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The Role of UN Peacebuilding in Reinventing Somalia's Justice System: A Path Toward Stability

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Abstract

Since the collapse of the Somali state in 1991, the justice sector has been reshaped by the coexistence of customary *xeer*, Sharia-based adjudication, and weak formal institutions. This article examines the role of United Nations peacebuilding – primarily through the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP) – in efforts to rebuild and reform Somalia's justice system as part of wider state-building and peace consolidation. Drawing on a qualitative review of academic literature, UN and donor reports, and policy analyses, the study assesses UN support for institutional reconstruction, judicial capacity development, mobile courts, legal aid expansion, human-rights-based programming, and the integration of customary and religious mechanisms into a rights-respecting legal framework. Case studies from Puntland, Mogadishu,

Galmudug and Jubaland illustrate how hybrid justice arrangements have emerged, the extent to which UN-supported interventions have improved access to justice for marginalized groups, and how clan politics, corruption and insecurity continue to constrain reform. The analysis finds that UN engagement has strengthened professionalism, expanded legal access, and introduced important protections on gender-based violence and land and property rights, but that progress remains uneven, politically contested, and highly dependent on local dynamics. The article contributes to debates on peacebuilding in legally plural contexts by showing how international actors can support hybrid justice systems that are both contextually grounded and increasingly aligned with human rights, while highlighting the conditions under which such reforms are likely to foster more legitimate and stable orders.

Introduction

Since the collapse of the Somali state in 1991, the country's justice sector has been shaped by the coexistence of customary *xeer*, Sharia-based adjudication, and fragmented formal institutions. With the dismantling of central authority, customary elders and Islamic courts became the primary sources of order and dispute resolution, even as their practices often conflicted with constitutional norms and international human rights standards (Gundel, 2006; Sommer, 2001, 2011). The result has been a deeply plural legal landscape marked by inconsistency, unequal protection, and limited public trust in state institutions (World Bank, 2017; Heritage Institute for Policy Studies, 2025).

Against this backdrop, the United Nations has emerged as a central actor in Somalia's rule-of-law and justice-sector reconstruction. Through the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP), the UN has supported judicial capacity building, institutional reform, legal aid expansion, mobile courts, and efforts to integrate customary and religious practices into a rights-respecting hybrid framework (Abdulkadir & Ackley, 2014; UNDP Somalia, 2021; UNSOM, 2021). These interventions aim not only to restore the formal justice system but also to rebuild state legitimacy and promote peace in a context where legal authority is contested and decentralized.

Despite growing documentation of UN-supported reforms, existing research rarely connects these operational interventions to wider debates on legal pluralism, hybrid governance, and peacebuilding effectiveness. In particular, there is limited analysis of how UN initiatives navigate the interaction between formal state institutions, clan-based *xeer* systems, and Sharia courts; or how these interventions shape public trust, rights protection, and the legitimacy of emerging state structures. This article

asks three interrelated questions, how have UNSOM and UNDP sought to rebuild and professionalize Somalia's formal justice institutions, and with what observable effects on judicial capacity and integrity? In what ways have mobile courts, legal aid services, and Alternative Dispute Resolution (ADR) mechanisms reshaped access to justice, particularly for marginalized communities, and how do they interact with *xeer* and Sharia-based practices? How effectively have UN-supported reforms integrated human rights protections—especially related to gender-based violence and land and property rights—within Somalia's hybrid justice landscape, and what constraints continue to limit their impact? This study is based on a qualitative review of academic literature, UN and donor reports, and policy analyses published between 2000 and 2025. Relevant documents were identified through keyword searches (“Somalia”, “justice sector reform”, “UNSOM”, “UNDP”, “mobile courts”, “legal aid”, “ADR”, “hybrid justice”) in Google Scholar, JSTOR, Scopus, and institutional websites including UNDP, UNSOM, World Bank. Sources were included if they examined Somalia's justice sector or closely related rule-of-law interventions, and provided empirical findings, programmatic detail, or analytical depth. The materials were analyzed thematically along three dimensions: institutional reform and judicial capacity; access to justice mechanisms; and human-rights-based programming, with particular attention to the interaction between formal institutions, *xeer*, and Sharia-based adjudication. The article adopts a hybrid governance and legal pluralism lens, understanding Somalia's justice sector as a layered system in which customary, religious, and formal state institutions coexist and interact. UN peacebuilding is therefore conceptualized not as an attempt to replace local mechanisms but as a negotiated process that must work within Somalia's plural legal order. This framework guides the analysis of how formal rule-of-law

interventions gain or lose legitimacy, how hybrid arrangements emerge, and why progress remains uneven across different regions of Somalia.

The Role of the UN in Peacebuilding

The United Nations has played a crucial role in Somalia's peacebuilding efforts, with the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP) leading initiatives to rebuild a fragmented justice system, strengthen the rule of law, and expand access to justice after decades of conflict and institutional decay. UNSOM's mandate, established by the United Nations Security Council in 2013, focuses on reinforcing the rule of law, pursuing judicial reform, and collaborating with the Federal Government of Somalia (FGS) to restore credibility and legitimacy to key judicial institutions (Abdulkadir & Ackley, 2014). This partnership emphasizes capacity-building—training judges, prosecutors, and court staff while upgrading courtroom infrastructure—aiming to reestablish public trust in the justice sector as a foundational element of state stability (Abdulkadir & Ackley, 2014). A key aspect of UNSOM's strategy has been the deployment of mobile courts in partnership with UNDP, addressing access-to-justice gaps in rural and conflict-affected areas. These mobile courts enable communities to resolve disputes ranging from family matters to land and criminal cases, helping to prevent grievances from escalating into violence (Abdulkadir & Ackley, 2014).

Additionally, UNSOM has actively promoted human rights within Somalia's plural legal environment, working with customary (*Xeer*) and Sharia-based dispute resolution, and engaging local leaders and religious figures to enhance protections for women and minorities and to integrate human rights standards into traditional mechanisms (Abdulkadir & Ackley, 2014). This focus on human rights within customary and

religious frameworks reflects a broader scholarly and policy consensus that legitimacy and effectiveness in peacebuilding are enhanced when formal reform is complemented by culturally resonant practices that protect vulnerable groups (Abdulkadir & Ackley, 2014).

UNDP's peacebuilding support complements UNSOM by prioritizing legal access, capacity development, and inclusive governance. Its work in expanding legal aid services—establishing free legal representation and counseling through legal aid clinics—targets marginalized populations, contributing to reducing inequality in access to justice and enhancing social cohesion (Abdulkadir & Ackley, 2014). Moreover, UNDP invests in the professionalization of Somali justice actors by offering training on fair trial principles, ethics, and international human rights norms; these efforts aim to elevate professional standards and the overall legitimacy of justice institutions, critical for sustaining peacebuilding gains (Laitin, 2004). UNDP is also involved in facilitating dialogue among Somali political actors to craft a constitutional framework that accommodates federal realities and regional autonomy while upholding human rights and the rule of law, essential for peaceful governance in a fragmented political landscape (Laitin, 2004).

Together, the work of UNSOM and UNDP on judicial reform, capacity-building, legal aid expansion, and constitutional dialogue exemplifies a multi-dimensional peacebuilding approach that seeks to restore order, legitimacy, and access to justice amidst persistent challenges posed by clan dynamics and corruption. The mobile courts initiative illustrates a pragmatic method of delivering justice in hard-to-reach areas, reinforcing the UN's commitment to ensuring that justice is accessible to the wider population (Abdulkadir & Ackley, 2014). Additionally, engaging with customary and Sharia-based jurisprudence highlights the necessity of hybrid legal arrangements that maintain local

legitimacy while embedding rights protections aligned with international law, a perspective that resonates with broader debates about the role of local actors in peacebuilding (Abdulkadir & Ackley, 2014).

However, the Somali peacebuilding project continues to face significant challenges that may hinder judicial reform and governance. Corruption, resource limitations, and the politicization of the judiciary obstruct reform efforts, while some regions resist Western-style legal frameworks in favor of traditional or Sharia-based systems. These tensions underscore the call for hybrid models that reconcile customary practices with formal law and human rights protections, rather than completely replacing indigenous systems (Laitin, 2004). Clan-based power dynamics and ongoing insecurity shape political and legal developments, necessitating continued engagement with local communities and sustained investment in justice and governance institutions to consolidate progress over time (Laitin, 2004).

From a policy standpoint, the UNSOM-UNDP partnership indicates multiple avenues to enhance peacebuilding outcomes. First, maintaining and expanding hybrid justice models that recognize *Xeer* and Sharia as legitimate dispute-resolution venues while integrating protective rights standards can improve the accessibility and legitimacy of the justice system (Abdulkadir & Ackley, 2014). Second, increasing access-to-justice initiatives—such as expanding mobile courts and enhancing the reach of legal aid clinics—can further mitigate the justice gap and bolster social cohesion in volatile regions (Abdulkadir & Ackley, 2014). Third, promoting a rights-centered reform agenda within customary and religious frameworks remains essential for advancing equal access to rights, opportunities, and treatment for all genders and minority protections, aligning peacebuilding efforts with international human rights norms while maintaining cultural relevance (Abdulkadir & Ackley,

2014). Lastly, enhancing anti-corruption measures, governance safeguards, and independent oversight within the justice sector is vital to sustain reform gains and foster donor confidence, especially in light of ongoing resource constraints and political tensions (Laitin, 2004).

In summary, UNSOM and UNDP have made significant contributions to rebuilding Somalia's justice sector, integrating state-centric capacity-building with community-oriented access-to-justice initiatives and constitutional dialogue to foster a more legitimate, accessible, and rights-respecting system. Their approach—rooted in hybrid legal arrangements, capacity development, and inclusive governance—reflects an understanding that durable peace in Somalia relies on credible judicial institutions, widespread access to legal remedies, and governance processes that accommodate the country's complex social and political landscape, even amid persistent issues of corruption and fragmentation (Abdulkadir & Ackley, 2014; Laitin, 2004).

Historical Overview of Somalia's Justice System

Before the collapse of the central government in 1991, Somalia operated under a unified state-controlled judicial system developed during the Somali Democratic Republic (1969–1991). At independence in 1960, the country inherited dual legal traditions: Italian civil law influenced the southern regions, while British common-law principles shaped the north. Early post-independence reforms, particularly the Judicial Organisation Law of 1962, attempted to integrate these systems by combining civil law, criminal procedure, Sharia (for family matters), and certain elements of customary law (xeer) into a unified national framework (Sommer, 2001). Under Siad Barre's administration, the judicial system became highly centralized, reflecting the regime's socialist ideology and its focus on consolidating state authority. Key legal instruments, such as the Somali Penal Code—initially passed in 1964 and

further reinforced during the Barre era—provided the basis for criminal law and procedure across the nation (Refworld, 1964). Despite the establishment of formal courts in major towns and cities, access to justice in rural areas remained limited, allowing *xeer* and Sharia to continue playing important roles (Sommer, 2001). Political alignment of the judiciary with the ruling party, lack of judicial independence, and increasing authoritarianism weakened the effectiveness of the formal legal system, contributing to institutional deterioration by the late 1980s (Heritage Institute, 2025).

The fall of the Somali state in 1991 led to a complete breakdown of the centralized judicial framework and the emergence of a fragmented justice landscape. In the absence of a functioning government, Somali communities relied heavily on customary law (*xeer*), which is mediated by clan elders through negotiation and consensus-building (Gundel, 2006). *Xeer* played a critical role in maintaining social order, but its unwritten nature, clan-based structure, and emphasis on collective responsibility often resulted in inconsistent outcomes and discriminatory practices, particularly affecting women and minority clans. Alongside *xeer*, Sharia courts expanded rapidly, especially in urban centers like Mogadishu, where they became known for offering swift and religiously legitimate dispute resolution (Hansen, 2013). During the late 1990s and early 2000s, these Islamic courts grew in influence, though some concerns emerged regarding uneven interpretations of Islamic law and the potential exploitation of these systems by extremist groups (Marchal, 2007). Meanwhile, formal judicial institutions struggled to re-emerge. Although regions like Somaliland and Puntland rebuilt limited court structures with varying levels of effectiveness, most of Somalia continued to experience weak, underfunded, and often politicized formal justice mechanisms (World Bank, 2017). The resulting pluralistic system—combining *xeer*, Sharia, and fragmented state institutions—

created significant challenges for human rights, equitable access to justice, and long-term state-building efforts. International actors, including UNDP and UNSOM, have since supported justice-sector reforms aimed at integrating customary practices with formal law, strengthening judicial capacity, and promoting alignment with human rights standards, though progress remains uneven (Sommer, 2011).

The UN's Role in Justice System Reinvention

The United Nations has played a central role in rebuilding Somalia's justice sector following the state collapse, emphasizing institution building, capacity development, and the harmonization of customary practices with international human rights norms. Through the United Nations Support Office in Somalia (UNSOM) and the United Nations Development Programme (UNDP), the UN has pursued a comprehensive programmatic approach targeting the credibility, professionalism, and accountability of the judiciary as prerequisites for a successful peacebuilding outcome. Key elements include structured training for judges, prosecutors, and other legal professionals, the establishment of oversight and accountability mechanisms, and the integration of traditional Somali dispute-resolution practices with modern rule-of-law standards. This integrated strategy aims to produce a more professional, rights-respecting judiciary capable of delivering fair trials and upholding constitutional rights, even in a fragile security environment (Mohamed, 2025; Imiera, 2019; Arshad & Saleem, 2025; Aptaprava, 2023).

UNDP's Rule of Law and Access to Justice Programme has been instrumental in delivering technical training to Somali legal practitioners. The program offers comprehensive modules for judges, prosecutors, and court clerks in areas such as case management, legal interpretation, and judicial ethics, with a strong emphasis on aligning domestic practices with international legal standards. These modules address cases involving

human rights violations, land disputes, and gender-based violence, thereby enhancing professional competencies and improving fairness and transparency within the Somali judiciary (Mohamed, 2025). Training initiatives under this programme have contributed to higher professional standards among judicial personnel and support the transition toward a more credible justice system that can effectively respond to rights-related accountability needs (Mohamed, 2025).

To counter clan-based biases and corruption, UNSOM has worked with Somali authorities to introduce judicial oversight mechanisms designed to promote accountability among judges and prosecutors. The creation of judicial councils and related oversight bodies aims to monitor court proceedings, investigate corruption allegations, and ensure trial integrity. These governance arrangements seek to rebuild public trust in the formal justice system by reducing nepotism and favoritism and by creating formal channels for complaint and redress that can supplement customary mechanisms (Younas, 2025; Imiera, 2019). The emphasis on accountability aligns with broader UN peacebuilding objectives of establishing predictable and rights-respecting judicial processes in post-conflict settings (Younas, 2025).

Alongside training and oversight, the UN has supported the evolution of Somalia's legal framework to blend traditional Somali practices with modern legal principles. Recognizing the significant influence of customary law (Xeer) and Sharia-based adjudication, UNSOM has facilitated dialogues involving elders, religious leaders, and legal experts to explore how customary and religious norms can be reconciled with international human rights standards (McGregor et al., 2019; Latifah et al., 2019). The aim is to formalize dispute resolution in a way that respects culturally appropriate practices while safeguarding vulnerable groups and ensuring compatibility with constitutional rights and

international obligations. Within this framework, UNDP has assisted the Somali Ministry of Justice in drafting legislative frameworks that formalize dispute resolution mechanisms and, where appropriate, integrate elements of Xeer and Sharia law to support culturally sensitive yet rights-compliant outcomes (Latifah et al., 2019; Aptaprava, 2023). A concrete manifestation of this integration is the establishment of Alternative Dispute Resolution (ADR) centres, which offer culturally attuned dispute resolution options while maintaining legal oversight to protect vulnerable populations from discriminatory practices (Aptaprava, 2023).

The UN's support for strengthening legal education has been another critical pillar of institution-building. UNSOM has partnered with Somali universities to enhance law curricula and to prepare future generations of lawyers, judges, and prosecutors for professional practice aligned with human rights standards. Through a combination of workshops, moot courts, and mentorship programs, the UN has actively engaged Somali youth in legal reform efforts, cultivating a group of legal professionals committed to accountability and the rule of law (Imiera, 2019). These educational initiatives are designed to create a sustainable pipeline of legally trained professionals who can sustain judicial reform and foster a culture of rights adherence within the justice system (Imiera, 2019).

Despite these advances, substantial challenges persist. The security situation, limited infrastructure, and ongoing clan-based power dynamics continue to hinder uniform judicial training and independence across regions (Younas, 2025). Political interference remains a structural obstacle to judicial autonomy, potentially undermining reform gains. In response, UNSOM advocates for strengthened cooperation among Somali authorities, civil society organizations, and international partners

to sustain reform efforts, ensuring the durability of gains in training, oversight, and hybrid legal frameworks (Younas, 2025).

Capacity development has also extended to improving access to justice through mobile courts and expanded legal aid services, addressing geographic and socio-economic disparities created by conflict and under-investment in infrastructure. The UN's mobile courts initiative seeks to bring judicial services to rural and underserved areas where courts are non-existent or inaccessible, thereby reducing travel barriers and expediting dispute resolution in areas with acute access deficits Arshad & Saleem, 2025). In parallel, the expansion of legal aid services provides vulnerable populations access to pro bono or subsidized representation, ensuring individuals can pursue claims and defend rights even in remote or insecure settings. Together, these measures reflect the UNSOM/UNDP emphasis on practical, context-adapted capacity development designed to narrow justice gaps and improve overall access to justice in Somalia (Younas, 2025; Arshad & Saleem, 2025).

The UN's overarching institutional-strengthening approach to Somalia's justice system also encompasses the development of dispute resolution mechanisms sensitive to local contexts while anchored in international human rights norms. By promoting hybrid legal frameworks that recognize customary practices where appropriate, contest discriminatory outcomes, and support formal oversight mechanisms, the UN has made tangible progress towards a more stable and accountable justice environment. The combination of strengthened professional ethics and standards, improved judicial accountability, enhanced education and training for legal professionals, and expanded access-to-justice programs collectively contributes to a more credible justice system in Somalia, even as persistent challenges require sustained international engagement

and adaptive strategies (McGregor et al., 2019; Latifah et al., 2019; Arshad & Saleem, 2025).

Establishment of Mobile Courts to Improve Rural Access to Justice

Mobile courts have become a central component of efforts to improve access to justice in Somalia, particularly in rural and conflict-affected regions where permanent judicial institutions are limited or absent. Supported primarily by the United Nations Development Programme (UNDP), these mobile courts deploy teams of judges, prosecutors, defense lawyers, and clerks who travel to underserved communities to hear cases, settle disputes, and provide legal awareness sessions (UNDP Somalia, 2022). Their introduction has been especially important in regions where customary xeer processes and Sharia courts have historically dominated, offering formal legal alternatives that are consistent with Somalia's constitutional framework and international human rights standards. Mobile courts frequently address cases involving land conflicts, family disputes, and minor criminal offenses—issues that, if left unresolved, often escalate into violence in fragile settings. In areas such as Puntland, Galmudug, and Jubaland, mobile courts have played a significant role in resolving property disputes, supporting the rights of women and internally displaced persons, and expanding legal protections for groups often marginalized in traditional clan-based systems (UNSOM, 2021). Their presence has also strengthened public trust in the judiciary by demonstrating that formal justice can be accessible and responsive beyond urban centers. Moreover, by decentralizing service delivery, mobile courts help relieve pressure on overburdened district and regional courts. Despite these gains, mobile courts continue to face challenges, including insecurity, resource constraints, and logistical difficulties. Resistance from local militias or power brokers—who may

view the formal justice system as a threat to their influence—has also posed obstacles. To address these challenges, UNDP and UNSOM collaborate with local authorities and community leaders to ensure the mobile courts are culturally appropriate, context-sensitive, and supported by the communities they serve (UNDP Somalia, 2022).

Support for Legal Aid Services in Marginalized Communities

Alongside the deployment of mobile courts, the United Nations has invested heavily in expanding legal aid services to ensure that marginalized communities in Somalia have access to free or affordable legal assistance. Historically, vulnerable groups—including internally displaced persons (IDPs), women, youth, and minority clans—have been excluded from formal justice mechanisms due to financial constraints, limited awareness of legal rights, and deep-rooted social barriers. To address this gap, the United Nations Development Programme (UNDP) has partnered with Somali civil society organizations to establish Legal Aid Centers across major regions of the country. These centers offer legal advice, representation, mediation, and advocacy for individuals who cannot afford private legal counsel, addressing cases related to family disputes, inheritance, land ownership, and gender-based violence (UNDP Somalia, 2021). Through community outreach and legal awareness campaigns, these programs have also helped citizens better understand their rights, court procedures, and available dispute-resolution mechanisms. This has been particularly transformative for women, who often face marginalization in customary *xeer* systems and limited access to Sharia or formal courts. UNDP's initiatives have improved access to justice for survivors of gender-based violence by providing confidential legal support, connecting them with social services, and ensuring their cases are handled through appropriate judicial channels (UNDP Somalia, 2022). Additionally, collaborations with Somali universities have enabled

law students to participate in legal aid programs, providing them with practical training while increasing the reach of legal services in underserved communities. Despite these accomplishments, the legal aid system in Somalia continues to grapple with persistent challenges, including funding shortages, insecurity, resistance from local authorities, and cultural stigma associated with seeking formal legal assistance. In some areas, prevailing social norms discourage individuals—especially women—from using formal courts. To mitigate these barriers, UNDP and the United Nations Assistance Mission in Somalia (UNSOM) emphasize community engagement, working closely with local leaders to build trust and tailor services in culturally appropriate ways (UNSOM, 2021). Overall, the expansion of legal aid services—combined with mobile courts—has strengthened Somalia's justice sector by extending legal protections to marginalized populations, reducing community tensions, and supporting broader peacebuilding and state-building efforts.

Promotion of Human Rights: UN-led Initiatives to Address Gender-Based Violence, Land Disputes, and Property Rights

The promotion of human rights is a central pillar of the United Nations' peacebuilding strategy in Somalia, particularly through programs targeting the protection of vulnerable populations affected by decades of conflict and institutional collapse. Following the breakdown of the Somali state in 1991, widespread human rights violations—including gender-based violence, land grabbing, unlawful evictions, and discrimination against marginalized clans—became pervasive. In response, the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP) have implemented comprehensive initiatives to strengthen legal protections and expand access to justice for communities most at risk (Kingdom of the Netherlands. (2025).

Gender-based violence (GBV) remains one of the most serious human rights challenges in Somalia, especially in conflict-affected regions and displacement camps where women and girls face heightened risk of sexual violence, domestic abuse, and forced marriage. Weak law enforcement structures and entrenched social norms have historically prevented survivors from obtaining justice. To address these gaps, UNSOM and UNDP have supported legal reforms and community-level interventions that enhance the protection of women's rights. A significant milestone in this effort was the introduction of the Puntland Sexual Offences Law in 2016, developed with UN assistance, which criminalizes sexual violence and sets out clear procedures for survivor protection and prosecution (Kingdom of the Netherlands, 2025). UNDP has also partnered with local organizations to establish safe spaces offering psychosocial support, medical care, and legal assistance to survivors, enabling them to pursue justice with dignity and confidentiality (Legal Action Worldwide, 2022). Additionally, UNSOM has trained Somali police units on gender-sensitive investigation techniques to ensure that GBV cases are handled professionally and in accordance with survivor-centered approaches (Kingdom of the Netherlands, 2025). Despite progress, challenges such as stigma, cultural resistance, and limited institutional capacity continue to hinder full enforcement of GBV laws, prompting ongoing UN engagement with elders, religious leaders, and community influencers to transform harmful norms and encourage reporting.

Land disputes are another major source of insecurity and inter-clan conflict in Somalia. The lack of a unified legal framework, combined with reliance on customary xeer practices, has contributed to overlapping and contested claims related to land ownership, inheritance, and territorial boundaries. To mitigate these tensions, UNDP has supported the establishment of Alternative Dispute Resolution (ADR) centers that

integrate customary practices with formal legal principles through community-based mediation, negotiation, and dialogue (Legal Action Worldwide, 2022). ADR mechanisms have been particularly effective in rural and peri-urban areas where formal courts are absent or overburdened, helping to prevent disputes from escalating into violence. Complementing these efforts, UNSOM has collaborated with federal and state institutions to develop a national Land Governance Framework that sets standards for land registration, dispute management, and transparent land administration consistent with constitutional norms and international best practices (Kingdom of the Netherlands, 2025).

Protecting property rights—particularly for internally displaced persons (IDPs), returnees, and minority groups—has also been a major focus of UN human rights programming. Large-scale displacement resulting from conflict, drought, and insecurity has created widespread disputes over housing, land, and property. To safeguard vulnerable populations, UNDP has expanded legal aid services to assist individuals facing unlawful evictions, land grabbing, or discrimination in property claims (Legal Action Worldwide, 2022). Legal aid partners support communities in documenting land claims, filing legal challenges, and accessing formal dispute-resolution mechanisms. The UN has also supported capacity-building within land registry offices to improve documentation procedures and reduce corruption in land administration. Recognizing the intersection of property rights and gender inequality, UNDP has introduced training and awareness-raising initiatives aimed at empowering Somali women to claim inheritance and property ownership, challenging long-standing customary barriers that have historically excluded women from land rights (Legal Action Worldwide, 2022). These combined efforts have contributed to advancing human rights protections while strengthening the foundations of peace and social cohesion in Somalia.

Challenges in the UN's Justice Reform Efforts

Despite important progress, UN-supported justice reform in Somalia continues to face deep structural, cultural, and political constraints. These challenges—rooted in Somalia's legal pluralism, clan dynamics, corruption, and uneven access to justice—limit the effectiveness and long-term sustainability of reforms carried out by UNSOM and UNDP.

Cultural and Religious Barriers: Tensions Between International Norms and Local Justice Systems

One of the most persistent obstacles involves reconciling UN-promoted legal standards with Somalia's traditional justice systems, particularly **Xeer** (customary law) and Sharia-based adjudication. Customary law remains central to community dispute resolution, especially in rural areas where elders have long served as trusted mediators. As Gundel (2006) notes, Xeer prioritizes collective responsibility and negotiated settlements—principles that diverge sharply from the individual rights and accountability emphasized in international legal frameworks.

Similarly, Sharia courts, which gained prominence after the state collapse in 1991, are widely respected for their speed and alignment with Islamic norms (Hansen, 2013). Efforts by the UN to standardize legal procedures or introduce Western-inspired criminal legislation have therefore sometimes been interpreted as external impositions, generating resistance in conservative regions.

These cultural sensitivities are especially visible in areas such as **gender-based violence (GBV)**. Even though UNDP and UNSOM have supported progressive reforms—such as the Sexual Offences Law in Puntland—implementation has been hampered by social stigma, limited reporting, and community reluctance to engage with formal courts

(UNDP Somalia, 2021; Legal Action Worldwide, 2022). These challenges highlight the need for reform approaches that work *with* local religious and customary authorities rather than in parallel to them.

Clan Dynamics: Political Fragmentation and Interference in Justice Processes

Somalia's clan system continues to shape political authority and justice outcomes, often overshadowing formal legal norms. *Xeer* operates through clan negotiations, meaning that legal decisions may depend on relationships and alliances rather than evidence or statutory law (Gundel, 2006). This dynamic frequently undermines impartiality in land, inheritance, and property disputes—issues that remain some of the most contentious in Somalia's post-conflict environment.

The influence of clan power brokers also affects the deployment of reforms. UNSOM and UNDP have reported resistance to mobile courts and judicial oversight initiatives in areas where influential clans or militias view formal justice as a threat to their authority (UNDP Somalia, 2022). Even Alternative Dispute Resolution (ADR) centres—designed to integrate customary practices into hybrid models—must constantly negotiate clan interests to maintain legitimacy (Legal Action Worldwide, 2022; McGregor et al., 2019).

These dynamics reveal a systemic challenge: reforms cannot succeed without navigating clan politics and ensuring that justice processes are perceived as legitimate across diverse social groups.

Corruption and Weak Institutions: Limited Oversight and Accountability

Corruption remains a major barrier to judicial integrity in Somalia. Decades of state collapse, coupled with persistent insecurity and economic hardship, have created conditions where bribery, political

interference, and patronage networks flourish. UN reports indicate that court officials, police officers, and prosecutors often operate with minimal oversight, making them vulnerable to external influence (UNSOM, 2021).

Weak institutional capacity further complicates reform efforts. Training programs implemented by UNDP have improved professional standards among judges and lawyers (Mohamed, 2025), yet these gains are undermined when appointment processes lack transparency or when judicial councils lack the resources or authority to enforce discipline (Younas, 2025; Imiera, 2019).

Because corruption disproportionately affects vulnerable groups—including women, IDPs, and minority clans—its persistence reinforces public distrust and pushes many communities to rely on customary or Sharia systems instead of formal courts (UNDP Somalia, 2021).

Access to Justice: Rural, Displaced, and Marginalized Groups Remain Underserved

Although UNDP and UNSOM have expanded access to justice through legal aid centers and mobile courts, large segments of the population—particularly rural communities and internally displaced persons (IDPs)—still lack meaningful access to formal judicial services. Security risks, limited infrastructure, and the vast distances between settlements restrict the ability of mobile courts to operate consistently (UNDP Somalia, 2022).

IDPs face additional barriers. Many lack documentation, financial resources, or knowledge of their rights, leaving them vulnerable to eviction, land grabbing, and gender-based violence (Legal Action Worldwide, 2022). Even when legal aid services exist, social stigma or fear of retaliation discourages many from seeking help.

The UN has attempted to mitigate these gaps through community awareness campaigns, partnerships with local organizations, and paralegal training programs. However, the scale of need far exceeds available resources, and progress remains uneven across federal member states.

Case Studies:

Case Studies: Puntland – Successful Integration of Customary Law with Formal Legal Processes

Puntland, an autonomous region in northeastern Somalia, is widely recognized for its progress in integrating customary law (*Xeer*) with formal state judicial structures. Since declaring autonomy in 1998, Puntland has worked to rebuild governance institutions after the collapse of Somalia's central government in 1991. Because *Xeer* remained the dominant system of dispute resolution during the conflict years, its integration into formal justice processes became essential for establishing a functional system that reflects social realities. As Gundel (2006) explains, customary elders played a central role in maintaining order throughout the state collapse, making them indispensable partners in any post-conflict justice-building effort. Recognizing this, Puntland authorities—supported by the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP)—began a structured process to harmonize *Xeer* with constitutional and statutory principles. UNSOM facilitated inclusive consultations involving elders, religious leaders, women's groups, and legal practitioners to ensure that the justice reforms respected Somali cultural norms while aligning with human rights standards outlined in Somalia's Provisional Constitution and international conventions (UNSOM, 2021).

A major achievement of these reforms has been the establishment of Alternative Dispute Resolution (ADR) centers across Puntland with technical and financial support from UNDP. These centers blend *Xeer*-based mechanisms with formal oversight, providing accessible and affordable dispute resolution services in communities where state courts are limited. According to UNDP Somalia (2022), ADR centers in Hargeisa, Garowe, and Bosaso have resolved thousands of cases involving land disputes, family matters, and commercial conflicts, reducing the burden on formal courts and lowering the risk of clan-based tensions escalating into violence. Although *Xeer* traditionally marginalized women, minority clans, and internally displaced persons, the ADR model incorporates safeguards—such as legal review procedures and human-rights screening—to ensure that outcomes comply with gender equality norms and due process requirements (UNDP Somalia, 2022; UNSOM, 2021). These adjustments have enhanced legal protections for vulnerable groups while maintaining the cultural legitimacy of customary practices.

Puntland has also invested in strengthening the capacity of its judicial workforce. With support from UNSOM, the Puntland Judiciary Training Institute has trained judges, prosecutors, and court clerks in legal drafting, case management, anti-corruption practices, and approaches to balance customary dispute resolution with statutory obligations (UNSOM, 2021). As a result, Puntland's hybrid justice system has improved public trust in legal institutions, reduced case backlogs, and increased access to justice in underserved rural areas.

Despite these gains, challenges remain. Clan elders still exercise significant influence in dispute resolution, which can sometimes limit the application of formal legal standards, particularly in cases involving gender-based violence. Limited funding, logistical constraints, and

political volatility also restrict the expansion of ADR services to remote districts (Gundel, 2006; UNDP Somalia, 2022). Nevertheless, Puntland's experience demonstrates that integrating culturally rooted customary systems with formal judicial institutions can strengthen access to justice and promote stability in post-conflict settings. Its hybrid framework provides a valuable model for other Somali regions undertaking justice sector reconstruction.

Case Study: Mogadishu – UN-Supported Training for Judges and Prosecutors

Mogadishu, Somalia's capital, has faced severe challenges in rebuilding its justice system after decades of civil conflict, institutional collapse, and insecurity. Years without effective state institutions left the judiciary weakened, with limited legal expertise, widespread corruption, and inadequate public trust. In response, the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Development Programme (UNDP) have played a central role in strengthening Mogadishu's judicial capacity through sustained training programs for judges, prosecutors, and court personnel. Judicial capacity development became a key pillar of UN support following the establishment of the Federal Government of Somalia in 2012, as part of broader efforts to restore the rule of law and rebuild governance institutions (UNSOM, 2021; UNDP Somalia, 2022).

A core intervention has been the Judicial Training Programme, implemented jointly by UNDP, UNSOM, and the Somali Ministry of Justice. This programme provides comprehensive training in criminal procedure, constitutional law, human rights standards, and case management practices. Emphasis is placed on Somalia's obligations under international human rights treaties—particularly those related to the protection of women, children, and displaced persons—which remain

critical given the prevalence of rights violations in Mogadishu (UNSOM, 2021). Through these trainings, judges and prosecutors have developed stronger legal reasoning skills and a more consistent application of statutory laws, contributing to increased public confidence in the courts.

Specialized training on gender-based violence (GBV) has also been a major focus of UN support. UNDP and UNSOM developed modules that help judicial officers handle cases of sexual violence, domestic abuse, and forced marriage in a manner aligned with international human rights and survivor-centered approaches (United Nations, 2023). These efforts have improved the judiciary's responsiveness to GBV cases, expanding access to justice for women and vulnerable groups who historically faced significant obstacles within Somalia's justice system.

To strengthen judicial integrity, UNSOM and UNDP have introduced ethics training and anti-corruption measures, including professional codes of conduct, judicial oversight mechanisms, and accountability frameworks. These initiatives respond to long-standing concerns about corruption and political interference that weakened judicial credibility (UNDP Somalia, 2022). The establishment of dedicated Judicial Training Institutes in Mogadishu—supported by both UNSOM and UNDP—has further institutionalized professional development in the justice sector. These institutes provide continuous legal education, including mock trials, legal research, and practical case analysis, helping new and experienced judicial officers adapt to evolving legal standards (UNDP Somalia, 2021).

The impact of these programs has been significant. Judges and prosecutors trained under UNSOM-UNDP initiatives demonstrate enhanced competence in managing complex cases, including those related to terrorism, organized crime, and corruption—key priorities in Mogadishu's security environment. Improved professionalism and

consistency in legal processes have contributed to strengthening the credibility of Mogadishu's judicial institutions.

Despite these advances, Mogadishu's justice system continues to face major challenges. Security threats remain a persistent concern, with judges and prosecutors frequently targeted by armed groups, forcing some to operate under constant risk or leave their positions. Infrastructure constraints—including overcrowded courtrooms, limited technological systems, and delays in case processing—continue to undermine judicial effectiveness (Harper, 2012). Nevertheless, UN-supported training programs have made measurable progress in rebuilding legal capacity and establishing a foundation for a more accountable and rights-based justice system in Somalia's capital.

Case Study: Galmudug and Jubaland – Struggles in Aligning Traditional Dispute Resolution with Formal Courts

Galmudug and Jubaland—two key federal member states in Somalia—continue to face significant challenges in harmonizing traditional dispute resolution mechanisms with formal court systems. Although both regions have taken steps to build judicial institutions as part of Somalia's wider state-building process, customary law (Xeer) and Sharia-based community courts remain deeply embedded and often supersede formal legal procedures. As Gundel (2006) notes, Xeer continues to shape social order and conflict resolution across much of Somalia, especially in rural areas where state institutions have historically been absent. In these settings, clan elders maintain strong authority, mediating disputes through negotiation and consensus. While such processes are valued for their ability to preserve social cohesion, they often conflict with Somalia's constitutional and human rights obligations, particularly on matters involving individual rights, gender, and criminal accountability.

In Galmudug, integrating Xeer with statutory courts has been hindered by long-standing clan rivalries that frequently influence judicial processes. Elders often prioritize clan interests over legal standards, resulting in inconsistent rulings and limited protection for vulnerable groups, particularly women and minority clans. UNSOM reports indicate that the reluctance of elders to modify customary practices—especially in relation to gender-based violence, inheritance, and property disputes—has restricted the reach and credibility of formal justice institutions in the region (UNSOM, 2021). As a result, many disputes remain outside the authority of state courts, despite ongoing UN-supported judicial reforms.

Jubaland faces similar obstacles. UNDP introduced Alternative Dispute Resolution (ADR) centers to bridge gaps between traditional and formal legal systems, aiming to provide structured, rights-based approaches to community-level disputes. While ADR centers have resolved a number of cases, their success has been limited by inconsistent cooperation from clan elders and local power actors. In some situations, elders openly reject ADR decisions that contradict Xeer norms, weakening the perceived legitimacy of formal legal outcomes (UNDP Somalia, 2022). This resistance has restricted the ability of ADR mechanisms to operate as intended and has slowed efforts to standardize judicial practices across the region.

Both Galmudug and Jubaland also struggle with persistent judicial capacity limitations. A shortage of trained judges, prosecutors, and court clerks—combined with weak infrastructure and resource constraints—has undermined the functioning of formal courts. In certain districts, limited judicial capacity has led courts to defer cases to clan elders simply because they lack personnel or the technical expertise needed to adjudicate them. This dynamic reinforces the dominance of customary systems and exacerbates legal inconsistencies. Gender inequality further

complicates justice delivery. Under Xeer, women are typically excluded from dispute resolution forums, restricting their ability to contest property claims, challenge forced marriages, or access justice in cases of gender-based violence. Despite ongoing UNSOM and UNDP initiatives aimed at strengthening judicial responses to GBV, entrenched cultural norms continue to hinder progress (United Nations, 2023).

To address these challenges, UNSOM and UNDP have emphasized community engagement and dialogue-based approaches. These include efforts to bring together elders, religious leaders, women's groups, and legal practitioners to find common ground between customary practices and Somalia's constitutional values. In some areas, such engagement has led to improved cooperation between elders and formal courts. However, resistance remains strong in regions where clan loyalty and customary authority continue to outweigh state legal frameworks. Ultimately, while both Galmudug and Jubaland have made progress in building judicial institutions, the lack of integration between traditional systems and formal courts continues to limit access to justice and undermine broader peacebuilding objectives. Sustained investment in legal training, community sensitization, and locally grounded reform will be essential to building a more inclusive and effective justice system in the years ahead.

Conclusion

This article has examined how UN peacebuilding efforts have sought to reinvent Somalia's justice system and what this reveals about the relationship between rule-of-law reform, legal pluralism, and stability in a fragmented state. Since the collapse of central authority in 1991, Somalia's justice landscape has been defined by the coexistence of xeer, Sharia-based adjudication, and weak or absent formal institutions, with profound implications for rights protection and state legitimacy (Gundel, 2006; Sommer, 2001, 2011; World Bank, 2017). Against this backdrop,

the United Nations – primarily through UNSOM and UNDP – has pursued a multi-layered peacebuilding agenda that combines institutional reconstruction, capacity development, and access-to-justice initiatives with efforts to embed human rights norms in a deeply plural legal order (Abdulkadir & Ackley, 2014; UNDP Somalia, 2021, 2022; UNSOM, 2021).

First, the analysis shows that UN support has been central to rebuilding the formal justice apparatus and improving judicial professionalism. Judicial training programmes, the establishment of judicial training institutes, and the promotion of oversight and ethics mechanisms have collectively contributed to more consistent application of law, better case management, and greater awareness of international human rights standards among judges and prosecutors, particularly in Mogadishu and Puntland (UNDP Somalia, 2021, 2022; United Nations, 2021; Mohamed, 2025). These interventions have not eliminated problems of corruption or political interference, but they have created institutional anchors and professional networks that did not exist during the years of state collapse, laying foundations for a more credible justice sector (Heritage Institute for Policy Studies, 2025; Younas, 2025).

Second, UN-backed innovations such as mobile courts, legal aid centres, and Alternative Dispute Resolution (ADR) mechanisms have altered the geography and sociology of access to justice in important ways. Mobile courts and expanded legal aid services have brought formal dispute resolution to rural communities, IDPs, women, and minority clans who were previously dependent on often discriminatory customary forums (UNDP Somalia, 2021, 2022; Legal Action Worldwide, 2022). ADR centres in places like Puntland illustrate how xeer-based practices can be linked to formal oversight and rights screening, producing hybrid outcomes that are both culturally resonant and more compatible with

constitutional and international norms (UNSOM, 2021). While coverage remains uneven and resource constraints are acute, these initiatives demonstrate that context-adapted, community-oriented approaches can narrow justice gaps and reduce the risk that unresolved grievances fuel renewed violence.

Third, the case studies underline that the success of UN justice-sector peacebuilding is highly contingent on local political economies and the configuration of clan power. Puntland's relative success in institutionalizing ADR and judicial training reflects a political settlement in which elites perceive benefits in cooperating with formal institutions, whereas Galmudug and Jubaland illustrate how entrenched clan rivalries, elder resistance, and weak capacity can limit the reach of reforms and keep large portions of dispute resolution outside state authority (Gundel, 2006; UNDP Somalia, 2022; UNSOM, 2021). Mogadishu's experience, marked by notable professional gains but persistent insecurity and threats against judicial personnel, shows that even well-designed interventions struggle to deliver transformative outcomes when basic security and infrastructure are fragile (Harper, 2012; United Nations, 2023). These variations underscore that UN-led reforms operate within, rather than above, Somalia's complex political and social landscape.

At the normative level, UN engagement has pushed Somalia's justice system toward greater alignment with international human rights standards, particularly around gender-based violence, land and property rights, and the protection of vulnerable groups. The support given to the Sexual Offences Law in Puntland, survivor-centred GBV services, and land-governance and HLP initiatives signifies a shift from purely restorative, clan-based settlements toward more individual rights-based notions of accountability (Kingdom of the Netherlands, 2025; Legal Action Worldwide, 2022; UNDP Somalia, 2022). Yet the persistence of

stigma, patriarchal norms, and resistance from customary and religious authorities highlights the limits of legal and institutional engineering alone, and suggests that justice reform must be coupled with broader social norm change and political negotiation if it is to be durable.

Taken together, the findings suggest that UN peacebuilding has neither “failed” nor fully “fixed” Somalia’s justice system. Instead, it has contributed to the emergence of a layered, hybrid justice architecture in which reconstituted state institutions, customary fora, Sharia-based courts, and UN-supported mechanisms coexist in dynamic and sometimes tension-filled ways. The UN’s most meaningful contributions lie in creating institutional spaces, professional capacities, and rights-based tools that can gradually shift this plural order toward greater predictability, inclusiveness, and accountability, even though progress remains uneven and reversible. For scholars of peacebuilding, Somalia illustrates both the potential and the constraints of international actors working within legally plural, clan-based societies: durable stability is unlikely to come from transplanting formal models alone, but from long-term, politically informed engagement that accepts hybridity while contesting its most exclusionary and rights-violating features.

For policymakers, the Somali case underscores that justice-sector peacebuilding must be understood as a generational project rather than a short-term technical fix. Sustained investment in judicial capacity, community-embedded access-to-justice mechanisms, and human-rights-centred legal reforms is essential, but so too is continuous engagement with clan elders, religious leaders, women’s and youth groups, and subnational authorities. Only by aligning institutional reforms with evolving local power structures and social norms can the UN’s contributions to Somalia’s justice system translate into a more legitimate rule of law and, ultimately, a more stable and peaceful state.

Recommendations

Strengthening Somalia's justice system requires a long-term, politically informed strategy that builds on the modest but important gains achieved through UN peacebuilding. A first priority is developing a coherent national framework that integrates customary, Sharia, and statutory mechanisms into a hybrid justice architecture that reflects Somali social realities while upholding constitutional and human rights standards. Such a framework should define clear referral pathways between customary councils, Alternative Dispute Resolution (ADR) centres, and formal courts, while identifying serious cases—such as gender-based violence, homicide, and grave rights violations—that must fall exclusively under the jurisdiction of the formal justice system. Institutionalizing the role of elders through accreditation and targeted human rights training would preserve the cultural legitimacy of *xeer* while ensuring that decisions align with gender equality norms and due process guarantees. At the same time, structured dialogue with religious leaders is essential to bridge gaps between Sharia-based adjudication and international norms, especially in areas such as, family law, and GBV.

A second recommendation concerns strengthening the independence, oversight, and professionalism of the formal judiciary. Establishing an empowered and politically insulated Judicial Service Commission would help standardize merit-based recruitment, career progression, and disciplinary procedures. This should be complemented by expanded continuous legal education for judges, prosecutors, and clerks through Judicial Training Institutes supported by UNDP and UNSOM. Digitalizing the justice sector—particularly through electronic case management systems and secure land registries—would reduce opportunities for corruption and improve the efficiency and transparency of judicial processes. Improving ethical standards, strengthening internal

inspection units, and instituting regular audits would further reinforce public confidence in the judiciary.

Improving access to justice for underserved populations also remains essential. Scaling up mobile courts across federal member states would extend formal justice services to rural communities, displaced populations, and minority clans who remain heavily reliant on customary forums. These efforts must be supported by multi-year funding and coordinated security arrangements to ensure safe deployment. Legal aid services, which have already demonstrated substantial impact, need to be institutionalized as a core public service rather than a donor-dependent initiative. This includes establishing dedicated legal aid units within ministries of justice, integrating university law clinics into service provision, and expanding paralegal networks in IDP settlements. Tailored interventions for displaced populations—such as documentation support, legal awareness campaigns, and targeted GBV services—are critical for narrowing the protection gap.

Closely linked to access is the need for stronger accountability and anti-corruption mechanisms. Judicial oversight bodies must be adequately resourced, operationally independent, and mandated to investigate misconduct transparently. Introducing integrity vetting for judges and prosecutors, financial disclosure requirements, and whistleblower protections would help curb corruption and increase the credibility of judicial outcomes. Strengthening complaint mechanisms accessible to citizens, including digital reporting tools and community-level grievance systems, would further enhance accountability and reduce impunity within the justice sector.

Promoting human rights must remain central to justice reform. Strengthening GBV justice pathways—including survivor-centred police units, specialized GBV courts or chambers, and shelters integrated with

legal aid—would improve legal protection for women and girls. Replicating and implementing progressive legal frameworks such as the Puntland Sexual Offences Law across other federal member states is essential. In the area of land and property rights, operationalizing a national Land Governance Framework and expanding ADR centres specializing in housing, land, and property disputes would help reduce conflict drivers linked to displacement, resource competition, and land grabbing. Ensuring the participation of women and minority groups in customary and ADR processes is critical to addressing entrenched discrimination.

Improved coordination between federal and state authorities is also necessary to harmonize legal standards and avoid fragmented reform efforts. Establishing a National Justice Sector Coordination Forum—co-chaired by the Ministry of Justice and UNSOM—would facilitate regular dialogue, joint planning, and donor harmonization. A unified national training curriculum for judges, prosecutors, police investigators, and ADR practitioners would further promote consistency across federal member states. Integration of justice-sector reforms into national development and stabilization plans would anchor these efforts within government priorities and strengthen political ownership.

Finally, ensuring sustainable financing for justice reform is vital. Multi-year donor commitments, pooled funding mechanisms, and dedicated budget allocations within FGS and FMS ministries would reduce dependence on short-term project cycles. Investment in monitoring, research, and data systems—including a national justice database—would support evidence-based planning and allow policymakers and international partners to assess the impact of reforms more accurately. Partnerships with Somali universities and research institutions can generate independent analysis on the evolution of hybrid

justice, the effectiveness of ADR mechanisms, and human-rights protection across different legal forums.

Taken together, these recommendations emphasize that justice-sector reform in Somalia must be understood as a generational project rather than a technical intervention. Progress hinges on aligning institutional strengthening with cultural legitimacy, political realities, and rights-based principles. Sustained investment in professional capacity, hybrid legal systems, access-to-justice mechanisms, and community engagement will be crucial in ensuring that UN-supported reforms translate into durable rule of law and long-term stability.

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