police, Somali National Army (SNA) and the African Mission in Somalia (AMISOM). They are supported by informal entities, including elders and religious leaders, while the community also cooperates with security providers, particularly through women and youth committees as well as established District Safety Committees, to help maintain peace. While most respondents acknowledged the presence of the police (77%), a sizeable minority (22%) could not confirm the presence of the police in the area.

Awareness was lowest among the Internally Displaced Persons (IDPs), with approximately one-third of the respondents among the IDPs stating that there was no police or that they did not know whether or not the police was present in the area. The district had one police station, which most respondents (81%) estimated that they were able to walk to from their homes within forty minutes, including a little less than one-half (45%) who estimated that they would be able to get there within twenty minutes.

There were complaints about the lack of resources available to the police. The size of the police force was regarded as being inadequate to meet the needs of the local population. It was also noted that the police station lacked office space. The use of the Police Commissioner's office as the radio room provided an example of the challenges that this presented. In addition, other implications of the lack of resources included a shortage of vehicles, fuel, equipment such as computers and office furniture. In spite of this, some were of the opinion that the police made significant efforts given their limitations. However, this had the potential to influence their performance and even after making efforts to mobilise transportation, police were often late to the scene of a crime due to the delays incurred. It was also reported that clan dynamics interfered with the work of the police as police were often unable to respond in the event of disputes between two clans.

There are three courts in Beledweyne –a district court, a regional court, and a court martial. However, only-two thirds of the respondents in the household survey acknowledged the presence of the formal court in the district. The remaining respondents were evenly split between those who stated that they were unsure about whether a court was present and those who stated outright that there was none. There was substantial variation in respondents' proximity to the

courts across the different subdivisions. IDPs appeared to be furthest away, with only 9% estimating that the court was located within twenty minutes of their homes compared with 83% in Buunda Weyn who estimated that they would be able to get to the court within this time.

### **1.5 Statement of the problem**

The high incidence of conflicts in any country underscores the need for conflict-resolution strategies to reduce the potential damage of such conflicts on individual households as well as on the nation's economy. Indeed, different strategies had been employed to resolve several conflicts. Conflict resolution measures used in Somalia include use of traditional common law, enforced by councils of elders/clan leaders, Islamic law, enforced by *sharia* courts and secular laws, enforced by the regular civilian courts (Le Sage, 2005). Despite these efforts to resolve tribal conflicts, Somalia has continuously gone through unprecedented protracted tribal conflicts since 1991 (Mbugua, 2013). For instance in Beledweyne district has for a long time suffered from recurrent clan conflicts despite existence of several conflict resolution mechanisms like local courts, mediation, and other informal and traditional systems like council of elders and clan meetings. The Beledweyne District Conflict and Security Assessment Report (2015) revealed that in the decades following the fall of the Siad Barre regime, the region suffered political aggression from neighbouring clans and piracy which have left their negative impacts on the masses. If the problem of tribal conflicts is not resolved, peace will become elusive in this area. This study therefore seeks to examine whether there is any relationship between justice mechanisms and resolution of tribal conflicts in the context of Beledweyne tribal conflicts in Somalia.

#### **1.5.1 General Objective**

The study sought to investigate the effect of justice mechanisms on resolution of Beledweyne tribal conflicts in Somalia.

## **1.6 Specific Objectives**

- (i) To analyze the role of local courts on resolution of Beledweyne tribal conflicts in Somalia.
- (ii) To examine the effect of clan meetings on resolution of Beledweyne tribal conflicts in Somalia.
- (iii) To examine the mediation and resolution of Beledweyne tribal conflicts in Somalia.

## **1.7 Research questions**

- (i) What is the role of local courts on resolution of Beledweyne tribal conflicts in Somalia?
- (ii) What is the effect of clan meeting on resolution of Beledweyne tribal conflicts in Somalia?
- (iii) What is mediation and resolution of Beledweyne tribal conflicts in Somalia?

## **1.8 Scope of the Study**

### **1.8.1 Content scope:**

The study was limited to find out the effect of justice mechanisms in the context of local courts, clan meetings and mediation and how each of these relate with the resolution of Beledweyne tribal conflicts in Somalia

### **1.8.2 Time scope**

The study mainly focused on the years from 2006 to 2015.

### **1.8.3 Geographical scope:**

The study was carried out in the Beledweyne district which was the capital city of Hiiraan region located along the Shabelle River, approximately 315 km northeast of Mogadishu Somalia.

## **1.9 Significance of the Study**

The study might be important in the following ways;

- i. This study will assist policy makers in Beledweyne district to design appropriate interventions to address tribal conflicts and bring about peace in the area that is conducive for development.
- ii. Conflict is known as one of the factors that hinder development; therefore if the different ways in which tribal conflict hinders development are identified, it can be easier to identify solutions and implementation process as well.



- iii. The information so obtained would be useful to research institutions and academicians who want to advance the knowledge and literature on tribal conflicts. It would also add to literature on the subject as reference material and stimulate further research in the area.

### **1.10 Conceptual Framework**

The conceptual framework diagrammatically shows the hypothesized relationship between the different variables in the study. The independent variable was perceived as justice mechanism while and dependent variable is resolution of resolution of Beledweyne tribal conflicts in Somalia

**Figure 1.1 Conceptual framework**

**Independent variables**

**Justice mechanism  
conflict**

- Local courts
- Clan meetings
- Mediation

**Dependent variables**

**Resolution of Beledweyne tribal conflicts**

- Reduced fighting among tribes
- Peace and harmony in the area
- Unity among the people

**Intervening Variables**

- Government policy
- Cultural norms and customs
- Peoples' attitude

*Source: Befekadu, and Diribssa (2005)*

According to the conceptual framework above, there three forms of variables used in the study, namely; the independent and the dependent variables and intervening variable. The independent variables (justice mechanism) are expected to lead to resolution of resolution of Beledweyne tribal conflicts. The conceptual framework also shows that contribution of these justice mechanisms can also be influenced by intervening variables like Government policy, Cultural norms and customs and peoples' attitude which must be held constant for the desirable relationship to prevail.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

In this chapter, reviewed the existing literature related on the related variables under study. Literature review was conducted through the scrutiny and review of relevant documents relating to functionality of components of justice mechanism on conflict resolution. The literature was reviewed following the major themes of the study; the role of Local courts and conflict resolution, the effect of clan meetings and conflict resolution and the effect of mediation and conflict resolution

#### **2.1 The role of Local Courts on Conflict Resolution**

According to Ddungu (1993), Local courts are viewed as popular organs created to counter and hold in check abuses of the civil servants and all other state functionaries. As organs of the people, they check corruption, solve conflicts including conflicts and help in implementation of government programmes at little or no fee at all. Local mechanisms for resolving disputes are regarded as cheaper, faster, fairer, more accessible, easier to understand, subject to less corruption, and more likely to promote reconciliation than the courts. There is also evidence that disputants who take land disputes directly to the courts have penalties imposed on them or their community. This may reduce the load on the courts, but also places pressure on disputants to use local forums that one or more parties may wish to avoid (Timor-Leste Land Law Program, 2004).

The use of local council courts in resolving a conflict is not only limited to Beledweyne in Somalia. In Papua New Guinea they started in 1973 by the Village Court Act in order to compensate for a Local and District Court System (Brison 2005). In India they have been in existence for millennia just like in Limpopo Province, South Africa (Van der Waal 2004; Brison 2005; Vincentnathan and Vincentnathan 2007). The traditional courts or village courts are recognized as partners in local government and in some countries they are paid a salary (Van der Waal 2004). Courts of traditional leaders in the rural South Africa comprise of 255 chiefs and most of them are paid indicating the importance attached by the previous and present

administration to the law and order role of the institutions local leadership (Van der Waal 2004). In Papua New Guinea they were given short training courses in operation of courts before returning to villages to solve conflicts. On the contrary, village courts elders (panchayats) in India were never trained but were just respected elders who even the police had to request for permission to come to their village (Van der Waal 2004). Nevertheless, traditional courts are associated with some deficiencies in conflict resolution processes such as tribalism, failure to preserve procedural informality, weak record keeping and idea of not taking voices of youth and women seriously and to ensure that neither litigant would be given an unfair advantage (Choudree 1999). Common sanctions for wrongdoing done by traditional courts include: fines, restrictions, and excommunication where a person can live in his/her residence but cannot talk to others (Vincentnathan and Vincentnathan 2007).

According to Muigua (2011), in resolving conflict, it is appropriate for courts to encourage parties to negotiate so as to come up with mutually acceptable solution and allow for the expeditious resolution of their dispute. This happened for example in family disputes and had happened in many cases before courts, where the judge or magistrate asked the parties or their advocates to negotiate and then record consent. The study further revealed that negotiations often result to peace and harmonious co-existence. If such conflicts were to be lodged in a court of law it would be difficult for the underlying causes to be addressed. This study seeks to examine how local council courts affect the resolution of Beledweyne tribal conflicts in Somalia.

There are formal as well as informal approaches of conflict resolution in Nepal and they have their own merits and demerits. For example, although courts are the major points of conflict resolution (formal), many decisions of the Court are based on a “majority formula” and the ground for contesting verdicts still exists. A lack of independence, patterns of corruption, delay in justice, poor enforcement of the court decisions etc has undermined the fairness of judicial process. As a result fewer than 15 percent of people have access to the judicial system of Nepal (Dahal, 2007:44). The organized forces of political parties have also in some cases misused power to influence the judicial process in their favor, with attempts to influence judges. Only recently, the SC has limited the government's power to withdraw criminal cases pending in court and reduced the level of impunity.

In the traditional conflict resolution systems, enforcement of the decisions made by local mediators and negotiators are not re by the government institutions and state laws but by the social sanctions, religious faiths, moral principles and ethics. As a result, many of the conflicts resolved in the villages are unwritten and unrecorded. The innovation in peace-building is found at the Track III level as ordinary people were the main sufferers of conflict and have interest in the possibility of transformational change (Ropers, 2005:255-269).

Traditional mediation methods are still utilized in the rural areas where duties toward community hold more values than personal satisfaction of individual rights, greed and grievances. The culture of collective rights existing at the community level is now changing, transforming into new organizational forms through a rights-based discourse on politics which is socializing and mobilizing various communities for social transformation. However, local level conflict resolution mechanisms have their own limitations as they are subject to cultural diversity and each of the ethnic groups and society has its own rules and procedures for conflict resolution. The procedures and rules to settle the disputes also differ according to culture and custom. Traditional mediation mechanisms need to bere-examined and harmonized to conform to modern demands for pluralistic consensus, rather than hegemonic,power equations and majoritarian rule for governing the relationship between community and society and between social and natural capital for sustainable peace and development.

Efforts towards rebuilding peace in Rwanda have been geared to addressing the deep-seated origins of the conflict, reconciling communities and building trust among Rwandans. The *gacaca* courts were set up to pave way for accountability by trying approximately 1.5 million cases of genocide (Article of the Organic Law, 2010). The *gacaca* courts tried cases of crimes of genocide and crimes against humanity which were committed from October 1990 to 31 December 1994. With the conclusion of the *gacaca* court hearings in 2010, and the positive review of this mechanism, the Rwandan government has had to institutionalise traditional methods of conflict resolution in its legal system. The rationale provided by the government in institutionalising traditional methods of conflict resolution was that this would ensure that communities remain empowered to address their problems before resorting to the formal court

system. This has been made possible through the Mpromotion of various endogenous systems including the *abunzi*, which is a mechanism for mediation.

The *abunzi* mediators exist mainly at cell level although the mediation appellate is found at sector level. Article 2 of the Organic Law (2010) spells out two types of *abunzi* Mediation Committees, namely the Mediation Committee whose jurisdiction is at the cell level and the *abunzi* Appeal Mediation Committee whose jurisdiction is the sector level. Formally situated under the Ministry of Justice (MINIJUST) with the Ministry of Local Government (MINALOC) providing administrative oversight, the *abunzi* comprises 12 volunteers (plus three substitutes), all of whom must be residents of the cell. The Organic Laws M(2006, 2008 and 2010) spell out that *abunzi* mediation committee members Mmust not hold any other government administrative position in the community at the time they serve as mediators. The *abunzi* committee is headed by a 'bureau' comprising a president, vice-president and secretary. The president and vice-president are elected by the *abunzi* committees and the secretary of the *abunzi* is also the secretary of the cell.

Before assuming their responsibilities, each *abunzi* mediator must take an oath of office in front of the local population and the cell coordinator. This includes swearing to 'observe the constitution and other laws' and to 'consciously fulfill my duties of representing the Rwandan people without any discrimination whatsoever,' and 'promote respect for the freedoms and fundamental rights of the human being and safeguard the interests of the Rwandan people'. In the oath, the mediator acknowledges that for failure to honour the oath 'may I face the rigors of the law' (Organic Law 02/20/2010/01).

In its Strategy and Budgeting Framework (January 2009- June 2012), the Republic of Rwanda: Justice, Reconciliation, Law & Order Sector defends the focus on mediation, asserting that it has the potential to resolve conflicts and improve relationships, which the more formal court system is less suited to do. Although *abunzi* mediation committees are local just like the *gacaca* courts, the *abunzi* function according to codified laws and established procedures although their decisions often remain inspired by custom. They encourage disputing parties to reach a mutually satisfying agreement but if necessary they will issue a binding decision.

Other cases they are mandated to deal with include civil cases involving breach of contract where the value of the matter at issue does not exceed one million Rwanda francs. In addition, *abunzi* mediate in family cases, including paternity, matrimonial inheritance and succession issues when the matter at issue does not exceed three million Rwandan francs. Article 8 of the Organic Law (2010), which deals with competence in civil cases, states that *abunzi* mediation committees can deal with business and labour cases, including breaches of commercial and labour contracts as well as insurance and commercial contractual obligations where the maximum amount is 100 000 Rwandan francs.

However, in terms of geographical jurisdiction, the *abunzi* can only mediate disputes that involve persons from their sector. Currently, the Organic Law M(2010) prevents cross-sector mediation. Sessions of the *abunzi* mediation are conducted onsite; in the area the dispute took place and where the affected reside. Additionally, *abunzi* mediation sessions are conducted in public, which means that other community members are free to participate. While community participation is encouraged, the compulsory attendance of sessions is reserved for disputants and witnesses, while community members are not compelled to take part.

## **2.2 The effect of clan meetings and conflict resolution**

Mediation consists of a series of meetings (joint and separate) to clarify and discuss the issues and negotiate the options for solutions, including how to build long-term positive relationships between the parties involved in a conflict. The formality of the meetings can vary and can be attended either by only the representatives of the parties or, in some stages and if necessary, by a larger number of persons (such as a village meeting) (Dhialulhaq, et al., (2014). The author further stated that during mediation meetings, the mediators needed to reduce the tension when the parties expressed strong emotions and used negative and emotional language. In such moments, the mediators in the Indonesian cases used a “reframing” or “rephrasing” technique in which they paraphrased a party’s negative statements as more positive and constructive Dhialulhaq, et al., (2014).

A study conducted by Emanuel and Ndimbwa (2013) on traditional mechanisms of resolving conflicts among the Gorowa Community in Northern Tanzania established that if an individual

violated the rule that governed the collective ownership of land by taking it as his own, community elders called him to a meeting and directed him to withdraw the decision and if he accepted, the conflict would be resolved. However, if he failed to oblige, collective decision was taken against individual by strictly prohibiting any member of the community to go to the house of such an individual. Upon such an action, a punished individual once wanted to resume the good relationship with the members of the community, it was his/ her solely duty to find out elders and to ask for the meeting in which he was supposed to ask for the forgiveness for his wrong practice. Thereafter an individual could be freely forgiven, or be to prepare the local alcohol which was shared by all members of the community who attended the meeting of resolving such conflict. In serious circumstances, the offender could be asked to provide the bull that was killed and the meat was shared during the meeting as an indication that a person was forgiven.

Further, Emanuel and Ndimbwa (2013) revealed that in case the conflict was family conflict with one among clan members wanting to extend the boundary of the inheritance land, given to him by the clan head (father), the father normally initiated the process for resolving such conflict by listening to the argument of conflicting parties. Afterward, he wisely advised them on how to resolve their differences, in case of any difficulties, he called upon clan meeting which was led by the head of the clan to resolve it after listening and reaching a decision after discussion.

Mpangala (2004) in a study in the Congo also reported the role of community meetings in resolving conflicts. The study revealed that in case of a conflict between ethnic groups such as an interethnic war, there were traditional symbols such as waving leaves of special trees indicating that one or both sides had an intention of making peace. The communities could engage in direct talks or could seek the assistance of a respected wise elder. Very often when they agreed to end the conflict, a ceremony was organised which involved feasting with traditional brew and slaughtering a cow or cows and/or goats. This study seeks to examine how clan meetings can affect the resolution of Beledweyne tribal conflicts in Somalia.

Among those who had witnessed conflict, power or cultural struggles were identified as the leading cause. Revenge, rape and resources were also identified among the factors that



contributed to these incidents .According to the discussants, conflict between clans or groups were mainly incited by tension over resources, such as land and water. They further stated that these issues were often fuelled by a perceived lack of justice and political interests. Communities were said to get involved in conflict due to what they regarded as being unfair judgments by the justice providers. With respect to political interests, politicians were accused of using khat as a means of inciting the youth to form militia groups which perpetrated acts of violence on their behalf.

Robberies were identified as the most prevalent crimes in the district. Murders by Al-Shabaab as well as those which committed as a result of clan conflict were also among the mentioned criminal activity. In addition, acts of violence were thought to be propelled by poverty and limited livelihoods. Women, children and the elderly were regarded as being most vulnerable to acts of crimes and violence. However, the youth pointed out that they were the main victims as they were often used to perpetuate acts of violence and face the associated risks.

Despite the noted areas of concern, most respondents (70%) indicated that they felt safe in the area. However, more than one-quarter of the respondents (28%) noted that they did not feel safe. There was also a positive perception of the change in safety in the year leading up to the assessment. A little less than one-half of respondents (48%) felt that there had been an improvement in the level of safety. Conversely, only 5% felt that there had been a decline in safety.

The human rights situation in Somalia has continued to be dominated by the ongoing armed conflict in the country. Civilians have been killed, wounded and displaced, with reports of violations and abuses committed by all sides to the conflict including by Al Shabaab (an Islamist insurgent group), government security forces, and the African Union Mission in Somalia (AMISOM). Populations under Al Shabaab control have suffered serious abuses including arbitrary justice, and harsh restrictions on basic rights. Although there has been political progress in Somalia during 2013, we also remain concerned at the numerous reports of sexual violence, targeted killings of journalists, and violations against children. Impunity for violations and abuses has remained a problem, often due to poor access to the fledgling official justice

mechanisms and weak rule of law institutions. We are continuing to support the Federal Government of Somalia as they take forward their plans to rebuild government institutions and capacity.

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The security situation remains volatile. For much of the year, AMISOM, with support from the Somali National Security Forces (SNSF), has retained hold of key towns and routes in South Central Somalia. However, Al Shabaab, which remains in control of much of the rural areas, has increasingly resorted to asymmetric attacks. As a consequence, there have been a number of attacks on high-profile civilian targets this year in Mogadishu, including the UN compound, a courthouse, a restaurant, and against Turkish aid workers. Attacks in other areas of Somalia have included a violent raid on a police station in Beledweyne. Al Shabaab also claimed responsibility for the attack on the Westgate Mall in Kenya. All these attacks have resulted in civilian casualties.

Somalia received considerable international attention during 2013, with the Somalia Conference in London in May, co-hosted by the UK and Federal Government of Somalia, and the Brussels Conference on Somalia in September, co-hosted by the EU and Federal Government. These conferences delivered action plans for Somalia's new armed forces, police forces, justice system, and financial management; and in Brussels a New Deal Compact was agreed between Somalia,

its regions, its parliament and the international community. In total, donors pledged over £1.8 billion to support these priorities, of which the UK contributed nearly £170 million in May, and a further £50 million in September.

In December, the UK announced that it would spend £1 million on projects to prevent sexual violence across South Central Somalia, focusing on the provision of basic services. Projects will provide training and capacity building, including health workers, psychosocial, legal, and economic support; and raising awareness through education. In addition, we are providing dignity kits for victims who fled their homes without basic items such as clothing and toiletries and are living in deplorable humanitarian conditions. The UK Government is committed to empowering girls and women in Somalia to play a role in their society. DFID's programme includes work to increase access to justice for female victims of violence; to improve access to health services for girls and women; and to help girls receive an education and women to find work.

Justice and the rule of law formed part of the Federal Government of Somalia's six-pillar policy outlining their immediate priorities. The Somalia Conference in May welcomed the Federal Government's four-year plan to create an accountable, effective and responsive police service for Somalia; and the two-year justice action plan setting out immediate priorities for assistance. The Department for International Development (DFID) continues to work through the Core State Functions Programme, to increase access to justice for 15,000 people by 2015. By the end of 2013, 9,000 people had been reached, including 3,000 women.

The government of Rwanda has been promoting local institutions of conflict transformation as part of a broader agenda for reconciliation. Post-1994 Minstitutions of justice such as *gacaca* and *abunzi* are a response to the 1994 Mgenocide as the government solidifies its concerted strategies to restore peace and promote reconciliation. Reconciliation has emerged as a strong narrative for Rwandans from the government to civil society and ultimately to grassroots communities. Given the country's shattered past in the wake of the genocide it comes as no surprise that any attempts towards state-building, institution building and reconstruction is juxtaposed with the reconciliation agenda. The government of Rwanda acknowledges the social, psychological and emotional toll of the genocide on Rwandan society, including the destruction of social bonds,

hence the stated objectives of ‘bridging the rifts within society and healing the wounds of those afflicted by genocide’ (Ndangiza, 2007:1).

In the case of Rwanda, decentralised legal forums and state mandate dispute resolution rituals are considered as ‘sites for social healing’ due to their repetitive, symbolic and stylized nature (Doughty, 2011). Comaroff and Comaroff (1999) argue that such localised legal forums have the capacity to foster creative tension and transformative practice thereby allowing for Rwanda to reshape its future towards a more stable peace. For example, the *gacaca* and *abunzi* processes have been conducted over a long period of time in communities, even prior to the Mcolonial era. As a result of their long-evolving nature, traditional methods of conflict resolution in Rwanda have ended up shaping communicative practice and influencing social interactions resulting in mending of broken relations, establishment of new bonds, bridging of social divisions, and ultimately restoring the decimated social fabric. This is made possible because through *abunzi* mediation, for example, it is the community members who lead such processes, determine the approach, negotiate outcomes, and ultimately determine responses. As a result, such processes eventually pave the way for reconciliation.

Despite its stated objective of unifying Rwandans, the concept of *abanyarwanda* has been given different labels by various scholars. Critics (Reyntjens, 2004; Zorbas, 2004) have labelled *abanyarwanda* as an ‘abolitionist attempt that attempts to delete identity’, *abanyarwanda* is also categorised as a form of ‘de-ethnicisation’ in the new nation-building project in Rwanda. Some observers (Reyntjens, 2004; Zorbas, 2004; Purdeková 2008, Lemarchand, 2009; Thomson Mand Nagry, 2009) have expressed numerous reservations about the concept and practice of *abanyarwanda*. The present author adds that by hesitating to discuss ethnicity Rwandan society is ultimately avoiding important candid dialogues on ethnic differences, inequality and privileges. Despite these concerns, the concept of *abanyarwanda* is still heavily advocated by the RPF government. The narrative of reconciliation has become a daily narrative for Rwandan people. It is exhibited everywhere including in sports, the arts and entertainment.

Decentralisation refers to the transfer of public authority, resources, and personnel from the national level to sub-national jurisdictions (Ndengwa, 2002). Decentralisation is often discussed alongside devolution, which is the transfer of political power from central government to local

authorities and Mcommunities (Kauzya, 2007). Decentralisation as a concept and practice is informed by dependency theory as well as the centre-periphery thesis which both argue that too much power in the centre is detrimental to the development of the periphery. However, the nature and strategies of decentralisation are often guided by the history and socio-political needs of a particular country.

### **2.3 The mediation and conflict resolution**

According to Yasmi et al, (2010), mediation is one of the most effective approaches in transforming conflict over natural resource management. It involves a mutually agreed upon and independent or impartial third party who has no authority to impose a solution (Wall et al., 2001; Bush and Folger, 2005). Mediation is also known as a process of assisted negotiation in which a third party, called the “mediator”, assists conflict parties in developing an approach to solving their conflict problems. The mediator helps the conflict parties improve their communication and reach a better understanding of the conflict situation so that they can identify solutions and choose one that meets the interests and/or needs of all of the conflict parties (win-win solution) (Engel and Korf, 2005). The mediator may provide suggestions regarding options and potential solutions throughout the process, although she/he cannot impose the solution (Wall et al, 2011).

Several researchers all over the world have demonstrated that mediation can indeed be used to resolve conflicts. For instance, Dhiaulhaq et al, (2014) reported that in Kampong Speu - Cambodia, the central Government granted a licence to a rock mining company in an area that overlapped with a community forest. The villagers reacted strongly against the company. The commune chief and local NGOs asked the parties to engage in peaceful mediation. The commune chief mediated, with support from the Provincial Division of Forestry Administration, resulting in the company eventually agreeing to stop clearing and return the forestland to the community. A study conducted in Indonesia, by Sumanto (2008) also revealed that mediation services are important in conflict resolution because they help the law to remain relevant to the needs of the community.

In a study conducted in the Australian National University by Fitzpatrick (2002) it was reported that mediation is more likely to solve the enforcement problem and ensure the sustainability of land rights determinations, because it involves public and documented forms of agreement, and allows the parties to retain some access to land through sharing, petition or lease arrangements. A study about community mediation in the People's Republic of China by Wall and Blum, (1991) also revealed that in ancient China, disputes within family, clan and village were generally settled by appealing to respected unofficial mediators or village elders. Lampe and Kaplan (1999) also made an in depth analysis of eight cases in the US which mediation had been used to resolve conflicts. In most cases, the experience with mediation process was positive. The parties believed that the process in which they participated was more efficient and less costly than alternative legal processes. Many indicated that they would employ mediation as a "first resort" in future conflicts (Coppens, 2011).

Reda (2011) in a study about conflicts and alternative dispute resolution among the Afar pastoralists of Ethiopia revealed the importance of mediation in solving conflicts. The study reported that among the Afar, people generally tended to channel disputes to local mediation where conflicts are addressed in a less rigid manner, compared to the modern court where adjudication is based on largely standardised and uncontested rules. Emanuel and Ndimbwa (2013) also carried out a study among the Gorowa Community in Northern Tanzania and established that if an individual violated the rule that governed the collective ownership of land by taking it as his own, community elders called him to a meeting and directed him to withdraw the decision and if he accepted, the conflict would be resolved.

In Congo, Mpangala (2004) also reported the role of community meetings in resolving conflicts. The study revealed that in case of a conflict between ethnic groups such as an interethnic war, there were traditional symbols such as waving leaves of special trees indicating that one or both sides had an intention of making peace. In Rwanda, Mutisi (nd) conducted a study about the role of Local *abunzi* mediators in conflict resolution in Rwanda. The study revealed that mediation committees brought justice to the grassroots level and enabled community members to participate in the dispensation of justice both symbolically and practically. In a study conducted in Uganda, Akin and Katono (2011) observed that mediation is widely viewed by communities

to be a better alternative to the formal court system, because it is more easily accessible and a properly mediated dispute has a more sustainable solution. This study seeks to examine the validity of these assertions in the context of Beledweyne tribal conflicts in Somalia.

It is this view that could have facilitated Rwanda's concerted efforts at legal reform and the rule of law. The genocide in Rwanda left a message relating to the importance of security and the rule of law in a country. The creation of the *gacaca*, *abunzi* and other institutions of justice in post-genocide Rwanda can also be interpreted as indications from the government that the law is an enabler and promoter of security. The enhancement and institutionalisation of traditional forms of justice is also an attempt by the Rwandan government to ensure that disputes are settled at the local level thereby preventing their escalation into national level conflicts. In an analysis of the DRC, Autesserre (2010) posits that settlement of disputes at a local level ultimately supports the larger national peace agenda.

The *abunzi* is also a context-responsive institution which addresses the justice needs of many Rwandan people. Land disputes are the most common cases that are brought before the *abunzi*, which clearly reflects how important land is to Rwandan people. Close to 90% of Rwandans depend on agriculture for their livelihoods (USAID, 2008). Land disputes break out when different types of land rights clash in relation to the land. In addition, land disputes in Rwanda are compounded by the political changes that occurred after the 1994 genocide, especially in the light of past Tutsi refugees coming back to Rwanda following the RPF victory. Conflicts between returnees and old inhabitants of land are common. The conflicts can have an ethnic dimension since returnees are usually Tutsis while old inhabitants are usually Hutus. However, the government has instituted a policy that obligates land sharing with returnees, although this does not necessarily prevent outbreaks of conflict over land. The Government of Rwanda instituted the *umudugudu* policy on land, which essentially means 'clustered settlement'. *Umudugudu* is a resettlement programme which has been implemented since 1996 by the government to consolidate land and ultimately address land conflicts (Government of Rwanda, 2010).

In addition, Mamdani (2001) posits that certain verdicts of *gacaca* courts somewhat affected the distribution of land. The author observes that some of the people who committed crimes against property during the genocide were ordered by *gacaca* courts to pay reparations to victims of genocide and they often did this by selling off pieces of their land. A report by the United States Agency for International Development (2008) observed that the sale of land frequently triggered conflicts among family members with claims to that land. MThe same report notes however that, the overwhelming majority of cases of land disputes that are presented to the *abunzi* involve women's claims to land (USAID, 2008).

Second, the litigation approach is often associated with protracted court battles. NThese not only polarise relations between disputants also clog up the formal court system due to their enduring nature. A 2008 USAID report on land and conflict revealed that the *abunzi* mediators have played a prominent role in resolving land disputes thereby relieving the over-burdened court system. An AllAfrica.com report quotes a representative from the Ministry of Justice, Mary Saba, on the advantages of using the *abunzi* approach to justice: 'The mediation committee is a strong pillar of conflict resolution which will deal with social conflicts regarding land, gender violence and abuse of child rights in rural communities'(AllAfrica.com, 24 January 2011).

Ultimately, reliance on local mediation reduces costs associated with the formal justice system. Even though the *abunzi* mediation is framed as beneficial and less costly, Nader (2008) cautions that alternative forms of Ndispute resolution are actually marginalising to the poor, especially if they are mandatory. The author argues that Alternative Dispute Resolution (ADR) Bmakes it difficult for poor rural people to access the formal courts as some cases are deemed too unimportant to feature in the litigation system. However, Nconsidering the pressure on the country's modern courts it is perhaps not farfetched to conclude that the institution of *abunzi* mediation, although not perfect, at least allows people to access justice timeously. If the modern courts were operating alone without the assistance of these decentralised legal forums it is highly likely that many Rwandans would have been completely marginalized and disenfranchised from the formal justice system.



## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This chapter describes the methodology that was used to generate data to answer the research questions. It explained the research designs used and the various methods used to carry out the research which; include the study population, sampling data collection methods, data collection instruments, validity and reliability as well as data analysis.

#### **3.1 Research design**

The study adopted a descriptive research design. According Amin (2005), studies of this nature may be more productively undertaken because data can be collected from a cross-section of a population in a short time from a large number of cases for purposes of drawing valid conclusions to represent the entire population of the study. In addition, a case study is an intensive and detailed study of a certain case and enlightens a general phenomenon or problem of the study to deeply understanding and/or explanation of one single specific and complex phenomenon (GoS, 2010). A case can be individuals, groups, movements, a specific event, geographical units (Brante & Korsnes, 2001; GoS, 2010). In this study, the case is beledweyne with a focus on the justice mechanism and how it can be useful in improving conflict resolution in Somalia.

The study was largely quantitative although, qualitative techniques were also employed to address the gap left by quantitative methods. The qualitative methods used included interviews guided by an interview schedule. The quantitative data collection methods used was mainly closed ended questionnaire, which were filled in by the respondents. According to Amin (2005), both qualitative and a quantitative techniques used triangulated especially where the study involved investigating people's opinions.

#### **3.2 Study Population**

Beledweyne has a population of 144,345 residents. A research population according to Blanche et al. (2006) relate to the total universe of units from which the sample was selected. The study

population consisted of Local leaders, religious leaders, district land officers and law enforcement officers in Beledweyne district.

### **3.3 Sample size**

Bless and Higson-Smith (2000) defines a sample as a sub-set of a population which must have properties which make it representative of the whole. The sample size of the study was 136 respondents. The sample size was determined using Krejcie and Morgan (1970) table of determining sample sizes from a predetermined study population.

### **3.4 Sampling techniques**

This study adopted a descriptive design which employed both purposive sampling technique also known as judgmental, selective or subjective sampling, is a type of non-probability sampling technique. Non-probability sampling focuses on sampling techniques where the units that are investigated are based on the judgement of the researcher: Non-probability sampling to learn more about non-probability sampling, and Sampling: The basics, for an introduction to terms such as units, cases and sampling]. There are a number of different types of purposive sampling, each with different goals. The purposive sampling method was the sampling technique where the sample size was derived by use of judgment of the researcher (Amin, 2005). This method was used because it allowed the researcher to choose certain respondents for supplying key information.

### **3.5 Data collection methods**

Data for the study was collected using self-administered questionnaires and documentary review. The study mainly used primary data. Primary data was gathered by use of closed ended questionnaires and interview guided. According to Kothari (2004), primary data was that which was collected afresh and for the first time, and thus happen to be original in character. The methods to be used in collecting this data were explained below

#### **3.5.1 Questionnaires**

A questionnaire was reformulated written set of questions to which respondents record their answers, usually within rather closely defined alternatives (Sekaran, 2003). The questionnaire

was preferred as a data collection instrument because of its ability to yield the most satisfactory range of reliable data (Blanche *et al.*, 2006).

### 3.6 Validity of Instruments

Validity refers to the extent to which data collection method accurately measures what it was intended to measure or to the extent to which research findings are about what they are claimed to be about (Saunders, et al., 2007). Validity of the questionnaire was obtained by presenting it to at least two professional people, including the researcher's supervisor because according to Amin (2005) content and construct validity was determined by expert judgment. Content Validity Index was later be computed to measure the validity of items in the questionnaire.

### 3.7 Reliability of Instruments

Reliability was the extent to which the measuring instrument produces consistent scores when the same groups of individuals are repeatedly measured under the same conditions (Merriam, 2010). Reliability was measured by use of the Cronbach Alpha index in SPSS after conducting a pilot study on some selected respondents in the area under study.

The formula for Cronbach's Alpha used was as follows-

$$\text{Cronbach's alpha} = \left[ \frac{n}{n-1} \right] \left[ \frac{SD^2 - \sum \text{Variance}}{SD^2} \right]$$

**Table 1**

where:  $n$  = Number of items on the test  
 $SD$  = The Standard Deviation for the set of test scores, and  
 $\sum \text{Variance}$  = Summation of the variances of the scores for each of individual item on the test.

**Table 2: Results of the Cronbach's Alpha Reliability Coefficient for Likert-type Scale test for Questionnaire**

Variable	Cronbach Alpha coefficient	No. of items
Justice mechanism	0.777	7
Resolution of tribal conflict	0.833	10

**Source: *Primary data (2016)***

The Cronbach Alpha Reliability Coefficient test revealed that reliability results for the questionnaire as an instrument for justice mechanism was 0.777; and for the dependent variable which was resolution of tribal conflicts, it was 0.833.

### **3.8 Data analysis**

De Vos, et al. (2007) describe data analysis as the process of bringing order, structure and meaning to the mass of collected data. The questionnaires were collected and counted to ensure that all respondents had answered and completed the questions. The returned questionnaires were then coded and captured on the computer. Data was analyzed by means of Statistical Package for the Social Sciences (SPSS) version 17.9 for Windows. Pearson correlations and multiple regression analysis were used to establish the relationship among the variables under study.

### **3.9 Ethical considerations**

It was important during the process of research for the researcher to make respondents to understand that participation was voluntary and that participants are free to refuse to answer any question and to withdraw from participation any time they are chosen.

Another important consideration, involved getting the informed consent of those going to be met during the research process, which involved interviews and observations on issues that may be delicate to some respondents. The researcher undertook to bear this seriously in mind.

Accuracy and honesty during the research process was very important for academic research to proceed. A researcher treated a research project with utmost care, in that there was no temptation to cheat and generate research results, since it jeopardizes the conception of the research.

Personal confidentiality and privacy were very important since the research was public. If individuals were used to provide information, it was important for their privacy to be respected.

If private information had been accessed then confidentiality had to be maintained (Stephen, P. 2002). All respondents were therefore, be re-assured of this before being involved.

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### **3.10 Data analysis**

The data was manually collected, processed and analyzed by the researcher using both qualitative and quantitative methods of analysis. Data was analyzed using Statistical Package for Social Scientists (SPSS) software package version 16; where by answers from successive interviews and questionnaires were cross checked.

### **3.11 Limitations of the study**

In the process of carrying out this investigation, a number of limitations were met. These limitations obstructed the speed at which the study was carried out. These included;

- (i) Attrition; some respondents filled in the questionnaires without really reading or understanding the question but just to complete fast. The researcher however made an effort to avoid distributing questionnaires or holding interviews during rush hours and also try to capture the interest of the respondents.
- (ii) Sensitivity of information; some respondents felt that the information required was sensitive and could affect their working environment if revealed. The researcher however made an effort to convince respondents that the information exchanged was very confidential.
- (iii) Unwillingness to fill the questionnaires; some respondents were unwilling to share information. The researcher however endeavored to emphasize that was a purely academic research and confidentiality was upheld.
- (iv) Interpretation of the questions affected the meaning because some respondents got difficulty in interpreting the questions correctly because of the high levels of illiteracy. However the researcher tried to interpret the questions for them where necessary.

## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

#### **4.1 Introduction**

In this chapter data was presented, analyzed and interpreted and this included; the background information of respondents including; gender, position of the respondent and duration of service, descriptive statistics of the table according to the objectives and the regression analysis.

#### **4.2 Respondents' Background Information**

This section involved the description of the background information of the respondents because it gave a clear view of the respondents' ability to give adequate and accurate information on how Justice Mechanisms affects to resolution of Beledweyne tribal conflicts in Somalia.

##### **Profile of respondents**

In this study, the researcher described the respondents profile in terms of gender, age, marital status, level of education, kind of employment and working experience.

**Table 1: Respondents Profile****(N = 136)**

<b>Category of Respondents</b>		<b>Frequency</b>	<b>Percent (%)</b>
<b>Gender</b>	Male	90	66.2
	Female	46	33.8
<b>Age</b>	20 – 29 years	20	14.7
	30 – 39 years	66	48.5
	40 - 49 years	25	18.4
	50 and above	25	18.4
<b>Kind of employment</b>	Peasant farmer	30	22.1
	Formal employment	80	59
	Business enterprise	20	15
	Other	6	4.4
<b>Number of years spent in Beledweyne</b>	1 - 6	30	22
	6 - 10	80	59
	More than 10 years	26	19

*Source: primary data 2016*

The results in table 3 show that majority respondents were male as represented by 90 (or 66.2%) and the minorities 46 (or 33.8%) were female. The findings revealed that there is relative gender balance

In regard to respondents' age, 66 (or 48.5%) respondents were in the age bracket of 30-39 years, 20 (or 14.7%) in the age bracket of 20-29 years, 25 (or 18.4%) in the age bracket of 40 – 49 and 50 years and above. The study indicates, therefore, that majority of the respondents were still in the youth age.

Regarding the kind of employment held by respondents, formal employment dominated the sample with 80 (or 59%), followed by peasant farmers 30 (or 22.1%), business enterprises with 20 (or 18%), and lastly others with 6 (or 4.4%).

Lastly in regard to number of years spent in Beledweyne, 80 (or 59) respondents had served for a period of 6 -10 years, 30 (or 22%) had served for a period of 1 - 6 years, 26 (or 19%) had worked for a period of More than 10 years. This indicates that all respondents had knowledge and experience about the study since the majority served the organization for relatively a long period of time.

### **Role of local courts on resolution of Beledweyne tribal conflicts in Somalia**

The first objective was set to determine the role of local courts on resolution of Beledweyne tribal conflicts in Somalia for which the researcher intended to find out how local courts meetings affected the resolution of Beledweyne tribal conflicts in Somalia. In this study, all the aspects were measured using 8 qualitative questions in which respondents were required to indicate the extent to which they agree or disagree with each statement by indicating the number that best describe their perceptions. All the 8 items on the effect of local courts and resolution of Beledweyne tribal conflicts in Somalia were likert scaled using four points ranging between 1= Strongly Disagree, 2= Disagree, 3= Agree and 4= Strongly Agree. Their responses were analyzed and described using Means as summarized in table 4 below.



## The role of Local Courts on Resolution of Beledweyne Tribal Conflicts in Somalia

(N = 136)

	Mean	Std. Deviation	Verbal interpretation
Several tribal conflicts have been resolved by your local courts	3.87	1.196	Very high
The local courts are perceived to be fair in their proceedings	2.15	1.406	High
The local courts are accessible by all people in your district	2.96	1.467	Very High
The courts ask conflicting parties to settle their problems through out of court negotiations	2.56	1.501	High
The local courts ask parties to compensate victims of the conflicts	3.90	1.209	Very high
The local court members have adequate knowledge of the local laws	2.46	1.43	Low
The local court committee is always composed of at least two women during the hearing of the case.	2.90	1.501	Very High
The local court keeps records of all court proceedings	2.13	1.151	High
<b>Average mean</b>	<b>2.87</b>		<b>Very High</b>

**Table 2: The role of Local Courts on Resolution of Beledweyne Tribal Conflicts in Somalia**

The means in table indicate that the role of local courts on resolution of Beledweyne tribal conflicts in Somalia was rated at different levels. The four highly rated items included; Several tribal conflicts have been resolved by your local courts (mean = 3.87), The local courts are accessible by all people in your district (mean = 2.96), The local courts ask parties to compensate victims of the conflicts (mean = 3.90) and lastly The local court committee is always composed

of at least two women during the hearing of the case (mean = 2.90) which is equivalent to strongly agree according to the response mode respectively.

However the study rated three items high and these were; The local courts are perceived to be fair in their proceedings (mean = 2.15), The courts ask conflicting parties to settle their problems through out of court negotiations (mean = 2.56) and lastly The local court keeps records of all court proceedings (mean =2.13) which is equivalent to agree according to the response mode. However on the other side, the findings revealed that the local court members have adequate knowledge of the local laws (mean = 2.46) as being the lowest (low) which is equivalent to disagree on the rating scale,

To get a final picture on the effect of local courts and resolution of Beledweyne tribal conflicts in Somalia, the researcher computed an overall average mean for all the categories in Table 4, which came out to be (mean = 2.87), which confirms that the effect of local courts and resolution of Beledweyne tribal conflicts in Somalia is high

#### **4.3.1 The role of local courts on resolution of Beledweyne tribal conflicts in Somalia.**

The researcher assessed the role of local courts on resolution of Beledweyne tribal conflicts in Somalia. . A null hypothesis was established: “local courts have a significant effect on resolution of Beledweyne tribal conflicts in Somalia.”To test the hypothesis, the researcher used the response of strongly agree, agree, either agree or disagree, disagree and strongly disagree as 5 to

1. The researcher then generated indices to obtain the mean response and standard deviation to show the level of agreement.

(Level of Significance = 0.005)

		<b>Local courts</b>	<b>Resolution of Beledweyne tribal conflicts</b>
<b>Local courts</b>	Pearson Correlation	1	0.76
	Sig. (2-tailed)		0.04
<b>Resolution of Beledweyne tribal conflicts</b>	Pearson Correlation	0.76	1
	Sig. (2-tailed)	0.04	

**Table 3: Showing the effect of local courts and resolution of Beledweyne tribal conflicts in Somalia.**

The findings from table 5above revealed that local courts has a significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between local courts and resolution of Beledweyne tribal conflicts in Somalia to be a strong one.

### 4.3.2 Regression of local courts and resolution of Beledweyne tribal conflicts in Somalia

(Level of Significance = 0.005)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.760a	0.635	0.53	0.4499	0.735	1.541	1	2	0.04

**Table 4: Regression analysis on local courts and resolution of Beledweyne tribal conflicts in Somalia**

When the factors affecting local courts were regressed on factors affecting resolution of Beledweyne tribal conflicts in Somalia, the factors affecting local courts explain 63.5% of the factors affecting resolution of Beledweyne tribal conflicts in Somalia. The correlation coefficient is also strong (0.76) since it is above 0.05. Therefore, local courts have a significant effect on resolution of Beledweyne tribal conflicts in Somalia.

### Objective 2: The effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia

The second objective was set to determine the effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia. For which the researcher intended to find out how satisfactorily clan meetings and the degree at which they stand when compared to resolution of Beledweyne tribal conflicts in Somalia. In this study, all the aspects were measured using 8 qualitative questions in which respondents were required to indicate the extent to which they agree or disagree with each statement by indicating the number that best describe their perceptions. All the 8 items on effects of clan meetings and resolution of Beledweyne tribal conflicts in Somalia were likert scaled using four points ranging between 1= Strongly Disagree, 2= Disagree, 3= Agree and 4= Strongly Agree. Their responses were analyzed and described using Means as summarized in table 4 below.

### The effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia

(N= 136)

	Mean	Std. Deviation	Verbal interpretation
Clan leaders always meet in public dialogues to resolve tribal conflicts	3.72	1.413	Very High
Different stakeholders' views are sought for during these clan meetings	4.10	1.071	Very high
All conflicting parties are represented during these clan meetings	4.15	1.014	Very high
All conflicting parties are listened to before decisions are taken	3.13	1.301	Very high
Community meetings have the capacity to resolve tribal conflicts	2.59	1.428	High
People prefer clan meetings resolutions to courts of law	4.28	0.887	Very High
<b>Average mean</b>	<b>3.66</b>		<b>Very High</b>

**Table 5: The effect of Clan Meetings on Resolution of Beledweyne Tribal Conflicts in Somalia**

The means in table indicate that the effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia was rated at different levels.

The five highly rated items included; Clan leaders always meet in public dialogues to resolve tribal conflicts (mean= 3.72), Different stakeholders' views are sought for during these clan meetings (Mean = 4.10), All conflicting parties are represented during these clan meetings (mean = 4.15), All conflicting parties are listened to before decisions are taken (mean = 3.13) and lastly People prefer clan meetings resolutions to courts of law (mean = 4.28), which is equivalent to strongly agree according to the response mode respectively.



However the study rated one item high and this was; Community meetings have the capacity to resolve tribal conflicts (mean =2.59) which is equivalent to agree according to the response mode To get a final picture on the effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia, the researcher computed an overall average mean for all the categories in Table 4, which came out to be (mean = 2.87), which confirms that the effect of local courts and resolution of Beledweyne tribal conflicts in Somalia is high

#### 4.4.1 The effect of Clan Meetings on Resolution of Beledweyne Tribal Conflicts in Somalia

The researcher studied the effect of clan meetings and resolution of Beledweyne tribal conflicts in Somalia. A null hypothesis: “clan meetings have no significant effect on resolution of Beledweyne tribal conflicts in Somalia” was developed.

(Level of Significance = 0.005)

		<b>Resolution of Beledweyne tribal conflicts in Somalia</b>	<b>clan meetings</b>
<b>Resolution of Beledweyne tribal conflicts in Somalia</b>	Pearson Correlation	1	0.864
	Sig. (2-tailed)		0.036
<b>clan meetings</b>	Pearson Correlation	0.864	1
	Sig. (2-tailed)	0.036	

**Table 6: The effect of clan meetings on resolution of Beledweyne tribal conflicts in Somalia**

Table 6 above revealed that clan meetings have significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that clan meetings have strong effect on resolution of Beledweyne tribal conflicts in Somalia. In order to determine the magnitude of the effect, regression analysis was conducted.

#### 4.4.2 Regression of clan meetings on resolution of Beledweyne tribal conflicts in Somalia.

(Level of Significance = 0.005)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.864	0.747	0.621	0.49839	0.747	5.912	1	2	0.136

**Table 7: Regression of clan meetings and resolution of Beledweyne tribal conflicts in Somalia**

According to table 7 above, the factors affecting clan meetings were regressed on factors under resolution of Beledweyne tribal conflicts in Somalia. The findings revealed that factors studied under clan meetings explain 74.7% of the factors leading to resolution of Beledweyne tribal conflicts in Somalia. The correlation coefficient 0.864 is strong and showed that clan meetings have a significant strong effect on resolution of Beledweyne tribal conflicts in Somalia.

**Objective 3: The effect of mediation on resolution of Beledweyne tribal conflicts in Somalia.**  
(N= 136)

	Mean	Std. Deviation	Verbal interpretation
Third parties are always used as mediators in tribal conflicts	2.00	1.192	Low
The mediators are neutral and have no stake in the conflict.	1.97	1.088	Low
The mediators have adequate knowledge about Beledweyne tribal conflicts	4.08	1.01	Very high
Everyone feels that their interests have been addressed during mediation	2.85	1.496	High
There is adequate collaboration from all conflicting parties during the mediation	2.56	1.483	High
All parties to the conflict have some power or influence to negotiate	2.28	1.297	low
Negotiations in Beledweyne tribal conflicts voluntary and no one is forced into them	4.23	0.959	Very High
<b>Average mean</b>	<b>2.85</b>		<b>Very High</b>

**Table 8: The effect of Mediation on Resolution of Beledweyne Tribal Conflicts in Somalia**

The means in table four indicate that the effect of mediation and resolution of Beledweyne tribal conflicts in Somalia was rated at different levels. Out of the categories, two were rated very high (equivalent to strongly agree) and the two were rated high (equivalent to agree) and the remaining three were rated low (equivalent to disagree). When you sum up all the categories, the overall average mean is (2.85) which is equivalent to agree on the rating scale used and thus



basing on these results, it can be concluded that there was effect of mediation on resolution of Beledweyne tribal conflicts in Somalia.

Items which were highly rated among others included the mediators have adequate knowledge about Beledweyne tribal conflicts (mean = 4.08), Negotiations in Beledweyne tribal conflicts voluntary and no one is forced into them (Mean = 4.23)

The two which were rated high included everyone feels that their interests have been addressed during mediation (Mean = 2.85) and There is adequate collaboration from all conflicting parties during the mediation (Mean = 2.56)

However the study rated three items low and these were Third parties are always used as mediators in tribal conflicts (Mean = 2.00), the mediators are neutral and have no stake in the conflict, (Mean = 1.97), All parties to the conflict have some power or influence to negotiate (mean = 2.28)

#### 4.5.1 The effect of mediation on resolution of Beledweyne tribal conflicts in Somalia.

The researcher set out to explore the effect of mediation and resolution of Beledweyne tribal conflicts in Somalia. To verify this, a null hypothesis was derived; “mediation has no significant effect on resolution of Beledweyne tribal conflicts in Somalia.. The table below shows the correlation between mediation and resolution of Beledweyne tribal conflicts in Somalia.

(Level of Significance = 0.005)

		<b>resolution of Beledweyne tribal conflicts in Somalia</b>	<b>Mediation</b>
<b>Resolution of Beledweyne tribal conflicts in Somalia</b>	Pearson Correlation	1	0.189
	Sig. (2-tailed)		0.311
<b>Mediation</b>	Pearson Correlation	0.189	1
	Sig. (2-tailed)	0.311	

**Table 9: the effect of Mediation and Resolution of Beledweyne Tribal Conflicts in Somalia**

Apparently, Mediation has no significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore Mediation has weak insignificant effect on resolution of Beledweyne tribal conflicts in Somalia. There are other significant factors that affect resolution of Beledweyne tribal conflicts in Somalia that should be examined.

### Regression of mediation and resolution of Beledweyne tribal conflicts in Somalia..

(Level of Significance = 0.005)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.864	0.747	0.621	0.49839	0.747	5.912	1	2	0.136

**Table 10 : Regression of mediation on resolution of Beledweyne tribal conflicts in Somalia..**

According to table above, the factors affecting mediation were regressed on factors under resolution of Beledweyne tribal conflicts in Somalia. The findings revealed that factors studied under mediation explain 74.7% of the factors leading to resolution of Beledweyne tribal conflicts in Somalia. The correlation coefficient 0.864 is strong and showed that mediation has a significant strong effect on resolution of Beledweyne tribal conflicts in Somalia.



## CHAPTER FIVE

### SUMMARY DISCUSSIONS, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

This chapter discusses the findings from the field reported in chapter four. In addition it composed of the summary of the key findings, discussions of the findings, conclusion and recommendations which are presented objective by objective and the limitations to the study and further areas of further.

#### 5.2 Summary of key findings

##### 5.2.1 The role of local courts on resolution of Beledweyne tribal conflicts in Somalia

Results from chapter four revealed that local courts have a significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between local courts and resolution of Beledweyne tribal conflicts in Somalia to be a strong one. The findings revealed that factors studied under policy and legal framework explain 74.7% of the factors leading to resolution of Beledweyne tribal conflicts in Somalia. The correlation coefficient 0.864 is strong and showed that local courts activities have a significant strong effect on resolution of Beledweyne tribal conflicts in Somalia.

The above findings were in line with (Timor-Leste Land Law Program, 2004) that local courts are viewed as popular organs created to counter and hold in check abuses of the civil servants and all other state functionaries. As organs of the people, they check corruption, solve conflicts including conflicts and help in implementation of government programmes at little or no fee at all. Local mechanisms for resolving disputes are regarded as cheaper, faster, fairer, more accessible, easier to understand, subject to less corruption, and more likely to promote reconciliation than the courts. There is also evidence that disputants who take land disputes directly to the courts have penalties imposed on them or their community. This may reduce the load on the courts, but also places pressure on disputants to use local forums that one or more parties may wish to avoid

In addition, (Brison 2005) revealed that the use of local council courts in resolving a conflict is not only limited to Beledweyne in Somalia. In Papua New Guinea they started in 1973 by the Village Court Act in order to compensate for a Local and District Court System

The above was also in agreement of (Van der Waal, 2004) who said that the traditional courts or village courts are recognized as partners in local government and in some countries they are paid a salary (Van der Waal 2004). Courts of traditional leaders in the rural South Africa comprise of 255 chiefs and most of them are paid indicating the importance attached by the previous and present administration to the law and order role of the institutions local leadership.

### **5.2.2 The effect of clan meetings on resolution of Beledweyne tribal conflicts in Somalia**

Data processed on this second objective revealed that clan meetings has significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that clan meetings have strong effect on resolution of Beledweyne tribal conflicts in Somalia. In order to determine the magnitude of the effect, regression analysis was conducted and the findings further revealed that the factors studied under policy and legal framework on clan meetings explain 74.7% of the factors leading to resolution of Beledweyne tribal conflicts in Somalia.

In the same way, Emanuel and Ndimbwa (2013) revealed that in case the conflict was family conflict with one among clan members wanting to extend the boundary of the inheritance land, given to him by the clan head (father), the father normally initiated the process for resolving such conflict by listening to the argument of conflicting parties. Afterward, he wisely advised them on how to resolve their differences, in case of any difficulties, he called upon clan meeting which was led by the head of the clan to resolve it after listening and reaching a decision after discussion.

Similar to the above, Mpangala (2004) stated that in a study in the Congo also reported the role of community meetings in resolving conflicts. The study revealed that in case of a conflict between ethnic groups such as an interethnic war, there were traditional symbols such as waving leaves of special trees indicating that one or both sides had an intention of making peace.



### **5.2.3 The effect of mediation on resolution of Beledweyne tribal conflicts**

Apparently, mediation have no significant effect on resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore mediation has weak insignificant effect on resolution of Beledweyne tribal conflicts in Somalia. This suggest that other factors apart from the ones that were collected using a quantitative tool and scientifically run in SPSS had no effect or were so weak to explained. In the same way according to Yasmi et al, (2010), mediation is one of the most effective approaches in transforming conflict over natural resource management. It involves a mutually agreed upon and independent or impartial third party who has no authority to impose a solution.

Further to the above, (Engel and Korf, 2005) argued mediation is also known as a process of assisted negotiation in which a third party, called the “mediator”, assists conflict parties in developing an approach to solving their conflict problems. The mediator helps the conflict parties improve their communication and reach a better understanding of the conflict situation so that they can identify solutions and choose one that meets the interests and/or needs of all of the conflict parties (win-win solution).

## **5.4 Conclusions**

### **5.4.1 Role of local courts on resolution of Beledweyne tribal conflicts in Somalia**

The study concludes that there a significant role of courts on resolution of Beledweyne tribal conflicts in Somalia since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between local courts and resolution of Beledweyne tribal conflicts in Somalia to be a strong one.

### **5.4.2 The effect of clan meetings on resolution of Beledweyne tribal conflicts in Somalia**

The study concludes that there was significant effect of the clan meetings resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that clan activities and resolution during meetings has strong effect on resolution of Beledweyne tribal conflicts in Somalia.

### **5.3.3 The effect of mediation on resolution of Beledweyne tribal conflicts in Somalia.**

In conclusion, there was a significant effect of mediation on resolution of Beledweyne tribal conflicts in Somalia since the p-value (0.311) less than the significance level and the correlation coefficient (0.189) was strong. Therefore mediation has a strong effect on resolution of Beledweyne tribal conflicts in Somalia with a help of other factors.

## **5.5 Recommendations**

Based on the findings and conclusions of the study, the following recommendations were made, in line with the specific objectives of the study.

### **5.5. The effect of local courts and resolution of Beledweyne tribal conflicts in Somalia**

- i. A need for a well-planned disarmament programme. The disarmament must be comprehensive, impartial and transparent. In addition, there should be institutions of democratic governance, rule of law, decentralization of power, protection of human rights and safeguarding of the integrity of the country and ensure negotiations and other peaceful legal means.
- ii. The international community needs to assist in establishing an impartial National Somali Army and Police Force through reinstatement of former “clean” Army and Police Force personnel as well as recruiting and training young people from Beledweyne to help and keep law and order.

### **5.5.2 The effect of clan meetings on resolution of Beledweyne tribal conflicts in Somalia**

- i. The clan leaders need to work on a progressive plan aimed at restoring peace among the communities of Beledweyne by involving the elders and not just the warlords, especially in disarmament to pacify the process.
- ii. Also the government must face the challenge of reconciling people at all levels of the society by holding inter and intra clan and sub-clans meetings, factional and political groupings



- iii. Rehabilitation, reintegration and transfer of skills to generations of gunmen and women who missed school and vocational training opportunities in all disarmament programmes should be a critical agent of the clan meetings held in Beledweyne.

#### **5.5.3 The effect of mediation on resolution of Beledweyne tribal conflicts in Somalia.**

- i. The international donor community, institutions such as the International Monetary Fund, World Bank and Somalis in Diaspora, need to intervene by providing funds to rebuild the ruined infrastructures destroyed during tribal fights in Somalia.
- ii. The United Nations in collaboration with the African Union should hasten and devise new mediation measure to ensure that peace and security prevail for smooth running of the new government Beledweyne in Somalia. The government has the responsibility to manage mediation processes through national authorities, provincial and local channels as well as security forces.

#### **5.6 Contribution of the study**

- i. To policy maker, the study will the Government of Somalia to enforce polices; laws and legal frameworks on judicial mechanism and conflict resolution as a top priority. This will help them conduct adequate research and dissemination. This will help the country to ensure strict supervision, monitoring and evaluation for quality resolution of conflicts.
- ii. To the academia, the study has given an overview on the major aspects of Judicial mechanism and resolution of conflicts and stimulated many other debates on issues

#### **5.7 Areas recommended for further research**

The researcher proposes the following areas for further research:

- i. There is also need to find out whether laws on conflict resolution in somalia are a failure



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## APPENDIX A

### QUESTIONNAIRE ABOUT THE RELATIONSHIP BETWEEN JUSTICE MECHANISMS AND RESOLUTION OF BELEDWEYNE TRIBAL CONFLICTS IN SOMALIA

Dear Respondent,

I am carrying out a study on the *relationship between justice mechanisms and resolution of Beledweyne tribal conflicts in Somalia*. You have been selected to participate in this study because of your vast knowledge and experience about the variables being undertaken. I therefore kindly request you to fill this questionnaire as genuinely as you can. Please note that the information you give will be treated with confidentiality. Thank you very much

#### Section (A)

##### Background information

*Instruction: for the questions below, please tick number representing the alternative of your choice.*

##### A. Your Gender

- 1) MALE
- 2) FEMALE

##### B. Number of years you have spent in Beledweyne district

- 1) 1-6 years
- 2) 6-10 years
- 3) More than 10 years

##### C. Your age group

- 1) 20-29
- 2) 30-39
- 3) 40-49

4) 50 and above

**D. Your occupation**

1) Peasant farmer

2) Formal employment

3) Business entrepreneur

4) Others Specify.....

## SECTION B

Please choose options (s) that suits your level of agreement for each of the following questions

**Key: SD= strongly disagree, D=disagree, U=undecided, A=agree and SA= strongly agree**

No.	Statement	SA	A	U	D	SD
<b>Objective 1: Relationship between local courts and resolution of Beledweyne tribal conflicts in Somalia.</b>						
1.	Several tribal conflicts have been resolved by your local courts					
2.	The local courts are perceived to be fair in their proceedings					
3.	The local courts are accessible by all people in your district					
4.	The courts ask conflicting parties to settle their problems through out of court negotiations					
5.	The local courts ask parties to compensate victims of the conflicts					
6.	The local court members have adequate knowledge of the local laws					
7.	The local court committee is always composed of at least two women during the hearing of the case.					
8.	The local court keeps records of all court proceedings					
<b>Objective 2: Relationship between clan meetings and resolution of Beledweyne tribal conflicts in Somalia.</b>						
9	Clan leaders always meet in public dialogues to resolve tribal conflicts					
10	Different stakeholders' views are sought for during these clan meetings					
11	All conflicting parties are represented during these clan meetings					
12	All conflicting parties are listened to before decisions are taken					
13	Community meetings have the capacity to resolve tribal conflicts					
14	People prefer clan meetings resolutions to courts of law					
<b>Objective 3: Relationship between mediation and resolution of Beledweyne tribal conflicts in</b>						



Somalia.						
15	Third parties are always used as mediators in tribal conflicts					
16	The mediators are neutral and have no stake in the conflict.					
17	The mediators have adequate knowledge about Beledweyne tribal conflicts					
18	Everyone feels that their interests have been addressed during mediation					
19	There is adequate collaboration from all conflicting parties during the mediation					
20	All parties to the conflict have some power or influence to negotiate					
21	Negotiations in Beledweyne tribal conflicts voluntary and no one is forced into them					
<b>The dependent variable: Resolution of Beledweyne tribal conflicts in Somalia.</b>						
22	There is reduced fighting among tribes in Beledweyne district					
23	People live in peacefully in Beledweyne district					
25	There is cooperation amongst all tribes in Beledweyne district					
26	There are reduced tensions among tribes in Beledweyne district					
27	People relate with each other well in Beledweyne district					
28	There is calmness among tribes in Beledweyne district					
29	That there is harmonious co-existence of tribes in Beledweyne district					
30	That there has been reduced violence in Beledweyne district					
32	There is unity amongst people in Beledweyne district					