The reintegrating role that can be played by a traditional conflict-resolving mechanism in the eastern Hararghe zone of Oromiya regional state, Ethiopia

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Abstract

This article presents qualitative data on the reintegrating role that can be played by a traditional conflict-resolving mechanism in the eastern Hararghe zone of Oromiya regional state. The study was conducted in one of the districts of the eastern Hararghe zone where resource-based inter- and intragroup conflicts are widely observed. The data used in the study were generated from one-on-one interviews, focus group discussions, and document analysis during field work in the selected district. The study revealed that conflicts in the research site emanate from stiff competition among parties over scarce resources. Individuals' avaricious behaviour, dilemmas, and uncertainty over their subjective and objective interests create competing goals, polarised groups and tensions, which in turn lead the parties to the conflicts. The conflicts become complex and cyclical due to unaddressed animosity, fear, frustration, and anger developed

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among parties in conflict. The study indicated that in spite of its declining power and sphere of influence, a community-based traditional conflict resolution mechanism called 'Gumaa' plays a great role in constructively resolving the inter- and intragroup conflicts and reintegrating the conflicting parties– revitalising the socio-psychological factors which contribute to peace.

1. Introduction

No society in this world loves conflict. However, as long as people live together, work together, and interact with each other, disputes remain inevitable between sub-groups or individuals in a group, or between different groups. When these disputes are fuelled by emotion and become unsolvable, they develop into intra- and intergroup conflicts. The source of the conflicts could be the incompatibility of the objective and/or subjective interests of groups or individuals (Fisher and Keashly, cited in Fetherston 2000). The subjective elements like perceptions, attitudes, values, needs, and understandings have no limit, while objective elements like competition over scarce resources, quests for empowerment, and claims for autonomy remain relative concepts and usually create incompatibility of goals which in turn may lead to violence. Thus, conflict becomes unavoidable social behaviour (Shapiro 2004).

According to Deutsch (2006a), the socio-psychological factors are more fundamental in the processes of conflict and in the constructive resolution of conflicts. These factors serve both as causes of conflict and as bed-rocks for reestablishing sustainable peace among the conflicting parties. Analysing these factors is therefore helpful in explaining why and how normative and perceptual processes create barriers to conflict resolution (Kelman 2009). Normative processes involve social factors that encourage conflict behaviour while perceptive processes refer to the cognitive process of interpreting conflict-related information (Kelman 2007).

This particular study is qualitative research conducted to investigate the roles of a traditional conflict resolution mechanism in addressing the socio-psychological causes of conflicts and in resolving inter- and intragroup conflicts constructively. The data were generated from elders, youth and women representatives, and

government officers, including those who are working in the formal justice systems. Data were collected through observation, one-on-one interviews, and focus group discussions. Finally, key findings were organised thematically and discussed in the forthcoming sections.

1.1 Socio-psychological factors causing conflict

Though groups may be compatible in their subjective and/or objective needs, conflict remains an inevitable feature of their behaviour due to incompatible socio-psychological factors. These factors could include, but are not limited to, lack of security and trust, emotions, motivations, beliefs, and dissatisfaction over the incompatibility of their goals, all of which may result in fear and suspicion among parties.

In conflict situations, parties usually become violent due to lack of control over their emotions. In general, according to Jeong (2010:45), 'violent conflict may be inescapable in human (parties') relationships due to unconscious motivations alone or in combination with competition for limited supplies of basic necessities'. However, nobody was born violent. According to Castro and Galace (2008:80), 'Humans do not have a violent brain. There is nothing in our neuropsychological makeup that compels us to react violently. How we react is shaped by how we have been conditioned and socialized'. So, what parties learn is what they do and what they do becomes behaviour over time.

Parties develop violent behaviour through time due to the incompatibility between the way one perceives the surrounding environment and the way that particular environment responds to one's needs and desires. At the research site, immediate environmental pressures like scarcity of resources, cultural factors such as socially constructed values of wealth, and individuals' avaricious behaviour, all could create a social context in which unhealthy competition among groups or individuals would flourish. When people perceive the surrounding situation as an impeding factor to their desired goals and needs, the psychological factors like emotion and negative attitudes trigger them to proactively manifest their fears and frustrations in a violent way. This violent behaviour is subjectively constructed, shaped, and justified, based on specific

social, cultural, and environmental contexts. These contexts secure the legitimacy of the actions used to overcome what is perceived as threats and obstacles to the desired goals and/or expectations. This situation in general affects the entire social cosmos and results in inter- and intragroup conflicts in the district.

According to Kelman (2007:63), the 'subjective factors play a role in the perception and interpretation of events'. For example, in the case of intragroup conflicts in the district, conflicting parties may not have goals that are intractable as such. However, when one party perceives others as its potential competitors, rather than cooperators, for the existing resources, whether abundant or scarce, that party starts to look for culturally, or socially, or environmentally justifiable constructs (which are usually subjective) to suppress and/or eliminate those perceived competitors. The other party which is perceived as a threat also justifies its counter-attacks as self-defence. Both parties perceive their actions as fair and legitimate. However, fairness is not an absolute construct. What is fair to one party may not be fair in the eyes of the other party and the 'that is not fair' type of feeling frequently leads to conflict (Deutsch 2006b). In this case, both parties in conflict develop parallel images of self and others – similarly positive self-images and similarly negative enemy images (Kelman 2007). Therefore, it is not surprising that people are in conflict, even where there are abundant resources and compatibility of goals and needs.

From a socio-psychological perspective, the intragroup conflicts in the district occur when individuals' egocentric and avaricious human behaviour overruns the rational and logical mind and makes either of the parties respond negatively to the perceived threats, either proactively or retroactively. Their irrational minds overrule their rational selves when they counter-attack their perceived competitors (usually their brothers) in aggressive and destructive ways. Especially during conflict, it is difficult for one party to take the other's perspective. Each party perceives the other as an enemy and justifies its own action as a right and peaceful fight for self-defence (Kelman 2007). When one party starts to consider the other as a threat, existing social values diminish, emotional attachments break, interpersonal mistrust develops, and

animosity reaches its peak. Ultimately, actions and counteractions become hostile due to the fear of being betrayed by the adversary (Bar-Tal and Halperin 2011). Consequently, the intragroup conflicts escalate and turn into violence.

1.2 Socio-psychological factors contributing to peacebuilding

Despite their deterrent roles, the socio-psychological factors also serve as social bonds that attach groups in a society. The study revealed that properly shaped socio-psychological factors like trust, tolerance, positive attitude, emotional attachment, cooperation among parties and their respect for one another are determining the mirror images they form of other individuals or groups. According to Demirdögen (2011), the process of mirror image formation seen in intercommunity or intergroup conflicts stems from the sharp contrast in perception between the self and the others, which in turn makes the win-win approach impossible. However, insight from Deutsch (2006b) shows us that this impossible approach becomes possible when the conflicting parties are willing to come to a round table discussion, listen to each other and genuinely understand their competitors' emotions and feelings. However, this requires rebuilding intergroup trust, renewing circumstantial beliefs, and reconfiguring emotional attachments that became detached due to fears and frustrations during the conflict (Bar-Tal and Halperin 2011; Kelman 2005). Based on perspectives such as these, the *gumaa* system uses full confession, honest repentance, and sincere apology as a fertile soil in which the seed of peace is germinated and rejuvenated. The peacebuilding strategies and procedures used in this system focus on reestablishing violated social rules and norms.

2. Conflict dynamics in Haramaya district

Haramaya is one of the districts in eastern Hararghe zone. It has 35 kebeles (the lowest administrative units in government structure) with a total population of 271 018 living on an overall area of 5 600 km² (Federal Democratic Republic of Ethiopia 2007). The majority of the people in the district are Nole and Ala Oromo clans and they are Muslims in their religion. These people, like other Oromo people, have different customary systems in which elders are considered as wise (having wisdom) and responsible for teaching about peace

and peaceful coexistence, resolving conflicts, and nurturing Oromo culture and tradition. Age-based seniority is therefore the most important factor in the community's socio-psychological relationships. Agriculture is the major source of their livelihood where *khat*[1] and vegetable production takes the lion's share. The district is known for resource-induced inter- and intragroup conflicts among and within different clans of the same ethnic groups. Scarcity of land and water are stated as the major causes for the inter- and intra-conflicts observed in the district.

2.1 Inter- and intragroup conflicts in Haramaya district

Intergroup conflict in this particular context refers to conflicts among clans or sub-clans whereas intragroup conflict refers to conflicts within a clan or sub-clan and between members of a family. Compared to intergroup conflicts, intragroup conflicts are more widely observed in the district. Both these types of conflict are usually embedded in socio-economic conditions that put members of a group in opposing positions. Thus, the conflicts are more complex and polarised in their nature, turbulent in their patterns, and cyclical in their lifespan. Issues of land ownership, such as boundaries, pockets of cultivable lands, and water points, are stated as the major causes of intergroup violent conflicts. This type of conflict is usually observed among members of different clans and/or sub-clans who share boundaries of cultivable lands.

Intragroup conflicts among members of a family can be classified as: a) conflict among brothers where the elder and younger brothers are in conflict due to dissatisfaction over the fair share of land entrusted to them by their family; b) conflict among half-brothers where the children are from two or more different fathers or mothers and some of them are deprived of the right to inherit or get access to their family's land and resources on it; c) conflict between children and their fathers where children believe they are not given their fair share of land; d) conflict between children and their mothers when mothers, especially step-mothers, are denied the right over the land they inherited from their husbands; e) conflict between daughters and their families since girls are usually excluded culturally from inheriting their fathers' land.

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1   *Catcha edulis*, a stimulant plant, the leaves of which are used for chewing.

2.2 Land and family disputes

Eastern Hararghe zone in general has land scarcity, high cash-crop production, unpredictable rainfall, and a complicated agricultural profile (Hammond 1999). Haramaya district is one of the districts in the zone where land has especial economical and social values in the community. In general, land in this particular district is considered as a source of economy, reliable social security, and an asset that grants respect in the community. However, scarcity of cultivable land and its mismatch with population size are becoming very serious problems responsible for violent conflicts between neighbours and among family members. The mismatch between family size and land area, the rapid commercialisation of agricultural products like *khat* and vegetables, and the significant income generated from them are causing unhealthy competition among groups and/ or individuals. This increases the level of intolerance among family members. The data obtained from the court also confirmed to us that land-based intragroup conflicts in the district stand second in frequency to domestic violence (disputes between husbands and wives).

In Haramaya district, especially in the rural areas, land is the most valuable property that families entrust to their children. Whenever boys reach the age to lead their own independent lives, the father is expected to give them a piece of land. One of the reasons for the conflicts between children and their family is therefore when either the father is not willing to share his land with his children or the children feel they do not get their fair share. The quest for accumulating personal wealth for survival and the perception of constraining factors result in negative feelings towards the father's decisions. These become common psychological factors that motivate children towards aggression and make them act violently against their families. Thus, in the district, it is not strange to see a son killing his father or mother, or brothers killing each other over issues of minor importance. The conflict, for example, could start between a father and his son when the son believes what he has received from his father is not fair compared to what his brothers previously received. The conflict escalates when other family members join the conflict to defend either of the parties.

More complex and violent land-induced intragroup conflict can happen among the family when the father dies without entrusting his land to any of the family members. The conflict can become very complex if the man is polygamous. In this case, conflict may take place between the widows, the widows and their husband's brother/s, children and their stepmother, or between stepbrothers. Besides, close relatives of the widows may also join this conflict to defend the women's right while close relatives of the dead person may join the conflict to defend the right of the children who may not be mature enough to fight for themselves. Consequently, the conflict can easily expand from intragroup to intergroup conflict. This type of conflict is highly polarised and usually difficult to solve in the formal justice system. It causes death, serious injuries, and damage to property. Usually homes are burned, properties are damaged, and families are forced to flee their homes.

Conflicts between daughters and their families is an emerging factor in the conflict dynamics due to the difference between women's constitutional right and their cultural right to inherit land from their families. Culturally, girls have no right to inherit land from their families due to two major assumptions. First, it is assumed that daughters go to their husbands' land when they get married. Second, if a daughter is given land, it is assumed that, through marriage, she will bring a man who is out of the family to the land. So, the father does not entrust land to his daughter. Even if the father wants to include her in the inheritance of his land, her brothers may not agree or allow her to establish a family and live on that land. The Ethiopian constitution (Federal Democratic Republic of Ethiopia 1995: article 35, sub-article 7), however, grants women equal rights with men with respect to the use, transfer, administration, and control of land. Because of this constitutional right, daughters claim to inherit land from their families. However, the mismatch between law and culture puts daughters and their families in opposing positions and causes intragroup conflict. The conflict situation becomes tense and complex if the daughters are married because husbands join the conflict to defend their wives' right. This situation easily turns the intragroup into intergroup conflict.

In general, land-induced family disputes are continually aggravated. Ever-increasing family size, shrinking of a family's land area, high unemployment

rate, lack of alternative livelihood mechanisms and income-generating schemes, climate change and environmental degradation, lack of effective and coordinated natural resources management and utilisation policies are exacerbating the situation. So, having control over land is perceived as a means by which one can secure his and his family's wellbeing in the community. Consequently, the emotional attachment to land is becoming stronger than the emotional attachments among relatives. In general, in the study area, the egocentric competition over scarce land is resulting in ever-increasing interpersonal violence and this is rapidly weakening the unity and integrity within each family.

The eroded moral bondage among members of a family and the overall declining social cohesion among the community are negatively affecting the socio-cultural cosmos. The above conflict dynamics reveals how unhealthy competition among parties is eroding the social values and disintegrating the emotional attachments among members of a group, which in turn disturbs social interactions and serve as a fertile ground for the germination of inter- and intragroup conflicts. The overall conflict situation can also show us how greed and grievance mushroom into irrational thinking and drive people into violent conflicts and highly polarised groups in the community. Reinforcing both the informal and the formal institutions may help curb these complex societal problems.

3. The traditional conflict-resolving mechanism and the formal justice system

The formal institutions and justice systems in the district are trying their level best to prevent, manage and resolve the inter- and intragroup conflicts observed in the district. However, it was discovered that these formal institutions have a plethora of challenges that constrain them from sustainably resolving the above-mentioned complex conflicts. Besides, the formal institutions naturally lack mechanisms by which they can revitalise the eroded social values and reintegrate the divided parties in the community. Apart from bringing offenders to justice, the formal institutions do very little for the socio-psychological aspects of the conflict. The animosity, fear, frustration, and anger that developed and became deep-rooted among the conflicting parties remain untouched. The eroded emotional attachments among close or distant family members

remain unbridged. The trauma developed from the conflict is left untreated. Above all, the developed mistrust among parties remains untouched and leads to a refusal to take risks in negotiations (Bar-Tal and Halperin 2011). During the conflict, the objective interests of either of the conflicting parties remain unsatisfied while the subjective interests get worse. All of these ultimately motivate one or another of the parties to retaliation, which in turn complicates the case. Thus, as respondents in the formal institutions stated, the formal justice systems alone may not bring long-lasting and sustainable solutions to the complex inter- and intragroup conflicts that exist in the district.

The formal justice system sees the causes of conflict through the disciplinary lens created from the existing legal frameworks. Ultimately, the decision will depend on data obtained from the plaintiff, the defendant and the witness, and on other circumstantial evidence. However, all of these sources of data may fail to present the truth due to backdoor deals among the plaintiffs, the defendants and the witnesses. Respondents revealed that conflicting parties usually bribe the police, the judges, the prosecutors and/or the witnesses in order to bring justice to their own side. Thus, the justice system becomes more difficult and problematic (Lewicki 2006), and its outcome could also be considered as unjust by either of the parties. Unsatisfied parties go to the next higher level of justice for appeal and consequently justice may also linger for quite a long time. When decisions are eventually passed, unaddressed social, moral, or psychological factors may bring repercussions onto the future peaceful coexistence of the conflicting parties and their families. This in turn escalates the intensity, magnitude, and scope of the conflict. So, the formal justice system usually creates turbulent conflict dynamics rather than bringing long-lasting solutions to the conflicting parties.

Usually, conflicting parties go to the formal justice system holding the hatred developed from the moral and psychological anguish generated in the conflict. They develop reasonings that they believe will help them defeat their opponent in front of the court. So, parties produce competing narratives with all sides having their own version of truth about what really happened (Lerche 2000). In this case, it becomes difficult to get genuine information about conflict causes and the driving factors. For various reasons beyond the imagination of the judges and prosecutors, a witness may present biased data or distorted

information in order to defend a party. Thus, reliance on eye-witnesses can be misleading (challenging) because some witnesses may be guided by self-interest or fear (Lerche 2000). If the offender is found guilty, he may be put in prison. However, imprisoning the offender still does not bring a long-lasting and satisfactory solution to the victimised group. This is mainly because those who are directly responsible for violence leave victims with physical, emotional and psychological trauma, which in the long run results in anger, fear, and insecurity (Castro and Galace 2008). Similar situations are frequently observed in the research site. Even though offenders are put in prison, the unhealed psychological factors motivate the victim's family or relatives to take vengeance on the offender's relatives or property.

The traditional conflict resolution mechanisms are playing great roles in the conflict resolution and reintegration process. One of these institutions used in the research site is called *gumaa*, and is playing very significant roles in bringing the conflicting parties to acknowledge each other's perspectives and bargain for mutual benefits. In this mechanism, priority is given to social and psychological reconstruction. Peacebuilding strategies are used to restore violated social rules and detached emotional attachments through full confession, honest repentance, and sincere apology, rather than through the mere restitution of and compensation for lost life or property. Revitalisation of the normal social cosmos is made possible by restoring the eroded socio-psychological values.

In spite of its declining power and sphere of influence, the *gumaa* system is still effectively managing the inter- and intragroup conflicts. This system is deeply embedded in the culture of the society. It is culturally empowered, easily accessible, and user-friendly. Unlike the formal justice system, *gumaa*, as other traditional justice systems, is close to the lives of many ordinary people (Macfarlane 2007). It is in the community, for the community, and by the community. It costs less and takes less time to bring criminals to justice and to bring justice to the victim. Parties' credible confessions and full remorse are taken as prerequisite for bringing the conflicting parties to negotiation and reconciliation. The approaches used in this mechanism are not investigative as those of the judiciary system; rather they are reflective, narrative and restorative.

The system uses renewal of socio-psychological attachments as a means to achieve long-lasting reconciliation among parties. Because it is deeply embedded in their culture, the community has a strong sense of ownership of and belongingness to the system. Like other traditional justice systems in the country, it is more flexible and influential, and affects the lives of more ordinary people than the formal justice system (Macfarlane 2007). It has the capacity to effectively rebuild social bonds and reintegrate conflicting parties morally, socially and psychologically. It has the power and legitimacy to stop community conflicts and it helps the parties to eliminate hostility and a desire for revenge; reduce their polarisations; and ultimately restore peace without any external pressure.

The *gumaa* system is capable of creating an environment conducive to justice through narrations of and reflections on past experiences related to the conflict. Narrations help the parties come to a revelation of root causes of their conflicts, acknowledgement of apologies for atrocities, and enumeration of bad experiences the parties acquired from the conflict (Karbo and Mutisi 2008). The system manages the socio-psychological factors through negotiations. It closely monitors the conflicting parties, treats their fear and frustration, and repairs the societal cracks.

The legitimacy of the system is increased through the nomination of elders who are mature in years, knowledgeable about the process, and rich in their practical experiences. Such elders are careful about their language and are expected not to use derogative words or expressions of victory, defeat, hatred or enmity in the negotiation process. Compared to the formal justice systems, the traditional conflict resolution system is also free from bribing and lobbying. So, suspicion of and dissatisfaction with the traditional system are rare. If there *is* dissatisfaction, parties are free to present their appeal to the elders' council. It is also their right to nominate a more knowledgeable elder who can assess the overall procedure. The nominated elder scrutinises whether the procedures followed are in line with the *heera* (customary law and justice procedure). If the elder does find gaps in the process, corrective measures will be taken; if not, the party could be forced to indemnify the elders' council from delaying the process. Disempowering youth

and women in the process is mentioned as a pitfall of the *gumaa* system. Apart from participating in the rituals, youth and women have no say in the processes.

In the *gumaa* system, decisions are not based on biased data obtained from witnesses but are based on parties' repentance and revelations. This mechanism also has its own system of secretly investigating crimes committed against human life or property. When, due to a long-time grudge or vengeance, a life is taken or property is damaged in the absence of eyewitnesses, and when the suspected offender is not willing to confess, the suspected person is forced to go through a traditional investigation process called *hirbuu. Hirbuu* is the highest level of the investigation process and is used as a last option to examine suspects. The community still has a very strong belief that hiding the truth while going through this ritual is a sin and will bring bad fortune not only to the suspected person but also to the offender's family and clan. Thus, anybody who conducts this ritual has to be mature enough to carry out the performance.

Hirbuu is used when circumstantial evidence strengthens the elders' and family's suspicion, but the suspected offender denies the fact. Maximum effort is made to critically interrogate the suspected offender before *hirbuu.* Clan members of the suspect strongly warn him not to lie and bring something bad to his children, the family and/or the clan. The family, clan leader and elders use different strategies of their own in order to make the suspected person reveal the truth. If the person keeps on denying, the elder who is responsible to perform the ritual collects different materials like knives, thorns, grass, nails, dry wood, fire (or matches), water and a stone, and takes them to a grave-yard together with the suspected person. Then a grave is prepared and all the materials are put in it. After the grave has been made ready, the elder who is the master of the ceremony goes down into the grave, lights a fire, and comes out of the grave. Next, the suspected person is asked to go into the grave and swear, holding knives and thorns, putting water on the fire, putting the stone into the water, etc. The clan and the victim's family representatives attend the process. The overall process is traditionally called *gawitoo.*

This process, due to its frightening and terrible nature, creates very strong psychological pressure on the suspected person. If the suspected person has

committed a crime against somebody's life or property, he cannot withstand this horrible process and carry out the ritual. Consequently, in most cases, the suspected person acknowledges guilt before he reaches the *hirbuu* stage. If the suspected person has the courage to go through the *hirbuu* process, it is believed that there is no blood on his hands and the plaintiff removes his/her charge. Once *hirbuu* has been performed, the suspected person gets undoubted trust from the elders and the family. There is no hatred or grudge that remains between these parties. The two parties live together in peace and love.

4. The traditional conflict resolution process in Haramaya district

Gumaa is one of the traditional conflict resolution processes widely used by the Oromo people. However, its performance varies from place to place, according to the specific culture in which it is practised. Although it can be used in cases of vendetta, revenge, blood price or compensation, feud, and the ritual of purification that follows homicide (Dejene 2002), it can generally be seen as a compensation and purification process that follows a conflict. The ultimate goal of any traditional conflict resolution mechanism is socio-psychological reintegration, reestablishment of community relationships and reunification of offenders into their communities (Karbo and Mutisi 2008) by revitalising emotional attachments of the parties in conflict. Similarly, the goal of the *gumaa* system is to restore the social, moral, and psychological values damaged in the conflict. The important thing in the system is not judging the past, but rather creating a peaceful future life. The primary outcome of the system is not only to maximise the benefits of the victim through compensation and restitution, but also to help conflicting parties and victims recover from socio-psychological crises and from trauma and agony. The focus is not only on punishing either of the conflicting parties, but is also on restoring relationships by reconciling the groups in the conflict (Choudree 1999). The purpose and practice of the system make it meaningful, fruitful and sustainable. Elders, especially clan leaders, are the heads of the system and they have multiple key roles in the process. The following section briefly discusses the roles of elders in this traditional conflict resolution process.

4.1 Roles of a neutral third party and elders

In the research area, elders and clan leaders are considered by the community as legitimate agents to strengthen peaceful coexistence among the community. Whenever there are conflicts in the community, it is the responsibility of the third and neutral party, the clan or sub-clan leader, to intervene and stop the violence. This neutral third party is traditionally called *Eddo*. If *Eddo* fails to intervene in the conflict before it escalates and causes more damage, he is considered by the community as an irresponsible leader who does not maintain the societal values. This seriously affects his legitimacy in all social affairs.

In the *gumaa* process, *Eddo* also plays crucial roles to stop revenge and bring conflicting parties to negotiation. Whenever somebody is killed in conflict, the perpetrator (offender) goes to *Eddo* and asks for asylum. In order to secure his asylum, the perpetrator has to confess to *Eddo* what he did against his opponent(s). Upon the offender's request, *Eddo* hides the offender in a safe and secured place where victims cannot find him easily. *Eddo* gives asylum to the offender until the conflict is resolved. To stop vengeance, *Eddo* immediately goes to the elders (usually clan leaders) of the conflicting parties and informs them to stop the conflict. Elders and clan leaders show their collaboration by cascading the same to families of the conflicting parties. *Eddo* then asks elders of each conflicting party to appoint two individuals of their own who will join him to form an ad hoc elders' council. Elders nominated for this council are expected to be neutral and the most respected people in the community. *Eddo* also serves as a chairperson in this elders' council.

The two elders nominated from each party are responsible for convincing their respective clan and family members not to attempt to get revenge. They function as a go-between for the conflicting parties so as to reduce the tensions and turn the situation back to its normal condition. They give especial attention to youth and closely follow their activities. Elders tell stories and describe the best practices of their traditional conflict resolution mechanisms so as to increase the parties' trust and confidence in the restorative justice system. If life is taken due to the conflict, elders from the offender's side collect an ox, *khat*, firewood, and money from their clan and take them to the victim's family. This is traditionally

called *waan awaalchaa* (things for facilitating funeral). In the case of injury or physical damage, elders take a sheep to the victim to help him recover from his injury and it is traditionally called *shaffee.*

The elders' council consisting of these five elders is the highest legitimate body to mediate between the conflicting parties, resolve the conflicts, and reintegrate parties in conflict. The second but most significant and designated task of the elders' council is to analyse the causes and triggering factors of the conflict. The elders' council is responsible to closely follow up the situation, critically and creatively evaluate the causes of conflict, and urge the offender's clan to fulfil the required rituals for the conflict resolution process. The elders' council is also responsible to bring on board key personalities from the victim's family and clan and convince them to agree in principle that their case be adjudicated traditionally. In the case of death, the elders' council facilitates conditions for carrying out different cultural rituals traditionally called *wadaja* (a cultural ceremony to express sorrow and respect for the dead body). Respected elders from the offender's clan also attend the *wadaja* ceremony to express their sorrow. Success in performing the *wadaja* ceremony guarantees to all parties concerned that the conflict will be traditionally adjudicated.

4.2 Categories of conflicts resolved through the *gumaa* system

In the *gumaa* system, critical examination of cases of conflict precedes the broader conflict resolution and reconciliation process. After thorough analysis and critical evaluation of a case, elders classify all causes and triggering factors of a conflict into three major groups traditionally called *mana dinaa*, *mana amba*, and *mana danu.*

Mana dinaa (homicide) is the term used for conflicts which are pre-planned, deliberate, and instigated with full preparation. When the perpetrator's action against the victim's life/property is intentional and with full knowledge, and if weapons or knifes are used, *mana dinaa* is categorised as *mana dinaa gurachaa* (showing its seriousness and criminality). *Mana amba* is when: a) conflict erupts out of minor causes; b) the action is not pre-planned and intentional; c) the two

parties have had no dispute or grudge before; and d) a life is taken unexpectedly due to failure to control emotions, not due to a previously held grudge. When either of the conflicting parties unexpectedly kills or harms an innocent intervener or peace maker who is trying to stop and calm down the situation, the case is classified as *mana danu*.

The *gumaa* system manages the socio-psychological problems, social dilemmas, and clans' uncertainties in all of these conflict cases in the same way. In the case of intergroup conflicts, the reinstitutions or compensations given for these three categories are also the same. But the mediation and negotiation processes and the way the offenders are treated in the processes differ. Of the three types of conflict cases, *mana amba* and *mana danu* are taken as communal problems and the compensations to be given to the victim are collected from the offender's clan. *Mana dinaa* or *mana dinaa gurachaa* is considered as the most serious crime due to an individual's greed or grievance. The clan is not asked to help the offender. In the past, offenders in this type of conflict were considered by the community as brutal, ruthless, and merciless, and their actions were taken as a serious violation of basic societal norms. So, the offender was supposed to be punished by death. However, since it became non-customary to pass the death penalty, the elders' council used to hand over the offender to the formal justice system. The offender faced becoming a social outcast and living in exile. Even if he finishes his prison time, he was no longer allowed to show up in the community. He was deprived of any membership in the society and the right to inherit his family's property. As a result, key informants stated, conflict among members of the same family was not common in the past. Over time, due to the enforcement of an individual's right in the formal law, the above customary law no longer functions as it did in the past. Offenders found guilty in the criminal justice system can rejoin the community upon release from prison. This, as elders pointed out, is causing another conflict dynamic due to unaddressed socio-psychological dimensions of the conflict. Elders strongly believe that the current ever-increasing animosity among groups is due to the declining power of the traditional conflict resolution systems and incompatibility between the formal and informal justice systems.

4.3 Phases of conflict resolution through the *gumaa* system

The *gumaa* system used in Haramaya district consists of three major phases, namely: conflict deescalation, conflict resolution, and reconciliation. The system has many rituals in it and is expected to be completed in a month's time. If the offender's clan could not fulfil what is expected of them within a month, they may ask for an extension. The elders' council, in consultation with the victim's clan, may give some additional days depending on the problem.

As indicated elsewhere, *Eddo*'s intervention to stop the conflict is considered as the first step to deescalate the tensions. Everything at this initial stage is managed carefully and in a very systematic way by the elders' council, partly because dissatisfaction of either of the parties could aggravate the situation and lead to a more polarised and politicised conflict. At this initial stage, both parties are in fear of conflict reescalation and its possible consequences. The overall situation at this stage is therefore tense and unpredictable. Both parties are very alert to their opponents' action and reaction. Consequently, it is mandatory for the elders' council to closely follow the situation. Thus, the elders' intervention and their collaboration with clan leaders play a vital role to lessen the tension and deescalate the conflict. Since elders are highly respected and responsible for keeping cultural norms, nobody in the community is impudent enough to ignore their advice. Doing so is considered as a violation of cultural norms that are of basic importance in social affairs.

The first phase of the *gumaa* process is symbolic and has many implications. Acceptance of *waan awaalchaa* or *shaffee* symbolises the victim's amenability to the *gumaa* system. Thus, it guarantees that no more action will be taken against the offender or his property and family. In this community, failure or delay to fulfil these two symbolic gestures of peace loving also has very serious implications for the victim's family or clan. If *waan awaalchaa* is not given before the funeral, it is interpreted as underestimating the family, the clan, and/or the action against them. Similarly, denial of *waan awaalchaa* or *shaffee* by the victim's family or clan also indicates holding a grudge, which in turn implicates the victims' preparation for counter-attack as vengeance. Therefore, it is a must

for the elders' council to pacify those involved in the case and convince the affected party and their clan to accept these contributions.

The second phase of the *gumaa* system is the stage at which the conflict resolution process begins. Most, but not all, of the conflict resolution rituals are performed during this phase. Key family members and six key clan representatives from each party are brought on board. Clan representatives carry out discussions among themselves, but do not meet with others out of their clan. Meeting places are prepared for them separately. The meetings are never convened in rooms, but outside under trees. Apart from facilitating discussions and liaison between the two parties, the elders' council does not discuss or share anything with the two groups. Joining either of the groups is considered as taking sides. Other family members are there just to attend the ritual.

It is mandatory for the offender's clan to host all participants in the conflict resolution process. The clan carefully prepares convenient meeting places, three separate rooms for accommodation (one for the victim's clan, one for the offender's clan, and one for the elders' council), and food, milk, and *khat* for participants. The offender's clan is also expected to prepare fifteen animals (cows and oxen) to be given to the victim's family as restitution, traditionally called *obsafi imimit*. Of these animals, one is expected to be a fattened ox, traditionally called *sanaga hasawaa* (an ox for negotiation).

The second phase of the *gumaa* system gives major emphasis to moral and psychological reintegration among the conflicting parties. The six elders from both conflicting parties come face to face for the first time to slaughter the ox (*sanaga hasawaa*). The two groups together slaughter the ox and split it into two equal parts divided at its spinal cord. The right side of the ox is taken by the elders from the offender's clan while the left part is taken by those from the victim's clan. It is believed that the animosity between parties is cleansed after this ox is slaughtered. However, the two groups never eat together at this stage. Each group takes its share to its room or tent and eats with other people from the clan. The elders' council do not eat with either of the parties so as to maintain their impartiality throughout. Though it is not mandatory, the offender's clan prepares a goat or sheep for the elders' council.

As we can see from the performance, the reunification is not physical, but rather psychological. The approach is top-down, where first the clan representatives from both parties come together and share flesh of an animal and cascade the same to the relatives of the two parties. The performance symbolises the moral and psychological reintegration of the conflicting parties. Furthermore, it is used to symbolise the groups' shared responsibility to reinstate their social relationships. It is believed that the enmity developed between the parties is cleared once they jointly slaughter the animal. Early the next morning, the offender's clan, in the presence of the elders' council, hands over the remaining animals to the victim's family. These animals are expected to be healthy and with all their body parts functioning properly. Upon completion of the second phase, another appointment will be set for fifteen days later to perform the third and final phase of the *gumaa* system. At the end of the second phase, the offender, who has been taken care of by *Eddo*, is shown to elders and families for the first time since he committed the crime against human life. The offender is given to his clan leaders; however, he is not expected to wash or change his clothes, cut his hair and nails, take a shower, eat with people, or participate in any social affair before the third stage is performed.

The third phase of the *gumaa* system is used for reconciliation. Above all, close families of the conflicting parties meet face to face for the first time since the conflict occurred. At this stage, the two parties reunify and the offender is reintegrated with the victims once and forever. The offender's clan prepares milk or honey and gives it to the elders' council. One of the members of the elders' council calls the victim's father and the offender to come out to the front. If the victim's father is not alive, the victim's elder brother is invited. Next, the elder gives the cup with milk or honey to the victim's father or elder brother. The father/brother takes the milk or honey from the elder and feeds it to the offender. And then, the offender in his turn takes the milk or honey and feeds the victim's father or brother. The elder then gives the same cup to the victim's family and asks them to feed the offender's family. The offender's family also does the same. Finally, elders from both parties feed each other the milk or honey from the cup. Rituals at this phase symbolise the parties' social, psychological, and physical reintegration. The entire process symbolises forgiveness and the reunification of

the two polarised parties and their families. After this performance, it is believed that all parties are fully reconciled and reintegrated. Feeding each other milk and honey symbolises an exit from a distressed, agonised, and nasty life and entry into a sweet, harmonious, and peaceful relationship. It also indicates the end of hatred and enmity and the revival of love and symbiotic relationships which in turn restores the socio-psychological relationships among the parties.

The reconciliation process at the third stage uses a bottom-up approach wherein the process is first performed between key family members and the offender, then followed by reconciliation between families of the conflicting parties, and finalised by reconciliation between the clans of the conflicting parties. Thus, reconciliation is made not only between key actors but also with the entire community. After this reconciliation process, it is believed that the offender is fully cleansed and the family is reunited socially and psychologically. The parties no longer consider one another as a threat. Everybody leaves the bad conflict experience behind and starts to think about a future peaceful life. The parties reinitiate their peaceful coexistence and keep on supporting each other morally, socially, and economically. At the last stage of the reconciliation process, the offender's clan gives the thirty-five remaining animals traditionally called *Agajuma*. The *Agajuma* are shared among the clan members who have a close blood relationship to the victim. Customarily, the victim's family has no share in these animals.

In the case of intragroup conflict, the *gumaa* process is completed in the first two stages and it takes only fifteen days. Since the conflict is between members of the same clan, the reconciliation process is not performed and no reinstitution is given to clan members. In this case, *Eddo* is selected from the other clan whereas elders are nominated from sub-clans. Compensation for victims of the intragroup conflict is limited to fifteen animals.

Compared to the intragroup conflicts, the intergroup conflicts need to be managed carefully because polarisation between the parties can be increased and can expand to other clans and sub-clans. With regard to intragroup conflict, since there is an intense pressure on the victims' family from the clan members and other relatives, it is very likely to be resolved traditionally. Above all, the

families of the victim do not bypass the traditional mechanism and go to the formal justice system. Due to the offender's blood relationship to the victim, they also show more interest in the socio-psychological rehabilitation, trauma healing, and compensation for lost and/or damaged property than in retaliation.

In general, the community still believes that the *gumaa* system is an important indigenous conflict resolution mechanism used to solve their social, economic, and political problems. Thus, they have a strong belief in and emotional attachment to the system. However, this does not mean that the *gumaa* system is 100% pleasing to all parties. Nowadays, it is very difficult to get fifty-one animals from clan members because there are only a few animals per household. Consequently, victims are given money which is not equivalent to the animals' market value. However, since the primary goal of *gumaa* is not maximising compensation, the majority of the parties adjudicated by the system still consider the change in compensation positively. Since the overall process is open, participatory, and transparent, parties have great trust in the process. Elders and clan leaders continue to monitor the progress of victims, helping them to recover from the moral and psychological crisis they encountered. Sustaining the psychological rehabilitation and emotional reunification of the affected party is given due emphasis.

5. Conclusion

The intensity of inter- and intragroup conflicts in Haramaya district is continually increasing, mainly due to land scarcity, degradation of societal norms, and disintegration of socio-psychological relationships. Insights from the study indicate that at the same time interest in indigenous knowledge and practices is significantly becoming weakened due to both internal and external factors. Of all the internal factors, underestimation of cultural values due to 'modernised thinking', increasingly egocentric human behaviour, and erosion of the societal norms (resulting from unhealthy competition over scarce resources) are taken as major factors seriously threatening the existence and legitimacy of the traditional conflict resolution mechanism. Lack of support for, lack of cooperation with, and cooptation by the formal institutions are considered as external factors threatening the legitimacy of elders and their indigenous conflict resolution

practices. Experience also shows us that formal institutions usually advocate bringing offenders to the formal justice system where their cases are adjudicated by the court. However, the study suggested that the justice system alone cannot provide sustainable solutions unless it is coordinated and harmonised with the indigenous conflict resolution and reconciliation mechanisms. This is mainly because, usually, the formal justice systems do not deal with resolving the socio-psychological tensions among the conflicting parties. But the traditional conflict resolution mechanism can help the formal justice systems fill in this gap. From this perspective, there is a huge gap between the two systems at the research site. In most cases, the two systems do not consult each other. The indigenous conflict resolution mechanisms are disempowered and their cultural values are compromised. Elders believe that disempowering the traditional systems is directly contributing to the erosion of social norms which in turn contributes to the ever-increasing inter- and intragroup violent conflicts.

Because of population pressure and lack of clear land use policy, conflict over land remains a critical challenge to the community in the research area. Sometimes, the victim's family may be forced to lead a destitute life after the conflict. Wives may become widows and children orphans, and fathers/mothers may become helpless due to the irresponsible violent action of individuals. Victims' rights remain infringed because conflict might have taken the ones who defend their rights. But the offender, even in a prison, lives a relatively better normal life. Upon his release from prison, the offender re-joins that community/family and starts to lead his own life. For the victims' families, living side by side with their enemy is becoming a bitter experience difficult to accept. Consequently, the victim's family and/or clan may hold a grudge and live with a high degree of anger and anguish against their enemies. As long as the two parties are living together, grudge and frustration may trigger retaliation and more violent conflict. These conditions put the conflicts into a vicious cycle.

Insights from the study also confirmed to us that the formal justice systems lacks capacity to stop the ever-increasing horrible intragroup conflict dynamics in the community because they have a plethora of challenges like lack of qualified manpower and dedicated institutions. As stated by the elders and endorsed by people in the formal justice system, psychologically disturbing an opponent,

divesting individuals of their rights and/or eliminating a competitor from the group are newly emerging means to achieve previously unachievable goals and get full access to and control over scarce resources. This outrageous behaviour is seriously eroding the emotional attachment within and among groups, which in turn leads to violent conflicts among parties.

To meet the emerging new challenges, interventions should be tailor-made, multidisciplinary, integrated, and multifaceted. Given their societal significance, the basic values and principles of the *gumaa* system have to be maintained and passed to the young generation who are in a chaotic socio-psychological dilemma. To minimise the current resource-induced socio-psychological tensions in the community, the eroded social values should be restored, renowned customary institutions like the *gumaa* system should be reinforced, and the community, especially the elders, should be capacitated. Such improvements could become possible through justice reform, cooperative resource management, community empowerment, awareness-raising strategies, and sustained community dialogue. The formal justice systems should coopt or cooperate with the customary justice system to deal with issues related to peace and conflict.

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