

Major Features of Indigenous Conflict Resolution Mechanisms in Ethiopia

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Abstract: *The main objective of this article is to explore the features of indigenous conflict resolution institution in Ethiopia. To achieve this objective, the article employed both primary and secondary data sources. The primary data were gathered through observations of various indigenous conflict resolution mechanisms in different times. Secondary data were obtained through a critical review of related literature and documents. In Ethiopia, there are varieties of indigenous conflict resolution mechanisms, which are the sources of peace and order. Even if indigenous conflict resolution mechanisms differs from society to society, from region to region and from culture to culture, there are certain features that indigenous institutions attribute in common.*

Keywords: *Conflict, Features, Indigenous conflict resolution mechanism, Indigenous*

I. Introduction

Conflicts and disputes within a society and individuals over different issues are part of human history (Burtone, 1996:12). It is often argued that conflict are inevitable normal, positive and even sometimes necessary and useful for social changes (Jacob et al., 2009:1, Augesurg, 1996 in Stewart 1998). Conflicts are facts of life, inevitable and often creative (Fisher, 2000). Fisher (2000) points out that in our day-to-day interaction with others, we either observed or pass through conflicts, which range from the very interpersonal quarrel, family and neighbors dispute, ethnic and inter- state conflicts to the global war.

The biggest challenge today confronting human nature is not about occurrence of conflict per se!! but how to these conflicts are fully resolved whenever they occur to prevent them from further escalation (Bokari, 2013. Alula and Getachew (2008) also argued that resolution of conflict is crucial for day-to-day coexistence as human and societies are in constant search of resolution mechanisms of conflicts.

According to Alula and Getachew (2008), conflict resolution mechanisms in Ethiopia can be broadly classified as formal conflict resolution mechanism (state justice system) and indigenous conflict resolution mechanisms. The formal conflict resolution mechanism was introduced in Ethiopia in the 1960s, and subsequent laws issued by succeeding governments. The professed intention was to create comprehensive set of laws, modernization of the legal framework that would serve modern Ethiopia (Ayalew, 2012).

Alula and Getachew (2008:1), note that indigenous conflict resolution mechanisms are prevalent throughout the country at local level and it is the dominant justice system in the country. Indigenous mechanism to conflict resolution is made by the people not by the state and drives its legitimacy from participation and consensus of the community and its recognition of the same by the government (Abera, 2003:839). Indigenous conflict resolution mechanism emanates from the custom of the people as practiced over long period, accepted by the community as governing principle, and hence binds the society, a breach of which entails social reaction and even punishment (Dagne and Bapu, 2013:2).

Ethiopia is the home for various ethnic groups. Almost all ethnic groups have developed indigenous mechanisms of conflicts resolution. Different ethnic groups like Oromo, Afar, Amhara, Benishangul- Gumuz, Hareri, Somale, Sidama, Walayeta, Gamo, Tigiray and others develop their own indigenous mechanisms of conflict resolution with certain peculiar features. These features, which comprise social traditions, values, norms, beliefs, rules, and laws, communicated and accepted among the respective communities for peaceful co-existences.

Abera (2000) argues that these indigenous conflict resolution institutions of different ethnic groups were the major body of law in Ethiopia for centuries. The use of indigenous conflict resolution mechanisms in Ethiopia is deeply rooted in the custom, culture and tradition of various ethnic groups, which could play a big role in resolving violent conflict. Indigenous conflict resolution mechanisms in Ethiopia are one of the conflict management mechanisms to resolve intra and inter-ethnic conflict, both at state and local government level (FDRE, 1995). Even if indigenous conflict resolution mechanism differs from society to society, from region to region and from culture to culture, there are certain features that indigenous institutions attribute in common. This article explores the major feature of indigenous conflict resolution institution in Ethiopia.

II. Research Methodology

2.1 Research Approach

To investigate the major features of indigenous conflict resolution mechanisms in Ethiopia this article employed qualitative research methodology mainly due to the following reasons. First, due to the nature of the research, which focuses on the community's beliefs, opinions, attitudes and relationships. Second, this technique enables to have the critical and deeper understanding of the social phenomenon that is often carried out in a natural context. It also enables to dig the deep knowledge and skills used by indigenous conflict resolution institution. Last but not least, it is the appropriate methodology used in peace and security study.

2.2 Data Collection instrument

This article is mainly based on firsthand data gathered during the fieldwork from February 2015 to end of July 2015 mainly in different part of rural Ethiopia (Mareko Woreda, Silte Woreda, Welayeta, Mesqan Woreda and Oromia). The following data collection methods were used during the study.

2.3 Primary Data Collection Methods

2.3.1 Key Informant Interview

In-depth interviews were made using semi-structured questions with selected key informants to get primary data regarding the structure, procedures, and actors in the indigenous conflict resolutions. A purposeful sampling technique was used to select individuals who are well versed with the indigenous conflict resolution mechanisms. The participants were knowledgeable elders and clan leaders, who frequently participate in the conflict resolution process and have experiences in the indigenous conflict resolution mechanisms. Formal court judges, lawyers and government officials in five *woreds* (Mareko Woreda, Silte Woreda, Welayeta, Mesqan Woreda and Oromia) were interviewed to get information about the relationships between formal justice system and indigenous conflict resolution mechanisms.

2.3.2 Systematic Observation

The systematic observation data collection method is the most commonly used method in social science and behavioral studies. If this method is done accurately, subjective bias is eliminated (Kotari, 2004:96). In my stay in the study areas (February to July) I observed the actual conflict resolution processes. The researcher also attended various social events like funeral ceremonies, ritual ceremonies, weeding and different agricultural activities. These interactions with the study community members were vital to observe the situation and behavior of the people. This method enabled me to cross-validate and triangulate the available sources of information collected through interviews and focus group discussions. In those observations, I try to collect data related with procedures of conflict resolution and I try to document the ceremony in the photographs. I also contacted conflicting parties in the process of observation.

2.4 Secondary Sources of Data

To build conceptual and theoretical perspectives and other parts of the article, the researcher critically reviewed different books, journals-articles, and internet websites related with conflict, conflict resolution, and indigenous conflict resolution mechanisms.

2.5 Methods of Data Analysis and Interpretation

After collecting the data, the next step was analyzing and interpreting through different qualitative data analysis methods. The data analysis began after transcribing the data into Amharic language and translating of the data in to English language and attempts have been made to keep the originality of the research. I analyzed and interpreted the data gathered through interviews and observation thematically based the objective of the article. I triangulated the primary data obtained through key informant interviews and systematic observations with the secondary data to maximize the reliability and validity of the findings.

3. Major feature of Indigenous conflict resolution mechanisms

3.1 Structure of Indigenous conflict resolution mechanisms

Indigenous conflict resolution mechanisms are locally organized institutions working according to the custom and norms of given society and works according to the specific culture of particular community (Murithi, 2008). One of the features of indigenous conflict resolution mechanism in Ethiopia is each indigenous institution or mechanism has its own distinct structure of conflict resolution, which dictates how various forms of conflicts should be resolved. Ambaye (2008), in his study of Sidama ethnic group indigenous conflict resolution mechanism of Southern Ethiopia, indicates four level of Sidama *Songo*, *Mini songo*, *Nafaru songo*, *Ayadu songo* and *Woma songo*. According to these four structures of Sidama council, a case that does not get decision at a primary council passes to the next council and *Omo songo* is the final decision making structure.

Girma (2009), showed the hierarchical nature of the court system in his study of indigenous conflict resolution mechanism, *Qalluu* of Toraan Kutaa`e Oromo ethnic group. According to his study the *Qalluu* of Toraan Kutaa`e Oromo has two courts, *Yaa`aa yabboo* (yaboo assembly) which deals with non-religious conflict and *Galma ayyana* court which deals with religious related issues.

Wubeyed (2010), in his MA thesis on Indigenous Conflict Resolution Mechanism of Enner Gurage of Southern Ethiopia, identified five structures of conflict resolution in Enner Gurage. These are *Ye sera dana*, *Ye mura gengne dana*, *Ye tib dana*, *shengo* and *Yejoka*. *Yejoka* is the highest authority and provided binding and unappealable decision not only in the Ennor Gurage , but all over the Sebat bet Gurage. According to Daniel (2016) the Libido Mareko ethnic group`s indigenous conflict resolution institution Maaga has five structures namely *Minan woran jaana* (family congregation), *Hegeegan janna*, (intra- and inter-village structure), *Nihuss-gossa* (sub-clan), *Gichchotan hafa* (clan structure) and *Meexe hafa/libidan dummichcha* (Libido-Mareko assembly).

3.2 Values and Principles of Indigenous Conflict Resolution Mechanisms

The main value of indigenous conflict resolution mechanisms is they work according to the value of not to punish the rather emphasize at reparation of damage. The aim of the indigenous conflict resolution is not punishing the wrongdoer; rather it is directed toward the restoration of former relationships between disputants. In doing so, finding truth, *Hallale* (I in Sidama), *Ewnet* (in Amharic), *Tumma* (in Walayita), and *Dhugga* (in Oromiffa), opens up the door for the resolution of conflicts. In this regard the parties consent and mutual agreement takes precedence over imposed outcomes and fundamental to improve and restore conflict peacefully (Tarekegn, 2008).

Indigenous conflict resolution mechanisms have pre-existing values and rules, forgiving one another. Indigenous conflict resolution mechanisms urge parties to abandon their old feuds and live amicably in tolerance (Mwagira, 1999). Since the process is geared toward the future, opportunities are provided for remorse, forgiveness, and reconciliation for the restoration of social harmony of the community in general and social relationships between conflicting parties in particular. Kelemework and Mitiku (2005) in Afar ethnic group , Mellese (2008) in Wellayeta ethnic group, Daniel (2016) in Libido-Mareko ethnic group and Girma (2009) in Arsi Oromo ethnic group, indicated that the forgiveness processes are accompanied by certain ritual ceremonies which involve slaughtering of animals to symbolize bitterness between the disputants are buried.

The indigenous conflict resolution mechanisms in general are centered on the values of truth, justice, forgiveness, reconciliation, addressing the affected relationship, voluntary participation and give more emphasis for personal change above complaint behavior.

3.3 Reconciliation and Rituals

In most of indigenous conflict resolution mechanisms the conflict resolution is accompanied by ritual symbol of reconciliation. This ritual of various kinds shows the final outcome and tries to create new and revitalized relationship among the conflict parties. It also tends to heal guilty mindsets of the parties.

Ambaye (2008) in sidama ethnic group, Mellese (2008) in wolayeta ethnic group, Kelemework (2000) in Ab`ala of Afar ethnic group, noted how ritual performance at the end of conflict resolution has significant symbol mainly at homicide case. The ritual process in conflict resolution is made with the belief to further strengthen the terms of reconciliation and to limit its reoccurrence. The ritual performance implies the successful completion of the reconciliation and symbolizes the integration of the wrongdoer with the wronged.

Daniel (2016) note the final stage of the libido-mareko ethnic group indigenous conflict resolution institution, *Hemecha guda*, for homicide case, involve various ritual activity. This stage is full of ritual performance in which the slayer and his/her family are reconciled with the relatives of the bereaved, and integrate the slayer with the community because claiming life in Libido- Mareko is a high crime. It is the first face-to-face meeting of the two conflicting parties



Photo: (Libido-Mareko ethnic group) Heemecha gudda ritual ceremony, the slayer confesses about the conflict while bowel is tied to the toe of slayer and deceased's family.

since the onset of the conflict. This ritual ceremony began by slaughtering black goat, *heemecha* and takes bowel out of the goat and put at the toe of the slayer and the deceased's close family. During this time, the slayer is expected to speak the truth and whatever he/she said during this time is taken as truth.

2.4 Enforcement Mechanisms

Many of indigenous conflict resolution mechanisms in Ethiopia do not have written law and well organized structure in resolving conflict and to enforce its decision. This makes indigenous conflict resolution mechanism to highly dependent on consents of the disputant and custom, norm, spiritual belief of the community for the execution of its decision.

Study of Alula and Getachew(2008) demonstrated that the use of religious value and faith of the society in enforcing the decision of indigenous conflict resolution mechanisms are prevalent in many communities. Tarekegn and Hanna (2008) and Mellese (2008) also showed that many institutions use oath, blessing, cursing and many spiritual mechanisms to prove and accept the decision by the conflicting parties. In addition to these stigma and ostracism are also used as enforcement mechanisms in addressing conflicts in the community

2.5 Actors in Conflict Resolution Process

Indigenous conflict resolution mechanism involves various actors in the conflict resolution process. According to Alula and Getachew (2008), in many parts of Ethiopia, the lineage system often involves in dispute resolution. In their study of indigenous conflict resolution mechanisms of Afar, Gamo and Borena, observed that the clan members or the head of the clan are often involved in conflict resolution.

Most of indigenous conflict resolution mechanisms in Ethiopia, aimed at resolving conflict, can be attained by all interested individuals. The actors participated in conflict resolution process in indigenous conflict resolution mechanisms can be divided into three types. These are the conflicting parties (plaintiff and defendant), conflict resolver (elders) and the crowd. The crowd consists of any interested persons or sympathizer of disputants. These actors in a conflict resolution process have their own duty and rights (Mellese, 2008, Daniel 2016, Kelemework 2005, Ambaye 2008) .

The defendant and plaintiff collectively make up the parties in the conflict. The conflicting parties are the main actor in the resolution process because, the existence of the system depends on the presence of conflicting parties, who bring their cases in search of justice. If conflicting parties were not there, it would not be possible to have the system of indigenous conflict resolution. The disputants' familiarities with the indigenous system, their trust on the elders, time and cost effectiveness of the indigenous system are some of the reasons behind the local people's persistence preference of the indigenous conflict resolution institution. Participants in the conflict resolution may be relatives, friends, and/or neighbors of the parties in the conflict or any passerby can also attain the conflict resolution process. In most case these participants have the right to participant in discussing the case. However, they do not have a role in decision-making.

The main actors involved in the conflict resolution process as mediator are elders and clan leaders. Horowitz (2007) wrote as, it is crucial for a mediator to be trusted by the parties to a conflict, and in order to achieve that, he/she must be an upright and honorable person, who shows will and determination to help the parties in conflict. In this regard, conflict resolvers, are selected based on their good reputation, wisdom, exemplary deed, experiences, patience, commitment, talent in delivering just decisions, well versed in traditional law and other calibers. Tarekegn (2008) also noted that in many communities elders who are respected and accepted in their community by their wisdom, experience, moral standard, knowledge of the custom of the community, their ability to analyze and advise disputants, and being character of patient, impartial, incorruptible and respectful of diversity are selected in the conflict resolution process as conflict resolvers. Due to the above qualities of the conflict resolvers, they are highly trusted and respected by the wider society. As a result, conflict resolvers are effective in maintaining peace and resolving conflicts.

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