

Challenges and Opportunities of Indigenous Conflict Resolution Mechanism in Oromia Regional State: The Case of Rayitu Woreda, Bale Zone

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INTRODUCTION

Conflicts are natural to human beings, but the process of handling them may either escalate or reduce and ultimately solve them. Conflict resolution can be processed through either the courts (western judiciary model) or the indigenous system through the customary process. In contemporary society, indigenous people live in two overlapping worlds, the Western and Traditional, and neither is fully capable of dealing with disputes involving indigenous people (NADRAC, 2006:3). The modern state legal system governs the lives of the towns' people and those of the highlander farmers who live close enough to urban centers to fall under the influence of urban customs (Dolores A. and Donovan et al. 2003).

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According to the economic commission for Africa (2007), indigenous conflict resolution mechanism is helpful for controlling and resolving conflicts in Africa in general and in Ethiopia in particular. Since there were hardly any formalized courts administering custom until the end of the 19th century, "each cultural community directed its affairs by a system of cohesion and equity through local notables and chiefs acting as arbiters."(Getachew Assefa, 2001). There are more than sixty customary law systems in Ethiopia (Dolores A. and Donovan et al. 2003, 505). Similarly, Bale Zone is also known for having indigenous conflict resolution mechanisms that had been/ are still playing a role in resolving conflicts.

However, currently indigenous conflict resolution mechanisms have been weakened over time and some of them are on the way of disappearing. Rayitu Woreda, one of the lowland woredas of Bale Zone, had similar experience. In this Woreda, the former widely experienced indigenous conflict resolution mechanism i.e Gada system is disappeared at present. In its place *Jarsumma*, resolving conflict through *Jaarsa Biyya*, is functioning. The institution of '*Jarsaa Biyyaa*' is used to resolve conflicts between groups or individuals and it handles various cases (Areba and Berhanu, 2008:170). But, in this woreda, *Jarsumma* itself is experiencing challenges that hamper its effectiveness, unless identified and systematically dealt with.

Thus, the purpose of the study is to explore the main challenges and opportunities of indigenous conflict resolution mechanism in Bale zone specifically in Rayitu Woreda and to propose the intervention mechanisms to improve and sustain it as it has still valuable role to play in avoiding the revenge and maintaining and enhancing social and public order.

OBJECTIVES OF THE STUDY

General Objective

To explore the challenges and opportunities of indigenous conflict resolution mechanisms while resolving conflict in Bale Zone, RayituWoreda.

Specific Objectives

- To show the current status of indigenous conflict resolution mechanisms in RayituWoreda
- To identify the challenges of indigenous conflict resolution mechanisms in RayituWoreda
- To point out the existing opportunities for the practice of Indigenous conflict resolution mechanisms in RayituWoreda.

METHODOLOGY

The study was conducted in Rayitu Woreda which is one of the twenty one Woredas found in Bale zone. A qualitative research method of inquiry is pursued because the nature of the study invite to see the experience of people in a natural setting. The strength of qualitative research is its ability to provide complex textual description of how people experience a given research issue (Mack. N et al, 2005).

The researchers consulted a total of seventy individuals for in-depth interviews and focus group discussions (FGD), so that it is possible to collect the relevant data on the issues of concern. Thus, an In-depth interview was made with twenty five men and fifteen women elders. A large number of men were taken as compared with women, because men participation is relatively high in the forum of indigenous conflict resolution system. Furthermore, five focus group discussions, each having

six elders, were made in the five selected kebeles to cross check the result of the interview.

The researchers selected five kebeles out of the total nineteen kebeles of Rayitu Woreda by employing simple random sampling techniques specifically lottery method as a place where the data collection takes place. The logic behind using simple random sampling technique mainly lottery method is that, it gives equal chance for the whole kebele found in Rayitu Woreda.

After selecting the kebeles, elders were taken as a sample frame using purposive sampling techniques. The major reason for the use of this technique is that the participation of elders in settling conflict is so high as compared to the younger groups of the societies. Following this, the above indicated seventy elders were chosen using snowball sampling for interviews and focus group discussion. The logic behind the use of snowball sampling technique is that it is useful to get elders who have much more experiences or knowledge on the issue of concern.

Thus, the collected data was analyzed qualitatively. First, based on the objectives and the core questions raised initially, the thematic areas were identified and arranged. Then the collected data is analyzed by employing descriptive analysis method.

DISCUSSION AND ANALYSIS

Challenges and Opportunities of Indigenous Conflict Resolution Mechanisms

Before analyzing the challenges and opportunities, it is vital to discuss the current status of indigenous conflict resolution mechanisms at Rayitu Woreda which will become the basis of it.

The Status of Indigenous Conflict Resolution Mechanism in Rayitu Woreda

Obviously, indigenous conflict resolution mechanisms had long existed across the world, even though, there had been variation as to the naming and process followed to resolve conflict from country to country and even from place to place within the country. Africa in general and Ethiopia in particular are historically known for practicing indigenous conflict resolution mechanisms for long. Particularly before the introduction of formal court, it had been playing an indispensable role in resolving conflict and establishing peace within the society. Gradually, however, the role of indigenous conflict resolution mechanisms began to decline globally and locally due to the socio-economic and political developments.

Historically, the Oromo of the Rayitu Woreda had no significantly different experience from the rest of Oromo people. As it has been practiced in other parts of Oromia, Gada System was practiced in Rayitu Woreda, even though; the system has got no more practical value than historical value at present in the area. According to the informant, Gada System was used as a conflict resolution mechanism in the past. It was resolving the conflicts that took place in the society employing customary laws. However, currently as it is true in most part of Oromia, it lost its former prominent role. To make it more clear, it is found important to define Gada system. Different writers have given it different definition for it had/has a wide range of role in the society. Some see it as an institution of conflict resolution. Others defined it as the traditional system of governance. Yet, there are writer that see it as an institution of ritual performance. But, Asmerom Leggesse (1973), an anthropologist, has probably given a comprehensive definition of the system. According to him, Gada system is a system of classes (Luba) that succeed each other every eight years in assuming military, economic, political and ritual responsibilities. The system also

resolves conflict in Oromia where it actively functions (Israel I. 2011)

However, currently in most parts of Oromia the system is not active and thus it is not playing the role of conflict resolution. But, this doesn't mean that the most parts of Oromia where the Gada system is not active do not have indigenous conflict resolution mechanisms. Jarsumma is an indigenous conflict resolution mechanism that is currently practiced in Oromia especially in areas where the Gada system handicapped to resolve conflict. It is with this part of Oromia that indigenous conflict resolution mechanisms of the Oromo of RayituWoreda can be categorized.

Gada system as an institution is disappeared in this Woreda while some of its elements are adapted to the present practice of *Jarsumma*. For instance, the practice of paying cattle to the victims continued to exist to the present. Furthermore, cooperation among the clan members during the reparation payment and sharing cattle paid by other clan continued to exist even in the present practice of *jarsumma*. These are some of the remainants of the Gada system of Oromo of the Rayitu woreda.

It is argued that the former role of conflict resolution by Gada system is replaced currently by the *jarsumma* practice in the RayituWoreda. *Jarsumma* is the process of handling conflict by 'jaarsa biyya' which literally mean elders. Elders who are reputed for having deeper understanding of social values, rules and customary law of the society are requested to see the case when conflict takes place within the society. According to the informants, elders (*jaarsi Biyyaa*) resolve conflict employing the traditional methods. Thus elders who are orators and eloquent public speakers who mostly use proverbs and wisdom phrases to convince the meeting or conflicting parties are recruited to adjudicate the case. The informants indicated that at the meeting, the accused and the accuser are

given the chance to narrate what has happened to their former relationship. They probe them back to their historic relationship and how it has changed overtime and assumed the present state. Then, after dipply analyzing the broken relationship relating with the customary laws of the society, elders give judgement on what to be done. But, the judgement is not an imposition on either of the parties rather the parties have still the right to have a say on the decision. After, long debate, the elders manage to convince the conflicting parties and let them to greet each other swearing not to return to the conflict again.

However, to resolve the conflict, there are fines imposed on the accused persons. Just like the modern court, according to the informants, in the history of indigenous conflict resolution mechanisms of RayituWoreda, all crimes have not been given equal status. Instead the local people classify the crimes as *Yakka*, *Qota*, *Gora* and *Guma* in their order of severity from the less severe to the worst one. According to the informants, *Yakka* is the less severe crime which is below the other type of crime. Mostly the accused fined only one cattle. Insulting and degrading other is the typical example of *yakka* among the Oromo of RayituWoreda. *Qota* is bigger than *Yakka* but below *Gora* and *Guma*. The informants indicated that the individual who committed *Qota* is fined three cattle based on the local tradition. *Gora* is more severe crime than *Yakka* and *Qota* while it is below the *Guma*. Some of the crimes categorized under the *Gora* include causing visual and hearing impairment, breaking teeth and affecting nose. A person that caused *Gora* is fined different number of cattle when he/she is from the same clan and from different clan. When an individual that committed *Gora* is from the clan of the victims, he/she will pay four cattle. But, when the accused parties are from different clan, the accused is penalized with eight cattle.

The final type is *Guma* which is the highest crime in the society. This happens when the killing crime is committed with in the Woreda. According to FGD participants, historically the local people classify *Guma* in to three. These are *Gudaada*, *Barbaada* and *Gombisa*. *Gudaada* takes place when there is conflict between clans that result in the loss of life from either of the clans. The second type of *Guma* is *Barbaada* which occurred when someone has found the dead body of the killed person across the way while travelling. When this happen, the elders begin investigating who has done the crime. After identifying the person that killed an individual, they would let the person to confess as he/she has done an evil thing. The person admits and accepts as he/she is guilty of committing the killing crime and then the resolution began between the victim clan and the other clan. The final type is called *Gombisa* and it happens when the member of a given clan kill someone out of the clan and tells his/her clan as he/she has committed the crime so that they will take care of themselves in interaction.

According to the informants, historically when the killing crime takes place, the member of the victim clan and the other clan come together through elders and discuss over the problem. At the end the elders decide the number of cattle that will be given to the victims. Mostly 101 cattle are paid by the clan that killed an individual. Finally, the conflict would end here with the involvement of elders.

It was true that in the history of the Oromo of the Rayitu Woreda the above mentioned types of crime had been managed through indigenous conflict resolution mechanisms. Currently, however, the power to resolve criminal cases in our country is exclusively given to the court. Despite this, in Rayitu Woreda, *Jarsumma* has still the role in the resolution of the criminal cases particularly when there is absence of dependable evidences to penalize the suspects. It is also useful to avoid the revenge which otherwise breed another conflicts.

TYPES AND CAUSES OF CONFLICT

Due to its natural and ubiquitous nature, conflict occurs at every corner of the world, though, the types, the degree and severity, the cause and its effect vary greatly from place to place. In some place it may causes great effect on the society despite its type while in other it has relatively less effect. Even within the same community, the impact depends on the nature and type of conflict.

Informants indicated that conflict frequently takes place within the Oromo of the Rayitu woreda. Its type ranges from interpersonal to group conflict. Inter-personal conflict in this Woreda is witnessed between parent and son, husband and wife and among individuals for different reasons. Group conflict mainly happens between clans.

According to the informants, Parent-son conflict mainly takes place in the woreda over the discipline of the son. Historically, the local people had been taking harsh measures to correct the behaviour of the son. The FGD participants have shown that the measure is taken after passing the traditional procedures. When the son makes culturally ill practices such as theft, the members of the society inform the parents when they fail to discover it. Then the parent advices the son and if the son refuses to accept the advice, the society will penalize the parents. The further refusal of the son would result in the corporal punishment of the son by the *Saddata*, a group composed of eight members. However, at present such kind of serious punishment of the son by the *Saddata* ended due to the socio-political development and the right to take corrective measure up on the son is limited to the parents.

While the husband-wife conflict occurs over the usual family issues, conflict among individuals mainly takes place over marriage. Of course, it is difficult to categorize marriage conflict as individual conflict due to the fact that in most cases

it would turn to the clan conflict. Regardless of its category, marriage is the main sources of conflict within the Oromo of the Rayitu Woreda. The informant indicated that according to the tradition of the local people, there is the tradition of giving girl to a boy as his future wife at the early childhood time. Before the girl and boy reached the age of maturity, the fathers of both agree to have marriage relation through their children in the future. While it is not supported in modern time as it neglects the right of children, it is not their agreement that directly cause the conflict. Rather, according to the informants, the problem happens when another person whom the girl loves most began bargaining and convinces her to marry. This becomes the major causes between the individuals' i.e between the old supposed wife and the new actual wife. Such conflict mostly matured to clan conflict because it is thought in the Oromo tradition of Rayitu woreda as an embarrassment to the individual and the clan. According to the FGD participants, such conflict may result in the loss of life.

As it is the case in the other type of conflicts, elders come together to see the case. Both parties come along with their clan and then the discussion begins. Both parties present their justification and then, the elders try to convince them using the following phrases:

Egana intala dhiira irra eegani, dhiiraf eegani

Harree waraabessa irra eegani, waraabessaf eegani.

Dhiisa dubbi kana araara buusa.

This literally means

Girl is protected against boy and protected for boy

Donkey is protected against hyena and protected for hyena

Leave this dispute and come to consensus

At the end, elders decide the number of cattle the clan that committed the crime would pay for the victim clan and concluded the case. The parties are required to greet each other swearing not to break the maintained relationship again.

Moreover, the other cause of the conflict in the area is water. According to the informants, the local people primarily depend on wells for water since there are only seasonal rivers in the area. There are many wells in the woreda which are used for home and animal consumption. These are *Hardhole, Bahi, Safawa, Miseensa, Warabecha* used for home consumption and *dharoo, dibbis, Waldaya, Hara Diimtu, Karaa Dula, Haqeeq, Saphansa, Dhadhartu* and others for animal consumption. Currently, *Warabecha* and *Miseensa* are not providing water for the local people. The rest of above wells are managed by *Abba Medhicha* who is responsible for digging and protecting the wells and who is privileged to use the water before anyone else for home and animal consumption. After *Abba Medhicha*, the rest of the society use the water based on their turn. Since the Woreda has scarcity of water, conflicts occur over the turn and thus, scarcity of water is also the other cause of conflict in the Woreda.

Adultery is also the other cause of conflict within Raitu Woreda. Having an extramarital sexual affair with any married woman is a monstrous act. Adultery (sagaggaali) is a serious moral shock against the whole community in the study site. Only the elders' moot can handle the case of adultery. Marriage condemned any act of adultery. It reduces the social status of the spouses. If a wife is found adulterous, the husband can initiate a divorce. The one who commits adultery with other's wife is regarded as an ardent enemy and revenge is inevitable. In the study site, the cause of many homicide and serious body damage are rooted in extra-marital sexual relation.

Challenges of Indigenous Conflict Resolution Mechanisms

This part deals with the major challenges that affect the indigenous conflict resolution mechanism dividing them in to

sub headings. It should be noted here that they are not the only challenges rather they are the major ones.

Weak Enforcement Mechanisms

Consensus is the central idea in the traditional conflict resolution mechanisms. Elders try to convince both parties and create consensus among them. Decisions may be based on consensus within the elders' or chiefs' council and may be rendered on the spot. (Pkalya R et al, 2004). According to the FGD participants the elders bring the parties together to discuss and debate with them over the issues and finally pass the decisions. But, it is up to the parties to honestly practice the decisions. There is no as such strong enforcement mechanism that force the parties to apply the decisions. According to the informants, if the parties do not want to accept the decisions, nothing is likely to happen on them and they can go to the formal legal system for appeal. This is also true among other pastoralist groups of the Horn of Africa where elders command traditional legitimacy and authority to mediate, arbitrate and suggest a settlement even though they might not have the power to enforce them (Edward E. Evans- Pritchard, 1990). However, there are exceptional cases like the case of the Borena Oromo indigenous conflict resolution mechanism in which there is strong sanction to enforce the decisions and the sanction is "Marra fi bishaan waliin hin qabnu" which literally mean we no longer have grazing land and water together (Endalkachew, 2012).

Invited Elders and their Inconsistent Decisions

According to an informant, the other challenge for the indigenous conflict resolution mechanism in RayituWoreda is absence of constant elders who are called to resolve the conflicts that arises within the society. Thus, elders are formed and dissolved immediately after resolving the conflicts. It is mostly

based on the interest of the conflicting parties that the elders of course known elders are invited to settle conflicts. Thus, different elders may resolve similar cases in different ways. This will result in the absence of consistent judgements on the similar cases. This is different from the former indigenous conflict resolution mechanisms i.e the Gada system in which there had been constant elders who adjudicate every of the cases under their jurisdiction.

In addition to the temporal formation of elders, lack of written document and absence of forum for sharing experience on how to resolve the conflict are responsible for the inconsistent decisions. According to the FGD participants, the resolution is made based on the experience and knowledge of elders. During the resolution, the parties are asked to present their case. Mostly the parties come along with the supporters who argue in favor of them. Since the system has no written document, the dominant group is likely to have an upper hand over the weak which is also responsible for the inconsistent judgement. Furthermore, the tradition of how to resolve the conflict is passed down from generation to generation orally. Even the elders are not training each other and also the children on the process and decisions of the cases. There is lack of the training for the elders themselves which is useful to make the tradition consistent with the formal legal system if given.

Socio-cultural Development in the Area

It is obvious that socio-cultural developments took place within the society through time which has an effect on the tradition. It was this development that contributed for the disappearance of Gada system in the area. Thus, changes that come to the society due to socio economic developments become a challenge for the survival of the tradition. Informants have shown that the introduction of formal courts and the expansion of new

ideas are responsible for the fall of Gada System as a conflict resolution mechanism and they are also a challenge for the survival of Jarsumma as an indigenous conflict resolution mechanism. While the world has unanimously agreed on the great role women participation in every life of the society plays on development, women involvement in the conflict resolution, however, challenged the principle of indigenous conflict resolution mechanism which is the neglect of women from the forum of conflict resolution.

Existing Opportunities for Indigenous Conflict Resolution Mechanism

Here the existing opportunities for the survival of indigenous conflict resolution mechanism in the area are discussed after breaking in to sub-headings.

The Changing Role of Women

Historically, it was evident that women were excluded from participating in traditional conflict resolution. As far as the history of indigenous conflict resolution is concerned, women were not allowed to take part in the forum of conflict resolution. That is why most scholars considered it as men dominated institution. However, there are cases under which women have been experiencing their own counter institution of conflict resolution. In this regard, Siinqee, the women based institution of conflict resolution of Arsi Oromo, is a typical example. (Tolosa, 2010). But, in Rayitu woreda, men had an exclusive power and right to resolve the conflict in the past. The tradition did not recognize the role women can play in the resolution.

Here it should be noted that there are the contradicting views on whether the current women participation is considered as a challenge or an opportunity. Some especially elders hold the view that women participation is considered as a challenge for the survival of the tradition for it challenged its

principle of exclusion. Others assumed the view that women participation can be considered as an opportunity because it enables the tradition cope up with the changing circumstances. Those who hold this view argued that it is important to include women in the forum of conflict resolution as women are conscious about their rights and constitute not less than half of the population. Their participation will boost the acceptance of indigenous conflict resolution mechanisms. The writers also support the later view and that is why it is preferred to be seen as an opportunity to challenge. Because, it is believed that indigenous conflict resolution mechanism will survive best if and only if it is made to cope up with the changing circumstances.

The Establishment of Tourism and Culture Office

Based on the constitutional guarantee given to the protection and flourishing of the culture, the tourism and culture offices are established in Oromia Regional State to the level of Woreda. Similarly the Rayitu Tourism and Culture Office is established to mainly preserve the culture and to promote the tourism potential of the woreda.

As far as the preservation of the tradition is concerned, it is progressing. Yet, it is not enough as it is expected to dipply study and promotes the result. Thus, a lot is expected from the office to investigate and announce the tradition of the society. But, it is yet seen as an opportunity for the preservation of the indigenous conflict resolution mechanism for it began the initial work of recording and keeping the tradition.

Recognition from the Community

According to the informants, indigenous conflict resolution mechanism is well accepted in the society and it is playing a role in the resolution of conflicts and avoiding the revenge that otherwise may consume the life of the people. Revenge is a

cultural value which exists till this day in many parts of Ethiopia (Pankhurst and Getachew 2008:68). The decisions of the elders are mostly accepted by the conflicting parties. The FGD participants have shown that Jarsumma is playing a good role in maintaining peace within the society particularly after the resolution is made between the conflicting parties through the formal court which otherwise breed another conflict especially between clans.

Conclusion

Conflict is prevalent in the woreda and its type ranges from inter-personal to group conflicts. From the various causes that are responsible for the occurrence of conflicts in the area, marriage, water, adultery and undesirable behaviour shown by the child are the main ones. Marriage, water and adultery are the main causes of individual and clan conflict. Because, mostly these marriage, water and adultery began first as an individual conflict and then matured to the clan conflict. The discipline of the son is the main cause for the occurrence of parent-son conflict.

While it was evident that Gada system had been functioning as an indigenous conflict resolution mechanism in the past, currently it is not active in the area. Jarsumma, resolving conflicts through elders, is an indigenous conflict resolution mechanism that is currently practiced in the Rayitu Woreda.

Despite its existence, the Rayitu woreda indigenous conflict resolution mechanism is facing various challenges that weaken its effectiveness. Among these, the major ones are weak enforcement mechanisms, inconsistent decision mainly due to the temporal formation of elders and lack of forum for experience sharing and socio-cultural developments.

On the other hand, however, there are also opportunities that provide fertile ground for the preservation and flourishing of the indigenous conflict resolution mechanism in the Woreda. Of this, the most important ones are the changing role of women, the establishment of Tourism and Culture Office and the societal recognition.

Recommendations

- ✓ Experience sharing forum should be arranged for elders who are participating in the conflict resolution.
- ✓ An academician should give training for elders with the intention to enable them identify the area that they could resolve from those exclusively given to the court.
- ✓ Furthermore, an academician should give training for elders on the role of Women in conflict resolution and how to encourage women participation.

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