

**Documentation and Description of Traditional Conflict Resolution of Sebat Bet Gurage:  
The Case of Chaha Gurage**

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This is to certify that the thesis prepared by Wondwosen Tilahun, entitled: *Documentation and Description of Traditional Conflict Resolution of Sebat Bet Gurage: The Case of Cheha Gurage* and submitted in partial fulfillment of the requirements for the degree of Degree of Master of Arts (Documentary Linguistics and Culture) complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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## *Abstract*

*Conflict is inevitable. Different societies handle it in various traditional and modern ways. Gurage people in general and Cheha of Sebat bet Gurage in particular have their own traditional institutions that maintain peace and prevent conflict. Thus the aim of this study is to analyze conflict resolution mechanism of Sebat Bet Gurage with reference to Cheha Gurage. The study investigates the causes and types of conflict among Cheha Gurage. To investigate this qualitative study design is used. In-depth interview is employed to collect data from key informants like elders and opponents. Accordingly, the causes of conflict among Cheha Gurage can broadly be classified into social and economic domains. Social instability and quarrel are among the causes of the conflict that resulted in life losses. Car or traffic accident is the other emerging factor responsible for mortality of many innocent people. Conflicts of all type mostly resolved through traditional ways. The cases are traditionally adjudicated by elders in accordance with the customary law called Kitcha. The elder's council takes place under podocarpus tree /Yejoka. As the homicide conflict case resolved through the customary way, the process can be seen in three phases. The first phase is Hetrat/cease fire where the conflicting parties are protected from further destruction. In the second stage litigation takes place among the disputant parties then verdict shall be given as to the type of murder (intentional or unintentional). Then, the reconciliation process takes place and a befitting compensation corresponding to the type of murder shall be given to the victim family's .They make different ritual performances in order to clean from the crime. With heart full forgiveness both parties will avoid revenge and can live ahead peacefully. Having performed the ritual ceremony, parties can socialize each other.*

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## **Acronym**

AAU	:	Addis Ababa University
CCM	:	Criminal Classifications Manual
CSA	:	Central Statics Agency
DWI	:	Drive While Intoxicated
FDRE	:	Federal Democratic Republic of Ethiopian
GPSDO	:	Gurage People Self-Help Development Organization
JFA	:	Justice for All
MoCB	:	Ministry of Capacity Building
SNNPRS	:	Southern Nations, Nationalities and Peoples Regional State
UN	:	United Nations

## Glossary

<i>aβʔrus</i>	‘a family consisting of married man and woman and their children’
<i>amʔtʔ’a</i>	‘red colored sheep’
<i>at’ʔmit</i>	‘juice’
<i>bʔrtʔʔ</i>	‘spirit manifests in evil’
<i>bet</i>	‘clan’
<i>boʔʔ</i>	‘tender God’
<i>tʔ’ak’ʔma</i>	‘one who tells the truth, diviner’
<i>danʔ</i>	‘judge’
<i>dəm<sup>w</sup>amit</i>	‘traditional cult of fertility goddess’
<i>ʔk’uβ</i>	‘mutual aid association; credit association’
<i>forʔforʔt</i>	‘green leaf’
<i>funk’ʔk’/muradʔm</i>	‘intentional murder’
<i>gejz</i>	‘corporate work-group’
<i>gurda</i>	‘moral obligation, promise’
<i>hʔtʔrat</i>	‘armistice, cease fire’
<i>ʔddir</i>	‘mutual aid society, burial and social’
<i>ʔʔforʔ</i>	‘main way in village’
<i>k’itʔ’a</i>	‘customary law’
<i>lukka</i>	‘messengers’
<i>mʔdara</i>	‘consciously murder’
<i>mʔdara mʔdara</i>	‘fully unconscious murder’
<i>mʔk’o</i>	‘group discussion held little distance from the public’
<i>murra</i>	‘full’
<i>murje</i>	‘close relative’
<i>mʔro</i>	‘lawyer’

<i>k'aja</i>	'small village'
<i>k'ewea</i>	'traditional enforcing mechanism'
<i>k'ɛjɛ</i>	'territory stone'
<i>ɛɛngo</i>	'council of meeting'
<i>t'ɛjɛ</i>	'oath'
<i>T'ib/Abeq'at</i>	'clan'
<i>t'ur</i>	'spirit manifests in good fortune'
<i>wɛg</i>	'a person like a psychiatrist, agent of <i>Waq</i> '
<i>wak'</i>	'sky God'
<i>wuɔo</i>	'contribution of dairy products in kind'
<i>jɛbɛ □ abora</i>	'light red ox'
<i>jamsse danɛ</i>	'people who monitor and scrutinize judgment'
<i>jank'it danɛ</i>	'judge of adultery'
<i>jɛɛoka</i>	'high court'
<i>jɛket danɛ</i>	'judge of protectors of dependents'
<i>jɛ k'it □ 'a danɛ</i>	'judge of equity'
<i>jɛrɛk ɛnkɛ</i>	'let your case end up'
<i>jɛwajɛmam</i>	'intermediary of <i>Demamwit</i> , title for the head of fertility goddess'
<i>jɛɛir danɛ</i>	'judge of land or land distributor'
<i>jɛzɛnga sɛβ</i>	'persons who have taken <i>Gurda</i> /make promise'
<i>zar</i>	'witness'

## CHAPTER ONE

### 1. Background of the study

Customary law is a set of customs, practices and beliefs that are accepted as obligatory rules of conduct by communities. Customary law forms an intrinsic part of their social and economic systems and way of life. It consists of a group of customs that are recognized and shared collectively by a community, people, tribe or ethnic group. In Ethiopia where many ethnic groups are living, customary law is playing crucial role in promoting peaceful coexistence.

In Ethiopia customary laws have been used as tool of justice since time immemorial. These conflict resolution systems had enabled the people of the nation to coexist in peace and harmony for the past many centuries. It is only a few decades since the formal justice system was introduced in Ethiopia as part of steps taken to realize overall modernization of the country (Garedew et al., 2013:7).

Even after the introduction of written and authoritative laws, like the *fṫtṫha nṫgṫst*, literally meaning judgement/justice of the King, in the 15th century, customary laws played a significant role in the administration of justice. According to Tefera and Mulugeta (2009:82-83), the roles of customary laws were not totally taken away even after Ethiopia adopted legislation as a basic source of law in the onset of 20th century.

Until 1930, the legal system of the centralist government was based on the *fṫtṫha nṫgṫst*. The introduction of the first written Constitution in 1931 represented a key development in the formal government system in Ethiopia, which provided a systematic framework for the reunification of the country, centralization of power, fiscal administration, institutionalization of a ministerial

system and separation of judiciary courts to deal with civil and criminal cases and administrative tribunals to deal with civil cases affecting government (Fisher, 1971:31).

Customary law is indeed deeply entrenched in peoples' minds, and has been enforced for centuries. The central powers in the past never attempted to force and implement effectively central government's laws on people abiding by customary law. This reality has been fully recognized by the Constitution of FDRE, which provides the overall legal framework for its continuation. Article 34 (5) of the Constitution stipulates that the Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Religious and Customary Courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by the Constitution (MoCB, 2005: 157-158).

Customary laws are central to the very identity of any given community, defining rights, obligations and responsibilities of members relating to important aspects of their lives, cultures and world views. Maintaining customary laws can be crucial for the continuing vitality of the intellectual, cultural and spiritual life and heritage of indigenous peoples and local communities.

In Ethiopia based on customary laws, different ethnic groups have developed their own conflict resolution mechanisms. These community-based social institutions or self support systems have been playing a greater role in conflict resolutions, communities' well-being, stability and security. In addition, they are very useful for conflict management mechanisms as they allow communities to handle their problems in their own way. The traditional mechanisms that govern the overall social interaction vary among the ethnic groups.

For instance, *imgilina* literally means ‘arbitration or reconciliation by elders’ is one of the most used conflict resolution mechanisms. It is widely used in many parts of the country, although the term has different names among different ethnic groups. For instance, among Gumuz[*gumu*] ethnic group it is called *Mangima* (Sisay, 2007).

The other traditional institution is *gada* -System of the Oromo people. It is the complex political and social system that affects the whole life of Oromo people. *gada* is defined as a system of classes that succeeds every eight years in assuming military, economic and ritual responsibilities (Asmerom, 1973). Each *gada* class remains in power for a specific term *gada*. The *gada* -system has various institutional functions like political, administrative and ritual ones. One of the *gada* institutions that could be mentioned as conflict resolution mechanisms are traditional judges adjudicates cases under a big tree. During the adjudication, the traditional judges sit according to their seniority of age and knowledge of customary laws of the Oromo. The term of office for traditional judges is one *gada*: eight years.

*Madaa* is the traditional legal system for the Afar, which effectively handles all economic, social and political issues at the local level. Moreover it is considered as a base for other administrative system and a constitution for Afars. They believe that their traditional conflict management is effective, (Kelemework, 2011).

*jädoka* is one of the most important indigenous and traditional institutions of the Gurage people. *jädoka*'s task is to provide a traditional system of conflict prevention and resolution and ensure social stability and maintenance of good social relations among the people. The Gurage customary law, known as *k'it'a*, provides legal frame of the *jädoka*. The *k'it'a*, is a

customary legal system that governs all aspects of human relations among the Gurage people (Getnet, 2009).

### 1.1. The people and the area

The people of Gurage mainly live in Gurage zone of Southern Nations Nationalities and Peoples Regional State (SNNPR) of Ethiopia. The name Gurage refers to the place and the people inhabit in the land bounded by *Hadiya*[hadija] and *Silte*[silt'e] on the south, *Yem*[jɨm] special *Worɨda* 'sub district' on the southwest, Oromia on the north, west and east. In addition to Gurage community, the zone is the homeland of *Mareqo*[marɨk'o] and *Qebena*[k'ɨbena] people. The zone is located on the southwest of Addis Ababa and has 13 *Worɨda* and 2 city administrations. The capital of the zone is *Wolkite*[wɨlk'it'e] about 155 kilometers away from Addis Ababa. According to 2007 census report the zone has a total population of around 1.28 million with an area of 5932 square kilometers.

The climate zone of the Gurage land can be classified into four major groups: *wirtɨ'*, *dɨga*, *wojinadɨga* and *k'ola*. Geographically the zone is said to be flat and mountainous and its height riches from 980ms-3500ms above sea level.

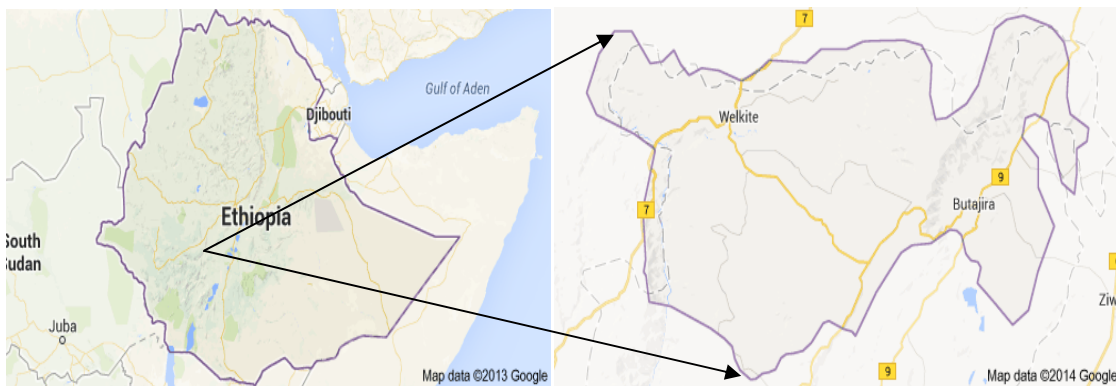


Figure 1: Map of Gurage Zone of Ethiopia, Source: Google Map.

### 1.1.1 Historical origin of the Gurage people

There are different views as to the origin of Gurage. The people of Gurage is said to come from areas like Eretria, South Arabia and Harar.

The first version is a popular one especially by west Gurage speakers. The term Gurage was first mentioned in the Amde Tsion (1314-1344) chronicle. As to the document, the armies led by *azmat* Sebehat left *Akkale Guzay*[akkal guzaji], Eritrea and settled at *Aymeel*[ajiml], around *Soddo*[soddo] south of Addis Ababa .It is believed that the name Gurage is derived from the place called ‘*Gur’a*’[guraa],around *Akkale guzay*[akkal guzaji], according to Shack(1966:15). Then after, the people of Gurage expanded its territory to the south, east and to west part of the country. There is another scholar who explains the etymology of Gurage. Worku (2005:929) says that the term is traced from a name given to the Gurage area combining two Amharic words: *Gra* (‘left’) and *ge*(‘side’ or ‘land’). Therefore, the area is found at the left side when one looks at it from Gondar. Sometimes, the meaning Gurage can be ‘people of Gura’.

However, some historians like Seifu (1966.E.C:15) do not accept the above mentioned idea that Gurage people came from the north during 13<sup>th</sup> century. As to these scholars Gurage people is the native inhabitant of the area or came from somewhere with the unknown time. The present Gurageland was formerly occupied by native people of the area called *jaf* *r s* $\beta$ , which literally means ‘men of the soil or land’. Gradually people came from different direction and influenced the culture of native people (Denberu et al.,1995: 76).

Still others relate Gurage origin with *azma* Sebehat. However, the time of movement of people varies from the above mentioned one. According to Lebel (1974:101-102) “during the rule of

Emperor Susenyos (1607-1632) that *azma* Sebhat forces came down from Gura in response to a Gurageland request for help.”

Still there are writers who claim that Gurage have strong relationships with southern people particularly Sidama. Shack (1963:200) argues that people from the north came and settled in approximately the present day Gurageland and intermarried with the Sidama. “Hence, Gurage culture has its origin partly in the Cushitic Sidamo of the south and partly in the Semitic-speaking high land Ethiopia.” Trimingham (1952:185) also explains Gurage’s identity in another form, “They [Gurage] are a Sidama people but speak Semitic language, which has been deeply affected by Sidama and other languages”.

The second version relates Gurage ancestor to the Eastern direction. Some group of speakers of east Gurage language (today’s *silt’e*, *wolane*, *gadabano* and *zaj*) came from the east and settled in the present day Gurage area. As a result *wolane* considered to be the remnant of *gra* ‘left handed’ army and *silt’e* and *azarnat-barbre* came initially from Harar and Berbera. So, south Arabia is the origin of these groups (Worku, 2005:930)

It is believed that the descendants of Gurage came to the present Gurageland from different places in various times. “The Gurage people, who are living in the present day Gurageland have a mixed origin of northern, eastern and southern Ethiopia”, according to (Worku, 1990:109). In general, Gurage society seems to have evolved from multi-direction and multi-destination migration of Semitic speaking people from north and eastern Ethiopia to their present area.



Figure 2: Gurage house and open market around Gubreye. /photo by researcher/

### 1.1.2 Language

The languages clusters of Gurage are a part of Ethio-Semitic groups. Many scholars describe and try to classify the Gurage languages. Leslau (1965:266) classifies the language cluster in three: 1- East Gurage including *silt'e*, *wolane*, *Ulbərag(Urbərag)*, *□nak'or*, and the dialects of the five islands of Lake *z□waj*; 2-Western Gurage including *Chaha[□aha]*, *Gyto[gjto]*, *Ennrmor[□nəmor]*, *Endegagn[□ndəga□]*, and possibly *Muher[muhər]*, *Masqan[məsk'an]* and *Gogot[gogt]*; 3- Northern Gurage with *Aymellel[ajmələl]* or *Soddo[sodo]* as its only representation.

According to Leslau(1992:226), Gurage is one of a group of south Ethiopian languages and it has about 12 dialects: *Chaha[□aha]*, *Geyto[gjto]*, *Ezha[eጃa]*, *Ennemor[□nəmor]*, *Endegagn[□ndəga□]*, *Muher[muhər]*, *Masqan[məsk'an]*, *Gogot[gogt]*, *Soddo[sodo]*, *Selti[silt'e]*, *Wolene [woləne]*and *Zway[z□waj]*. East Gurage is connected with *Harar*; *Soddo* is connected with *Gafat*; and West Gurage, with the whole south Ethiopian languages.

Bender (1971: 168) refers the Gurage languages as Ethio-Semitic one and classifies it into three groups: eastern, western and central. He grouped them into, “Zway[zɔwaj] and Wolani[wolɔne] are representatives of Eastern Gurage; Indegagn, Innemor and Geto of peripheral west Gurage, and Chaha, and Gumer of central west Gurage.”

The above mentioned classifications of language cluster depend on the directions. Both scholars agree on the two direction based classification: west and east .However, they differ in one point that is central/north.

In Hetzron (1972:127) classification, Proto Ethiopic broadly divided into North Ethiopic and South Ethiopic. Under this classification there is outer south Ethiopic: (a) n-group Gafat on the one hand and Soddo and Gogot of north Gurage on the other; (b) tt-group, with third north Gurage tongue Muher and Western Gurage branch subdivided into a central west Gurage dialect cluster(Ezha, Chaha, Gumar and Gura) and Peripheral West Gurage dialect cluster( Gyto somewhat apart , Ennemor and Endegagn with Enor); Northern Gurage is an a posterior unit continuous survival of proto-outer south Ethiopic with the original dialect division into an n-group and a tt-group.

### **1.1.3 Religion**

The people of Gurage believe in different religious institutions. They can broadly divide in to three religious groups. These are Christians, Muslims and Traditional believers. Orthodox and Catholic churches are the main types of Christians living in the zone. Believers of these religions have lived in most districts of the Gurageland, especially in Muher.

The second religious group is Muslim. It was believed that advent of Islam began during the 12<sup>th</sup> and 13<sup>th</sup> century, among East Gurage speaking groups.

Some factors contributed to the introduction of Islam were the action of Muslim merchant engaged in the east- west long distance trade and it had been expanded during the rise of Ahmed Gragh in 16<sup>th</sup> century throughout the country. In 19<sup>th</sup> century, after the rise of Hasen Enjamo, it has been widely spread throughout the Gurageland.

The third kind of religious practices that had been respected and celebrated by the Gurage people is traditional cults. There are three main deities in the region. These are *Wak'*, *dəm□amit* and *bo□□*. As to Worku (1990) these traditional beliefs were (still are) honored by the traditional believers in all districts. Tekle (1997.E.C:81) asserts that *wak'* is spiritual entity that worshiped by non-Muslim Gurage and *bo□□*. and *dəm□amit* are the main deities.

#### **1.1.4 Economy**

The main means of livelihood of Gurage is agriculture since most of the people live in rural area. According to the 2007 census 1,158,880 people live in rural area out of the total population of 1,280,483. They grow different kinds of edible and cash crops. *əsat*, sometimes called □*nsət*, banana-like plant its scientific name, *Ensete Edulis*, is widely produced and used plant in the Gurage society. It is a multipurpose plant. To emphasize this Leslau (1969:283) states the following: “It is the *əsat* that becomes the *wasa* [bread made of *əsat*]. It is the *əsat* that becomes the porridge of *at'□mit* ‘juice’. It is the *əsat* that becomes the fiber and the rope.” In addition, Demissis et al. (2004 E.C: 73-75) describe the parts, cultivation and uses of *əsat*, as an input for traditional medicine in detail.

Gurage zone as one of highly populated areas in SNNPRS, there is shortage of farm land. Therefore the people have to seek another means of livelihood and involve in trading. In addition to agriculture, Gurage people are well known traders and merchants. They actively involved in

small and large scale investment activities throughout the country especially in big cities like Addis Ababa. Gebreyesus (1991:4) stated that acute shortage of land forced a number of Gurage people to go into business such as owning small shops which hold essential trade articles.

### **1.1.5 Social institutions/traditional organizations**

The people are organized in different levels based on their living environment and kinship. The smallest unit of the organization in the clanship is *abrus* 'family', in such organization, next to family we find *wofna* 'relatives'. The biggest group in the clan based division is *bet* 'clan' and *T'ib* 'tribe'. *abrus* 'family' is the grass root level in the living environment structure of organization. Within the village, the next structure is *k'aja* 'small village'. The biggest unit in Gurage settlement structure are *dofur* 'village', and *amja* 'big village', according to Yewondwosen (2004 E.C: 41). These social structures help the people to cooperate with each other and solve their social, economic and political problems.

The people of Gurage are well known by their unique features: cooperation, hardworking and social associations. It is believed that Gurage is the pioneer to organize social gathering institutions like *addir* and *k'ub*, (Tekle, 1997 E.C:4). Sometimes these structures designed and organized to solve the specific financial problems. *k'ub*, for example, is the kind of money saving mechanism. There are also gender based institutions organized to solve material and financial problems. Women in the village contribute milk and collect butter to celebrate annual religious festivals like *mask'el* 'finding of True Cross' *arfa* 'Islamic Holy Day' and the like. This contribution of dairy products in kind is known as *wudo*. Men living in the small village are expected to perform labor intensive works (house building, crop planting, and cultivating.) in collaboration or *gejz*, which cannot be undertaken individually. These structures strengthen the local governance system and development programs.

### 1.1.6 Sebat Bet Gurage

Sebat bet Gurage is one of the tribal federations living in Gurage Zone. The term Sebat Bet is derived from the place where the forefathers who came from the north Ethiopia and settled first in different seven places. Hence, the name Sebat Bet is associated with this historical event according to Worku (1990:13). Sebat bet Gurage is located in the southwest of Addis Ababa on the way to Jimma. As to Gabreyesus (1991:1) the boundaries of sebat bet Gurage were “Kambata on the south; the Omo river on the West; Butajira and Hayqoch on the East; Betcho and Awash river on the North.” The other scholar, Worku (1990:109) describes the boundaries of Sebat Bet as follows: Sebat Bet Gurage is bounded by Wollani in the north, Konteb in the south, Gogot, Alichu-Woriro, Selti and Azerent-Berbere in the east and the River Gibbe and Qebena in the west. The term Sebat bet refers to western Gurage tribes. The unity of different Gurage tribes has historical background. There are factors forced the tribal groups to form unity. Before 300 years ago the civil wars within and outside of Gurage tribes were the common phenomena of the time. In order to resist and fight against their enemy the tribal groups formed unity and coalition.

The phrase *Ya-Sebat-Bet* Gurage.[the seven houses(tribes)of Gurage] is a name given to the historical established tribal confederation formed by the seven houses of Gurage. This confederation had initially been known as *Ya-Amist Bet* Gurage [the five houses(tribes)of Gurage] which was formed by the five tribal groups of Cheha, Ezha, Moher, Ennemor and Geyto. Sometime later two more tribal groups called Maqorqor and Endegagn joined the *Ya-Amist Bet* Gurage. (Worku, 1990: 109).

The members of the Sebat Bet tribal unity have been controversial for long period of time. Scholars from abroad and local suggest their views towards the issue. The classical work of Shack (1967:91) describes Sebat Bet Gurage as “tribal federation consisting of Chaha, Muher, Geyto, Eja, Ennemor, Aklil and Wolani-Woriro tribes.” Shack is criticized by adding Aklil and

Wolani-Woriro to initially forming of *amist bet*. But the reality is the tribal groups joined Amist Bet are Meqorqor and Endegagn according to Demberu et al. (1987 E.C:72).

Scholars like Worku (1990) and Tekle (1997 E.C.) agreed that Sebat bet Gurage is a tribal federation that constitute of Chaha, Ezha, Enemor and Ener, Geyto, Muher and Aklil, Meqorqor and Endegagn. This idea is more likely acceptable by a number of local scholars. According to Demberu et al. (1987 E.C:72), one of the members of Sebat Bet Gurage union was formerly known as Egir Anget Chaha. This Bet-Gurage divided into two independent entity groups and called by the name Chaha and Gomere. So, the members of the union have become eight. Aklil Bet-Gurage is named by Moher and Meger is also called by Enore and formed the eight houses of Gurage (Semint Bet-Gurage). However, Yewondwosen (2004 E.C:40) has different idea as to the members of the union and their naming. As to this scholar, recently Abeshege is considered as one tribe, even if it is the name of the woreda where Ezha and Chaha tribes live. As a result, adding Abeshege to the existing seven tribes, it has begun to say Siment Bet (Eight houses of Gurage).

### **1.1.7 Chaha Gurage**

Cheha is an ethnic group part of Sebat Bet Gurage which mainly lives in Chaha worda. The Wored has 115,918 total populations of which 106,933 live in rural area. The capital center of the werda is Emdibir and its territory extends between the rivers of Magiacha in the north and Wengia in the south. It is bounded by Eza in the north Gumar in the east and Geto and Ennemor in the south, according to Ford and Bustorf (2005:664).

It is believed that the name Chaha is derived from the name ‘ገገሐ’, which is the name of districts in Akalle Guzaye and in Gonder. Scholars argue that the term has relation with the people who moved downward in the distant remote past time, (Denberu et al., 1987 E.C: 74).

In addition to that, Cheha was known formerly by “ገገራ ልገገራ ገገራ ገገራ.” ‘ገገራ’ means leg which denotes the place incorporated in the south part. ‘ልገገራ’ means upper part which refers the Gumer .Worku (1990:20) explains that before Minilik’s incorporation of Sebat bet the place and people was known by Gomere .However, after the incorporation the influence of Amharic language changed the Gomere in to Gumer.

Cheha is one of the language varieties of Gurage which can be classified under central western Gurage Dialect cluster, Hetrzon (1972:8).The basis of the people economy is the agriculture (cultivation of *asat* and other cash crops). According to the Woreda agriculture office, it has 44072 hectares of land and its height ranges from 1710 to 2650 meters. The major temperature zone of the woreda are weynadega 71%, dega 20% and qola

The genealogy of Cheha is related to the people who are believed to have come from South Arabia. Haji Aliye and his followers are said to be the descendents of the present day Cheha bet Gurage; more specifically the forefather of Mogemene, Yinequwamt and Adengeze clans are Haji Aliye and his followers. According to Denberu et al. (1987 E.C:76) these people came to the Gurage area in different times. Shack (1966:101-103) discussed the origin of Cheha. He states,

The origin of the tribes are obscure and Gurage attempt to explain these in the myths of hero- ancestors of clans...since a tribe is territorial unit based on autonomous clans... there were no ancestor named Cheha... However, in Cheha oral traditions Mogemene and Yenequwamt are claimed to be the founder of the two principal clans which bears their names

He also noted that Chaha is the largest Gurage tribe and historically the most important and influential. Denberu et al. (1987 E. C: 74) agree that Cheha Gutrage incorporates 68 clans. Worku (1990:32-34) mentions historical background how Chaha became larger group. One of the causes of civil war among Sebat bet Gurage was the ambition of Chaha to be dominant. To maintain its political, social and economic dominance Chaha fought with its neighbors. Enemor, Geto Eza and Muher were among the tribes which were attacked by Chaha. As a result of Cheha incorporation, the number of clans became very large. Not only Chaha was dominant in terms of political and social but also in terms of spiritual context. The main traditional beliefs (*dəmāmit* and *wak'*) and their shrines are found in *jābit'ara* within Chaha. The intermediates of the beliefs are of Cheha; *dəmāmit*'s intermediate is a man from *Wak'esβ* clan of Cheha. The ritual head of *dəmāmit* is called *jəwəjdəmam*. As to Denberu et al. (1987 E.C:74), the clans of Chaha bet Gurage can genealogically be traced. These scholars put the genealogy of *Mogmən* and *jənək'āmit* as follows:

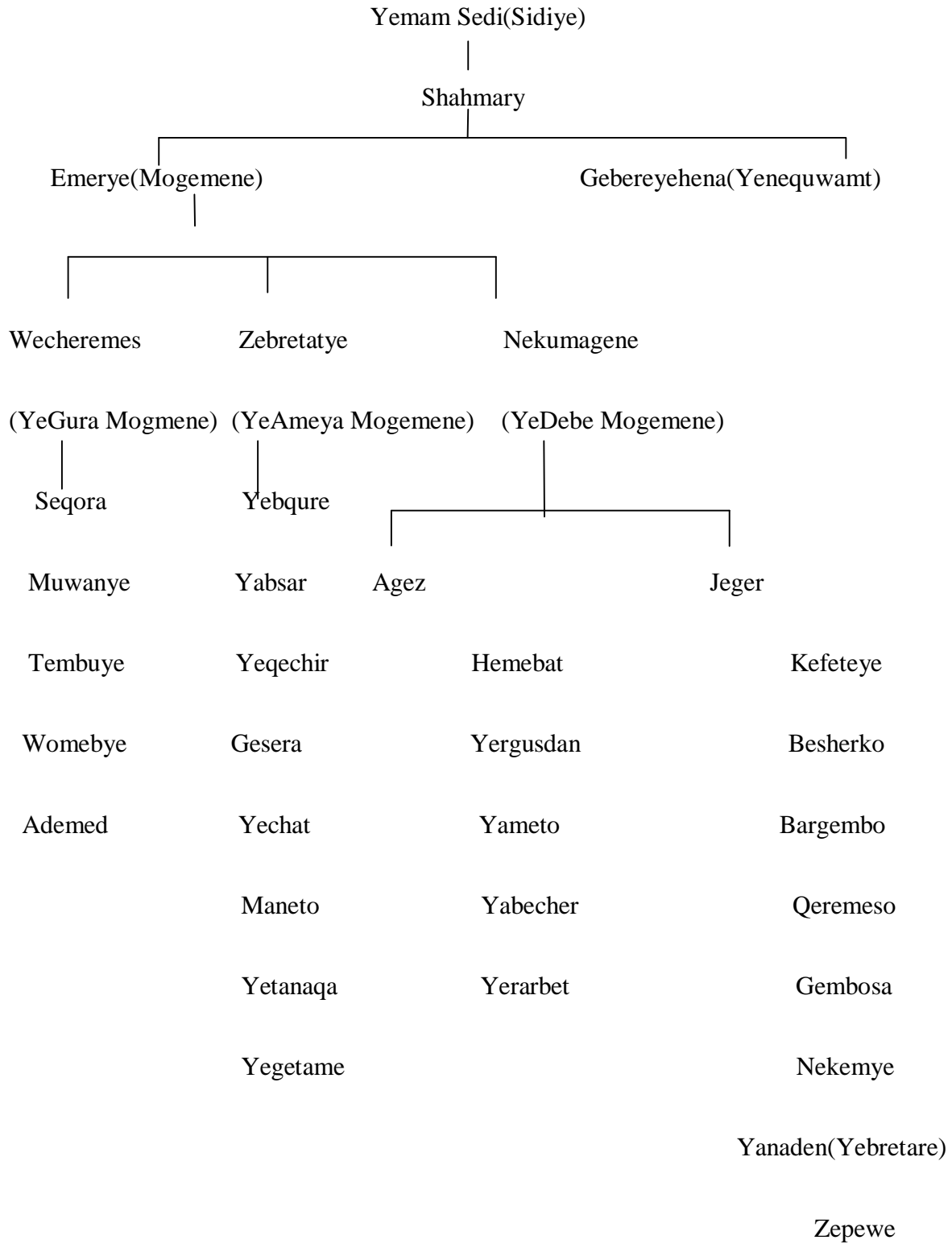


Figure 3 □ Genealogy of Mogemene clan of Cheha Gurage, Denberu et al. (1987 E.C: 78).

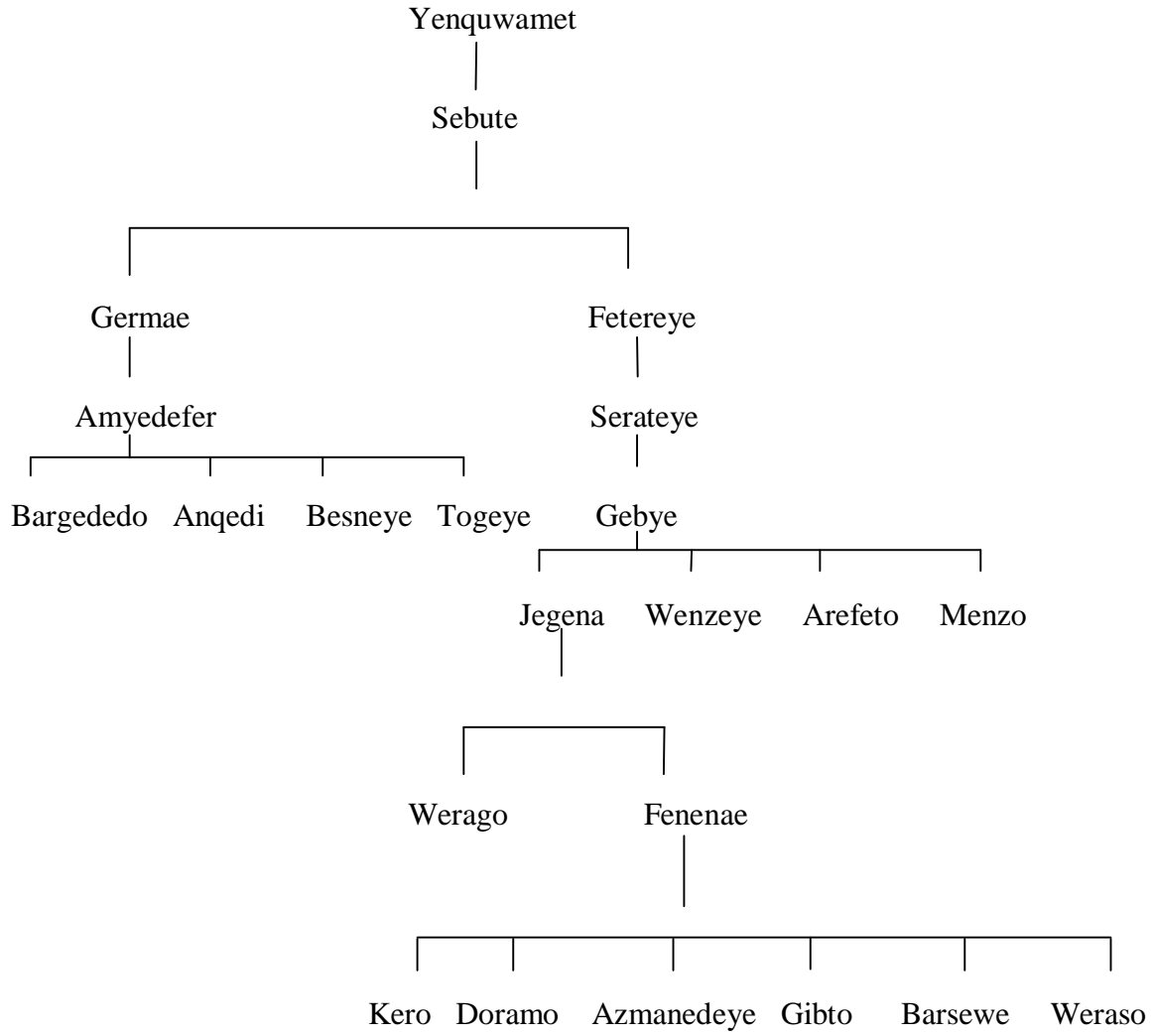


Figure 4 □ Genealogy of Yenquwamet clan of Chaha Bet Gurage, Denberu et al. (1987 E.C: 89).

## **1.2. Statement of the problem**

Conflict is predictable. It can arise at any level of human interaction. It is a normal part of human life. The types and causes of conflicts vary from one society to another. The conflicting parties may be individuals, families, communities, clans, lineages. But human society's mechanism to resolve conflicts is different. Various mechanisms are employed throughout the world to heal breaches of peace. These mechanisms range from traditional procedures to formal judicial system. Even the types of conflict resolution mechanisms are subjective to cultural diversity of communities.

In addition, the notion of globalization affects the daily lives and social interaction of the people either negatively or positively. Information and communication access, transportation facilities and in general infrastructural changes are the positive impacts of globalization. The notion, however, has negative impact on the customs of the developing world.

The traditional administrative mechanisms and customary laws are highly endangered with the quick expansion of modern legal system. Still, the system is inaccessible for rural community and there is lack of infrastructure. As a result, most of the traditional mechanisms are changing their indigenous features. Most of them are in the quick transformation process and other are in verge of extinction. Bahru (2002:25) argues that the establishment of a centralized court and police system diminished the power and applicability of the traditional system of arbitration and maintenance of security. In fact, almost all developing nations have been adopting the modern legal system. It doesn't mean that all conflict cases are seen within modern legal systems or government judicial bodies.

Settling all kinds of conflict in the formal judiciary institutes may be difficult. It needs a lot of skilled man power, facilities like; stationary materials, courts and other necessary equipments. Kohlhagen (2008:77) asserts that in almost all African countries, only an infinitely small number of disputes are dealt with formal tribunals. The limited infrastructure of formal justice and the difficulties of access from rural areas is one of the reasons. Fulfilling all the necessities would be difficult in the developing nations. And it is not cost effective. The number of judicial bodies and the amount of customers seeking justice are not proportional in most cases. So, indigenous conflict resolution methods play a crucial role in settling conflict among the communities. In Ethiopia, where many nations and nationalities live, these traditional mechanisms of conflict resolution are widely practiced and support the government judicial system. Each nation and nationality has its own conflict resolution mechanisms. The Gurage of southern Ethiopia in general and Chaha of Sebat Bet Gurage in particular, have been governed by traditional institutions. However, some features of these institutions are in danger of extinctions. The emerging notion of modernization, the expansion of Christianity and Islam and strength of government structural bodies have influenced on the culture of Sebat Bet Gurage customs. According to Yewondwosen (1998 E.C.:3), these notions have contributed for the endangerment of Gurage cultural values and traditional performances.

Traditional institutions serve to prevent and settle conflicts within and among different clans and tribes of Gurage society. Even if the systems structure and functions are almost similar, their names are different in different Gurage society. The customary law of Sebat Bet is the *jädä oka k'itä 'a*, Kistane's and Wolene's *jägordäna sera*, Mesqan's *jäfäragäze sera*, Dobbi's *jägogot senono sera* and the like.

Here, the traditional conflict management mechanisms are very important. To maintain their role, these institutions have to be preserved. The institutional organizational structure, the session system, ritual process and other features of indigenous conflict management mechanisms have to be systematically documented and preserved for the next generations. Preserving the system is to mean transforming wisdom of a given society, as these traditional institutions are governed and ruled by local cumulative knowledge. In addition, the role of *jəd□oka k'it□'a* practice in settlement of homicide case is relatively less studied. Therefore, the aim of this study is to document and analyze the traditional mechanisms of conflict resolution of the Sebat Bet Gurage Customary Law called *jəd□oka k'it□'a* with particular emphasis on Chaha Gurage.

### **1.3. Objectives of the study**

#### **1.3.1. General objective**

The main objective of this study is to document and analyze the traditional mechanism of conflict resolution and to investigate the nature, types and causes of conflict among the Chaha Gurage community.

#### **1.3.2. Specific objectives**

In line with the general objective, the research specifically aims:-

- ✓ To explore the types and causes of conflict in Chaha Gurage community
- ✓ To identify what material cultures are used in conflict resolution.
- ✓ To analyze the traditional practices and rituals performed during the process of traditional conflict resolution.
- ✓ To document the traditional mechanism of conflict resolution in the Chaha Gurage.

#### **1.4. Research questions**

In general, based on the objective of the study, the following research questions were addressed.

- What are the nature, types and causes of conflict in Chaha Gurage community?
- What material cultures are used in conflict resolution among Chaha Gurage community?
- What traditional practices and rituals are performed during the process of traditional conflict resolution in Chaha Gurage? How they perform it?
- Who have significant role in the traditional conflict resolution institutions in Chaha Gurage?
- What changes and transformations have been seen in the tradition to solve homicide conflict?

All the above mentioned research questions were examined beside the background of the communities' concepts of social harmony, belief systems, norms and culture.

#### **1.5 Significance of the study**

Human societies developed and practiced various mechanisms to maintain peace among them. Usually traditional rural societies put greater emphasis on indigineous knowledge than western societies, because traditional institutions serve as mechanism to maintain social equilibrium and harmony in societies (Faure, 2000: 16a). These traditional conflict mechanisms nowadays are becoming neglected. Among these the community of Sebat Bet Gurage traditional conflict resolution mechanism, which had crucial values, norms and knowledge is the one that these days becoming in the verge of extinction due to several reasons. Hence it is reasonable to conduct research on traditional conflict resolution mechanisms in order to bring forth those values and indigenous knowledge that enabled traditional societies to resolve conflicts and to maintain

social harmony. Therefore, this study will have great significance in providing information regarding traditional institutions of conflict management in Cheha Gurage community and will contribute to increase our understanding of the significance of indigenous knowledge of conflict resolution. Moreover, it will help the society not to forget their tradition because of the dynamic nature of culture. The wisdom will be kept or preserved. It will also contribute to increase the limited number of literature available on the present topic and serve as a stepping stone for further research in the study area. Apart from that, it will give an insight and can be an input for policy makers, legal institutions, and other related organizations.

### **1.6. Scope of the study**

This study describes and documents the Sebat Bet Gurage's customary law *jäd□oka k'it□'a* with special reference Chaha Gurage. So the focus is on the conflict resolution mechanism in *jäd□oka* in general and homicide conflict management and reconciliation in particular. Even if the *jäd□oka* tradition deals with economic, social and political cases, this study focuses on homicide case management and reconciliation ritual process only. Geographically, this research is delimited on Sebat Bet Gurage, Chaha woreda. Within Chaha Woreda, the researcher selects Emdibir town and its surroundings due to time and financial constraints. Accordingly, this study could only consider limited cases.

### **1.7. Research method**

The researcher followed qualitative research design in order to deal with the project in its natural setting. Punch (2004:148), argued that qualitative research uses to get data in naturalistic, preferring it to study people, things and events in their natural setting. From the qualitative research design, this project used case study for the reason that it aims to understand the case in

depth in its natural setting. The researcher used a combination of the following secondary and primary data collection methods.

### **1.7.1. Secondary sources**

Secondary sources of data from relevant literature are important to construct a theoretical framework in the literature review part and to write statement of the problem before conducting field work. Moreover, they are important to collect the necessary information regarding the study area. So, the researcher used them extensively. Secondary data such as: books, official reports, brochures, magazines, newsletter archival documents, etc were collected and reviewed. The data were very important since they helped the researcher to cross check the validity of the gathered data.

### **1.7.2. Primary data sources**

Primary data were collected through fieldwork by using a combination of the following data collection methods.

#### **1.7.2.1. Participant observation**

This method was employed to observe the realities and to obtain accurate information in connection with conflict resolution process. Different actual conflict cases were collected through participant observation. The researcher also attended different social settings, different ritual ceremonies and other social interactions of the community. In the documentation process, especially, participant observation plays a greater role to capture which traits were more valid and important. In such a way those researchers who participate in a certain social situation have always two important missions. First, participant observation can easily engage with the situation very easily. Secondly, participant observer can also have social contact with the people (Punch,

2004). The researcher not only attempts to attain some kind of close attachment to the community being studied but also tries to share the world view and to adopt the perspectives of the people in the situation being observed. Therefore, I observed two litigation processes and one reconciliation process. These helped me to synthetically analyze the facts.

Here the researcher role is conscious and systematic sharing in circumstances permit in the life activities. This helps to learn their language, their habit, their work pattern (Nachmias & Nachmias 1987:289).

Therefore, the researcher used participant observation as one of and major data collection method in order to draw out and understand available social setting which were very significant to the study of conflict resolution.

This particular method helps the researcher to collect data about the different settings of the conflict resolution and their ritual performance. On the top of this, the method allows to draw the sequential description of the various phases of conflict from the beginning to the end of the process.

In this regard I observed two litigation processes and one reconciliation ritual. The litigation was held in Emdibir St. Marry church and Emdibir Secondary school. The reconciliation ritual was I Emdibir town Ato Wake's house. My critical observation helped me to synthetically analyze the facts.

#### **1.7.2.2. Interview**

Interview is one of the common data collection methods in social science research. There are many types of interview. The most common and valuable for cultural studies are unstructured

and semi-structured interviews (Dawson, 2002:27-29). Using both methods the researcher gets valuable information from different member of the community being studied.

Key informants among the community were interviewed to gather data on the types of conflicts and to know the ritual performances, causes of conflicts, types of traditional conflict resolutions and procedures of conflict resolution in the area. Additionally, important information regarding socio-economic and cultural norms of the community was collected.

My informants were government officials, clan leaders, elderly men especially who had the knowledge of the community. Informants were selected based on age, social, political and cultural status. Hence, *K'ገገazmaገ* Tessema Amerga is one of well known judges in the Woreda, he is respected elder in Emdibir and Cheha Woreda as a whole. *jəwəjdəmam* Zerfu is the men deity of *dəmገamit* cult. He has role in conflict management process and one of the respected persons in the Woreda. Ato Mengistu Abera is culture and tourism expert in the Gurage Zone. The researcher used video recording and taking photograph with the consent of the informants and note taking during conversation and discussion.

### **1.7.2.3. Unstructured interviews**

Unstructured or in-depth interviews are sometimes called life history interviews. This is because they are the favored approach for life history research. In this type of interview, the researcher attempts to achieve a holistic understanding of the interviewees' point of view or situations (Dawson, 2002:27).

The research used the method through the conversation and discussion by raising a number of topics decided in advance. Informal interviews were also conducted with members of the local communities. Ruane (2005:169) states that informal interviews are usually less structured. They are easy and help both researcher and participants engage in the sharing of ideas, information,

emotions, etc. It also helps to establish and maintain good relationship and to eliminate the typical hierarchical nature of relationships between researchers and respondents. Informal interviews are also important in capturing the context of talk and conversation. In this way, they help to advance the cause of thick description.

The researcher tried to address sensitive issues of the nature, types and origins of conflicts indirectly. Through this method, data were collected in the study area. Hence the researcher collects data from key informants using in-depth interview. The first interview with *K'azma* Tessema was about the customary law and its application. The second interview was about the type of murder and the litigation process to for decision. Thirdly scale of compensation or blood money for homicide in different times.

*jəwəjdəmam* Zerfu was interviewed about the enforcing mechanisms to accept or deny the accusation of murder.

#### **1.7.2.4. Semi-structured interview**

It is perhaps the most common type of interview used in qualitative social research. In this type of interview, the researcher wants to know specific information which can be compared and contrasted with information gained in other interviews. To do this, the same questions need to be asked in each interview. The researcher also wants the interview to remain flexible so that other important information can still arise (Dawson, 2002:29). To get valid information from the key informants, the researcher asked the same questions to different respondent. Persons who have different social and political position were interviewed to get their point of view to conflict causes and indigenous conflict resolution mechanism. Therefore, Ato Mengistu Abera was interviewed about the types of *k'it'a*, 'customary law' for different faults and their applicability

to manage conflict. The traditional judiciary system that handles different social evils in various stages of the society was detail explained by the expert.

This semi structured interview was taken place in different social situations.

### **1.7.3. Case study**

The researcher looked into various ongoing and new conflict cases. Case studies were conducted through direct observation and informal discussion with conflicting parties, clan leaders and participants. It helped to provide good information and understanding regarding the types of conflicts and their causes, conflict settlement, procedures of traditional conflict resolution of the community.

To collect more detailed reliable data and make the study more meaningful and explainable, I carefully selected locality. Emdibir town and its surrounding were selected purposely. First, it is the center of Chaha Woreda where both traditional and modern legal systems are practiced. As the center of the Chaha Woreda and a developing town, the expansion of formal legal system influences the traditional one. This in turn leads indigenous institution to be endangered in many aspects. Second, Gurage's sacred area and shrine of traditional belief are found near Emdibir town. Beliefs and religious ideas are closely related with the conflict resolution and peace building. Third, the restriction and influence of government court on customary system has been increasing. As a result, the customary conflict resolution mechanisms in general and homicide special ritual performances in particular are highly endangered. The government court tries to restrict the role of customary system on settling simple faults. To preserve such loses the tradition should be documented in the natural setting where homicide cases are actually handled like Emdibir and its surrounding.

Furthermore, cases which were gathered from the community were selected purposely and were illustrated and supported the data gathered through other techniques of data collection. As it was a detailed record of an individual or a series of events occurring within a given framework, the history of conflict and conflict resolution were sufficiently treated through this method. This method involved the collection of detailed qualitative data on the actions and relationships of the actors involved in conflict resolution.

#### **1.7.4. Triangulation**

Combining methodology is very essential to collect data and analyze it from different perspectives. Traditional social and cultural inquiry usually refers to techniques of combining different theories, methods source and materials to triangulate the idea. The aim of triangulation, as Saukko (2003:23) presents, is to combine different kind of materials or methods to see whether they corroborate one another and to get more accurate truthful picture of the social world. In this regard the researcher uses various data collection methods from different data sources. Much effort has been exerted to triangulate the validity and reliability of the data collected from the primary and secondary sources.

#### **1.7.5. Multimedia records**

The following multimedia records were used in order to observe real events and to understand them in-depth.

##### **1.7.5.1. Photographing**

Photograph was incorporated as a source of information which subsequently utilized to analyze and interpret a given settings and objects. Thus, the researcher gave due attention to take image

while the ceremony was ongoing. Thus, photographs were elicited to capture pictures of traditional conflict resolution ceremony. This was done with the full consent of the participants and the elders.

#### **1.7.5.2. Video recording**

Video recording technique is one of the most important data collection methods in documentation of cultural events. Video recording of major events of the traditional conflict resolution helped to enrich the information. Audio and video recording helped the researcher to interpret and give the feature of the events performed in the traditional conflict resolution. Furthermore, the recorded video was used in the production of digital based documentary of traditional conflict resolution in Chaha Gurage by using Vegas 10 version software. This was also done with the consent of the participants and the concerned authorities.

#### **1.8. Limitation of the study**

The research is intended to document and describe the actual homicide case management process. To do so, the first and most constraint of the study was time limitation, to accomplish such complex and difficult work it needs a lot of time. The nature of the study needs a lot of time to document and describe the long process of homicide conflict resolution case. Fortunately, I attended the actual homicide case management meeting/council. To attend and document each and every session would be very difficult and it takes couple years or above.

The second problem was lack of transportation. In order to reach Emdibir town, 185 kilometers from Addis Ababa, it took half a day. Up to Wolk'ite the transport facilities were good. From Wolkite to Emdibir the road was under construction and the time when I went there it was raining. So it was difficult to travel and we had to wait until the mud dried up to travel safely. As

a result of this, I missed the opening session of the litigation; I reached at Emdibir St. Marry Church where the meeting was taking place as the session had already started. However, as I reached there I recorded audio visually all the events and the procedures.

I am not a native speaker of Gurage language and I didn't grow up in that culture. So I need someone to translate and describe concepts and events. In this regard all the informants and persons I met were cooperatives and helped me a lot. Almost all of the informants and the persons I met could speak Amharic fluently.

## CHAPTER TWO

### 2. Conceptual framework and review literature

#### 2.1. Conflict

Conflict is a natural phenomenon and part of social lives. It is a kind of confrontation, opposition. It can be seen from different perspective and point of views of various disciplines. So it would be difficult to set simple and single definition. As to Shapiro (2004:118) though conflict is such a natural, important and inescapable part of society and our own lives, it is difficult to give it single definition. The researcher tries to analyze some conflict definitions from different scholars.

Schneckener & Wolf (2004:1) define conflict as a situation in which two or more actors, who interact with each other, pursue incompatible goals, are aware of this incompatibility, and claim to be justified in the pursue of their particular course of action.

Other scholars define conflict as “the pursuit of incompatible goals by different groups.” (Ramsbotham et al. 2009:30). Here the group of people and their contradictory goals are the central points to define conflict. It should be very important to raise one critical question here: where do the goals come from? As to Galtung (2007:16), we can identify three broad categories of answer: “from Nature, Culture and Structure. Nature is in us, and around us; Culture is in us as internalized values and norms; Structure is in us as institutionalized, positive and negative sanctions.”

According to Shapiro (2004:2), “conflict is such a natural, indispensable component of our everyday lives”, moreover he adds all of us encounter conflict within ourselves, families, friends and society. Most people view conflict as negative and destructive force, however, it can be an

opportunity for growth and learning. It plays vital role in developing conflict handling and managing skills. He also adds the source of conflicts. He asserts that our beliefs, perceptions, values, needs, and feelings are inescapable part of every conflict in which we are involved. Sources of conflict can be described as: basic needs, differing values, differing perceptions, differing interests and limited resources (Shapiro, 2004:9).

There are scholars who try to define conflict from the basic elements that constitute it and from the direction it can be viewed. The scholar who tries to see conflict in different aspect is Mayer (2010:13). He says conflict may be viewed as occurring along cognitive (perception), emotional (feeling), and behavioral (action) dimensions. As a set of perception, conflict is a belief or understanding that one's own needs, interests, wants, or values are incompatible with someone else's.

Conflict also involves an emotional reaction that signals the disagreement of some kind of fear sadness, bitterness, anger or hopelessness. Conflict can be both constructive and destructive. Based on the cause and effect of conflict, the result will be either of the two. What matters most is the way we handle and make resolution for conflict. The following explanation of McConon and Shay (2008:44) supports this idea. Many people suggest that conflict is healthy and constructive. While conflict can provide broader perspective and deeper understanding, for most people conflict is destructive.

“A conflict is constructive only if as a result: the relationship is stronger; parties understand each other more; there is greater willingness to meet each other's needs; there is greater trust; they have resolved the source of future conflict.” (McConon & Shay, 2008:44). If the conflict results deeper frustration, negative feelings and a growing hostility, it is destructive to the relationship.

Sometimes there have to be some components to define something. One way of making such things clear is stating the features or describing the basic elements a thing made up or a concept constitutes. In this regard briefing the essential components of conflict is vital to fully understand the concept. Thus, term "conflict" refers to a range of phenomena that can be identified or characterized by four conditions: (1) the existence of two or more parties, (2) a situation of resource scarcity, (3) the presence of behavior that hurts and injures another and (4) mutually opposed goals (Soytong & Perera, 2014).

It should be noted that, two opposing parties are not always necessarily end up in conflict. One could observe inner conflict within oneself. Therefore, it is very important and good opportunity for positive change and the amicable result of incompatible desires and needs.

From the above mentioned definitions one can infer that conflict is inescapable, natural phenomenon that can occur in our everyday life. Mostly, it is the result of mutual opposed goals and scarce resources. The strong need to achieve power leads to such confrontation. Sometimes it is necessary for positive changes. It can occur within oneself or may appear with two or more people. The basic causes of conflict may differ from time to time and from place to place.

## **2.2. The causes of conflict**

The core of conflict is unmet human need; either resource or power. There is no single cause of conflict. Rather, conflict is context-specific, multi-causal and multi-dimensional and can result from a combination of the following factors:

Political and institutional factors: weak state institutions, elite power struggles and political exclusion, breakdown in social contract and corruption, identity politics

Socioeconomic factors: inequality, exclusion and marginalisation, absence or weakening of social cohesion, poverty

Resource and environmental factors: greed, scarcity of national resources often due to population growth leading to environmental insecurity, unjust resource exploitation (Ohlson, 2008:146).

Each of these factors may constitute a cause, dynamic and/or impact of conflict. Whatever the cause of conflict, it is expected that it will have results.

### **2.3 Results of conflict**

Mostly the result of conflict is negative but sometimes conflict yield positive outcome. Homicide, injury and instability are some of the negative outcomes of conflict. Here is some explanation about the homicide.

#### **2.3.1 Homicide**

Human beings are mortal. Their manner of death does matter for research and other purposes. Thus a classification of death based on the circumstances surrounding a particular cause of death is vital. In most states, the acceptable options for manner-of-death classification are:

Natural, Accident, Suicide, Homicide and Undetermined (Hanzlick, Hunsake, & Davis, 2002:3).

Since the focus of this study is on homicide, let us come to the definition and typology of homicide.

Technically, the definition of homicide is the killing of one person by another, whether intentionally or unintentionally. Homicide includes murder, manslaughter, justifiable homicide,

and the accidental killing of one person by another. Douglas et al, (2006:94) define homicide as unlawful taking of human life. It is a behavioral act that terminates life in the context of power, personal gain, brutality, deaths resulting from criminal and noncriminal negligence, and unpremeditated vehicular deaths (Douglas et al., 2006:94).

According to Global Studies on Homicide, based on elements including premeditation, motivation, context, instrumentality and the relationship between victim and perpetrator, three distinct homicide typologies are identified. These are homicide related to other criminal activities; homicide related to interpersonal conflict; and homicide related to socio-political agendas (UN, 2014:14).

### **2.3.2 Causes of homicide**

The causes of homicide can be broadly classified into four categories, according to Criminal Classifications manual (CCM).

Criminal, personal, sexual and group based causes of homicide are the major categories. Each category has its own sub categories. Personal cause category, for example, has eleven subcategories: erotomania- motivated murder, domestic homicide (spontaneous, staged, or neonaticide), argument/conflict murder, authority murder, revenge, nonspecific motive murder, extremist homicide (political, religious, or socioeconomic), “mercy/hero” homicide, and hostage murder. (Douglas et al., 2006:98).

#### **2.3.2.1 The personal cause category**

According to UN Global Study on Homicide(2014:40), central to the definition of interpersonal homicide is the fact that homicide is not instrumental to the accomplishment of a secondary goal,

but is rather a means of resolving a conflict and/or punishing the victim through violence when relationships come under strain (including from friction due to social and cultural norms).

Douglas et al, (2006:169) also assert that argument/conflict homicide is a death that results from a dispute between persons, excluding family or household members. In an argument murder, death is precipitated by a verbal dispute. In a conflict murder, death results from personal conflict between the victim and offender.

### **2.3.2.2 The group cause category**

The group cause category has three subcategories: cult murder, extremist homicide (political, religious, or socioeconomic murder, and group excitement (Douglas et al., 2006:98).

These homicides originate in the public sphere and are typically committed as an instrument for advancing social or political agendas. Power relationships, including among social, ethnic and political groups, are involved and homicide is committed in order to exert influence over those relationships, whether directly or indirectly. People are killed for what they represent and/or for the message that such killings can convey to the general public or to specific sub-sectors. In contrast to interpersonal homicide, the victims of this typology are often anonymous to its perpetrators, or at least the nature of the relationship between them is not a consideration in the decision to kill. Often the result of premeditation and organization, homicides of this type include those resulting from acts of terrorism and hate crime, amongst many others. War and conflict-related killings are also considered acts of socio-political violence, but are not included in this category as they are outside the realm of intentional homicide (UN, 2014:40).

Vehicular homicide is considered as one of the cause of death in Ethiopia in general in the study area, Chaha, in particular. Such loses are managed in formal and customary courts. The formal court of Ohio, for example defines and sets fine in different levels. Vehicular homicide

encompasses deaths caused by someone operating a vehicle while intoxicated, or simply operating it recklessly or negligently, regardless of intoxication (Ohio, 2004: Code, 2903.06).

For example, if an individual is speeding and this result in a homicide, that individual can be charged with one count of aggravated vehicular homicide based on the “reckless” provision of the statute. Additionally, if this individual was also DWI, he can be charged with a second count of aggravated vehicular homicide based on the DWI provision of the statute (Ohio, 2004: Code, 2903.06).

Sivak, (1981:2) asserts that homicide rates are significantly correlated with motor-vehicle-accident fatalities. Motor - vehicle e accidents may be manifestations o f aggression and violence or negligence in a society.

Homicide occurs, after some conflicts, intentionally or unintentionally. Once the death happens the remaining families should lead peaceful and stable life. Their contradiction should be resolved.

#### **2.4. Conflict resolution**

Conflict resolution is defined by Wallensteen (2011:8) as “a situation where the conflicting parties enter into an agreement that solves their central incompatibilities accept each other’s continued existence as parties and cease all violent action against each other.”.

Conflict resolution is a complex task that needs expertise, opposing parties commitment. According to Ramsbotham et al. (2009:31) conflict resolution is a comprehensive term, which implies that “the deep-rooted sources of conflict are addressed and transformed. This implies that behavior is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed.” The term refers to both the process (and the intension) to bring about these changes and to the completion of the process.

All raised conflicts are not necessarily solved rather they are managed in scientific ways. Modern ways of conflict management has developed effective strategies dealing with conflict. Shapiro (2004:137) explains the models how conflicts can be managed; “the process of conflict resolution not as a competitive battle, but rather as an opportunity for learning new information, building relationships, and cooperatively solving the conflicts.”

He also forwards the ways that conflicts can be solved in constructive methods. Besides, readiness and communication are the basic components to alleviate problems, he adds

Effective communication is essential to manage conflict. However, when we find ourselves in conflict situation, communication often becomes complicated and troubling. We may find it difficult to express our true emotions, or we may become frustrated that others don't understand exactly how we feel.

An important element of effective communication is keeping an open mind and listening to what others say (Shapiro, 2004:83).

## **2.5. Conflict resolution mechanisms**

There are different kinds of conflict resolution mechanisms. These mechanisms can broadly be classified into modern and traditional or indigenous. The mechanisms are applicable in the civilized urban area and in developing rural communities. Their main goal is to solve the raised conflict and maintain peace among the conflicting parties either by involving third party or by their own mutual consensus. Here are widely practiced mechanisms.

### **2.5.1 Negotiation**

Negotiation is one of conflict resolution mechanisms in which parties are actively involved to settle their problems without any third party interference. According to Ramsbotham et al. (2009:31) negotiation is the process whereby parties seek to settle or resolve their conflicts.

In order to resolve the conflict, in negotiation parties lose some of their needs and interests. Mutually accepted and respected interests are secured in negotiation.

### **2.5.2 Mediation**

The other very important mechanism of resolving conflict is mediation. Ramsbotham et al. (2009:32) states that mediation allows the third party involvements. The intervention of a third party is a voluntary process in which the parties retain control over the outcome (pure mediation) although it is sometimes combined with positive and negative inducements (mediation with muscle).

Mediation can also be defined as process in which disputants attempt to resolve their difference with the assistance of an accepted third party (Kresvel, 2006:726). The mediator's role is simply to assist the parties to reach solution or help parties to search for mutually acceptable solution for their conflict. In short, mediation is a third party assisted conflict resolution mechanism.

### **2.5.3 Reconciliation**

It is a process of regaining peace. According to Ramsbotham et al. (2009:32), reconciliation is a long term process of overcoming hostility and mistrust between divided people and conflicting parties. In other words, reconciliation is making the rough relation into smooth through long process.

Santa-Barbara (2007:174) explains "In restoration of state of peace to the relationship, where the entities are at least not harming each other, and can begin to be trusted to do so in future, which means that revenge is forgone as an option." The word reconcile means to come back together

into council. “The central point in this process is forgiveness, the moral debt is cancelled, and anger and resentment are dropped: there will be no revenge.”

## **2.6 Review of literature**

There are a lot of research works done on conflict resolution mechanisms of Gurage community by different scholars. These works are presented in the form of books, journals, thesis, and articles and so on. The researchers and writers of these works are either indigenous or scholars from abroad. I select works focused on indigenous conflict resolution, customary law of Sebat Bet Gurage and traditional administration of Sebat Bet Gurage, indigenous dispute settlement methods and the like. Therefore, I try to compare and contrast my work with closely related thesis and articles. Hence, Yewondwosen Awlache (1998) and Wubeyed Kumel (2010) did their thesis on “Traditional Administration and Conflict resolution of Sebat Bet Gurage” and “Indigenous Conflict Resolution Mechanisms among Ennor Gurage of South west Ethiopia” respectively. Yirga Gebre wrote an article under the title “Participatory Conflict Management Mechanisms: The role of elders in the Gurage zone”.

Yewondwosen’s work focus on Sebat bet Gurage’s governance system. How traditional administration mechanism prevents conflict and settles the raised conflict in home grown methods was discussed in details. He tried to incorporate the sub divisions of Sebat bet Gurage’s administration and conflict resolution mechanism. Its focus is so broad that it is difficult to say fairly treat all sub divisions.

Wubeyed work is relatively a more focused one. It only explains about Ennor Gurage not the other sub division of Gurage in general or Sebat Bet group in particular and their conflict

resolution mechanism. However, the work it doesn't fully discuss the similarities and differences among other Gurage groups. In addition, the etymology and naming of Ennor is explained insufficiently. It ignores the myth about naming of Ennemor, Ener and Ennor. The researcher argument to select the name Ennor is not clearly stated.

Yirga discusses the role of elders in managing conflict in Gurage Zone. It explains who do what in order to resolve conflict raised among the community. It doesn't include the roles of non Gurage elders living in and around Gurage Zone. Furthermore, it gives more attention to persons than to the system. It is the established system that allows elders to engage themselves in the conflicting case and to resolve in traditional mechanisms. These system based elders centered mechanism is not clearly explained as an institutional bureaucracy.

Tigist Shewarega's article was about customary law. Its title is a bit general: Empowering the nation, disempowering women: the case of *k'it□'a* Customary Law in Ethiopia. The article focuses on the customary law of Sebat Bet Gurage in general and the *ank'it k'it□'a* in particular. She tries to explain the gender equality issue and empowering women in accordance with the *Ank'it* system of Gurage. Marital conflict is managed in the *ank'it k'it□'a*. Hence this system of managing the divorce oppressed women and violated their right. Traditionally in Gurage, it is the family who chooses and decides on a husband for a woman. Recently it has been said that this tradition has changed, and a woman is allowed to a certain extent, to choose whom to marry. However, her family's acceptance and blessing is still mandatory. She can only be divorced by her husband, as opposed to having the individual right to divorce.

At least she could mention the attempt of influential woman who tried to exercise women right to divorce in the remote past. *j□k'ak'e* Wardwat's story has two features with regard to women

right. She led a delegation of women to one of the *jəḥḥoka* assemblies and demanded at the very least to be free to attend meetings and that they should have the right to divorce their husbands. In this respect she was the pioneer women right activist, in the one hand. On the other hand, her final experience was taken as lesson of malpractice. Hence, her tragic finale, dead of a thunderbolt, have served as a severe warning to all Gurage women to stick to their assigned place. Elders of Gurage justify the rightfulness of the *Ank'it* system to solve marital conflict, stating Wardwat's legend.

The other work is Bahru Zewde's article entitled Systems of Local Governance among the Gurage: The *jəḥḥoka k'it'ā* and the *gordāna Sera*.

Bahru tries to compare and contrast Sebat Bet Gurage and Kistane's local governance systems, *jəḥḥoka k'it'ā* and Yegordena Sera respectively. The *jəḥḥoka* and *Gordanna* assemblies seem to combine legislative and judiciary functions. At the same time the assemblies serve as courts of final recourse.

The article also compares the formal and customary courts. For long period of time and still, customary courts co-existed with government courts. Customary court lacks the ability to make death sentence and there is no prison system in the customary court. While the formal courts take legal measures, customary courts exercise moral and ritual sanction. The article gives less emphasis to the customary system with regard to the belief of supernatural power and its function in disclosure of crimes committed in secret. Gurage fear and respect *bərtəḥ*, *Gurda* and *oath* which are the enforcing mechanism to prevent conflict, to build peace and maintain stability. These beliefs are the kernel stone for the construction and implementation of customary law.

Legal institutional hierarchies, justice and social order in Gurage area of Ethiopia is written by Getinet Assefa. Getinet's article focused on the traditional and modern legal systems in Gurageland. He has given historical elaboration about the plural legal systems in Ethiopia in general and in Gurage in particular. Hierarchies of laws have developed as legal cases were differentiated by types and levels to be dealt with by the *traditional* or *modern* system and this has formed the negotiated basis for engagement or disengagement of one or the other legal system as people dealt with legal cases. In practice people used one or the other system depending on their desired or anticipated results as they tried to determine the likelihood of decisions by also considering their differential connections to power centres under the traditional and/or modern system. In general, given the plural legal order in *Gurageland*, decisions on legal cases and social order have to be negotiated between individuals and groups that engage with the different legal systems separately or in combination under different circumstances.

It should be noted that why Gurage people prefer the traditional legal system to settle conflicting cases? What are the shortcomings in modern legal courts from the public point of view and so on were not discussed in the article. Simply stating the historical development of legal systems are not enough to conceptualize the modern and traditional legal systems.

The above mentioned works are directly related with this research in that both focus on Gurage and their conflict resolution methods. However, this research is different in many respects. For instance, the focus of this research is on Sebat Bet Gurage of Chaha Woreda specifically Emdibir area. Secondly, this research is distinct in the use of data. Some of them used secondary data to analyze their thesis. But for this research it has been tried to collect data primarily from natural setting. The other feature that makes this research unique is the focus area that is homicide conflict resolution not conflict as a whole. Thirdly, this paper tries to indicate the transformation

of the *jəŋoka k'itə'a* customary law and the implementation of it. Finally, the folkloric part of the *jəŋoka* institution is not the main concern of this research.

## CHAPTER THREE

### 3. Causes and types of conflict among Chaha Gurage

Generally speaking, the social bond of Gurage people is very strong. The Gurage zone where people of Gurage mainly live is characterized by populace and scarce resource area, (Gebreyesus, 1991: 13). It can be said that the community is hard working, with respect for labor, and a strong self help and cooperative. So these closeness and the scarce resources (shortage of farm land) create fertile opportunity for conflict tradition to occur.

The main causes of disputes can broadly be classified as economic and social. It is known that the main source of income among Gurage is agriculture. So their livelihood is directly related to land, used either for farming or grazing. The question of land ownership is a big concern for every activity performed to lead life. According to the effort exerted in the land the farmer will gain result or product. Giday (2000: 24) discusses that the causes of conflict among Gurage have economic and social bases. He lists out the major causes of disputes and their features in details:

Land ownership, irrigation area, reclamation of debt and raids are some categories of conflict that has economic sources. Political affiliation is the other cause of dispute which is manifested in breaking the public peace, clans and tribes conflict and succession disputes. Social conflict, as the other category of conflict among Gurage can be expressed by civil offences. Lastly, according to Giday's classification of kind of dispute is the religious one.

Many scholars describe the characteristics of Gurage people in different ways. Yirga (2008), Gebryesus (1991), Tekle (1997 E.C) and Leslau (1992) express the very nature of the people as they are hard working, business owners, initiation of self help and mutual cooperative, with strong sense of law abiding and strong social integration. Their social bondage is very strong, their pattern of settlement more or less based on minimal and maximal lineage.

According to the informants, the most common cause of conflict in the study area, that is, in Chaha Gurage, is family affair, land ownership or boundary cases. Homicide cases are rare which occur unintentionally. Intentional murder, among Gurage society, is a curse. The community as a whole hates such practice. However, there are causes that lead to lose of life in Sebat Bet Gurage in general and Chaha Gurage in particular. Quarrel and accident are the major causes of conflict resulting death.

As any other community Gurage need to lead peaceful life. Actually, no healthy man likes to be disturbed by another. Giday (2000:26) lists that breaking public peace is one cause of dispute among the community.

According to the informants, car accident is becoming the cause of death. The resolution of such cases in the customary law is slightly easy. Because, accident is visible and easy to find eye witness and the culprit usually confess their guiltiness. Mostly, formal court follows the legal procedure whereas; the reconciliation process should be taken place to prevent further distraction and to eradicate hate and revenge. As a result most of the Gurage people particularly Chaha community prefer the customary conflict resolution and reconciliation ritual.

Accidental homicide cases are seen by the formal judicial bodies and verdict has been passed. After the fine is completed, the person who was accused and finished the legal responsibilities

asked again before the traditional institutes. In order to socialize with the community he has to fulfill what the tradition requires. Having performed the cultural institute needs, he purifies and he can participate in any social activities.

According to Gurage customary law/*k'it* 'a the loss of life due to car accident can be categorized in to 6 conditions. The punishment levels also vary with respect to the situation of the accident.

1. If a person dies trying to jump while the car is moving, the punishment will be *m*dara *m*dara.
2. If person dies while the care is crossing the road, the punishment will be *m*dara
3. If the parked car jumped its supporting stone and cause death, the punishment will be *m*dara *m*dara.
4. If a person dies while sliding down at the back of the car, the punishment will be *m*dara *m*dara
5. If an accident happens due to the driver's alcohol use or lack of sleep, the punishment will be *m*dara
6. If a person dies with a car accident while moving on the road, then the relation, litigation or other problem between the slain and the driver will be investigated by elders to decide the kind of murder is whether *m*dara or not (GPSDO, 2000 E.C :39).

### **3.1. Types of conflict among Cheha Gurage**

Conflict can be classified in different groups based on the involved parties. It can also group in terms of dominant life features: social, economic and political. Dutch (1971a) distinguishes five types of conflict: intrapersonal (within the self), interpersonal (between individuals), intragroup (with in a group), intergroup (between groups) and international (between nations).

It is believed that Gurage have strong social bondage. Economically they are hard working and cooperative. In terms of these and other factors conflicts raised among Gurage in general and in Chaha Gurage in particular can be classified in to four: individual, family, clan and homicide.

### **3.1.1. Individual conflict**

It happens when the individual behavior is not convenient to the others especially for those living together for long time. In such neighborhood relation tolerance and coexistence are the essential characters to live peacefully. Sometimes, the individual's aggressive behavior leads to conflict. The bases of such conflict could be unmet personal interests and hence it can be said individual conflict.

### **3.1.2. Family conflict**

The Gurage household mostly composes of wife, husband and children and close relatives. Conflict among these family members can be said family conflict. Spouse's conflict is the major kind of family conflict. It occurs when one of the spouses could not meet the interest of other. These kinds of conflict can be settled through *jank'it sera*, which is the customary law that manages marriage and adultery dispute cases. According to Yewondwosen(2004 E.C:55) this law was among the first laws which incorporated when the Gurage *k'it'a* established. It was designed to prevent wife assaulting which was common at that time.

### **3.1.3. Clan conflict**

Gurage community is organized in tribes, clans and even subs groups. In Gurage long history there were many civil wars among tribes and clans. Yewondwosen (2004) and Gabreyesus (1991) agreed that the main causes of civil war were the interest to be dominant and to show brevity. The interest to have more harvesting and grazing land and raiding animals are consider as the features of dominance. The confrontation between *Mogm* and *jank'amt* can be mentioned as an example of clan conflict.

#### **3.1.4. Homicide conflict**

In every society homicide is unacceptable act, and it is a curse in some communities like Gurage. It may rarely happen with the unexpected situation. As a result of group and individual quarrel homicide may happen. In such cases the clan and close relatives are consider as responsible for the crime. That is why the slayer group send *jɛzɛnga sɛβ*, senior elders to the *jɛ k'it'a dan* to adjudicate the case.

## CHAPTER FOUR

### 4. *j□□oka k'it□'a* indigenous conflict resolution mechanism of Chaha Gurage

#### 4.1 *j□□oka*

The term *j□□oka* is constituted of two words *j□□*, means hand *oka* means buried in the ground. It refers to the judicial court and the sacred area. Half fallen giant tree resembles the person bending arm upright touching the ground by the elbow. It serves as the venue of assembly. As to Bahru (2002:21), *j□□oka* was established some three hundred years back and the founder of it said to have been one person in the one version and four individuals in the other version. Tekle(1997 E.C) and Gebreyesus(1991:37)assert the interlink of *j□□oka* and the *Chaha wak'(Awget/Og'et)*, sky God, and three people had played great role in the establishment of *j□□oka*. It is believed that *Wak'* buried justice under the sacred tree.



Figure 5: *Yejoka*[jɔɔoka] tree /photo by the researcher/

*jɔɔoka* is a place where knowledgeable Gurage elders meet and pass decision, amend customary law/ *k'itɔ'a*. [ Sometimes the traditional law is known as *Sera* which organize social life establish and maintain peace and order, (Worku, 2005:932)]. Hence the system that governed Sebat bet Gurage is called *jɔɔoka k'itɔ'a* and it is well accepted by them irrespective of social or economic status.

According to Gabreyesus (1991) and Demissis et al. (2004 E.C:14-15) before *jɔɔoka k'itɔ'a* was established powerful and influential persons used to govern. They could take whatever they want, mistreat the weak individuals, snatched their property powerfully. When the wrongdoings increased those elders who hate such misdeed wearing *forɔforɔt* 'green leaf' shouted loudly in the street as a sign of protest. Then these elders started to meet frequently. Following these close relation, the meeting incorporated the five bet Gurage elders. *Yejoka* [jɔɔoka] was then become

convenient and accessible for all elders of Gurage to meet. After frequent meeting and council two more bet Gurage were incorporated in the formed tribal federation. Through time the customary law was ratified by the council of elders represented the seven houses Gurage. Once *Moche*[mot'ə] was the meeting place for *joka*

In *joka* matter of mutual concern and inter tribal disputes are being handled. Here rightful verdicts are passed and more serious matters of social and economic are brought to it. It also serves as the appeal court of the Sebat Bet Gurage. Other Gurage tribes have their own meeting places, as stated in GPSDO (2000 E.C:56)

Cheha kifle hizb – *joka*

Ezha - *desn*

Gomere – *joka*

Muhere and Aklil- *mrya t'k'arp/jora*

Ennor and Anner- *w*

Goita- *k'ant'e*

Indegagn-*arka*

Meqorqore-*ygz*

Abeshge gurage –*wrha/johar warke*

In 18<sup>th</sup> century *joka* system was very popular. That time different titles were given to those knowledgeable elders assigned as judges of different matter:

-jə□ir danə- judge of land who measures and distributes land

-jə ank'it dan- judge of adultery

-jə gurda dan- judge of promise

-jə k'it□'a dan - judge of customary law

-jə t□j□ dan - judge of oath

Gurage elders judge conflicting cases in reference or precedence. Sometime they may encounter cases that have no similarity with the previous cases or no past experience on that specific matter. When controversial and complex cases happened that has no common feature or related matter with the former then the judges are challenged to decide. They add more judge and the case is handled by a group of judges assigned. These four or more knowledgeable elders from different clans of Gurage are called *jamsseja*. The group serves as case reviewing body and has the responsibility to propose ideas that help for the final decision. Each member of the group individually tries to find knowledgeable persons and consult the case as to how to handle it. Even they sometimes go to other neighborhood tribes to find solution. They ask elders of neighborhoods whether they face such kind of cases and how they solve it. Having shared the experience from different culture and persons, among elders who assigned to accomplish this task six of the elders gather and present their idea to the meeting. Then audiences discuss on it finally the decision is made by the whole council.



Figure 6: *jamsse dan* meeting/photo by tourism office of Gurage Zone/

Issues beyond these judges go to *j k'it' a dan* 'judges of the system' for final decision. In this regard *j k'it' a dan* serves as frame of reference, with a high degree of knowledge of the customary law.

These assigned judges arbitrate disputants and impose penalties on them based on the customary law. The laws are inherited from forefathers and established as a system applicable for years. The laws that are applicable for different issues are various.

#### **4.1.1 *j ank'it k'it' a***

It is the system that governs marriage and adultery issues. According to the informant any married women cannot divorces her husband without his good will. She can do nothing by her own decision. To do so, he has to say *sirt' y h rhi*, I divorce her three times in front of the

elders. Without accomplishing this task, the divorce would not taken place and she cannot marry other man. This is called *ank'it* in Gurage tradition.

*ank'it* is only used against women. *jank'it dan* is someone who inherits a right from his forefathers to hear and judge disputes arising from the desertion of a woman from her marriage, (Gebryesus, 1991:53).

#### **4.1.2 *jək'it k'it'a***

*k'it* is literally means stone that indicate village territory. *jək'it k'it'a* is the system that resolves land and territory conflict. It is the traditional law that governs the territory of neighbors / land boundary (Denberu et al., 1987 E.C:122). To prevent such conflict boundary stone is being put/ buried and as the same time oath is taken between neighbors. Taking out the stone is strictly forbidden; however, if the parties agree to do so they will assign elders and they can take it off. Anyone who moves the stone without elders' consent, will be punished according to the *k'it'a* 'customary law'.

#### **4.1.3 *jdəm k'it'a***

Any serious criminal act is being seen by this law especially homicide. Injuries, murder and arson and so on crimes are adjudicated with this law reference. Traditional judges impose sanctions according to the crime's magnitude. In early times capital punishment was one of the sanctions, according to Denberu et al. (1987 E.C:118). As to Bahru(2002:20), the elders council could take measures ranging from confiscation of property to ostracizing the culprit.

## **4.2 Types of indigenous conflict resolution mechanisms of Chaha Gurage**

#### **4.2.1 *ḡikot* /conciliation**

According to key informants, *ḡikot* 'conciliation' is the mechanism that helps to settle or resolve the problems rising among the conflicting parties. This mechanism is usually applicable for conflicts happened among close relatives, friends or neighbors, according to Yewondwosen (2010:48). The victim of the conflict blames and the offender presents the issue to the elders who are common relatives with the plaintiff. The main role of the elders here is creating the forum. Then conflicting parties thoroughly discuss their issues, causes of conflict and resolved the basic problems.

#### **4.2.2 *barik'n*/Mediation**

It is a system that combines the *ḡikot* and adjudication. It is performed by elders who know the customary law. It could be undertaken after the conflicting parties accept the system. For this purpose elders persuade each party and three elders are selected from both party. One elder assigned as a central or main judge.

Before the formal litigation process start each party calls guarantors. And these guarantors declare their promises to take the responsibility to bring the person to the elder's council in the next appointment day. The litigation starts with the presenting complains of the accusing party. The accused party replies ether accepting or denying the accusation.

After hearing parties' arguments, logic and facts the elders may ask to present evidence and *zar* 'witness'. Thoroughly verifying the cases, elders express their judgment. Mostly the elders who practice this system are religious leaders, clan leaders, *k'it'a* judges and the like.

#### **4.2.3 *Danen*/Adjudication**

In this conflict resolution mechanism customary law was fully applicable in all cases. The elders who have experience are carefully selected. When the cases are complex *jamsse dan*, elders who have solid knowledge of the customary law, are selected. This group of judges presents the proposed verdict to the council. Then *qingo* discussed on the proposed judgments. After thorough discussion, final verdict is being passed.

#### 4.3 Structure of traditional conflict resolution mechanisms of Chaha Gurage

Conflicting cases are being solved by the local judicial structures according to their complexity. The judicial structure levels of territory lineage segmentation are village, clan and tribal courts. Shack (1966:2) argue that Gurage lower courts are of *the jek'ej' dan* (village), the *t'ib dane* (clan) and the *j'eg'n dan* ('tribe' or 'country'). Lower court can be further distinguished from the higher court in that disputants appearing before lower court are always of the same lineage, clan or tribe and that the issues concerned are civil case. In principle every case should be seen before the council of elders in accordance with the tradition. *jek'ej' dan* (village), the *t'ib dan* (clan) and the *j'eg'n dan* ('tribe' or 'country') resolve the conflict.

The geographical location of Chaha Woreda in general can broadly classify into three sub-Woreda. These are: *angit*, *j'dbe* and *g'r*. Based on this classification there are different levels or stage of customary council in the study area. These councils can see and solve local cases of *Ameya* sub region.

- *angit qingo* serve to solve Gumar area conflict cases

- *j'dbe qingo* /central Chaha meeting usually performed in Emdibir mariam or Emdibir senior school

- *g r ngo* / or known as *k'ola Chaha* adjudicate conflict arise among the lowlander of Chaha

When the case in charge is homicide or other high stage criminal otherwise, appeal cases are seen before *joka ngo*. Here *joka ngo* serves as an appeal court as well as *j Chaha ngo* (pan Chaha Council) also.

#### 4.4 The procedures of conflict resolution

In the Gurage custom each session begins with utterance of blessing and good wishes. The opponents and elders attending the *joka ngo* begin with blessing before they present their issue to the council.

*z joka et'f b h*

Long live to Yejoka

*janakaba sab jan h*

Let poor men get wealth

*jarakabam jat sakwatari*

Let the rich men keep prosperous

*j dar d r t jet' b t' geta gi j b r* Let God accept our blessing

*b g b t anda en bo ab k' at' nda geta bohe jat r h b ndo*

God meet us with elders those who are not here (see annotation ref. 001).

Whatever the case is being seen in the elder's council, be it *jat'bija* or *joka ngo*, and always starts with blessing. Elders and titled persons or those with rank are given priority to open the session. Regardless of the case in charge, even serious issues like homicide, this procedure is always applicable to the session. After blessing accusing and accused parties begin the litigation. Shack (1966:5) asserts that in the court witnesses are always called upon to testify in cases of slander, attempted arson, burglary and homicide. Hearsay evidence is admissible, but it is not a

sufficient ground for the court to arrive at conclusive judgment of guilty. To obtain substantial evidence against the accused, especially in civil case of theft and assault, and in other criminal offence the plaintiff often engages *tak'ama* 'one who tell' [diviner], to seek out the suspect, the good, or both.

Any case shall be seen before village elders or *ddir* meeting. If it is not solved at this level, the case will be transferred to the *woroda* 'sub district'. Still if the conflict cannot be solved at this stage; it shall be transferred to the whole Gurage council, *jooka*. However, if the case is *Dm* 'homicide' it starts to be seen from *woroda shengo* and then to *jooka*.

The responsibilities of the *shengo* are limited. The case that handled by these *sheghos* are specific. For example, *At'bija shengo* solves the conflict raised between neighborhoods. *Akababi shengo* handles village wide conflicts and concerns. Village elders adjudicate the conflicting cases. Tribal, social and economic cases are brought to bet Gurage *shengo*. In this case tribal and clan leaders and religious leaders are involved to settle the conflicting case. *jooka shengo* is the biggest council of elders to settle more serious and complex cases. Intertribal cases are also solved in this high court of Sebat Bet Gurge. It also serves as appeal court for the lower level customary courts.

Adjudicating homicide cases takes long time but the elder's council carefully undertakes the following customary procedures.

#### **4.4.1 The procedure of conflict resolution for homicide case**

The homicide conflict resolution processes can broadly be classified into three categories: *hatarat* 'armistice', litigation and verdict and finally reconciliation. *jwajdamam* Zereful

elaborates the stages in brief (interview, on April 22, 2013, Yebitara, Yejoka Kebele, near Emdebir).

#### **4.4.1.1. *hətərat* /armistice**

The first step in the resolution of homicide conflict is *hətərat* 'armistice or ceases fire'. It is a kind of mechanism that prevents further distraction from both (slayer and slain) sides. As the crime is committed the slayer immediately informs the case to his relatives what had happened. Then the elders order him and his close relatives to close their houses and to flee to other places. *hətərat* elders are mostly tribal leaders, influential persons and religious leaders. These people go to the victimized houses to beg pardon. The slain relatives in turn express their grief and refuse in the first instance. Then through long negotiation both parties agree not to take revenge action.

In case if one party disagrees with the elders idea then it will begged to accept the proposed idea. This kind of enforcing mechanism to be judged through customary law is called *k'ewea*. If the refusing party stand is not changed after repeatedly asked, then elders curse the adamant party. Simply, it is the persuading system. When both parties accept the elders' presentation to the case be seen with *k'itə'a*, customary law then litigation starts.

#### **4.4.1.2 Litigation and verdict**

After *hətərat* taken place both parties agree to be judged by *k'itə'a* 'customary law' then an appointment is made to fulfill the slain close relatives. Then elders order the slayer party to call for guarantor/surety. In the next appointment day the slayer party brings tear price 3,000(three thousand birr) and gives to elders. After repeated appointments and meetings slayer clan leaders are ordered to bring the actual killer/accused person.

In such a customary argument process if the criminal confess that he is guilty, he comes with special costume. Wearing leaf made covering and sheet like garment, slayer bring to *yejoka* council accompanied by clan elders and close relatives. This symbolizes that our party and the accused person regret with the wrong doing. Still the litigation continues among parties whether the crime is intentionally or unintentionally committed.

During the litigation process sometimes there is a need to consult the members of the party. This time the *Mɛrro* ‘lawyer’ of the party asks the judges to make some consultation with the elders of the clan. When they are allowed to do so they get together little distance from the public and discuss the issue. This group discussion is called *mɛk’o*. Having finished the aside discussion they come up with their common stand or idea.



Figure 7: *mɛk’o*, group discussion aside from the main meeting/photo by the researcher/

The accused and defendant party present their case in front of the public in turn. Then elders and public listen the case very carefully. The public at large present their personal idea and

reflection. After repeated meeting and argument the judges try to identify the level of crime whether it is intentional or unintentional. Sometimes the case in charge needs further investigation and reference.

The main judge assigns *jamsse dan* /case review judges/ then the group thoroughly discusses the issue if they didn't agree another *jamsse dan* /decision making judges/ were added to the former ones.

The large group of *jamsse dan* decided the kind of the murder (intentional, accidental or unintentional).

Slayer party enforced to pay the blood price in accordance with the type of murder

Judges were ordered to implement the verdict then collection of blood money began. The blood money could only pay by contribution of the clan members; close relatives were expected to contribute  $\frac{1}{4}$  and remote clan members  $\frac{1}{2}$  of the total compensation. To show that it is a collective responsibility in one hand and moral sanction on the other. The culprit began to collect blood money by telling his misdeed to the clan members. Even if he can afford to pay the money by himself, the custom doesn't allow him to do so. As to key informants the money collection has its own symbolic meaning. It is the way of expressing confession and regression not to make the same mistake again. It is one of the customary fines.

The litigation process is taking place orally. Normally, homicide and other complex crimes need long period of time to be resolved in the traditional method. When the case takes more time, the likely hood of forgetting the detailed information and other facts are higher among elderly judges.

In my observation women and young members of the society are not part of *jɔ̀ɔ̀oka ɔ̀ɔ̀ngo*. In short the elderly council excludes women and young population from participation. Yewondwosen (2004 E.C.) asserts that young men and women are not allowed to participate in the council. When the case is directly linked with women, on behalf of them men handle the case. If a woman kills a man, she will be represented by her close relative man to litigate in the traditional court.

#### **4.4.1.3. Reconciliation process**

After the verdict has been passed by the elders the final step is reconciliation.

-both parties are brought to inaccessible valley where plant couldn't grow and flat area, and biting *mɔ̀gurɔ̀/ɔ̀ɔ̀nfo*/ ceremony took place there.

-both parties were now bounding by *Gurda*, no more quarrel between them if any disagree happened they were not arise dispute. Persons who have taken *Gurda*/make promise are called *jɔ̀zɔ̀nga sɔ̀β*. It is the other way of expression promise not to utter *Gurda*. Because *Gurda* is respected and feared by people it is not uttered simply, people usually say “*jɔ̀tɔ̀bed Gurda*” to mean “*Gurda* forgive us for our wrongdoings.”

Giday (2000:29) asserts that the Gurage have little tendency for revenge taking or for disputes to be inherited. Unless a major crime is committed, the Gurage are not prone to homicide. Admission of a crime and a request for pardon to the elders committee by a defendant usually settles a dispute. In a dispute involving murder, injury or torture, then compensation is paid depending on the degree of the crime.

The slayer and the deceased family have to complete the case with customs of Gurage. Without completing the customary ritual, no one can be incorporated to the society. Completing the case

with the tradition is believed to purify the early misdeed and prevent the forthcoming misfortune. There is a person who handles those cases by giving advice and consulting slayers and deceased families. The system and the person who practice it both are called *Wag*. (*Wag* refers both the system and the person who practice it). *Wag* can be said an interpreter, advisor and councilor. In Gebrayesus (1991:41) expression *wag* is like a physician. “He acts like a psychiatrist in that his approach is to find out what misdeeds had been committed generation earlier by the ancestors of a person or persons who appear before him to get relief from problems which are unique by their nature.”

*Wag* carefully listens the cases, asks the misdeeds that had been done the whole family similar to the indecent. The complaints asked thoroughly investigate misdeed either paternal or maternal or spouse’s parental lines. Then after the similar misdeed had found, *wag* advised the complaints to perform ritual ceremony. Then the problem would be solved.

*Wag* is also known as *wag mies/wag ገገራ* literary means *wag* conductor or *wag* finisher. As to Demisis et al. (2004 E.C: 17), the system and the individual has historical background and strong relation with *ገገራ*. Once up on a time a warier from outside came to Gurage land and asked the people to interpret a riddle. What the man told them unless they gave meaning to the riddle he would kill them. Even if he told a contradictory story, a young man from Getto fully interpreted the riddle and saved the lives of the people. The community admired and selected him as an advisor of the village. As to Tekle (1997 E.C:108) the *wag* considered as wise men and became advisor for Sebat Bet Gurage also. After this men passed away his son became successor of the position. Passing through the sons of *Wag*, now the position is in the eight generation hand.

Wag plays great role in implementing the *jəŋoka* verdict and reconciliation. He earns money from the service he delivers to slayer and slain families. The service charge was determined in the GPSDO (2000 E.C.:50) document that he has to earn 20 birr from each party (40 birr total) for homicide cases. He gives advice either in his house where he resides around Geto or on open market place. Wag advises to perform different rituals to finalize the case. He orders to slaughter sheep and ox having special color and physical status. Then *amətɔ'a* 'red colored' sheep slaughtered and both parties washed their hands with blood and touch their faces with the lung of the sheep each other.

After the accident the slayers are asked by the government court and punished as to the respective law ordered.

#### **4.4.2 Procedures of other conflict resolution**

In Gurage community each clan has assigned its *jəŋir dan* 'judges of land'. The primary task of these elderly judges is to measure and distribute the land to the members of the clan. Any individual who owns land either in heritage or gift or purchase put the *kəŋjə* stone in order to mark the exact boundary of the owner. Putting of boundary stone has its own ritual ceremony. As the *kəŋjə* stone burial is performed the *kəŋjə* judge utter blessing "kəŋjə protect our boundary, let God protect you, let earth protect you, let moon protect you, let sun protect you."(Yewondwosen: 2004 E.C: 58).

Removing this stone is a crime even walking on the stone is forbidden. Those who move this stone would be punished by the customary law 500 birr in cash. According to GPSDO (2000 E.C: 29), the conflict of removing *kəŋjə* 'territory stone' should be adjudicated by *murre* 'relatives' who were called by 5 *luka* 'messengers'.

In addition to judges clan leaders have significant role in resolving boundary conflicts. If conflict arises among two families or member of the same tribe with land boundary case, then the case will be resolved by clan leaders. These elderly clan leaders are respected by all members of the clan and the dispute would be settled easily. Sometimes, some cases would not be resolved by the clan leaders, in this case the elderly people of the other clan, who live in the same area or around them as neighborhood, come and settle the conflict.

Arson and fatal injuries are said to be serious crimes and handled in accordance of the severity of the damage.

Many scholars agree that Gurage hate crimes, especially highest criminal acts like murder and arson, as a result of widely accepted beliefs. These deep rooted values prevent the society not to do bad things. As to Gebreyesus(1991:56) criminal acts in the first degree are almost always avoided. The binding laws and tradition beliefs based on *gurda*, oath together with relatives (*t'ur*), *bet*, and the like are the most protective and controlling measures.

#### **4.5 Traditional beliefs enforcing mechanisms**

The beliefs are playing vital role in exposing crimes committed in secret.

##### **4.5.1. *gurda*/promise**

*gurda*, a kind of promise and moral obligation, is a highly valued concept for all Gurage community. "It is feared and respected as an invisible power that can avenge the aggrieved party" (Gabrayesus, 1991:39). People express their respect by saying "*jabed gurda*" to mean "Gurda forgive us for our wrongdoings." Such fear made *gurda* a well-accepted traditional instrument to *jaboka*'s rules and operations. *gurda* usually takes place between different Gurage

clans and tribes. It uses for big criminal issues and other social activities. It performed with special reference, sky and land, where super natural invisible spiritual power exists. All Gurage believe that breaking the promise/*gurda* may face misfortune in their lives and bad thing would be happened for the coming generations. (Demssis et al., 2004 E.C.:14-16).

For example, after the *jəjəoka* verdict, homicide case is being seen by the Wag. The slain and the slayer families with elders accepted by both parties come to Wag. Then all of them go to valley area where no one accessed and plant couldn't grow land. There they slaughter a sheep. As to Gabrayesus(1991:57).

One end of the intestine of the sheep is tied to the left thumb of the murderer and the other end to the thumb of an immediate family member of the deceased and the words of promised uttered. Following such a promise, the intestine is cut into two and thrown away to mean that all the animosity that existed between the two has been cut into pieces and thrown away.

This kind of performance is called *janəjə gurda* literally means promise of intestine.

#### **4.5.2 *t'əjə* /oath**

Taking oath, to assure something is right or wrong, is not preferable among Gurage. *t'əjə* or oath is one of the highly feared and respected believes of Gurage. Sometimes *t'əjə* is very crucial traditional performance to secure guilty or to assure innocence.

##### **4.5.2.1 Kinds of oath and their application**

For serious and secret crimes suspects are asked to take oath. As to Tekle (1997 E.C.:111) there are three types of oath taking.

##### **A-*Murre t'əjə* /relative oath**

The number and closeness of relatives who take oath varies with the magnitude of the crime.

For homicide case the suspected party is forced to call up to 12 persons from 5 generations. The compliant has the right to reduce the numbers of *murre*/relatives. These people were expected to take oath together.

***B-t'ur tʔjʔ* /fortune oath**

The oath judge tries his best to end up their cases without taking oath. However if his effort doesn't fruitful, then the relatives and the suspect himself enter in one house and the judge lock the door from outside. They stay the night inside the house. In the morning the judge opens the door and let the men out. The compliant party brings water, stick cleaner and fire. Then the *murre* set fire and off the fire with water saying that if we do the crime, let God eliminate our lineage as this fire. If we tell lie, our *T'ur*/fortune come to you or enter your house ...after the suspect finished taking the oath, his relatives say so in turn.

***C-gʔmbʔna tʔjʔ* /black oath**

This kind of oath is taken place in stony river area where no one accesses. There the judge, the accused party and the compliant party meet with the black goat and black handled knife.

Then the accusing party dig small hole. Pulling out the soil from the hole the suspect takes oath: If I commit the crime let my lineage disperse, like the soil, out of the country.

The accusing party sets fire and the suspect lit off the fire with water and says if I committed the crime, let my generation dismiss as this fire.

The accusing party tied up black rope then the suspect cut it off and say if I committed the crime let my descendants cut off like this.

The accusing party laid down the black goat and the suspect slaughter with black handled knife and say if I committed the crime let my descendants slaughter as this goat.

#### **4.5.3. *T'ur* /fortune**

It can be viewed in two ways: good fortune and misfortune. As to Gbareyesus (1991:45-46)

*abṛjṛ* *T'ur gṛparm* and *abṛjṛ t'ur wat'awṛm* respectively means getting good thing or fortune and losing something or misfortune.

The first can be seen in acquiring wealth, happiness even if suppressed and mistreated and the last one refers that losing their former power and wealth because of their abuse misbehave.

*T'ur* is also defined by Shack and Habtemariam (1974:77) as the 'the spirit of the good life' who inflicts punishment supernaturally against aggressors and rewards victims of wrongdoing with intangible remuneration greater than the damage suffered. People say '*T'ur yahṛre*' to mean '*T'ur* come to my aid'. It is a retraction of generalized system of Gurage belief in spirit. Spirit belief defines certain categories of Gurage cosmology and world view.

In meaning and experience, *t'ur* is the embodiment of Gurage philosophical notion about the natural and moral orders within their concept of the universe of things. Put in other words, *t'ur* is both spirit and metaphor for the most general and abstract Gurage philosophical principles concerning the existence of animate and inanimate creation of the natural world, in time and space (Shack, 1996: 232).

#### **4.5.4 *bṛṛ* /curse**

It is a kind of curses that may happen in the forthcoming generation. The curse is mostly uttered by the people with disability, suffering from special disease extremely poor people and the like.

These people wish misfortune especially for those who laugh at them, maltreat them. To be kept from *bərtə*, People say that “*Gojta təbərtə yatrəndə*”(Let God forgive us or let us be free from *bərtə*) It is believed that through laughing some misfortune may happen to the doer or the descendent of him.

In short, the community relies on the belief and highly respects them. The customary law and the elder who execute it are also honored. When crimes committed in secret, documented evidence and eye witness could not be found. In such cases, the traditional systems of conflict resolution are very helpful to find the suspected plaintiff through the respected and enforcing mechanism. These are performed by taking group oath to testify the guiltiness or innocence of the accused group. Regarding this, Sometimes there is conflict of interest among legal courts and customary system. Wubeyed (2011:262) describes the parties’ interest in a good way.

The state institute claims, referring the constitution, that resolving criminal case, particularly those that are treats to public peace, are not the mandate of the indigenous system. The formal court blames the indigenous institution for intervention in the former’s work. They complain that indigenous institutions are creating lots of problem in the normal functioning of the court. They blame the institution for pressurizing disputants not to take their cases to the formal court, to withdraw their cases to avoid testifying cases with evidence if withdrawal is not permitted and for labeling disputants that appear in the formal court deviant and back biting them.

The formal court, as an authorized government body, try to handle all conflicting cases especially homicide cases through formal judiciary system. However, elders and communities don’t want to expose the homicide case to formal court and handle the case in secret.

#### **4.6 Rules and orders**

Each session of elderly council starts with good wish utterance. Accusing and defendant parties present their issues in turn. They may represent by knowledgeable elders. The accused or

accusing person speaks in front of the crowd and give the stick by kissing it to the *m̄rro* ‘lawyer’ to mean “you are my representative you can litigate on behalf of me and my party”.

Holding stick, taking off hut is mandatory for the litigants. Each participant has to keep order: silent and start talking with blessing. Give priority to titled men; *N̄gus*, *K’̄azma*, *Agaz* and to elderly people. Any man who stands to present his issue to the council will be accompanied by his friends and relatives both stand together until the speaker finishes. The written customary law article 53 states the importance of using the session time properly and documenting the litigation process (GPSDO, 2000 E.C.: 58). Anyone who disturbs the session will be punished according to the rules of the custom:



Figure 8: *Yejoka Shengo* (litigating the homicide case) around St. Marry church, Emdibir

#### **4.7 Change and continuity of traditional institution of Yejoka Kicha**

##### **4.7.1 Change in blood price**

Scale of compensation for each crime committed is stated in GPSDO (2000 E.C.:38-39). Let us see different kinds of death and their blood price.

*Mura dᄁm*/Willful/planned/pre-mediated murder -30,000 thirty thousand Ethiopian Birr

*Mᄁdara*/ un willful/accidental/unpre-mediated murder -15,000 Fifteen thousand Ethiopian Birr

A *Mᄁdara Mᄁdara*/ complete unconsciously/unintentional/inadvertent murder-7,500 Seven thousand five hundred Ethiopian Birr.

According to key informants, the blood price has recently been changed or modified by the *jᄁᄁoka* council meeting held on Feb 9, 2013. Hence the price for *muradᄁm* ‘planned murder’ becomes 80,000 eighty thousand; for *mᄁdara*/accidental murder 40,000 forty thousand and for a *mᄁdara mᄁdara* /unintentional murder 20,000 twenty thousand Ethiopian Birr.

The rationale for the amendment of blood price is to discourage murder on Gurageland. The other reason is the factor related to the decreasing value of money.

Formerly, capital punishment was practiced for criminal’s committed high misdeed like murder, according. Slayers were expected to pay blood price in kinds: cattle fatten ram, complete garment, butter and honey.

Tekle (1997 E.C.:134) stats that in the remote past blood price of *funk’ᄁk’/muradᄁm* was 9 birr then through time it became 500 hundred birr.

The blood money paid for the victimized family was sometimes called *Guma*. In remote past, the slayers were paid cattle 100-200 (from one hundred to two hundred cattle) based on the verdict that passed by *jᄁᄁoka* elders. Elders also said that 10-30 cattle were given as compensation.

As to Shack (1965:6) “criminal cases are brought before *jəjoka*: homicide or attempt to homicide, manslaughter, arson, and adultery; the fine imposed may be up to Eth. \$2, 000, 00.”

*K'əzma* Tessema told me that formerly the blood price for *Mura dəm* was 500(five hundred), then in early 1960's the fine became 2,000 (two thousand birr) and the property and land of the slayer were confiscated. Later in 1970's the price increased to 5,000 (five thousand birr) and from the mid 1990's up to recent time the highest amount of money to be paid for the decease family was 30,000. Very recently, the blood price riches 80,000 (eighty thousand Birr).

#### **4.7.2 Changes in meeting place**

Previously the *jəjoka* *əngo* was taken place in Moche area then it became to Yejoka kebele. Because of the lack of accommodation (hotel for bed room and for food supply) the assembly place moved to Emdibir town. As to the elders agreement, within Emdibir the place is sometimes shifted from Emdibir junior school to Emdibir St. Marry Church and vies versa.



Figure 9: Litigation process in *Jijoka* meeting

#### 4.8 Case analysis

In my field work I met with elders, zone and *Worqda* officials and conflicting parties. They told me different homicide case stories. Some of the cases have been solved by traditional mechanism. The cause of the conflict had social base. Social instability and rough relation among the community sometimes result conflict and its consequence yielded death.

Here is the homicide case solved in the *Chaha* *Engo* in recent time. The case is found from the documentation of Chaha *Worqda* tourism office. The researcher reviews the case from a tape provided by the *Worqda* office.

##### Case: 1

Years ago, someone was killed by somebody. The cause of their conflict seemed silly for external observers. “You were talking with my enemy” was the reason of the quarrel. The plaintiff hit the victim with the stick. As a result, after 3 days of suffering the victim died. Then the plaintiff lost for several years. However, his relatives and clan member try to resolve the case with the customary law. According to the Gurage tradition, the case had been presented to *Chaha* ጸጸጎ. After long litigation process the verdict was passed by the council. *Agaz* lemma participated in the litigation representing the plaintiff party. The council decided that the kind of murder was unintentional and the party ordered to pay 15 thousand birr so the blood price for the deceased family.

In the above mentioned case the cause of the conflict is untreated social relation. The following case also shows that how social disturbance and rough relation causes conflict. Jemal narrates the story (interview on June 13, 2013, Emdiber).

#### Case: 2

Jemal Murad is a 38 years old school director. His father died of fatal injury. He was hit on the head. Jemal’s family had quarrel with their neighbor. The case of their quarrel was, as the informant Jemal told to the researcher, breaking public peace by the neighbor.

His neighbor frequently came in the evening and nagged the family to open the door. One night as Jemal’s brother and neighbor fought the strange man was injured and village elders reconciled the case and Jemal compensated the injured person 1, 500 birr. Later on some time this man was intoxicated and disturbed the village. The next day police charged this man and became increasingly uncontrollable and hit Jemal’s father while he was harvesting ጸጸጎ.

His father was hit and murdered by *dula* stick in January 2004. Then the murderer fled for the moment and surrendered to police after a day. After 3 months, elders from murderer family came and talked to the deceased family. While the murderer was in jail, his family asked to start the traditional reconciliation process. The jury sentenced the murderer 12 years of imprisonment. With regard to Ethiopian millennium in (2000 E.C.) 2007 the murderer was pardoned and released from jail. Then, the traditional verdict process continued and the elders agreed that the kind of murder was *mɔdara/* unintentional. So he had to pay, as the customary law ordered, the second stage of blood price which was 15,000(Fifteen thousand Ethiopian Birr).

The murderer and the victim's families were belonging to the same clan, *Mogamni*, and they were blood relatives. Jemal's family went to *Wag* to ask advice and finalize the case. The *Wag* ordered him to buy and slaughter two old hews in the *ɔɔfor* 'communal land served as main road'. They had done what the *Wag* ordered and performed the rituals. Like washing the hands with the animals blood, touching forehead by the lung of the sheep, *Jɔnfo mɔgurɔs* (biting iron bundled stick), washing by mixture of soil(collected from 21markets),ash, salt and other materials. Then they served the meal for their gusts and relatives, meanwhile eating, drinking and blessing festival were taking place. Finally, May 2011 the case was ended up with reconciliation.

According to Jemal, now the slain and slayer families are living peacefully with complete forgiveness. Without any disturbance and revenge, these parties lead neighborhood and brotherhood life.

*K'azma* Tessema Amerga is a well known elder who adjusts numbers of conflicting cases. He told me the cause of the conflict and the process of conflict resolution (interview on April 23, 2013, Emdebir). The case briefly stated below:

### Case: 3

Someone was killed and found dead. No one knew who the killer was. Later on one of the neighbors is suspected and accused before the village elders. Before the deceased was killed he used to tell his family that this guy (the accused one) always warned me to kill. Their social interaction was rough. As a result the process of litigation started on family level; since they belong to the same lineage and kinsmen. However the case was beyond the capacity of family and close relative's judgment. Both families agreed to bring the case to the next stage to be settled and select elders who could adjudicate the case. The deceased family and the slayer family called up on their respective *Murre* (lawyer) representative elders up to 12, 9, and 7 close relatives. Both parties accepted the number of relatives selected. Then as to the custom of the area they started the litigation process. After this they both nominated elders who judge the case. The *t'ij dan* 'judge of oath' made the suspected family to take an oath. But they disagreed to take such action. At this time on, the case was handled in secret, but as they refused to take oath the case brought to the public. To settle this case, Chaha should be called and see it carefully. After the *Murre* close relatives were counted, oath judge was selected and central or main judges were assigned the litigation still going on. [In one of the sessions where I attended, strict order was forwarded]

The session was concluded by forwarding order to the suspected party *Murre*. The accused/suspected person is absent from the council meeting. Then the slayers relatives were ordered by the public to bring that man in the next meeting.

In the next meeting the accused person is expected to come in the meeting.

The above mentioned homicide cases have some social aspects. The basic cause of conflict was quarrel in the social life. Quarrel may arise from the daily activity disagreement or it may have deep rooted sources. Chronic unsettled rough relations between neighborhoods resulted avenge. The very reason that creates rough relation may be the person's inborn behavior. Because, some people are more aggressive than the others, they disturb the public peace in one or another ways.

The second cause of homicides among Chaha Gurage is accident. Everywhere in the country road construction is underway and the completed roads are obviously very comfortable to drive cars in fast speed. The number of cars is highly increasing in the country. These and other factors aggravate road traffic accident. The accident resulted in life loses, serious and light injuries. The following two cases are the results of car accident where individuals lost their lives. Mulugeta narrates how his father lost his life in car accident (interview on June 14, 2013, Emdebir).

Case: 4

Mulugeta Tsegaye, 48 years old, is a security officer in Chaha *Worēda*. His father died of car accident, August, 2009.

The driver was carelessly drove the car with high speed. As a result, the car accident happened and Mulugeta's father died. Elders decided that the kind of murder was *mēdara* /intentional murder. So, the murderer paid 15,000 birr blood prices. However, the formal

judicial system imposed the guilty sentenced imprisonment. The litigation didn't take long time because the culprit fully accepted that he was the wrongdoer. He and his clan contributed money for the funeral ceremony. Elders were represented for the litigation process. Then these elders took appointment and took over the case. The reconciliation process was taken place where the accident happened and proceeded to neighborhood of the murderer. Milk was sprayed with green grass on the car to symbolize to be free of accident, "let accident do not happen to this car again". Elders praised. An ox was slaughtered and the car had been brushed with blood of the animal, then after the car was washed with clean water to symbolize the bad things are cleaned.

There is conflict of interest among the elderly council and justice office of the Chaha *Worɔda*. In my observation, the justice office is the authorized body of government to handle serious crime cases like homicide and arson. However, the community and the elderly people assume and believe that they have cultural power to adjudicate any conflicts arise in there locality.

The justice officers argue that homicide case is one of the serious crimes that have to be seen before the formal court. Sometimes, such crimes especially committed in secret have been handled by the traditional way of resolving conflicts.

Tsegaye Tekle, officer in Chaha *Worɔda* justice office, confirmed this appeal. As justice officer he observed conflict as a result of traffic accident. He told me his experience in this regard. It is stated below.

Case: 5

In Emdiber a person died of car accident. The deceased family wanted to bury the dead body immediately. They didn't want to bring the case to a formal judicial office instead they prefer

customary law, *jəጃoka k'it* 'a. Since they were Muslims, they argued, according to their religion, a dead would not stay a day without burying. So they refused to send the dead body to Addis Ababa, for medical check-up and for judicial purpose. The *Worጃda's* judicial body insisted to do so. This time disagreement rose between the deceased family and the *Worጃda* judicial body. Fortunately, one of the sons of the victim accepted the judicial body's idea and the dead was sent to Addis Ababa. After medical investigation, the dead brought back to Emdibir the same day and the burial ceremony took place the same day. The case was seen before the formal court.

(An informal interview of Tsegaye, on April 27, 2013, Chaha Justice Office, Emdebir).

If unusual kind of death happened among Chaha Gurage, whatever the cause is it should be investigated in a traditional way to know the source and to find remedy. When people lost their life due to quarrel, natural disaster or manmade accidents, Chaha Gurage thinks that it has some reason behind. It should be solved through customary ritual to purify from the previous misdeed and to prevent further damage in the future.

The following case concluded recently with customary ritual. As Waqe Mare and Biniyam Waqe told me the life of two lost due to car accident. To end up the case in a traditional way Waqe's family performed what Wag ordered them.

Case: 6

Waqe mare, 65 years old, is a father of Yallew living in Emdibir town. His son Yalew killed two people and injured 1 person with car accident in June 2008 and in December 2010 the case ended up in customary law.

Yalew worked as a driver in a private company. When he drove from Addis Ababa to Jimma his car crashed around Wolkite which left two people died and one severely injured. Then Yalew was arrested and the case was investigated. After he was released his father, Waqe started the process of traditional conflict resolution system. He selected elders for the litigation. Through long process the litigants agreed that the accident was not intentional. It was considered as *mɔdara mɔdara* murder third phase murder (fully unconscious murder).so Yalew and the family paid 7500 birr blood price according to the tradition. In order to reconcile Waqe went to *wag* and asked advice. After the *wag* listened the case ordered him to perform different rituals: collect leaves, money and buy two old female sheep and an ox and slaughter them. (Interview of Waqe on June 4, 2013, Emdebir).

### **The process of slaughter**

Waqe's family and close relatives contributed money and buy two old ewes and an ox. Their color was specified by the *Wag*. The ox's color is locally called *jɔbɔ abora* 'kind of light red'. Before the sheep were slaughtered Yalew and his father Waqe slightly touch the back of the animals and their own body 21 times each individual. This symbolizes let our wrongdoing go to the animals. Then the animals slaughtered the blood collected with bowl. Two men and female elders observed the process. Then these elderly people sprayed the blood by green grass to the inner fence of the compound. As they sprayed they say "*jɔrɔk'ɔnke*" meaning let your case end up. Then the father and the son washed their hand and feet with the mixed blood of the ox and the sheep. After a while they cleaned their body by water saying "*jɔrɔk'ɔnke*" meaning let our case end up. The skin of the sheep had been sold and the money had been given to the church and to Muslim elders. By carrying the flesh of the sheep, people rounded the compound 14 times

at the evening then the flesh was given to the hyena .The ox's meet prepared and eaten by all the relatives and poor people and with this the conciliation process ended up.



Figure 10: Ato Waqe cleaning the blood from his feet and lavish fest in Waqe house

(Interview of Biniam Waqe on August 6, 2013, Addis Ababa).

The above mentioned cases show that car accidents are the other cause of death in Chaha Gurage. In whatever situation the accident happened, it should be culturally resolved. Different customary rituals are performed by both slain and slayer families to prevent revenge and dried the blood. After this ritual the opponent parties live peaceful life of complete forgiveness. It also helps to strengthen social harmonization of the community.

## **CHAPTER FIVE**

### **5. Summary and recommendations**

## 5.1 Summary

The customary law of Gurage in general and Chaha of Sebat bet Gurage in particular plays vital role in social harmonization, dispute prevention and conflict resolution. Sometimes conflict occurs and life loses within Chaha Gurage due to several reasons. In this short study car accident is one of the causes of loss of life in Chaha Gurage. In such cases the conflict resolution and reconciliation method is very simple and takes short period of time.

The causes of conflict are in general social and economical. Social instability may cause conflict and conflict in turn result homicide. Even though conflicting cases are seen by legal courts, the root cause of that loss of life is being investigated by the custom and resolved through rituals. To socialize with in the community, performing these reconciliation rituals is mandatory.

Conflict resolution in customary law takes place orally. Some facts may be forgotten by the litigants. The litigation process takes a lot of time until both parties agreed. Youth and women do not participate in council meeting. In rare case youngsters and women attend the meeting.

The conflicting cases are seen in different level of elder council. Minor conflict arises between close relatives or neighborhoods, the case will be solved by village elder. Major conflicting cases bring to the next higher council that is *Ameja* *ገገጎ*. *Jገገoka* *ገገጎ* serves as the *pan-Chaha* *ገገጎ* as well as Sebat bet elder council as an appeal or high court.

There are different elder engaged to solve various conflicting case. *ank'ite danገ* solves the adultery cases. To solve homicide conflicting case there are steps. These are *hገገrat/cease fire*, litigation and verdict and reconciliation.

## 5.2 Recommendations

The indigenous conflict resolution mechanisms serve Sebat Bet Gurage in general and Chaha Gurage in particular to solve problem ranging simple fault to highest crimes like homicide. The knowledge of the mechanisms is transmitted to generations orally. In order to maintain their role in social harmonization and peaceful coexistence this study suggests the following recommendations:

-The litigation process and other important customary laws and rituals performed in different parts of Chaha and Sebat Bet Gurage should be systematically documented. This uses so as to minimize any unnecessary alterations and to keep it intact. It helps to compare and contrast with other *Worɔda* experience and to figure out the change and continuity of the tradition.

-Culture due to dynamic nature, it should be carefully studied as to the cause of conflict that result homicide and the mechanism to prevent and/or the rate of the incidence.

-Customary law and formal legal systems should work together in order to alleviate the conflicting cases and to resolve cases in short period of time. This cooperation helps to avoid revenge and avenge among the conflicting parties.

-Invite and encourage young people and women to participate in the *Jɔɔoka* meeting to share their own feelings and idea rather than represented by elders. To exercise their right youngsters and women should participate in the *Jɔɔoka* meeting. To get enough experience about the customary law and the meeting procedure, it is better to encourage youngsters to come to the meeting. As the member of the society their participation may add some important point of view to the existing tradition or wisdom of elders.

-Train elder judges as to which criminal cases they should handle with customary law and which case should refer to formal law.

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## Appendices

### Appendix 1: Photographs of Litigation and conciliation process



Picture 1: opponents present their Case to the elder judge



Picture 2: Judge listen the litigation case.



Picture 3: the public attend the *yejoka Shengo*/council around Emdebir St. Mari church



Picture 4: kissing and giving the stick to denote representation. The receiver litigates on behalf of the giver



Picture 5: sheep ready to slaughter



Picture 6: ox ready to slaughter



Picture 7: observant elders who carefully watch the process as per the wag order



Picture 8: lavish fest



Picture 9: Litigation process under *yajoka* tree



Picture 10: Touching the sheep and the body of his own 21 times implies that the sin of the person goes to the animal

## Appendix 2: List of Key Informants

No.	Name	Sex	Age	Occupation	Current Address	Additional Information
1	<i>Qegnazmah</i> Tesema Amerga	Male	78	Elder	Emdebir	He served as key informant for Willam shack and customary Judge possessed the position from his ancestors
2	<i>Yewedemam</i> Zerfu Ansa	Male	65	Male representative of Demamiwit traditional belief	Yebitara, Yejoka	Demamiwit is one of the traditional belief that Gurage people worship
3	Mengistu Abera	Male	48	Former Gurage Zone culture studies and development work process coordinator	Wolkete	
4	Waqe Mare	Male	65	Retire	Emdebir	His son is a driver who cause traffic accident and responsible for the loss of two lives.
5	Jemmal Murad	Male	38	School Director	Emdebir	Whose father is killed by a relative as a result of quarrel
6	Mulugeta Tsegaye	Male	48	Civil servant	Emdebir	Security officer whose father is died of car accident

7	Biniam Waqe	Male	28	Civil servant	Emdebir	Whose brother is culprit of car accident
8	Tsegaye Tekle	male	33	Justice officer	Emdebir	

### Questions rose during in-depth interview with key informants

- What are the main causes of conflict in Cheha Gurage?
- What are the major types of conflict and their resolution mechanisms?
- What are the procedures to resolve and reconcile homicide cases?
- What material cultures are used in conflict resolution among Cheha Gurage community?
- What traditional practices and rituals are performed during the process of traditional conflict resolution in Cheha Gurage? How they perform it?
- Who have significant role in the traditional conflict resolution institutions in Cheha Gurage?
- What changes and transformations have been seen in the tradition to solve homicide conflict?

Annotation

Ref. 01

Opponent 1 Gurage t□rabatak'ənəs-həmjə -t□ənəhəw

Word @ Opponent 1 Gurage you since long you came in

FT @ Opponent 1 Oh Gurage you have been handling the case from the beginning

Ref. 02

Opponent 1 zənga-we

Word @ Opponent 1 matter the

FT @ Opponent 1 the matter

Ref. 03

Opponent 1 z□h jā□okah and□nət et'f□b□h əgənetop□a

Word @ Opponent 1 This Yejoka together don't miss country Ethiopia

salamədərətj-ədar□dərətjet'□b□t' g<sup>w</sup>etaəg□jə-bər

peace blessing bless realize God yes say

FT @ Opponent 1 Long live to Yejoka let it be peace to our country  
Ethiopia be realized the blessing; let God accept our  
blessing

Ref. 04

Opponent 1 m□s□k'□rbohen□□-ne n□q□rja-n□k□b□s□bj□-n□h□b

Word @ Opponent 1 True cross fest see peacefully poor men get wealth

FT @ Opponent 1 Let us see the true cross fest peacefully. Let poor  
Men get wealth;

Ref. 05

Opponent 1 jā-rəkəbəmjə-t□-səkwat-n

Word @ Opponent 1 rich keep prosperous

FT @ Opponent 1 let the rich men keep prosperous

Ref. 06

Opponent 1 bə-gb□t-əndaenə-boabək'at'-əndag<sup>w</sup>etab<sup>w</sup>oheja-t□rəhəb-ndə

Word @ Opponent 1 Those who are not here our elders God  
peacefully meet

FT @ Opponent 1 God meet us with elders those who are not here

Ref. 07

Opponent 1 z□hja-dæg<sup>w</sup>igot□əbə-gope-jənajə- dām zənga t□nud t□nud □ət'ə zəbər hərem  
ək<sup>w</sup>ua z□h zəbərəhə et'ru əkua got□ə adəghu-n□m f□rd tebekərə jə-hər-e  
n□san-□ bələgar-ana

Word @ Opponent 1 This arranged appointment my brother murder case talking nine year remember Let  
your time is blessed, today you make me the appointment ;this time you give me  
verdict So mine raise opponent

FT @ Opponent 1 This appointment is arranged to deal with my brother's  
murder case; you remember that I have been discussing the  
issue for the last 9 years.Let your time is blessed, today you make me the  
appointment; this time you give me verdict So you raise my opponent

Ref. 08

m<sup>w</sup>uanubalagara-hə

Word @ Elder 1 who your opponent

Who is your opponent?

Ref. 09

Opponent 1 agaz l□mma

Word @ Opponent 1 agaz l□mma

FT @ Opponent 1 Agaz Lemma

Ref. 10

Opponent 2 gurag<sup>w</sup>eəga□jan□-s□mahəzəγγə-we m□rbanə

Word @ Opponent 2 O Gurage let me hear what was that

FT @ Opponent 2 Oh Gurage let us listen what are the cases

Ref. 11

Opponent g<sup>w</sup>ope-jənak'ət'ər-həmjəbarkəahət'onamanhəb□zəg□zjət□tawrak'ebə-□□t'əzəbərdəməd-  
kəm

Word @ Opponent 1 my brother you murdered you are powerful you are violent Many times as not  
listen by nine year I got you

FT @ Opponent 1 you murdered my brother; you are powerful you are violent You were hidden for nine  
years but I got you

Ref.12

Opponent 1 gurage janən b□kənam et'□faw banənbək'i□' a-tat'əbət'ə-nahəm  
atk'ənəbəna-həbə-ank` jə-zrəkə- w□k'arja-nt□□j□-t'ər□k'

Word @ Opponent 1 Gurage owe system not disappeared Gurage set system you were captured You  
provide then what was said will apply what was cut will be dried when they cut

FT @ Opponent 1 Gurage don't miss you customary system; now you are  
captured by the Gurage system You provide the case then it will be  
implemented as per the discussion like the plant dried when they cut

Ref.13

Opponent 1 ək□aguragejə-f□rdn□-səma-ne at-tejer-nəmban-hərem□rt□zrəkk'arnərə

Word @ Opponent 1 Today Gurage for verdict stayed decision to listen nothing talk word have

FT @ Opponent 1 Today's Gurage council is for final verdict; so you are here to listen the decision of  
the judge not to defend

Ref. 14

Opponent 2 əg□jə-dar□jə-tsəkəjəhərguragej□matejə-n□bərgurageatk'□t' fərəzahəaji-k'□t'  
b□k'urəhəaji-k'□t'ərt□ahəaji-k'□t'

Word @ Opponent 2 yes blessing bless blessed let it be Gurage together stay Gurage not weaken your  
horse not weaken your mule not weaken your son not weaken

FT @ Opponent 2 let the blessed be actualized; let Gurage stay together peacefully Gurage let be strong:  
your horse be strong; your mule be strong; let you son be strong

Ref. 15

Opponent 2 □kk□madwadə-w□mt□rəkr□t□-trəkər□k'argeta je-k'əjə-ħə

Word @ Opponent 2 Injustice trick defeat and defeated let God preserve us

FT @ Opponent 2 Let God preserve us from defeat or defeated by tricky evidence; from injustice

Ref. 16

Opponent 2 azmat□t□hro-joazmat□-□ndaadbadə-bom an-z□rəkəw□k'arz□rəkəw-  
□mj□broamb□ar □mk'arb□ar-□mj□bro□jahjət' □fatk'armət□□raz□rəkəhum

Word @ Opponent 2 Azmach you know our Azmach trick not tell present as told Not tell said as told I  
about mistake when I tell not

FT @ Opponent 2 you know our traditional leader/Azmach; he deceives or he  
lies He presents what was not said. I do not speak about the mistake

Ref. 17

Opponent 2 ahujə-gondərn□gus□-nhutabəjahuəzrəkəbən-hər-e tahu an-z□rəkəbə-  
guragek□□'ak'əmət'uahut□-tor-əməzrək-te

Word @ Opponent 2 You Gonder king with your honor talk not with I can't talk Of Guragesystem you  
sited with your honor talk can

FT @ Opponent 2 I can't speak with your honor, since you are the traditional king/Goner nigus/ of  
Gurage, This is cultural system of Gurage. I should talk while you get sited

Ref. 18

Opponent 1 z□rəkiħənməbə-mutə-nag□jə-□əgorebə-t□h□a-nag□jə-t□əfatej□wrək'ar-həmat□n-  
zrəkjnəkərhəmək□af□rdbejwunkərəbə-gope-jənadəmzəngaməmer an-z□rjəkjə-  
muan□msəb

Word @ Opponent 1 you told after death witch house after flow to container like that saying We talk  
stayed today verdict passed of brother's murder case how I donot speak any man

FT @ Opponent 1 you told the case; it s like caring about the dead fish we had been discussing about it; I  
speak because the decision is being given. But I don't allow

Ref. 19

Opponent 1 an-z□rəkəbahə oddja-danət□-t□zrəkənbərhəməkəujə-f□rdkərə an-  
z□rəkt□tb□rnəbatəzəngahutaj□wət'abhet□həru

Word @ Opponent 1 If you don't speak infron judge speak stayed today verdict day notspeak say but the  
matter not exposed willing show

FT @ Opponent 1 If you don't want to speak, tell this in front of the judge. You were arguing, now you prefer silence this \*shows you want the case obscure.

Ref. 20

Elder 1 m□nalbath□kəranəpərsəbj□rəbrej□t□ld□rədgətəbət□əjatr□fd□mt'-  
benənməsar□jaj□hərej□t□lbəgumabənt'arj□hərbət□fəbərg□t□'aj□hərjə-  
zahuna□rstark' ja□je□ndeja-rəgag□t'omjodo-ndə

Word @ Elder 1 be that day not exists man occur can may God misfortune save us Voice less instrument  
may be by stick may be by slap foot kick may be that day up down let to confirm tell  
us.

FT @ Elder 1 There may be a person who was absent on that specific day, let God save all us from such  
misfortune The crime was committed may be with voiceless weapon or with stick or  
slap and strike. Please tell us the fact So that it could be assured the situation.

Ref. 21

Opponent 1 m□□t an-b□ətanafər an-b□atanəram an-b□atan□ja ta-nə mudn səb z□rəkhəm barəmtanə  
bət'□fuagont□əb□-k'ət'r-ubəgumadənəg<sup>w</sup>ə-nm bə-sostkər□tamut-əm

Word @ Opponent 1 wife not taken land not taken animal not taken I disagree person in secret stand with  
talking saw said Aggressively hyena killing stick kick three days later died

FT @ Opponent 1 The deceased doesn't smuggle the wife of the killer neither he ride the animal and  
expand the land territory. The only reason was you were talking with the person whom I  
hate. Violently the killer smashes the deceased with big stick after three days he dies

Ref. 22

Opponent 1 gəbja an-b□arə h□ zəngana anək□ran ək□r ə kə bəg□f godər bəg□f bəg□f huwe mura dəm  
j□hər □ə□ka bəg□f k'uat'ər-ənm

Word @ Opponent 1 Market not going really case I defeat full murder let it be like premeditated kill

FT @ Opponent 1 He was severely injured he couldn't move even for market, in fact now I defeat the  
litigation The compensation should be full blood price since it was premeditated murder.

Ref. 23

Opponent 2 huwet □ -mēnda je-k □ rajinda m<sup>w</sup>ērēnda □ jājēmutē m □ smērkēmāta dar anhēr hetatē d □ otēm  
bōwar □ gamwa □ ja gurage ba □ k'ar n □ gbawu □ əb □ r gurage jə □ □ n.

Word @ Opponent 2 we two are lawyer I deceased physical do not know once  
it happened therefore I Gurage has seen governed decide Gurage see.

FT @ Opponent 2 We two are lawyer I don't know the decease physically, I will respect the decision of  
this council Once, the crime happened so the council sees the case in details.

Ref. 24

Elder 2 danə-hunamən □ □ ən □ səwi

Word @ Elder 2 judge case raise

FT @ Elder 2 Judges raise your case

Ref. 25

Elder 3 □ jajə-d □ okawb □ knawjəd □ okajə-frəhənejəbet □ mətawusj □ təanhərəafərk' əjəb □ thutəan-hərə

Word @ Elder 3 I yejoka culture yejoka forgive wife snatch not land territory move not

FT @ Elder 3 To me this is Yejoka; it is custom; let Yejoka forgive us He didn't smagle other's wife or  
he didn't take other's territory

Ref. 26

Elder 3 □ ja tanrəmd □ n səb jəm □ rr z □ rəkəhəm mək' □ a m □ r tagd □ bjəwbarəmbə t' r □ t' are gon □ tā  
b □ k'ət' r guma sost-gidənəg<sup>w</sup> ə-nm

Word @ Elder 3 I hate man with talk conspiracy what thinking said suspect with suspect hyna killing  
stike bitten

FT @ Elder 3 You were talking with a person whom I hate most; what  
were you trying to conspire on me? Withsuspection the victim was bitten by strong and  
big stick three times.

Ref. 27

Elder 3 atm anhərə huwet sostegi awənawəm bəsost kərtam<sup>w</sup>ətəm barəm h □ hətajahə gopjə □ rs □ jə  
jəh □ rn □ k' □ ja anəd □ əhun

Word @ Elder 3 once not twice third repeatedly by third day died said that one on the side brother your  
be big be not seen I didn't see your brother whether he is big or small.

FT @ Elder 3 he was bitten not once or twice but repeatedly; then after three days the injured person died.  
I didn't see your brother whether he is big or small.

Ref. 28

Elder 3 z□h □nəm bətdohb□m b□hərm □ja at□mk'ar anamənəhu guragae bagəpahe k'arn□gba ank'əna  
gurage ahəf□rdedəmanəkəsəbarəm

Word @ Elder 3 this all witnessed however I nothing not known Gurage judged  
word inter my fact/justiceGurage you judge blood price not pay

FT @ Elder 3 If all these witnessed, I thought I was innocent, I would governed by what Gurage decide;  
you Gurage see my justice I respect your decision; Gurage look at justice; He said he will  
not pay blood price.

Ref. 29

Elder 2 bəhərə-gamoank' jə-hənowagazləmajək'umo

Word @ Elder 2 if so really wealthy agazlema punish pre mediated murder

FT @ Elder 2 if so Agaz Lemma shall pay compensation and the payment shall be full blood price

Ref. 30

Elder 2 muradəmjəhər

Word @ Elder 2 let it be

Ref. 31

Elder 1 □gənənda sələm jəhər, jə-səlam ə□t'□r jətət'r z□h məsk'ər toheb□nm genə janətaj□-  
səbsəbk'ərag<sup>w</sup>eta-jam□n.

Word @ Elder 1 our country peace let it be of peace fence build this cross home also outside living  
together peaceful God let it be

FT @ Elder 1 let our country be peaceful, let the surrounding be fenced with peace and security Let the  
coming true cross festival be a situation for gathering of in and outside of the country.

Ref. 32

Elder 1 j□ft□-

mətajank' mətajə□tjop' □jamjəguragemj□t□□kət' arjəhrd□rədgətəbət□əjat□rf□jaguragebə-  
musərə-nəga□jad□rgot□hu

Word @ Elder 1 past and future to Ethiopia to Gurage also suitable let it be spiritual misfortune keep us I  
Gurage like/assume I if I hit

FT @ Elder 1 Let the past and future time be suitable for Ethiopia

and Gurage too Let Lord keep us from misfortune If Gurage thinks or assumes that I hit the  
person that is not correct.

Ref. 33

Elder 1 anhərə dəb□ahədənəgəmbərəmtaodemguragebəbərə-k' arn□gbabərəm  
mədarajə-hərjə-dəmg□btjə-kaso

Word @ Elder 1 not your relative hit said to me Gurage as perceived enter/punish  
told full blood price it be blood half paid

FT @ Elder 1 your relative witness as if I hit the person; If Gurage think so I will pay the compensation  
let it be full blood price.

Ref. 34

Elder 3 təbət□əjatr□fd□rədgurage□grəŋg□tz□kazenga je-k' ajəndətəmədərətajar□k'  
g<sup>w</sup>etazəngabohejark' jamen

Word @ Elder 3 misfortune avoid misdeed Gurage leg and neck like crime save correctly completed case  
God amen

FT @ Elder 3 Let God save Gurage from misfortune Let the matter end with right way

Ref. 35

Elder 3 je-□okaafərətajə-gurage□əhətaja-dəpr□n

Word @ Elder 3 yejoka land Gurage honor unit

FT @ Elder 3 let the land of Yejoka manage the case

Ref. 36

Elder 3 a □ānemjə-guragejanənk' □t□'ataakənamawənd-əmasəw□mzəngabəkərətajar□k'

Word @ Elder 3 We see Gurage have system up and down we saw case on the day complete

FT @ Elder 3 We saw the case, we analyze the case in and out, so the case will end today.

Ref. 37

Elder 3gurageawət'amawəd-əma□əmtanəfunk' □k' amunə-nm

Word @ Elder 3 Gurage think analyze the case is premeditated

FT @ Elder 3 Gurage council after thorough analysis decide that the murder is premeditated.

Ref. 38

Elder 3 □jatanə mudnsəba□əkəmbərəmtanəgont□əb□k'ət'r-ubəgumasostg□zjəbədənəgonank'  
bəsostkərətamutəm

Word @ Elder 3 I hate man see saying hyna killer tick three times kick after three days he died

FT @Elder 3 The reason of the conflict was I saw you talking with  
my enemy. As a result the killer hit by big stick then he died after three days of suffer.

Ref. 39

Elder 3 bə-□okazirəkə-bombəb□knazirəkə-bomfank' □k' jə-muradəmwagajə-kasbarəmguragea□əm

Word @ Elder 3 In yejoka litigate with custom litigate premeditated murder full price compensate Gurage  
decide

FT @ Elder 3 Both of the lawsuit for long, as the custom allows they both litigate, since the crime is  
premeditated the killer should pay full blood price

Ref. 40

Opponent 1 əgagurageank'-ahæk're

Word @ Opponent 1 Oh Gurage justice not hidden

FT @ Opponent 1 Oh Gurage let your justice be exposed to all

Ref. 41

Elder 3 əh□azəngataməmrja-rk'həməməmrj□-baw□həməməmrwəgj□-rəgudnhəma

Word @ Elder 3 now the case how finished how will see how Wag looked at

FT @ Elder 3 now let us think how to end the case? how the wag see the case? how the compensation money is payed

Ref. 42

Elder 3 jə-funk'□k' kəsəməmrj□-k□a□□-həməməmrjə-hərjə-w□r□k'arja-  
hətuməmr□kəs□əməmrtaIk'ənb□□əwəqməmrj□-□ən□ə

Word @ Elder 3 premeditated compensation how look how is yours how to pay how to go to wag you see

FT @ Elder 3 We decide the murder is premeditated it's your responsibility how to receive the compensation money and go to Wag and finish the case

Ref. 43

Opponent 2 atgibəhərgigurageja-□əh□ank'aretejartebərt□əja-□ənədərm□gruj□wr□

Word @ Opponent 2 once it happened Gurage you decide where go sharp stone break the skin will abuses

FT @ Opponent 2 once the matter happened, Gurage council decision is highly respected

Ref. 44

Opponent 2 bəsəb təfət'ərhum bə-gurage təfət'ərhum zah m□sənat□'b□t□'□thu ətk'k□nəbe h□kərə  
bərm□tanə gefgot□ə name gefgot□əjazhəhəbəs□nh□ankərək'□t' am□thutanəagbə□

Word @ Opponent 2 From human I am created I am from Gurage to bring the murderer with me give me long time/appointment You decide appointment complete be present

FT @ Opponent 2 Let Gurage council give me time and make me long appointment, let God make you long live give me time As per your decision I will bring the killer in due time

Ref. 45

Elder 3 got□ə j-ədəg<sup>w</sup>ija-t'□k'□mthujamam□stu

Word @ Elder 3 appointment Tikimt twenty five let it be

FT @ Elder 3 let the appointment be on Tikimt twenty five

Ref. 46

Opponent 2 j□-tk' □rarbæfærmæsk'æru

Word @ Opponent 2 too early time is True cross

FT @ Opponent 2 it is too early, since the True Cross fest is approaching

Ref. 47

Elder 3 g□btjadamwagakasotnæræbhu

Word @ Elder 3 let it be half blood price

FT @ Elder 3 you should pay half blood price

Ref. 48

Opponent 2 sostbænæhærn□afærmæsk'ærukæfamurn□got□æ

Elder 3 ægijæt' □rk' □mtsasajehær

Word @ Elder 3 ok for Tikimt thirty let it be

FT @ Elder 3 ok let the appointment be for Tikimt thirty

Ref. 49

Opponent 1 j□-bæzab□

Word @ Opponent 1 too long

FT @ Opponent 1 it is too late

Ref. 50

Elder 3 jæ-guragemuradæmsasa□□b□rrg□btæta15□□b□rrt' □bt' □mtanæjæ-t' □rk' □mttæk'ænæb

Word @ Elder 3 full blood 30 thousand birr half 15 thousand birr blood price bring Tikimt thirty

FT @ Elder 3 It is known that full blood price is 30 thousand; by Tikimt  
thirty you should bring half of it, 15 thousand berr.