

# Indigenous Conflict Management Practices in Ethiopia: Prospects, Challenges and Lessons Learnt

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**Abstract:** This paper aims at examining the practices of indigenous conflict management institutions in Ethiopia, specifically the Gadaa, Gereb and Mad'aa institutions. These three institutions are among the well-known indigenous conflict management institutions practiced in Oromia, Afar and Wejerat (Tigray) areas respectively. As the findings illustrated, in Ethiopia conflict resolution via customary institutions remains both problematic and an opportunity for most of the societies. Now days, indigenous values, beliefs and, norms which provided the normative and guiding frameworks for indigenous conflict management institutions are challenged and overlooked to some degree. Accordingly, the author plainly outlined some of the prospects, challenges and lessons learnt in the search for a solution to the communal and ethnic conflicts. Despite the pervasiveness of challenges, the institutions are in use and this resilience exemplifies that the institutions are still occupy a vital role in dispute management process. Furthermore, the study also showed that Gadaa, Mad'aa and Gereb institutions are with a long history by which the people of Oromo, Afar and Wejerat(Tigray) have been governing themselves in a self-ruled way and ensured numerous values and philosophies in the living ways of their people. Finally based on the findings of the study, recommendations were made as to how to address the challenges that the institutions are currently experiencing.

**Index Terms** -Conflict Management, Ethiopia, Gadaa, Gereb, Mad'aa

## INTRODUCTION

Conflict is universal in all humanities. It is a phenomenon that is unavoidable in all human society due to variances in interests, values, goals, and aims among societies. Most disputes arise in the basic units of society such as within families, clans, villages, locations or other small units. In view of this, Teshome (2004) argued that Conflict is common phenomenon among human beings. Groups and individuals experienced it in their day-to-day life while they interacting. In the same way, Offiong (1997) argued that conflict is an inborn and universal element of human society, from the dyad to the largest human group. There is no human group or society in which life moves along in harmony at all times. Individuals do not always do what society expects them to do and they frequently behave in ways that disrupt the social order. Every society is aware of the consequences of unsettled conflicts. Consequently, every human group has developed informal and formal mechanisms to bring about conflict resolution. Conflict is inevitable as long as human relations exist in any community. Its sources are numerous interests, prejudices, need and ambition". Ways of its management may be varied from place to place, from society to society, from country to country, from continent to continent etc based on the nature and causes of conflicts. It may be based on its simplicity and complexity (Jemal Sano, 2012).

In effect, in Ethiopia, many indigenous conflict management institutions have been developed and employed by the society since ancient time. Amongst most Ethiopian societies there are institutions that are in place for the management of conflicts and for averting their intensification into violence, thus threatening the social fabric. Customary (indigenous) institutions headed by community elders are the crucial institutions for conflict management in most of Ethiopian societies. In favor of this, Ambaye (2008) argued that Ethiopia is reputed as the "Museum of people" where more than 80 ethnic groups live, has plenty of these vital peace-making institutions. Nevertheless, the issue of conflict and its indigenous resolution mechanisms is not fully known and researched. There are traditional mechanisms of conflict resolution, which are most often ignored or abandoned with the rise of "modernity". Similarly, as to Ephraim cited in Tarekegn (2008), in Ethiopia, indigenous conflict management has been a part of our culture since time immemorial and spiritually-guided mediation run deep in to the Ethiopian history. The institutions use their traditional mechanisms to deal with conflict which are both inter-ethnic and intra-ethnic in nature.

Despite their long term services for the public, in Ethiopia, indigenous conflict management institutions and their leaders are facing numerous challenges. More specifically, the attitude of the new educated generation has an adverse effect on the

services of traditional mechanisms of justice and reconciliation. The over-dependency on illiterate elders for settling of conflicts is becoming a challenge in the real implementations of the institutions. Moreover, currently, there seems to be serious shortage of community elders who are fully knowledgeable about the ways of their communities. In the long run the institutions could face the chance of disappearing completely. Likewise, the nonexistence of a clear, uniform and inclusive national framework for coordinating all the processes of the institutions makes their services of ineffective. Accordingly, the major purpose of this study is, thus, to examine the practice of Gadaa, Mad'aa and Gereb institutions in Ethiopia with particular emphasis on their prospects, challenges and lessons learnt.

### OBJECTIVES OF THE STUDY

The general objective of this study was to examine the practices of Gadaa, Mad'aa and Gereb institutions. Specifically, this study attempted to:

- ✓ Assess the experiences (practices) of Gadaa, Mad'aa and Gereb institutions.
- ✓ Examine the prospects of Gadaa, Mad'aa and Gereb institutions.
- ✓ Investigate the challenges and lessons learnt from Gadaa, Mad'aa and Gereb institutions.
- ✓ Suggest recommendations on how to address the challenges facing Gadaa, Mad'aa and Gereb institutions.

### CONFLICT MANAGEMENT PRACTICES AMONG GADAA, MAD'AA AND GERE B INSTITUTIONS

Ethiopia, like most African nations has a multicultural legal system. The legal system has recognized indigenous laws, based on customs, values and practices of the people to be used in customary courts. Indigenous conflict management institutions in Ethiopia are usually thoroughly bound with socio-cultural and historical realities of the people. As opposed to the formal courts, the mediators in customary courts are not trained personnel's. Besides, there is no legal documentation of proceedings and the hearing process follows by the homegrown customs, values, and beliefs of a particular ethnic group/community. Thus, the present section is set out to describe some indigenous conflict management institutions experienced in Ethiopia. It also aims at discussing their conflict management methods and procedures they employed.

#### The Gadaa System

Conventionally, conflicts among the Oromo people are mostly managed by an egalitarian system of governance called Gadaa system. The term Gadaa has no single and universally accepted definition. As to Tsegaye cited in Zelalem (2012) the etymology of Gadaa is derived from the combination of two archaic terms: ka and aada. He states Ka means God (Uumaa or creator), and aada, in this sense refers to norms together it would mean norms of God." Besides, the term Gadaa has been defined in differently by different disciplines .For example, according to Tadesse (2004), Gadaa is considered by social-anthropologists as an age grade that divides the stage of lives of individuals from childhood to old age into a series of formal stages." From chronological perspective, Gadaa refers to a period of eight years during which a Gadaa class stays in power (Asmarom 1973). In this respect, it refers to the sixth Gadaa grade through which every Gadaa classes have to pass once every forty years. If this assertion is taken, it then indicates the sixth Gadaa grade that is also used to refer Gadaa institution. Similarly, As Desalegn et,al (2005) put it, Gadaa is a system of social institute based on age-grade classes of the male population that succeed each other every 8 years in assuming economic, political, military and social responsibilities. A complete gadaa cycle consists of five or six age-grades, excluding those stages following *luba*. " The Gadaa comprises of a series of elaborate rules and regulations and a number of Gadaa officials are selected every eight years to act as arbitrators, law makers and ritual leaders.

In the *gadaa* system there are different responsibilities given. The *gadaa* leaders are elected on the basis of wisdom, bravery, health and physical fitness (Workneh, 2001). According to *Gadaa system*, those people who have entered the *Luba* grade (individuals in the expected age range of 40-48) are considered to be elders. Therefore, the *Lubas* (elders) settle disputes among groups and individuals and apply the laws dealing with the distribution of resources, criminal fines and punishment, protection of property, theft, etc.(Desalegn et al,2005). Following *Luba*, men automatically retire from *Gadaa* and move into an advisory role known as *Yuba*. By then they receive a great deal of respect, as wise experienced authorities and repositories of law, but their decisions are no longer final as they had been. They turn the bulk of their attention to private family businesses or religious activities while their sons enter *Gadaa*, the public service. Furthermore, Desalegn explains the officials and the duties of the Gadaa as follows:

- ❖ Abbaa bokkuu or abbaa gadaa – president.
- ❖ Abbaa bokkuu I – vice-president.
- ❖ Abbaa bokkuu II – vice-president.
- ❖ Abbaa caffee – chairman of the assembly (caffee).
- ❖ Abbaa dubbii – speaker who presents the Decision of the presidium to the assembly.
- ❖ Abbaa seeraa – memorizer of the laws and results of the assembly deliberations.

- ❖ Abbaa alangaa – judge who executes decisions.
- ❖ Abbaa duulaa – in charge of the army.
- ❖ Abbaa sa'aa – in charge of the economy.

There are contradictory views amongst researchers on the functions of *Gadaa* institutions. For Legesse (1973, the *Gadaa* undertakes military, political, economic, and ritual responsibilities in the leadership of the Oromo society. In contrast, others view the *Gadaa* as less politically relevant, playing ritualistic roles only (Hinnant, 1978). Among Oromo people, *Gadaa* system plays a vital role in uniting clans, stimulating peace, and intermediating between human and heavenly worlds. In view of this, Desalegn, et al, (2005) argued that according to *Gadaa* principles, those male community members who have entered the *Luba* grade (individuals in the expected age range of 40-48) are considered to be elders. As a result; they are likely to have a good role in the system. They settle disputes among groups and individuals and apply the laws dealing with the distribution of resources, criminal fines and punishment, protection of property, theft, etc. According to Muradu and Gebreyesus (2009), clansmen are supposed to settle their conflicts cordially at clan gatherings. Household heads can take part and forward their views. Nevertheless, age, knowledge and the ability to speak in public are valued. Verdicts are taken by agreement, and reference is always made to the body of customary law called *Aadaa Borana*. Verdicts and fines are made by councils or assemblies. If a consensus decision is impossible, or disputants do not accept the verdict, then the case can be passed to a clan assembly, *Kora Gossa*. If the matter is not settled here, it goes to the highest level. Moreover, Dinsa (1975) put it, among the Oromo criminal and civil crimes are punishable as per the principles of the *Sera caffee* (the law passed by the general assembly that serves as a legislative body). Depending on the severity of the crimes, the penalties include death penalty; payment of blood price with or without a reconciliation ceremony; exile; segregation from association and involvement in the communal socio-economic events; physical punishment; denunciation of the wrongdoer; and asking for confessions. Dinsa, further claimed that in the *Gadaa* legal system, the death penalty is the highest form of penalty and would be enforced only in case of murder of parents by their children; homicide committed by a wrongdoer after a peace-settlement ceremony was concluded; intentional homicide of a pregnant woman; murder after a kinsman who refuses to participate in the payment of the blood-price and recommends death penalty on the wrongdoer; and homicide where peace-settlement negotiation fails.

In general, *Gadaa* system is a very multifaceted and deeply interlinked system which oversees all the matters of the whole Oromos. It guides the political, religious and socio-economic aspects of the Oromo peoples since the time of immemorial. Although when and where *Gadaa* system was initiated is not exactly known; it is firm beyond any realistic doubt that *Gadaa* system was created and cultivated by and among the Oromo peoples for centuries.

#### **Mad'aa Institution**

Like other Ethiopian communities, Afar people has well known indigenous conflict management institution called *Mad'aa*. The institution is headed by an assembly of elders called *Mekabon*. The people of Afar believed that all members of Afar community/ethnic group should be governed by the same tradition or custom (*Ada*) regardless of their clan membership, area of dwelling or political affiliation. *Mad'aa* institution and its traditional practices followed from the time of Hamadu Sirat, whom informants identified as their apical ancestor and the father of all Afar in the area (Kelemework, 2011). Among the people of Afar, the *mada'a* institution (indigenous law principles) governs human relationships and protection of animals. It is led by unwritten laws or principles communicated orally from old generation to the new generation. According to the cultural practice of Afar people, the laws (principles) followed by the people are two types in nature. These are conflict management practices applied within the Afar Ethnic group and practices used to settle disputes with outsiders. While the former law is called *Afare* and the latter is also named *Adanle*. According to Hassen (2014), contents of the Afar *mada'a* law disclosed that unlawful acts are categorized generally into three types. The first category consists of: *eido* (crime on life); *aymissiya* (crime on body, such as body damage); *rado* (crime on property); *sammo* (crime associated with infidelity); and *Oaffu* (crime of insult). The second group comprises of crimes committed using hands, for example - murder, beating, robbery, theft, arson; crimes committed using legs, for example - taking some body to crime; crimes committed by reproduction organs, for example - attempting or having a sexual intercourse with a girl who one does not have a love relationship with; insults and disparaging and humiliation etc. The third classification relates to the nature and gravities of the offence such as *amidi or gorhi* (intentional murder), organized theft, rape, etc which are considered grave crimes. In general, the Afar people have a solid sense of admiration to the renowned customary rules and guidelines that derived from their ancestors. When misbehavior is noticed reference is speedily made to such unwritten indigenous laws the basis of which is the normative framework and values systems deep-rooted in their custom from time immemorial. One such essential norm is respect for elderly personalities in the corresponding settlements. Elders are supposed to have

the wisdom and insightful thought stored over long period of time. According to the viewpoints of Afar people, wrongdoing is not the concern of a single person; rather it is a collective responsibility of clan members. More precisely, when criminality is committed the responsibility directly goes to the clan members of wrongdoer rather than the single person who committed the offense. As soon as a conflict case is reported to community elders, it is culturally unlawful for the victim family to take revenge or further their interests by force. What is more, EJLRI (2001) argued that although the real criminal is not known, it is not problematic to find a responsible body as if the place of commission is known, the clan members existing at that particular place is made accountable for the offense and they are also responsible to detect the actual offender, or else the clan and its members takes the responsibility.

As far as the judicial procedure of Mad'aa is concerned; it has its own specific rules and procedures to follow. Afar community elders claimed that conflict management commenced under a shady tree. During the gathering, Mekabon (judges), disputants and witness are supposed to sit in a circle to hear the issue under discussion. With regard to the number of Makabon (judges) is not fixed or pre-determined. Rather it is determined based on the nature and gravity of the crime under discussion. The number of Mekabon (judges) could vary from two to ten. In general, the customary practices of Afar people are endowed to settle conflicts that arise with in family, between neighbors, within clan and between clans. Likewise, as Kelemework (2004) put it, in an inter-clan conflict, the processes to follow are well well-known. An example of how inter-clan conflicts are managed at the community level is specified below: In cases of inter-clan murder, the judges (*Mekabon*) call upon the leaders of the respective clans as soon as the identities of both the slayer and the deceased are known. The judges (*Mekabon*) are often drawn from clans other than those involved in the conflict. Usually, the *Mekabons* are composed of leaders of the *Damohita* and *Seka* Clans.

It was also stated that if one admits that he/she killed someone a cleaning ritual is usually accompanied by elders to deter recurrence. As to the belief of Afar people, the ritual practice involves the slaughtering of a Caw or Camel as sacrifices. Culturally, this process perceived as a prerequisite for the inauguration of the actual conflict settlement procedures. Afar people claimed that the slain would not be buried before sacrificing of the animal. Usually, after the settlement of the case the offenders' clan is obliged to pay compensation to the victim family/clan. In principle, the Afar people believed that all compensation expenses are fixed by customary law. Nevertheless, in practice the payments are negotiable. For instance, according to Mad'aa customary law, the payment for homicide case is 100 heads of camel; however following negotiation among the disputants via community elders, actually payment could be reduced by half. In sum, management of conflicts by elders thus offers an alternative institution that is wholesome and responsive to the living conditions of Afar people.

### **The Gereb Institution**

Among the Wejerat people, indigenous dispute resolution institutions run parallel to the formal justice system. Customary dispute management among Wejerat society is based on the norms and values of the people. In the land of Wejerat there are different institutions endowed to handle various forms of conflicts. At the lower family levels there is "Demer institution (reconciliation through assembly of relatives), the other institution is Debarde (reconciliation through the use of women assembly), the third and the focus of the present study is Gereb institution (reconciliation through the use of council of elders (Abo-gerebs). As stated above, despite the presence of the above listed institutions, in this study Gereb institution which is headed by council of elders (Abo-gerebs) is going to be treated thoroughly. As Abera (2009) put it, the word "Gereb" is a gathering of individuals mostly elders who are in charge to regulate conflicts mainly between ethnic groups and rarely among the Wajjarat *Kebeles*.

According to Degafi (2001), *Gereb* has a long history in the land of Wejerat. Its beginning is related to a form of public struggle towards equality and self-rule from time immemorial. Nevertheless, the exact time about *Gereb* expansion to include neighboring communities is not found in literature. In the same vein, Kelemework, (2006) affirmed that the realization of this institution almost dates back about 10 centuries. This is more enlightened as follows: The Wajjarat Gereb was established 90 years ago to compete against Government dominances and as a reaction to the then existed dictatorial rule and bad governance. It initially came in the form of public struggle towards democracy and self-administration. The boarder districts such as Enderta and Samre also used the Wajjarat Gereb dispute resolution system. The *gereb* is customary institution that encompasses *abo-gerebs* dedicated to the overall societal duties as local court of administration. *Abo-gerebs* are a gathering of elders who run the *gereb* institution to manage an inter-communal or interethnic conflict as peace makers. Thus, *Gereb* has been one of the most fruitful indigenous courts in managing interethnic conflict between the Wejerat and the Afar people (Abraha 2011).The time-proved self-governance of *Wejerat* community became a model for other nearby communities to follow the same path. It was a symbol of reaction to the existing undemocratic rule and bad governance (Abera, 2009).Furthermore, Abera listed out the main Articles of Gereb institution as follows:

- Women should have equal right as men, Don't believe in Emperor Haile Selassie and other Governments as God,

- Stop theft and raid
- Every adult citizen of our locality should be ready to struggle against any external enemy
- The 20 Kebeles (Wejjerat) should be governed by its Gereb
- Gereb is our identity for our next liberty struggle etc.

In Wejerat, Gereb members are nominated by the whole adult men inhabitants of the locality filled by election with the main responsibility of reestablishing law and order among the disputants. The Gereb develops its own rules and principles which serve as *Sirit* (traditional law) to its localities. It is not fixed. When needed, it could be improved with full justification by the *Gereb* members. The Gereb institution preserves mutual benefits of the disputants. The institution embraces representatives of the two ethnic groups for whom the society refers to “Abo-gerebs”. The criteria for election of Abo-gerebs are based on the social acceptance, patience, past experience, and neutral and impartial stand of individuals in making wise decisions (Abrha, 2011). Among Wejerat community, the Gereb institution has a key role in conflict management. It settles conflicts which arise in any cultural, social, and economic affairs. For example, it intervenes in murder, theft, and cases of physical damage.

In relation to sever crimes such as murder, the wrongdoer undergoes a cleansing ritual before reintegration of the two communities. When the disputes are interethnic, the central devices used to manage conflicts by Abo-gerebs are negotiation and remuneration. The inhabitants in the Wejerat and neighboring communities’ prefer conflict management by Abo-gerebs as it is free and reachable to most people. Besides, all decisions passed by Abo-gerebs are practical and binding. In general, *Abo-gerebs* are mediators that settle inter-ethnic disputes in time, with less cost and more triumph at least in recovering the status quo. Abo-gerebs are real legislatures and regulators for the values and norms of the society so as to preserve peace and minimize conflict.

Decisions by Abo-gerebs are easily obeyed with due to strong communal ties and commitment to customary values and norms. Abo-gerebs are also able to address all the sources of the commitment. Despite this fact, due to the effect of globalization; younger educated people are becoming leaders affecting indigenous dispute resolution institutions negatively.

### **PROSPECTS, CHALLENGES AND LESSONS LEARNT**

Indigenous institutions and their practices need to bring social synchronization to their societies, and to this end they employ numerous methods and strategies some of which have been attempted in the search for a solution to conflict observed in Oromia, Afar and Wejerat (Tigrai). The institutions have provided valuable lessons in efforts to pursue peace and reconciliation. In effect, this section summarizes the author’s own outlooks on the prospects, challenges, lessons learn of the indigenous institutions in relation to their applicability to manage conflict in their respective communities and their possible adaptation to other conflict situations nationally.

#### **Prospects**

In the course of conflict management, it is essential that indigenous institutions able to adapt themselves to the modern context in order to take part fully in the process of resolution and partnership of peace building, while taking into account the specificities of the social, political, economic and security context of a given society. In this regard, the stated indigenous institutions shared the following prospects:

- ❖ Indigenous institutions headed by elders are in place based on the old-aged and time-proved cultural beliefs, values, norms, and processes that are agreed and acknowledged by most of community members. In effect, people are able to abide by and act in accordance with their decisions.
- ❖ Unvaryingly, Gadaa, Mad'aa and Gereb justice institutions works for the rebuilding of social values, norms, and belief systems which provide the opportunities to correct social ills in their respective communities.
- ❖ The homegrown indigenous practices and institutions gave the communities in general and judges (community elders) in particular a sense of identity and proudness which can be built on to follow more positive social practices and development objectives.
- ❖ The indigenous institutions practiced by Gadaa, Mad'aa and Gereb institutions have the capacity of restoring the relationships and rebuilds mutual trust among disputants. In their long term practice, returning interpersonal, intergroup or intercommunity interactions and reuniting criminals into their communities are the vital objectives of the institutions.
- ❖ Moreover, Gadaa, Mad'aa and Gereb institutions and their hearing justice procedures are essentially unpaid and volunteer and there are no payments for the mediators, as oppose to the overpriced legal remuneration paid to law advocates in the formal justice system. Its application is therefore potentially reasonable.

### Challenges and Lessons Learnt

Despite the above stated prospects, Gadaa, Mad'aa and Gereb institutions are also experiencing numerous challenges. Thus, under this section the major challenges and lessons learnt were presented as follows.

- ❖ Indigenous institutions are dependent heavily on the input of the elders' knowledge and experience in conflict management. Conversely, as community elders are not easily convenient, the communities might be forced to suspend the practice of traditional justice process and look for other options.
- ❖ The other key challenge of conflict management by elders or any form of indigenous justice system is the negative attitude they receive from the young and educated section of the society.
- ❖ The objectivity or partiality of the decisions given by the customary institutions is highly dependent on the skill and ability of the mediators. In case if a weak arbitrator is chosen then the desired outcome/fair decision/ may not be realized.
- ❖ Besides, globalization has its fair share of undesirable impacts on indigenous institutions. In effect, large number of people is addressing their cases via the modern legal system.

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

The aim of this study was to examine the practices, prospects and challenges of Gadaa, Mad'aa and Gereb institutions. Thus, in view of the findings the following conclusions were made.

- ❖ Gadaa, Mad'aa and Gereb institutions are with a long history by which the people of Oromo, Afar and Wejerat(Tigray) have been governing themselves in a self-ruled way and ensured numerous values and philosophies in the living ways of their people.
- ❖ Like other indigenous institutions, Gadaa, Mad'aa and Gereb are also experiencing numerous challenges.
- ❖ The indigenous leadership of Gadaa, Mad'aa and Gereb institutions emphasis on peace building process that can guarantee security of the public.
- ❖ In Gadaa, Mad'aa and Gereb institutions; conflict management mechanisms are deep-rooted in the custom of their respective society whereby aged people are full-fledged to accomplish issues of reconciliation process and pass binding decisions.
- ❖ Despite all these internal and external challenges, ups and downs in different scenarios, the institutions are functional to date in their respective areas (people).

#### Recommendations

Based on the stated findings, the following recommendations were made:

- ❖ The indigenous practices and customary laws should be incorporated into formal education system to boost the admiration and regard for our cultural values. Most indigenous customs and practices are neither inscribed nor codified since they are passed from generations to generations orally.
- ❖ There is a national need to launch a clear legal and policy framework for the use of indigenous dispute resolution institutions. In this sense, we can learn from the challenges and benefits of the Black Administration Act in South Africa.
- ❖ Moreover, some conferences need to be held concerning the opportunities and challenges that indigenous institutions are facing. Such kind of seminars on the indigenous conflict resolutions institutions could fill the gap and boost the applicability of the institutions.
- ❖ By and large, this study has made effort to examine the practices, challenges and lessons learnt from Gadaa, Mad'aa and Gereb institutions. However, further nationwide study should be made by those who are passionate in this area of study.

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