

# Indigenous institutions as an alternative conflict resolution mechanism in eastern Ethiopia: The case of the Ittu Oromo and Issa Somali clans

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## **Abstract**

The study was conducted in eastern Ethiopia where the Somali and Oromo ethnic groups live. The main purpose was to examine the roles and challenges of the indigenous conflict resolution mechanisms practised as an alternative to modern methods among the Ittu Oromo and Issa Somali clans. The study employed a qualitative research approach under which key informant interviews, focus group discussions, observations and informal discussions were conducted. Key informants and focus group discussants were selected purposively. It was found that territorial expansion, resource competition and cattle raiding were considered as the main causes of violent conflict in the area. Boundary disputes between the two regions have been associated not only with the accessibility of resources, but also with issues of identity. According to the participants, the indigenous institutions can play a major role in preventing and resolving intra-ethnic conflicts.

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There are cases of government support for indigenous institution leaders, especially where there is proximity between such leaders and the current political system. Government intervention in the indigenous systems can also result, however, in the weakening of customary institutions in the area. The absence of a single common binding indigenous institution that governs inter-ethnic conflict in the area is another challenge for indigenous systems of conflict resolution. Indigenous institutions can deal effectively with many conflicts caused by the above mentioned factors, but since they also have certain limitations, serious thought should be given to the option of appropriately integrating modern and indigenous institutions.

**Keywords:** conflict resolution, indigenous institutions, resource competition, territorial expansion.

## **Introduction**

Ethiopian pastoralists inhabit the arid and semi-arid parts of the country. They have been a socially, economically and politically marginalised and disadvantaged minority group of people. They have been overlooked in local development plans, and their movements have been restricted by regional boundary demarcations and by inter- and intra-ethnic conflicts. Their farming has been severely hampered by the harsh climate and a degraded environment. They are widely dispersed over an extensive territory, perhaps as much as 40 to 45 percent of the area of the country, while they constitute approximately 10 to 12 percent of the total population (Rahmato 2007:3). Pastoral and agro-pastoral communities have been competing for access to and control of scarce resources, and for dominance. Consequently, individuals as well as social, political, economic, and religious groups are involved in conflict at different levels and for different reasons.

The study area is prone to serious and frequent conflict. According to key informants and focus group discussants, the major causes for conflict in pastoral and agro-pastoral areas are territorial expansionary moves,

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competition over declining resources, cattle raiding and counter raiding. After the introduction and implementation of ethnic based boundaries, the issue of administrative boundaries between Somali and Oromo regions in general and Ittu and Issa clans in particular has become another source of conflict in the area.

The life of the pastoralists depends on the quality and quantity of their livestock and its products, which are interrelated with the availability of pasture and water, and the health of the livestock. Both water sources and natural pastures are becoming insufficient during periods of drought. When pastoralists need to move their herds in search of pasture and water sources, there are frequent clashes over scarce resources. Oba (1992:1) argues that extended drought periods have the potential to catalyse resource-based conflicts in pastoral areas, where resources are shared among communities.

The Ittu and Issa clans have experienced a long history of negotiating access to and the use of available pasture and water points through negotiation. However, the stock of natural resources, particularly pasture, water points and forests, has become degraded because of the occurrence of drought and over grazing. As a result, free movement of pastoralists within and across boundaries has been restricted. Cousins (1996:44) points out that such mobility restriction, resource scarcity and frequent conflicts bring about instability and tension within and between pastoral and agro-pastoral groups.

The methods for conflict resolution and peacebuilding in the study area arise from both indigenous and modern institutions. However, the pastoralist societies acknowledge that the indigenous mechanisms of conflict resolution are more practicable in dealing with the root causes of conflict and establishing sustainable peace. Peace agreements found through the process of mediation by indigenous institutions have the most legitimacy and the highest chances of success. In areas where for different reasons the state cannot prevent and solve inter-ethnic conflict, the role of indigenous institutions becomes a very significant alternative.

By providing specialised rules as tools to address peculiar problems related to the exigencies of time and place, they can forestall and resolve conflict, foster coordination and cooperation in jointly undertaken activities, and promote reconciliation of varied interests.

This study is therefore meant to examine the indigenous institutions as an alternative way of dealing with conflict in the Issa Somali and Ittu Oromo clans in eastern Ethiopia. The discussion focuses on the major causal factors that lead to violent conflicts, and on the roles and challenges of the indigenous institutions.

## **2. Materials and methods**

### **2.1 Study area**

The study was conducted in eastern Ethiopia where the Issa Somali and Ittu Oromo practise different modes of production – pastoral and agro-pastoral. Both clans are Cushitic speaking, predominantly Muslim, and have somewhat similar socio-cultural practices. Under the Imperial regime, the areas of the different Oromo clans were classified and administered as Gara Guracha Awraja (less than a province but greater than a district) while the areas of different Somali clans were Gurgura Awraja. Under the Derg regime, the Somali clans in the area were administered and named as Issa Awraja while the areas of different Oromo clans were administered as Gara Guracha Awraja where they were administered under Hararghe province. However, after the introduction of ethnic based federalism in 1991, the Issa of Somali and the Ittu of Oromo clans were separated into two regional states and administered by their respective regions. They were named the Oromia National Regional State and the Somali National Regional State, respectively.

The Issa clan inhabits Shinille zone of Somali region, and borders Djibouti in the north, Somaliland in the east; Jijiga zone in the southeast; and Oromia and Afar regions in the south and west respectively. This zone is

part of the arid and semi-arid lowlands. The dominant clan groups in the zone are the Issa, Gurgura, Gedabursi and Hawiya. Five of the six *woreda* (district) towns are located along the Djibouti-Addis Ababa railway line. Some villages of Afdem and Mieso *woredas* are situated slightly off the main Awash-Mille road. The Ittu Oromo clan currently inhabits Mieso district in the western Hararghe zone of the Oromia regional state of Ethiopia. It is bordered on the south by Guba Koricha, on the west by the Afar, on the north by the Somali region, on the east by Doba and on the south east by Chiro. Major towns in Mieso district include Arba Bordode, Asabot, Kora and Mieso (Temam 2010:29).

These two clan groups (Ittu and Issa) who are sharing a long boundary and competing with each other for scarce resources are the major contenders in the study area. Numerous conflicts have taken place between the local Oromos and Somalis in Mieso. Since the 2004 referendum about the disputed boundary between Oromia and Somali National Regional States, over 2500 people have been displaced from their homes. The study area is therefore a most conflict prone and volatile area (Mesfin 2006:22–24).

### 2.2 Data collection and analysis

A qualitative research approach was employed to attain the intended objectives of the study. Both primary and secondary data were collected through a variety of methods and approaches. Primary data were collected by using key informant interviews, focus group discussions, observations and informal discussions. Key informants and focus group discussants were selected from each village purposively. The researcher selected respondents according to sex, age, level of education and position in the society (community elders, district officials, religious and customary leaders). Six focus group discussions, each comprising 6 to 8 persons of the same sex but different age groups, sampled from each village, were conducted in the area. For cross triangulation, in-depth interviews with influential community members were conducted. Informal discussions were also held with government officials, development agents, religious leaders and local elders.

In addition, secondary data were collected through an extensive review of existing literature and official reports to cover current issues in relation to indigenous systems in conflict resolution. The descriptive study analysis technique was employed to analyse, interpret and discuss the qualitative data.

### **3. Results and discussion**

#### **3.1 The nature of conflict**

Conflict and conflict resolution within and between the Somali and Oromo pastoral ethnic groups of Eastern Ethiopia are not new phenomena. Centuries of interaction between the two groups of people have also created a complex pattern of ethnic and linguistic group relationships. Currently, there is the issue of where the administrative boundary between the two Regional States should be drawn. In the areas concerned, there are mixed cultural, linguistic and ethnic affiliations, and competition for scarce resources (water sources and pastureland) – which lead to violent conflicts. Moreover, the emergence of local tribal elites on both sides exacerbates the problems with the boundary dispute (Mesfin 2006:5).

Both intra- and inter-ethnic conflicts over the use and control of natural resources as well as territorial expansionary moves are everyday business in the pastoral areas of Ethiopia in general and in the study area in particular. According to local elders in the area, there were frequent incidences of violent conflict among the different clan groups, resulting in large-scale destruction of livelihoods, loss of lives and massive displacement of people from their original residences to new settlement areas. For instance, the Issa Somali were displaced from Bordede of Oromia region and are currently settled in Mulu district (the Hawiya clan) and a new settlement site, named Hardim. The Ittu Oromo were also displaced from Bike of Somali region and are currently settled in Mieso district. Such displacement of people was due to competition over territorial expansion and the dissatisfaction of the Issa clan over the results of the 2004 referendum in the disputed areas.

According to key informants, the nature of conflict has been changed from time to time, and the opportunity of the two rival groups to access modern automatic weapons has made the conflicts more devastating than the earlier forms of confrontation. The conflict has also acquired a new dimension after the introduction of ethnic based boundary demarcation in Ethiopia in 1991.

### **3.2 Major causes of conflict**

No single conceptualisation of conflict can capture the variety of intervening variables that are at play in practical conflict situations. These variables include cultural, historical, political, and economic motivations of the various parties involved in the conflict. Real world conflict situations are further complicated by the actions of secondary conflict parties expressing their interests through the primary contenders or actors (Adan and Pkalya 2005:1). The history of the region includes massive population movements pushed by different natural and manmade factors, and pulled by the search for better pasture and water sources (Kandagor 2005; Brock-Utne 2001; Markakis 1993).

The major causes of conflict in the study areas were identified by most key informants and focus group discussants as: territorial expansion, competition over scarce resources (pasture land and water points), livestock raids and counter raids triggered by prolonged drought, ethnic rivalries, and the revenge tradition. Resource scarcity and competition in the area arise from the natural resource base, population pressures, environmental degradation and the resulting climate change. A study conducted by Beyene (2007) in Mieso District of Eastern Ethiopia points out that factors like resource scarcity and competition, customary norms, power asymmetry and livestock raids are major causes of conflicts in the area. According to Mkutu (2001), the overall conflicts, animosities and competitions among pastoralists in the horn of Africa are basically due to the following reasons: scarcity of resources, poverty, pastoral mobility in search of pasture land and water points, historical relations and animosity, and government policies which lead to the marginalisation of some clans.

When ethnically based regional boundaries were introduced, access and ownership rights began to depend more on ethnic membership than on traditional negotiations. Besides physical boundaries that restricted free movement, the ethnic element of resource ownership also had to be coped with (Debelo 2012:524–525).

In order to arrive at a better understanding and assessment of the eastern Ethiopian indigenous institutions for conflict resolution, the respondents in the area were requested to identify factors that lead pastoral and agro-pastoral communities into conflict. In the following few sub-sections, their responses are briefly summarised and endorsed by references to relevant literature.

### **3.2.1 Resource scarcity**

Key informants and group discussants described that the (agro-)pastoral areas are in a state of instability because of competition over scarce resources. Climatic changes have led to desertification and narrowed the belts of pasture and water sources, drastically reducing access to rangeland upon which the pastoralist mode of production depends. Supported by government-sponsored projects and changes in land use, sedentary encroachment has further diminished the range of pastoral mobility. Since the arid and semi-arid areas of the country where pastoral populations live receive insufficient rain during the year, mobility is important to make use of resources in different ecosystems during different seasons. However, in the current situation, mobility within and across regional boundaries has been restricted because of resource scarcity and ethnic based animosity.

In pastoral and agro-pastoral areas, the stock of natural resources, particularly grazing lands and water points, is shrinking from time to time as a result of several factors, including the occurrence of prolonged drought, environmental degradation, expansion of agriculture, and human and animal population growth. There is no doubt that all these factors intensify resource scarcity and competition for pasture and water sources in the area among the pastoralists. When pastoral groups compete



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to maximise their share of the limited grazing resources and water points, the struggle inevitably leads to violent conflict. Pastoral conflicts occur mostly during the dry seasons when the stock of key resources declines.

Territorial encroachments, cattle raids and scarce resource competition between Ittu and Issa clan groups have resulted in conflict since the 1960s (Oba 1992:15; Blench 1996:3). Fratkin and Mearns (2003:112) stated that pastoralists are facing more pressures and challenges onto their way of life than ever before because of the loss of pasturelands to private farms, ranches and national parks; changes to other types of land use; increased commoditisation with concomitant inequality within the livestock economy; out-migration of poor pastoralists; and periodic dislocations brought about by drought, famine, and civil war.

Pastoralism as a way of life requires movement within and across regional boundaries in search for pasture and drinking water for their livestock. But the current situation is not conducive to a mobile way of life across regional boundaries because of enmity among ethnic groups. Consequently, territorial expansion becomes one of the main strategies for control over scarce resources. Such boundary claims resulted in violent conflict between the two clans in the area. For instance, in 2004, Somali Region claims that 21 *kebeles* (small units of administration in a district) should fall within its regional administrations. These events led to a referendum in November 2004, which allocated only one of the contested *kebeles* to Somali regional state and the remaining twenty to Oromia regional state. As a result, the Issa and other Somali clans were not satisfied about the result and they made indiscriminate violent attacks on Ittu clans. A finding of empirical research done in Sudan indicates that when land becomes scarce and agro-pastoralists come under increasing pressure, various stakeholders will lay claims to land and promote a history of conflict over land and access to natural resources (Taha 2007:15).

Bassi (1997) also argues that recent clan and inter-ethnic conflicts are related to national political processes. The absence of clearly demarcated

regional, zonal, district and *kebele* level boundaries in eastern Ethiopia led to stiff competition and territorial expansive moves by several ethnic groups. Though the two regional state governments (Oromia and Somali) tried to resolve the boundary dispute through the referendum in 2004, their efforts did not bring a long-lasting solution. In fact, Mesfin (2006:22) argues that the referendum intensified the conflict and the violence into a full-fledged war. Several incidents of violence were triggered in 2004 in the Mieso district and its surroundings after the referendum, and since then violent conflict has become a day-to-day activity. As a result of this, people were displaced, massacred and injured, houses were burnt and properties and cattle looted.

### **3.2.2 Livestock raiding**

Livestock raiding is a widespread and long standing form of violence among many Ethiopian pastoral communities. Raiding livestock is an act of group invasion or forceful attack by an outside pastoralist group with the purpose of robbing livestock (Mkutu 2001:17–18). Community elders revealed that livestock raids and counter raids were regular phenomena between Issa and Ittu clans. Traditionally, there was the approval of elders and considerable preparation and coordination to raid cattle among Issa and Ittu clans. Raiding campaigns by young warriors had to be sanctioned by elders and evolved within strict rules governing preparation, engagement and disengagement.

The main driving factors for cattle raids were associated with social, cultural and economic issues of the pastoral and agro-pastoral societies. Pastoralist communities raided each other mainly for prestige, revenge, and to maintain their strength and power over the opponent parties. Cattle raiding was seen as a heroic deed and was praised through songs and poems. It has been used as an important mechanism for restocking when pastoralist communities experience loss of cattle through droughts, epidemic disease and conflicts. Michael (2000:2) states that motivations for cattle raiding attributed to East African pastoralists include the desire

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for prestige, retaliation, loot, and trophies. The motive driving victimised ethnic groups to commit cattle raiding emanates from their desire to claim the death of favourite oxen, acquire or reacquire looted cattle, expand their herds, repair stock losses, and amass the stock needed for bride wealth payments. Adan and Pkalya (2005) describe that pastoralist communities raided each other's livestock, mainly to replenish their herds depleted by severe droughts, disease, raiding or other calamities. Raids were also undertaken to expand grazing lands, raise bride price and to a lesser extent to demonstrate the physical courage among warriors. Elders blessed the raiders before they set off.

Continuing the historical pattern, livestock raiding and counter raiding between the two clans is still one of the major causes for the occurrence of violent conflicts. In 2000, there was violent conflict between the Ittu and Issa clans in Dima, a small town between Assebot and Mieso, inhabited by the Oromo clan as well as some Issa cattle herders. The conflict started when the Ittu Oromos raided around 500 cattle and attacked Issa's herders. The Issa, afterwards, took revenge by mobilising their forces, attacked Dima and indiscriminately killed around fifty people. The situation escalated into violent conflict, not only because of the cattle raiding, but also because of a drought and scarce resources.

### **3.2.3 The need for territorial expansion**

From the previous two sub-sections and from the literature, it becomes clear how interrelated the main causes of the inter- and intra-clan conflicts are. In the literature, one finds corroborating summaries such as the following.

According to Homer-Dixon (2007:3–4) and Mahmoud (2006:2), competition for scarce resources, enemy stereotypes, marginalisation of a society, and uncontrolled proliferation of weapons are found to be the causes of conflicts in (agro-)pastoral areas. Inter-ethnic conflict between pastoralists has been interpreted as competition for scarce resources. Raiding cattle of traditional enemies is a means to expand rangelands, restock herds and improve social status. Mahmoud (2006:4) also states that

the policy of ethnic based regionalisation, ethnic politics at the national level and ethnic based boundary demarcations are major causes of conflicts among groups of pastoralists in eastern Ethiopia.

The need for territorial expansion may therefore be used as a convenient umbrella term in a situation where several urgent problems can be traced back to a basic shortage of land. After all, land is the basic requirement for all pastoral and agro-pastoral farming.

#### **3.2.4 Other factors**

Other factors that affect the quality and availability of land have already been mentioned, but deserve more emphasis. Firstly, there is the occurrence of drought, which can be an annual or a cyclical phenomenon, and which can be of shorter or longer duration. During severe shortage of rainfall in pastoral areas, the groups residing in the area try to spread over more land. Sometimes, different pastoral groups move to the same place and want to use the same scarce resource, which cause stiff competition leading to conflict.

Secondly, local elders emphasised the problem of land alienation for investment or other purposes. Development projects might instigate or trigger existing or new conflicts in the area. For instance, a road from Bordede to Gelemso town and one that links Serkama and the surrounding *kebeles* to Dire Dawa city – although they are constructed by the Oromia regional state in collaboration with the local people – aggravate the already existing conflicts between Issa Somali and Ittu Oromo clans in the region. Communal property of pastoralists' extensive pastureland has been given to investors. For example, Indian investors in Mieso at Bordede area took an extensive piece of land to grow *Jatropha* plants. Market corridors are also sources of conflict between Ittu and Issa clans. Mesfin (2006:21) points out that violent conflict between Issa and Ittu erupted in 2003 at Bordede town to control the custom point and tax collection area that connect the eastern region to the centre of the country.

### 3.3 Dynamics of conflict

Historically, there were inter-ethnic conflicts about pasture lands and water points in the time of Emperor Haile Selassie (1930–1974), during the Derg regime (1974–1991) and even before. There have been conflicts between Somali Issa and Oromo clans as well as central government backed campaigns against the ambitious territorial claims of the Issa. However, after the introduction of ethnically based regional boundaries in 1991, the nature, behaviours and trends of conflict varied from time to time according to the root and immediate causes of conflict (Mesfin 2006:17). Community elders point out that the relationships among pastoral clans of different ethnic groups are increasingly becoming complex and dynamic in response to change in social, economic, political and cultural settings. In the past, the need to access and use resources was the main source of conflict. In the current situation, the right to own a scarce resource through territorial claims has also become a major cause of conflict among these ethnic groups. Conflict has been changed in its shape and nature over time from a simple confrontation by using traditional weapons to war-like scenarios with modern and more sophisticated weaponry.

It is believed that most of the states in the horn of Africa are considered to be fragile states or even stateless societies. The region is therefore regarded as very conflict prone and characterised by proliferation and circulation of modern firearms. The relative ease of acquisition and low cost of these illegal guns enable the pastoral communities to guarantee a sustained market (Mkutu 2001:18). Goldsmith (2006) estimates that there are between 150 000 and 200 000 firearms in the Karamoja region of Uganda alone. The exact number of small arms in the hands of pastoral communities is difficult to assess, but it is clear that the threat posed by them is enormous. A study conducted by Aredo and Ame (2002) indicates that the pastoral conflict is changing its nature with devastating effects. In 2000, three major conflicts have occurred between major rival pastoral groups, i.e. Borena versus Gari, Merihan versus Digidia, and Degidia

versus Borena in Oromia region. These conflicts resulted in the death of hundreds of people. In the study area, a referendum was held in 2004 in the Oromia and Somali regional states about the disputed districts and *kebeles*. Following the referendum result, violent conflict erupted between Issa and other Oromo clans. Consequently, new settlement camps were formed at Hardim and Meiso.

### **3.4 The role of indigenous institutions in conflict resolution**

Pastoral and agro-pastoral communities have two conflict-resolution options: the formal (modern) and the informal (indigenous). The modern systems of conflict resolution are conducted in the court through litigation and are officially recognised by the government. Their procedures are more strictly examined and monitored for signs of impartiality, entrenched inequities and lack of due process. Indigenous systems of conflict resolution are an ancient set of practices in almost all the pastoral societies in Ethiopia. They are grassroots approaches, and essentially consist of time-proven applications of third party mediation and arbitration. Watson (2001:6) describes how indigenous institutions include local cultural forms of organisation, for example locally elected and appointed, or hereditary leaders and elders. They have customary rules and regulations as well as indigenous practices and knowledge regulating the access to resources. According to the Department of Justice and Constitutional Development (2008:26–27), leaders of indigenous institutions play a significant role in local and grassroots communities in relation to socio-cultural and economic development, and the administration of justice in the modern political system. They play two important roles: a proactive role to promote social cohesion, peace, harmony and co-existence; and a reactive role in resolving disputes which have already occurred.

According to key informants, when compared with modern institutions, the indigenous mechanisms for the prevention and resolution of conflicts are less complex, save time, money and energy and give chances for parties to actively participate in the solving of problems. Currently, however, there

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is no single common binding indigenous institution that can govern inter-ethnic conflict. Consequently, the modern institutional approach is usually applied to handle inter-ethnic conflict among pastoral communities. When intra-ethnic conflict occurs, however, the indigenous institution leaders have power to sanction and penalise the perpetrators and enforce them to pay blood money. Each clan group in the area has their own process of conflict prevention and resolution based on the values, norms and cultural rules of the community concerned.

The key purpose of indigenous institutions in conflict resolution is therefore to find appropriate solutions to the existing conflicts – solutions based on the values, norms, complexity and culture of the society, and accordingly of significance to the conflicting parties. Most important elements involved in such mechanisms are the traditions of forgiveness and of respect for elders because of their symbolic authority to enforce decisions and implement compensation. Indigenous conflict resolution typically incorporates consensus building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is ideally a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict (USAID 2005:27). Tafere (2006:51) and Assefa (2001:27) state that indigenous institutions are time-tested and effective for handling conflicts that arise in the Horn of Africa in general and in eastern Ethiopia in particular. The pastoral and agro-pastoral people tend to refer any disputes to the local mediation process where conflicts are addressed in a less rigid manner, compared to the modern court where adjudication is largely based on standardised and uncontested rules.

Indigenous institutions can present locally meaningful solutions to problems of collective action confronting individuals and groups in the various particular environments they inhabit. In addition to resolving

conflict, they can foster coordination and cooperation in jointly undertaken activities, and promote the reconciliation of varied interests. Indigenous institutions are indeed relevant to conflict resolution, reconciliation and development because they reflect fundamental understandings among affected individuals, who must deal with each other within the context of a particular problem arena and overcome dilemmas of collective action.

Research conducted in Kenya indicates that lasting conflict resolution can only be achieved by the parties themselves, based on strengthened local institutional capability (including indigenous institutions and local civil society organisations), and key local individuals. However, government and outside agencies have an essential role to play in creating the external conditions for such local settlements, and in supporting local institution capability (Adan and Pkalya 2005:52–53). People in Africa in general and in the Horn of Africa in particular have effective indigenous mechanisms to prevent, mitigate, manage and resolve conflicts, and to draw the attention of the governments of the Horn countries to use these indigenous mechanisms to make the region more stable and peaceful (Assefa 2001:27).

### **3.4.1 Process of indigenous conflict resolution among the Ittu Oromo clan**

Like other African pastoralists, Ethiopian pastoral and agro-pastoral societies in general and the Ittu Oromo and Issa Somali clans in particular have their own procedures to manage and resolve conflict through indigenous systems. According to key informants, the Ittu Oromo clan has its own rules and practices of governance for various maladjustments and happenings particularly with regard to conflict prevention and resolution. Compensation of a victim's family (known as *guma*) is one mechanism in indigenous conflict resolution. The type of offence (wound, amputation, murder, rape, etc.) determines the amount of blood money. When someone has killed an individual, third and independent parties will intervene and try to influence the victim's family not to take revenge. Until the murderer's clan negotiates with and compensates the victim's clan, the offender will go and hide himself somewhere else. Based on the *guma* system, the offender's



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family will pay 2000 Ethiopian birr, 3 meters white garment, an ox to be slaughtered, and a quintal of maize for the burial ceremony. This is called *kefenafi kefera* (soothing of anger and drying of tears). After the payment of *kefenafi kefera*, the amount of blood money for compensation will be decided (100 cattle for unintentional killing and 150 cattle for intentional killing). Within two weeks, the first phase of blood money, called *immimetti*<sup>1</sup> and consisting of 15 to 20 cattle, has to be paid to the deceased's family. Then, a larger and wider appointment for conflict resolution at clan level will be organised. The elders will order the process of *guma* for *kondale karra*<sup>2</sup> to follow up the fair contribution of cattle from each of the offender's clan members. The offender's clan will assign responsible individuals (known as *seglen*) to collect cattle for compensation from their own clan members. Then, the murderer has responsibility to look after those cattle until the *seglen* members carry out their duties. As self-punishment, the murderer will exclude himself from certain activities, for instance, having any sexual relationship with his wife, living and eating together with his relatives, entering the house at the front, and washing his body. When the *seglen* have executed their responsibilities, a large temporary hut (*dass*) will be constructed as a meeting hall for the resolution ceremony. At this juncture the offender's clan will slaughter an ox for this ceremony. The meat is divided into two equal parts, one for the offender's and the other for the victim's clan. The meat from the left front leg of the ox will not be eaten.

The murderer who looks after the cattle for compensation at the nearby kraal<sup>3</sup> will be given an audience. He will request an acquittal to make him free from all the sanctions. The brother of the deceased and the killer will be tied together by the *meditcha* (rope made of leather) and come together in front of the audience. Community elders and religious leaders will bless

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- 1 *Immimetti* means the immediate gift to compensate the sorrow of the deceased's relatives.
  - 2 *Kondale karra* is the elder who is responsible to enforce the offender's clan to contribute blood money (*guma*) as compensation to the victim's clan.
  - 3 *Kraal* is a traditional enclosure made of wood and thorny shrubs for livestock, especially cattle.

them to become as one and as brothers to each other. The rope symbolises the ending of their enmity and their uniting for peace and development. The deceased's mother will lash butter on the hair and pour milk on the stomach of the belligerents so as to get rid of any evil spirit from their mind and stomach. They become relatives and inter-marriage is not allowed.

This seclusion process may last for about one to three months and more. Finally, the remaining blood money for compensation will be paid and the victim's clan members will share. Such a process of conflict resolution (*guma*) is functional only among the Oromo clans in the area, and not in the Somali clans.

In cases other than murder, as key informants said, the Ittu Oromo clan awards different amounts of compensation according to the type and extent of physical injuries, as indicated in the table below.

**Table 1: Compensation for physical injuries**

No.	Type of physical injury	Amount of compensation
1.	Loss of hand/arm	<ul style="list-style-type: none"><li>• 16 cattle and 15 cattle for left and right hand respectively. There is a belief that the left hand is considered as more important for making love, defending, etc. than the right hand.</li></ul>
2.	Loss of leg	<ul style="list-style-type: none"><li>• 16 cattle, 2 oxen and 1 mule for left leg</li><li>• 15 cattle, 2 oxen and 1 mule for right leg</li></ul>
3.	Impairment of eye	<ul style="list-style-type: none"><li>• 19 cattle for each eye, or sometimes a gift of few cattle and a virgin girl to look after and guide him as a wife and compensation.</li></ul>
4.	Rape	<ul style="list-style-type: none"><li>• 5 cattle for a virgin girl; 3 cattle for a non-virgin girl</li><li>• 5 cattle for a married woman</li></ul>

Source: Field inquiry

### 3.4.2 Process of indigenous conflict resolution among the Issa Somali clan

According to key informants, the process of indigenous conflict resolution in this clan is based on consultation and open discussions between the disputant parties. Mediation is carried out by a person or persons of high social standing, commonly chiefs or elders, who use their social legitimacy and facilitative skills. Indigenous institution mediators are indeed better able than government-led interventions to address the causes and resolve the conflict. Locally driven conflict interventions do not only have better ability to design a process suited to the local context, but they also have valuable experience which can lead to much faster response than state-led initiatives.

In accordance with Somali custom, elders are the key actors in the process of ending hostilities and negotiating agreements between disputing parties. The *guurti* elders (a council of clan elders that traditionally presides over a community) function as judge and jury, and their decisions are largely adhered to and respected. Most people would not consider deviating from the prescribed conflict resolution mechanisms, largely because of the strong peer pressure and inculcated societal expectations.

This clan's process of conflict resolution within the indigenous institution also focuses on reconciliation, stability, harmony and safety; and tries to reconcile individuals and groups on the basis of their cultural norms, values and practices. The institutional leaders impose different punishments on perpetrators based on the laws, rules and regulation of the indigenous institution. The amount and type of compensation for individuals or groups depend on the type and extent of offence (killing, amputation, wound, rape, etc). Loss of life during conflict demands a complex negotiated process and the murderer's families have to pay compensation of blood money (*mag*) to settle the conflict.

The most important process for resolving a murder-related conflict case is through the intervention of elders and an independent third party. After discussion with the victim's families, one camel, ritually named

*axan*,<sup>4</sup> will be slaughtered and means there is a promise not to take revenge. The procedures of compensation for blood money are discussed between the elders of the clans involved in conflict as well as an independent ‘third-party’. In the first phase of negotiating blood money for compensation, the killer’s families will give *kafan*<sup>5</sup> (a 3 meter white garment), *kefera* (a quintal of maize) and 2500 Ethiopian birr including *khat* (a mildly narcotic plant) for the burial ceremony. The family of the murderer hands over the gun to the victim’s family during the funeral ceremony. After the funeral ceremony, the amount of blood money will be decided (100 camels for unintentional killing and 150 camels for intentional killing). The killer’s families and clan members will not be allowed to move with their traditional as well as modern weapons during the process of conflict resolution. Within 15 days, the first part of the *mag* has to be paid (usually comprising 15 to 20 camels) to the deceased’s families. The remaining compensation of blood money will be paid within 2 to 3 months after the initial agreement. All these steps of the conflict resolution process and agreement will be recorded and documented by mediating elders and district officials.

### 3.5 Challenges of the indigenous institutions

Currently, neither the *guma* nor the *mag* system of conflict resolution is functioning to resolve inter-ethnic conflicts between Ittu Oromo and Issa Somali. When violent conflict breaks out between the Ittu and the Issa, an intervention team composed of security forces, district officials and local elders is organised and rushes to the conflict site. The conflict parties are separated by force and fighting clansmen are disarmed. Once physical hostilities are controlled, a conflict resolution process will be started by a peace and conflict management team. The peace and conflict management team will contain elders of both clans and district officials.

The current situation of indigenous conflict resolution is severely challenged by escalated resource competition, continuous boundary conflict and cattle

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4 *Axan* designates the camel slaughtered at the funeral.

5 *Kafan* refers to the white garment used to cover a dead body before burial.

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raids and the involvement of administrative entities in intra-and inter-ethnic conflicts. As the causes and frequencies of conflict increase, both institutional leaders and local elders lose the interest and commitment to invest their time without sufficient salary or other incentives.

In the name of collaboration with modern institutions, the historical structure of indigenous systems has become involved in political manipulation. The process of government intervention in the customary system is bringing about an increasing difference between the authority of elders recognised by district officials and that of community elders in remote rural areas. The district administrators treat customary elders differently according to their proximity to the political system. Directly or indirectly, government appointed elders have benefited financially from the district or non-governmental organisations (NGOs). As a result, elders assigned by district authorities are not in a position to settle conflict according to the historical customary law; rather they serve to implement the modern administration system. Scholars argue that in the past decade government-sponsored elders of pastoral communities who engage in mediation and reconciliation are either paid by the government or by NGOs. Conflict resolution thereby became a profitable activity for indigenous leaders who promote local government agendas in return for per diems, *khat* (native to east Africa and the Arabian Peninsula) and other personal incentives. At the regional level special budget lines for conflict resolution were established, providing generous funding for politicians and government appointed elders (Hagmann 2006:26–27).

There is also contradiction between modern and indigenous institutional courts. For instance, sometimes individuals convicted through an indigenous institution authority may appeal to the formal court, and then be released without any punishment. As a result, the trust of the pastoral community in the indigenous system of conflict resolution has been degraded from time to time. The potential effectiveness of indigenous conflict resolution is diminished where indigenous authority has eroded and formal authority has increased.

#### **4. Conclusion and recommendation**

The complexities of causes of conflict make it difficult to single out any single factor as the trigger for a given conflict or series of conflict manifestations. The major causes of conflicts in pastoral and agro-pastoral areas apparently result from socio-cultural, economic and political factors that reinforce a chain of causes which limits the availability, accessibility and control over scarce resources. In the past, the need to access resources, particularly grazing lands and water points, was the primary source of conflict among pastoral and agro-pastoral societies. But now the question of ownership of these scarce resources has become pertinent, giving rise to territorial claims and competitive tension between the two ethnic groups. The pastoralists' area, especially the Issa Somali's extensive land, is not in a position to sustainably provide adequate pasture and water sources for their livestock because of the adverse effects of prolonged drought, insufficient rainfall, high temperature and over-grazing. There were, however, negotiations held with Ittu and other adjacent clan leaders to share the available resources when resource scarcity became very critical. Due to both natural and manmade disasters, however, sharing with and accessing scarce resources of the Ittu clan have become very difficult for the Issa. Thus, the primary need of the Issa gradually shifted from the question of accessing resources to controlling and utilising the resources through boundary claims and territorial expansion strategies.

As among other pastoralists in Ethiopia, looting livestock was a widespread practice and long-standing form of violence among the Ittu and Issa pastoral communities. The historical factors driving the cattle raiding practices between the two clan groups were associated with the quest for prestige, the taking of revenge, the desire for heroism, the restocking after drought, the obtaining of bride price and the general increasing of income. However, in recent time, the extent and magnitude of inter-clan livestock raiding has decreased over time and has been replaced by small scale theft.

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Other more recent conflict-causing phenomena are the sudden killing of individuals and the animosity between the two clans.

Indigenous institutions, based on the norms, values, cultural and traditional settings of the community, can play an important role in managing and resolving conflict. The Ittu and Issa clans do have their own indigenous governance structures and processes of conflict resolution. In these processes, settlement is usually achieved with compensation payment (blood money) for the victim's families. However, in the process of conflict resolution, the indigenous institution leaders' capacity to convince the two opponent parties and to enforce the offenders to pay blood money for the victim's families becomes a major challenge. The role of indigenous institution leaders in conflict management and resolution has been degraded from time to time.

Therefore, in order to promote sustainable peace in the area, indigenous institutions should be integrated with modern systems of conflict resolution. This will require penetrating deliberations and creative planning about difficult adaptations from both sides, but it is a project that can be strongly recommended. A great deal of further research will obviously also be necessary. In collaboration with the Ministry of Federal Affairs, both Somali and Oromia regional state authorities should work hard to create awareness about tolerance, respecting each other and sharing the existing scarce resources regardless of manmade regional boundaries.

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