

Addis Ababa University
School of Graduate Studies
Department of Social Anthropology

**Indigenous Conflict Resolution Institutions: A Study among the
Gofa People of the Demba Gofa District, SNNPR**

BY: Esayas Awash

June 2015

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**A Thesis Submitted to the School of Graduate Studies of Addis
Ababa University**

**In Partial Fulfillment of the Requirements for the Degree of Masters
of Arts in Social Anthropology**

Esayas Awash

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Glossary

<i>aawa</i>	father
<i>aawa aawa,</i>	grand father
<i>aloye</i>	anthrax
<i>araqee</i>	alcoholic local liquor
<i>avocado</i>	a tree that bears edible avocado fruit
<i>ayaana</i>	sprit
baabo	status offered to religious leader which could be obtained by born. Group of people from the same clan background who advice the <i>kawo</i> on different religious and ritual affairs and considered as the group with special super power possession.
<i>baranchche</i>	reconciliation, peace, a single sack like tanned skin of a cow
<i>bayra</i>	senior
<i>Bitantte</i>	<i>an office at the lowest level of political orgnizaton existed until the incorporation of the Gofa land into the Ethiopian modern empire. In addition to political and administrative activities the office participate in the ritual scarification.</i>
<i>booba</i>	a type of tree shades its leaves during dry season
<i>bordde parsso</i>	local beer
<i>buca /dere woga</i>	customary law
<i>caca</i>	acacia tree
<i>ceelle,</i>	a type of local tree which bears edible fruits

<i>cima</i>	elder
<i>daachcho</i>	basket
<i>dere</i>	people; has also the connotation of small territory which is formed based on making rivers, roads and mountains as its boundary.
<i>doollo</i>	semi-highland
<i>dogala-</i>	one of the two ancestral forefathers of Gofa. The name dogala serves for the local people who are descended from <i>dogala</i> clan
<i>dubbusha</i>	a big tree used for public gathering, a tree serves as a religious shrine
<i>duleta</i>	gathering
<i>duufo</i>	burial place
<i>eeqa</i>	traditional Gofa religion
<i>eraasha</i>	the second popular administrative title in the kawodom
<i>eessi</i>	honey
<i>gabate'</i>	a plate for serving food which is made from trunks of tree
<i>gade cima</i>	elders of the kingdom
<i>gadha</i>	lowland
<i>gezze</i>	highland
<i>giigiso</i>	reconciliation
<i>gimiza</i>	religious shrine of traditional religious leaders of saga's
<i>gita mana</i>	smiths
<i>gome</i>	transgression, curse, hidden sin

<i>gooba</i>	powerful, mighty
<i>gorddoma</i>	smallpox
<i>guuda</i>	executives who were acting as the close associates of the <i>eraasha</i>
<i>halako</i>	Horse-radish tree / African Moringa tree
<i>kawo</i>	king
<i>kawo koora</i>	king's shrine
<i>kawodom</i>	kingdom
<i>kebele</i>	an administrative unit division next to district
<i>kochche</i>	clan
<i>Korerima</i>	false cardamom, is obtained from plants seed
<i>lappun cima</i>	elders figured seven
<i>layma</i>	adulterer
<i>macca qamma</i>	lucky day
<i>magara</i>	avoidance, withdrawal
<i>maala</i>	one of the two ancestral forefathers of Gofa. The name mala serves for the local people who are descended from <i>mala</i> clan
<i>mana</i>	potteries, metal workers
<i>mango,</i>	a fleshy yellowish-red fruit which is eaten when ready for use
<i>mochona</i>	refere to those individuals who were acting as assistances of the <i>kawo</i> and <i>eraasha</i> until the incorporation of the Gofa land into Ethiopian modern empire

<i>mayza</i>	common ancestor
<i>parssso</i>	local beer
<i>qommo</i>	lineage
<i>sagga</i>	traditional religious leader
<i>sagga koora</i>	religious shrines of saga
<i>seere kaasse</i>	child rite
<i>shaale</i>	traditional food storing material
<i>shemppo wodho</i>	murder
<i>shenddera</i>	porridge
<i>sigetho</i>	reconciliation
<i>siisa</i>	wound in a body organ caused by disease
<i>soo asa</i>	family
<i>suutha magara</i>	an -avoidance is made for the loss of life
<i>suutha zaaro</i>	revenge for murder
<i>teff</i>	cereal crop used to make flour
<i>Xoossa</i>	God
<i>uuthi</i>	false banana
<i>wogaace</i>	tanner
<i>woreda</i>	district
<i>yaagano</i>	feast
<i>yeleta bayra</i>	senior in borne

Acronyms

AGZCIO	Gofa Zone Culture and Information Office
ETB	Ethiopian Birr
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussion
GGZCIO	Gamo Gofa Zone Culture and Information Office
SNNPR	Southern Nations Nationalities and Peoples Region

Abstract

The role of indigenous institutions in conflict resolution and peace building are hardly ever dealt in literature on Gofa. The present study aims at to direct to this missing gap. It therefore, documents the cause of conflict and the role of indigenous institutions in conflict resolutions among the Gofa people. The study employed ethnographic methods. To meet the objectives various methods like interview, participant observation, focus group discussion and case study are involved. The major causes of conflicts among the Denba Gofa of the study area include economic related, infringement of societal values, issues of religion and homicide. These typical forms of conflicts are seen at family, neighborhoods, clan and *dere* level. Conflict is also triggered in the study area mainly by denial of contracts, insult, theft, disrespecting of seniority, issue of religion, property destruction, breach of contracts, land related conflicts, abduction, incest and adultery. The findings of this study also reveal multiple entangled indigenous institutions of conflict resolution: *dere duleta*, *gade cima*, and *lappun cima and yaagano* institutions. The different types of conflicts ranging from simple insult to homicide get resolved through the cooperative effect of these institutions. Data obtained from both my informants and FGD discussants show that majority of people in the study area favor the indigenous conflict resolution mechanisms than the formal one. People's attachment relies on the numerous qualities they enjoy from the indigenous systems such as chance of not being corrupted, the ability to identify crimes committed in secret, healing of the traumas, ease of access, flexibility, time and energy saving and the exercise of familiar terminology, which are not present in the formal institutions. In formal court the parties in conflict are always vulnerable to high final costs such as court fees, transportation cost, fees for getting legal advices, food and bed rent costs. Even though indigenous institutions have been facing challenges from modern religion and formal law, the benefits indigenous institutions provides for the people favored their continuity.

Chapter One

Introduction

1.1 Background of the Study

Conflict is an inevitable phenomenon in human interactions. People experience conflict in their day-to-day actual life. Social, economic, religious and political issues are agreed to be at the heart of the source of human conflict. That is, differences in interest on these issues can cause conflict of various natures. Different society can also experience different nature of conflict depending on their socio-economic and cultural based context. This holds true for the Gofa of Ethiopia where this research has been conducted. Although agreement is lacking among anthropologists regarding the source of conflict, as multiple things could cause various conflicts across diverse societies, there is an accord that every society has developed an institutions that could help to manage conflicts of various natures. Research shows that all societies across the world have institutional settings and mechanisms of conflict resolutions among themselves and with other groups. These institutions could be ‘informal’ settings that are practiced outside the domain of state justice system or the formal state system of conflict resolution. Some societies such as modern western societies may more rely on the formal one whereas most African societies have employed their indigenous ‘informal’ mechanisms of conflict resolution. Obviously, almost all African societies have had their indigenous mechanisms of conflict resolution before the introduction of formal system through colonization during the colonial era. In this regards, Tobiko states that before the coming of colonial powers to Africa, customary laws governed almost all affairs of the people of Africa including their customary mechanisms of conflict resolutions (Tobiko 2013). The colonial power, however, destroyed the indigenous institutions and replaced them by ‘modern’ legal systems that have been proved to be ineffective and it fails to bring peace and order in African continent (Zartman 2000). Nevertheless despite colonial powers effort to eliminate the informal system most traditional institutions have survived to this day and are functioning effectively. Rwandan *Gacaca* court, which provided speedy solution to genocidal criminals in Rwanda (Kohlbage 2008) and *Ajaweed* Council that

handled Darfur criminal and civil cases like; injuries, killings, theft or robbery, land aggression, tribal conflicts, and family troubles are the best example of effective indigenous mechanisms of conflict resolution being practiced in Africa (Ibrahim 2013:134).

Like other African societies different ethnic groups in Ethiopia have had their institutions and mechanisms of conflict resolution. However, the state formation process of the late 19th c and the political climate that followed it devalued them in many respects. In this regard, the Oromo *Gada* system can be taken as the best example that had been effective but has been degraded due to colonization. Nevertheless research show that the *Gada* system (Girma 2009) and other institutions such as *Derya cima* (elders council) in Wolayta (Melese 2008), *Abegar* (divine father) among the Amharas' in Northern Wollo (Uthman 2008), the *Songos* (hierarchal levels of elders council) in Sidama (Ambaye 2008) have survived aliebet in modified forms and thus they are effective in conflict resolution.

The *dere* assembly of the Gofa society, which is not researched so far, has experienced more or less similar challenges from the dynamics of Ethiopian political history. Currently, however, it is effective in dealing with cases that ranges from minor insult to serious cases like robbery, adultery, incest taboo, murder. Even though, Walelign and Markose (2001) and Gamo Gofa Zone Culture and Information Department (2004) carried out historical research in the Gofa nationality; they did not deal with the specific role of *dere* council in conflict resolution. Thus this research is intended to deal with the major type and causes of conflict, the procedures that the *dere* council applies to settle conflicts and the role of women in *dere* assembly. Exploration of the interplay between the *dere* and other indigenous based institutions (e.g. *lappun cima*, *gade' cima* and *yaagano*) as well as the *dere's* relations with state structures mechanisms of conflict resolution is also the focus of this study, which the previous research did not consider. The study is also intended diachronically to show the changes and continuities of the indigenous legal orders among the Gofa's of Denba Gofa District.

1.2. Problem Statement

People quarrele and contest against one another for different reasons. They fight one another to hold political power or to access limited natural and human made resources. Individuals, groups,

clans, societies, regions and states quarrel because of conflicting ideas, interests and ideologies as well. Thus, conflict is one of the social forms of human beings that are unavoidable at all but could be resolved through various mechanisms (Wardak 2003).

Conflict management through the use of state judicial system, in the African case, is researched tended to be inadequate for various reasons such as its costly nature and intricate procedures, inadequate staffing of the judiciary, the judiciary's lack of independence from the executive, corruption, and manipulation and selective application of the law in certain instances (Adan and Pkalya 2006: 6). Traditional institutions, however, work within the context of the social values and socio-political organization of the concerned society and thus they could effectively resolve conflicts that arise because of multiple socio-cultural and economic factors (Adan and Pkalya 2006). Unlike the formal court system, the indigenous institutions are working not only to manage conflicts, but to resolve conflict and thereby restore the broken social relationships. For example, as it is mentioned above, the Rwandan *Gacaca* court and the *Ajaweed* Council are known in their provision of speedy solution to genocidal criminals and healing of traumas.

Diverse Ethiopian societies have also their respective indigenous conflict resolution institutions and mechanisms of conflict resolutions. They use their traditional mechanisms to deal with conflict which are both inter-ethnic and intra-ethnic in nature. In this regards, in Ethiopia, researches have been done by different researchers. They generally examined the various types of disputes and numbers of cases handled by indigenous conflict resolution institutions. The indigenous wisdoms employed to manage the various types of conflicts and the interface within indigenous institutions and between formal have been researched by different scholars (Demissie 2005; Girma 2009; Dejene 2002; Tilahun 2011; Wondiyrad 2010; Melese 2008; Mamo 2008; Yirga 2008; Uthman 2008; Ambaye 2008). The studies above explored diverse causes of conflict and mechanisms of conflict resolutions based on the socio-economic and environmental settings of their study societies. For example, the cause of conflict among the Derba Oromo of Northern Shewa is economic (right to land and other forms of property) and social relations (quarreling between marital partners because of jealousy, adultery, insult and the like) (Demissie 2005: 79f). However, among the Wolaytas' of Southern Ethiopia administrative restructuring, abuse of power, differing social status, doctrinal differences among different Christian religious sects was

the cause of Intra-ethnic conflict (Melese 2008). Girma (2009) finds that both abundance and scarcity of resources could be the fundamental source of conflict among the Ambo Oromo but in different seasons of the year. Also, procedures used to detect criminals vary from one society to another. According to (Tilahun 2011: 101) taking an oath and making curse among the Bacho Oromo residing in South Western Showa is the last option to detect offenders. On the other hand, taking corporal punishment such as whipping the criminals are other mechanisms used by the Borana, the Karayu and the Guji Oromo (Dejene2004). Thus, examining cause of conflict among the Gofa and the Gofa wisdom of handling disputes is one of the objectives of this study.

The Gofa of southern Ethiopia are also observed to be in a state of conflict and they have also developed their own institution of conflict resolution such as *dere* assembly, *lappun cima*, *gade' cima* and *yaagano* institutions. Among these institutions *dere* assembly has the highest authority in dealing with referral cases from others and reconciling serious cases like breach of agreement, incest, adultery and murder. However, as long as my knowledge is concerned there have been only few efforts by researchers to study indigenous institutions for conflict resolution such as the *dere* of the Gofa society. In fact, some attempts have been made by (Markose and Walelign 2011) to generally investigate the ethnography of the Gofa. Their study touch every life aspects of the Gofa such as religion, administrative structure, economy, gender, marriage, dressing style, labor organization, calendar, family, kinship and other culture related issues. Study by Culture and Information Department of Gamo Gofa zone (2004) focus the political, economic and socio-cultural history of the Gamo Gofa societies. The above studies, however, lack in-depth and only marginally examine the *dere* assembly and other indigenous based conflict resolution institutions. Thus, I believe that it is rational to study the *dere* assembly, its interaction with other institutions and state structures, for conflict resolution to bridge the gap left by researchers.

Markose and Walelign (2011) argue that almost all kind of cases, whether public or private, could be dealt with and resolved at *dere* assembly. However, study by Culture and Information Department of Gamo Gofa zone (2004) reports that only public cases can appear before and treated by the *dere* duuleta. This study states that private case is not seen before this assembly. It indicates that private and minor cases are seen before ordinary elders meetings called *dubbusha*. What one can observe from the aforementioned source is that there is gap of argument between

them. Both fail to see the interactions between the *dere duuleta* and the *dubbusha*. The study didn't also see the interplay between *dere* and other indigenous institution (e.g. *lappun cima*, *gade' cima and yaagano*) institutions and the state structures. Thus, this research tries to bridge this gap by examining these pluralistic institutions and analyzing the interactions, whether contradictory or complementary, between them.

The other issue that is worthy of investigation is the change and continuity of indigenous institutions for conflict resolution. Some scholars have had uncertainties on the continuity of traditional mechanisms of conflict resolution. Lewis (1984b) in his article, for example, 'The Values and Procedures in Conflict Resolution among Shoa Oromo' questioned as to whether or not traditional institutions of conflict resolution would continue to be practiced. Actually, it seems that the socialist ideologies of the *dergue* regime, which devalued the practice of indigenous mechanism of conflict resolution, might urged him to make such a conclusion. That is, it is true that political climate of the time the researcher conducts his/her fieldwork could influence his/her ethnography and the conclusion he/she makes. In contradiction to Lewis's conclusion, currently, indigenous mechanisms of conflict resolution such as *dere* assembly, *lappun cima*, *gade cima and yaagano* institutions of the Gofa society have survived and are functioning albeit in a modified forms. Therefore, it is part of the concern of this research to show the change and continuity of the Gofa legal system in general and the Gofa wisdom of handling conflicts in particular. In general, this study examines indigenous based conflict resolution institutions, with a focus on the *dere* assembly, of the Gofa from Gofa society perspectives. Thus, the research is supposed to address the following research questions.

- What are the major factors that cause conflict?
- To which institution people do take their conflict cases?
- What kind of procedure the indigenous institutions use to manage conflicts? Is the method used to solve conflict the same for all kind of cases?
- Do women have contributions in indigenous mechanism of resolving conflict?
- How do the indigenous institutions for conflict resolution interact among each other and with formal conflict management institutions?

1.3. Objectives of the Study

The aim of this research is to investigate, analyze, and describe the cause and nature of conflicts and the potential and practical roles of different indigenous institutions in conflict resolution among the Gofa of Denba Gofa District.

The specific objectives of this study are to:

- Examine the cause of conflicts prevailing in the study area along their causal factors,
- Identify institutions for conflict resolution among the Gofa's of the study area,
- Explore the procedures and processes for conflict resolution at indigenous institutions for conflict resolution,
- Examine the interplay among the indigenous institutions and their relations with the formal structures for conflict resolution, and
- Find out the role and place of women in the conflict management practices.

1.4. Significance of the Study

The findings of the study are intended to provide a brief, reliable and up-to-date account on the role of indigenous institutions in the study area in conflict resolution and other complementary social, political, cultural, and even economic practices of the society at large. Since the people in targeted study area lack sufficient professional writings on the role of the indigenous institutions in conflict resolution, the current study is believed to contribute at least few of those needy areas of the issue through provoking those potential researchers and providing them with basic and preliminary information on subject under study. It is also supposed to serve as a significant and reliable ground for policy makers, legal personnel and development partners (government bodies, non-governmental organizations, etc.) in their activities towards initiating, executing, handling and supervising the holistic and sustainable development of the study area and other similar localities of the state. It may contribute to the understanding of the characteristics of these indigenous institutions of conflict resolutions and differences between such institutions in different social contexts.

1.5. Scope of the Study

The study is limited to investigate record, discuss and analyze the cause and type of conflicts and indigenous mechanisms used by the local institutions to resolve conflicts. The interface between legal and customary institutions, the role of women and the ongoing changes and continuity in the indigenous legal system has been investigated.

However because of time, finance and other constraints it was difficult to cover 38 *kebeles* (small organizational units next to district) in the Denba Gofa district. Hence, I have largely contained myself to conduct the study in the following *kebeles*: *Gayla-chalbe*, *Zada-selo*, *Toza-Sibe*, *karza*, *Sawla* and *Zanga-awande deres*. I have chosen these *kebeles* because of different reasons. For instance *Zanga-awande*, *Gayla-chalbe* and *karza* were selected because of the existence of cult centers of *saggas* and the *kawo* that have been involving in the resolution of conflicts. *Sawla* town was chosen because where I found lawyers, police officers working in state courts and employees (cultural experts) working in Denba Gofa Information and Culture office. The remaining *kebeles*' such as *Toza-sibe*, and *Zada-selo*, were picked because of the availability of live cases and knowledgeable elders who are able to recite about the past and the procedures of the indigenous conflict management institution. But this does not mean that there are no well-informed elders among other *kebeles*'. Rather elders who are living outside the above mentioned *kebeles*' were interviewed.

1.6. Research Methodology

In this part of the paper an outline of the research methodology- including the research design, data collection techniques and tools and analysis methods which I have used to carry out this research are listed and discussed briefly below.

1.6.1. Study Design

This study is designed to be exploratory research design. Reason for using such explorative method is that the objectives, research questions and nature of the problem under investigation needs in depth exploration of indigenous experiences of resolving conflict in its natural setting. In line with this, Kothari (2004:36) argue that to investigate practical knowledge from people who have had practical experience with problem to be studied, exploratory research is useful to obtain insight into the relationship between variables and new ideas relating to the research

problem. Thus, exploratory approach enabled me to discover the capacity of indigenous mechanisms of conflict resolution in addressing contemporary conflicts among the Gofa' of southern Ethiopia. According to Kruger and Newman (2006) exploratory is aimed at exploring all sources of information, based on ranges of evidences and by discovering new ideas and using qualitative data.

Therefore, this particular study basically focused on exploring experiences, ideas, perspectives, and relationships, systematic and structural interactions of the Gofa nationality in reinforcing conflict resolution practices.

1.6.2. Study Participants

The study participants in Denba Gofa District are the Gofa people who are engaged in agricultural practices. Since I have been living with the community, my lengthy social contact has given me a good opportunity in finding research participants to have good understanding of the environment in which this research was conducted.

As the study was aimed at in-depth understanding of the community practices, a purposive sampling method was employed to select the study participant. In this case, three well informed key informants were selected on the bases of their experience using traditional methods by the help of my own personal experience and information obtained from Denba Gofa Culture and Information Office. To select the rest of participants, snowball sampling was implemented. Snowball sampling relies on referrals from initial subjects to generate additional subjects. In snowball sampling, the researcher will start the sampling process by contacting a few individuals for inclusion in the sample. This people have been then asked for names of additional people who might be willing to be part of the research project. The process is repeated until a satisfactory sample size is achieved (Ruane 2005:117). Since participants are elders and youngsters from both sexes those who have an experience in mediation, reconciliation and who have the ability to perform rituals was identified through well informed respondents' network.

1.6.3. Data Collection Tools and Procedures

1.6.3.1. Interview

The method was employed based on in-depth interview with some selected 15 key informants, who were knowledgeable and experienced in conflict resolution. I have chosen 15 informants by considering the method I preferred and the resource available to conduct the study. Informants' number was limited to 15 because as the number increase the data would have been saturated. Three of the informants were elderly men who have experience in conflict resolution. Outside these the *dere* elder's *saggas'* (*kawo* and a *baabo and bitantte*) -religious and ritual leaders were interviewed. Other informants were two women one from the *woreda* Women and Children Affairs and the other was elder women who have been participating in *lappun cima* and *dere duleta* institutions in conflict resolution were interviewed. The rest were one lawyer from district court, one cultural expert from Culture and Information Office, two young fellows, two *kebele* court workers and one police officer. These informants were selected based on their age, profession, experience, knowledge, social status, gender and acceptance among the society. The selection of these informants was carried out depending on my previous information about them and the suggestion that I have been given from Culture and Information Office of the Denba Gofa District. I conducted interview with them in both Amharic and Gofa languages. Tape records and note taking were used in most cases. All interviews were conducted on face-to face basis, in order to prove more about the issue and observe the reaction of the participants over certain issues. The venue for all of the interviews was the village of the respondents and some of the interviews were conducted in the homes of the participants. The justification behind the venue selection was to enable the participants feel at ease and to understand things in their natural setting.

Since interview is a very important tool to dig out detailed information of one's perception, experience and impression about certain issues (Dawson 2002:13); therefore, the interview guide was developed based on the findings of the preliminary interviews with three key informants. Through these methods I was able to collect data in relation cause of conflict, traditional mechanisms, the role of women, the interface between formal and customary law change and continuity of customary law of *dere duleta* and other aspects of the society.

1.6.3.2. Focus Group Discussion

Focus group discussion was also used to collect the data. The intention behind undertaking focus group discussion is due to its importance “in the elicitation of wide variety of different views in relation to a particular issue” (Bryman 2004:348). Three focus group discussions were conducted. In the first group, two *dere* officials, one public prosecutor, two women from women’s affairs office, one police officers and one cultural expert from the culture and information department were included. This helped me to draw information about to which extent the indigenous and the modern institution work together and dynamics of change in the process of conflict resolution. The second and third group was included 6 female and seven male fellows respectively. This helped the researcher to understand and draw inference the place and attitude of women and the young people in traditional conflict resolution institutions and modern state system.

1.6.3.3. Participant Observation

Observation is one of the most appropriate methods to gather valuable information in anthropological studies. Observation enables the researcher to capitulate information which people are in general unwilling or unable to provide and helpful to discover complex interactions in natural social settings (Russel 2006). Thus, observation is used as instrument of data gathering. The researcher has got the chance to participate and observe two different *dere* assemblies where the people have gathered to investigate conflicts that arise between individuals and among groups. Different forms of conflicts and the ritual practices related to their resolutions have been documented. Photographs of related events and matters supplement the observations. Some of the proceedings were also tape recorded, in addition to written notes. The method helped me to capture of significant data on conflict resolution through indigenous mechanism. However, throughout my stay in the field, I was a passive participant in such conflict resolution meetings. I did not have a role to play in any way although my presence may have made some difference.

1.6.3.4. Case Study

I was able to document and analyze three actual conflict cases, which helped me to identify the nature of cases settled by indigenous institutions. Case study method is ‘a form of qualitative

analysis where in careful and complete observation of an individual or a situation or an institution is done; efforts are made to study each and every aspect of the concerning unit in minute details' in order to make generalization and inferences (Kothari 2004:113). Thus, the different conflict cases which have been settled by the local institutions were explored and collected in order to analyze and interpret the causes and type of conflict and the different processes in the resolution of conflicts. These case materials were mainly used to look into the extent to which the local institutions in effectively reconciling the disputant parties across their structural relationship and time span. In addition, using the case study an attempt was made to explore the preference of a given mechanism based on the context and the nature of the dispute. In all the case materials, personal names were not disclosed; rather pseudonyms were used for an ethical reason.

1.6.3.5. Secondary Data

To explore the role of the local institutions in resolving private and public issues in the local area, secondary sources were also be used. According to Kothari (2004:113) the source of secondary data can be obtained from publications of the central or local state governments, publications of foreign governments or international bodies and their subsidiary organizations, technical and trade journals, books, magazines and newspapers, reports and other sources of published information. In the processes of data gathering from the secondary sources, the researcher must make a minute scrutiny because it is just possible that the secondary data may be unsuitable or may be inadequate in the context of the problem which the researcher wants to study. Hence, pertinent secondary data from relevant library sources collected from books, journals and proceedings and other published and unpublished materials written on conflict and its management strategies have also been reviewed.

To reveal the causes of conflicts and the indigenous conflict resolution mechanisms, I have also referred to documents. Documents that are relevant to conflict resolution have also been consulted and analyzed. These documents were drawn from local court and district police office. Data from the government institutions were useful to assess the extent to which people look for indigenous mechanisms vis-à-vis bureaucratic law for redress. It also helped to investigate the basic differences and similarities between indigenous mechanisms and state court proceedings.

Furthermore, it was equally important for identifying the nature of conflict cases and their motives.

1.6.4. Data Analysis

After collecting the necessary data, I have categorized, combined, synthesized and there by analyzed the collected data. Before the actual analysis of the data, the collected data was sorted and categorized in accordance to its source and type. For the purpose of clarity and convenience the data collected by each data collection technique was transcribed, compiled and further elaborated in to meaningful and patterned information soon after the completion of that particular data collection session. Above all, the whole collected data were analyzed in thematically organized way by pursuing to the original descriptions of the field notes so as to infer meanings and generalizations. The themes were discussed in respect of literature and the research finding.

1.7. Ethical Consideration

Although some ethical dilemmas were encountered, I have conducted this study keeping all ethical standards of a research. Permission to conduct the research was obtained from zonal and *woreda* administration. As conflict is politically sensitive issue, the community could have associated the research interview with some sort of political mission. To reduce the sensitivity of the issue, I have built a rapport for a week time through observation, informal visits and discussion with community members at public places: market and public gathering. All the participants were given pre-interview orientation regarding the whole purpose of the study. They have been told the way how I have chosen, and then they allowed asking question and their opinion freely. In the process of data analysis, names and other related information of the participants were used directly. However, after the information has been analyzed, except some of the informants who gave their free consent their names and photographs to be disclosed in this paper the sources of information of others are destroyed.

1.8. Limitations of the Study

To begin with the issue of language as most researchers did, there was no language barrier between me and the studied community. But this does not mean that my research was free from

any setbacks. There were a number of factors that might affect its quality. Some of these are: infrastructural problem, time constraint and financial shortage.

1.9. Organization of the Study

This thesis is composed of six chapters. The first part pinpoints out background of the study, statement of the problem, objectives of the study, research methodology and data collection tools and procedures. The second chapter is about the literature review pertinent to the research topic and contains conceptual and theoretical issues. The third chapter discusses the history, social organization, marriage, religion and socio—politico-economic features of the Gofa society. The fourth chapter covers the cause of conflict in the study area. The fifth chapter deals with institutions and mechanisms of conflict resolution, the position of women in *dere duleta* and the interface between formal and indigenous institutions. The last chapter presents the conclusion and summary of the work.

Chapter Two

Conceptual and Theoretical Framework

This chapter discusses the conceptual, theoretical and relevant empirical studies that are believed to be helpful to examine the *dere* assembly of conflict resolution mechanism of the Gofa society. The first section of chapter explores concepts and terms related to conflict and mechanisms of conflict resolution. The second section considers theoretical issue. Lastly, relevant conflict and conflict resolution related works are reviewed.

2.1. Definition of Terms and Concept

In this section, efforts have been made to shed light on the specific terms and concepts of conflict. To start with dispute and conflict, various researchers have forwarded different ideas about the disparity between the two terms yet some others employ the terms interchangeably with out recognizing their difference.

For some anthropologists and lawyers, the term conflict and dispute have the same meaning with no differentiation (Block cited in Assefa 2005:52). And hence dispute can be defined as “a conflict or controversy: conflict of claims of right: an assertion of right, claim, or demand on the one side met by contrary claims or allegations on the other”. On the other hand, conflict researchers give reason for the distinctions between the two terms. Gove (cited in Assefa: 2005:52) explicates that conflict can be defined as; “clash, competition, or mutual interference of opposing or incompatible forces or qualities (as ideas, interests, wills)”. However, the term dispute can be defined as “verbal controversy, strife by opposing argument or expression of opposing views or claims: controversial discussion”. Dispute could be caused by ordinary facts like disagreements on pay, correcting of children and other matter in commondaily life. Such issue could not harm the values and norms of the society, and hence the disagreements are easily negotiated (Jeong 2000: 35-36).

Conversely, conflict is, according to the International Encyclopedia of the social science, defined as “the struggle of values or claims to the status, power and scarce resources, in which the aim of the conflicting parties is not only to gain the desired values but also to neutralize, injure, or

eliminate their rivals” (Coser 1968:233). Thus, conflict entangles issues of firmly fixed lengthy cycle disagreements that can be resistant to resolution. As Burton (1996 cited in Jeong 2000:35), “a dispute does not involve serious institutional problems and it can be handled through bargaining and arbitration”. As opposed to this, as to Jeong (2000), deep rooted conflicts that have psychological relationships, cultural norms, social values and belief system of identity groups tend to be drawn out and highly resistant to management, often escalating or evolving into unyielding conflicts. Therefore they are in need of complex process to be managed (Burton 1969). According to Burton (1990), the two concepts are distinguished based on time and matters in contention. Disputes involve issues of short-term disagreement that are relatively easy to resolve. Contrary to this, conflict is long-term, deep-rooted enmity that cannot be negotiated and even difficult for resolution.

As it is aforementioned some legal personnel and conflict researchers use the term without identifying their differences. But others put boundary between dispute and conflict. In the literature there is no single agreed explanation on the match and difference between the two terms dispute and conflict. Thus, in this study, dispute and conflict are employed interchangeably without recognizing their differences.

Conflict theorists also pinpoint dissimilarities between dispute settlements, conflict resolution, conflict management and conflict transformation. Dispute settlement is considered as easiest and fastest way to reach into an agreement; because the method is used to resolve disputes based on negotiable interests than dealing with the actors and their interests (Jeong 2000:5). In support of this, to Burton (1990:5), the main emphasis of dispute settlement is dealing with up-holding established social norms, right and wrong, and its aim is to end the dispute without addressing the fundamental causes of the disputes. Since dispute settlement could not be able to address the underlying causes the probability of the re-eruption of temporarily settled dispute is high after settlement. As a result, it is criticized for its failure to bring long-lasting peace.

On the other hand, conflict resolution is a public process involving the identification of the root cause of the problem, and bringing all parties involved to address the underlying issues. This usually ends with the guilty accepting wrong doing, leading to reconciliation which may include compensation or just forgiveness (Brock-Utne, 2001; Murthi, 2006). To Zartman (1989:8),

conflict resolution is aimed at alleviating or eliminating the sources of conflict, generally with the agreement of the parties. The main target of this mechanism is to remove the causes of conflict and restore damaged relationships between the parties. In contrast, Bohannan (1989) argues that eliminating conflict is a utopian goal. In addition, according to Lederach (1997) (as cited in Fethrston, 2000:205), conflict is an inherent ingredient in human society; hence, to him giving lasting solution for conflict is difficult.

Conflict management theorists, thus, “see violent conflicts as an ineradicable consequence of differences of values and interests within and between communities.” Since conflict arises from existing institutions and historical relationships as well as from the established distribution of power, removing such conflict is viewed as unrealistic (Hugh Miall cited in Hamad 2005:4). The realistic ways for the advocators of this perspective is managing conflict in which violence may be laid aside and normal politics resumed. Bohannan (1989: Xiii) elucidates that conflict can be handled by a mechanism like law. It concerns an ongoing process that may never have a resolution. However, the gloomy view of conflict management theorists regarding conflict as irresolvable phenomenon is by other researchers considered to be ‘exaggerated realism’ (Hamad 2005:7). In the same way, to Jeong (2000:31), mismanaged conflict would lead to violent conflict and hence distract the society.

Finally, conflict management is cannot be considered the same as conflict transformation, which seeks to reframe the positions of the conflicting parties. According to the proponents of conflict transformation approach, social conflict is a natural occurrence between humans who are involved in relationships. Once conflict occurs, it changes or transforms those events, people, and relationships that created the initial conflict. It implies a transformation in the institutions as well as in the conflicting parties themselves and their relationships (Lederach 1995).

2.2. Grand Thoeries on the Concept of Conflict and Conflict Resolution

2.2.1 The assumptions of Functionalist and Structural Functionalists

Social scientists developed social theories that clarify about the behavior of society. To answer the fundamental question concerning: ‘What is the basic relationship among the parts of the body?’ different theories propose different answers. Two contradictory answers are proposed by

order and conflict theories. For order theorists the answer for the above mentioned question is the parts of the society are in harmony. Equilibrium theory sees a society as a complex system of interdependent parts, working together to preserve stability. The parts of the systems are thought basically to be in harmony with each other. A high degree of cooperation (and social integration) is accomplished because it is supposed that there is a high degree of harmony on social goals and on cultural values. The parts of the system cooperates because of similar or complementary interests and because they need each other to accomplish those things beneficial to all. Thus, for order theorists the fundamental issue is answering the questions like ‘What is the nature of the social bond? What holds groups together?’ (Zinn and Eitzen 1991:39f).

In line with this, Durkheim who was vitally concerned with establishing the reality of social facts believed that social cohesion (the term he used was ‘social solidarity’) was primarily the result of a force arising from participation in a shared system of beliefs and values, which molded and controlled individual behavior. He elucidates what hold society in ‘primitive’ culture and modern society. To him what bound societies together in ‘primitive’ culture was kinship, however, in industrialized societies the primary ties between individuals come from economic and occupational interdependence and cooperation (McGee and Warms 2008). Durkheim sees conflict as abnormal phenomenon (cited in Bishop 2007: 35-36). Equally, Stohl (1976 cited in Jacoby 2008) states conflict as a threat to the stability of social structure. Hence, he goes on to say, to achieve, attain and accomplish attitudinal, behavioral, and situational integration respectively among a given society conflict must be abridged.

Generally, Emile Durkheim’s work focused on the study of conflict and social cohesion later became the most important source for functionalist and structural-functionalist ideas. Malinowski (1944), a proponent of need based functionalism, in his study of Trobraind Islanders, gave more consideration to reciprocal exchanges as major mechanisms for conflict resolution. To him *kula* traditional gifts are exchanged among social group to create a circle of relationships, which, in turn, serves as conflict resolution. Similarly, Durkheim's nephew Marcel Mauss argues in his essay on *The Gift* that gifts are society’s means of incapacitating the inevitability of conflict (Spencer, 2010 [1996]:707).

The functionalist and structural functionalist have been criticized for their failure to give emphasis for the social and cultural change and for they give little attention to the conflict and conflicting issues. To functionalism, the various parts of the system are basically in harmony with each other. All social change is gradual, adjustive, and reforming because the primary social process is cooperation and the system is highly integrated (Zinn and Eitzen 1991:39). Equilibrium model addresses the society as a whole in terms of function of its constituent elements such as norms, customs, traditions, and institutions. For this perspective, conflict always end-up in peaceful resolutions. To sum up, majority of the proponents of this perspective gave emphasis for cooperation, reciprocity, stability, consensus, cohesion, harmony, integrity and consistency, which may be problematic in the real world where conflict of various natures is inevitable. Since the proponents of this perspective were preoccupied with social order and equilibrium, rather than studying the phenomenon of conflict, they did not duly appreciate the significance of social change.

Hence, functionalists conceive conflict as “universally destructive feature of human life and one to be avoided or minimized” though they have faced challenges from conflict theorists. Social conflict theorists do not see conflict as anomalous phenomenon; rather they focus on the functional value of conflict for societal change. Dahrendorf (1959 as cited in Jacob, 2008:52) argues that conflict is one of the most important ways in which a society could achieve changes and considered “equilibrium and passivity as abnormal and born of repression”. Furthermore, Gluckman (1956) and Gulliver (1963) explain that conflict is a part of social life and society is impossible without it. In line with this, Coser (1966 cited in Zinn and Eitzen 1991:51) concludes that conflict should not be always taken as bad incidence among a given society; rather it has constructive consequences. That is, conflict could benefit the individuals and groups in conflict and the society as well.

2.2.2 The View of Marxist Theorists about Conflict and Conflict resolution

The assumption of conflict theorist is contradictory to the equilibrium theory. According to the former model, conflict is regarded as built into the social system. Conflict theorists usually perceive ‘power as the central feature of society rather than thinking of society as held together by collective agreement concerning a cohesive set of cultural standards, as functionalists do’.

They seek to systematically explain the general forms of conflict in society i.e., how conflict starts and varies, and the effects it brings (Coser, Dahrendorf and Collins.2006:213). They see conflict as a normal feature of social life, influencing the distribution of power, and the direction and magnitude of social life. Most adherents of this model heavily relied on the Marxism perspective. For Marxists, Competition, rather than consensus, is characteristic of human relationships and which often leads to conflict because individuals and groups compete for advantage. Things people desire most are always in short supply; hence competition and conflict depict human relations. They perceive the interaction of the society constantly in conflict over resources that conflict drives social change. They see social change as abrupt, even revolutionary, rather than evolutionary (Zinn and Eitzen 1991:40). In the same manner, Coser (1957:198) explicates the function of conflict for technical progress and productivity. To him, conflict has not only served to generate new norms and new institutions but also it stimulates economic and technological improvements.

Generally, just as structural functionalism was criticized for focusing too much on the stability of societies; social-conflict perspective has also limitation as it overlooks the stability of societies. Though conflict usually paves the way for society's changes, it may sometimes result in the entire destruction of the system instead of giving rise to social transformation. This reveals the limitation of social conflict theory that argues conflict is always a source of better changes.

Karl Marx conceives largely associated conflict with the economic factor i.e., he argues that conflict could be emerged between two groups: between the bourgeoisies (who own the means of production and powerful) and the proletariat (who are working for their masters – bourgeoisies and less powerful). The dynamic tension between the two classes resulted in the overthrow of dominants by dominated units and the tensions will ends up with the formation of communist system where there is no tension exist (Zinn and Eitzen 1991:40). Another Marxist theorist Ralf Dahrendorf added additional ideas and viewed conflict as not only a mere economic factor rather as an ever-present phenomenon, occurs because of other aspects of social organization. Depending on power relation he divided the population into 'haves' and 'have-not.' In social organization, power is distributed unequally between haves and have-nots, there may have always a situation in every society the haves will be in conflict with the 'have-nots'.' Hence, to

Dahrendorf (cited in Zinn and Eitzen 1991:40), conflict is endemic to social organization. Unlike Marx, Dahrendorf views conflict as an unending class struggle between authority figures and their subordinates that never end, but merely temporarily regulated. He criticized Marx for his mere affirmations of the origin of conflict as the repression of the powerless by powerful and indicating the cures the overthrow of the owner of the means of production by the workers/powerless. Dahrendorf (cited in Henkin and Singleton 1984) proves that conflict is caused by many factors, irrespective of the political and economic system.

2.3. Other Conflict Theories

The cause of conflict continued to be debatable among different theorists. For some researchers, conflict is the result of human aggression by nature whereas for others a learned phenomenon. Some early researchers insisted that aggressive behavior is transmitted genetically by human beings and thus conflict is induced by inborn human nature. In line with this, McCauley (cited in Elkader 2008) express that conflict is unavoidable in human society due to the fact that hostile behavior is inborn and connected with biological facts of human nature. However, the assumptions of innate theory have been challenged by other social learning theorists.

To social learning theorists aggressive behavior is not inherited biologically, but it is practically gained through experience by way of the process of socialization. As stated by social learning theorists, interaction in a society is a source for the rise of hostilities among individuals or groups that can further lead to the happening of conflict. To reinforce the aforesaid argument, Montague (cited in Tusso 2000) claims that like any other social activity such as development of speech and construction of language conflict is a socially learned behavior.

If social institutions are to be functional, according to Human needs theorists, basic human needs (physical, psychological, social and spiritual) must be fulfilled which are non-negotiable (Burton 1980:69). The denial or deprivation of these needs by others, individuals, groups, communities, could affect them, thereby leading to conflict (Rosati et al.1990 cited in Faleti, 2006:51). Giving access to and preventing access to other amounts to denial of needs and could make people to resort to violence in order to protect those needs (Faleti 2006:51-52). In support of this, Burton (1990) argued that the human participants in conflict situations are compulsively

struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs such as security, identity, recognition and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. Burton (cited in Jeong 2008:52) and other conflict resolution theorists provided more attention to identity and security needs like the need for recognition of each group's language, traditions, and religion as source of conflict. For example Issues of territorial divisions, return of refugees, allocation of water, and the like are ultimately linked to identity and security needs in Israeli–Palestinian conflict. Needs theory thus, concludes that to resolve conflict situation, or to prevent it from occurring, the needs have to be met with appropriate satisfiers, those things that were denied them in the first instance.

Scarcity theory is linked with resources. According to the theory, resources ready for use to meet necessities and demands in general are perceived to be in short supply. Human beings tend to battle for such scarce resources. Conflict can happen due to rareness of resources. Resource based conflict is clash between individuals, groups, or communities who have interest in a resource. Resource based conflict stir in conditions entangling individuals, groups or communities with disparate concern and aim in resource use (Senait 2008:157). Conflicts based on resource create individuals in communities and people who feel they have been treated as marginal or have been deprived of their rights (Senait: 170). Therefore, conflict between favored and discriminated people and communities take its toll. Thus, Conflict and its resolution are always together. That is, humans are not only in a condition of conflict, they are also requesters of harmonious relations and stability and inventors of institutions and mechanisms through which their conflict can be managed. Regardless of the controversial views on the sources of conflict, scholars have agreed that in every society there are mechanisms of dispute settlement.

2.4. Conflict Management Mechanisms

As social researchers, despite their setting in time and place, there are means by which conflicts are resolved in every society (Gulliver 1979:1). In support of this, Bohannan (1967: XII) states "... society is impossible without conflict. But society is worse than impossible without control of conflict." The statement above shows the predictability of conflict in any society and the possibility of controlling it. In relation to this, Zartman (1989) explicates that "conflict is an

inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions”. Similarly, Bohannan (1989: Xiii) illustrates that conflict occurs in animal life, including human life. The opinions of these scholars undoubtedly show that as long as there is human interaction, it is hardly possible to live without conflict. As Tusso (2000) articulates as a result of long period of socialization, every society has developed a worldview through which it perceives itself and interacts with the surrounding environments. Tusso’s expression is highly relevant in all aspects of human life including the way how human societies have developed dispute settlement mechanisms, through experience, to bring about peace.

People put to practical use a broad sort of modes to prosecute their disagreements caused by different factors. These wide varieties of modes of dispute settlement and conflict resolution developed and has been employing by societies are categorized by Bohannan (1967), Gulliver (1979) and Schellenberg (1996) into two: the violent and peaceful. The peaceful mechanism includes avoidance, burying the dispute in the symbolic process, negotiation, mediation, arbitration and adjudication. Self- help and duel are considered as violent means. Each of them has their own characteristics. For instance, avoidance is one way of managing conflicts peacefully. To Gulliver (1979), this type of mechanism can be successful if there is a possibility for contestant to depart their adversaries behind and move to another place. This kind of mechanisms are frequently in use by the societies of pastoralist and hunter gathers since they have free places to move here and there and subsequently to avoid disputes. For Bohannan (1989: xiii), avoiding conflict can be accomplished by withdrawing and in that way constantly creating a situation in which conflict is avoided.

Another peaceful mechanism of conflict management is negotiation. Negotiations are characterized by voluntary discussion between the disputing parties to reach on an agreement in the absence of a third party that is responsible to give decision. The two disputant parties reached on consensus by themselves (Gulliver 1979). In negotiation, the primary concern of the two parties is to influence or coerce each other. Gulliver (1979) and Singer (1990 cited in Assefa, 2005) categorizes negotiation into two parts: comparative and collaborative. In comparative negotiation, either of the parties in dispute is benefited at the expense of the other. The latter technique is aimed at searching for joint gain that the needs of the parties at least shall be met. In

this negotiation, everyone has to give-up something and distribute the pain of losing to create positive relation for their future time. It aims at ‘win- win’ solutions.

Mediation, as Schellenberg (1996), is a process of conflict management, by which the interference of a third party is necessitated for the parties in dispute have certain problems to resolve a conflict on their own. According to Gulliver (1971), Barash et al (2002) and Galtung et al (2002) the role of the intervening party is as they ordered by the parties in dispute: gathering information by acting as a dealer between the principals, framing the issues, proposing possible solutions, negotiation and formalizing agreements. In the process, the final decision is reached based on the voluntary agreement of the two disputants. The role of a third party in this process is not one of decision-maker but a facilitator of the process and then leading the parties to joint decision.

In the case of arbitration, the disputants would agree to accept the last decision of the third party. It is an adversarial process, which is governed by the principles of party autonomy. This means that it is the parties in a conflict who determine whether they want their disputes to be solved through arbitration. Thus, arbitrators derive their authority solely from the parties. Then the third neutral party could issue a decision at least to give solutions for the conflict after he/she has received evidences and listened to arguments of the disputants (Barash et al 2002).

In adjudication, there is a third party involvement with the power of passing decision that the disputants should accept. Hence, the disputants direct their arguments to the adjudicator and strive to convince him in order to gain a relatively constructive decision. There are indications that the degree of authority held and exercised by adjudicator ranges from the virtually absolute to no more than ephemeral, accepted ability to propose an outcome (Gulliver 1979:4). Therefore, these variations of degree of authority can directly or indirectly affects the nature of decision. As I argue, latter in this paper, the ‘dere assembly’ of customary settings among the Gofa of Southern Ethiopia hold final authority to pass binding decision just as adjudicators executes.

Symbols and ritual practices are also accomplished to sustain social order. In line with this Gluckman (cited in Lewellen 1983: 9) states that in African rituals of rebellion, in which “the king must periodically dress as a pauper or act the clown, is symbolically killed...” such kind of

rituals are not simple means of expressing feelings but also symbols that assert the priority of the system over the individual. According to Turner (1974 cited in Kertzer 1988), a society could produce and use symbols for different purposes. For instance, Kertzer (1988) explains that a given society could use symbols either they are verbal or iconic to maintain their identity and assure their continuity. In line with this, (Gulliver 1979:1-3) explicates a society could avert conflicts to maintain its existence by using symbols peacefully, and hence disputes are buried in the symbolic processes.

According to Texler (1973) (cited in Kertzer 1988), ritual is carried out at a certain place and time supported by symbols. Hence, this makes ritual culturally standardized and highly structured. Ritual actions are also repetitive and hence this can help the society to control conflicts continuously and to maintain group cohesion. According to Turner (1967) (cited in Kertzer 1988), in the absence of symbols, standardized and repetitive actions could not be considered as rituals; rather they are habits or norms. As Radcliff-Brown (1952), argued throughout ritual, symbols could help a person to know his place in the universe. Rituals also interrelated with the supernatural realm. In line with this, as it is maintained by Durkheim a unity of a given society could be maintained by using religious rituals (Zinn and Eitzen, 1991).

Barash et al (2002:289) states that not all conflicts could be resolved by using peaceful mechanisms. Sometimes, however, he elucidated that forceful mechanisms are employed as “final arbiter of disputes.” To Gulliver (1979), duel is a violent mechanism in which contestants’ choice to either physical or verbal clash to establish the superiority of their case irrespective of the facts underlying the dispute. Conflict could also be managed violently through the mechanism called self- help. Self-help is also a violent way of managing conflict, usually employed by groups with no or little social and economic relations. It often appears as short-term solution (Gulliver 1979). In connection with this, Bohannan (1969), in the Tiv of Northern Nigeria people of two minimal segments with an immediate common ancestor act towards each other as brothers and allies and deny the possibility of fighting. However, as Bohannan (1969) elucidates there could be strong antipathies between segments when the social distance is high.

Hence the present study is, an attempt to address different mechanisms of conflict resolution and their interrelations, the ritual they involve and the role of rituals in peace making, the indigenous

methods of enforcing decisions among the Gofa within the framework of the existing theoretical orientation.

2.5. Traditional Mechanisms of Conflict Resolution in Africa

As the case in somewhere else, different forms of conflicts exist in the continent of Africa too. As Stedman (1991:369) maintains, conflict in Africa originates from problems basic to all societies such as competition between different identities, the unreliable allocation of resources and right of entry to power and differences on what is right, fair and just.

In line with this, according to Osaghae (2000:208) conflict is triggered in individual, family and lineage level among ‘traditional’ societies of Africa from various sources. Personal differences and disagreement, material problems, rituals, constant competition for scarce resources like agricultural land, grazing and settlement can be cause of dispute.

To regulate conflicts that caused by different factors, Africans have built multitude of indigenous Mechanisms (Kohlbage 2008). Indigenous institutions are locally structured institutions and functioning according to the custom and norm of the given societies (Murthi 2008). These mechanisms are used according to the specific culture of a particular community. However, during the colonial era most of the institutions were destabilized and replaced by western modern legal system (Tsega 2005). Though western colonial powers imposed their value oriented state laws on Africa, the majority of Africans were frequently opting to apply their own indigenous court system. Accordingly, only few cases have been managed by the western court system. This is because western court systems use novel terminologies that are not regularly spoken by the local communities (Kohlbage 2008). There is also discrepancy between African mechanisms of conflict resolution and western mechanisms of conflict resolution. The formal justice systems are adversarial and evidence must be directed and specific. The western mechanism encourages the accused to deny responsibility as well. On the other hand the African value does effectively inspire the accused to admit accountability (Brock Utne 2001). The nature of African peace making mechanisms that motivate defendants to take the responsibility for the crime they committed is also the same in the study area. So, I will discuss and analyze it under chapter four.

In line with this, Zinn and Eitzen (1991:146) categorize social control mechanisms by type of societies. As they elucidated small and homogeneous societies are dominated by tradition, while large and 'modern' societies are very much less affected by the force of tradition. In complex societies who are mostly depend on western European law, social control tend to be more formal and appears more exploitative. On the other hand, among the 'traditional' societies those who are against the norms and values of society are judged informally contrasting the modern ones. Hence, to them the informal way of giving justice is very "effective and more typical" because they would work to have consensus on the right and wrong behaviors.

Furthermore, Mwairu (1999) describes the disparity between the purpose of the African methods and the western mechanisms. He states that in the western case, arbitration aims at attaining justice on the bases of rules; however, the African arbitration shades into reconciliation and negotiation. The western legal systems give much emphasis to corporeal and substantial fines without referring to the victim and due regard to reunification of the transgressor into the society (Prendergast, 2002). For that reason, Broke Utne (2001) concludes that the western legal system falls short of the competence of fostering peace construction in Africa.

The conflict resolution mechanisms used by different groups in Africa differs and resembles from place to place, since the continent of Africa consists multi cultural, multi ethnic and multi linguistic group. The mechanisms have been utilized according to the specific norm to a particular community (Tsega 2005). In connection to the multiplicity of conflict processing in Africa one can mention numerous samples. For instance, as it is elucidated by Amani (1999: 62) traditional peace making process of the Chagga tribes of Tanzania focuses on admittance of guilt, asking for apology, giving compensation and getting reconciled in a ceremony that evokes the presence of god, the spirits and ancestors. Finally the ceremony was concluded by pouring milk, beer, goat blood on graves of ancestors for the purpose of praying for peace and harmony among the disputants.

The Pokot communities as well have developed their own separate conflict resolution mechanisms called Lapay and Kokwo. Lapy is a method in accordance with a real justice would be searched. If the community experienced murder, the clan or family of the deceased will demand a compensation for the deceased. Kokwo, on the other side, in relation to homicide, is a

method to investigate a person who has committed the crime if the murderer is unidentified. In this situation, Kokwo court calls both the suspected slayer and the complaints. Both are given ample time to argue their case. Then if the court identifies the guilty the family of the deceased would take the slayer's property (Masinde, Pklya and Adan 2004).

According to Gunther (1940) conflict resolution among the Bantu of Kavirondo community is not to reprimand the wrong doer somewhat it puts emphasis on compensation of the damage. In Kivirondo of Western Kenya the mechanism of conflict resolution depends on different forms of conflict processing. They employ violent mechanisms such as self help to resolve conflicts. Gunther (1940) reveals that if somebody be stopped to get back something owed and incapable to support his case with sufficient substantiation would depend on self help. The claimant first resort to self helped by two brothers or associates. The petitioner also takes the case to tribal court. If the plaintiff fails to get fair decision at the tribal court, he/she would take the case to the rainmaker. That is the plaintiff resort to the spelling of the curse or goes to the service of rainmaker to obtain a genuine justice. Following the curse either the property taken without permission is clandestinely given back or the debt would be reimbursed.

African customary institutions use a mechanism of collective responsibility to ensure peace through group's discipline. According to Mugo (1999) as he presents the Samburu age-set structure of Kenya, each Samburu boy is initiated into a particular age-set that must attain the required social expectations. Among the Samburu, the elder of councils regarded as 'Lkukwana' has authority of carrying out compulsory decisions. In many serious affairs such as neglect of family and rebuttal to obey the decisions of the elders, the "erratic subject" can be cursed and excluded. Hence, apprehension of curse forced the Samburu together and this helped the continuity of cultural practices of this society even after colonialism (Ibid: 27).

'Muto Oput' is another mechanism of conflict resolution used by the Acholi communities of northern Uganda. Acholi community has firm belief in the rule of clan head. The traditional head work as arbitrator and reconciler in any dispute process. It entails repenting of fault, appeal for forgiveness and repayment for the injury (Murithi 2008:27, Broeke Utne 2001). Conflict among the Acholi community is not a personal affair one surface out of many the accuser or the defendant. Anyway, it is the duty of the entire community. For that reason, the 'Muto Oput'

mechanism is open to all people. In view of that, the public gathering of Acholi [Kacoke Madit] investigate the victim, perpetrators and witnesses and suggest to the council of elders (Murithi 2008:23). 'Muto Oput' is at last completed by the symbolic ritual ceremonies. These figurative ceremonial rites include drinking the bitter herb of Oput tree that signify the psychological unpleasantness of crime (Brocke Utne 2001). On the other hand, to denote the reestablishment of peace and the end of conflict, Muto Oput is followed by verbal blessing and twisting of spears. The blessing is offered by respected male and female elders known as Rwodi Moo and Rwodi Mon respectively. Thus, the view that women are excluded from peacemaking in Africa held by western scholars has been challenged by Murithi (2008). In this community women are part of peace making process.

Similarly, in studying the African customary conflict management mechanisms different scholars have also researched different information about the participation of women and young in the discussions of conflict resolution. For instance, as stated by Amani (1999: 62) in his study of *Traditional peace-making of the Chagga tribe of Tanzania*, women play a paramount role in bringing peace among the Chagga. In order to avoid bloodshed, women bravely wonder between the conflicting groups that are preparing to fight each other. In Ethiopian case, as pointed out by Abera and Brihanu (2008) and Mamo (2008), Oromo women's through the institution of 'Ateetee' mitigate social unrest.

The Tiv of central Nigeria has also their own mechanism of wrong doer identifying techniques called Sasswood Ordeal. As it is elucidated by Bohannan (1953), a person who has been charged with a crime as the result of divination inquires, murdering others by sorcery either required or were commanded to drink a concoction of sasswood bark. In the consumption of a liquid of the sasswood bark first the accuser drank it. Following several people might implement the sasswood. It is based on the assumption that if the suspect are culpable of what they were performing, they would die. If they are guiltless, they would throw up the sasswood and rescued from death.

Societies in different parts of the world have developed different mechanisms of correcting offenders. For instance, in keyu clan of Nandi speaking people of Kenya, there was community action to discipline daily wrong doers. In Keyu if a man accused of committing adultery, women

confiscated his stock or pulled down his hut. The communal curse of the elders of the community could be imposed on a person who acted in an anti- social manner (Evans-pritchard 1965).

Lanek (1999:38), who did his research on Acholi tribe of northern Uganda, admire very much the Acholi's for their value of communal life. Lanek claims that African ways of conflict managements are prevalently bottom-up approach, whereas the western legal systems are basically top-down approach. According to Forje (2009), before the establishing of colonies there were various traditional mechanisms of conflict resolution, which could resolve any kind of conflict in Africa. But these traditional conflict resolution mechanisms have been altered due to both domestic and outside causes. Traditional mechanisms for resolutions changed and subject to disappear by the colonial powers, who regard themselves 'civilized' and Africans as 'traditional' societies. Internally, many factors contributed for declining role of traditional conflict resolution mechanisms. The importance and applicability of traditional approaches in Africa have been seriously disenabled by politicization, bribery and mistreatment of traditional organization, above all traditional status of governor, which have steadily revoked the legitimacy conflict resolution built around them in eyes of many and lessened trust in their effectiveness (Osaghae 2000:215).

Alike other African societies, previous to the making of the current new Ethiopian Empire, in the last decade of the 19th century, different racial groups of Ethiopia had built and experienced diverse ways of indigenous conflict management mechanisms. However, with the formation of the modern Ethiopian Empire, due to the fact that the imposition from the top and other related factors these traditional mechanisms have been greatly affected and distorted. As it is stated by Tessema and Mohammed most ethnic groups who were incorporated into the new modern Ethiopian state were only peripheral in historical and cultural studies (Tessema 1980; Mohammed 1990). The Gofa's were among one of those whose culture and history have been degraded, misrepresented, misinterpreted (GGZCTO 2004); and even dehumanized (Belayneh 2003:25). Yet, recent researches show that several indigenous systems including systems of dispute settlement have survived and largely practiced among the various ethnic groups of Ethiopia, albeit in modified forms.

According to Kelemework (2006) among the Ab'ala Afar the council of *Mablo* moot and *Gereb* assembly play paramount role in handling conflicts among themselves and with Tigrrians respectively. He also argues that the Ab'ala Afar supposes that every conflict within their ethnic group should be managed through the use of the customary law (*Mad'aa*). According to this law, the amount of compensation depends on the type of the offense and its context (Ibid: 175). As it is argued by Getachew and Shimelis (2008:96) more than 90% of Afar people rely on this traditional customary law (*madaa*) to settle disputes that arise among them. This is due to the very fact that customary mechanisms are easily obtainable, inexpensive, fast and efficient and work in accordance with the custom the people.

Mamo (2008:61), in his study of the *Role of Elders in Conflict Resolution among Arsi Oromo in Dodolla District* discovers and examines three customary dispute settlement institutions: *jaarsa biyya*, *jaarsa hayyuu* and *sinqee hanfallaa*. As Mamo argues the first group *jaarsa biyya* are self-initiated and usually deals with issues of small importance. This former group use general knowledge and common understanding of the customary laws so as to settle dispute occur between individuals or groups. On the other hand, the second group *jaarsa hayyuu's* are solicited to deal with severe cases that require for the interpretation and application of Oromo customary law (*seera ambaa*). The last most important institution lead and dominated by females among the Arsi Oromo organized for conflict resolution is *Sinqee hanfallaa*. As maintained by Mamo (2008), this women based institution is responsible to take actions ranging from insult to destruction of the offender's property when their fellow women faced problem or victims of criminal activities.

As Mohammed and Zewedie (2008:187), *Xeerbeegtii* customary system among the Somali of Ethiopia has a jurisdiction over any kind of dispute arising in their area. The participants in *Xeerbeegti* are selected by their respective clans and families. Their appointment is based on such criteria as ability to offer convincing arguments, integrity, and understanding of custom of the society, impartiality and experience in reacting to the hardships they face. These groups of men also acted as neutral reconciliatory between the contestants. According to different scholars, the role of elders in peace building is most important in the 'traditional' society and works for the communities' welfare than individual as compared to the western legal system. The

steadiness legitimized their power and capable them to uphold social unity and stability within their society (Jeong 2005; Tsega 2005).

According to Melese (2008), elders play a paramount role in reconciling the conflicting parties among the Wolayta of Sothern Ethiopia. This traditional mechanism of managing conflict in Wolayta is generally known as *Awassiya*, which literally means reconciliation. This process of reconciliation is carried out by the council of elders known as *Derya cima*, which is prearranged temporarily for this purpose but dispersed after the objective has been met. In the settlement processes, selected elders from both parties and neutral elders from the community assemble in *Guttara* - an open field that served for different public meeting and ceremonies. This site must be neutral and center to both of the opposing parties and its selection is based on the consent of the parties and the elders.

As far as the initiation for reconciliation process is concerned, there is a possibility in which both parties request for the interference of elders. Usually the initiative for settlement comes from the offender when the offender admits a fault. In this case he /she select elders to ask for forgiveness and mercy from the victim. However, there are circumstances where the request would come from the victim's side when the victim considers him or her weak to with stand a pressure exerted from the opposite party. In both cases, the chosen elders go to the blamed party and/ examine the case and invite the disputing parties to resolve the conflict by giving justice to the injured party. Based on the nature and type of conflict, the elder may decide on compensation, payment in kind or cash or simply warn the offender not to repeat the act in future (Mellese 2008:39).

Similarly, among the Sidama, an indigenous institution called *Gosu songo* is the highest council of elders where issue of serious concern including homicide would be dealt. When homicide occurs between lineage groups or between two different clans, the first task of elders is to convince the families of the deceased to accept offers of negotiation and avoid any move of revenge. Once elders are successful in bringing the two conflicting parties together a deal is made to settle a dispute peacefully. As it is argued by Ambaye (2008), finally, once reconciliation is made by the efforts of elders an older woman from the family of the deceased would be called to perform a ritual of cleansing. The sprinkling of milk by older women (in the

case homicide occurs between lineages) and blood (homicide occurs between clans) on either families or clans signify the end of enmity. According to Ambaye (2008), their view once reconciliation is attained in any of the cases, the killer will be integrated and would be considered as a member of the deceased person's family.

With relation to the existing position of indigenous institutions in our country researchers argues that in many regions of Ethiopia and especially those remote from regional centers, these indigenous institutions are in fact more persuasive and influence the lives of more Ethiopians than the formal system, which is remote from the lives of many ordinary people (Macfarlane 2007:488). Elders are known in different parts of the country in different names. As it is forwarded by Ephraim (2008:5), among the Oromo, the Amahara, the Gurage, the Wolayta, the Sidama, the Somali and other national ethnic groups elders meeting called by the name *jaarsaa*, *shimagilee*, *shengo*, *Songo*, *cima* and their function in reconciliation is exceedingly valued.

Whichever methods they use, whether mediation or adjudication, these settings are based on the cultural context of their respective subjects to reconcile the disputants. Among the Gofa, *giigiso* is considered as the essential part in the process of achieving the mission of conflict resolution. Whatever effort (negotiation, mediation and adjudication) has been made, without *giigiso*, the move to resolve conflicts considered as worthless and it is regarded as unresolved conflict. *Giigiso* usually involve rituals. Gaining truth and healing the traumas together with solemn rituals make the reconciliation complete. Truth known as *Hallale* (Sidama), *Ewnet* (Amhara), *Tuma* (Walayta, Gofa, Gamo) and *Dhugaa* (Oromo) pave the way for reconciliation. Mamo (2008) argues that "gaining truth", for the wronged, facilitates reconciliation than any material compensation. This extremely works for Gofa that the main focus of the victim is usually to be awarded with truth.

Thus, like other ethnic groups in Ethiopia, the Gofa's of Southern Ethiopia have rich indigenous mechanisms of conflict resolution which have been practicing for long period of time. The most famous institution of governance and dispute settlement of the Gofa people is *kawo* system. *Kawo* system itself is an institution that consists of various conflict resolution mechanisms. In the old days, the various structures of the *kawo* system like *dere duleta*, *erasha*, *guuda* and *sagga* were responsible to treat cases which were referred to them according to the scale of the conflict,

actors in the conflict and the nature of a particular conflict (GGZCTO 2004:128). However, with its incorporation in Ethiopian modern State some of its structures (*erasha guuda, and mochona*) were dysfunctional (Markose and Walelign 2011:47). On the other hand, the *sagga, dubbusha, cima* and *Dere duleta* (one of the concern of this paper) are still plays role in preventing and resolving conflict.

Chapter Three

Description of the Study Area and the People

Under this chapter, I have tried to present the geographical location of the study area, the brief history and social organization of the people. It is known that the Gofa people had an independent state ruled by king before they were brought under the modern state of Ethiopia. This shows as they had well organized social organization that could help them to lead sustainable way of life. However, with the demise of their kingdom, some of their institutions had also brought under great danger and some others dismissed. Even though this was the case, some of their social institutions continued to breathe under great stress until this day. In line with this, the brief history and social organization of the Gofa society will be discussed as follow.

3.1 Climatic Condition and Means of Livelihood

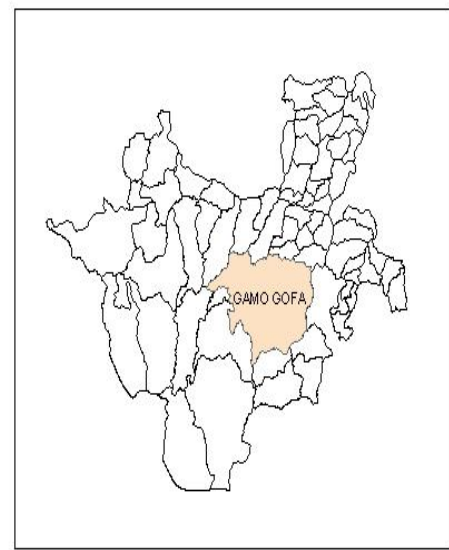
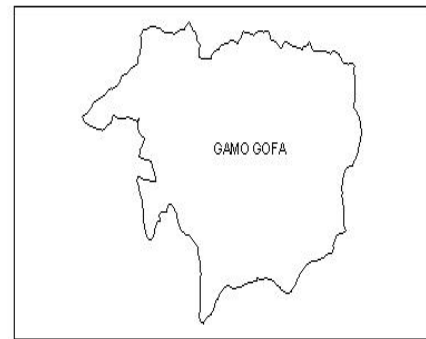
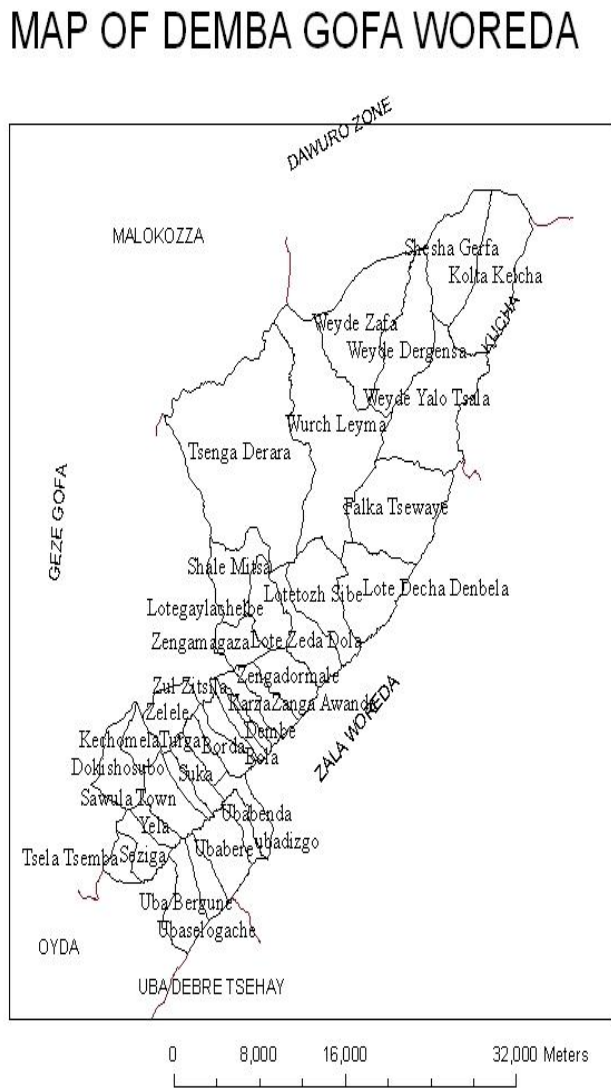
Gamo Gofa Zone is one of the 15 Zones and 5 special *Woredas* that constitute southern Nations Nationalities and peoples' Region. Formerly, the Gamo Gofa Zone was part of Semen Omo (North Omo) Zone, which constituted 13 Zones and 6 special *Woredas*'. Semen Omo Zone was established in 1987 by the *dergue* who created the administrative unit from parts of the then Gamo Gofa, Sidama and Kaffa sub states based on the belief that the four ethnic groups the Goffa, Gamo, Kullo and Wolayta all speak minor variants of their cultures (Elias, Shiferaw and Abebech 1990). However, as my informants argued that since 2000 due to frictions between different ethnic groups, the former *Semen Omo Zone* has split into three new zones (Gamo Gofa, Wolyata, and Dawuro) and two special woredas (Basketo and Konta).

As the data obtained from Denba Gofa Road and Transport Office, the present Gamo Gofa Zone is consisting two city administrations and 13 districts. *Arbaminch* town is the administrative and trading center of the zone, located at 505 km from Addis Ababa and 275 km south west of Awasa. Denba Gofa is one of the 13 districts of Gamo Gofa Zone. As the data found from Agriculture and Rural Development office, the district has 38 villages and one town. The town of Demba Gofa District- Sawula is located at about 250 km from Zonal town Arbaminch and 305 km from Awasa and 528 km from Addis Ababa. Based on 2007 population census of the FDRE,

the total number of the population of the district was 81,158 of this 40,335 male and 40,823 female (Federal Democratic Republic of Ethiopia Population Census Commission 2008:81).The similar source reveals that the majority of the population lives in the country side.

As the data gained from Denba Gofa Agriculture and Rural Development Office (on March, 30/2015), the district is bound by Zala *woreda* in south and south east, Uba Debretsehay Woreda in the south, Oyda and Geze Gofa in the West and North –West, Omo River in the North and kucha *Woreda* in the East .

MAP OF DEMBA GOFA WOREDA



SNNPR

Source: Demba Gofa Woreda Agriculture and Rural Development Office 2014/2015

Similar to other rural Ethiopian ethnic groups, the economy of the Gofa is based on farming. As Gofa's past records disclose that the people conduct farming and animal husbandry for centuries. Therefore, mixed farming is the major agricultural activity for the Gofa. The greater part of the people resided in countryside relied on a mix of livestock and crop farming.

In terms of topography, the data collected from Denba Gofa Agriculture and Crop production office (on April, 1/2015) reveal that *Gadha* (lowland) is an area that lies between 1300-1500 m above sea level and characterized by irregularities and deficiency of rainfall. The area accounts for 75% (more than $\frac{3}{4}$) of the total land area of the district, and it is relatively sparsely populated because of the prevalence of tropical diseases like malaria. *Xamba Xalla* which is 1300 m above sea level is the lowest place in study area. *Doolo* (semi-highland) is an area that lies between 1500 m and 1800 m above mean sea level and accounts for 15% of the total land of the area. In line with this, as it is elucidated by (Markose and Walelign 2011), the Gofa land is divided into three ecological zones: *gezze* (lit. highland), *doollo* (mid-altitude) and *gadha* (lowland). *Geze* (highland) is an area that is extended from 1800-2400 m above mean sea level and account only for 10% of the total area.

Based on the data from Rural and Agricultural office of the district, the land area of Denba Gofa measures 97,468.44 hectares, of which 48% is currently cultivated, 27% is employed for grazing and 25% under bush, shrubs and forests. *Gadha* agrological Zone is source of more than 90% of food supplies and 13 Rivers are serving to produce crops. From the total *Gadha* agro ecological zone 2,583.5 hectares are covered by irrigation. As the interview made with Muluneh Yohanis (on January, 25/015), indicated that *teff*, maize, sorghum, sweat potato, lentils, cassava, peanut, banana, sugarcane, mangoes and *shiferaw* are the major farming products, and cattle, camel, donkey and mule are reared in these agro-ecological zones too. It has optimal rainfall distribution which is favorable to a variety of crops: *teff*, maize, barely, pea, highland sorghum, avocado, bean, orange, chick pea, cabbage, *enset*, pineapple, onion and potato. Coffee and *korerima* are the main cash crops, and it is an area densely populated than the other two agro-ecological zones. Animals like cattle, sheep, horse and mule are raised extensively. Barely, wheat, pea and *enset* are extensively produced and sheep, horse and cattle are raised simultaneously with crop production. Tsanga Darara Mountain the highest point which is 2600 m above sea level in Denba

Gofa District is situated in this climatic zone. As it is described above, animals are also exceedingly prized in the study area.

3.2. Brief History of the Gofa People

The Gofa were/are Omotic speaking people in the Horn of Africa (Fleming 1973). It is believed that people of the present study area moved toward their current settlement from different areas. Two views are held by the elders of the Gofa about the origin of the people. The first view states that certain clans of Gofa emerged out of the present day Gofa land itself from specific vicinities named *Wuriki* (the place found near Omo River) and the long chained Plateaus of *Uba* (found in the present day Zaala and Uba Debretsehay Woredas in Gofa land). According to this view, there are Qommos (lit. clans) including *Goshana, Kalata, Gamo Mala, Hirara and Maaka* are original clans of the Gofa who identify themselves as 'bita tusa' (early inhabitants of the land). As to the second perspective, the first homeland of the Gofa was Bubula in the upper valley of Gibe River. Clans including *Gollo Maala, Wolayta Maala, Boreda Maala, Ayka, and Fatsigara* were moved southward to the present resident area from their original homeland Bubula in the upper Gibe River (Markose and Walelign 2011, Gamo Gofa Zone Culture and Information Office 2004).

The movement was triggered by pushing and pulling economic factors. They were pushed by unsuitable environment in their previous settlement and suitable natural environment such as pasture and fertile land can be sited as the pulling factors towards their current settlement. Others still argue that the present people of Gofa are constituents of people incorporated to the Gofa land due to territorial expansion of Gofa kings in different periods and people who come from neighbors, which was caused by the economic and social ties the Gofa have had with their neighbors (GGZCIO :2004).

Even though, the people trace their origin to different sources all groups settled in the land for a long period of time identified themselves as Gofa and has been regulated by traditional law of *buca /dere woga* (GGZCIO:2004).

Just like the origin of the people, there are also different perceptions with regard to why the name Gofa was given to the people and their land. As the data obtained from key informants, there were four perspectives regarding the name of the people. The first perception is the name Gofa is

derived from *Kawo* Gooba (literally powerful) who was one of the potent and combatant leaders of the people. According to the elders *Gooba* was the original name of the people and through passage of time this initial name of the people distorted into Gofa. As the second perception, pattern of the settlement of the people was source of the name. The name Gofa was given to refer the early resident's living in mountainous lands of the present day Gofa. Here is also the third claim from elders that the name Gofa is the original name of the people in their first home land near River Gibe, which was derived from ancestral line of descent. According to the last view the name was derived from the ruling class of the 'goshana' clan. It is said that *goshana* tribe was first born from a woman called *Goofe*. The name was derived from the name of this woman, in the early days the name was used to call the ruling class and later on, gradually it has been the name of the land and the people.

The Gofa people as other ethnic groups in Ethiopia practiced their own political system that governs the internal affairs of the people since their settlement in present day Gofa land. The administrative system was named as *kawo system*. *Kawo* system was hierarchical, authoritative and centralized administrative system of Gofa in which *kawo* (king) was the highest and supreme administrative office among the group (Markose and Walelign 2011). As it is further argued by Markose and Walelign (2011), the Gofa have been administering under this system, ever since 16th century. BY the time, the authority of *kawo* was not only limited to the mere provisions of political and social services, but also it broadens to the provision of religious services. Among the Gofa it is not only the *kawo*, but the representatives of its subsidiary officers (*erasha*, *guuda*, *sagga* and *bitantte*) were known for their dual religious and political services (GGZCATO 2004:11).

The traditional Gofa *Kawo* system, as my informants depicted, was sub-structured into different subsidiary administrative system such as *erasha*, *guuda*, *sagga* and *bitantte* .As the elders of the Gofa further elucidated that *erashaship* was the second administrative title in the *kawo* system. The office of *Erasha* was appointed by the *kawo* averagely by representing 3-4 *deres*. *Erasha*'s, in his turn, appoints *guudas*. They (*guuda*) were act as close associative of *erashas* and were known for their functions of capturing and bring the criminals before the justice made by *deres* and *erashas*'. In traditional Gofa *kawodom* structure, the lowest level of political organization

was the office of *bitantte*. The organization of *bitantte* was assigned by the *kawo* to serve as a ritual functionary for land use and production related issues. Dispute arises over the issue of land use between individuals and groups always would get solution through this office. The *bitantte* office holders are also important for the ritual scarification events at times of cultivation, harvest, and post harvest to rituals of purification associated with *gome* to rituals to protect the harvest from pests and insects (Markose and Walelign 2011). Unless power to perform ritual functions was vested by the *kawo*, according to my informants, traditional *kawo* system sub organizations such as *erasha*, *Guuda* and *bitantte* authority were limited only to the provisions of secular social and political activities. However, the power of ritual functioning of the *kawo* is hereditary. Thus, he has been fully performing ritual functions above and beyond his limited political role.

As the data obtained from informants, the same as the *kawo* of the Gofa, there exist certain *qommos* who are naturally vested authority to do ritual functions. Such clans are referred as *sagga qommos*. The Gofa were descended from two ancestral forefathers: *mala* and *dogala*. *saggas* that are descended from *dogala* clan are responsible to protect people in the *kawo* system from different hazards like beasts and epidemics. The occurrence of epidemics and the attack of people by wild beasts believed to be the existence of *gome*. Thus, *saggas* are responsible to protect such hazards by purifying the community.

Thus, as the same source indicated that, ritual functioning authority of the *kawos and saggas* of Gofa were believed to be given by *Xoossa* (Gofa sky God). They were also regarded as the incarnation of God on earth. As the Gofa *kawos* are divine kings, they are believed as delegates of the *Xoossa* and owners of the land and the people. The Gofa sky God (*Xoossa*) is believed to be manifest in the mountains, rivers and forest of Gofa land. Thus, the *kawo* and its structured religious leaders (*sagga and bitantte*) perform ritual functions in their most sacred religious shrines locally called *koora* and *Gimiza*. *Kawo koora* are the most respected *koora* followed by the *sagga* and *bitantte*. Since the office tenure of the *kawo* system and its sub structure were restricted with the formation of modern Ethiopian Empire its' ritual function still remain and the *kawo* and *saggas*' exercise their actual authority.

However, with the introduction of Christianity and Islam into the area and after the inclusion of Gofa land into the new Ethiopian Christian kingdom, there appeared unfamiliar form of

administration that used to govern the newly integrated area. This extraordinary event brought new titles, such as the *balabat* and the *Melkegna* that substituted the hereditary *kawos* and its sub structures. Thus the interplay of these factors undermined the indigenous Gofa *kawo* system (Markose and Walelign 2011).

Currently, the Gofa are found in the Southern Nations, Nationalities and People's Regional State bounded by Oyda, Ari, Male and Basketo in the south; Konta in the West; Dawuro in the north-west and west; and the Gamo on the South. They are dwelling in various districts of the Gamo Gofa Zone namely: Demba Goffa, Geze Goffa, Melo-koza, Zaala, Uba Debre Xehay, and Sawula Administration and in a few *kebeles* in the Oyda district (*Sawula Town Truism and Government Communication Affairs Office 2007:4*). According to Federal Democratic Republic of Ethiopia Population Census Commission report of 2007, the total number of speakers of Goffa Language is 422,890 (Federal Democratic Republic of Ethiopia Population Census Commission 2008).

The Gofa have various unrecorded tradition. They have vibrant culture: *Dere Duleta* (people's assembly), *dubbusha*, dressing, labor organization, marriage, songs, food and drink, festivals and calendar which are not well recorded. Roughly all what have been discussed above related to Gofa people in general also relate to the Denba Gofa of the study area.

As far as religion concerned, as informants argued, before the introduction of Christianity and Islam to the Gofa land, traditionally the Gofa have had their own religion called *eeqa* and their own deity *Xoossa* (God). The Gofa *Xoossa* believed to be manifested in mountains', rivers, and forests of Gofa land. Thus, Gofa favors *dubbusha* (big trees) as their religious shrine as a place where truth is spoken, and justice is obtained. As the data obtained from Denba Gofa Culture, Tourism and Government Affairs Office, these days, majority of the Gofa go after Christianity and followed by *eqqa* and Islam.

3.3. Social Organization and Marriage

According to social scientists, social organizations in Africa are formed based on three different ways of social bonds. For that reason, they categorize Africa's social organization into kinship ties, non kin groups and resident based groupings (GGZCTO 2004:121). Among these, the three

different ways of social organization, as my informants argued, the Gofa of the study area organize themselves on kinship ties and resident based groupings. This will be discussed as follow.

The Gofa kinship ties enlarge from particular level of individual to society. The Gofa draw descent through the male line (GGZCIO 2004:120). As elders of the study area, the Gofa readily identify themselves from others in terms of family tree appealing to a patrilineal philosophy. Since the people are patrilineal, they are practicing patrilocal residence. This, in turn, had in the long run shaped the Gofa kinship structure that extends from the family (*soo asa*) up to *Kochche* (clan). As it is identified by Mamo (2008), there are five levels of kinship organizations among Arsi Oromo, which is similar to the Gofa who classified its kinship structure into five stages: *aawa, aawa aawa, mayza, kochche and qommo*.

In line with this, Getaneh (2004) in his study of *The Role of Women in the Household Economy among the Dorze of Gamo Highlands*, identified a multi-faimly household composition and structures. According to Getaneh (2004), the ideal Dorze household consists of a “father, his wife and unmarried children and a married son and members of his family in a separate house but in the same compound.” Similarly, as my informants stated, among the Gofa usually *aawa soo* (family) is consisting of the man, his wife and the children. The institution of *aawa* is organized at the lowest level under the leadership of *aawa* (father). Since the people are patrilineal, power is vested on the husband. The wife and children are duty bound to obey the head of the family (husband). Senior children always have to respect their parents and seniors too. *Bayratetha* (seniority) is highly valued and problems related with seniority like disrespecting older, consuming production before the post harvest ritual, calling *aawa Xoossa* (God) by his name to give thanks/prayer by children and wife, disobedience and neglect of responsibility, dispute over resource utilization is settle at family level through the arbitration of *aawa*. Failure to obey *bayra* causes *gome* and requires ritual purification.

As elders of the study area described, *Woga aawa soo* (extended family) is the second level in Gofa kinship context. This is consisting of two or more *aawas* (families). In this type of kinship organization, as elders stated father’s household and all his married sons’ household are the members. This extended family organization is led by a person who is called *aawa aawa* who

has responsibility over his married sons live in their own home. He is duty bound to settle dispute arise between nucleus families due to violation of boundary marks, administration of common family resources. He also provides sacrifices on behalf of nuclear family under him.

The third one is *mayza*, which contains several nuclear families residing at different places. As FGD discussants (on January 27/2015) explained the institution is led by a man called *mayza* who is senior in born in family tree. Members of the institution gather in a common meeting place: *mayza dubbusha* to settle dispute and to perform ritual practices. *Mayza* provides sacrifices on behalf of the lineage member. As my FGD participants further argued that *mayza* is also duty bound to settle disputes arise between husband and wife due to resource utilization, sexual incompatibility and child correction, disagreement among siblings over inheritance after the death of parents within a family and quarrel among families over violation of boundary marks, grazing land, or on any other issue that become resistant to settle in lower hierarchical institutions (*aawa dubbusha* and *aawa aawa dubbusha*) organized under it. The *Mayza* (common ancestral lineage head) investigate member of his lineages when they are suspected by the *dere* for committing crimes like murder in secret, arson, breach agreements, theft, robbery and destruction of one's own property before the matter is taking to *dere duleta* for taking oath of innocence. The suspects are always required to tell the truth for their common ancestral head. If the party supposed committing crime failed to expose the truth he together with other elders of his lineage group urges the individuals until they manifest the truth that is supposed to be hidden. *Mayza* as well is facilitator of the reconciliation process when associate of his lineage group commit serious crime like murder.

Next to *mayza*, *Qommo* (lineage) which composes many minor lineages is used as descent identification. There are hundred lineage groups which are categorized under the two *kochche* (clans) in Gofa kinship organization (GGZCTO 2004:121). Marriage within this lineage group is prohibited in father's decent line. However, as my informants explained in mother decent line a man can marry his own *qommo* outside of his close seven generation. Owing to the rule of exogamy, which regulates marriage and the choice of wife, a Gofa boy is not allowed to marry a girl of his own patrilineage and his matrilineage (until seven generation). There is also the rule of incest taboo. The Gofa prohibits sexual relation within in the kin group. Sexual intercourse

between two kin, whether distant or close is considered incest taboo (Markose and Walelign 2011).

Kochche (clan), on the other hand, is the largest form of decent organization in Gofa. The Gofa's are grouped into two large ancestral clan *mala* and *dogal* (Markose and Walelign 2011).

The Gofa also organizes them into resident based structure which is termed as *dere*. The term *dere* has the connotation of small territory which is formed based on making rivers, roads and mountains as its boundary. The *dere* institution, as it is described by (Markose and Walelign 2011), is the smallest politico-territorial unit of Gofa social world, made up of socially and geographically contiguous households, each of which built on the separate land worked on the family which occupies it. So, as my informants explained *dere* is an institution which is organized based on territory to deal with different issues both good and bad affairs of the society. In this case, a given *dere* could be composed of families* whose numbers vary between fifty and two hundred fifty and would assemble or come together at different times to deal with different issues in addition to resolving conflicts.

3.3.1 Marriage

Marriage among the Gofa is exogamous. Owing to the rule of exogamous, which regulate marriage and a rule of wife, as it is aforementioned, a man is not permitted to get married a girl of his own relative in both his father and mother's decent line. In the Gofa tradition, as elders of Gofa a clan members are considered as *asho* (made from one body) and *suuthi* (made from single source of blood). Thus, having sexual intercourse with the one a single blood and body is an incest taboo. For this reason a Gofa boy is not allowed to have sexual relation within his kin group. Sexual intercourse between two kin, whether distant or close, considered incest and it is *gome*, which needs ritual of purification. The Gofa not only prohibits marriage within in a group, but also have a rule that prohibit marriage with a lower group. Among the Gofa mate selection is serous and it is a task of the boy's parents.

Parents would spend much time in spouse selection. It incorporates certain criteria such as the purity of the mate. My informants argued that for the Gofa purity refers to the absence of genological link to the despised caste. The boy's parents strictly investigate social status of the

future son-in-law. This is because marriage cannot be arranged with *mana* (potters), *gita mana* (black smith) or *wogaace* (tanner). Beside cleanliness from genological linkage with abhorrent caste as Markose and Walelign (2011) argued feminine qualities like the skill of food preparation and *fuuto suussi* (cotton spinning) are some of the criterion in mate selection. The boy's parents are also responsible to ensure the absence of blood relation between the boy and the girl. There is no marriage conclusion between closely related persons.

The other important aspect of Gofa marriage is the amount of bride wealth offered to the girl's family. According to my FGD participants (on January 27/2015) among the Gofa the amount of bride wealth is depends on the economic power of the boys family. If the boy's families are wealthier they are required to bring quality ring and cross (made from a gold which has higher quality). If they are poorer they are asked to offer ring and cross made of silver. The amount money brought in the day of *doona foogo* (betrothal) is also negotiable. As it is stated by FGD and key informants, poorer families are requested little amount of money and the richer' greater sum. For example now a day as it is insisted by one of my key informant, richer boy's family pays up to 15,000 ETB for *doona foogo* (betrothal).

There are five categories of marriage. These are marriage through *soora efo* (betrothal), *guye gelo* (abduction by the consent of the girl), *utetha gelo* (marriage by entry), *dafa machcho* (forceful marriage) and *githa machcho* (Elias, Shiferaw and Abebech 1990). Among five categories of Gofa marriage, as argued by my informants, *soora efo* is common and made after several negotiations. In this type of marriage elders from the boys family subsequently asks the consent of the girl and the girl's family.

At the time the response of the girl's family is negative at the hour of they are subsequently asked by the elders from the boy's family the girl can marry the boy without the consent of her family. This type of marriage is regarded as *guye gelo*. When the girl's family is unwilling to give their daughter to the asking family and if the girl is willing to marry the boy the boy would marry the girl without her parents' primary consent.

The other type of marriage is called *utetha gelo*. Such a marriage can happen when a girl loves a boy. In such a case, the girl would enter in to the boy's house without his consent. According to

one of my key informant(baabo Bukulo on 25/05/ 2015, 06/06/2015), if the girl enters into the boys house in the absence of betrothal a boy is culturally bounded to marry a girl even if he doesn't loves her. The fourth type of marriage is *dafa machcho* (abduction). It would be done with or with no the agreement of the girl. If it is done without the consent of the girl as my informants argued such kind of marriage may cause serious conflict among the clans of the boy and the girls that may result in bodily injure or even loss of life. The last type is *githa machchco*. This type of marriage is can rarely happen. If a marriage deal as in the first type (*soora gelo*) fails due to certain reasons if the boy is committed to get married with anyone other than the failed one, he would take another girl devoid of much prior preparation.

Chapter Four

Causes of Conflict among the Demba Gofa

Under this chapter, efforts have been made to present the findings of this study. That is, I have tried to discuss and analyze the different causes of conflict among the Gofa society. Among this society, peoples at different times came into conflict caused by different factors, and the society conceives conflict as an inevitable phenomena. Informants state that in their day-to day activities people may turn down the interest of others, which could lead to a clash of interests among individuals or between groups. The desire to control and monopolize over limited resources can lead to such conflicts of interest. This conflict may escalate to its severe form. On the other hand, conflicts could be caused by the violation of the norms and values of the society, which could resulted in the serious punishment of the society by their God whom they call *Xoossa*, which, in turn, breads instability among the society.

According to Gofa perceptive, causes of conflict could be divided into two based on the consequences they result in. Large number of informants state that causes of conflict could be categorized into *kawusha gome* (minor transgression) and *fala gome* (serious transgression). Those minor causes of conflict resulted in simple types of conflict – meaning conflicts that do not bring serious damage on the society. In this case, for instance, minor causes of conflict taking of one’s property which has small value, civil suits arising from quarrels over boundaries and debt payment, minor insults, intimidation, unintentional damaging of property, could resulted in conflict between two individuals (either relatives or non-relatives), which, later on, could be resolved through negotiation with or without the involvement of third party. On the contrary, serious causes of conflict murder, adultery, incest, breach of contracts, theft of property which has higher value, intentional damaging of property, insulting someone else as adulterous, sorcerer or *siisa kochche* (one inflicted by sore) resulted in serious types of conflict which invites the involvement of large number of peoples or clans and brought damage on the society. This would be briefly discussed under the following sub-topics.

4.1. Property Destruction and Breach of Contracts

According to informants, destruction of property is one of the causes of conflicts among the Gofa society in the Denba Gofa district. This would be largely motivated based on three things: first, some individuals may indulge into property destruction at a time when they are going to take revenge on their enemies or opponents. That is, to avenge the previously committed crimes against their property or their bodily integrity. Second, as my informants argued jealousy could become a motivating factor that leads to the destruction of the property of others, which, in turn, leads to conflict. According to one of my key informant, if a given person failed to work and produce like others or failed to posse wealth which could help him to sustain his/her life; he could develop bad behavior of jealousy against others who are rich enough according to the standard of the society. In these two cases (revenge and jealousy); a person may kill domestic animals such as mules, horses, cows, goats and sheep. He could also cut down crops like maize, sorghum and *teff*. Third, individuals may destruct the property of others when they are going to maximize their benefit or fulfill their interest. In this case, for instance, farmers, who have adjacent cultivable land, may turn down the germinated seedlings of sawn grains of their immediate neighbor, which, according to informants, sometimes caused conflict. Besides, occasionally, some farmers would usually strive to benefit illegally (without waiting their turn) from the irrigable water in their locality, and they may damage the crops and vegetables of their neighbors at a time when they tried to divert the water towards their farmland. And hence, this could instigate conflict. In addition to destructing the channels of irrigable water, individuals may graze on the fenced grasses of their neighbors by destructing fences which leads to conflict.

Generally, all the aforementioned criminal activities are usually being committed during the night time. So, as long as the wrong doer could not be able to be identified, the local farmers would usually come into conflict with their neighbor just depending on suspicion. And such types of conflicts would usually appear among individuals who have immediate contact and having adjacent farmland or grazing land. Thus, taking such kind of crimes to formal courts and obtaining justice seems impossible, since the formal courts require witness to identify the doer. According to my informants, killing or causing bodily injures to animals, setting fire on houses,

destruction of food crops, throwing stone on houses and diverting irrigation lines are among the major property destruction in the study area.

With regard to breach of contracts that leads to conflict, informants rehearsed their past history. In this regard, they state that since the time of the *dergue* and even under the current Government, land becomes the property of the government and the public. According to their conception, such policies lead to the culmination of the right of clans and individuals over the land which they controlled since the ancient past. So, the society has only use right as long as they have lost ownership right. However, according to their understanding, this could not able to halt land from becoming the causes of conflict; rather the local inhabitants began to use land in different forms, for instance, by renting, which, in turn, would becomes the causes of conflict. Renting by itself does not become the cause for conflict; but rather breaching of agreements that related with the renting of land becomes the cause of conflict. In this regard, informants explain that some individuals who have use right over the land but have no oxen or cows would usually rent their land to those who have animals and could able to produce crops. However, sometimes those who have use right would try to benefit from 'their land' (so to say but use right) by violating the agreements which they have entered with those who have made the first deal with some amount of money to use the land for either one season or year or two to three years. That is, they would try to make double or triple agreements with the third or fourth party hoping to collect a great deal of money by violating agreements again and again. However, such attempts would usually caused conflicts between the 'possessor' of the land and those who rented land, which sometimes become serious.

The habit of lending and borrowing money from each other based on the small amount of interest to payback at the time agreed up on by the parties has similar potential to cause conflict in the study site. People lend money to their neighbors, relatives or non-kin to get profits from the interest rate. However, as the discussants of FGD elaborated occasionally the borrower may deny the amount of rate already agreed with the lender. Moreover, sometimes the one who borrowed the money (usually as there is no written document), may fail to return on time or completely deny his/her having borrowing the stated money. Hence, the lender and borrower come into conflict.

The same source further stated that, in addition to money lending and the failure to paying back, animal lending and borrowing may instigate conflict in the study area. Animal lending and borrowing among the Gofa land are widely practiced. They sustain a neighborhood, a distant kin or non-kin by lending animal, which is locally known as *zaakko* (lending ox for labor or cow for milk, goat, sheep, and horse for sharing their offspring's) for specific period. The borrower enters into contract with lender to take care of the cow and use only the milk for limited period of time. When the borrower taking care of the cow, if the cow falls into ditch or is being beaten by wild animals he has to prove the incidence to the lender by showing the carcass or skin. However, at times the borrower purposefully misappropriates the property not to return it back. The borrower may also deny the specific date of the contract for usufruct right. Similarly, the lender may demand the animal prior to the agreed date of contract. In the same way sheep, goat and horse borrowed for sharing the offspring may be partially or completely damaged or died. At this occasion, the lender demands the normal one than the damaged one. Finally this situation leads the parties to an acute problem. Thus, revenge is inevitable which could result in property damage or bodily injury on the offender

4.2 Land Related Conflict

Like other ethnic groups of Ethiopia, the Gofas' are agrarian society where land deserves a high value. They give high value to land; this can be understood based on the comparison they are making between mother and land. That is to say, they are comparing land with mother. In this regard, almost all of my informants argue that, according to their conception, as a child could not be able to survive without its mother, human beings (the Gofa society) could not be able to survive without the generosity of their land. To explain more their relationship, they are usually uttering their proverb which says: "*biittine aayanne isso*" meaning land is equal with mother. They have strengthened their argument, they said: 'as a baby is always waiting for his food from his mother, the Gofa society is waiting its food from its land'. From this one can infer that there is strong tie or intimacy between the Gofa society and their land. Therefore, land is an invaluable source among the Gofa society. And because of this long established tie between land and human beings and the increment of population in the study area, today, land becomes very scarce and valuable resource than ever before. Hence, scarcity of land is a ground for most part of conflicts

among the Gofa society, particularly, between the youth (who has no access to land) and the ‘owners’ of land (it is possible to say those who are largely assigned under the past generation). In this regard, the only means the young generations depend to have land and benefit from it is getting land through the means of contract, purchase and through inheritance. Even though the young and landless individuals get access through the aforementioned means, the mechanisms (land sale and purchase) in our country is not legally guaranteed. In this regard, those who are buying land, which is against the constitutional tenet of the state, could not able to get while those who sold land violated the agreements. When such violations committed, conflicts would usually appear between the buyers and the sellers while the buyers attempting to gain what they have lost either through local institutions or force. This is also the case while those who rented land cancelled the contract before the deadline. In this case, renters usually cancel contracts with the intention either to rent their land to another person or using for themselves. In relation with this, my police and local informants explain that buying land without legal ground and cancelling contracts before the end of the contract agreement are the common causes of conflict in the study area.

The right of land inheritance is the other land related cause of conflict in the study area. According to my informants, as it is so in patrilineal societies, among traditional Gofa woman has no land inheritance right. When woman get married she is considered as part of their husbands’ clan. And even after their marriage, women could not be on the side of their families in time of difficulties before and after they got old because they are usually living far from their families because of their families’ intention to create relatives in the distant places. Thus, she is entitled to inherit the property that belongs to her husband. And hence, in the past, among the Gofa society, inheritance based conflicts were mainly experienced between the male progeny of a given family. This was at a time when the elder brothers aimed to take the larger proportion of land or other types of properties of their deceased families by suppressing the interest of their little or younger brothers. Different reasons were forwarded by informants for why the male offspring inherit their family’s properties. For instance, according to their conception, it is because the male offspring are living with their families even after they got married. And hence, they are the only individuals who are on the side of their families in time of difficulties like

health problem, shortage of man power, particularly, at a time when their families got old and could not be able to till land and could not be able to participate in the self-help associations.

However, after the promulgation of the 1995 constitution, women are entitled to inherit their parents. And this usually leads to the conflict between the men and women offspring. That is, men, depending on the past traditions of the society, are reluctant to share the property and land at a time when their families passed away. And, on the other hand, women would try to exploit the advantage that the 1995 constitution of the state has offered them. In line with this, Article 40 Sub-article 3 of the 1995 constitution explicitly presents women's inheritance right over their family's property and land. Therefore, according to my police and key informants, the conflict of the Gofa customary law and formal law becomes the cause of conflict particularly in relation to the issue of inheritance between family members as soon as their parents passed away.

According to informants, using burial land or places for different purposes other than its actual use could also instigate serious conflicts among clans or groups or individuals. That is, for instance, among the Gofa society *duufo* (burial places) have great respect than other places, and grazing or conducting other activities on the *duufo* other than religious activities would lead to serious conflicts. It is obvious that because of the fences animals don't enter the burial places during both the rainy and dry seasons and because of this the grass in the compound would grow in a better way different from other places. And during the dry season no one would be allowed to graze on such places, and it is considered as a *gome* because the society believes that if someone grazes on such places, it is considered as downgrading the ancestors and their spirits. And hence, a given clan's burial place is respected and protected by its members. However, some individuals would usually try to graze on the burial places mainly during the dry season when there is scarce fodders to feed animals just by playing down the tradition of the society. During such cases such individuals would come into conflict with either their clan members or other clan members. Therefore, in this case, burial places would become the cause for the serious conflicts particularly if it is between different clans.

As the data gained from Denba Gofa Woreda Land administration and Rural Development Office (2015) reveals land based conflicts include the use of other's grazing land dishonestly, dispute over the use of communal grazing and forest land, displacement and remove of boundary

marks, claim of land ownership, undue land measurement and registration, that pushed land related conflicts to take the front position out of the stated economic reasons.

4.3 Disrespecting or Violating Seniority

According to Gofa elders, among this society, seniority (locally called *bayra*) could be gained into two ways. That is, first, *yeleta bayra* could be gained if a man is the first child of a given family in birth (the first born child of a family). Second, *bayra* could be gained if a person born from the groups who are responsible for the religious affairs of the Gofa society whom they are known as *Sagga* or *Kawo* clan. If a person is from the *Sagga* or *Kawo* clan, he would be taken as *woga bayra* meaning senior in front of others according to the system of the culture. Thus, individuals who are considered as *bayra* among the Gofa society have great respect and everybody in the society would take their order without any hesitation. Besides, members of the society would simply accept the advice of the *bayra*. Moreover, my informants further argued that a person who is *bayra* from a given family would act as father at a time when their family passed away because of death. That is, he is responsible to nurture his juniors and then to arrange marriage alliances. He is acting in such a way because he is administering the property and land of his family on behalf of his juniors. And even during sharing their family's property and land, he would gain large portion of the inheritance, and his juniors would share small portion of their family's property and land.

In addition to such responsibilities, elder child of a family is responsible for the religious services in his family. For instance, he is presenting sacrifice (mainly by slaughtering sheep) for their God whom they call *Xoossa* under the tree which is growing on the parkland of their ancestors. Such sacrifice would usually be accomplished particularly at a time when they begin to saw and harvest grains. Besides, at home, he is often praying and begging their God to protect his family for any bad happenings.

Therefore, according to my informants juniors are expected to respect their elder brother (the first born boy) of their family. For instance, they are expected to till and saw grains first on their elder brother farmland during the rainy season, and they are also responsible to harvest first their

elder brother grains before harvesting their own. Besides, they are expected to present as a gift the first milk and butter products of their cows and agricultural products to their elder brother.

Having said much about the seniority and the responsibility he has, it is better to discuss how violating *bayra* would lead to conflict. And the conflict could be between family members, among lineage groups and *deres* due to failure to respect seniors. Violation of seniority could be committed in several ways. For instance, if a junior wanted to act as *bayra* and showing an intention to administer a given family's property and land after they passed away because of death, he/she would come into conflict with the elder son of the family. This is because, according to Gofa elders, the first born boy child is responsible to administer the property and land of his family after they passed away. Anyways such intentions among the juniors would usually leads to serious conflicts and even they may kill one another whilst competing to administer family's property and land.

Besides, calling, praying and begging their *Xoossa* (God) in the presence of their elder brother is considered as violating *bayra*, which could leads to conflict between the senior of the family and the juniors. Juniors' intention (even unconsciously) to call, pray and beg their God considered as *gome*, which is locally called *bayra naqqis* (despising senior) in the presence of their elder brother. This is because it is believed that such intention would make their *Xoossa* and the *ayaana* (spirit) on the senior one to become angry against the juniors. Moreover, if the juniors again would try to till his land or harvest his crop before their elder brother or their senior began to till land and harvest his crop respectively, it is considered as violating the status of their elder brother and also considered as a sin which could bring damage on the family because of the anger of *Xoossa*. As FGD discussants (on February 23/2015) explained failure to presenting the first animal products to their elder brother would also bring conflict between the elder brother and his juniors because it is considered again as violating the will of God and the senior status of their brother.

Even at the *dere* level, it is not allowed to till farmland and saw grains before a person from the *Sagga* or *Kawo* group, who is the senior one, has tilled and saw first and then gave benediction to do so for the members of the *dere*. However, if any ordinary men began to either till or harvest before getting benediction (locally called *kathi moogo yarshsho*) from the *Sagga* or *Kawo*, it is

believed that either the *deres*' germinated seed on farmlands would be eaten by insects or hit by snow at its maturity when it is ready to be harvested. This would be experienced because of the sin of a person who has violated seniority or the one who do not want to get benediction of the religious leaders. However, if he admitted his mistakes and told to the religious leaders, his *gome* would have been cleared after the ceremony of praying to clear such bad *gome*.

4.4. Religious matters

As it is stated by Mellese (2008), religious difference caused conflict among the Wolyata of southern Ethiopia, likewise, among the Gofa of the study site the existence of various Christian sects competing for having more and more followers becomes one of the reasons for the frequent religious conflicts. It is common in the study area to see different religious groups and various rival sects. And these religious sects often enter into debates over the interpretation of the particular version of the bible. That is, there is always debate on matters of truth in relation to the bible. In the process of forwarding interpretation, one sect accuses the other for misunderstanding of, for instance, verses of the bible. All of them consider their arguments as true and others' false. The proponents of different sects initiate arguments, trying to win new followers, sometimes using unpleasant words to deteriorate those who resist the conversation. Debate over doctrinal issue among few individuals suddenly could grow into group conflict. The following case (rehearsed by one of my informant (Alemayehu Afa on January 28//2015) who was directly observing the event) vividly depicts the following fact.

CASE 1

In 2015, in Gayla dere, a woman called Bose died. A woman was follower of one protestant sect called 'Maranata'. On a burial ceremony, a priest from Maranata sect was preaching using derogatory term to downgrade the Orthodox Christian religion. He compared the covenant box of Orthodox Church with ordinary local big bowl called 'gabate' which is made from trunks of tree. The orthodox Christians attending the teaching become angry, and they forced him to stop and beat him. At the same time the followers of Maranata responded fiercely, and they, in turn, began to use force. Finally, the kebele leaders after putting the

conflict under control they referred the case to the *dere duleta* (lit. peoples' assembly). Then, in its investigation, the *dere duleta* found the Maranata preacher guilty and responsible for the inconvenience and disturbances on the burial ceremony. Consequently, the *dere duleta* ordered the preacher to ask apology from the Orthodox Christian religion followers. This was followed by the formulation of rules by the *dere duleta* to avoid any type of conflict caused by insulting and downgrading other religious sects during preaching on any type of occasions by the religious leaders and their disciples. According to the rule developed by the *dere duleta*, a person who was found and judged as guilty of insulting and then instigating conflict between different religious sects would be penalized with fine of 500 ETB (Ethiopian Birr). And since the promulgation of the rule, there was no as such big conflicts caused by the aforementioned factor among the Gofa of the study area. However, there were sporadic conflicts caused by insulting of religious sects one against the other. For instance, on Janoury 24 /2015 GC, a son of a man called Gelaye died in Dorshshe dere. Gelaye was an Orthodox Christian, and as a result on the burial ceremony an Orthodox preacher was invited to preach and lead the ceremony. At a time when he was preaching, disciples of Maranata protestant sects began to shout against him to oppose his teaching. For Maranatas, his teaching was against their doctrine. Then, the place was threatened with violence until *dere's* and government officials intervned and put the controversy under control. In the next gathering of the *dere duleta*, in Bitantte Dubbusha, Orthodox Christian priests accused Maranata protestant sect followers for disturbing their conference. In the gathering, the chairman of the kebele asked them to tell whether they disturbed the funeral ceremony or not. They said: 'No, we didn't disturb the ceremony, but we defended our religion because his teaching was against Maranata doctrine'. The chairman asked the priest why he taught such religious doctrines that annoyed Maranatas. The priest replied saying: 'My teaching was in accordance with our doctrine; the ceremony was belongs to us; we didn't make any mistake'. Then, the chairman asked the people to give verdict. A man called Anko Aysa

said: 'the Maranatas did commit mistake because they shout in the ceremony that did not belong to them'. After that the chairman gave the chance to other participants to suggest on the issue in dispute. Three other individuals repeated what Anko Aysa previously said. Then the three Maranata Protestants were ordered to ask apology from Orthodox priest and leaders and afterward ordered to pay each fine of 500 ETB to the dere.

From the above case one can also learn that as the system of preaching one's religious doctrine could be the cause for conflict among the Gofa society. Burton (cited in Jeong 2008:52), one of the proponents of human need theorists, stated the need for recognition of each group's language, traditions, and religion can be cause of conflict among communities. Similarly, as the above case depicts that, in the study area the need to undermine others religion or failure to recognize the religious principles of others could be cause of conflict. People in the study area resort to violence means when they feel their religious values are sabotaged or they feel their religious doctrines are not recognized by others. Additionally, in different literatures indigenous institutions are criticized for failure to adjust themselves and lack of ability to handle new type of conflicts emerging with current changing world situation. In contrast, the case indicates that the *dere* assembly uses different mechanisms when convincing and punishing the suspect by using traditional mechanisms like imposing curse becomes fruitless. The *dere* formulates new rules enables them to manage conflicts which could not be managed by the existing mechanisms. Besides, whatever rules formulated and punishments imposed on those who committed crime or instigating conflict between different religious sects, conflicts caused by bad preaching system or intolerance between religious sects are going to be vibrant among the society under study. Even though it was/is the case, the above case also shows that still the indigenous conflict resolution institutions (*dere* assembly and also possible to say institution) were/are still breathing to settle conflicts which aroused due to conflict instigative preaching systems among the Gofa society.

4.5. Insult (*Cashshe*)

Insult is still another cause of conflict among Gofa society. Among this society, insult could be divided into two: *iita caashshe* (lit. rude insults) and *kawusha caashshe* (lit. trouble-free insults). According to informants who I have interviewed, *iita caashshe* is considered as an offensive type

of conflict that resulted in serious types of conflict. For instance, as my informants (Talian and Kawota on March 06, 2015) explained insulting someone saying: *bita* (lit. witchcraft), *layma* (lit. adulterer) and *siisa kochche* (lit. wound in a bodily organ that is caused by disease) is considered as *iita cashshe* or bad insult that may result in serious types of conflict. This is because insulting someone using such types of words could result in the stigmatization or outcast of, for instance, from a given family or *dere* or clan. So, somebody who has been insulted in such a way would come into serious conflict with the person who has forwarded such words either consciously or unconsciously. For instance, if someone insulted a person who is not belongs to his clan saying *siisa kochche*, it could instigate anger among the insulted clan and may be followed the serious conflict between clans or *deres*, which could cost the life of large number of members from both sides. This is because, according to the belief of the society, *siisa* (lesion) could prevail among a given clan because of the sin (*gome*) of the ancestors i.e., *Xoossa* punished the current descendants using by the disease *siisa* (lesion) because of the sin of their ancestors. In this regard, informants argue that if someone committed crime in his life time and failed to get cleared using different ritual ceremonies with the involvement of religious leaders, the punishment from *Xoossa* because of his *gome* would be passed to his descendants. And in line with this, insulting someone saying: *siisa kochche* would resulted in the stigmatization of a given clan members, for instance, other clan members would not agree to marriage relationship and co-operation to work on farmlands with the family who possessed *siisa*. So, in order to avoid such types of stigmatization, clan members would fight to the extreme to guarantee their purity or to secure the conception of free clan from *siisa*. In the process, peoples from both sides may face either body injury or death or the group who has forwarded the insult would be punished in front of the *dere* in the presence of the religious leaders. The process of reconciliation for such types of insult would be discussed under chapter five.

Insulting someone saying *layma* (adulterer) could also lead to serious conflict. This is because such type of insult would result in ostracization from the *dere* or family. That is, committing sexual intercourse with the woman or man who is already married is considered as *gome* which could bring serious punishment from their *Xoossa* like the devastation of their farmland by wind or snow or insects or flooding, the death of their animal because of disease, the death of large

number of human beings either because of disease or draught etc. And hence, if someone is identified committing adultery and even suspected, he would have been stigmatized. For instance, no one would go to work on his farmland or not attending his/her festivities or not helping him/her in time of difficulties. According to my informants in old days a man or woman committed adultery had been forced to live the territory of the *dere*. If he/she would die their corpse was not buried .It was hanged on tree. So, to avert such types of consequences because of the insult ('you are adulterer'), men usually coming into conflict with each other in the study area. The conflict would also sometimes lead to serious types of conflict like homicide.

Insulting someone saying *bita* (lit. witchcraft) has also the same consequence on the person who has been insulted like *layma*. So, individuals would come into serious conflict with the person who has insulted them to make themselves free from such allegations which could outcast from the *dere* or clan organization. In line with this, informants state that if the practice of witchcraft is committed against either a person or the *dere* or clan and the person who committed such crime is not known, the ritual of purification would be conducted by the *dere* religious leaders and *deres*. Ritual of purification would be conducted, according to the belief of the Gofa society, to avoid any bad consequences on the society and individuals, for instance, the destruction of farmlands and the death of animals and human beings as well, which could, in turn, lead to conflicts.

4.6. Theft (*kayso*)

Among the Gofa society, *kayso* is still the other type of cause of conflict. Based on the data which I have gathered, I have divided theft into two. The division is made based on the things stolen and the period under which stealing such things would become maximum. Among the Gofa society, theft is always there i.e., throughout the year and caused conflicts between individuals and a given *dere* or clan. However, the type of objects to be stolen would be different from time to time. To deal with this issue, I have divided the period into dry and rainy seasons. And hence, according to the data collected, it would become difficult to conclude that conflict is maximized either during the *bone* (dry season) *balggo* (rainy season) because it is always vibrant in the study area, which is contrary to the Girma's (2009) finding among the Ambo Oromo.

In my case, for instance, during *bone* (dry season),² according to informants, animals are the target of thefts and robbers. And this would usually lead to serious conflicts. During the dry season, after the harvesting of crops from the farmland, all inhabitants of the study area would leave their animals to graze on the field without shepherd or a person to look after animals. And as long as no grains on the farmland, animals would move as much as they can to graze on the fields until the sun sets, and they would become out of the sight of their owners. This would usually provide a favorable environment for the thieves to steal animals of farmers. Thieves usually take the animals and either sell them to the far distant market places or slaughter them in secret at their home. And at a time the owners of the animals learned that one of their animals is lost from the flocks, they would try to search in the field and in different residences. If they could not be able to find their animals, they may suspect someone and may come into conflict. However, sometimes owners would present their case to the *dere* assembly to investigate the case. The process of investigating the case would be presented under chapter five.

The other season in which things would be stolen is during *balggo* (the rainy season). During this season of the year, agricultural products like wheat, *teff*, maize, potato and barely, which are the main staple foods of the society, are the targets of thieves. That is, during the rainy season, they could be stolen from the stores of the farmers either during the day or night time. The main reason for why thieves engaged in stealing such agricultural products as my informants and all of my FGD discussants maintained, that large number of them would usually consume their agricultural products during the *bone* and left with nothing to be consumed during the rainy season, which, in turn, lead to starvation. In line with this, there is a proverb which says: “*Ginbbotey Kawo kushshepe worqqa sol77issees*¹” meaning ‘during the month of May, let alone ordinary men the ring of the King could be slide from his finger because of the shortage of food’. So, rather than dying because of starvation, they would usually prefer to steal agricultural products from those whom they considered as rich and have some in their store. So, conflict would occur when either thieves trying to steal or after they are taking such products because of suspect. However, such conflict would be resolved passing through different ritual processes. This would be discussed under chapter five.

¹ 7 is a symbol used to write and read vowels that are altered into consonants.

4.7. Murder (*shemppo wodho*)

As I have already discussed throughout this chapter, large number of the causes which I have described could instigate or provoke individuals to commit murder, which, in turn, become the cause for homicide type of conflict. For instance, breach of agreements after selling land, inheriting large proportion of property by the elders and little by the juniors, *iita cashshe* (rude insult), theft and the like could be the main provoking factors that resulted in murder.

However, according to informants, murder is usually experienced among this society when there are farmland boundary disagreements among the farmers who have adjacent farmlands. As I have discussed under land related causes of conflict, for the Gofa society, land is considered as mother or it has symbolic representation of mother. So, for them pushing or disrupting the farmland boundary taken as disrupting one's mother or hurting one's mother and hence no tolerance. Therefore, as they could die for their mother, they could also commit crime (murder) if they faced challenges from their neighbors because of their farmland. In line with this, some informants ironically stated that 'we have been snatched our mother systematically by the Government' meaning they explain as they do not have any ownership right over their land because, according to the 1995 constitution, land is belongs to the state but use right for the farmers. Even though it is the case, large numbers of inhabitants still believe that land belongs to them and assured as they could die for their land if they faced challenges.

The other serious provoking factor that resulted in murder, which, in turn, caused homicide type of conflict, is consumption of alcoholic beverage. In this regard, individuals would kill each other after they have drunk too much and got intoxicated. As long as they could not control themselves and adhere to the custom of their society, they usually kill each other. In other way round, peoples may use alcohol to take revenge on somebody else or their enemy. That is, after inviting alcohol and intoxicating someone, individuals would kill their enemy. This is the case which I have identified in the district court. Therefore, alcohol is one of the causes that resulted in the homicide conflict.

4.8. Abduction, Incest, Adultery

Among the Gofa society abduction has been practiced over long period (Elias, Shiferaw and Abebech 1990:45). Abduction which has been one form of marriages type among the Gofa also sometimes results in conflict, which may even escalate to the extent of costing life. It would be done with or without the girl's motivation. When the girl is kidnapped by force, she shouts for help. During that time if the girl's family reaches on the spot, they would try to liberate the girl from the abductors. Culturally, it is disgraceful for the kidnapper to lose the girl he abducted by the girls' family. For this reason, the use of force by both parties to retain and liberate the girl usually resulted in group fight and still cost life. Informants argue that abduction caused conflict has been declining because the government is taking serious actions and the gradual increment of the awareness of girls with regard to their rights.

Incest is another cause of conflict among the Gofa society. Actually, incest could not directly cause conflict among the Gofa; rather it serves as the base for other factors that could cause conflict. For the Gofa having sexual intercourse with a woman descended from a single ancestor on father line and less than the seventh generations on the mother line is prohibited. If a man violates the aforementioned rule, it causes *gome* and such *gome* can cause poverty, lack of drinking water for animals and humans. It also causes epidemics like *gorddoma* (smallpox) and animal deceases (*aloye*). Such epidemic can devastate the whole *dere* and their *animals*. That is, according to their belief, if incest is committed among the Gofa society, *Xoossa* would become angry and punish the society using epidemic disease, devastating their farmland using snow and the like. All these could happen because of the *gome* of those who committed incest. Such punishments would result in draught and the shortage of food to eat, which, in turn, for instance, motivated theft which could cause conflict and instability among the Gofa society. To come out of such problems or after facing such difficulties, the *dere* assembly would conduct ritual of purification, which is locally called *gonffettees*, to appease their God. This would be discussed under chapter five.

Layma (adultery) is the other serious offenses among the Gofa. Having an extra marital sexual relationship with any married women is a disgraceful act. The Gofa assumes that the offence of adultery is not brought trouble on the victim alone but also on the entire society. Similar to

incest, committing adultery causes natural hazards like for example shortage of rainfall and epidemics which, later on, all these consequences could cause conflict while peoples engaged on activities out of the custom like theft. Besides, the one who committed crime or adultery could come into conflict if he/she is caught while committing the crime. For instance, as the data collected from informants, a man may come into conflict with a woman's husband if he is caught while sharing bed with somebody's wife or because of suspect. This may lead to serious causes of conflict like murder. However, if a man/woman not caught and the society faced natural disasters because of their sin, the case would be discussed among the members of the *dere* after they have been informed by the religious leaders who have the ability to forecast the source by the mechanisms of reading animal intestine and throwing seven dices. Thus, this sort of conflict is always taken to the assembly of *dere*. The process of discussing the issue would be discussed under chapter five.

In addition to the causes of conflict discussed under the aforementioned sub-topics, the data from the police office of the district show as there are different causes of conflict among the Gofa society. The data from the police office of Denba Gofa district indicates various forms of conflict have been reported over the last three years. However, crimes are not the only reported to the police office but also there are occasions in which offences of various form are taken to customary institutions for reconciliation. Thus, the police report does not represent all types of conflict in the study site. The following table shows crime records of the last three successive years.

Table 2: Criminal cases that are taken to the court over the last three years

NO	Type of Crimes	Year		
		2011/12	20012/13	2013/14
1	Killing	10	3	6
2	Stealing	64	104	133
3	Arson	2	6	21
4	Trickery or deceit	14	19	28
5	Physical Violence	77	331	350
6	Rape ,abduction, adultery	15	27	75
7	Minor offences (insult, intimidation, disgrace, intentional damage of property, displacement and removal of boundary marks etc)	267	739	615
8	Illegal trade of artificial Fertilizer	-	5	14

Source: Denba Gofa District Police Office

As it can be observed from the table, minor breach of law, which includes insult, intimidation, and intentional damage of property, displacement and removal of boundary marks account for greater percentage followed by physical violence that resulted from different factors though resource related conflicts took the lion share. Thus, the underlying causes of conflict in the study area were economic, political and value related (right and wrong) even though economic dimensions were more visible. Both official statistics and data gathered from the informants reveal different levels of conflict among the Gofa society. Conflicts are visible at family, neighborhood, clan and *dere* levels. At the stage of family, conflicts occur between husband and wife, son and father, daughter and mother-in law, and among sons and daughters. At neighborhood stage, it can be observed among members of nuclear and extended families or between households. Conflict at the clan level involves two or more clans when there are inviting causes such as misuse of clans' own grazing land, disturbance of clans own burial place, abduction, rape and killing. Rape, murder, abduction, misuse of grazing land, which is communally owned by *dere*, can also become the causes for conflicts among the *deres*.

Economic based conflicts include land related conflicts, failure to pay back debts, theft, displacing and removing boundary marks, illegal trade of fertilizers, unwise use of communal property, inheritance and damaging property on purpose. On the other hand, conflicts related to

the violation of one's socio-cultural value include abduction, rape, adultery, incest, defamation and dishonesty.

Generally, conflict can occur as a result of scarcity of resources. In connection with this, Senait (2008:157) states that resource based conflict arises in situation involving individuals, groups or communities with different interest and goal in resource management. Conflicts based on resource create individuals in communities and people who feel they have been marginalized or have been deprived of their rights. As it is stated by scarcity theorists, the major causes of conflict among the Gofa of the study area as observed and reported to the legal institutions emanate from scarcity of resources. Conflicts occur due to misuse of grazing land, inheritance, farm land, theft, and property destruction fall under the economic category. However, conflicts can simultaneously arise from the violation of social rules. For instance, among the Gofa, crimes like breach of honesty, bestiality, having an affair with one's own relative, arson, insulting someone else as *bita* or *layma* or *siisa kochche*, adultery and murder are not only crimes against individual but it is offending the whole community, which I have discussed under the preceding sub-topics.

Chapter Five

Institutions and Mechanisms of Conflict Resolution

Like that of their counter parts in different parts of Africa in general and Ethiopia in particular, the Gofa society in the Denba Gofa district have their own mechanisms of conflict resolution. Hence, their mechanisms of conflict resolutions is described and analyzed under this chapter. That is, under this chapter, I have tried to discuss and analyze the conception of wrong among the Gofa society what they locally called *gome*, institutions on which the society depends to resolve conflicts like *gade cima* (lit. elders of the kingdom), *lappun cima* (lit. elders figured seven), *dere duleta* (peoples' assembly) and *yaagano* institutions and the procedures they follow to resolve conflict. The chapter also deals with the interplay between the formal and the indigenous systems and the position of women in indigenous institutions.

5.1. *Gome*

Among the Gofa society, wrong is conceived as breaching the social values and norms of the society, which is locally called *gome*. *Gome* can be considered as taboo or it can be considered as curse. It prevails nearly in all aspects of the people's social life. For the Gofa there are a number of general social values and norms which have to be obeyed and promoted. The violation of such social rules is associated with the prevalence of *gome*. It is believed that a person who is breaching or acting against taboo of the society considered as a person who has to be cursed by the society. According to informants and Gamo Gofa Zone Culture and Government Affairs document (2004), *gome* would result in misfortunes on the doer as well as on the entire society. For instance, if someone commits serious offences (possible to say wrong according to the locals' conception): homicide, robbery, adultery, incest or bestiality and failed to confess in front of the *dere duleta* (people's assembly), it is believed that their God (*Xoossa*) would bring danger on the entire society. Similar notion is held by the people of Dorze on the Gamo highlands. To the Dorze people the misfortunes such as illness, drought, infertility, and poverty are consequences of infraction of traditional rule or *gome* (Olmeastead 1997).

As my key informants explained, *gome* can also occur with minor breaking of the social norms such as telling lies, disrespecting the elderly, defamation and the like. It is supposed that once

gome has been occurred and remained unresolved, it will cause failure, calamity and the like among the society. Hence, minor breach of social values which will basically cause misfortune on the doer and major and serious infraction of *buca woga* (customary laws), as it is supposed brings tragedy on the doer and on the entire society has to be resolved by the institutions devised for such demand. Therefore, for the Gofa society, violating or standing against the *buca woga* or norms or values of the society considered or conceived as committing crime or doing wrong. In line with this, as my informants explained committing wrong would lead a person to become sinful that could pollute him/her or the society. This would be purified by appearing in front of different institutions like the *gade cima*, *lappun cima* and through *baranchche* ritual. The role of such institutions in relation to purifying the society in general and individuals mainly from wrongs in relation to conflict would be discussed and analyzed under the subsequent sections.

5.2. Conflict Resolution Institutions and Mechanisms among the Gofa Society

In Gofa, as elsewhere in Ethiopia, there are different mechanisms for conflict resolution, which used to alleviate and resolve conflict from its root. As my three FGD and key informants explained that the widely practiced institutions that the Gofa society used to bring settlement when conflict arise between individuals or among groups include the *Dubbusha* institution - reconciliation through the use of elders of kinship based groups or no kinship based ordinary elders meeting; *Cima* Institution reconciliation through elders; *Dere Duleta* Institution-reconciliation through the use of council of peoples; *Kado or xoosawa* Institution-reconciliation through the use of spiritual-based reconciliation, the *baranchche* ritual (used to reconcile homicide case with the involvement of *Kawo*). Out of these, the details of the three most commonly practiced institutions (*cima*, *dere duleta* and the *baranchche*) would be presented in the following sections. Whilst employing such institutions, the Gofa society would also employ the different mechanisms of conflict resolutions researched by different scholars (Guliver 1979; Schellenberge 1996; Barash et al 2002) like negotiation, mediation, arbitration and adjudication. Such issues would be discussed and analyzed under the successive sections.

5.2.1. Dubbusha

Those who participate under the aforementioned institutions would often meet to conduct conflict resolution processes under the tree called *dubbusha*. For the Gofa, according to my informants, *dubbusha* is a type of sacred tree where people gather to discuss on local matters. As my informants further explained among the Gofa any tree cannot be used as *dubbbusha*. It is believed that *dubbusha* is a place where the Gofa sky God dwells and truth is spoken, which makes it sacred. So, the Gofa society believes that *Xoosa* would help them while dealing with conflicts under *dubbusha* because *Xoosa's* spirit is residing on the branches and leaves of the sacred tree. Similar, conception was held by the neighboring Gamo people. For example, the study made by Temesgen (2004), on *Customary Conflict Resolution Mechanisms among the Doko people of the Gamo Highland* reveal that *dubbusha* is one of the religious shrines of the Doko people where the spirit of God dwell. Thus, this sacred place is highly respected and considered as a place where justice is provided, religious meetings are conducted and truth is spoken.

According to informants, among the Gofa, trees which could be able to give edible fruits (*ceelle*, *mango*, *avocado* and the like trees are not preferred by the Gofa's) and shade their leaves during the dry season (*caca* and *booba*) are not selected to conduct meetings and resolve conflicts. According to their belief, the tree types which are bearing edible fruits could become spoiled at a time when sinful and impure individuals are climbing them to eat their fruits. So, this would make their God angry while begging him to help them solve conflicting cases easily under the spoiled trees. Besides, those trees which could shade their leaves during the dry seasons are not comfortable for the good spirits to reside, and hence, no support from God while conducting discussions to resolve conflicts under seasonal trees. In line with this, informants also stated that evergreen trees could also help to protect the bad sun rays while discussing and sitting under it whilst resolving conflicts.

According to the belief of the Gofa society, *dubbusha* is also symbolizes a man and his/her offspring. So, for the Gofa, speaking evil, lying, failing to expose one has ever seen and heard in this respected place (under *dubbusha*) may result in ruining/death of the potential generation of contestants. Under this tree, the conflict resolvers would usually beg and ask the contestants in the process of conflict resolution saying: "*hinttee dubbushas gidi tuma odetite*" meaning 'tell the

truth not to endanger your future descendants'. The disputants swear in the name of *dubbusha* to approve their genuineness (Sawla Town Culture, Truism and Government Affairs Office 2007:19).

The belief on the probable good and bad effect of telling truth or lying at *dubbusha* is as a rule held conviction that compels the parties under dispute to expose the truth in any of (*dere duleta*, lineage and *cima dubbusha*) the three institutions. Thus, as a place of gathering each institution has its own sacred *dubbusha* under which as it is assumed truth is spoken and disagreements are settled. The system of *dubbusha*, as my informants explained, can be categorized into kinship based (lineage *dubbusha*) and non kinship based (*dere dubbusha* and *cima dubbusha*). Lineage *dubbusha* is used to resolve conflicts arise between individuals and among groups of the same kin groups. Lineage *dubbusha* institution is sub categorized as *mayza dubbusha* (common ancestor), *aawa aawa dubbusha* (extended family) and *aawa dubbusha* (family). That is, from a family to the clan level, there is *dubbusha*, under which conflict is resolved and other activities conducted.

5.2.2. The *Cima* Institution

Among the Gofa society, the *cima* institution represents the institution lead by the elders, which they usually employed it to resolve conflicts. According to informants, in this case, the term *cima* refers to elder and accordingly *cimatethi* is the process of resolving conflict by the intervention of neutral third parties -elders. Among this society, those individuals who are going to participate in the *cima* institution should have to have the knowledge of the customary laws and the history of their ancestors, which would help them to resolve conflicts easily. As investigated by Mamo (2008) among the Arsi Oromo, in relation to alliance, time and space, the group of elders who are participating in the *jaarsumaa* institution are not permanent; rather they disperse after resolving conflicts and reorganized when conflicts occur. This is also the case among the Gofa.

The institution of *cima* can be categorized into *gade cima* (elders who are dealing with every type of conflicts except incest, adultery and bestiality) and *lappun cima* (elders who are dealing with conflicts listed as exceptional under *gade cima*). The two intuitions are complementing at sometime and differ at another.

Among the Gofa society, different mechanisms are employed to select elders to participate in the conflict resolution institutions. For instance, if the type of conflict is simple or a conflict between immediate either relatives or neighbors on simple issues, immediate relation with the person who is going to act as *cima* would be used. In this regard, informant state that to deal with simple conflicts, first, the case would be given either to best persons for the bride groom or bride or brothers or sisters or fathers or mothers or uncles or best friends. This is because such individuals, as informants argued, considered as persons who could be able to know large part of the secret of the conflicting parties if the conflicting parties are married men, brothers, sisters, and also relatives. In this case, the institution that deals with the conflicts among lineages or immediate relatives referred as Lineage *dubbusha*. However, if they could not able to manage such cases, the issue would be transferred to the elders who are believed to participate in the institution of *cima*. How elders in the institution of *cima* would be elected to deal with conflicts, which could not able to be resolved by the immediate relatives?

As my FGD discussants and key informants stated, there are different criteria to elect elders who are participating in the institution of *cima*. The ability of the elected elders to resolve conflicts, moral reputation in the community (good behavior in relation to keeping the secrets of the conflicting parties and a person who hate rumor and gossip and drunkenness as well), patience (the ability to cool down escalating feelings or emotions of the contestants), the competence to offer unbiased judgment based on the already accumulated knowledge. In addition to the aforementioned criteria, as further forwarded by informants, wealth is also serving as the other criterion i.e., among this society those who are poor believed to have no knowledge of conflict resolution and sometimes exposed to corruption just to satisfy their basic needs while participating to resolve conflicts. However, whatever the criteria devised, among the Gofa society, elders would be selected with the consent of the conflicting parties i.e., the conflicting parties should agree on the elders to resolve their conflict. Generally, these are the general criteria employed to elect elders to participate in the institution of *cima*.

Specifically, in the case of *gade cima*, any person, who has the aforementioned qualities of the elders of the *cima* institution, could be elected as elder regardless of his age. Again, in the *gade cima* case, in which the number of elders varies from three to seven according to the seriousness

on the type of conflict, women are not allowed to participate in the process of resolving conflicts. With regard to this, informants, state that women are emotional and hence could disturb the conflict resolution process. In addition to women, there are clans who are not allowed to serve as elders in all types of conflict resolution institutions - *gishsha* clan. According to my informant Talian (on January 21/2015), it is believed that members of the *gishsha* clan could able to defy the conflict resolution processes because they are impure, and also they are always against while elders from other clans are forwarding constructive ideas to resolve conflicts. In this case, informants express the nature of members of the *gishsha* clan saying: ‘*gishshi giigissin laalles*’ meaning ‘elders from the *gishsha* clan are always spoiling the conflict resolution processes’. While telling the reason why they are defying the conflict resolution processes, informants state that the *gishsha*’s ancestors did not purify their sin which they have committed in the ancient past, and their descendants also continued without conducting the ritual of purification in front of the *dere duleta* and the *saggas* of different periods. So, failing to purify one’s sin, according to the conception of the Gofa society would lead you to defy a given ceremony or institution. And that is why the *gishsha* elders are not selected to participate in the conflict resolution processes.

On the other hand, there are other criteria employed to select elders to participate in the *lappun cima* institution in addition to the general criteria set for the *cima* institution. In the *lappun cima* case, according to my informants, elders are selected based on their seniority in age, being from *sagga kochche* or ‘clans’ who are believed to have the power to curse and bless, their deep knowledge about the norm, custom and culture of the people in addition to the general criteria of the *cima* institution. Though their number differ from time to time from three to seven (see picture 4) while participating in the *lappun cima* institution usually having seven members in the process of managing conflicts, being a woman at her menopause stage would be employed as the main criterion in addition to the general criteria of *cima* and *lappun* institution. Elders, who are participating in the *lappun cima* institution, are believed to be free from any sin and are sacred, and hence, they are able to deal with conflict cases caused by incest, homicide, adultery and bestiality.

5.2.2.1. The Gade Cima Institution and the Procedures to Resolve Conflicts

As I have already discussed the *Gade Cima* Institution is an institution lead by elders whose number vary between three and seven without the participation of women as elders but male youths. And elders, in this institution, would be elected with the consent of the contestants. After selection of elders, elders would move to deal with the conflicting cases (dispute arise over issues like insult, quarrel over boundaries, denial of contracts, causing bodily injures and murder).

However, among this society, not all conflicts need the involvement of third party like elders of the *gade cima* institution; rather sometimes individuals would try to resolve their conflicting issues using the mechanism of negotiation. For instance, conflicts between spouses and families could be resolved through negotiation without inviting elders of the *gade cima* institution. Besides, if the conflict is caused by property destruction, the conflicting parties may negotiate. That is, the one who committed crime may agree to compensate the victim. However, sometimes conflicting cases may not be resolved using negotiation mechanism. Then, when facing such problems of failing to resolve using negotiations, conflicting parties refer their case to *gade cima* institution. That is, if the conflicting parties failed to resolve their conflicting case, they would select their own elders (*cima*) who could help them resolve their differences (based on their own interests). If the contestants again could not be able to move to such extent and existed as rival one against the other, the local elders would take the responsibility to resolve the conflict. Local elders would do so to avoid any gossip and insult forwarded against them while conflicting parties are there in their locality. If the elders do not act in such a way, as my informants explained, others, who are living adjacent to the conflicting groups, would ironically speak against them whilst involving at the funeral ceremonies and self help institutions (e.g., *idir*, *debo* and the like) by saying: “*hintte giigiso awan eretti*” meaning ‘elders unable to resolve conflicts in their locality’. So, fearing such insults, elders are usually ready to resolve conflicts based on their own will i.e., without being elected either by the contestants or the people’s assembly (*dere duleta*). And it is accepted norm that the existence of elders is to serve the society in such a critical time.

However, sometimes the one who committed crime may not agree to compensate either using negotiation mechanism or with the involvement of local elders i.e., just by denying the claim made against him/her. In this case, the plaintiff would take the case to the *sagga* (lit. religious leader of the *dere*). That is, if the one who committed crime is not known, for instance, in case of property destruction, the *sagga* would order the plaintiff to wander in the villages of the *dere* and utter loudly saying: “*taro ekkida urawu yegga*” or “*taro iissida urawu keya*” meaning ‘please, a person who destructed my property expose yourself and confess!’ In the process of uttering, if somebody exposes himself/herself, he/she is expected to confess in front of the victim and the *sagga*, and then, he/she is expected to pay compensation after the *sagga* referred the case again to the *gade cima*. The payment of the compensation would be done after the contestants selected elders of the *gade cima* institution with the order of the *sagga* i.e., they would select elders who could process the compensation based on their own interest, but ordered by the *sagga* to select elders of the *gade cima* institution. The process of compensation would be conducted under *dubbusha* of the *dere*, and finally, the *sagga* would bless both of them. In line with this, informants state that the day of reconciliation ceremony should be held either on Tuesday or Thursday or Saturday. This is because, according to the belief of the Gofa, these days are considered as the blessed days in which *Xoossa* approached the land of Gofa to look after them.

However, if the *sagga* are not able to get somebody who would take the responsibility for the crime committed in the *dere*, in the past, he would report the case to the *eraasha* and *guuda*, as I have discussed it on section 5.2.5 in this paper. At this time, if the *sagga* failed to get somebody who exposes himself/herself, he would report the case to the *kebele*² (lit. small administrative unit next to district) leaders. After getting such information, the leaders of the *dere* would call all members of the society to attending the assembly on a fixed day that they announced. The people’s assembly called as *dere duleta*. It is a must for all women and men who are youths and adults to attend the assembly at the *duleta* of the *dere*. The meeting would be conducted on either Tuesday or Thursday or Saturday for the same reason which I have mentioned before. The main

² At this time, the traditional administrative system of *dere* changed with the name *kebele* among the political leaders of the current government though the society still using the name *dere*. And at some places, two or three *deres* are merged to form one *kebele*; and at other places, a single but big *dere* made to become one *kebele* without the interest of the society.

reason behind the assembly is to identify using different mechanisms the person who has committed the crime in the *dere*. This would be discussed under the role of the *dere duleta* institution in conflict resolution and keeping peace of the society.

5.2.3 Women's Participation to deal with Human-God Conflicts

The *lappun cima* institution is the other type of *cima* institution. As it would be discussed under sub-section 5.2.4., the *lappun cima* institution is an institution that requires the participation of four women who have reached menopause age and three men who have married but senior in age in a given *dere*.

According to informants, elders in the *lappun cima* institution would resolve conflicts between human beings and *Xoossa*. As it is discussed throughout this paper conflict with the supernatural being, according to the belief of the Gofa, could be caused by incest³, bestiality and adultery. That is, a time when human beings committed such crimes, *Xoossa* would become angry because of the deeds of human beings and took revenge. At a time when the society faced epidemics, draught and the like, the elders of the *lappun cima* institution would be assigned by the *dere duleta* institution or to be initiated by the offenders to conciliate the persons who have committed such crimes, which made angry their God. The procedures of conflict resolution employed by *lappun cima* institution would be discussed under sub section 5.2.4.

5.2.4. The *Dere Duleta* Institution and the Procedures to Resolve Conflicts

To begin with the name of the institution itself, the name *dere duleta* coined from two words: *dere* and *duleta*. The word *dere* refers to people; whereas the term *duleta* implies assembly, and hence, the term *dere duleta* refers to the assembly of people. As the name indicates, people would assemble or come together at different times to deal with different issues in addition to resolving conflicts. Besides, the term *dere* has the connotation of small territory which is formed based on making rivers and mountains as the boundary of the *dere*. In this case, a given *dere* could be composed of household whose numbers vary between fifty and two hundred fifty. So,

³ In line with incest, according to the culture of the Gofa society, sexual intercourse is forbidden with the fathers' descent line and with the mothers' relatives up to seven generation.

according to informants, it is an institution which is organized based on territory to deal with different issues both good and bad affairs of the society.

According to the data collected from the Gofa district culture and tourism bureau, there are about seventy *deres* in the district of the study area. All of these *deres* have their own *dere duleta* institution with each having *sagga* (lit. religious leader) who have the highest role in the conflict resolution in addition to other services given to the people. According to informants, each *dere* have their own *sagga* and he is accountable to the *Kawo* (King of the Gofa). In his relation with the *Kawo*, the *sagga* expected to pay visit to the *Kawo's* religious center⁴, what they locally call it *Kawo koora*, two times a year. He would visit *Kawo koora* accompanied by the *Kawo*. In the same way, the *sagga* of a given *dere* would conduct religious activities at the *sagga koora* with the members of a given *dere*. At both places, sacrifices would be made to beg their God (*Xoossa*) to bring peace and stability among the society, to give them rain at the right time, to avoid any types of epidemics both on the people and their animals and the like. In line with this, informants clearly explained the way how a person could be able to get the title of *sagga*. According to the tradition of the Gofa society, the title of *sagga* could be gained in two ways: being from the *sagga* family (*baabo sagga*) or clan or by appointment (*bitantte sagga*). With regard to *baabo sagga*, informants state that among the Gofa society, there are clans who are selected and anointed by God to become *sagga*, and hence, *sagga* is always selected from such clans to lead religious activities in relation to bad and good activities that could leads to conflicts and with conflicting cases as well. On the other hand, *bitantte sagga* could be gained at a time when a given man showed interest. That is, if somebody has an interest to become *sagga*, he has to present bull as a gift to the *Kawo*. Then the king would appoint him on one of the *deres* in his kingdom. *Bitantte sagga* would be appointed for two purposes: one, in the old days he was appointed to accomplish political activities beneath the structure of *erasha* and *guuda*; two, to serve members of the *dere* as religious man. The role of the *sagga* in conflict resolution would be discussed under the subsequent paragraphs.

⁴ The *Kawo's* religious center is a little bit far from his residence, which is usually found at a place where there is *koora* (dense forest). Dense forests for the Gofa mean the place where *Xoossa's* spirit found, and hence, by going to *koora* with the *Kawo*, the Gofa society would beg their God.

In addition to *sagga*, in the past, each *dere* has also political leaders who are accountable to the *Kawo* whom the locals call them *erasha* and *guuda*. These political representatives, as it is argued by my informants, in the old days, were helping the *sagga* while dealing with conflicting resolution or handing bad and good events in the society. That is, they would help in calling and forcing members of the *dere* to attending the *dere duleta*. However, later on, after the incorporation of the Gofa land into the modern Ethiopian Empire after the territorial expansion of King Menilek II', the political representatives of *Kawo* forced to change their name and hold the title of *balabat*, but continued to act as they were doing before. Since the *dergue* regime, however, they have lost their position though still today their successors continued to be called by the name *erasha* and *guuda* with no role in the political field. Rather their role snatched by the political leaders of the *kebele* who are anointed by the secular government, but with no anointment by the religious leader. Even though this is the case at this time, the tie between the *kebele* leaders and the *sagga* is strong whilst dealing conflicting cases and at the same time as conducting other activities in the *dere*. In the past, all types of conflicting cases with the exception of homicide and serious robbery would be seen by the *dere duleta* institution. This institution both deal with the conflicting cases between human beings and between human beings and *Xoossa*.

Conflict among the Acholi community of Northern Uganda is the duty of the entire community. In this community, the 'Muto Oput' mechanism is open to all people. The public gathering of Acholi [Kacoke Madit] investigate the victim, perpetrators and witnesses and finally referes the case to the council of elders (Murithi 2008:23). In this regard, the main responsibility of Acholi public gathering is investigating the criminal. Similarly, the main role of *dere* institution in the conflict resolution is investigating the culprit by using the ritual processes of oath taking what the locals call it "*derya kantha*". In the process of oath taking to identify the offender either against individuals or the society or *Xoossa*, the role of *sagga*, members of the *dere* and *kebele* leaders is paramount.

For instance, as I have discussed under the causes of conflict, incest, bestiality and adultery could cause conflict between human beings and *Xoossa*. When there is conflict because of such crimes (*gome*), the winner is always the Gofa God. And hence, he should be compensated or appeased.

That is, as it is stated by my key informants, because of such crimes God may punish a given *dere* by multiplying the number of thieves or by sending epidemics or by multiplying conflicting cases. So, while members of a given *dere* faced such types of problems, they would usually ask the *sagga* to investigate the case. Then the *sagga* would start the first step of conflict investigation and wonder in the villages of the *dere* and utter loudly saying: “please, any person, who committed such a crime [incest, adultery or bestiality], expose yourself before being cursed in front of the *dere duleta*, which could bring danger on your descendants and animals like the birth of lame or blind of both animals and human beings or the death of animals and human beings.” This is different from investigating crime related to property destruction in which the plaintiff is uttering by wondering in the *dere*. In the process of uttering, in the case of incest, according to my informants, if somebody exposes himself/herself, he/she is expected to accomplish ritual of purification. If the *sagga* of a given *dere* could not be able to get somebody who admitted his criminal activity, as my informants further insisted that, he would inform the case to *erasha* or *guuda* (in the past mainly during the imperial regime) and *kebele* leaders (under the current government) to organize the members of the *dere* to attending *dere duleta* assembly and dealing with such crimes that caused conflict between human beings and *Xoossa*.

In the second step, the political leaders would order members of the *dere* to attending the *dere duleta* assembly, which would be conducted under the *dere dubbusha*. Again under this sacred tree, the political leaders accompanied by the *sagga* would give another chance for those who committed such crimes to expose themselves. In this case, as I observed in the two *dere duleta* gathering and my informants explained, the *mayza's* (lit. leader of clans who are senior in age) would take their group and make discussion separately to expose the offender to make their clan members free from any curse that could bring danger because of oath taking process (see also picture 2 on the appendix). Again, if the *dere duleta* could not be able to get the criminals in the process of discussion with each groups lead by *mayza's*, they would rush to the next step to investigate the criminals.

At the third step, ritual of swearing would pursue. That is, as long as the *dere duleta* could not be able to identify the criminal (s), according to my informants everybody would swear including the political leaders and the *sagga* as they are not perpetrators of the crime. Before the process of

swearing, the *dere duleta* would be structured. That is, the political leader and the *sagga* would stand under the *dere dubbusha*, and the adult and married men would sit or stand on the right side of the *dere dubbusha* and both engaged and unmarried women and young males would sit or stand on the left side of the *dere dubbusha*. Men and women standing under the *dere dubbusha* according to the seniority of their age i.e., those who are old enough would stand just near to the *dere dubbusha*, and those who are young would stand or sit just far from the *dere dubbusha* (see also picture 3 on the appendix). However, as it can be seen from the picture, at this time there is a change of setting of the *dere duleta* while attending the *dere* assembly. That is, women are sitting with the men counterparts. There is also change in the sitting or standing position of the young and old. The young and old also sit or stand not according to their seniority; but they sit or stand haphazardly.

Theoretically, as it is argued by my entire informants, standing on the right and left side of the *dere dubbusha* before oath taking would show the maturity level and the ability to control emotion of the members of the *dere*. So, those who are standing on the right side are considered as those who are matured enough and pure and could be able to control their emotion whilst dealing with different issues including conflicting cases. However, those who are standing on the left side are considered as immature and impure and could not be able to control their emotion and hence not allowed to deal with conflicting cases by participating in *gade cima* and *lappun cima* institutions though some of them are married. In line with this, I found their information with regard to those who are standing on the left side contradicting with their information that explains that women who have reached at the menopause age are participating in the *lappun cima* institution to deal with conflicting cases. And all of my informants could not be able to explain the discrepancy in their information though I have asked them again and again. With regard to the middle position of political leaders and the *sagga*, they explained that such individuals are standing in the middle between the women including young males and married men including old men because they are considered as mediators between the pure and impure groups. Besides, as it was argued by my informants that the *sagga* is the representative of *Xoossa* who is mediating the spirit of *Xoossa* in the *dere dubbusha* branches' and leaves and the people of the *dere* assembly.

Anyways after standing in such a position, the ritual of swearing would pursue. In the process of swearing, everybody expected to pass through the path between the left and right groups. Whilst crossing the path uttering or saying: “*ta hayssa othidaba gidikko ta dubbushshay aacoppo*” meaning ‘if I committed the crime, may the spirit of God perish my descendants from the *dere*’, during this time men are expected to put their hand on their genital organ and women on their breast. Then, first, the *sagga* followed by the political leader would pass through the path between the groups who are standing on the left and right side of the *dere dubbusha* by uttering or saying like the one which I have mentioned in this paragraph. That is, everybody is expected to utter including the political leader and the *sagga*. The political leader and the *sagga* would be followed by those who are standing on the right side based on their age seniority, and then, they would be followed by those who are standing on the left side again according to their age seniority. Therefore, such type of uttering or swearing, according to Gofa elders would bring serious dangers, which I have mentioned throughout this topic under discussion, on those who have committed and hide their sin in front of the spirit of *Xoossa* which is residing on the *dere dubbusha* and the people. So, fearing such bad consequences the criminals would usually expose themselves just before the beginning of the ritual of swearing.

The one who has admitted the crime on the swearing ceremony saying: “*ta mooras*” meaning ‘I have admitted the crime’ and turned his/her face not to be seen by others before crossing the path is expected to conduct ritual of purification to appease *Xoossa*. That is, he would be ordered by the *sagga* to conduct the ritual of purification – he/she would be told in front of the *dere* assembly. This ritual of purification is known as *gonffettees* if it is a ritual to purify the *gome* of incest. Then on the next day, those who committed the incest crime and eldest sisters’ son would go to the place outside the *dere* boundary to conduct *gonffettees*. On the *gonffettees*, the sister’s son would slaughter either sheep or goat and take the skin. After taking the skin of the sheep or goat, he would immediately sew it to make it like sack, but having holes on both sides. Then, those who commit incest would wear the skin together just by putting a single hole on their head. And then, he would order them to take off or removing it towards their legs. According to informants, wearing and taking off a single sack like skin of a goat or sheep has an implication that they belong to the same father and mother and they take off their sin. This would be

followed by burning of the skin and their former cloth and wearing new clothes which have been bought for this ritual purpose. According to the belief of the Gofa society, burning of the skin and older clothes is also implying burning their sin and becoming a new men respectively in front of their *Xoossa*. Besides, conducting the ritual of *gonffettees* outside the territory of the *dere* shows as the sin of the *dere* thrown away, which would not committed again in the *dere*.

Then, another ritual of purification would be conducted at the residence of individuals who have committed incest a day after the ritual of *gonffettees*. This ritual would be lead by the elders of the *lappun cima* institution with the presence of *dere duleta*. The ritual of purification would start with the preparation of food and making of coffee by the families of those who committed incest. At the time when everything is ready for eating and drinking, one woman would be elected from the members of the *lappun cima* institution to lead the ritual of purification. That is, she would distribute the prepared food to the attendants and the boiled coffee as well. Whiles she is doing her task, the remiaing i.e., seven of the members of *lappun cima* institution would sit surrounding the person who is boiling the coffee by forming a circle. Then, before the attendants consume what has been given to them, the attendants would be ordered to stand on the left and right side of the *lappun cima* institution elders. That is, those who are relatives of the individual who committed *gome* (wrong) would stand on the left side and *dere* on the right side. Following this, those who committed incest would utter and the attendants replied to clear their sin as follow.

Wronged Individuals

The People

Tahiza wurssassishin gomey wuranaw, koshshennee?

Koshshees

I have confessed my sin, don't I get mercy?

You can

Gomey gottey tana kallonaw koshshii?

Koshshenna!

Do I face peril?

No, you won't

This would be followed by a benediction of the *dere* just by murmuring saying: “*Nena gomey, gottey kaallopo*” meaning ‘May *Xoosa* help you not to face danger!’ Then after blessing the criminals, they would eat and drink. And finally, while they are leaving the residence of the criminals, each of them would utter as follows.

- *Hiza dochcha!*
 - May your sin get decomposed!
- *Olanaw, maxanaw dochchofa!*
 - May your peril does not follow you during work and while fighting your enemy!
- *Gomey dochcha*
 - May your sin does not follow you!

Then they would throw away the false banana leaves which they have served food on outside the territory of those who have purified themselves from incest sin.

As I have discussed, the ritual of purification which is conducted at the residence of those who committed a crime of incest has its own meaning and benefit. According to informants, conducting such a ritual would help the criminals to become free from their sin that could bring danger on them and the society as well. Besides, the circling of the coffee ceremony by the elders of the *lappun cima* has the implication of circling the gift which is prepared to their God as a means to appease him as long as the elders are the representative of him. Moreover, standing on the left and right side has the same meaning with that of the structure at the *dere dubbusha*. Furthermore, throwing the false banana leaves outside the territory of the criminals has the meaning of throwing the sin not to return back to that family. Therefore, this is the way how the elders of the *lappun cima* and the *dere duleta* institution deal with the conflict between human beings and *Xoossa*.

The same procedure would be followed while dealing with the conflict caused by theft, property destruction, and rude insults i.e., they would repeat procedures of dealing with incest caused conflict, but with slight difference. That is, the process of investigation by the members of the *dere duleta* institution is the same while dealing with the crimes with which its offenders are not known for sure at a time when those who are suspected denied the crime which they have committed. After they have investigated or identified the person who has committed the crime, in the case of theft, property destruction, they would refer the case to the *gade cima* institution

elders like the case of incest referred to the *lappun cima* institution elders. Then members of the *gade cima* institutions would examine the case, decide on the amount of compensation and ordered the defendant to pay the compensation either in kind or in cash to the plaintiff. This would be discussed under the following topics.

However, procedures of dealing with conflicts caused by theft would sometimes show slight difference from the procedure they applied for incest. In the case of theft, the members of the *dere duleta* institution would apply the ritual of beating on the suspected person. It is worth to note that such punishment is unconstitutional and prohibited in the formal legal system. Even though it is prohibited in the formal legal system as means of investigation or as a punishment, it is still applied within the Goffa society. This would be done at a time when the suspected person is recidivist and involved in the stealing of the property of others without their consent and deny the crime at the *dere duleta* and handover by the members of the *dere duleta* to the youth who could beat. For the administration of beating, very strong and young male would be elected to beat the suspected person to confess and tell the truth. If he tells the truth, his case would be referred to the *gade cima* institution. In line with this, one of my key informants told one case of beating ritual, which was conducted in 2006 EC. It will be narrated as follow:

Case 2: The Ritual of Beating

It was in 2006 EC. that thieves misappropriated goats, sheep, oxen and cows of 12 members of the dere and they also stole grains of 25 members of the dere from the traditional storage silo which is locally called shaale. Following this, kebele administrators suspected ten thieves what they call kayso and handover to the Denba Gofa district police station. After the investigation of police with evidence collected they were accused before court of law. However, the court of the district acquitted them arguing that there is no evidence beyond reasonable doubt to punish them. At this time being angry with the decision of the court of the district, members of the dere reported the case to the sagga. Then, the sagga ordered those who stolen their animals and grains to wonder throughout the dere and utter saying: “taro ekkida urawu yegga” or “taro iissida urawu keya” meaning ‘please, any person who took my property expose yourself and

confess!’ However, they could not able to get somebody who would expose himself for the criminal activities committed in the district. Following this, the sagga asked the kebele administrator to call the members of the dere to assemble at the dere dubbusha to investigate the case and identify the criminals. And at the assembly, everybody ordered to swear while crossing the path that existed between men and women attendants. On the process of swearing, all of the suspected with the exception of two out of ten swore and crossed the path with the dere. However, before crossing the path two of them admitted the crime they committed and got blessing from the attendants. And then the sagga transferred the case of those who admitted to the elders of the gade cima institution i.e., to pay back what they have looted to the victims. However, on that date, the sagga ordered strong youths to beat the eight suspects because this is one of the mechanisms after swearing perpetrated against the suspects. The reason why they are beat them is the attendants of the dere have already agreed to handover the eight suspects to those who will beat them if they would not admitted their criminal activity. Then, male youths have beaten them, and all of them admitted as they have committed the criminal activity, and further they confessed by saying that they slaughtered the animals and took the grains. By then the attendants of the dere have passed decisions on two of them to leave the dere not to get back again with their property announcing that they are recidivist criminal. Six of them, on the other hand, reprimanded not to engage in such criminal activities. Even though two of them ordered to leave the dere, they have presented their case to the district court. And then, the court ordered police force to bring the sagga, the kebele administrator and security men of the dere for they forced the two thieves to leave the dere. On the date when the district attorney planned to pass decision on the sagga, the kebele administrator and security men of the dere, elders of the dere come to the court and requested the district attorney not to punish them rather to throw all members of the dere to jail. This is because the members of the dere argue that the decision on the

two thieves to leave the dere is not only passed by the sagga, the kebele administrator and security men of the dere rather by all members of the dere. At this moment the district attorney exposed the constitutional provision (every Ethiopian has right to live and work anywhere in Ethiopia) and the formal criminal code as there is no such punishment and then after, convinced the community not to take such measure in the future and reversed their decision. Finally, all members of the dere including the sagga, the kebele administrator and security men of the dere have returned back to their village without being thrown to jail. However, the district court ordered them not to suspect individuals without having sufficient evidence and it is only the regular court mandated to convict suspected individuals.

From the above case one can understand the role of the local institution in conflict resolution. That is, the society could be able to exploit their mechanisms to identify the suspected offenders who are residing in the society like the one that has been discussed in the case (beating suspected thieves, even though it is unconstitutional). However, according to informants, as long as the secular or government court always needs evidence to pass decisions, it could multiply the occurrence of criminal activities in the society and violate human rights enshrined in the constitution. It could be judged as a weakness of the traditional system. Besides, the case also shows that still the indigenous institutions are strong and could be able to influence the formal court or challenge the decision of the formal legal system. On the other hand, the regular courts do not recognize the mechanisms employed by the society. For instance, it reprimanded them not to beat again the suspected men to investigate criminal issues as it is unconstitutional. In line with this, informants state that, in relation to the criminal activities with the exception of incest, bestiality and adultery, beating is one of the mechanisms for investigating the truth, if the suspected men (*sidhettiya uray*) deny at the *dere* assembly.

However, if they could not able to get the suspected men and individuals who could admit to the criminal act, they would curse saying: “*ne tuma Tsoossi keesso*” meaning ‘may God expose the truth’. Then they would wait the consequences of the curse. For instance, if a given family faced frequent death of its members and animals or lost its farmland because of snow or flood, but the

other members' not faced such a type of danger, it would be concluded that somebody from that family committed the crime in the past. And then the sagga would advise the *mayza* (senior of that family) to conduct ritual of purification which I have discussed before in front of the *dere duleta* like the case of incest. That is, though not going outside the territory of the *dere* like the case of incest, every ritual activity inside the *dere* territory would be conducted if the crime is related with other types of crimes other than incest.

5.2.6. The Yaagano Institution

5.2.6.1. The Pleading Phase

Like any societies in Africa in general and Ethiopia in particular, the Gofa society has their own institution to deal with homicide type of conflict. Among the Gofa, the slayer's family would compensate the slain's family by covering the expenses of feast/food (what they call it *yaagano*) preparation both at the *Kawo*'s and slain's family residence, which is believed to satisfy or lessen the anger of the deceased's family and the members of the *dere* as well. Different societies employ different means to lower the resentment of the family of the deceased in the case of homicide. Bohannan (1960) describes that among the Gisu of Uganda animals paid as blood wealth for the loss of man and women. Similarly, among the Arsi Oromo loss of life is compensated by offering animal gifts. In Arsi Oromo community if a woman is killed intentionally, 51 heads of cattle is paid. If the deceased person is male twice of that of the female is required (Jemal 2012, Dejene 2007). However, among the Gofa, it is a taboo both for the slain's and slayer's family to take and give money respectively as a compensation for the homicide case. Rather the deceased's family would be compensated when the slayer's family expends a great deal of money for the preparation of *yaagano* (feast) or food at the time of ritual of reintegration (*baranchche*). According to informants, this *yaagano* institution is involving different institutions like the *dere duleta* institution, *gade cima* institution, the *lappun cima* institution and the *Kawo* court to resolve homicide conflict. However, they would involve at different steps of the *yaagano* institution i.e., each of them has their own role and share in resolving homicide. This institution is similar to the *Guma* (lit. blood money paid as a compensation for the deceased's family), which large number of ethnic groups in Ethiopia were/are employing to deal with homicide. I have coined the term "***yaagano***" Institution based

on the logic of “**Guma**” **Institution** to make my work easy for myself while dealing with it and for readers as well though the Gofa society did/does not use this term in the past and at this time as well.

Among the Gofa of the study area, *shemppo wodho* (murder) is among serious cases and needs severe procedure of ritual purification. Killing somebody else is *gome*, and if it is not cleansed, it could have caused epidemic to murderer and the *dere* as a whole. This clearly illustrates that for fear of *gome*, Gofa can't kill human being. However, when it happens intentionally or unintentionally, there is a means in which the offender and his clan reconcile with the victims clan. This is through *baranchche*, which literally means reconciliation by feasting the *dere*. *Baranchche* is thus a mechanism of conflict resolution that could arise among or within a clan or between different clans when there is loss of life.

Among the Gofa, similar to many African societies as elucidated by (Dejene 2002: 87), such as the Nuer, the Arusha, the Aba'la Afar, the Gurage and the Oromos, a murder engages not merely the offender and the victim but also it involves the murderer, the injured party and the agnates of both parties.

Among the Gofa society, according to my informants, a person who kills another person has to escape and should live far from the residence of the victims' relatives. This should be immediately after he kills a person. He gets away for two reasons. First, as my informants argued he thinks that he is under the danger of the forthcoming vengeance from the victims' relatives. The injured party is supposed to wreak attack not only on the slayer but also on relatives of the murderer. Thus, on the assumption to have safety from the vengeance, the killer takes refuge with his relatives far from the victim's relatives where the latter could not get him. The Gofa calls such practice of fleeing *haathe finethi* which literally means living far apart on the other side of the river.

The second reason forces the slayer to *haatha finthi* or to go far place is fear of *gome*. It is believed that among the Gofa if someone sheds man's blood, his sin can only be purified by shedding blood. An old cow must be slaughtered to cleanse a killer from his *gome* or transgression. According to my informants, a man is not allowed to eat and drink anything before

baranchche or before a ritual of reintegration takes place. Thus, if killer tries to stay on the land, as it is further posted by informants, in which he shed blood, eats and drinks, it is believed that his blood would be shedded by his enemies or by some other unknown power or by the supernatural being.

The problem of seeking protection from the revenge of the family of the deceased party is not the only problem of the slayer, but the family of the killer is under the danger of the retaliation of the victim's party. As informants' elucidated, among the Gofa, it is supposed that when a man is killed by another, it is normal to kill any of his family member. Such type of revenge is called *suutha zaaro* (which literally means shading blood instead of blood shade) among the Gofa. To protect them from *suutha zaaro* the whole families members of the slayer may be made ready to reverse avenge or run away. Both the former and the later cases depend on the economic and numerical superiority or inferiority of the victim's side. As informants further claimed that, when the victims' party is economically and numerically weaker than the slayer's family, the former would usually shout loudly for help from the *dere*. If not, they would try to take revenge on the slayer and slayer's family.

In both cases, the task of stopping the fight and facilitating the way for further negotiation is the responsibility of the *dere*. Among the Gofa, there is a tradition of seeking help from the *dere* at any type when a given party is attacked by his enemy and shouts loudly saying: "*dere dere tana alla*" (which laterally means please, help me). Once the call for help ('*tana alla*') is heard each adult member of the *dere* is in charge immediately to move to the place. If the party of the victim is hunting the killer family or both parties are in feud due to murdering of a man, elders of the *dere* after their arrival to the place would try to stopping the fight by kneeling down and uttering the following words.

- *Woga ekite; derya icite,*
 - For the sake of *dere* keep order.
- *Nu bolara adhite,*
 - Kill us not your enemies.
- *Asi kawoy ganaba si7ite*
 - Wait the verdict of elders and the kawo.
- *Palattopite dhayopite,*

- Keep yourself away from committing terrible sin as your enemy did.
- *Hayqqay hayqqa gakkis,*
 - The deceased joined his ancestors.
- *Hintte faxxati wolli wurssopite,*
 - Keep away from murdering one another.
- *Suutha hintteysa doshisite,*
 - Cool down your blood.

As informants explained, at the time the families of the deceased are begged by the elders of the *dere* to stop the fight, making any type of attempt to refuse the request would result in *gome*. If they refused to stop the fighting while elders are begging, the *gome* would be purified only when those who violated the tradition provides seven to seventeen *xuugga parssu/* local beer filled in big pots to the *dere*.

As elucidated by Jemal (2012:41), among the Arsi Oromo the request to arrange the reconciliation process in the case of murder is presented to elders from the elders of offender clan. However, among the Gofa the situation is different. Following cooling down the emotion of the victimized party as explained previously, the next task of the *dere* in its assembly in *dere dubbusha* is assigning *gade cima* (seven elders) to organize the reconciliation process.

After the end of the burial ceremony of the deceased man, *lappun cima* (the concerned elders) go to plead for- reconciliation, and they exchange discourse in the following style.

- *Hayqqas shemppo maaro,*
 - May God accept the soul of the deceased.
- *Hayqqoy aawu mithi,*
 - We all may die.
- *Assi giyaba si7ite,*
 - Please, listen to our advice.
- *Woga ekkite*
 - Keep order.
- *Falattopite dhayopite,*
 - Don't rush to committee *gome*; save your generation.
- *Hayqqay hayqqa gakkis,*
 - The deceased joined his ancestors.
- *Faxxi asara dees,*
 - Those who are alive exist together
- *Derya ecitte,*
 - We beg you in the name of *dere*
- *Xoossas asas yaagidi giigite issipe diite,*

- For the sake of God and *dere*, have mercy for your enemy, live together.

In the first request of elders, as my FGD and key informants stated that the response of the deceased family is usually uncooperative i.e. “*o kochchape suuthi ke7idi oope maathi ke7aneko be7anee*” meaning ‘let us see that their member will not be killed like ours’. As they heard the statement of refusal, they don’t loss hope. Rather they warn them about the consequence of *magara*, which will result in the devastation of both the family of the killer and the deceased. However, as it is insisted by my informants, if there is no marital or consanguinal blood relation between the two families, the likely response of the deceased person’s family especially at the first five days of pleading is always rejection. That is, they would reject any reconciliation proposals forwarded by the elders.

If such sort of condition is frequently encountered, the elders have the right to make change in the composition of its members. They select *lappun cima* which constitutes three or four aged women; and then the women together with other three or four men continue to plead. This is the second face which would be conducted if and only if the deceased’s family is not willing to accept the elders of the *gade cima* institution. The justification behind calling women for reconciliation is, as my informants explained, in Gofa culture, women is entitled to positive reaction. At this step when the answer of the family of the deceased is refusal, *lappun cima* would stop the beseeching/pleading by uttering the following words.

- *Gochchiko goora7an*
 - If we are offered ram (*dorsse*) we will slaughter.
- *Goozikko fogana,*
 - If we are offered beer (*parssso*) we will open.
- *Abay bootiko, adil7ey ciiyiko yiiko ekkana*
 - We take the issue on the times dry seasons come that result in the drop of Omo River and drying flowers.

As soon as they stopped the pleading, the two parties would enter into the phase called *magara*, which will be discussed in the following section in detail.

5.2.6.2 Magara (The Avoidance Phase)

Magara is the avoidance mechanism followed by the refusal of the slain’s family the pleading of the elders of the *lappun cima* institution. This is, as it is forwarded by my informants, the *mayza*

of slain's family would tie grasses at three places on the boundary between the slain's and slayer's family group. This has an implication that there is something tied problem which is unresolved between the slain's and slayer's groups, and hence, everybody knows and takes care from both groups not to eat and drink together and make contact at any of the places (market, public meeting). If they do so, it is considered as *gome* or sin. Besides, *magara* (avoidance) is to evade further intensification of conflicts which could occur between two families or clans. The phase of avoiding contact would be practiced until the slain's family agreed to reconcile with the slayer's family.

As my informants depicted, *magara* can be categorized into *doona magara* and *suutha magara* (lit. avoidance of speech and avoidance due to blood). Dispute arise over minor issues like insult, quarrel over boundaries, denial of contracts, causing bodily injures are avoided by setting *doona magara*. Vengeances which will be occurred due to the offences of homicide cases are avoided by setting *suutha magara*.

In *doona magara* and *suutha magara* cases, the *mayza* (if the conflict is between two clans) and *bayra* (if the conflict is between lineage groups) of the deceased clan has to avoid further contacts which may cause potential conflict. To avoid the contact, as my FGD discussants (on February, 23/2015) and key informants explained that the family/ clan of the victim goes to his boundary and tie grasses at three places. Then, he would pronounce the following statement of avoidance to his members.

- *Hachipe gede bagan ha kochchara mopite uyopite,*
 - From now on don't eat or drink with murderer's clan.
- *Hachipe guyen gakkopite,*
 - Don't make any contact.
- *Gakiko xiine gido,*
 - May you do so disaster may follow you.

Once *magara* has been established the party of the deceased, the clan of both the deceased and the killer party would refrain from making extra contacts. There is a saying: "*magari dafi efees*" meaning 'if someone violates *magara* and keep contact with the party of the killer, the *magara* would, in turn, result in an expected death". Thus, both parties who entered in the phase of *magara* would keep themselves from making any contact in any of the places like market and

other work places until the *magara* will be removed. The violation of the rule of *magara* is associated with the prevalence of *gome* and it (*Gome*), in turn, has serving the Gofa as instrument of social control (Markose and Walelign 2011:83). For example, as the same source revealed if anyone from any of the two parties (killer and the deceased) faces the danger of property damage or illness like diarrhea, yellow fever and vomiting, it is said that the cause of his/her illness is the existence of *gome*. Thus, the only remedy for a person getting ill or property damage has to get reconciliation with the parties in conflict.

Once *gome* has been caused due to the violation of the rule of *magara* (if the two parties make contact) such *gome* can be avoided by performing purification ritual. As my FGD informants reason out that, the procedures for avoiding *magara* differ one from another depending on the severity of the case. *Doona magara* which can be set as a result committing minor offences such as insult, denial of contracts, disrespecting of seniors, violation of boundary marks are simply purified by offering butter, goat or sheep for the wronged party. However, as it was further stated by my discussants, *magara* set for the committing of serious offences such as murder, adultery and incest cannot be avoided by merely offering gifts for the wronged party. It needs feast for the public in the presence of *lappun cima*.

In the case of *magara* set for serious offences like incest and adultery as it is described above to untie the grass the offender has to *call lappun cima* and has to confess his/her sin before them by following the procedure discussed in section 5.2.4.

However, as my key informants and FGD discussants explained, if it is a *magara* tie-on because of homicide type of conflict, it would be untied if and only if the ritual of *baranchche* (ritual of reintegration) would be conducted at the residence of the *Kawo*. That is, it would be unhitched when the slain's family needs to reconcile their conflict with the slayer's family. They usually need to reconcile if they are not able to avoid contacts with the slayer's family, and hence, not to face any danger because of *magara* like death, draught and diseases, they need to reconcile after informing the case to the *gade cima* institution of elders. This would briefly be discussed under sub-section 5.2.6.3.

According to Gulliver (1963), the Arusha don't kill by secret nor do they try to deny. However, this is not always the case among the Gofa society. Individuals would sometimes would kill in secret and try to hide the crime which they have committed in relation to homicide. Even though it is the case, for the Gofa, killing human being is a serious crime what they locally call it *fala gome*, which could result in catastrophe on the murderer and his/her family. This would usually result in the death of all families of the killer (which is locally called *bayssatees*), which, in turn, result in the absence of persons who could inherit the land and property of the slayer's family. As, it is mentioned throughout this paper, besides, hiding one's crime of homicide would result in catastrophe on the *dere* or community as a whole. Therefore, in order not to face such problems because of hiding the crime of homicide, members of the *dere* would conduct ritual of oath taking at the *dere dubbusha* to identify the killer or suspects. The process of ritual of oath taking is similar with the one which I have discussed under the *dere duleta* institution. If they found a person who committed the crime of murder, according to informants in the old days, members of the *dere* would expel him from the *dere* with his/her property and handover the murder to the king. His property was taken by the king and the murderer also forced to leave the territory of Gofa. However, today the *dere* expel the murderer only and handover him to the government court. The slayer is not allowed to come back until conducting the ritual of *baranchche* which I have discussed as follow. If a person admitted his criminal activity and informed the case to the elders of the *gade cima* before any assembly of the *dere*, he/she would conduct the ritual of *baranchche* and allowed by the *dere* to live with them as a member.

5.2.6.3. Baranchche or Ritual of Reintegration

It is obvious that different societies would conduct different types of rituals of reconciliation or reintegration in the end of conflict resolution processes to give guarantee for the peace that would come in the society. This is also the case among the Gofa society. In relation with homicide, ritual of reintegration would be conducted in the end of two types of conflict resolution processes among the Gofa society. For instance, as I have discussed before in the preceding section, ritual of reintegration could be conducted after the elders of the *gade cima* institution passed through the process of pleading and negotiation without strong challenges from both sides of the conflicting groups. In this case, after concluding the process of pleading and

negotiation, the elders of the *gade cima* institution would take the case to the residence of the *Kawo* (lit.King) for the ritual of reintegration. The other way of reaching the ritual of reintegration is after passing through the difficult steps of pleading and negotiation i.e., in this case, both elders of the *gade cima* and *lappun cima* institutions would participate because of the strong challenges whilst dealing with the homicide cases. The participation of elders of the *gade cima* and *lappun cima* institutions shows that both of or either of the conflicting groups are not ready to accept what the elders recommended or challenged the process. In this regard, informants state that the slain's family may finally need to reconcile the conflicting case with the slayer's family i.e., this is usually after a long period after they have challenged the reconciliation recommendation of the elders of the *gade cima* and the *lappun cima* institutions, just depending on *magara*. In this case, the slain's *mayza* would go to the elders mainly *gade cima* institution elders and tell them that his clan needs to reconcile with the slayer's family saying: “*nu suutha magarara daanaw koyibokko gidi giiganaw koyida*” meaning ‘would you help us to make peace the slayer's family because we could not be able to separate ourselves using the avoidance mechanism - *magara*’. Then, one of the elders would tell the case to *sagga*, and the *sagga*, in return, would call the *mayza* of the family of the slayer and inform them as the slain's family need to reconcile with them. In line with this informants argue that the slayer's family would usually accept the recommendation of the elders, but during the negotiation period. In this regard, they could sometimes need intensive negotiation at a time when the negotiators impose high compensation on the slayer's family. Unless they would usually need to have peace with the slain's family. Whatever the path they came through, the ritual of reintegration what they locally call it *baranche* is the same. This would be discussed as follow.

After getting the consent of the two conflicting parties, as the discussants of FGD elaborated, the *sagga* and the seven elders of the *gade cima* institution would go to the residence of the *Kawo* accompanied by the two *mayzas* of the conflicting groups' one from each. After reaching the residence of the *Kawo*, as the same source further elucidated, the *sagga* would inform the case to the *Kawo* saying:

These two groups had good relationship in the past – drinking from the same river, eating together from the same dish and buying and selling at

one market. However, while leading such a peaceful life, they came into conflict because of homicide case and committed sin (falattidosona). But now they need to resolve their conflict using different ritual processes (they call it baranchche if it is homicide case) in front of you, would you help us in this regard in the name of Xoossa and your throne?

Then, after accepting their case, the king would decide the day of *baranchche* and inform the representative of the slayer's clan to bring an old cow, local beer and honey on the day of the ritual of reintegration. In the past, according to informants, the King would expend to prepare the feast, but later on, what he expended would be paid back by the slain's family after the end of *baranchche*. Today, informants state that before the ritual of *baranchche*, the slayer's family expected to cover the expenses of the feast and give to the servants of the King to be prepared in the residence of the King. The justification for the change of payment of expenses by the slayer's family to the days before the ritual of reintegration is that; in the past, the slayer's families were loyal to the King and genuine and hence are ready to cover the expenses of the King after *baranchche*. However, today, such loyalty has shattered, and hence, the slayer's families are not ready to cover what the King has expended for the *baranchche* ritual and forced to give the expense for the feast before the *baranchche* ritual. Whatever the justifications, at this time, the slayer's family expected to cover the expenses of the feast to be prepared before the day of *baranchche*.

With regard to the day on which the ritual of reintegration conducted, the king would select from the three lucky days which the Gofa society conceives them as the blessed days or full days (what they locally call *kumetha qamma*). According to the Gofa culture, days of a week would be divided into two: mascot or lucky (what they locally call it *macca gamma*) and unlucky days (what they locally call it *eeqa qamma*). Lucky days are Tuesday, Thursday and Saturday; whereas the remaining days are considered as unlucky days. Of the lucky days, the King will decide and inform them.

On the *baranchche* day, leaders of clans and *mayzas* from each clan of both the slain's and slayer's in addition to other clans representatives, elders and young men who are believed to dance well during *baranchche* would become the main actors. In line with this, informants argue

that the number of elders during the ritual of integration should be eight because on the last day of the conflict resolution even number is mandatory. This is because, according to their belief, if it is even, the reintegration of the conflicting groups would become guaranteed and the contestants' friendship would become strong for a long period of time. If not (if it is odd), the reintegration would have short period of life, and the conflicting groups would immediately come into conflict after a short period of time. Besides, they interrelate with the lucky days i.e., in a lucky days of the last day of conflict resolution, conflict managers or elders should have to be eight to guarantee the reconciliation. They also take care of the number of attendants of the ritual of reintegration. This has been also the same justification with that of the number of elders.

On the day of *baranchche*, the ritual of reintegration would be conducted when the sun becomes at the zenith. Whatever all of the attendants gather at the residence of the King on time or early in the morning, *kawo* would order the attendants to tolerate and wait saying: “*aaway seeto*” meaning ‘let us wait until the sun would become overhead’. Their main justification for waiting until the sun would become at the zenith, according to informants, is that the overhead of the sun would imply the reign of the *Kawo* (Gofa King) over all of the Gofa society, and hence, his decision would give everlasting resolution to the conflict that has occurred in his territory. Besides, they would also wait until the shadow of trees would hide itself or disappear. This would usually also becomes the case when the sun becomes overhead. Waiting the shadow to disappear indicates the disappearance of the sin. And it is also believed that whatever the crimes committed, it would never ever be hidden and outside of the sun. As they mentioned, when it is said, ‘it would never ever be outside of the sight of the sun’, it implies it would never ever be outside of the sight of the king. And every sin would be confessed in front of the King. Therefore, when the sun would become at the zenith, the ritual of *baranchche* would begin immediately. The process would be discussed as follow.

When the sun becomes at the zenith, the *sagga* declares saying: *baranchchos* meaning ‘let us start the reconciliation processes’. Then, he would call the *mayzas* of the conflicting groups to stand in front of the attendants. When they [*mayzas*] stand, the families of the slayer would stand on their left side; whereas the slain's families would stand on the right side. The position of the slayer's family as my key informants explained shows that they are sinful what they locally call

falattida kochchata. Then he would order the slayer's family *mayza* to hold the front left leg of an old cow, which they have brought, and the slain's family *mayza* to hold the front right leg. Then the saga would utter to the Kawo saying: 'those who committed crime (*gommsettidayssati*) came to you confess their sin, would you cleanse (*ushshachannee*) their sin?' Immediately following the uttering of the *sagga* the slayer's family *mayza* would start to confess his sin on behalf of his family saying:

- *Nu balida,*
- We are guilty.
- *Wogi baynnaba hanida,*
- We are impure; we are out of the norm.
- *Nu hachchi ushshaccanaw koyida,*
- Now, we come here to get rid of our sin.
- *Nu gohaas hayssa ehida,*
- We have brought this cow as a means to cleanse our sin.

While the slayer's family *mayza* utter, the slain's family *mayza* would keep silent just holding the front right leg of an old cow. While the slayer's family *mayza* finished the confession, the King, just by touching again and again the nape of the cow, would utter by saying: "*ta hintte moora si7as, hintte woyttuwaka ekkas*" meaning 'you have confessed your sin and brought an old cow to get cleanse your sin'. Then, he would continue to cleanse and give benediction saying:

- *Gomey dochcha,*
- Let your sin move away/be inactive.
- *Kachidabay, falayidabay dochcha,*
- Let the devil that caused homicide conflict and death go away.
- *Issino gidite,*
- Unite as one.
- *Ta bu7iya aawa na7a,*
- I have the power to unite you.
- *Xoossappe garssan ta Kawo,*
- Next to *Xoossa* I am the King over the land.
- *Hizappe miite uyite,*
- From this time onwards, please, eat and drink together!
- *Miiko uyiko gomoppo,*
- May eating together would not be sin for you.
- *Yellite, maaxxite ayffite,*
- Create marriage alliance and duplicate your progeny.

- *Balggobay di7ora bo*,
 - May the sin committed during the rainy season taken by flood.
- *Bonebay charkora bo*,
 - May the sin committed during the dry season taken by wind.
- *Gomey dochcha*,
 - May your sin move away.
- *Maxxanaw haaranaw dochchopa*,
 - May your wealth be with you.
- *Othanaw zal77anaw dochchopa*,
 - May you have capacity to work and money to conduct business!
- *Yellanaw dochchopa*,
 - May you have offspring in your marriage!

Until the Kawo finishes the blessing and cursing, the two *mayzas* would stay holding the left and right legs of the cow. At the end of his uttering, he would order the two *mayzas* to leave the cow and stand up. Then, after slaughtering an old cow, the King would take blood from the hands of the two *mayzas* and mix with the cow's blood. This would be poured into a single calabash or gourd (locally called *mundda halo*), which is intentionally prepared and preserved in the King's house to run such rituals. Then, the two *mayzas* would be ordered to sip the mixed blood from a single calabash at the same time putting their mouth side by side locally called *daggiso*. And this implies that these two groups were in conflict in the past but now they are one because they have sipped from a single calabash and also shared their blood. Accordingly, among Sidama society as it is argued by Ambaye (2008), in the case of homicide between lineages and clans, once reconciliation is made by the efforts of elders the sprinkling of milk by older women on either families or clans signify the end of enmity. In the same way, among the Gofa sipping of mixed blood at the same time from a single calabash signifies the end of enmity between the two clans.

This ritual would be followed by gripping a *baase* (spear) firmly having two spearhead by the two *mayzas* after being dabbed with blood from a calabash for a short period of time. The process is locally recognized as *baase satho*. This shows, according to the conception, that though the two groups were in conflict because of the death of one person, they belong to one father (Gofa). That is, they have avoided their enmity as long as they belong to one father. And then, the King would take the digested food from the tripe of a cow and hold on to the navel of the two *mayzas* – using his left hand hold on to the *mayza* of the slayer's family and right hand on the *mayza* of the slain's family – saying: “*ta hiza bu7aas laalliya ura gonffiya laaleto*”

meaning ‘if you do not observe the reconciliation and act against your unity, your stomach would be torn down by someone’. As I have already discussed throughout this chapter, left hand and standing on the left position has usually the connotation of sin. This is also the case in this paragraph. This ritual again would be followed by wearing of one tanned skin of cow (locally called *baranchche*) which have been sewed to have the nature of sack but having two opening. Then, the *mayzas* both from the slain’s and slayer’s family would wear the skin together just by putting a single hole on their head. And then, he would order them to take off or removing it towards their legs. According to informants, wearing and taking off *baranchche* (a single sack like tanned skin of a cow) has an implication that they belong to the same father and mother and they take off their sin. Then, he would bless them saying:

Kawo

Hiza ta baranchchas,

I have made you to reconcile.

Hiza hinttew bu7e gido,

I have made you to become one.

Kachchi ooshshi di7ora bo.

Let conflict move away from you

People

Baranchchee

Let it be

Baranchchee

Let it be

Baranchchee

Let it be

This would be followed by *daggiso* (sipping of local beer locally called *bordde parsso*) and savoring *eessi* (honey) from a gourd and a bowl respectively. Sipping and savoring would be accomplished first by the elders and then followed by two men each from the slain’s and slayer’s family to sip and savor from a single gourd and bowl respectively at the same time. This would be accomplished according to the seniority of their age. This shows their unity and the sweet taste of their friendship like *eessi*. This would be followed by the feasting on the food prepared in the house of the Kawo – bread, *uuthi*, meat, *bordde*, *araqee*, porridge which are reserved in the religious house (shrine) of *Kawo*. After serving the food, those young men who are selected to dance would start to dance to make happy the attendants.

Finally, the Kawo would give benediction saying:

- *Buuca gidopite aaca gidite,*
- May you restore like a grass after being cut off.

- *Hayqqay hayqqa gakko,*
 - May the deceased would join with his families in the heaven.
- *Faxi faxa gakko,*
 - May you live together in peace.
- *Gomey, gotey hinttena kaallopo,*
 - May sin and adversity go away from you.

Therefore, the benediction of the *Kawo* finalizes the ritual of reintegration in the house of the King. And it would be followed by another ritual of reintegration in the house of the slain's family. This would be discussed as follow.

On the next day of *macca qamma* (lit. lucky day), the ritual of reconciliation and reintegration would be conducted in the house of the slain's family. On this date, as my informants explained every member of the *dere* are responsible to bring food to be eaten though the largest expense in the preparation of food would again be covered by the slayer's family. While enjoying the feast, the family's of the slayer and slain would eat together, and the ritual is almost similar to the one conducted at the residence of the *Kawo*. And the attendants of the feast would express their happiness or satisfaction in the reintegration of the conflicting groups saying:

- *Habba giigideta,*
 - Congratulations!
- *Hayqqay hiza salon issipe de7o,*
 - Let the deceased live with his/her x-deceased ancestors.
- *Nu han xappo asho gidana,*
 - Here we would become families.
- *Bollo dabbo gidana,*
 - We will marry and becomes relatives.

Therefore, every member of the *dere* would congratulate and try to stiffen the bond between the conflicting parties using different words both on the date of ritual of reintegration and then after in their day to day contact. And from the above discussion one can understand the role of *Kawo*, elders and the members of the *dere* as negotiators, mediators and arbitrators. For instance, the elders would usually act as mediators between the conflicting groups i.e., they would try to mediate the slayer's and slain's family at a time when the conflicting groups need to reconcile the conflicting issues. Besides, the *Kawo*, for instance, would act both as arbitrator and mediator i.e., he would act as mediator between *Xoossa* and the conflicting groups considering himself as representative of Gofa's God on earth. And, on the other hand, he would act as arbitrator and

give decision in the ritual process i.e., he would order, for instance, the slayer's family to bring money, which is considered as a punishment, for the preparation of feast at his residence as long as they have given him power to arbitrate in the ritual processes.

5.3. The Role of Women in Different Conflict Resolution Institutions

As it is argued by Amani (1999:62), in his study of *Traditional Mechanisms of Peace Making of the Jagga Tribe in Tanzania*, women have a paramount role in bringing peace among the Jagga. In order to avoid bloodshed, women bravely wonder between the conflicting parties that are preparing to fight each other. Similarly, among the Oromo as sorted out by (Mamo 2008) and among the Sidama as argued by (Frendergast 1997:43), women play an overriding role in conflict management. Conversely, as conflict researchers like (Emebet 2005), in spite of their part in conflict management process both formal peace negotiation and traditional institutions marginalized women from direct involvement in the reconciliation process. As the case among different societies, there are a number of role divisions among the Gofa based on gender intended to marginalize women from public affair particularly from provision of justice. Female and male children have been assigned to their role since their birth.

Among the Gofa there exist a child rite called *seere kaasse*. It is a ceremony where the birth of newly born child is celebrated in the seventh day from the birth of the child. In this ritual ceremony, every child below the age five is invited from neighbor. Older women from the neighbor would also be called. Porridge made of maize and other cereals are usually served with curry made of butter. The following is an example of how a *teshshida donzzi* (older women) socialize children under age five in her conversation with the children according to the culture of the Gofa.

A-older woman

B-Female Children aged lower than five

Step 1: A begins, B responds if the newly born child is female.

A

Seere Seere,
Let us play.
Oolole Oolole,
Let me begin.

B

Kaasse,
Let us play.
Oole,
Go on.

<i>Katha eranee?</i>	<i>Ee</i>
Would you learn to prepare food?	It is ok.
<i>Emathe Mokanee?</i>	<i>Ee</i>
Would you learn hospitality?	It is ok
<i>Tikka eranee?</i>	<i>Ee</i>
Would you learn to fetch water?	It is ok
<i>Mixa eranee?</i>	<i>Ee</i>
Would you learn to bring fire wood?	It is ok.
<i>Aga eranee?</i>	<i>Ee</i>
Would you learn to prepare local beer?	It is ok.
<i>Suqqa eranee?</i>	<i>Ee</i>
Would learn to make quality fiber of cotton?	It is ok.

If the newly born child is male as my informants explained the game of *seere kaassa* would be played as follow:

<u>A</u>	<u>B</u>
<i>Goya eranee?</i>	<i>Ee</i>
Would you learn to till land?	It is ok.
<i>Hara eranee?</i>	<i>Ee</i>
Would you learn to rear animals?	It is ok.
<i>Ola eranee?</i>	<i>Ee</i>
Would you learn to be a warrior?	It is ok.
<i>Oda eranee?</i>	<i>Ee</i>
Would you learn making of public speech?	It is ok.

At the end of the game, according to my female FGD and key informants for the male children shield and arrow would be put at the door of the house. However, if the new child is female, as it was argued by female FGD informants' cotton and *daachcho* (basket) is placed at the door of the house which signals the future role of male and female. The game played in the *seere kaassa* clearly depicts that, as it is stated by (Hirut 2000:79), like Arsi Oromo orients psychologically female to the domestic sphere and male to the public affairs beginning from early childhood. In similar manner, the Gofa of the study area dramatically adjusts female to domestic affairs and male for public affairs in their early childhood age.

From their very early age women would be nurtured to do domestic activities like cotton spinning, beer making, child care, food making and carry out domestic tasks. Even though their role in participating in public affairs has been hampered due to the role which has been assigned

for them to be engaged in domestic affairs in study area unlike their male counter parts in the institution of *gade cima* women are still parts and active participants in *lappun cima* and *dere duleta*.

Among the Gofa of the study area, serious crimes like incest taboo, adultery or bestiality would never be solved without the intervention of women in the *lappun cima* institution. They also intervene in the reconciliation process in relation to murder. According to my informants, this would be the case when the slain's family refused to accept after five or six times repetitive going back and forth of the pleading of elders of the *gade cima* institution, and then, when the elders of the *lappun cima* institution replaced the *gade cima* elders to deal with the murder case. If the concerned parties accept the request of the *lappun cima* elders in which women are playing a paramount role, they would be blessed, and if they deny, they would be cursed. The curse or the blessing is made by the woman who is selected by the institution of *lappun cima* as *baltteeta* (menopause women) based on age. As it is further argued by informants *lappun cima* are vested by Gofa *Xoossa* with the power of making blessing and cursing. Thus, the cursing of *lappun cima* will be realized if the concerned party refuses their request. This is emanated from the belief among the Gofa if blessings and cursing are invoked by women, it will be materialized or come to happened. In line with this, Gulliver (1963) argues, in his research in the *Study of Social Control in an African Society among the Arusha of Northern Tanganyika*, that in Africa, in societies of patrilineal system, women remain permanently as jurial minors. Women are not allowed to institute jurial proceedings and 'not act as principals in cases which directly involve them, but must be represented by their father, or brother before marriage, and thereafter by their husband or son.'

However, unlike as it is concluded by Gulliver (1963), among the Gofa, who are patrilineal societies like as other African people, women play overriding role in conflict management. For instance, in the investigation process of wrongdoers in *dere duleta* women have been given equal chance to expose the suspect or be exposed when they do wrongs. In the '*derya kantha*' or oath taking procedure they neither represented by their husband nor their brother but they themselves accuse directly when they have been wronged and act as chief in cases which directly involve

them. The following is an example of such cases I observed at kotooro *dere* and later on interviewed the contestants.

Case 3

Dansa and Elilee are husband and wife who have lived for 21 years in Kotooro Dere. Rumor is heard as if Dansa has committed adultery with the widow who is living in the adjacent house. When the gossip is heard, Elilee committed bete (left home) and go to her parents' home leaving her husband. While her husband returned from farming, he found her not at home. So, he elected three gade cima and go to Elilee's parent's house to ask the reason forced her to leave her house. Gade cima asked Elilee to tell the reason enforced her to come to her parents' house. Elilee told her husband's immoral act (committing of adultery) to the elders in the presence of her parents. Elders asked Dansa to justify whether the allegation is true or false. Dansa denied the allegation completely before the elders and began to swear in the name of Xoossa to prove his innocence before the gade cima and Elilee's parents. However, Elilee rejected her husband's attempt to be innocent by swearing in the name of dubbusha. So, she asked her husband "ane nu tumay derya sinthan ke7o" meaning 'let our truth be revealed in the presence of dere.' At the time, Dansa was not accused of committing of adultery by his wife only, but he was also suspected by his neighbors previously. For this reason cimas' are immediately agreed on her request, and the case was taken to dere duleta. In the next meeting of dere duleta, Elilee presented her case before the dere duleta. Following this Dansa was asked to make "ane derya kantha" an oath of innocence to prove his innocence. But Dansa did not dare to deny his wrong as he did in front of the elders since his denial resulted in taking oath in front of the dere. He admitted his wrong. Then, Dansa was told to remove his fala gome or sin before lappun cima and also to compensate his wife as the verdict which will be given by lappun cima. Accordingly, he confessed his sin before lappun cima and be ordered to buy cloth for his wife.

Contrary to the argument forwarded by Gulliver (1963), in the study area, as the above case depicts women is neither represented by their fathers nor brothers nor husbands to present their case to elders. Rather they would directly represented in the local institutions like *gade cima*, *lappun cima* and *dere duleta* to present their case and to get compensation. In addition, as I have discussed throughout this paper, for instance, in the *dere duleta* court, women are given equal chance to accuse others when they have been wronged and be accused if they did wrong as their men counterparts.

5.4. The Interplay between the Formal and the Indigenous Systems

Even though the indigenous institutions have been given authority by the 1995 constitution of Federal Democratic Republic of Ethiopian to settle disputes in accordance with the constitution, there exist a contradiction and collaboration among the formal and *dere duleta* institution in the study site. Sometimes *dere duleta*'s law enforcement mechanisms contradict with human right principles stated in the constitution. The constitution in article 16 strictly prohibits the exercise of physical punishment. However the *dere duleta* enforces physical punishments to identify thieves from the innocent society. For this reason my police informants and Denba Gofa Woreda court public prosecutors blame the measure taken by *dere duleta* as it is against the principles of human rights legislations. On the other hand, the discussants of the study area blame the weakness of the formal legal system in indentify crimes committed in secret. As my informants, crimes like theft, arson, uprooting of crops, killing or injuring domestic animals in the absence of evidence cannot be identified and be punished by formal courts. When these sorts of crimes are committed, the court asks the victim to justify the wrong through evidence and if he/she lacks evidence the court immediately acquits the suspected criminal.

The *dere duleta* court is also accused by the police and Denba Gofa Woreda court prosecutors for its violation of the rights of a person entitling for equal treatment before the law in accordance with article 25 of Federal Democratic Republic of Ethiopian constitution. In this article (article 25) of the constitution, all persons are entitled to have equal treatment regardless of their 'race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.' However, police and *woreda* court informants argued that *buca woga* (Gofa traditional law) of the *dere* contradicts with conceptions of the

constitution. In *dere* court, people who are from lower classes such as *mana* (smiths and pottery) when they are suspected for committing theft not be treated like as other members of the *dere*. In the oath making process of '*derya kantha*', if a person from *mana* clan suspected of committing theft, destruction of property or setting fire on houses such individual cannot be at liberty simply by making oath of innocence. Rather he/she would be whipped as long as he/she is from the lower class for a mere suspicion. The justification for rejecting the *manas* from taking oath in *dere* court as it is maintained by all FGD and key informants, is based on the belief that '*manas caaqoy gomenna*' meaning 'taking oath can bring nothing on *mana*'. Thus, the *manas* are usually punished by whipping before the *dere* by selected strongest young people. But unlike the *manas*, if other members of the *dere* deceitfully take oath, it results in trouble on the person who takes oath of innocence and later on the whole society.

To *dere* court beating is part of its *buca woga*. However, whipping the suspect to force to confess the wrongs he already done is crime for formal courts. Thus, at woreda levels there are incidents the two systems (formal and informal courts) appear to be in contradiction.

In Gofa, at the *kebele* level, as argued by my FGD informants' *dere duleta* works in collaboration with *kebele* social affairs court which is established by the government to see civil cases that are estimated less than 500 ETB. Such collaboration gives birth to hybrid institutions. According to *kebele* court informants, in the study area local courts are authorized to treat civil cases like disputes over debt payment under the above estimated amount, denial of contracts of things which has small value, displacement of boundary marks, and destruction of crops by domestic animals and throwing stone on houses. When treating the aforementioned cases, if the *kebele* local court faces lack of evidence, as the same source revealed that the court automatically refers the case to *dere duleta* court. In the investigation process of the *dere*, *kebele* local political leaders such as court officers, commanders, chair person, the head of *kebele* government affairs are usually participating. Local commanders bring criminals to the *dere duleta* court. *Kebele* chair person calls the people when the issue is public matter like arson, taking one's own property which has high value. Thus, at *kebele* level the two formal and *dere duleta* works in complete collaboration.

Even though there exist contradiction between *woreda* formal court and the *dere court* on taking physical punishment for identifying offences like theft, both courts collaborate on identifying criminal who did crime in secret. As the data obtained from Denba Gofa police office, public prosecutor and key informants revealed that *Woreda* police and public prosecutor refer issues of homicide, arson, and property destruction and bodily injure which are committed in secret to be identified by *dere duleta council*. *Dere duleta* council, in turn, after identifying the criminal refers conflicts (murder, arson) to *woreda* police office and *woreda* court that cannot be addressed at the *dere duleta* level.

According to key and all FGD informants, among the Gofa of the study area a murderer is not allowed to live in his her former locality unless he/she performs *baranchche* ritual. In former days, when Gofa *kawodom* was exercising its full political power, as is argued by Gofa elders the killer was expelled from the Gofa territory until reconciliation was made. After the incorporation of Gofa land into Modern Ethiopian Empire, the murderer is taken to government courts and be punished by detention center. When he finished the punishment, he is also expected to do *baranchche* ritual according to the culture of the Gofa. Here, as informants maintained two possible reasons are responsible to prohibit the killer to live in his former resident. First, having punishment alone in formal court cannot guarantee the security of the killer to live with the family of the deceased. Unless he reconciles with the family of the deceased, they are always ready to take revenge. Second, According to Gofa conception the killer's presence in the *dere* without performing *baranchche* (performing purification) ritual causes tragedy to the people as the whole. Thus, to live harmonious life with the people the killer and his clan have to make *baranchche* ritual. In this regard, there is a possibility for an offender to have double punishments which has been prohibited in Article 23 of Ethiopian Federal Democratic Republic of Ethiopia Constitution (FDRE 1995).

Regarding preference, as it is elucidated by the three FGD discussants, the Gofa people favors the *dere duleta* conflict resolution mechanism than the formal one. A significant number of conflict cases are resolved by the *dere duleta* mechanisms. In this regard, various reasons force the parties to take their grievance to indigenous institutions. First, as it is further argued by FGD discussants, even though the formal court is hierarchical organized in lower, higher and federal

level to enable the parties in conflict to appeal where they feel justice is denied, they are not easily accessible by local people since the formal courts are located in certain limited administrative centers. However, the *dere duleta* is easily accessible to the local community and gives quick response without delaying conflicting cases. The second reason compels the parties to prefer indigenous institution is its cost effectiveness. The parties in conflict are required to pay service fee for the justice they seek. The parties in conflict are always exposed to other huge expenses other than court fees such as application fee, transportation cost, fees for getting legal advices from advocators, and food and bed rent costs. On the *dere duleta* court, however, according to the discussants there are no expenses of these sorts. Third, for the majority of the Gofa people formal courts are weak in treating crimes committed in secret. In the formal courts, if the parties in conflict lacked evidence to support their accusation, the offender could be acquitted free of guilty. On the other hand, *the dere duleta* court proceeding is open to its members and every member are responsible to expose what he/she already seen or heard about the issue at hand. Thus, the offenders have little vacuum to deny the accusation and to win the accusation by supporting false witness.

Forth, as the data obtained from Gofa Higher court officials, one of the goals of formal court is applying the already established law to the case at hand and punishes the wrong doer in order to teach lessons to potential offenders. Formal court does not worry of the future relations of the parties in conflict. After decision, the loser always prepares for taking revenge. As opposed to this, all FGD discussants argued that the guiding principle in the indigenous mechanisms is the compromise and restoration of lasting peace. At the end of the reconciliation, the parties hardly feel the sense of winner/loser relationship. Thus, through its *sigetho* (reconciliation) ritual like '*baranchche*', *dere duleta* restores the former relations of the parties which have been lost due to the conflict triggered between them.

Fifth, on top of that, the same source reveals that in *dere duleta* court, people are adjudicated among the peers, familiarized elders, and traditions and values they already habituated. In *dere duleta* court, the parties are free to talk about their past and present relationships. If they are mistaken, according to my informants their mistakes are corrected by their peers and elders as well. In line with this, Mamo (2008) in his study of *The Role of Arsi Elders in Conflict*

Resolution, argues that in Arsi Oromo “gaining truth”, for the wronged, facilitates reconciliation than any material compensation in the process of conflict resolution. Accordingly, the only thing matters at the *dere duleta* court is revealing or finding the truth that has been supposed to be hidden rather than the parties’ knowledge about the rule. On the other hand, the formal court proceedings are held only according to the formally set regularity in which parties don’t have full chance to interact. In formal courts, as it is further argued by FGD and key informants the knowledge to law and lack of the knowledge of the already set rule make the parties loser or winner. The party who has better knowledge about the imported law is always advantageous over the other one. Parties are not as free as they are before the *dere duleta* on the local level.

Chapter Six

Conclusion and Summary

Conflict is an inherent ingredient in human society. From the distant earlier period to the current, conflict is considered as existing as a natural and integral phenomenon of human society. Thus, different society could experience different nature of conflict depending on their socio-politico-economic and cultural context. It occurs everywhere and at every level. Conflict may continue living at the level of inter individual, inter-group, intra-group, inter-ethnic and intra-ethnic, national and intra-continental and intercontinental.

The cause of conflict lasted without interruption to be debatable among various theorists. For some researchers, conflict is the result of human aggression by nature whereas for others a learned phenomenon. Some early researchers claimed that aggressive behavior is inherited by human beings naturally and thus conflict is caused by innate human nature. However, to social learning theorists aggressive behavior is not inherited biologically, but it is actually learned through the process of socialization. According to this perspective, interaction in a society is a source for the rise of hostilities among individuals or groups that can further lead to the occurrence of conflict. My finding also reveals that the source of conflict in the study area is triggered by social, political and economic matters which are based on human interaction.

As the data obtained through interview, observation and focus group discussion depict that conflict is triggered by different sources in study site. Of the major cause of conflict among the Denba Gofa the lion share is taken by resource related issues. Denial of contracts, disrespecting of seniority, issue of religion, infringement of societal values, and lose of life also causes conflict in the study area. Of those conflicts caused by various sources, a few causes of conflicts related with time. Time contributes for the occurrence of a little cause of conflicts. But others occur haphazardly. Property destruction such as cutting of crops are time bounded causes of conflict; whereas my field data depict that the other sources of conflict can occur in all circumstances.

Although agreement is lacking among anthropologists regarding the source of conflict, as multiple things could cause various conflicts across diverse societies, there is an accord that every society has developed an institutions that could help to manage conflict of various natures. Research shows that all societies across the world have institutional settings and mechanisms of conflict resolutions among themselves and with other groups. Like as other societies built up their own ways of conflict handling mechanisms, the Gofa people have also built up time proven institutions of conflict resolution. The study tried to show the way how the Denba Gofa of study area handles conflicts of resource related and breach of societal values and norms. The *Dere* Court of the study area employs peaceful and violent mechanisms to handle conflicts. Negotiation, mediation and arbitration (that I have discussed under 5.2) are peaceful mechanisms used by the indigenous institutions. After making deep investigation, the *dere* court and *gade cima* makes binding verdict. Violent mechanisms are also used by the *dere* court. When it seems difficult to settle the conflict at hand through peaceful mechanisms, the *dere* courts rely on force, for instance, beating the suspects.

Some scholars have had uncertainties on the continuity of traditional mechanisms of conflict resolution. Lewis (1984b) in his article, for example, *The Values and Procedures in Conflict Resolution among Shoa Oromo* questioned as to whether or not traditional institutions of conflict resolution would continue to be practiced. However, in contradiction to Lewis's conclusion, currently, indigenous institutions of conflict resolution such as *dere* assembly, *gade cima* and *lappun cima* and *yaagano* institutions of the Gofa society have survived and are functioning albeit in a modified forms. As my data reveal indigenous institutions still exist handle conflicts arising from minor issues like lack of honesty on things which have small value to serious cases such as murder.

The theoretical issues regarding the role of ritual symbols in peace making and maintaining group cohesion is remembering in relation to the *baranchche* ritual addressed in the thesis. Anthropologists like Turner (1974 referred in Kertzer 1988) have viewed society's use of symbols for maintaining their social identity and to assure their continuity. Among the Gofa the ritual of *baranchche* practiced in which the members of *dere* participating in singing, dancing and finally congratulating the parties of deceased and the killer to guarantee the reconciliation

process and at the same time responsibility taken by *mayza's* for crimes committed by their group members is vividly supports the argument forwarded by Turner that the role ritual symbols in bringing group cohesion and assuring social identity. Besides this, though among the Gofa women are denied to participate in some of indigenous institutions like *gade cima* as it is argue by Gulliver (1963) women among the Gofa of the study area are vested the right to present cases directly concerning them. They are also part and have roles in *dere duleta* and *lappun cima* in conflict resolution.

Eventually, concerning preference the Gofa people favors the indigenous conflict resolution mechanism than the formal one. Peoples' preference relies on the numerous qualities they enjoy from the *gade cima and dere duleta* court. The opportunity of not being corrupted, accessibility, the ability of finding truth, flexibility, time and energy saving and the exercise of familiar terminology are characterized as pulling factor for indigenous institutions. On the other hand, formal court is lacking these aforementioned sorts of qualities.

In spite of its enormous contributions and functions the institution of *dere duleta* has been challenged by the dynamics of the current situation. The first, serious challenge has come to the *dere* institution from conservative protestant Christian sects who consider the *dere* purification ritual of reconciliations such as the ritual of *baranchche*, *lappun cima*, *gonfetteees* and *tum7ettees* as a sin and always urges its followers to stick to the 'pure' imported religious practices. The second, challenge has come from formal system. With the formation of modern empire some of the *dere* decision enforcement mechanisms are condemned as crime and also some of its functions are being played by formal courts. However, in spite of these challenges that put traditional institutions at odd, there are prospects for their revitalization. It is mainly in line with the constitutional rights provided in Article 91 (1) of the FDRE 1994 constitution that emphasizes on the consolidation and enrichment of cultures and traditions that are compatible with the constitution of the country. Even though there exist opportunities to function its role as indigenous institution, sometimes the *dere* religious leaders are politicized by the formal system and misuse their position. For instance, sometimes the *dere* religious leaders considers individuals who stand against the existing political system as people to be cursed and work to exclude membership of the *dere* . Thus, due to the aforementioned reasons in the study, site it is difficult

to certainly conclude the indigenous mechanisms of conflict resolution has been exercising its authority exclusively as Gofa value and norms.

To sum up, the indigenous mechanisms of conflict resolution in the Gofa are among the resources that strongly request careful attention. At the same time, I suggest that it is difficult to surmise the current work to be an ultimate material on the issue under investigation. The issue of conflict and addressing its resolution mechanisms needs careful and comprehensive interpretation, which is bound to take more time and money. Thus, I suggest an exhaustive investigation.

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Picture 1. *Dere* assembly identified murderer committed homicide in secrete in *Docha Toza Dere*



Picture 2. *Dere* assembly held discussion in groups formed based on vicinity to identify the murderer in *Doca Toza Dere*



Picture 3. Dere assembly held discussion in groups formed based on vicinity to identify the murderer in Doca Toza Dere



Picture 4. *Dere duleta* structuring to make oath of innocence called *derya kantha*



Picture 5. Gofa elders reconciling conflict case resulted in killing animal in secret

Declaration

I, the undersigned, declare that this is my work and that all sources of material used of the thesis have been dully acknowledged.

Name: Esayas Awash Signature_____ Date_____

This thesis has been submitted for examination with my approval as a university advisor.

Dr. Hirut Terefe Signature_____ Date _____