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Indigenous Conflict Resolution Mechanisms and their Effectiveness in Contemporary Ethiopia: The Case of Gechuma of the Gedeo People

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ABSTRACT

In contemporary Ethiopia and across Africa, the effectiveness of indigenous conflict resolution mechanisms is facing unprecedented challenges due to globalization, modernity, and the decentralization of state power. These have all contributed to a changing landscape where indigenous conflict resolution practices and rituals are being put to the test. This study focuses on the effectiveness of indigenous conflict resolution institutions in contemporary Ethiopia by taking the case of Gechuma of the Gedeo community in Gedeb Woreda, Gedeo Zone. The research answered the following questions: What are the practices of Gechuma in handling conflicts within the Gedeo community? How effective is Gechuma today as an indigenous conflict resolution institution? And what are the major factors influencing Gechuma's ability to resolve conflicts? Qualitative research methods were employed, including interviews with knowledgeable elders, community members, experts from the Culture and Tourism office, and the Woreda Court. Additionally, observation, focused group discussions, and literature reviews were conducted to collect evidences. The study findings indicate that Gedeo people resolve conflicts by indigenous conflict resolution known as Gechuma in the local setting. The finding also reveals that Gechuma institution is effective in fact-finding and resolving conflicts within shorter period of time and durably between conflicting parties in the local setting. It is widely applied in the study area due to its effectiveness in conflict resolution. Gechuma procedures are characterized by trust and inclusivity for conflicting parties and community members. However, several factors affect the effectiveness of Gechuma. These include a lack of codification and documentation, disobedience for indigenous conflict resolution rituals and practices among the youth, gender inequality within the system, political interference, and the influence of modern religion. To enhance the effectiveness of Gechuma, this study recommends several interventions. Firstly, it calls for supporting the documentation of Gechuma, recognizing its importance and preserving its knowledge for future generations. Secondly, efforts should be made to make Gechuma a gender-inclusive institution, ensuring equal participation and representation. Thirdly, awareness programs should be implemented to educate younger generations and religious leaders about the value and importance of indigenous conflict resolution institutions. Additionally, political and governmental intrusion into the system should be reduced to maintain its autonomy and integrity.

Key words: Effectiveness, Gechuma, Gedeo, Conflict, Indigenous Conflict Resolution, Elders

INTRODUCTION

Ethiopia is a country which is home to more than 80 ethnic groups and all of them have developed their own indigenous mechanisms of conflict resolution which is time tested and proved of its use. Indigenous conflict resolution mechanisms of Ethiopia are different from one ethnic group to another, culture to culture and region to region and not identical in application all over the country (Tsega 2014). Examples of such institutions include *Jarsumma* of Oromo, *Gondoro*, *Guma*, *Michu*, *Luba Basa*, *Shimgilinna*, *Maaga*, and *Baliq* of Gurage to mention a few. However, according to my literature review (Desalegn et al. 2005; Assefa 2005; Mamo 2008; Pankhurst Alula and Getachew Assefa 2008; Gumi 2016; Dejene 2007; Tsega 2014; Dessalegn 2022; Kelemework (2006); Netsanet (2006); Mellese 2008; Daniel 2016; Tadesse 2002; Asebe 2007; Girum 2014; Dagne 2013; Nigussie





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2018; Getachew 2018; Desalegn 2019) previous studies are preoccupied with the study of role of the institutions, documentation of the institutions and relationship between the formal courts and indigenous conflict resolutions mechanisms. They have not addressed enough to what extent they remain effective and factors that these institutions are facing today. It is therefore important to understand the current status of these institutions and devise mechanisms for their enhanced and effective participation. By focusing on the case of Gedeb Worada in the Gedeo Zone, therefore, this research provided the brief description of the Gechuma institution, discusses its effectiveness, and identifies the factors affecting the effectiveness of the institution from the period between 2018 and 2023. During this time, the community used the institution effectively and in an acceptable way. The paper presents a locally specific case study with suggestions to make Gechuma institutions more effective by remedying the factors that are limiting their effective functioning.

But before going to the next section, it is crucial to differentiate between "disputes" and "conflicts" as some people often use them interchangeably to set clear ground for the readers. Burton (1990) distinguishes between a dispute and conflict, referring to the former as a short-term disagreement that can be resolved through negotiation, while the latter is long-term and centered around non-negotiable issues. In simpler terms, a conflict entails a prolonged and intense struggle, while a dispute can be resolved through discussion or mediation. This study sought to assess the efficacy of an indigenous conflict resolution institution (Gechuma) in resolving conflicts stemming from issues of identity, homicide, land boundaries, spouse issues, language, and more which takes prolonged time to resolve. Thus, the term conflict better explain it. I used conflict throughout the paper to maintain coherence.

It is essential to differentiate between conflict resolution, dispute resolution, conflict management and conflict transformation, as these terms are sometimes used synonymously despite their distinct meanings. Conflict resolution involves a problem-solving approach that goes beyond meeting the interests of the parties involved and delves into the root causes of the conflict. When a complete resolution appears unattainable, conflict management may be employed to control conflict for short term and render the ongoing conflict more productive and less harmful to all sides. Conflict transformation, on the other hand, aims to modify or transform the detrimental outcomes of a conflict such that self-images, relationships, and social structures are strengthened as a result, rather than harmed by it (Lederach 1995).

METHODOLOGY

A qualitative descriptive, explanatory and case study research technique is used to deeply examine the subject matter in its local setting. To meet the stated objectives and the research questions, primary data were gathered. Different kinds of qualitative data collection techniques such as interviewing culture experts, knowledgeable elders, field observation, and Focused Group Discussion were employed. Two types of interview were used during data collection: Key informant and in-depth interviews.

Guiding questions were used during both interviews to help the informants answer the research questions with regards to the effectiveness of Gechuma institution. The participants of key-informant interview were the Gedeo zone culture experts, Gedeb woreda culture experts and court president. In addition, in- depth interviews also held with knowledgeable elders and clients or user of Gechuma institution (i.e. plaintiff and defendant). In addition, three Focus Group Discussions each containing 8 participants were carried out. The first FGD participants were knowledgeable men elders, the second FGD participants were Women and the third FGD participants were Youth. The participants of the FGD have been drawn based on their knowledge of Gechuma institution, their age and sex. Generally, 5 key informant interview, 15 in-depth interview participants and 24 FGD participants were participated. Totally, 44 participants were contacted for data collection. They were purposely selected based up on their experience, expertise and knowledge of culture of the study area. The other method of data collection technique used in this research is non-participant observation. Ritual practices and procedures of reconciliation of *Gechuma* institution were observed and photos were also taken.

A purposive sampling technique was used. The research sites were purposely selected because the community of the area has rich culture of conflict resolution. Participants were also purposively selected depending on their experience, knowledge and expertise about the issue under study. The quality of data was assured by asking the same questions to different informants by making use of different methods of data collection.





The study was conducted in Gedeb Woreda of Gedeo Zone Southern Ethiopia. The area is inhabited by the indigenous Gedeo people who speak the Geedee'uffaa language, alongside Afan Oromo, Amharic, and English. The Gedeo people have their own cultural traditions, including the *Balle* system of governance, the *Dararo* festival, and the Songo institution for conducting indigenous rituals. The area experiences rainfall between 800 and 1800 mm and has a mean annual temperature varying from 12.5°C to 25°C. The livelihoods of the people in Gedeb Woreda are closely tied to their Indigenous Knowledge of agro-forestry-based self-sustaining land use systems, comprising various components, including coffee, ensete (false banana), indigenous trees, root crops, and shrubs. Additionally, barley, maize, and wheat cultivation and livestock rearing contribute to the local economy. The Woreda is also home to indigenous conflict resolution institutions such as *Gechuma* and Gondoro.

A Brief Description of Gechuma

According to the informants, Gechuma is an indigenous conflict resolution institution developed by the Gedeo people for reaching reconciliation. Epistemologically, Gechuma is derived from the term "Geedhee," which refers to the Gedeo version of elders. Geedhee is a group of gecho (elder). Gechuma is a council of elders that come together for conflict resolution.¹

In the Gedeo community, elders hold significant importance and are not ordinary individuals. To become elders of Gechuma reconciliation, there are selection criteria that the community has used for many years. These criteria include knowledge of Gedeo culture, familiarity with the Gaaffee system of the Gechuma institution, honesty, acceptance, and legitimacy within society.²

The Gechuma institution is the most respected indigenous forum for handling conflicts, ranging from simple disagreements to complex conflicts such as homicide within the Gedeo community. Among the Gedeo, the Gechuma institution is utilized to resolve conflicts between individuals, spouses, families, clans, and ethnic groups through the cooperation of Geedhee and Hayyicha at Songo village (the place where reconciliation is conducted). There are 525 songo in Gedeo zone and 43 songo in Gedeb woreda. The community resolves conflicts by Gechuma institution at this accessible area.³

Songo has a leader called the Hayyicha, who is highly respected, trustworthy, and knowledgeable in Gedeo culture, rules, and norms. The *Hayyicha* serves as the head of *Songo* in the study area. Conflict resolution and reconciliation is facilitated by the collaboration of Hayyicha and elders. The key difference between the elder and the Hayyicha is their power hierarchy within the Gada system. The Hayyicha is appointed by the new Abba Gada during Balle's transfer (power transfer from one out going Abba Gada to incoming Abba Gada and plays a role in community governance or administration for eight years.⁴

According to informants, there are specific criteria for selecting *Hayyicha* for conflict resolution within the Gechuma institution. The first criterion is being a member of a selected clan and possessing the divinity associated with that clan. The second and most important criterion is the conscientious ability of being and becoming "konona." To be konona means to uphold values such as honesty, truthfulness, and faithfulness. It also entails remaining impartial and making equitable decisions without favoring any particular party. It is essential that all elders within the Gechuma institution embody the qualities of being completely konona. In addition to these criteria, the *Hayyicha* involved in conflict resolution must undergo a honey-testing process. This process helps determine their knowledge of the community's culture and ensures that they are loyal, honesty and

¹ Informants: AtoTsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Hayyicha Degefe Edema, Hayyicha Getahun Alake and Hayyicha Wudo Edema (8 June 2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023) and Hayyicha Yosef Edema (14 June 2023)

² Informants: Hayyicha Getahun Alake and Hayyicha Wudo Edema (8 June 2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023); Hayyicha Yosef Edema (14 June 2023)

³ Informants: Supra note 3

⁴ Informants: Supra note 2





respected individuals within the community.⁵

On the other hand, an elder is a senior member of the community who possesses knowledge of resolving conflicts in the community. They are well-versed in the community's culture but do not possess the authority held by *Hayyicha* in the *Gada* system. While *Hayyicha* can effectively fulfill the role of elders in conflict resolution, it is not always possible for the reverse to occur. They have power difference under *Balle* system. For the consistency, the study used elders since it includes both *Hayyicha* and elders.

The *Gechuma* institution holds an indigenous view of eldership, where age and experience are regarded as essential criteria for being considered an elder. However, there seems to be a shift in this perspective among some participants, who suggest that anyone interested in resolving conflicts can be regarded as an elder, regardless of their age. This deviation from the indigenous conception of eldership among Gedeo may be contributing to the weakening of the *Gechuma* institution.⁶

According to the participants, one key components of the *Gechuma* institution is the *Gaaffee* system. *Gaaffee* is the indigenous communication rituals of the Gedeo people used in conflict resolution. It is believed that anyone from the Gedeo people, particularly men, should know the customary law of the people, called "*seera*" which is expressed through *Gaaffee* system. *Seera* is the indigenous law of the Gedeo people and is considered necessary to judge who is right or wrong based on evidence presented by the conflicting parties before the *Hayyicha*/elders. Through the *Gaaffee* indigenous communication ritual activity, both the abuser and the abused present their cases at a *Songo*, and sometimes in cases resolved at home. It is an indigenous communication which is a long process that the *Hayyicha* use during conflict resolution, enabling them to determine what is right or wrong. ⁷

It is through this system that they seek to uncover the truth and identify specific indigenous laws (*seera*) work for the specific conflict they are handling. The ability to conduct *Gaaffee* and identify specific *seera* for the conflict at hand is highly valued within the Gedeo community. Those who are unable to do so are often looked down upon, as they are believed to be incapable of effectively resolving family issues. In the *Gechuma* process, the elders identify the root cause of the conflict, determine the perpetrator and victim, and seek to find a suitable indigenous law (*seera*) to address the situation by *Gaaffee* system of communication.⁸

The *Gechuma* institution follows a specific process when a conflict is brought to it. The *hayyicha* reviews the case and advises the conflicting parties to select two *Geechee* (elders) from each side. These elders are chosen by their respective parties. In many instances, the Songo *Hayyicha* serves as the chairman of the *Gechuma* institution, overseeing the resolution process. The process is discussed as below.

The examination of the case by *Gechuma* follows four major phases. The first phase involves calling the defendant to *Songo*, where they will hear the case after it has been filed by the plaintiff. In the second phase, the accused presents him/herself at a *Gechuma* proceeding for the *Gechuma* hearing. Then, the plaintiff presents their case before the elders one after another.

Third phase is that the elders conduct the *Gaaffee* system to determine the truth and establish the appropriate *seera* (indigenous law) for all the cases filed by the plaintiff. During this phase, the plaintiff presents their case to the elders. In some cases of conflict resolution, it is possible for the accused individual to privately disclose their side of the story or address their concerns to a preferred elder. This can be done confidentially to ensure that the accused feels comfortable and safe in sharing their perspective. This approach allows the accused person

⁷ Informants: Supra note 6

⁵ Informants: Hayyicha Wudo Edema (8 June 2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023)

⁶ Informants: Supra note 6

⁸ Informants: Supra note 6

⁹ Informants: AtoTsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Hayyicha Degefe Edema, Hayyicha Getahun Alake and Hayyicha Wudo Edema (8 June 2023); Hayyicha Yosef Edema (14 June 2023), Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Shibiru Tuma (11 June 2023)



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to express themselves freely without fear of judgment or reprisal from others involved in the conflict resolution process. It can provide an opportunity for the accused to clarify any misunderstandings, present evidence, or assert their innocence in a more private setting. However, it's important to note that this confidentiality should not undermine the overall goal of achieving a fair and impartial resolution. The preferred elder who hears the plaintiff's side of the story privately should still consider and weigh all the available information when participating in the broader conflict resolution process with the other elders. Ultimately, the purpose of involving multiple elders in conflict resolution is to ensure a comprehensive examination of the situation and to make informed decisions collectively. While providing an opportunity for private disclosure can help gather additional insights, it's crucial to maintain transparency and fairness throughout the entire process.

To determine whether the accused has done wrong, the elders make the accused must look into the eyes of elders while holding songo grass and confirm their actions. According to the common belief among Gedeo people, the eyes of elders and the songo grass possess the spirit of Mageno (God). It is believed that if one lies while looking into their eyes and holding the grass, misfortunes such as death, loss of sight, deafness, etc., may befall them and their family. This fear of consequences often discourages people from lying.

If the accused admits to causing harm to the plaintiff, no further evidence or witness is required. However, if they deny committing the offense, the elders inquire if there are any witnesses provided by the plaintiff. In case there are witnesses, the elders proceed to question why the accused would betray something with witnesses present.

The elders do not hastily call witnesses because in the Gechuma institution, it is essential for the accused to testify about themselves while looking into the eyes of the elders. This gives the offender time to contemplate and respond. If the accused refuses to admit and requests the elders to hear the witness, the elders then identify the victim's witnesses and call the witness to songo.

According to the informants, the *Gechuma* process of the Gedeo people, two types of witnesses are considered. The first type is the accused themselves. The accused automatically become witness when the plaintiff states that his/her witness is the accused's "eyes, ears, and tongue"

The second type of witness is a personal witness who is called upon to testify for or against the plaintiff. These witnesses also testify truthfully for their own safety since providing false evidence can result in misfortune for the liars. Witnesses also make a pledge, known as kakoo by holding a sacred material called Kelecha and declare that their testimony is true by stating "we will neither turn our eyes nor deafen our ears to the truth." Witnesses are expected to testify only the truth. This declaration serves as a commitment to honesty and is made while observing the face of the elders. This shows that in the Gechuma process the elders do not consider evidence without fact but in formal court fact is not considered without evidence. 10

After this point, they proceed directly to the verdict. The elders then count all offenses and determine the appropriate seera for each offense separately. Based on the seera, elders make decisions for each offense. The decision should be based on the knowledge and interests of both parties. The decision should not be imposed, but rather should be mutually accepted by the disputants.

After reaching a decision, the next step is making the accused pay moral compensation called Mura to the victim. The elders impose the mura on the accused if the case is difficult only. In the case of minor offenses, no compensation is given to the accused.

The last phase is reconciliation and reintegration of the conflicting parties. It involves reaching a settlement by preparing a reconciliation ritual. Lastly, in case there are any disagreements between the families of the parties

¹⁰ Informants: Hayyicha Degefe Edema and Hayyicha Getahun Alake and Hayyicha Wudo Edema (8 June 2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023); Hayyicha Matiwos Bire (10 June 2023); Hayyicha Yosef Edema (14 June 2023).





involved, a reintegration phase takes place to ensure peaceful coexistence.¹¹

Failure to implement the decisions of the elders can result in punishment. The first punishment involves the perpetrator being repeatedly made to bring a large pot full of honey called Shokko Waabaa as a form of learning from their mistakes. If the perpetrator persists in causing problems, they may be sentenced to excommunication called Lagoo (social sanction) in Geede'uffaa, which includes severe consequences such as not receiving fire, not mixing cattle, not eating or drinking together, not burying family members, and not receiving help or relief in times of need. 12

In the Gechuma institution, among the Gedeo people, if one party is not satisfied with the decision given by one structure, they have the right to take their complaint to the other structure. This is known as Tugeta in Geede'uffaa which means taking an appeal.

The Structure and Major Actors of Gechuma

The informants said that the structure of *Gechuma* institution involves different levels or ranks, depending on the magnitude and intensity of the conflict. The major actors in this process are the Abba Gada, Jal'aba, Roga, Jalqaba, Hayyo/elders, the victim and the offender. Witnesses, families/relatives, and observers may also be present.¹³ According to the informants, the structure of *Gechuma* institution ranges from *Baredito* (family head) to Abba Gada (the highest rank).¹⁴

The structure of the institution is described below by the informants. The Abba Gada holds the highest position of authority and acts as the general leader of the Gedeo community, similar to a modern democratic president. The Abba Gada is responsible for overseeing the indigenous conflict resolution system which operates under the Ballee system¹⁵. There is also a deputy to the Abba Gada known as Jal'aba, who acts as a leader of the people next to the Abba Gada. Together with the Abba Gada, the Jal'aba makes leadership decisions and guides the community.

Additionally, there are three leaders called *Huleti Hayyicha*, representing the three territories known as *Rogas* (Subbo, Rigata, and Dhibata) within the Gedeo's Gada system. These leaders, along with the Abba Gada and Jal'aba, manage and direct administrative activities under their respective territories.

Following Rogas, the next grade is Jalqaba, which marks the beginning of the lower critical administrative structure. Jalqabas are responsible for moving and guiding the majority of the society. They work in conjunction with the Rogas and perform community administration tasks. The general administration work of the Gedeo clan is carried out under the authority of the *Rogas* and *Jalgabas*.

The stage next to Jalqaba is Baxeti Hayyicha. Baxeti Hayyo serves as a structure that provides information to Jalgabas. They have full responsibility for conflict resolution and are considered decision-makers when conflicts arise in the community. They are selected exclusively from the seven Gedeo clans named Logoda, Hamba'a, Bakaro, Darasha, Doba, Hanuma, and Gorgorsha. Each Hayyicha performs specific conflict resolution activities based on powers bestowed upon them by their fathers at Oda'a Ya'a. They have taken an oath to serve the community and have been fulfilling this duty for centuries. Lineage from the clans is one of the criteria for selecting *Hayyicha*. The *Hayyicha* performs the duty given to them by their ancestors.

¹¹ Informants: Supra note 11

¹² Informants: Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023), Hayyicha Degefe Edema, Hayyicha Getahun Alake, Hayyicha Wudo Edema (8 June 2023); Hayyicha Yosef Edema (14 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Shibiru Tuma (11 June 2023).

¹³ Informants: Ato Tsegaye Tadese (June 4/2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023)

¹⁴ Informants: Supra note 14 ¹⁵ Informants: Supra note 14





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Next to Baxeti Hayyo is *Baredito* (family head). Minor conflicts are resolved by them. Additionally, there is other individuals participate in the resolution rituals. They are Wayyo, Wata and murra. Wayyo is a highly respected and feared group of truth-tellers and investigators within the Gedeo community. They make swearing, blessing and cursing at the end of the rituals. There is also a sub-clan to perform blood purification rituals when instances of killing happen. They are known as *Wata* people (potter). *Murra* serves as the messenger of Hayyicha and is responsible for delivering the decisions made by the aforementioned bodies to the people. ¹⁶

The Current Status of Gechuma Institution

The Gechuma institution has undergone changes to adapt to the evolving culture and various societal factors such as social, administrative, political, cultural, economic, environmental, and religious, modernization, urbanization, and natural changes.¹⁷

One significant change in the way conflicts are resolved in the Gedeo community is the influence of the modernization. As a result, certain criminal activities like rape, disabling, and intentional killing that were previously handled by Gechuma are now exclusively addressed by formal courts. Furthermore, indigenous rituals performed at the end of reconciliation processes have faced challenges from modern religion. The influence of modern administration and justice systems as alternatives, the expansion of modern education, the emergence of new religions, the erosion of indigenous beliefs, changing economic and social lifestyles, past government policies, and the decreasing interest among younger generations to learn from their elders have all contributed to changes in society's approach to conflict resolution.

However, recently positive changes have been observed in the adoption of the Gechuma institution by the Gedeo people. Particularly since 2013, there has been increased media coverage highlighting indigenous knowledge development among Gedeo communities. The community now places a higher value on the Gechuma institution compared to the formal court system because intra-Gedeo and inter-ethnic conflicts of various origins, scales, and intensities have been effectively resolved by the Gechuma institution. An example of this preference occurred during a conflict between the two ethnic groups in 2018. This demonstrated the community's preference for the *Gechuma* institution over the formal court system.¹⁸

According to culture experts of Gedeo zone and Gedeb woreda, the Gedeo community's preference for the Gechuma institution is due to their respect for cultural heritage and relying on indigenous institutions to resolve conflicts in their social lives. 19

Effectiveness of Gechuma Institutions

Based on the scholarly ideas conducted study on related topics, six criteria's are identified as a criterion to measure effectiveness of ICRM. They are ability of ICRM to reach a settlement, duration it takes to reach settlement, durability of the conflict resolved, and satisfaction of disputants to the institutions, reduced formal court and kinds of cases entertained by the institution. However, this study used only three criteria: Gechuma's ability to reach settlement, duration the conflict resolution takes to reach a settlement and durability of the settlements made. The reasons for selecting the three criterions are for that they are logically and basically important to the study, due to time and financial constraints.

¹⁶ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba 4 June 2023); Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023); Hayyicha Getahun Alake, Hayyicha Wudo Edema (8 June 2023); Hayyicha Yosef Edema (14 June 2023)

¹⁷ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Ato Tarekegn Birhanu, Ato Getachew Tilahun and Ato Tariku Kormote (12 June 2023), Hayyicha Jabo Kudha (8 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023), Hayyicha Dhugo Banti (11 June 2023); Hayyicha Gobana Dhugo and Hayyicha Tadese Saye (14 June 2023).

¹⁸ Informants: Supra note 18

¹⁹ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023) and Tarekegn Birhanu (12 June 2023)





Reaching a settlement of Conflicts

The *Gechuma* institution handles conflicts ranging from minor disagreements to unintentional killings, while serious crimes like intentional killings, rape, abduction, early marriage, and disabling are prohibited from being handled by the *Gechuma* institution and must be addressed through formal court. The effectiveness of the *Gechuma* institution is evident from the fact that all cases (286 cases) referred to it were successfully resolved from 2018 to 2023. The institution's transparent conflict resolution process ensures satisfaction and trust is fostered among the people, and its commitment to cultural norms and ensuring satisfaction among participants contributes to its reputation as an effective and respected community-based institution in resolving conflicts.²⁰ A customer who satisfied to the way *Gechuma* institution resolved his case described the *Gechuma* service as follows:

"The most impressive thing about *Gechuma* institution is that our conflict was resolved in a low cost and less complex way. I enjoyed things very much during the reconciliation process because we nominated our own elders, by our language, the process was transparent, genuine and covenanted and finally a frank decision to which both of us were satisfied given. Above all the way our culture is working to solve problem is amazing. We served by the respected elders we know before. Their knowledge of identifying and convincing the wrongdoer is admired me. Everything was done with our knowledge (in our presence) and we had reached at a mutual agreement. Our problem was resolved and our friendly relation was restored."²¹

From the above, the researcher deduced that the *Gechuma* institution of the Gedeo people offer

several advantages over formal systems because its resolution process are less- complex, community-friendly, time and cost-saving, and actively involve the parties in resolving their own problems according to their own way of life. This ensured the satisfaction of the community to the institution.

An elder of the Gedeo people described the *Gechuma* institution, an indigenous method of conflict resolution, as being focused on truth above all else. Unlike formal courts, where false testimony and bribes can impact the outcome, the *Gechuma* institution prioritizes the truth through *Kakoo* (oath) made in the presence of elders and *Magino* (God). This commitment to fair and just conflict resolution within their community demonstrates the Gedeo's dedication to truth.²²

My informant who was used the institution and got his truth revealed as follows:

Case-1:

Two colleagues and friends, Petros and Tariku (both pseudonyms), have worked together for over a decade and reside in the Gedeb woreda. After a request from Tariku for a loan, Petros lent him 63,000 ETB in cash with the expectation of repayment within two months. However, Tariku was unable to fulfill this obligation and Petros had been unsuccessfully attempting to retrieve the funds for a significant period of time. As a result, Petros consulted a legal professional who requested evidence of the loan agreement. Unfortunately, Petros was unable to provide any proof of the exchange. Consequently, the legal counsel explained that without any evidence, it was unlikely Petros would recoup his lost funds. Seeking a different avenue for resolution, Petros decided to take the matter to the *Gechuma* institution. With the assistance of the elders, they summoned Tariku to discuss the situation. Tariku believed that he had indeed borrowed the money and repaid it punctually within the designated time frame. Ultimately, the *Gechuma* institution successfully facilitated a satisfactory arrangement

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²⁰ Informant: Tarekegn Birhanu (12 June 2023)

²¹ Informant: Tamiru Abdi (Pseudonyms), June 6, 2023

²² Informants: Supra note 18

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between Petros and Tariku.²³

In the study area, as to the elder informants, when there is a lack of witnesses or difficulty in obtaining evidence, parties involved in a conflict often chooses to bring their case to the Gechuma institution. In the Gechuma institution, the elders employ different institutions from both religious and cultural traditions to resolve conflicts. As mentioned above, when there is no witness available, the defendant is asked to take an oath to prove their truthfulness or innocence. This practice differs from modern courts where taking an oath may not be a common method of establishing truth.²⁴ One Gechuma institution customer participant gave me the case in which he (defendant) fear taking oath and tell the truth before elders as below:

Case-2:

Two men, known as Degefe (70 years old) and Dambobi (22 years old), were in a dispute over land ownership. In 1996, Dambobi's father gifted some farmland to a friend without a written agreement. In 1998, the person who received the land as a gift sold it to Degefe. Since then, Degefe has received green cards attesting to his possession rights of the land and has been paying taxes to the government. For all these years, Dambobi lived in a different woreda with his father until his father died in 2001. In 2023, Dambobi came back and asked Degefe to return his father's land. However, Degefe showed him all the legal documents he had which proved his ownership of the land. He also showed Dambobi that he had bought 4 hectares of land from another deceased person legally. Degefe told Dambobi that the land belonged to him and that he had no right to claim it.

Dambobi was upset and went to the Kebele to file a complaint in the social court. Degefe won the case by presenting paper evidence and witnesses. However, Dambobi then went to Songo to file a case with the elders and used the Gechuma process. When asked about the land ownership before he bought it, Degefe denied that the land belonged to Dambobi's father. The elders then made Degefe testify under oath, and he later admitted that the land previously belonged to Dambobi's father, but he had bought it from another deceased person named Tadese.

The elders then consulted with Degefe and decided that he had to pay 20,000 ETB because the land had previously belonged to Dambobi's father, and now Dambobi is an orphan and poor. Degefe gave the 20,000 ETB to Dambobi, and Dambobi swore that he would not raise the matter again.²⁵

The participants of focus group discussion (FGD) provided the case that highlights the Gechuma institution's ability to address disputes where finding the truth is difficult in formal court settings. A man accused his wife and neighbor of adultery, bringing the matter before a formal court, but the truth remained elusive. Recognizing the limitations of the formal court system, the parties decided to involve the Gechuma institution for a more inclusive and culturally aligned approach. Through the Gechuma process, both parties testified under oath, aiming to bring out the truth and address any false accusations or misunderstandings. As a result, hidden facts were revealed, misunderstandings were clarified, and assumptions were challenged. More details about the case are presented as follows:

Case-3:

The men, named Birhanu and Dawit (both pseudonyms), are neighbors and residents of Gedeb Woreda. When Dawit's cow ate Birhanu's grain, Birhanu asked Dawit why he had fed his cow with his grain. Dawit replied that his cow had not eaten Birhanu's grain. As a result, they couldn't agree. While speaking to each other, Dawit's wife was standing on the wall listening to their argument. On another

²³ Informant: Petros, June 10, 2023

²⁴ Informants: Ato Getachew Alemu and Ato Tariku Kormite (12 June 2023); Hayyicha Jabo Kudha (8 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Dhugo Banti (11 June 2023); Gobana Dhugo and Hayyicha Tadese Saye (14 June 2023).

²⁵ Informant: Ato Degefe (Pseudonyms), 70, Gedeb Woreda





day, Dawit saw his wife and Birhanu coming out of Birhanu's compound, and he suspected that his wife was doing something wrong by talking to Birhanu. Consequently, a conflict arose between Dawit and his wife, and Dawit sued his wife for divorce. The court referred their case to Gechuma Institution, where the elders heard the matter. They found that Dawit suspected his wife of having an affair with Birhanu, and the elders worked towards reconciliation. They then summoned Birhanu to Songo and asked him to comment on the matter. On the day of their meeting, Birhanu and Dawit's wife made a "kakoo" (pledge) and confirmed that there was no relationship between them. Then, Dawit apologized to Birhanu and his own wife for suspecting and defaming them. The elders then fined Dawit 2,000 ETB as compensation for his wife's honor, and 1,000 ETB for Birhanu. This settlement was reached by the Gechuma institution.²⁶

Ultimately, the *Gechuma* institution was able to provide resolution in this case by helping the parties find common ground and restore trust. This example underscores how the *Gechuma* institution serves as an alternate path for justice, especially when formal systems fall short in addressing complex interpersonal conflicts based on subjective matters such as suspicions of adultery.

Among Gedeo community the use of indigenous conflict resolution is experiencing a revival because modern conflict resolution institutions have proven to be insufficient in some recurring conflicts. This recognition further supports the value of indigenous *Gechuma* institution in providing effective and culturally aligned methods for conflict resolution and community healing. This has practically tested when the 2018 Gedeo and Guji Oromo conflicts were resolved. During this conflict political solution was tried and failed and then the Gedeo *Abba Gadaa* and Guji Oromo *Abba Gadaa* solved the conflict through indigenous ways of conflict resolution of both ethnic groups. They started the reconciliation process by *Gechuma* system and ended it by *Gondoroo* system of blood purification. The *Gechuma* and *Gondoroo* resolved the problem between these ethnic groups.²⁷ The Guji Oromo and Burji conflicts were settled by the *Gechuma* institution of the Gedeo people.²⁸

According to the participants, one key aspect of the Indigenous Conflict Resolution Mechanism is its ability to reconcile unintentional killings, which often lead to revenge and animosity between individuals, families, tribes, and ethnic groups if cannot addressed on time. The *Gechuma* institution resolved a conflict arising from a motorcycle accident involving two Gedeo youths and Gedeo and Guji youngsters. Through reconciliation facilitated by the families and clans of both the deceased and the perpetrator, previous relationships within the community were restored.²⁹

The indigenous conflict resolution institution of the Gedeo community has proven to be effective in resolving conflicts, particularly those related to unintentional killings. However, it is important to note that intentional killings, which involve premeditation and planning, are not typically handled by the indigenous conflict resolution institution as mandated by the 1995 Federal Democratic Republic of Ethiopia constitution. In such cases, formal court systems are responsible for handling criminal proceedings. However, the elders of *Gechuma* institution, once a formal court decision has been reached in cases involving intentional killings, the Gedeo community still seeks reconciliation between the parties involved. This is done with the aim of preventing further and potentially more severe acts of revenge that could escalate tensions between the two groups in the future. ³⁰

The findings of this study reveal *Gechuma* institution is highly effective in resolving conflicts and promoting peace within the Gedeo community and between Gedeo and neighboring ethnic groups.

²⁹ Informants: Supra note 18

²⁶ Informant: Ato Birhanu (pseudonyms), Gedeb Woreda, June 9, 2023

²⁷ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Hayyicha Wudo Edema (8 June 2023); Hayyicha Alamayyo Hirpe (9 June 2023; Hayyicha Getu Daka (10 June 2023).

²⁸ Informants: Supra note 28

³⁰ Informants: Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Alamyyo Hirpe (9 June 2023); Hayyicha Tadese Saye (14 June 2023).





Duration Taken to Resolve Conflicts

One of the key reasons mentioned by participants for the efficacy of *Gechuma* is that it provides a quicker resolution compared to the formal court system. Instead of having to travel long distances to urban centers where modern courts are located, the *Gechuma* allows people to resolve their conflicts within their own communities,

saving them time and reducing associated costs.³¹

According to the culture expert participants, conflicts that could take more than a year to resolve in the formal court system are resolved within a few days or weeks through *Gechuma*. Even serious conflicts can be resolved within a month, showcasing the efficiency of this indigenous conflict resolution institution.³²

The participants mentioned that minor problems such as conflicts between family members, neighbors, and friends are typically resolved within one or two days through *Gechuma*.³³ My own observations align with this, as I have witnessed simple conflicts being resolved within a day. Additionally, interviews with elders revealed that *Gechuma* can successfully resolve homicide and clan conflicts within duration of two weeks to a month, and neighborhood conflicts within two days to a week. *Gechuma* institution not only provides faster resolutions but also helps free up time for individuals to focus on other aspects of development rather than spending it on court processes.³⁴

Based on the above data, the researcher argue it is evident that *Gechuma* plays a pivotal role in conflict resolution within the Gedeo community by providing quicker resolutions compared to the formal court system. Its effectiveness in resolving various types of conflicts highlights the importance of incorporating indigenous conflict resolution institutions alongside formal legal frameworks for comprehensive conflict resolution.

Durability of the Conflict Resolved

According to the participants, the Gedeo people have strong adherence to the decisions made by the *Abba Gada* and elders which in turn make conflict not re-erupt after reconciliation. Besides, fear of ostracism and the respect for community traditions play a crucial role in preventing conflicts from resurfacing. This is a testament to the effectiveness of the *Gechuma* institution in preventing future conflicts within the community.

The testimonies from the FGD with knowledgeable elders, women, and youths provide valuable insights that the community's respect for the customs and beliefs plays a significant role in ensuring that once resolved conflicts do not resurface. The below case given by *Gechuma* institution elder highlights the durability of conflict resolved through *Gechuma* institution:

Case-7:

It has been 35 years since I started serving this people as an elder of reconciliation. We have reconciled many family case and more than 5 accidental killings happened between motorcycle and vehicle drivers over the years. So far, however, no victim and their families have taken revenge against the perpetrator after *Gechuma* institution reconciliation. They are living together as they used to.³⁵

From the above case, one can understand that *Gechuma* institution's dedication and service in resolving conflicts durably is truly commendable. It has proven to be highly effective in resolving numerous family cases and

³¹ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Hayyicha Jabo Kudha (8 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Gobana Dhugo and Hayyicha Tadese Saye (14 June 2023).

³² Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023)

³³ Informants: Hayyicha Alamayyo Hirpe and Hayyicha Kome Dumaro (9 June 2023); Hayyicha Jabo Kudha (8 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023), Hayyicha Gobana Dhugo and Hayyicha Tadese Saye (14 June 2023).

³⁴ Informants: Supra note 33

³⁵ Informant: Hayyicha Getu Daka, 63, Gedeb Woreda, 10 June 2023





handling incidents of unintentional killings between motorcycle drivers, demonstrating its ability to promote peace and harmony in the community. In addition, the fact that no victims or their families have sought revenge against the perpetrators is a testament to the power of this indigenous conflict resolution institution.

Above all, active involvement of elders, the conflicting parties' families and the belief that *Magino* (God) is present contribute to the lasting resolution. The fear of misfortune acts as a strong deterrent and significantly reduces the likelihood of re-igniting conflicts. And they also fear the culture of sanction by the community as a whole.³⁶

Factors Affecting Effectiveness of Gechuma Institution

In this part, the study focuses factors that are negatively impacting the *Gechuma* institution and its ability to effectively resolve conflicts within the Gedeo community.

Lack of Codification and Documentation

The lack of codification is identified as the main factor affecting the effectiveness of *Gechuma* institution in the study area. There is no written record of the overall functioning of the indigenous system of conflict resolution, including the indigenous law known as *seera*. Additionally, there is no formal documentation of the *Gechuma* reconciliation process, and any previously documented information was not properly conserved or stored. Lack of comprehensive documentation limits the understanding and appreciation of the *Gechuma* institution by external stakeholders, potentially undervaluing their effectiveness and uniqueness. Moreover, there is a lack of sufficient materials and writing capabilities to document their day-to-day activities, and relying on individuals with writing skills to act as secretaries during reconciliation introduces inconsistency.³⁷

Disobedience of Youth for Indigenous Rules and Norms (Seera)

The erosion of respect for indigenous knowledge among younger generations is undermining the effectiveness of the *Gechuma* institution, a conflict resolution method used by the Gedeo community. The younger generation's rejection of indigenous norms and values has led to a decline in adherence to these important principles, negatively impacting the effectiveness of the *Gechuma* institution. Modernization and globalization are contributing to this shift in attitude, with younger generations favoring formal justice systems over traditional indigenous practices. However, there are signs that younger generations are beginning to appreciate the value of *Gechuma*, recognizing that it can effectively meet the needs of the community. Efforts need to be made to educate and raise awareness about the importance of indigenous knowledge, with a focus on promoting respect for indigenous rules and norms. By doing so, it may be possible to ensure the longevity and effectiveness of the *Gechuma* institution.³⁸

Lack of Gender representation in the Gechuma Mechanism

According to the Key informant interviews of culture experts and women participants' in-depth interview, the gender bias within the *Gechuma* institution is a significant factor that hinders its effectiveness. They said women can't participate as elder of *Gechuma* institution even if they have knowledge of the system more than men.³⁹

In my observations, I have noted the exclusion of women from participating as elders in the *Gechuma* process. However, I had observed the involvement of women as a witness during the proceedings and when women

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³⁶ Informants: Supra note 18

³⁷ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Ato Getachew Alemu (12 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023).

³⁸ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023)

³⁹ Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba June (4 June 2023); Tsaye Shibiru (11 June 2023)





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prepare food for the Gechuma institution men elders during reconciliation. And also I had observed women independently filing their cases to Gechuma and advocating for their interests.

The study conducted focused group discussions with knowledgeable community members on gender equality and women's participation in the Gechuma institution of the Gedeo community. The male participants viewed the lack of women elders in the Gechuma institution as a reflection of moral values (giving respect for women by solving their problems automatically without any witness) under the Balle system, while the female participants expressed dissatisfaction with their exclusion from meaningful participation. The culture experts from Gedeo Culture and Tourism Office confirmed that this lack of women's involvement violates their rights and recommended adjustments to address this weakness. The absence of women's participation in the Gechuma institution diminishes its effectiveness and undermines the rights of half the community.

Political Encroachment in to the ICRM

The participants in the discussion highlighted the encroachment of politics in the Gechuma institution of conflict resolution within the community. They expressed their concerns regarding the lack of genuineness in the indigenous conflict resolution process due to political interference. They provided an example of the 1995 violent conflict between Gedeo and Guji ethnic groups, where the resolution attempt was influenced by formal government institutions, resulting in limited participation of politically motivated elders and disregarding the root cause of the conflict. This leads to failures of the reconciliation in 1998. 40 Even in 2018 conflicts between the two ethnic groups, the reconciliation process initially failed to bring about lasting peace due to rushed political decision-making and ignorance of conducting the indigenous ritual. Recognizing their mistakes, the government made indigenous leaders such as Abba Gada, Hayyo and elders from both sides conduct the indigenous rituals and limited its role to facilitation of the process.⁴¹

According to my elder informants and the culture experts, the Gechuma institution's jurisdiction over cases has been gradually replaced by different local governmental institutions and religious organizations. Social courts, police, militia, women and children affairs offices, below kebele government structures and others are now involving in resolving cases that were in the competence of the Gechuma institution. Additionally, family and personal matters are being addressed by religious leaders in churches and mosques.⁴²

In my opinion, there are two major flaws in this situation. Firstly, the surface opened to the *Gechuma* institution by the 1995 FDRE constitution in handling family and civil matters have been sidelined, weakening the institution's capacity to fulfill its role effectively. Secondly, the indigenous rituals that were an integral part of the dispute resolution process within the Gechuma institution are gradually being eroded or completely disregarded. The Gechuma institution relies on indigenous procedures and rituals, which can take hours, days and weeks to settle a dispute depending on its complexity. However, when conflicts are resolved through political means indigenous rituals are often ignored, resulting in a misuse of the dispute resolution process and the loss of indigenous values embedded in the Gechuma institution.

All the participants argued that government direct and indirect intervention in the Gechuma institution undermines its effectiveness in reaching fair settlements. Instead of intruding into the system, the government should recognize the effectiveness of indigenous institutions and encourage their use within communities to resolve violent communal conflicts and promote peace, as stipulated by the 1995 FDRE constitution.

Influence of Modern religion

The influence of protestant religion has led to a decline in the value and preservation of indigenous beliefs, rituals, taboos, and ethics within the Gedeo community in Ethiopia. This has negatively impacted the Gechuma

⁴⁰ Informants: Anonymous, June, 2023.

⁴¹ Informants: Supra note 40

⁴² Informants: Ato Tsegaye Tadese and Ato Birhanu Yirba (4 June 2023); Hayyicha Getu Daka and Hayyicha Matiwos Bire (10 June 2023); Hayyicha Alamayyo Hirpe (9 June 2023).





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institution effectiveness. However, recent awareness created by the Culture and Tourism Office of the Gedeo zone and Gedeb Woreda has led to a change in attitude towards the institution. Modern religion followers now prefer the Gechuma institution to other means. More adjustments and efforts are needed to revitalize indigenous practices for a more inclusive and effective conflict resolution system.⁴³

CONCLUSIONS

The study presents evidence of various types of conflicts, both intra-ethnic and inter-ethnic, in Gedeb Woreda. The Gedeo community has established effective conflict resolution mechanisms such as the Gechuma institution, which is mainly used for resolving conflicts, excluding serious criminal cases. Participants in the study prefer indigenous conflict resolution mechanisms due to its quick response time, efficient settlement process, costeffectiveness, confidentiality, transparency, openness to interested parties, and durability. However, challenges such as lack of documentation, youth's disregard for indigenous cultural rituals, gender discrimination, political interference, and the influence of protestant religion threaten the effectiveness of the Gechuma institution. According to the theory of culture change and modernization theory used in this study for analysis, socioeconomic changes and globalization have brought new social, political, and economic structures that have impacted indigenous conflict resolution. The influence of modernization, urbanization, modern religion, and globalization has led to the introduction of alternative means of conflict resolution that may not align with indigenous practices. This can result in a diminished appreciation for, and reliance on, indigenous conflict resolution institutions among younger generations. This goes hand in hand with the above finding of this study.

Despite these, the Gedeo people have maintained the integrity of their cultural traditions and continue to use the Gechuma institution in conflict resolution, which suggests that traditional cultural values are important and that societies can benefit from the preservation of traditional knowledge and cultural practices.

RECOMMENDATIONS

In order to preserve and strengthen Gechuma of the Gedeo people to enable them to play a more effective and appropriate role in peace-building and conflict prevention, the following recommendations are proposed:

- 1. Proper documentation is crucial for the sustainability of the Gechuma institution of the Gedeo people, which has been passed down orally from elders to the younger generation by the Government, Universities, Indigenous knowledge study centers, and Development partners to preserve this important cultural heritage.
- 2. In the context of the Gechuma institution, one glaring issue is the sidelining of women. A potential solution to address this problem could involve raising awareness among the general public and advocating for gender representation and balance within the institution. It is crucial for relevant organizations and individuals working towards culture and gender equality to actively engage in creating awareness for both the public and cultural leaders.
- 3. The study finding reveals that there was lack of respect for indigenous rituals and beliefs among the younger generation albeit there is improvement recently. This attitude poses a threat to the sustainability of the system in the future. To ensure the continuity of the institution, it is important for the younger generation to learn from and imbibe the wisdom of Abba Gada and elders, incorporating it into their own practices going forward.
- Acknowledgment of this indigenous conflict resolution institution by Government allows it to function alongside the formal court system for prompt conflict resolution is important.
- 5. Another factor identified as influencing the effectiveness of the Gechuma ritual is the extensive influence of modern religion. Therefore, creating awareness for modern religion followers and leaders helps them

⁴³ Informants: Hayyicha Alamayyo and Hayyicha Kome Dumaro (9 June 2023)





to differentiate between religious and indigenous perspectives to foster understanding and appreciation for the Indigenous Conflict Resolution Mechanisms.

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