



College of Law and Governance Studies
Center for Federalism and Governance Studies

**Customary Dispute Resolution and Peace Building in the
Ethiopian Federation: The Case of Gamo**

By

Zekarias Milkias

June, 2024

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
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CENTER FOR FEDERALISM AND GOVERNANCE

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FEDERATION: THE CASE OF GAMO**

**A THESIS SUBMITTED TO THE CENTER FOR FEDERALISM AND GOVERNANCE
STUDIES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTER OF ARTS IN FEDERALISM AND GOVERNANCE**

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June, 2024
ADDIS ABABA, ETHIOPIA

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Declaration

I, Zekarias Milkias, hereby declare that this research work entitled "Customary Dispute Resolution and Peace Building in the Ethiopian Federation: The Case of Gamo" is the result of my original and independent research, and all sources used in this study have been properly cited and acknowledged. This study has not been previously submitted to earn a degree at any other university.

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Acknowledgment

While it is challenging to rank the individuals who have contributed significantly to the successful completion of this study, I would like to express my deepest gratitude to the divine power that has guided me throughout this journey. Furthermore, I would like to convey my sincere and heartfelt appreciation to my advisor, Dr. Ketema Wakjira, for his unwavering support and invaluable intellectual contributions. His constructive insights, comments, advice, and overall guidance have been instrumental in shaping this study from its inception to its conclusion.

I am immensely grateful to my family members, especially my lovely wife, Hirut Eyob, for her constant encouragement and support throughout my academic pursuits. I would also like to express my appreciation to my brother, Misikir Milkias, for his continuous inquiries and provision of important information during the study process. Additionally, I extend my gratitude to my brother, Lewi Milkias, for his financial assistance. All my family members have played a significant role in this work, offering their prayers, assistance, and encouragement throughout the entire research journey.

I am also deeply grateful to the members of the Gamo people who generously shared their knowledge, experiences, and perspectives. Their willingness to participate in this study and engage in open and honest discussions has provided invaluable insights into the intricate relationship between customary dispute resolution and peacebuilding in the Ethiopian Federation, particularly within the context of the Gamo.

Zekarias Milkias -----

June, 2024

Addis Ababa

Acronyms

ADR	Alternative Dispute Resolution
CDRI	Customary Dispute Resolution Institutions
CDRMs	Customary Dispute Resolution mechanisms
CIs	Customary Institutions
CTT	Conflict Transformation Theory
FDRE	Federal Democratic Republic of Ethiopia
FGDs	Focus Group Discussions
ICRMs	Indigenous Conflict Resolution Mechanisms
LPT	Legal Pluralism Theory
RJT	Restorative Justice Theory
SNNP	South Nation Nationalities and People
UN	United Nations

Glossary of Gamo Terms

The following are the meanings of Gamo terms AS utilized in this study

Aleqa: - a Gamo local administrator who is elected by the people of a *Dere* (local administrative unit) based on their merit and qualifications.

Chare: - A meeting place where Gamo fathers sit to resolve a conflict that is a very serious issue.

Danna; - Gamo local administrator appointed by the people and less power than Kawo.

Dere: - the name given by the Gamo people for an administrative unit that is beyond Kebele and less than woreda.

Dubusha: - a place or forum where the Gamo people engage in discussions and reach agreements. (Gamo Cultural High Court).

Gamo Woga: - Gamo culture's customary law

Guta: - Neighbor

Huduga: - a local administrator in the Gamo people who is appointed by the people of the *Dere* (local administrative unit) based on their economic and leadership abilities.

Irxa Maata: - A wet grass, a Gamo father holds it to symbolize abundance and peace.

Kawo: - (King), A Gamo local administrator was appointed to the position by the people of the *Dere* hereditarily.

Mura: - A conciliator elder between the parties to resolve a specific dispute at the lower level or negotiator level.

Ogetha (Ogade):- A conciliator elder between the parties to resolve a specific dispute at a higher level or community-to-community conflict.

Qacina: - Young people and adults who did not get the chief rank.

Suutha Kanche: - A blood water that Gamo fathers used to resolve conflicts and promote honesty.

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Abstract

This research examines the customary dispute resolution and peacebuilding practices of the Gamo people within the Ethiopian Federation. A qualitative research approach was employed, utilizing case studies, interviews, focus group discussions, observation, and document analysis to delve into the cultural norms and traditions that influence dispute-resolution processes. The findings reveal that the Gamo people employ distinct customary mechanisms structured similarly to the Ethiopian Federal System, prioritizing reconciliation over punishment and fostering peace. The Dubusha institution has been serving as a platform for reconciliation, mediation, and justice at different hierarchical levels. Seating arrangements, rituals, and symbols within Dubusha reflect the community's values of inclusivity, respect, and collective decision-making. Furthermore, the research highlights the role of Gamo fathers in conflict prevention and resolution, their recognition as "Peace Ambassadors of the Year," and their unique practices for addressing murder cases. The study also examines the flexibility of Gamo customary law, historical similarities with modern federalism, strengths in peacebuilding, and the compatibility of Gamo practices with human rights principles. Challenges such as a lack of formal documentation, limited professional training, and the need to preserve cultural traditions within the context of human rights are also identified. The research emphasizes the importance of understanding power dynamics, and social relationships and engaging younger generations in preserving Gamo customs and fostering sustainable peace through education, dialogue, and collaboration.

Keywords: Federalism, customary dispute resolution, peacebuilding, Gamo people

CHAPTER ONE

1 Introduction

1.1 Background of the Study

Customary dispute resolution and its role in peacebuilding are of critical importance not only for Ethiopia but also for conflict-affected regions worldwide (Gebre-Egziabher, 2014). Peacebuilding is a comprehensive process and set of actions that aim to address the underlying issues that lead to conflict, transform the relationships between involved parties, and build lasting peace (Cheng-Hopkins, 2010; Gawerc, 2006), playing a crucial role in post-conflict societies. It encompasses efforts to promote reconciliation, build trust, and create the conditions necessary for social cohesion and long-term stability.

However, despite the wealth of cultural heritage and rich traditions found in many cultures globally, including those in Africa, there is often a tendency to overlook or underutilize indigenous approaches to dispute resolution and peacebuilding in favor of Western models (Boege, 2011). This reliance disregards the wealth of indigenous knowledge and expertise available within these societies. Ethiopia, a nation known for its cultural diversity and historical struggles with conflicts and peace, is no exception. Customary dispute resolution refers to the traditional and indigenous methods employed by communities to resolve disputes and restore social cohesion (Enyew, 2014). These mechanisms are deeply rooted in the cultural traditions and norms of various ethnic groups in Ethiopia. They hold immense significance in addressing conflicts arising from inter-ethnic tensions, resource disputes, land tenure issues, and other complex socio-political and cultural factors.

In the context of the Ethiopian Federation, customary dispute resolution, deeply rooted in indigenous traditions and practices, has played a pivotal role in maintaining social harmony and resolving disputes within Ethiopian communities for centuries (Mandefro, Ajanaw Alemie, 2018). While the Ethiopian legal system provides a framework for dispute resolution, customary mechanisms have continued to coexist, serving as an integral part of the nation's cultural fabric. The federal Constitution of Ethiopia, Article 34/5, which acknowledges and safeguards the rights of ethnic groups and their customary practices, serves as a crucial reference point for understanding

Recognizing the concept of legal pluralism, the Ethiopian Constitution allows for the promotion of diverse cultures and languages within each ethnic group. Family and civil matters can be resolved using local laws, procedures, and mechanisms as long as they align with the Constitution, uphold international human rights standards, and have the consent of all parties involved (Gutu, 2017). Additionally, religious laws, such as Sharia law, are granted equal rights and respect, with dedicated courts established to address matters governed by these laws in modern-day Ethiopia.

Despite the legal framework supporting customary dispute resolution, challenges and tensions arise as Ethiopia transitions to a decentralized federal structure. It is crucial to critically analyze these challenges and identify opportunities for integrating and harmonizing customary practices with the broader legal framework, aiming to contribute to lasting peace and stability within the Ethiopian Federation.

This research study focuses on the specific case of the Gamo people and their customary practices in dispute resolution and peacebuilding, examining their role and significance within the Ethiopian Federation. The Gamo, an ethnic group residing in the southern part of Ethiopia, possesses a distinct cultural heritage and a well-established customary system for resolving conflicts (Gebretsadik, 2022; Gutu, 2020). By examining the case of the Gamo people, this study aims to shed light on the unique dynamics of customary dispute resolution and peacebuilding within a specific ethnic group in Ethiopia. It seeks to understand the strengths, limitations, and effectiveness of Gamo customary practices in resolving disputes, promoting reconciliation, and fostering sustainable peace within their community.

The transition to a decentralized federal structure introduces new complexities and tensions between customary mechanisms and formal legal systems. By critically analyzing these challenges, the study aims to identify opportunities for the integration and harmonization of customary practices with the broader legal framework, contributing to the promotion of lasting peace and stability in the Ethiopian Federation.

1.2 Statement of the Problem

The recognition of customary laws and dispute resolution is stated in Article 34(5) of the Federal Constitution of Ethiopia, demonstrating a constitutional commitment to respecting the diversity of legal systems and traditions within the country (Vaughan, 2015). This provision grants parties involved in disputes relating to personal and family laws the option to resolve their issues in

accordance with religious or customary laws, provided that all parties involved give their consent. The recognition of customary dispute resolution within the constitution holds significant implications for peacebuilding and the federal system in Ethiopia.

Scholars have explored the effectiveness of integrating customary dispute resolution mechanisms within the federal system, highlighting both the benefits and challenges associated with such integration. For instance, (Assefa, 2012; Enyew, 2014) argue that customary dispute resolution mechanisms offer cultural relevance, acknowledging and respecting the diversity of communities. They empower communities by promoting participation and ownership in the resolution process, leading to more efficient and timely resolutions. Additionally, they are cost-effective, reducing financial burdens and ensuring equal access to justice. However, other scholars raise concerns regarding human rights compatibility, as traditional systems may perpetuate discrimination (Eneyew & Ayalew, 2023). Moreover, the inconsistent application and potential conflicts between customary and formal legal systems can create confusion, while power imbalances within traditional systems may affect fairness and inclusivity. The lack of formal safeguards also raises concerns about quality, consistency, and accountability.

However, despite the existence of Gamo customary dispute resolution practices and their potential role in promoting peacebuilding within the Ethiopian federal system, there is a lack of comprehensive research that explores the specific challenges and opportunities associated with the integration of these practices. Understanding these challenges and the potential benefits of Gamo customary conflict resolution practices is crucial for promoting effective peacebuilding processes within the Ethiopian federal system.

The studies by (Gebretsadik, 2022) and (Solomon, 2020) have laid important groundwork by investigating the presence, structure, and general role of traditional conflict resolution mechanisms within the Gamo communities. However, a critical gap remains in empirically understanding how these indigenous systems can be effectively integrated and leveraged within Ethiopia's broader federal governance framework. To build on these prior studies, this research seeks to address this critical gap in knowledge - understanding how Gamo's traditional conflict resolution and peacebuilding system can be effectively integrated into Ethiopia's broader federal governance framework. Rather than just documenting the customary practices in isolation, this study takes a more holistic approach. It focuses on examining the importance of Gamo's traditional system

within the context of Ethiopia's overarching political and legal structures. Specifically, the research aims to identify the key challenges and opportunities associated with integrating Gamo's traditional approaches into the formal federal conflict resolution and peacebuilding mechanisms. It also seeks to analyze how the cultural norms, practices, and power dynamics of Gamo's traditional system interact with and adapt to Ethiopia's national-level political and legal systems.

The establishment of federalism in Ethiopia through the adoption of the current constitution in 1995 aimed to recognize and accommodate the ethnic diversity within the country (Vaughan, 2015). However, the implementation of federalism has given rise to various conflicts and challenges, including ethnic tensions, power imbalances, disputes over boundaries and identity, resource allocation issues, governance challenges, and the integration of customary and formal legal systems (Eneyew & Ayalew, 2023; Taye, 2018).

The Gamo people of the Gamo Highlands in Ethiopia have a decentralized customary governance structure consisting of over 40 administrative groups, each with its own kingdom (Freeman, 2006; Gutu, 2020). They are governed by Gamo culture's customary law called "*Gamo Woga*" and are accountable to the *Qogota* administrative group in *Ezo*. In contrast, Ethiopia's modern administrative system follows a four-tiered structure: regions, zones, districts, and kebeles (Vértesy & Lemango, 2022). The Gamo people have their levels of customary administration, including *Kawo* (kings), *Dana*, *Huduga*, and *Aleqa*. These kings govern their respective kingdoms, guided by the unwritten constitution, on an equal power basis and hold equal power without any superiority or inferiority (Choto, 2013). The Gamo customary administrative system exhibits similarities to modern federalism in terms of decentralized governance, administrative levels, power structures, and accountability. However, it currently faces implementation challenges. Furthermore, the Gamo culture itself is gradually fading away, and as a result, these very important Gamo traditional dispute resolution mechanisms are being replaced by modern systems (Gebretsadik, 2022). Therefore, conducting an in-depth study is crucial to understanding the challenges faced by Gamo customary dispute resolution and peacebuilding practices.

The Gamo people have a rich tradition of traditional conflict resolution, demonstrating their commitment to peaceful resolution and the ability to rise above anger and retaliation (Gebretsadik, 2022). Challenges such as modernity, however, the culture being in danger of disappearing, and a lack of awareness about the value of the culture exists in effectively implementing Gamo

customary conflict resolution practices within the modern administrative system. By addressing these challenges through rigorous research and analysis, we can enhance our understanding of the Gamo people's conflict resolution and peacebuilding traditions. This knowledge can serve as a foundation for developing more effective strategies that promote lasting peace, stability, and harmonious coexistence within the Ethiopian federation. The findings and insights gained from this research have the potential to inform and guide conflict resolution practitioners and policymakers in their efforts to create a more peaceful and inclusive society. Understanding these challenges and the potential benefits of Gamo customary conflict resolution practices is crucial for promoting effective peacebuilding processes within the Ethiopian federal system.

Therefore, this research aims to examine the customary dispute resolution and peacebuilding practices of the Gamo people within the Ethiopian federal system. By examining the intricacies of Gamo customary dispute resolution, this study seeks to gain insights into the effectiveness of these practices in addressing dispute resolution and promoting peacebuilding efforts.

1.3 Objectives of the Study

1.3.1 General Objective

The objective of this research is to examine the customary dispute resolution and peacebuilding practices of the Gamo people within the Ethiopian Federation.

1.3.2 Specific Objectives

The specific objectives of this study are to:

- Identify and document the customary dispute resolution mechanisms (CDRMs) within the Gamo people.
- Analyze the integration of customary dispute resolution practices within the formal legal system of the Ethiopian Federation, specifically focusing on the Gamo people, and assess their effectiveness in resolving conflicts.
- Investigate the peace-building mechanisms employed within the Gamo people and evaluate their contribution to reconciliation and sustainable peace.
- Examine how power dynamics and social relationships influence the results of customary conflict resolution practices and peace-building mechanisms within the Gamo people.

- Assess the compatibility of customary dispute resolution practices and peace-building mechanisms within the Gamo people with minimum human rights standards and principles.

1.4 Research Questions

The basic research questions include:

1. What are the key traditional institutions and practices used by the Gamo community for resolving land disputes?
2. How effective are the customary dispute resolution practices of the Gamo people in the process of peacebuilding in Ethiopia's federation from below?
3. How do power dynamics and social relationships shape the outcomes of customary dispute resolution practices and peace-building mechanisms within the Gamo people?
4. How do customary dispute resolution practices as peace-building mechanisms within the Gamo people align with minimum human rights standards and principles?

1.5 Significance of the Study

The importance of this research lies in its potential contributions to the understanding and promotion of customary conflict resolution and peacebuilding within the Gamo people and the broader Ethiopian Federation. Some of the key significance of this research may include: first by examining and analyzing customary conflict resolution practices among Gamo people, this research can contribute to the preservation and appreciation of cultural traditions and values for conflict resolution and peacebuilding. Second the goal of this research is to offer an in-depth understanding of the specific conflict resolution processes and peace-building mechanisms employed by the Gamo people. This understanding can shed light on the unique approaches and principles that underpin their customary practices, which can be valuable for policymakers, practitioners, and researchers working in areas of conflict, peace, and federalism in the Ethiopian context.

By addressing these challenges through rigorous research and analysis, this study could enhance our understanding of the Gamo people's conflict resolution and peacebuilding traditions. This knowledge can serve as a foundation for developing more effective strategies that promote lasting peace, stability, and harmonious coexistence within the Ethiopian federation. The findings and insights gained from this research have the potential to inform and guide conflict resolution practitioners and policymakers in their efforts to create a more peaceful and inclusive society.

1.6 Scope of the Study

This research focuses on the customary conflict resolution practices and peacebuilding mechanisms of the Gamo people, situated within the broader context of the Ethiopian federal system. The study specifically examines the Gamo ethnic group, who are located in the Gamo Zone of the South Regional State, Ethiopia.

Among the Gamo customary conflict resolution practices, the study will pay particular attention to the *Dubusha* institution. The *Dubusha* is a traditional council of elders that plays a central role in facilitating dispute resolution and community-level peacebuilding within the Gamo society. By understanding the functions, processes, and underlying principles of the *Dubusha*, the research aims to analyze how this customary institution interacts with and potentially complements, the formal legal and administrative structures of the Ethiopian federal system.

Additionally, the research will investigate the impact of modernization and cultural change on the Gamo customary dispute resolution practices, and how these evolving dynamics intersect with the federal context. This aspect is crucial for understanding the long-term viability and adaptability of the Gamo traditional systems within the broader framework of Ethiopian federalism. By situating the study within the Ethiopian federal setting, the research aims to generate insights that can inform policymakers and practitioners on the effective incorporation of customary dispute resolution mechanisms into the formal federal structures, while addressing the identified challenges and opportunities.

1.7 Limitations of the Study

The study was carried out in the area where I was born, and as a Gamo and a native speaker of the Gamo language, I did not face significant language constraints or cultural barriers. However, it is important to acknowledge that conducting this study was not without difficulties. Therefore, I do not claim that my study is entirely complete and comprehensive.

One of the challenges I encountered during the research process was the limited budget to cover a wider geographic area where the Gamo communities reside. However, I managed to address this issue by utilizing personal savings in addition to a small research grant received from Addis Ababa University.

The second limitation of the study was related to the primary focus on rural areas, which posed a potential challenge in ensuring the availability of participants at the designated date and location. To overcome this issue, I repeatedly visited various settings, including participants' workplaces, homes, and camps, to facilitate their involvement in the study.

1.8 Organization of the Thesis

This thesis is structured into six distinct chapters. Chapter One introduces the background of the study, a statement of the problem, objectives, research questions, significance, scope, and limitations of the study. Chapter Two provides a comprehensive review of the relevant literature. It begins by defining the key concepts of the study and establishing the theoretical framework. Furthermore, it presents a thorough review of the empirical literature about customary dispute resolution and peacebuilding practices in both federations in general and Ethiopia specifically.

Chapter Three focuses on the research methodologies employed in the study. It describes the research approach, research design, data collection instruments, sampling strategy and techniques, data analysis procedures, and ethical considerations. Chapter Four examines the Major Customary Dispute Resolution Mechanisms and Their Effectiveness in Peacebuilding within Ethiopia's Federal System. This chapter presents the collected data, interprets the results, and engages in an in-depth discussion of the findings. Chapter Five examines the Power Dynamics, Social Relationships, and Human Rights in Gamo's Customary Dispute Resolution Practices. This chapter also presents the collected data, interprets the results, and engages in an in-depth discussion of the findings. Finally, Chapter Six offers a summary of the major findings, conclusions, and recommendations derived from the study.

CHAPTER TWO

2 Review of Related Literature

2.1 Introduction

This chapter offers a review of the existing literature about the study titled "Customary Dispute Resolution and Peace Building in the Ethiopian Federation: The Case of Gamo." The purpose is to give an overview of the existing research on traditional social institutions, their types, and their roles within the Gamo people. It also explores the challenges and contributions of these institutions, community participation in customary dispute resolution, and how they may not always consider human rights in their practices. The chapter also discusses the concept of conflict resolution, different mechanisms for resolving conflicts, and relevant theories, and highlights the gaps and unique aspects of this research. In simpler terms, this section examines what other scholars have written about the topic, what is known about traditional dispute resolution among the Gamo people, and what areas of research still need to be explored.

2.2 The Concept of Customary Dispute Resolution Mechanisms (CDRMs)

Customary dispute resolution mechanisms refer to the traditional, community-based approaches used by various ethnic and cultural groups to prevent, manage, and resolve conflicts within their respective societies (Enyew, 2019). These mechanisms are rooted in the customs, traditions, and norms of a particular community and have been developed and refined over time. Customary dispute resolution mechanisms often involve the participation of community members and are guided by local customs and traditional authorities. These mechanisms may include various methods such as mediation, negotiation, arbitration, and reconciliation rituals. The specific processes and procedures may vary depending on the cultural practices and traditions of the community (Assefa & Pankhurst, 2016). One of the key features of customary dispute resolution mechanisms is their focus on restoring harmony and maintaining social cohesion within the community. They prioritize healing relationships, preserving community bonds, and promoting peace rather than solely focusing on legal rights and punitive measures (Harper & International Development Law Organization, 2011).

Customary dispute resolution mechanisms are typically based on community norms, values, and customary laws that have been developed and upheld over time. They differ from formal legal

systems in that they are often more accessible, localized, and community-oriented. They aim to address conflicts and restore harmony within the community by considering not only legal aspects but also social, cultural, and relational factors. Customary dispute resolution mechanisms focus on consensus-building, community participation, and restoration justice (Enyew, 2019). They aim to reach mutually acceptable resolutions through dialogue, negotiation, and consensus among the parties involved. Community members can act as mediators, advisors, or witnesses, reflecting collective responsibility. The focus is on restoring relationships, addressing harm, and promoting healing and reconciliation. Cultural sensitivity is also crucial, considering the community's specific context and needs (Blackshaw, 2002).

While customary dispute-resolution mechanisms can be effective in addressing conflicts and maintaining social order within the community, it is important to ensure that they operate within the framework of human rights, fairness, and justice (UN, 2016). Balancing the preservation of cultural practices with the protection of individual rights and ensuring accountability is essential when considering the role and application of customary dispute resolution mechanisms in a broader legal and human rights context (Participation, 2006).

Dispute resolution refers to the processes and methods used to prevent, manage, and resolve conflicts, disagreements, and contentious issues between parties. Dispute resolution encompasses a range of approaches, from informal negotiations and mediation to more formal adjudication and arbitration (Imm, 2022). Dispute resolution aims to promote understanding, collaboration, and the restoration of positive relationships. Scholars define dispute as an expressed struggle occurring between interdependent parties who perceive their goals as incompatible. This struggle is visible and involves at least two parties who rely on each other. Additionally, these parties often face limitations in resources and encounter interference from external sources while trying to achieve their individual goals (Putnam, 2013). Different authors have provided varying interpretations of the dispute. According to (Dennen, 2005) dispute is an ever-present and widespread phenomenon that impacts various relationships and alliances across all forms of life. Organisms find themselves entangled in conflict-driven arrangements that possess their distinct dynamics and rationale. However, it is important to note that extreme manifestations of conflict, such as overt violence and destruction, are not universally observed. While dispute and cooperation are interconnected, conflicts often tend to lean toward violent tendencies.

According to another author, (Michael Nicholson, 2009), dispute is a dynamic interaction that occurs among individuals who possess consciousness, even if their actions may not always be guided by rationality. It arises from the desires, necessities, or responsibilities of the parties involved, which can range from practical considerations to deeply held beliefs and attitudes. A dispute is prevalent in social relationships, particularly in early childhood and between siblings. Parents often identify sibling conflict as the most prevalent behavioral problem in their families. Destructive disputes can lead to increased anxiety, depression, aggression, victimization, and delinquent behavior (Smith & Ross, 2007). To illustrate, a conflict concerning fishing limits may necessitate a negotiation process, whereas a conflict revolving around the status of Jerusalem may stem from fundamental beliefs. In essence, conflicts emerge from the diverse motivations and perspectives of conscious beings, encompassing a spectrum of interests and principles. Conflict is a necessary part of life, as different perspectives and experiences can lead to different views on things. Physical separation and life experiences can create differences in perceptions, making conflict a constant companion and not necessarily a negative one (Theses et al., 2017). Conflict and dispute are often controversial terms in literature. Conflict is defined as a serious disagreement or argument, often involving incompatibility between opinions or principles. It can also describe a prolonged armed struggle. Similarly, a dispute is an argument or disagreement about a statement of fact, questioning its truth or validity (Tilahun, 2021).

Throughout history, there have been notable shifts and transformations like conflicts. Before the onset of the Second World War, interstate conflict stood as the predominant manifestation of organized violence in the realm of international relations. However, in recent decades, there has been a noticeable decline in the occurrence of civil wars. This trend is particularly significant as it marks a departure from the conventional pattern where conflicts would typically conclude with one party achieving victory over the other (Theses et al., 2017).

2.2.1 Conceptual and the Key Characteristics of Customary Dispute Resolution

Mechanisms

Customary dispute resolution mechanisms possess key characteristics that distinguish them from formal legal systems. These characteristics, as described by scholars such as Assefa and Pankhurst (Assefa & Pankhurst, 2016; Gebretsadik, 2022), are significant for understanding the nature of these mechanisms. Customary processes are informal and flexible, prioritizing resolution in

alignment with community values and traditions. They often involve community elders, leaders, or respected individuals who act as mediators or arbitrators. The emphasis is on consensus-building and restorative justice, aiming to restore harmony within the community rather than focusing solely on guilt or innocence. Restorative justice principles, such as compensation, apology, and restitution, play a central role (Enyew, 2014).

Customary dispute resolution mechanisms also involve active community participation, as community members have a stake in the process and may directly contribute to resolving the dispute. This participatory approach enhances the legitimacy and acceptance of the outcome (Wilson, 2000). Cultural sensitivity is another key characteristic, with these mechanisms rooted in the community's cultural and social norms. They consider local customs, traditions, and values, ensuring that the resolution process is relevant and meaningful to the parties involved (Fiseha, 2019). Additionally, customary mechanisms are often more accessible compared to formal legal systems, being less complex, time-consuming, and expensive. This accessibility is particularly beneficial for marginalized or remote communities with limited access to formal justice systems (Enyew, 2014).

2.2.2 Types of Customary Dispute Resolution Institutions (CDRI)

It's important to note that the specific types and names of customary conflict resolution institutions can vary widely across different cultures and communities (Solomon, 2020). The Council of Elders, village meetings, mediation committees, clan chief mediation, traditional courts, restorative justice practices, and rituals and ceremonies are all important institutions in conflict resolution. Elders use their wisdom and community values to guide decision-making. Community meetings involve open discussions, while mediation committees facilitate dialogue and negotiation. Clans, or tribal chiefs, play a crucial role in conflict resolution. Traditional courts provide a formalized structure for conflict resolution. Restorative justice practices aim to repair harm caused by conflicts and restore relationships (Ezekiel & Abdulraheem, 2022).

2.2.3 The Roles of Customary Institutions in Dispute Resolution

Customary conflict resolution institutions play important roles in societies to address conflicts, maintain social order, and promote harmony (Enyew & Ayalew, 2023). Customary conflict resolution institutions are crucial in societies for addressing conflicts, maintaining social order, and promoting harmony (Enyew, 2014). They act as mediators, providing a neutral platform for

parties to express grievances and seek mutually acceptable solutions. They apply customary laws and norms to guide decision-making, preserving cultural heritage and social cohesion. They promote reconciliation and restore relationships, often using restorative justice principles. These institutions also contribute to social order by providing a structured framework for conflict resolution, preventing violence, and promoting peaceful coexistence (Feyissa, 2008). They empower communities by involving them in decision-making and fostering a sense of collective responsibility. They also impart cultural values and conflict resolution skills to future generations, ensuring the continuity and preservation of traditional practices (Enyew, 2014). Ethiopia, known for its diverse ethnic groups, is home to a multitude of indigenous conflict resolution mechanisms. In the south-central region of the country, numerous ethno-linguistic communities reside, each with its own distinct social traditions, values, norms, beliefs, rules, and laws. These shared features have fostered connections and acceptance among these communities, promoting peaceful coexistence (Seminar, 2022).

Indigenous conflict resolution mechanisms are deeply rooted in a society's customs and traditions, prioritizing reparation of damage over punishment (Sugamo, 2023). They focus on rebuilding and maintaining social harmony, aligning with social norms and values. These mechanisms involve a cooperative process, aiming for consensus rather than rigid procedural requirements. The ultimate goal is to make decisions for the betterment of the entire community, foster social stability, and reestablish relationships among disputants. In essence, customary conflict resolution institutions play a crucial role in ensuring social stability (Dibaba, 2017).

Within Gamo people, various types of customary dispute resolution institutions play important roles in resolving disputes (Solomon, 2020). These institutions reflect the cultural values and traditions of the Gamo people. Here are some customary conflict resolution institutions, such as the Gamo Elders' Council (*Dere Cima*), community meetings, mediation committees, Gamo customary courts (*Dubusha*), and reconciliation rituals. These institutions reflect the cultural values and traditions of the Gamo people, promoting harmony, restoring relationships, and maintaining social order. The Council consists of respected elders who act as impartial arbitrators, while Community Meetings facilitate open discussions and deliberations. Mediation Committees facilitate dialogue and negotiation, while Customary Courts provide a formalized structure for

conflict resolution. Reconciliation Rituals symbolize forgiveness, healing, and relationship restoration (Gebretsadik, 2022).

2.2.4 Effectiveness of Customary Dispute Resolution Practice in the Ethiopian Federation

According to (Fanda, 2019), customary institutions (CIs) in Ethiopia have played a vital role in restoring peace and fostering societal relationships. These ancient conflict resolution tools, influenced by diverse ethnic groups, aim to maintain balance, encourage compromise, and restore peace within communities. In a country marked by ethnic and political polarization, CIs offer valuable insights for the national dialogue process initiated in 2021. This policy brief aims to bridge the gap between customary practices and the national dialogue, highlighting the effectiveness of Ethiopian customary institutions (CIs).

The effectiveness of customary conflict resolution practices in the Ethiopian Federation can be evaluated based on restorative justice principles, community engagement, social cohesion, conflict resolution outcomes, integration with legal frameworks, and long-term stability (Enyew, 2014). Restorative justice focuses on healing relationships and restoring harmony within communities, while community engagement involves traditional leaders, elders, or community councils. The outcomes of these practices are crucial, as they lead to fair and just outcomes, address conflict-underlying causes, and prevent disputes. Integration with legal systems, human rights principles, and constitutional provisions also contributes to the effectiveness of these practices (Muluken, 2020). The effectiveness of these practices is enhanced by their integration with legal systems, adherence to human rights principles, and alignment with constitutional provisions.

The effectiveness of customary conflict resolution practices in the Ethiopian Federation is assessed based on factors such as cultural relevance, accessibility, affordability, satisfaction, compliance, mediation, conflict prevention, management, adaptability, gender equity, and learning from failures. These practices are rooted in Ethiopian traditions, are accessible and affordable, especially in rural areas, and demonstrate satisfaction and compliance among parties involved. Adaptability and innovation are crucial in addressing contemporary conflicts (Mandefro, Ajanaw Alemie, 2018). In Ethiopia, customary dispute resolution mechanisms, particularly in remote and peripheral regions, hold greater influence than the formal criminal justice system. These customary norms hold greater relevance and accessibility compared to imposed legal norms, and people often use them for reconciliation and control of revenge after passing through formal criminal court

procedures (Enyew, 2019). Traditional conflict resolution techniques are distinct to each community and often rooted in shared traditions, family ties, or institutional practices. In poor and illiterate societies, traditional methods are effective in resolving disputes. In Ethiopia, elders handle complaints instead of reporting them to authorities. The definition of "elderly" or "older person" varies but is generally tied to chronological, functional, and retirement age. Africans have unique ways of life, with a communal approach that is distinct from the West's individualistic concept. This collective way of life is not considered primitive or backward (Worku, 2023).

To enhance the legal recognition and formal status of customary dispute resolution mechanisms in criminal matters, the Ethiopian government should consider amending the Constitution. This could involve incorporating a clear constitutional clause that acknowledges the use of these mechanisms in criminal matters (Enyew, 2019). The theory of legal pluralism can be used to elevate the status of these mechanisms, which are crucial for developing restorative justice programs. The Ethiopian government should also include an express provision in the Constitution that recognizes the application of customary dispute-resolution mechanisms in criminal matters.

2.2.5 Challenges of Customary Dispute Resolution Mechanisms

Customary dispute resolution mechanisms face several challenges that can hinder their effectiveness. One significant challenge is the lack of recognition and legitimacy by formal legal systems and institutions. In some cases, state authorities or legal frameworks may not fully acknowledge or accept the authority of customary practices, leading to a lack of enforcement and support for their decisions. This undermines the effectiveness and acceptance of customary conflict resolution processes (Eneyew & Ayalew, 2023).

Another challenge is the presence of gender bias and inequality within customary mechanisms (Enyew, 2019; Gupta et al., 2020). Many customary practices are deeply rooted in traditional cultural norms and power structures that perpetuate discrimination against women and marginalized groups. Limited representation and unequal outcomes can result from their exclusion from decision-making processes. Addressing these gender biases and ensuring the inclusion and empowerment of all stakeholders is crucial for the fairness and effectiveness of customary conflict resolution. Limited accessibility and awareness pose another challenge. Customary conflict resolution mechanisms are often deeply embedded within specific cultural contexts and may not be widely known or accessible to all community members. This lack of awareness and

understanding can lead individuals to opt for other avenues or resort to formal legal systems. Enhancing the accessibility and visibility of customary conflict resolution processes is essential to ensure their relevance and effectiveness (Assefa & Pankhurst, 2016).

The pressures of modernization and globalization also present challenges to customary dispute-resolution mechanisms (Violet et al., 2017). Rapid societal changes and external influences can erode traditional customs and values, including customary practices. As communities become more influenced by external norms and legal systems, there may be a decline in the application and acceptance of customary conflict resolution. Balancing the preservation of cultural heritage with the need to adapt to evolving societal dynamics is a significant challenge. Additionally, customary dispute-resolution mechanisms often operate without the institutional support and resources available to formal legal systems (Muluken, 2020). Limited funding, training, and institutional structures can hinder their efficiency and capacity to handle complex disputes. Strengthening institutional support, providing training and resources, and fostering collaboration between customary and formal justice systems can help address this challenge. Harmonizing customary practices with international human rights standards is another challenge. There may be instances where traditional practices conflict with human rights principles such as the right to equality, non-discrimination, or due process (Enyew, 2019). Balancing the preservation of customary practices with the protection of fundamental human rights requires careful consideration and dialogue (OHCHR, 2011).

Customary dispute resolution mechanisms can face external influences and interference. The imposition of formal legal systems or manipulation of traditional processes for political or personal gain can undermine the integrity and effectiveness of customary practices (Enyew & Ayalew, 2023). Such interference erodes community trust in these mechanisms. Addressing these challenges requires a nuanced and context-specific approach that respects cultural diversity, promotes inclusivity, and ensures the protection of human rights. It involves fostering dialogue, collaboration, and understanding between customary and formal justice systems while recognizing the strengths and limitations of each (Enyew, 2019; Gupta et al., 2020).

2.2.6 Difference between Indigenous and Modern Dispute Resolution Mechanisms

Indigenous conflict resolution mechanisms in Ethiopia rely on respected community members, such as religious leaders and wise individuals, who are chosen by the parties involved or their families based on their reputation for fairness, knowledge of community norms, wisdom, and experience (Enyew, 2019). In contrast, the formal legal system appoints judges based on their understanding of state laws. Additionally, the composition, quantity, and procedures of customary dispute resolution mechanisms may vary among ethnic groups, reflecting specific local customs and practices.

Indigenous conflict resolution methods differ from modern approaches in several ways. They offer advantages such as low cost, speed, accessibility, cultural relevance, and responsiveness to the needs of marginalized individuals (Enyew, 2019). These mechanisms utilize local actors and traditional community-based decision-making processes to manage and resolve conflicts within or between communities. Their goal is to avoid reliance on state-run judicial systems, police, or external structures. Conversely, modern conflict resolution methods are often more formalized, expensive, and time-consuming (Muluken, 2020). The traditional conflict resolution processes of the Gamo people are deeply ingrained in their customs, norms, philosophy, and traditions. These processes and regulations are derived from local customary practices and indigenous knowledge. In contrast, it has been observed that the various political ideologies associated with Ethiopian governments throughout the country's modern history pose significant challenges to the customary conflict resolution mechanisms within the Gamo people (Gebretsadik, 2022). This suggests that the Gamo system differs from formal conflict resolution methods in Ethiopia, which can be influenced by political ideologies.

According to (Dibaba, 2017), Indigenous Conflict Resolution Mechanisms (ICRMs) and modern conflict resolution methods can be connected through their shared goal of resolving conflicts and facilitating peaceful resolutions. While ICRMs are rooted in traditional community-based approaches, modern conflict resolution methods have developed within formalized systems and legal frameworks. Several links and potential points of interaction between the two have been identified:

- **Integration of Traditional and Modern Approaches:** In some cases, modern conflict resolution processes may incorporate elements of Indigenous conflict resolution

mechanisms. For example, courts or alternative dispute resolution programs may allow for the involvement of traditional leaders or mediators from Indigenous communities to ensure cultural relevance and community participation. This integration recognizes the value of Indigenous knowledge and practices in resolving conflicts (El-Tom, 2012).

- **Cross-Cultural Understanding:** The study and recognition of Indigenous conflict resolution mechanisms can foster cross-cultural understanding and inform modern conflict resolution practices. By acknowledging and respecting the diversity of approaches to conflict resolution, modern systems can incorporate cultural sensitivity and adaptability to better serve diverse populations (Anthropology, 2020).
- **Collaboration and Learning:** There may be opportunities for collaboration and mutual learning between Indigenous communities and modern conflict resolution practitioners. This can involve sharing best practices, exchanging knowledge and experiences, and developing innovative hybrid models that draw on the strengths of both traditional and modern approaches (Levac et al., 2018).
- **Policy and Legal Frameworks:** Recognizing and validating Indigenous conflict resolution mechanisms within policy and legal frameworks can support the rights and autonomy of Indigenous communities. Incorporating these mechanisms into legal systems can provide Indigenous peoples with meaningful and accessible avenues for addressing conflicts and resolving disputes (Sugamo, 2023).

It is important to approach the connection between Indigenous dispute resolution mechanisms and modern methods with cultural sensitivity, respect for Indigenous rights, and a willingness to learn from diverse perspectives. Collaboration, dialogue, and the recognition of Indigenous autonomy and self-determination are crucial in fostering effective linkages between these two approaches to conflict resolution (Levac et al., 2018).

2.2.7 Community Participation in Customary Dispute Resolution

Community participation is a fundamental aspect of customary conflict resolution. It refers to the active participation and engagement of community members in the conflict resolution process, allowing them to have a voice, contribute to decision-making, and shape the outcomes (Onchari, 2012). By actively involving the community in the conflict resolution process, customary systems can harness the collective wisdom, cultural values, and social cohesion of the community to promote sustainable and locally relevant solutions to conflicts.

Community participation ensures fair and inclusive resolutions by considering their perspectives, concerns, and interests (Asenjo Palma, 2019). It fosters consensus building by providing a platform for dialogue, negotiation, and collective decision-making. Local knowledge and expertise, often rooted in traditional customs, are valued and contribute to culturally appropriate solutions. Community participation empowers individuals and communities by giving them a sense of ownership over the conflict resolution process (Onchari, 2012). This empowerment strengthens social cohesion, trust, and the overall effectiveness of efforts to resolve conflicts and disputes. It also strengthens the social fabric of the community by allowing members to come together, interact, and address shared concerns. This can contribute to long-term peace and reconciliation, as well as the prevention of future conflicts.

However, challenges such as power imbalances, gender inequalities, marginalized voices, and exclusionary practices may need to be addressed to ensure equal and meaningful participation. It is essential to create an inclusive and safe space where diverse perspectives can be expressed and respected (Minckas et al., 2020). Overall, community participation is a valuable tool in conflict resolution processes.

2.3 The Concept of Peacebuilding

Peacebuilding refers to a comprehensive and long-term approach to preventing the recurrence of violence, addressing the root causes of conflicts, and establishing conditions for sustainable peace in societies affected by or at risk of violent conflict (Cheng-Hopkins, 2010). It encompasses a range of activities, processes, and interventions aimed at promoting reconciliation, fostering social cohesion, and building constructive relationships among individuals, communities, and institutions. Peacebuilding goes beyond simply ending violence and seeks to address the underlying drivers of conflicts, such as social inequality, political exclusion, historical grievances, and identity-based tensions (Karen Bodnaruk Jazayeri, 2016). It involves efforts to transform relationships, promote dialogue and understanding, and build trust among different groups, to create a more inclusive and peaceful society (Flaherty, 2000). Peacebuilding is a multidimensional and long-term endeavor that requires the involvement of various stakeholders, including governments, international organizations, civil society, and local communities. It is a crucial approach to promoting sustainable peace and preventing the recurrence of violent conflicts (Cheng-Hopkins, 2010).

2.4 Federalism, Customary Dispute Resolution and Peacebuilding

2.4.1 An Overview of Federalism in Ethiopia

Federalism is a constitutional system that divides power between different government levels, granting substantial autonomy to federated units in certain policy areas while establishing shared rules for power-sharing (Bulmer, 2017). In Ethiopia, federalism refers to the system of governance established by the Ethiopian Constitution of 1995. The adoption of federalism in Ethiopia aimed to address historical grievances, promote ethnic autonomy, and recognize the ethnic diversity within the country (FDRE Constitution, 1995).

Under the federal system, Ethiopia is divided into former nine regional states but now twelve regional states and two self-governing cities, each with its own legislative and executive bodies. This decentralized structure aims to devolve power and authority to the regional states. As a result, each regional state has the autonomy to govern its internal affairs, including education, agriculture, healthcare, and infrastructure development (Article 52). This approach ensures that decisions are made at the regional level, taking into account the specific needs and aspirations of the ethnic groups within each region (Alem, 2003).

Moreover, federalism in Ethiopia involves the establishment of regional constitutions that complement the national constitution. These regional constitutions provide a framework for governance at the regional level and outline the rights and responsibilities of regional governments (FDRE Constitution, 1995). Additionally, the House of Federation, a legislative body at the federal level, serves as a platform for resolving disputes between the federal government and regional states, as well as among the regional states themselves.

However, the implementation of federalism in Ethiopia has not been without challenges. Ethnic tensions (Admassu & Political, 2019), power imbalances, resource allocation disputes, and identity-related conflicts have arisen within the federal system (Eneyew & Ayalew, 2023; Taye, 2018). Contentious issues such as the delineation of regional boundaries and the recognition of ethnic identities have occasionally led to conflicts between regional states and the federal government (Abate, 2004; Kefale, 2013). By addressing historical grievances, promoting regional autonomy, and recognizing ethnic diversity, federalism in Ethiopia aims to ensure a more inclusive and participatory system of governance. However, ongoing challenges necessitate continued

efforts to address ethnic tensions and power imbalances while fostering effective cooperation and dialogue among different levels of government.

2.4.2 Federalism and Customary Dispute Resolution in Ethiopia

Federalism and customary dispute resolution in Ethiopia share a close relationship, as both systems contribute to addressing disputes and maintaining social cohesion within the country. The federal structure in Ethiopia recognizes the significance of customary laws and practices in resolving conflicts at the local level, as outlined in the (FDRE Constitution, 1995), Article 34(5). This recognition leads to the integration of customary conflict resolution mechanisms, which are deeply rooted in the traditional norms, values, and practices of various ethnic communities, into the legal framework. Consequently, customary systems coexist alongside formal legal mechanisms within the federal structure.

The federal system also grants regional states the autonomy to govern their internal affairs, including justice systems and conflict resolution mechanisms, as stipulated in the (FDRE Constitution, 1995, Article 52). This decentralization empowers regional governments to accommodate and incorporate region-specific customary conflict resolution practices. As a result, local communities are actively engaged in decision-making processes and can apply customary approaches to resolve conflicts (Blank, 2010).

Federalism promotes a collaborative approach, fostering cooperation between customary and formal legal systems (Ryan, 2020). This collaboration involves the federal government, regional states, and local communities working together to ensure that customary conflict resolution mechanisms align with constitutional principles and human rights standards, as emphasized in the (FDRE Constitution, 1995), Article 34(5)). By integrating traditional practices into the broader legal framework, this collaborative approach aims to preserve cultural heritage while upholding individual rights and ensuring access to justice, as stated in Article 10 of the Constitution.

In some instances, customary and formal legal systems may interact and combine, resulting in hybrid systems of conflict resolution, as stated in the (FDRE Constitution, 1995, Article 34(5)). These hybrid approaches involve reconciling customary practices with statutory laws or incorporating traditional dispute resolution mechanisms within formal legal procedures. Hybrid systems strive to leverage the strengths of both systems and adapt to the evolving dynamics of Ethiopia's diverse society.

However, challenges and considerations arise in effectively linking federalism and customary conflict resolution (Regassa, 2010). Harmonizing customary practices with constitutional rights can be intricate, particularly when traditional norms conflict with modern legal principles. Striking a balance between preserving cultural heritage and promoting gender equality and human rights presents additional challenges. Furthermore, the effectiveness and accessibility of customary conflict resolution mechanisms may vary across regions and communities, necessitating ongoing efforts to strengthen and standardize these systems, as highlighted by (Assefa & Pankhurst, 2016).

The role of federalism in conflict resolution and peacebuilding is highly significant, as evidenced by various scholarly sources. (Alem, 2003 and Bulmer, 2017), highlight how federalism enables power-sharing and accommodation, distributing power between the central government and subnational entities to address ethnic, cultural, or political differences. This arrangement allows for the peaceful coexistence of diverse groups within a country. The FDRE Constitution (1995, Article 52) supports this notion by recognizing the importance of autonomy for subnational units.

Decentralization and local ownership, as emphasized by (Bulmer, 2017), empower communities by devolving authority and resources to regional or local governments. This aspect of federalism fosters inclusive decision-making and the management of local resources, directly contributing to conflict resolution at the grassroots level. The incorporation of conflict management mechanisms within federal systems is highlighted by (Gebretsadik, 2022) and (Muluken, 2020). These mechanisms, such as negotiation forums and constitutional provisions, provide formal channels for dialogue and dispute resolution. They prevent conflicts from escalating into violence and promote peaceful resolution between different levels of government. Inclusive governance and minority rights, as supported by the FDRE Constitution (1995, Article 29), are key aspects of federalism. This framework protects the rights and interests of minority groups, allowing their participation in decision-making processes and policy shaping. This inclusivity addresses historical grievances, promotes social cohesion, and contributes to sustainable peace.

The role of federalism in resource management and economic development is evident, as indicated by the FDRE Constitution (1995, Article 52). Subnational entities in federal systems have control over natural resources and economic activities within their territories. Effective management and equitable distribution of resources, as highlighted by research, help address economic grievances and contribute to stability and peace. To ensure the success of federalism in conflict resolution and

peacebuilding, effective governance, trust-building, and inclusive political processes are vital considerations. These elements, coupled with addressing historical inequalities and fostering cooperation between different levels of government, maximize the potential of federalism to promote peace and stability (Alem, 2003; Bulmer, 2017).

2.5 Customary Dispute Resolution and Human Rights

Customary dispute resolution refers to traditional or indigenous methods and practices used by communities to manage disputes and conflicts within their own social and cultural frameworks (Enyew, 2019). These practices are deeply rooted in the customs, norms, traditions, and values of a particular community or society. Customary conflict resolution processes often involve the participation of community members, respected elders, or traditional leaders who serve as mediators or arbitrators. Customary conflict resolution can vary widely across different cultures and communities, but it typically aims to restore harmony, maintain social order, and promote reconciliation within the community (Enyew, 2014). The specific methods and procedures used may include mediation, negotiation, dialogue, or rituals that reflect the cultural context and values of the community.

Human rights are universal and inalienable entitlements of all individuals, based on the principles of inherent human dignity, equality, and freedom (UNICEF, 2015). These rights are protected by international human rights laws and standards, which aim to ensure the well-being, freedom, and equality of all individuals, irrespective of their nationality, race, gender, religion, or other characteristics. Human rights encompass a broad range of civil, political, economic, social, and cultural rights. They include rights such as the right to life, liberty, equality, freedom of expression, assembly, and association, as well as rights related to education, healthcare, and a fair justice system. Human rights provide a framework for promoting justice, equality, and respect for individual autonomy and dignity (Wheatley, 2019).

2.5.1 Intersection of Customary Dispute Resolution and Human Rights

The intersection of customary dispute resolution and human rights arises from the need to ensure that conflict resolution processes uphold fundamental human rights principles. While customary conflict resolution practices are rooted in local traditions and culture, they must also align with internationally recognized human rights standards (Fuentes-Julio, 2019). The relationship between customary conflict resolution and human rights can be complex. On one hand, customary practices

may have inherent strengths, such as community participation and preservation of cultural identity. On the other hand, they may also present challenges in terms of gender equality, due process, protection of individual rights, or discrimination against marginalized groups (Parlevliet, 2002). It is important to critically examine customary conflict resolution processes to identify potential conflicts or inconsistencies with human rights principles. Efforts should be made to integrate human rights considerations into customary practices, addressing issues such as gender disparities, access to justice, non-discrimination, and fair treatment of all individuals involved in conflict resolution (Keys & Burke, 2013).

2.5.2 Balancing Customary Practices and Human Rights

Striking a balance between customary practices and human rights requires dialogue, collaboration, and an understanding of the cultural context. Approaches to achieving this balance may include legal reforms, awareness-raising programs, capacity-building initiatives, and promoting gender equality within customary conflict resolution processes (A. G. Assefa, 2012). Engagement with customary systems should aim to respect cultural diversity while upholding universal human rights standards. It should involve building partnerships and fostering mutual understanding between customary and formal justice systems, recognizing the strengths of both approaches (Council of Europe, 2008).

2.6 Global Perspective on Customary Dispute Resolution

Customary dispute resolution practices are not universally accepted or applicable in all countries worldwide. The acceptance and recognition of these practices depend on factors such as legal frameworks, cultural norms, and the relationship between customary practices and the formal justice system (Mandefro, Ajanaw Alemie, 2018). Taking a global perspective, customary conflict resolution can be observed in various forms across different cultures and societies worldwide (Solomon, 2020). It encompasses traditional practices and processes used by communities to address conflicts within their cultural and social contexts (Boege, 2011). These mechanisms are deeply rooted in local customs, traditions, and norms. Customary conflict resolution often coexists with formal legal systems and can serve as an important alternative or supplement to them. It emphasizes principles of restorative justice, community participation, and the restoration of relationships.

In Western countries and the United States, alternative dispute resolution (ADR) methods are frequently employed as alternatives to formal legal proceedings. ADR methods, such as mediation and arbitration, share similarities with customary conflict resolution in their emphasis on negotiation, dialogue, and finding mutually agreeable solutions. These methods aim to facilitate resolution and promote a sense of empowerment and ownership among the parties involved (Blackshaw, 2002). Furthermore, some Western countries and the United States have recognized the value of incorporating indigenous or traditional approaches to conflict resolution, particularly in cases involving Indigenous populations. In these contexts, efforts have been made to integrate customary practices and principles into legal frameworks, acknowledging their cultural significance and promoting culturally appropriate resolutions (McQuoid-Mason, 2021).

It is important to note that the utilization of customary conflict resolution methods in Western countries and the United States can vary significantly, depending on factors such as cultural diversity, legal systems, and regional or local contexts. While these methods may not be as prevalent or formalized as in non-Western contexts, there are instances where they are acknowledged and integrated into dispute resolution processes (Pop, 2014).

Customary conflict resolution practices share commonalities across different regions of the world while exhibiting variations based on cultural, social, and historical contexts (Eneyew & Ayalew, 2023). They are rooted in restoring harmony, healing relationships, and maintaining social cohesion within communities. These practices often prioritize reconciliation over punitive measures and legal rights. Community involvement, often through the participation of elders, traditional leaders, or mediators familiar with local customs, is crucial (Momoh, 2021). They are generally less formal than formal legal systems, allowing for more flexible processes. However, they differ significantly based on cultural, religious, and indigenous traditions (Muluken, 2020). The procedures and mechanisms employed in customary conflict resolution also vary, with some relying heavily on mediation, while others may incorporate arbitration or negotiation (Shonk, 2020). The relationship between customary conflict resolution and formal legal systems also varies, with some jurisdictions recognizing and incorporating customary practices, while in others, they may be less formally integrated. Additionally, it is important to consider the influence of gender dynamics on these practices (Pankhurst, 2006, as cited in Assefa & Pankhurst, 2016).

In Africa, customary conflict resolution mechanisms have a long-standing presence and have been practiced for generations (Ajayi & Buhari, 2014). These mechanisms are deeply rooted in the continent's diverse cultural heritage and are integral to local communities. These mechanisms vary across regions and ethnic groups, incorporating practices such as mediation, arbitration, reconciliation ceremonies, and village assemblies. Customary conflict resolution in Africa commonly emphasizes the restoration of harmony, preservation of community bonds, and addressing social and economic issues that go beyond legal rights (Tafere Reda, 2011). In Africa, customary conflict resolution practices vary significantly across different ethnic groups and regions. For instance, the Gacaca system in Rwanda emerged as a traditional approach in the aftermath of the genocide in 1994 (Geraghty, 2020). This system encompassed community-based open-air tribunals where perpetrators of crimes could confess, seek forgiveness, and receive sentences based on the judgment of the community. In contrast, the Mato Oput practice among the Acholi people in Northern Uganda follows a ritualized process of reconciliation, featuring a formal ceremony where the offender and victim, along with their families and community members, participate in forgiveness rituals (Panighel, 2009).

Traditional African states have long relied on dispute settlement and conflict resolution methods and initiatives that seek to address the root causes and drivers of conflicts, achieve genuine reconciliation between conflicting parties, preserve harmony, and restore a sense of peace and contentment among all involved (McQuoid-Mason, 2021). These traditional mechanisms hold significant potential for reducing the reliance on formal litigation, particularly for rural African communities and urban dwellers who maintain strong ties to traditional leaders, extended families, and their local communities. Ethiopia is known for its cultural and ethnic diversity, with over 80 distinct ethnic groups, each possessing its own languages, cultures, values, norms, and religions (O'Donnell et al., 2018). This rich diversity gives rise to a multitude of indigenous conflict resolution mechanisms that are practiced within the country.

2.7 Theoretical Framework of the Study

A theoretical framework is essential in a literature review as it provides the conceptual lens, context, and structure for analyzing and synthesizing the existing research. It helps researchers to situate their work within a theoretical framework, identify research gaps, formulate research questions, and contribute to the theoretical development in their field of study (Adom et al., 2018).

Several theoretical frameworks have been employed by social scientists to understand and analyze customary conflict resolution practices. This research highlights some key theoretical frameworks and their significance.

2.7.1 Legal Pluralism Theory (LPT)

Originally, legal pluralism had a descriptive meaning that focused on the empirical study of law and recognizing its diverse nature. The term "legal pluralism" was initially introduced as the title of a collection of papers edited by John Gilissen, which highlighted the limitations of the monist theory of law. As time passed, legal pluralism transformed into a theoretical framework aimed at understanding the cognitive aspects of the concept, challenging traditional legal theory, and proposing a contemporary approach to legal pluralism that aligns with current reflections on the epistemology of social sciences (Patrignani, 2016). Legal pluralism is a theoretical framework that recognizes and examines the coexistence of multiple legal systems within a single society or jurisdiction. It acknowledges that law is not solely the domain of the state, but rather a complex network of various legal orders, including state law, customary law, religious law, and other forms of non-state or informal law (Benda-Beckmann & Turner, 2018; Swenson, 2018). Legal pluralism is characterized by the coexistence of multiple sets of rules or legal systems within a single state or society. This allows individuals to select from among various legal frameworks, catering to different categories of people who may not have the option to choose among these legal systems. The acceptance of legal pluralism in legal studies stems from its ability to interpret and generate diverse perspectives on the state. Additionally, legal anthropologists in the 1970s demonstrated the practicality and relevance of the term, further contributing to its recognition (Benda-Beckmann & Turner, 2018).

Legal pluralism recognizes that societies often have multiple legal systems operating concurrently, including both formal legal systems and customary law. This theory acknowledges the complexity and diversity of legal systems and explores how customary conflict resolution practices interact with and coexist alongside formal legal frameworks. Scholars studying customary conflict resolution within a legal pluralistic context analyze the dynamics of legal pluralism, examining the ways in which customary law is recognized, applied, and negotiated within the broader legal landscape (Patrignani, 2016). Legal anthropologists have played a significant role in interpreting the state within the context of legal pluralism. They have developed an analytical framework that

incorporates the state, its judiciary, and legal institutions into their examination of legal dynamics at the local level (Benda-Beckmann & Turner, 2018). Moreover, they have showcased the relevance of legal pluralism in colonial settings, where individuals frequently had the option to select one legal system over another. In these colonial contexts, the state actively participated in establishing multiple legal orders.

2.7.2 Restorative Justice Theory (RJT)

Restorative justice theory focuses on repairing harm, promoting healing, and restoring relationships in the aftermath of conflict. It emphasizes community involvement and the empowerment of all parties involved in the conflict resolution process. Within customary conflict resolution practices, restorative justice principles guide the resolution process, aiming to address the underlying causes of conflict, facilitate dialogue, and promote reconciliation. Scholars exploring customary conflict resolution from a restorative justice perspective examine the integration of these principles into traditional practices and their effectiveness in achieving meaningful and sustainable outcomes (Marshall, 2020; Vanness, 2005).

Restorative justice is rooted in ancient civilizations, such as Arab, Greek, and Roman, Indian Hindus, Buddhist, Taoist, and Confucian traditions. It challenges traditional notions of deterrence, reliability, incapacitation, and crime prevention, transforming criminal jurisprudence and fostering concepts of freedom, democracy, and community (Braithwaite, 2015). Restorative justice has been a prevailing criminal justice framework worldwide since the decline of the Dark Ages when crime was redefined as an offense against the monarch, emphasizing loyalty and obedience to the king. The resurgence of interest in restorative justice in Western societies can be traced back to the introduction of victim-offender reconciliation programs in 1974.

Restorative justice emerges as a powerful tool in peacebuilding, addressing the underlying causes of conflict and fostering healing and reconciliation. As highlighted by (Zehr, 2008), restorative justice offers distinct benefits. It provides a platform for victims to express their experiences and have their concerns addressed, while also encouraging offenders to acknowledge their responsibility for their actions and take steps to make reparations. Moreover, it fosters healing and reconciliation by facilitating dialogue and understanding between victims and offenders. It cultivates relationships and trust within communities, strengthening the foundation for peaceful coexistence. Furthermore, it tackles the underlying roots of conflict and promotes systemic

transformation. Ultimately, restorative justice empowers communities to actively engage in the peacebuilding process, allowing them to take ownership and shape their own future.

2.7.3 Mediation and Negotiation Theory

Mediation and negotiation theories highlight the role of a neutral third party in facilitating communication, negotiation, and resolution between conflicting parties. These theories emphasize the importance of dialogue, understanding, and finding mutually agreeable solutions. In the context of customary conflict resolution, mediation and negotiation techniques are often employed to bridge gaps, facilitate compromise, and restore harmony within the community (Gandhi, 2019; Saaida, 2023). Researchers studying customary conflict resolution from a mediation and negotiation perspective explore the processes, strategies, and outcomes of these practices, analyzing the role of mediators, negotiation dynamics, and the factors that contribute to successful resolutions.

A mediator is a trained professional with excellent communication and negotiation skills who facilitates constructive dialogue, guides parties towards a mutually acceptable resolution, and ensures that all parties have an equal opportunity to express their concerns and perspectives (Saaida, 2023). Additionally, it would be beneficial to include a brief mention of the voluntary nature of mediation, emphasizing that parties willingly participate in the process and can withdraw if they choose to do so.

Mediation is a conflict resolution method where a neutral third party assists parties in reaching a mutually acceptable agreement. The mediator facilitates communication and negotiation, helping parties identify their interests, needs, and concerns. It is often used as an alternative to litigation and can be applied to various conflicts, including interpersonal, organizational, community, and international disputes. The goal of mediation is to help parties reach a durable, sustainable agreement that meets their needs and is enforceable. Negotiation, on the other hand, is a process of communication and interaction between parties with different interests, needs, or goals, aiming to find a mutually acceptable solution that satisfies all parties' interests and is better than the alternatives (Mason, Simon; Cross, 2007).

2.7.4 Conflict Transformation Theory (CTT)

Conflict transformation theory goes beyond resolving immediate conflicts and aims to address the root causes of conflict. It emphasizes long-term, sustainable solutions and seeks to transform

relationships and structures that contribute to conflict (Miall, 2004). Within customary conflict resolution, this theory encourages an examination of the underlying social, economic, and political factors that give rise to conflicts and explores the potential for structural change and empowerment as part of the resolution process.

Lederach's Conflict Transformation Theory (CTT) is a modern approach to promoting peacebuilding that centers on understanding the dynamics and evolving nature of social conflicts (Ndeche, 2022). CTT recognizes the influence of conflict dynamics and seeks to foster peace through a process-oriented approach. It emphasizes the importance of transforming violent attitudes and behaviors, engaging in dialogues for peace, and advocating for peace education (Galtung, cited in Ndeche, 2022). CTT is notable for its comprehensive dedication to peacemaking, which involves pursuing truth, facilitating healing in relationships, and promoting restorative justice in post-conflict settings (Ndeche, 2022).

2.7.5 Power and Politics Theory

Theories that examine power dynamics and political structures in conflict resolution shed light on how power imbalances influence the resolution process and outcomes. These theories analyze how power is negotiated, distributed, and exercised within customary conflict resolution practices. They explore how social hierarchies, gender dynamics, and political interests shape the resolution process and its fairness. Scholars utilizing power and political theories when studying customary conflict resolution delve into the social and political dimensions of these practices, unpacking the implications of power differentials and interrogating the influence of broader political contexts (Emmet, 2017).

The different theories of power provide different lenses through which to view the distribution of power in society, and each has its own strengths and weaknesses. According to (Sievers et al., 2006), different theoretical perspectives provide varying explanations of power dynamics in society, particularly in the context of customary conflict resolution and peacebuilding. Pluralist theories propose that power is dispersed among different groups and individuals, rejecting the notion of a single dominant entity (Wolff, 2020). In contrast, Marxist theories assert that power is concentrated in the ruling class, which utilizes their control over production to maintain their dominance (Turner et al., 2004). Feminist theories highlight the gendered nature of power, with men typically holding more power than women (Gerbi et al., 2019). Postmodern and postcolonial

theories offer more intricate understandings of power and its distribution, taking into account multiple factors and contexts (Brigg & Bleiker, 2015).

2.7.6 Peacebuilding and Conflict Resolution Theories

Peacebuilding theories, such as the comprehensive peacebuilding framework (Model et al., 2011), highlight the importance of addressing the underlying causes of conflicts and working towards sustainable peace. These theories emphasize the need to transform relationships, promote reconciliation, and establish conditions for social cohesion. In the context of customary dispute resolution practices, these theories provide a conceptual framework for understanding how such practices contribute to the goals and objectives of fostering peace and stability (Matijević, 2015).

Conflict resolution theories, such as the transformative approach (Schellenberg, 2022), focus on promoting reconciliation, building trust, and creating an environment conducive to social cohesion. These theories recognize the significance of addressing conflicts at their root and transforming relationships between conflicting parties. When considering customary dispute resolution practices, these theories provide a framework for understanding how these practices contribute to the broader goals of conflict resolution and peacebuilding (Matijević, 2015).

2.7.7 Cultural Relevance and Indigenous Knowledge

Cultural relevance and indigenous knowledge theory refers to a theoretical framework that recognizes the importance of valuing and preserving indigenous knowledge and cultural traditions in various domains, including conflict resolution, peacebuilding, and development. This theory emphasizes the significance of local cultural contexts, traditional practices, and the wisdom accumulated within indigenous communities (Salas et al., 2004). At its core, cultural relevance and indigenous knowledge theory assert that indigenous communities possess unique knowledge systems that are deeply rooted in their cultural traditions, histories, and relationships with their natural environments (Nel, 2004). This knowledge encompasses a wide range of domains, such as agriculture, medicine, resource management, spirituality, and conflict resolution. The theory acknowledges that indigenous knowledge systems are dynamic, constantly evolving, and adapted to local contexts, reflecting the wisdom and experiences of generations. It recognizes that these knowledge systems have inherent value and can provide valuable insights, perspectives, and solutions to address a variety of challenges, including conflicts and the pursuit of sustainable peace. Cultural relevance and indigenous knowledge theory emphasizes the active participation

and agency of indigenous communities in decision-making processes and the importance of respecting and incorporating their knowledge systems into policies, programs, and practices (Sillitoe, 2016). It recognizes the strengths and resilience of indigenous communities and highlights the need to empower and support them in preserving, revitalizing, and transmitting their knowledge to future generations. In the context of conflict resolution and peacebuilding, cultural relevance and indigenous knowledge theory underscore the importance of integrating indigenous perspectives, practices, and institutions into processes aimed at resolving conflicts and building sustainable peace (Nel, 2004). It recognizes the potential of indigenous knowledge to contribute to conflict resolution by providing culturally appropriate approaches, fostering reconciliation, promoting social cohesion, and addressing the underlying causes of conflicts.

Therefore, of the above seven theories, the most relevant to my topic is the Cultural Relevance and Indigenous Knowledge Theory. The other theories are also insightful, but this one seems to be the most directly applicable to my specific topic. The key reasons why the Cultural Relevance and Indigenous Knowledge Theory is most applicable to my topic of customary conflict resolution practices are:

- Focus on local cultural contexts and traditional practices
- Recognition of indigenous knowledge systems
- Emphasis on community participation and agency
- Integration of indigenous perspectives into conflict resolution
- Alignment with holistic, relational views of conflict.

The Conceptual framework of the study

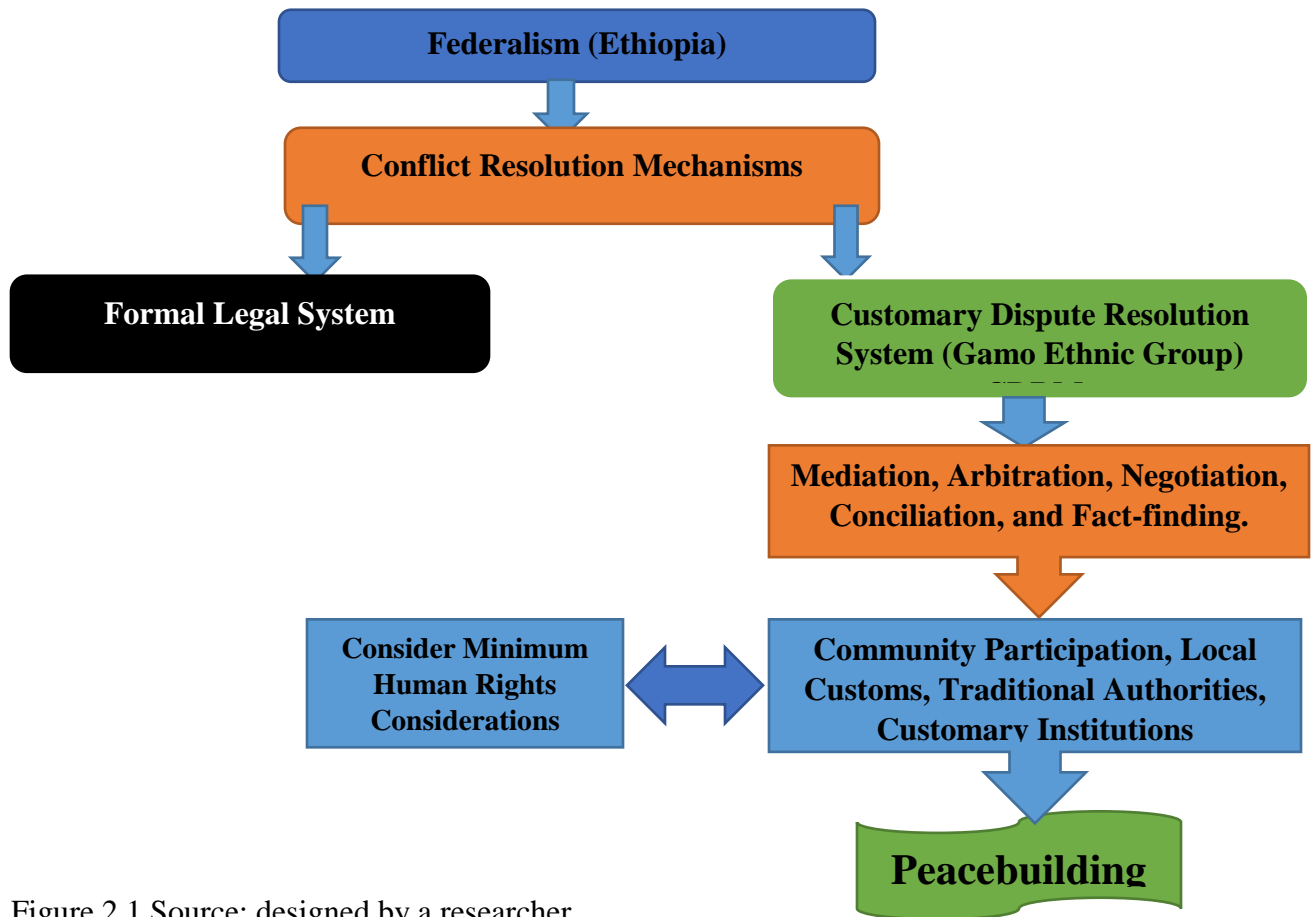


Figure 2.1 Source; designed by a researcher

As per the above conceptual diagram of the study, figure 2.1, the overarching framework for this study is the federalist system in Ethiopia, which serves as the broader context. However, the central focus is not on the formal legal system, but rather on the customary conflict resolution mechanisms employed by the Gamo ethnic group. The key mechanism examined in this study is the Gamo people's customary dispute resolution system, particularly the *Dubusha* institution. The *Dubusha* is a significant customary platform within the Gamo community where processes like reconciliation, mediation, and justice-seeking take place. Through the *Dubusha* platform, the Gamo people employ various customary dispute resolution mechanisms, including Mediation: *Dubusha* facilitates open dialogue and mediation to restore harmony and maintain social cohesion.

Arbitration: *Dubusha* serves as a forum where community members come together to collectively seek justice and make decisions. Negotiation: The discussions and deliberations within *Dubusha* involve negotiation and compromise to reach mutually agreeable resolutions. Conciliation: *Dubusha* aims to reconcile conflicting parties and restore relationships within the community. Fact-finding: *Dubusha* provides a platform to gather information, hear different perspectives, and establish the facts of a dispute before making a decision. These customary mechanisms are not only deeply rooted within the Gamo culture but are also highly acceptable and integrated within the broader federal system for resolving conflicts. Gamo people demonstrate distinct resolution systems at different levels, similar to the Ethiopian Federal System with its first-instance courts, high courts, and Supreme Court. The Gamo customary dispute resolution structures encompass the lower or *Guta Dubusha* up to the higher or *Dere Dubusha* structure. This hierarchical arrangement allows for the resolution of disputes at various levels of governance within the community. Unsolved disputes within the lower structures of *Dubusha* can be appealed to the next higher level for further consideration and resolution. The role of *Ogetha/Ogade* to a higher level and *Mura* to a lower level *Dubusha* plays a crucial role in facilitating the people to the reconciliation process and the place where they sit and find facts. However, the ability to appeal unresolved cases to higher levels within *Dubusha* indicates a level of autonomy and self-governance within the customary system. This implies that the *Dubusha* proceedings and the formal justice system may operate in a complementary manner, with the customary system handling a significant portion of disputes and only escalating exceptional cases to the formal courts. The contextual factors that shape and influence this customary dispute resolution system are community participation, local customs, traditional authorities, and other customary institutions of the Gamo people. These elements are crucial in understanding the dynamics and effectiveness of the *Dubusha* system.

Importantly, when employing these customary practices, the researcher emphasizes that key human rights considerations, such as inherent human dignity, equality, and freedom, must be upheld and respected. The ultimate goal of this study is to understand how the Gamo people customary dispute resolution system, centered on the *Dubusha* institution, contributes to peacebuilding within the broader context of the Ethiopian federalist system. The insights gained will shed light on the role of customary mechanisms in conflict resolution and their potential integration with the formal legal system.

2.8 Summary

In this chapter, the researcher conducts a comprehensive review of customary dispute resolution mechanisms (CDRMs) within the Ethiopian Federation, focusing on their relevance within the federal system. The review begins by examining the concept of CDRMs and delving into their key characteristics. It further explores the various types of Customary Conflict Resolution Institutions (CCRI) and their specific roles in resolving conflicts. Additionally, the review addresses the challenges encountered by customary dispute resolution mechanisms.

The literature further explores the difference between indigenous and modern dispute resolution mechanisms, and the significance of community participation in customary dispute resolution processes. The review then transitions to the concept of peacebuilding and its connection to federalism, customary dispute resolution, and the link between indigenous and modern conflict resolution approaches.

Regarding federalism, the review provides an overview of the federal system in Ethiopia and examines the relationship between federalism and customary dispute resolution, including how they intersect and contribute to peacebuilding efforts. The literature review also addresses the intersection between customary dispute resolution and human rights, exploring the need to balance customary practices with the upholding of human rights principles, such as dignity, equality, and freedom. Additionally, the review offers a global perspective on customary dispute resolution, considering diverse approaches and practices across different regions.

Finally, the literature review introduces several theoretical frameworks that inform the analysis and understanding of customary dispute resolution and peace-building mechanisms. These include legal pluralism theory, restorative justice theory, mediation and negotiation theory, conflict transformation theory, power and politics theory, peacebuilding and conflict resolution theories, and cultural relevance and indigenous knowledge theory. These theories offer valuable perspectives and frameworks for analyzing and comprehending customary dispute resolution practices and peacebuilding mechanisms within the Gamo people in the context of the Ethiopian Federation. Of the above seven theories, the Cultural Relevance and Indigenous Knowledge Theory is most directly applicable to the topic of customary conflict resolution practices. This theory focuses on local cultural contexts and traditional practices, recognizes indigenous

knowledge systems, emphasizes community participation and agency, integrates indigenous perspectives into conflict resolution, and aligns with holistic, relational views of conflict, making it particularly relevant to the study of customary dispute resolution mechanisms within the Ethiopian Federation.

CHAPTER THREE

3 Research Methodology

3.1 Introduction

This chapter provides a description of the study population or area, research approach and design, sources and instruments of data collection, sampling procedures and techniques, methods of data analysis, and ethical considerations.

3.2 Description of the Study Area

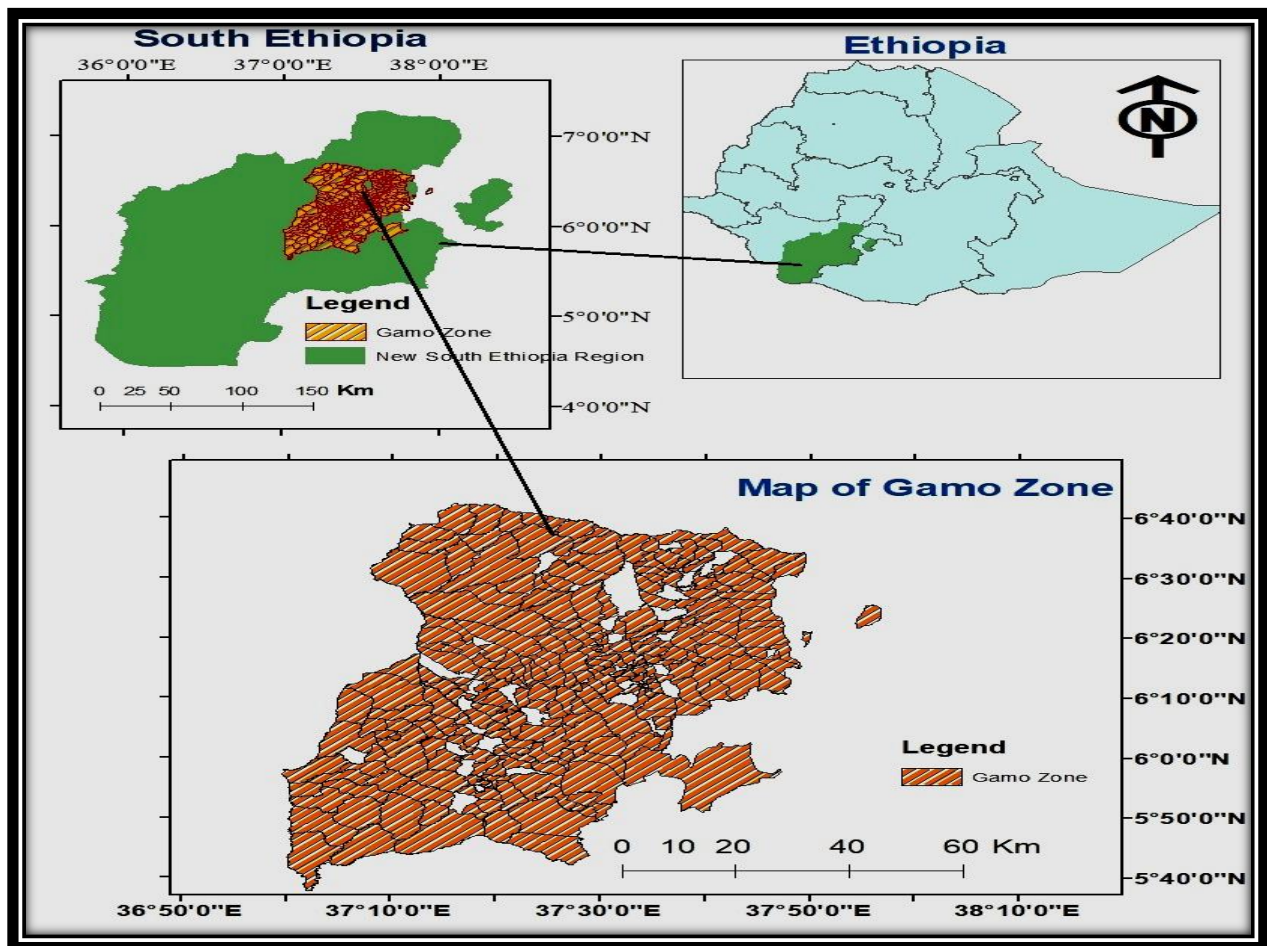
The study area of this research mainly covers the Gamo Zone southern regional state of Ethiopia. The Gamo Zone is predominantly inhabited by the Gamo ethnic group (Massa & Mosa, 2021). It is situated approximately 437 km away from the capital city of Addis Ababa. According to the 2007 Ethiopian national census, the population size of the Gamo people was reported to be 1,107,163. Of this population, 12.75% live in urban areas, while 87.25% live in rural areas. The Gamo people have a distinct cultural heritage, language, and social traditions that shape their unique identity (Choto, 2013). This study focuses on both rural and urban areas.

Agriculture serves as the primary livelihood for the Gamo people, with a focus on subsistence farming. They cultivate a variety of crops, including maize, teff, barley, sorghum, and enset (false banana), which are crucial for their food security (Institute, 2023). Additionally, livestock rearing, including cattle, goats, and sheep, plays a significant role in their agricultural practices. Notably, the Gamo Zone is renowned nationally and internationally for its fruit products, such as bananas, mangoes, and avocados in the lowland areas (Gochera, 2021) and apples and plums in the highland regions (Kebede, 2018).

The Gamo people take pride in their rich cultural heritage, which finds expression through music, dance, and traditional ceremonies. During special occasions and festivals, they make colorful garments and accessories, showcasing their distinctive traditional clothing style. Moreover, the Gamo zone is home to the picturesque Abaya and Chamo lakes (Woldemariam, 2013). The Gamo language, also known as Gamogna, belongs to the Omotic language family and plays a vital role in preserving Gamo's distinct cultural identity. It serves as a means of communication within the community, reinforcing their sense of belonging. Governance, marriage, inheritance, and conflict resolution within the Gamo people are governed by their own customary laws and social norms.

Customary dispute resolution mechanisms are therefore rooted in the traditional practices of Gamo and instrumental in maintaining peace and harmony among the Gamo people and their neighborhoods. In fact, Gamo’s traditional dispute resolution is increasingly getting recognition, even at the national level (Gebretsadik, 2022).

In recent years, efforts have been made to develop the Gamo Zone, focusing on improving infrastructure, education, healthcare, and economic opportunities for its residents. Despite these initiatives, the Gamo people continue to face challenges such as poverty, limited access to basic services, and the preservation of their cultural heritage in the face of modernization (Chote et al., 2017). This underscores the importance of conducting research in this large and resourceful area, as it holds valuable insights into Gamo's customary dispute resolution and peace-building system, which can contribute to the stability of the federation of Ethiopia.



Map 3.1. Location map of the study area 2024 (source designed by the researcher)

3.3 Approach and Design of Research

A qualitative research approach was used for this thesis. This approach was selected because it allows for a deep investigation and understanding of the topic under study, as well as the examination of the specific cultural norms, values, and traditions of the Gamo people and their influence on dispute resolution processes. The study applied as a single case study design that is the case of Gamo people.

A case study research design was utilized to examine the customary conflict resolution and peacebuilding practices of the Gamo people. As one of the qualitative research types, the case study design facilitated for in-depth examination of Gamo's experiences, perspectives, and cultural contexts. Various instances of dispute resolution were selected and analyzed in detail.

3.4 Sampling Technique

When the research was conducted, careful identification of the population and the selection of a good sample played an important role in obtaining quality findings (Rahim, 2008). Therefore, the components of the study, the determination of the sample size, and the method used to select the sample are presented as follows:

3.4.1 Target Population

The target population for this study is the Gamo people, an ethnic group residing in the southern part of Ethiopia. The study aimed to examine their customary practices in conflict resolution and peacebuilding and their roles and significance within the Ethiopian Federation. By focusing on the Gamo people as a specific case, the research aimed to shed light on the dynamics of customary dispute resolution and peacebuilding in the southern regional state of Ethiopia.

The study involved engaging with members of the Gamo people who have knowledge and experience in customary dispute resolution and peacebuilding. The target participants included community leaders, traditional authorities, and individuals who have been actively participating in Gamo customary conflict resolution practices. The research informants involved representatives from government institutions, legal professionals, scholars, and experts in the field of conflict resolution and peacebuilding in Ethiopia.

3.4.2 Sampling Method

To find out a good sample size for the study, non-probability sampling methods were employed. To gather valuable insights into the research questions, purposeful sampling was employed. This technique involved purposefully selecting participants based on their specific knowledge, experiences, or characteristics relevant to the research. Purposeful sampling was utilized to investigate customary dispute resolution practices, power dynamics, and social relationships. Furthermore, snowball sampling was employed. This sampling technique entailed identifying initial participants who met the research criteria and then asking them to suggest other individuals who could contribute to the study. Snowball sampling was used to explore customary dispute resolution practices within the target population. Expert sampling was also utilized. This method involved selecting participants who possessed expertise and knowledge relevant to the research topic. Lastly, key informant sampling was used. This technique involved selecting individuals who possessed significant knowledge or experience related to the research topic.

3.4.3 Sample Size Determination Method

Different scholars have different assumptions about case study sample size determination. For this study, the researcher followed Robert K. Yin's Design and Methods. Yin suggests that researchers should select cases purposefully and that the sample size should be determined by theoretical saturation, meaning that data collection continues until no new insights or information are gained (Yin, 2014). Therefore, the interviews were conducted repeatedly until information saturation was achieved. Information saturation occurred when new interviews yielded limited additional insights or when redundant information was obtained. Of the distinct types of case study designs, a single case study design has been used for this study. Diverse ranges of participants were selected, including community members, elders, experts, and individuals actively involved in customary dispute resolution practices and peace-building efforts within the Gamo people.

3.5 Sources of Data

This study utilized both primary and secondary data sources.

3.5.1 Primary Data Source

The primary data collection tools used to achieve the purpose of this study are:

Interviews: interviews were conducted for this study, involving a diverse range of participants, including community members, elders, experts, and individuals actively engaged in customary

dispute resolution practices and peacebuilding efforts within the Gamo community. A total of 14 interviewees were selected, with 5 interviewees from Chench District, 8 from Arbaminch District, and 1 from Dita District. Among the interviewees, 8 were from rural areas, and the remaining 6 were from urban areas. The gender distribution consisted of 5 female and 9 male participants, aged between 28 and 85. However, due to geographical factors and distance, it was not feasible to interview representatives from all of the 40 administrative groups within the Gamo community.

Focus Group Discussions (FGDs):

For the focus group discussions (FGDs), the researcher followed Krueger and Casey's Design and Methods. They suggest that researchers typically conduct three to five FGDs per distinct participant group or segment (Krueger, 2002). However, they emphasize that the sample size should be driven by data saturation, which occurs when new information or insights stop emerging from the FGDs. Therefore, the researcher selected elders, scholars specializing in the field, and religious leaders who could provide valuable insights for the study in three groups. Each participant selected representatives from different population groups. The FGDs involved a sufficient number of participants to ensure diverse perspectives and comprehensive discussions. FGDs were organized with carefully selected participants, including elders, scholars specializing in the field, government leaders and religious leaders. The purpose of conducting FGDs was to provide a platform for group discussions, allowing for the examination of shared experiences, opinions, and cultural perspectives related to customary dispute resolution practices and peace-building mechanisms within the Gamo people. The selection of participants for the FGDs was based on their knowledge, expertise, and involvement in customary conflict resolution practices and peace-building efforts. The aim was to include a diverse range of perspectives and experiences, ensuring a comprehensive exploration of the research questions. Three FGDs were conducted, each consisting of 6 to 9 participants. The number of FGDs and participants was determined based on data saturation, which was achieved when new information or insights were no longer emerging from the discussions.

3.5.2 Secondary Data Sources

Secondary data sources included books and journals related to the topic of the study, historical records, media sources, and official statistics. The incorporation of these secondary data sources benefited the study by providing existing knowledge, historical perspectives, contemporary

insights, and quantitative information. This comprehensive approach contributed to a more nuanced understanding of customary conflict resolution practices, peace-building mechanisms, and their historical and contemporary dimensions within the Gamo people.

3.6 Data Organization and Analysis

Organization of Primary Data:

The primary data collected for this study was organized as follows: First, the case study interviews were transcribed and documented, ensuring proper documentation of each interview. A coding system or thematic framework was developed to categorize and analyze the interview data based on key themes and research objectives. Second, the data from the focus group discussions (FGDs) were transcribed and organized, capturing the main points and opinions discussed during the sessions. Similar to the case study interviews, a coding system or thematic framework was used to categorize and analyze the FGD data based on relevant themes. Third, the observational data were compiled and organized, including detailed descriptions of dispute resolution incidents and contextual information. A coding system was developed to categorize and analyze the observed behaviors, practices, and outcomes related to customary dispute resolution in the Gamo people. Finally, the analyzed documents were organized, properly cited, and referenced. The key findings and insights from each document were summarized, and common themes or patterns emerging across the various sources were identified.

Analysis of Primary Data:

The primary data collected for this study underwent analysis in the following ways: First, qualitative analysis was conducted on the transcribed interview and focus group discussion (FGDs) data using thematic analysis. The goal was to identify recurring themes, patterns, and variations in participants' perspectives, experiences, and attitudes toward customary dispute resolution and peacebuilding. Connections and relationships between different themes were explored to generate a comprehensive understanding of the research topic. Second, the observational data were analyzed to identify common practices, strategies, and dynamics employed in customary dispute resolution within Gamo people. Patterns and variations in observed behaviors and outcomes were examined, considering how they aligned with or differed from the perspectives shared in the interviews and FGDs. Lastly, the analyzed documents, including historical records, policy documents, legal frameworks, and other written sources, were synthesized. Key historical events,

underlying principles, and social dynamics related to customary dispute resolution and peacebuilding in Gamo people were identified. The findings from the document analysis were compared and contrasted with the primary data sources, enriching the overall analysis.

Organization and Analysis of Secondary Data:

The secondary data obtained from various sources were organized and analyzed in the following ways: Firstly, relevant information from books and journals was summarized and synthesized. Key concepts, theories, and empirical findings related to customary dispute resolution and peacebuilding among the Gamo people were identified to contribute to an overall understanding of the research topic. Secondly, the secondary data obtained from historical records, media sources, and official statistics were organized and analyzed. An analysis was conducted that involved extracting relevant information, identifying trends, and gaining quantitative insights about conflicts, peace-building efforts, and cultural practices among the Gamo people. These findings were compared and integrated with the primary data analysis to develop a comprehensive understanding of the research topic. Through the integration of insights from primary and secondary data sources, a more robust understanding of customary dispute resolution and peacebuilding among the Gamo people was achieved. The findings from the primary and secondary data sources were integrated to develop a coherent narrative and interpretation of the research findings. Commonalities, divergences, and relationships between different data sources were identified.

3.7 Ethical Consideration of Thesis

Following Addis Ababa University's ethical guidelines, I, as the researcher, ensured that all stakeholders, including the study participants, were fully informed about the purpose and importance of the research. Before data collection, I obtained both oral and written consent from the participants, ensuring their clear understanding of the study's objectives and voluntary participation. Protecting the participants from potential harm was my top priority throughout the study. To safeguard confidentiality and anonymity, I handled the collected data with utmost care. I removed any identifying information, such as names, during the data analysis phase to maintain anonymity and protect participants from potential harm. The data was securely stored, and access was limited to authorize researchers to maintain confidentiality.

By adhering to these ethical considerations, I upheld the principles of respect, beneficence, and justice in my interactions with the study participants. I created a secure and confidential environment that fostered trust and protected the rights of the participants throughout the research process.

Chapter Four

4 Gamo Customary Dispute Resolution Institutions and its Effectiveness in Peacebuilding.

4.1 Introduction

This research aims to examine the major customary dispute resolution mechanisms (CDRMs) practiced by the Gamo people of southern Ethiopia and evaluate their effectiveness in the process of peacebuilding within the country's evolving federal system. The Gamo people have a rich tradition of decentralized governance rooted in their "*Gamo Woga*" customary law, which outlines a multi-tiered administrative structure comprising *Kawo* (kings), *Dana*, *Huduga*, and *Aleqa*. These traditional conflict resolution mechanisms have long served as the foundation for maintaining social harmony and managing disputes within the Gamo community.

This chapter provides a comprehensive examination of the major CDRMs employed by the Gamo people and analyzes their effectiveness in peacebuilding efforts within the broader context of Ethiopia's evolving federalist governance. The chapter is divided into two sections. The first section describes the major customary dispute resolution mechanisms and their historical evolution, offering a deeper understanding of the cultural and historical context. The second section examines the effectiveness of customary dispute resolution practices in promoting peacebuilding within the Ethiopian Federation.

4.2 The Major Customary Dispute Resolution Institutions of Gamo

Key informants and document reviews confirmed that the major customary dispute resolution mechanisms in the Gamo people demonstrate distinct resolution systems at different levels, similar to the Ethiopian Federal System with its first-instance courts, high courts, and Supreme Court. Both from the interviews and FGDs gathered data, the key informants described that the Gamo customary dispute resolution structures encompass the lower or *Guta Dubusha* up to the higher or *Dere Dubusha* structure. This hierarchical arrangement allows for the resolution of disputes at various levels of governance within the community.

According to elders and religion teachers, a notable characteristic that sets the Gamo traditional resolution process apart is the absence of revenge-seeking after reconciliation has been achieved.

This point was further reinforced during an informal interview I conducted, in which a Gamo community member explained that once reconciliation is reached, it is considered complete and final in their tradition. There is no ongoing conflict or cycle of retaliation, as the emphasis is solely on restoring harmony within the community. This emphasis on reconciliation and the avoidance of revenge distinguishes the Gamo customary dispute resolution system from other systems that may involve ongoing conflicts or cycles of retaliation. The prioritization of reconciliation as the ultimate goal ensures that disputes are resolved in a manner that promotes unity and enduring peace. Before delving into the examination of the major customary dispute resolution mechanisms, it is essential to understand the roles of customary institutions known as *Dubusha*. These institutions play a significant role in the Gamo people's dispute-resolution processes.

The above presentation outlined the key features of the Gamo customary dispute resolution system, highlighting its hierarchical structure and the central role played by *Dubusha* institutions in facilitating conflict resolution processes. Building upon this foundational understanding, the following discussion will delve deeper into the distinctive characteristics and potential implications of Gamo's traditional justice practices.

One of the most notable aspects of the Gamo system is its multilayered approach to dispute resolution, which mirrors the tiered structure of the Ethiopian federal court system. This hierarchical structure, ranging from the lower *Guta Dubusha* to the higher *Dere Dubusha*, suggests a high degree of organization and sophistication in Gamo's traditional justice mechanisms.

Another distinguishing feature is the Gamo's emphasis on reconciliation and the avoidance of revenge. Rather than perpetuating cycles of retaliation, the Gamo model prioritizes achieving a state of reconciliation as the ultimate goal. This focus on restoring harmony within the community is a unique and admirable aspect of their customary dispute-resolution processes.

4.2.1 The Dubusha Institution

The customary dispute resolution system of the Gamo people consists of multiple levels, with each level playing a distinct role in resolving conflicts. These levels range from the intimate family or lower level setting¹ of *Dubusha* to the broader community's collective decision-making process known as *Chare Dubusha*. The roles and functions of these customary dispute resolution

¹Personal interview with Haleluya Chalta, journalist and founder of Dubusha Media Network, April 2, 2024.

institutions will be explored further based on the information obtained from document analysis and interviews as follows.

Based on the information obtained from document analysis and interviews *Dubusha* means the traditional public gathering institution for reconciliation and justice in the Gamo people. *Dubusha*² is a significant customary institution within the Gamo people, serving as a public gathering platform where reconciliation, mediation, and justice are required. In a modern government system, it can be likened to a parliament. *Dubusha* is accessible across all 42 *Dere* administrations³, encompassing various areas of the Gamo people. Its structure consists of four levels: *Dere* (higher) level *Dubusha*, Sub-*Dere* (middle) level *Dubusha*, village or *Guta* (neighbor) level *Dubusha*, and family level *Dubusha*⁴.

At each level, *Dubusha* serves as a crucial forum for addressing disputes and ensuring fair resolutions. It functions as a platform where community members come together to discuss grievances, listen to different perspectives, and collectively seek justice. Through open dialogue and mediation, *Dubusha* endeavors to restore harmony and maintain social cohesion within the Gamo people. The hierarchical nature of *Dubusha* reflects its significance in the Gamo customary system. The *Dere*-level *Dubusha* represents the highest authority, overseeing broader community matters, while the sub-*Dere*-level *Dubusha* focuses on resolving disputes within specific subdivisions. The village or *Guta* (neighbor) level of *Dubusha* addresses conflicts at the village level, and the family-level *Dubusha* handles disputes at the family level.

Unsolved disputes within the lower structures of *Dubusha* can be appealed to the next higher level for further consideration and resolution. This appeals process allows for a comprehensive and fair examination of unresolved conflicts, ensuring that all parties involved have the opportunity to seek justice and a satisfactory resolution. By enabling appeals to higher levels, the Gamo people's customary dispute resolution system promotes accountability and provides a mechanism for addressing complex or contentious cases that require additional scrutiny or expertise.

Dubusha's unique characteristics extend beyond its role as a dispute resolution institution. It encompasses distinct elements of sitting arrangements, position, and speech, which contribute to

² See <https://youtu.be/puUmoURIM7s>

³ <https://youtu.be/xNvmRLymytQ?t=42>

⁴ *ibid*

its symbolic and functional significance. In *Dubusha*, individuals cannot sit on any chair other than their designated chair. *Dubusha* chairs are made of carved stones and there is a chair for each participant. These stone chairs serve as a representation of the participant's roles and responsibilities within the community.

The seating⁵ arrangement in *Dubusha* is carefully organized to reflect the community's values and social structure. During larger *Dubusha* gatherings, where up to 200 chairs are arranged⁶, the seating arrangement incorporates elements of law, justice, peace, and democratic principles. The concept of a positioning system is similar, but the chairs used may not always be carved from stone. Instead, seating arrangements could be organized based on factors such as seniority and hierarchy within the wide field area⁷. The assembly employs a positioning system based on age. Individuals above the age of 50, known as fathers, are assigned specific seats. Meanwhile, those under the age of 50, referred to as adults and known as "*Qacina*" in the local pronunciation, also have designated seating areas. This arrangement ensures an orderly and respectful setting where each participant is placed according to their age group. By implementing this seating hierarchy, *Dubusha* embodies the Gamo people's commitment to honoring the wisdom and experience of the elder generation while also valuing the perspectives and contributions of the younger adults. It demonstrates a balanced approach to decision-making and fosters a sense of inclusivity and unity within the community. The first tier of seating is reserved for the chiefs, who hold positions of authority and leadership. Those who have been appointed as chiefs and have completed their term are seated on the second tier, signifying their continued involvement and guidance within the community. The third tier is dedicated to the elders, who possess wisdom and experience that contribute to the decision-making process. Finally, the youths are seated at the back, symbolizing their participation and the importance of their perspectives in shaping the community's future. This seating arrangement within *Dubusha* not only reflects the respect for hierarchy and the value placed on the wisdom of elders but also emphasizes the inclusion of the younger generation and their role in the community's affairs. It fosters a sense of collective responsibility and ensures that decisions are made with input from multiple generations, promoting a balanced and inclusive

⁵ See annex picture 4.1, in Gamo Zone, Dita Woreda, Goza Kebele Dubusha Seat.

⁶ See <https://youtu.be/yxTIXaMk4UU>

⁷ Personal interview with Isirael Kara, elder and mother tongue teacher, on Tuesday 2, 2024 at Chenchu secondary school.

approach to governance and conflict resolution within the Gamo people. At Gamo *Dubusha*, there are distinct conflict resolution systems for each of the four levels. In the subsequent sections, the conflict resolution systems at each level will be examined individually, providing insights into their respective roles and procedures. The following analysis will utilize common research terminology to facilitate a comprehensive understanding of the topic.

From this presentation, we understand that the customary dispute resolution system of the Gamo people is a sophisticated and multilayered approach to maintaining social cohesion and addressing community-level conflicts. At the heart of this system lies the *Dubusha*, a significant customary institution that serves as a public gathering platform for reconciliation, mediation, and justice. The *Dubusha* operates at four distinct levels within the Gamo community - the *Dere* (higher) level, the *Sub-Dere* (middle) level, the village or *Guta* (neighbor) level, and the family level. Each of these levels plays a crucial role in addressing disputes and restoring harmony. The hierarchical structure of the *Dubusha* allows for appeals to higher levels, ensuring that complex or contentious cases receive a comprehensive examination and a fair resolution.

Beyond its functional role, the *Dubusha* is imbued with symbolic significance, reflected in its unique elements such as seating arrangements, positions, and speech. The carefully organized seating system within the *Dubusha* embodies the Gamo people's values and social structure. Individuals are assigned specific seats based on factors like age, seniority, and leadership roles, demonstrating the community's respect for the wisdom and experience of the elder generation while also valuing the perspectives of the younger adults. The tiered seating arrangement, with chiefs, former chiefs, elders, and youths occupying designated areas, represents a balanced approach to decision-making. This system fosters a sense of inclusivity and unity, ensuring that the voices of all community members are heard and that decisions are made with input from multiple generations.

The presentation suggests that each level of the *Dubusha* has distinct conflict resolution systems, which will be explored in greater detail in subsequent sections. This multilayered approach to dispute resolution within the Gamo community reflects a sophisticated and culturally-rooted strategy for maintaining social cohesion and addressing community-level conflicts.

From this contexts we understand, *Dubusha* institution and Ethiopian federal system potential structural similarities, and functional differences. Its structural Similarities: The multi-tiered

Dubusha system (*Dere*, *Sub-Dere*, *Guta*, and Family) mirrors the hierarchical structure of the Ethiopian federal model, with national, regional, zonal, and local levels. The second similarity, both systems distribute authority and decision-making power across these different tiers, allowing for localized dispute resolution. The last similarity is the ability to appeal cases to higher levels of the *Dubusha* parallels the appeals process within the federal judiciary.

Functional Differences: While the *Dubusha* focuses on community-level reconciliation and mediation, the federal system primarily operates through a formal legal framework and court system. The second difference is that *Dubusha's* emphasis on inclusive, consensus-based decision-making contrasts with the more adversarial nature of the federal judicial process. The other one is that *Dubusha* is deeply rooted in Gamo cultural traditions and values, whereas the federal system is a modern, state-level paradigm.

Institutional Legitimacy: The *Dubusha* derives its authority and legitimacy from its longstanding role within the Gamo community, whereas the federal institutions derive their legitimacy from the state. The *Dubusha's* connection to traditional leadership and elders lends it a distinct form of community-level legitimacy.

4.2.1.1 Family Level Dubusha

The Gamo people employ various methods to resolve disputes, and this section focuses on the family-level dispute resolution system. Drawing from data collected through key informant interviews, and focus group discussions, the following case exemplifies how Gamo customary dispute resolution effectively addresses conflicts at lower or family levels.

According to the information provided in the interview by Reverend Dawit Mered, a religious teacher, and cultural expert, the process of dispute resolution at the family level in the Gamo community is as follows: when a family becomes loud during a disagreement, it signals that a dispute has occurred. In such cases, a neighbor steps in to listen to the details of the situation. If the dispute is minor, an elder takes charge and resolves it, bringing an end to the dispute. However, if the dispute is more serious, additional neighbors are involved to resolve the issue together. Throughout this process, the parties involved are expected to live peacefully as they did before the dispute arose.

An important aspect to note is that if the elder says, "*Yoha Tan Bonchars*," it means that everyone must continue with their regular tasks and behave as if they have already reconciled until a scheduled day for reconciliation⁸. During this period, it is required that the involved individuals engage as they live and perform before including biological relationships, symbolizing their commitment to following the instructions of the elder or representative until the appointed day of reconciliation. Disobeying this order from the elders is considered a curse, according to the beliefs held within the Gamo people. This traditional approach focuses on achieving complete reconciliation and harmony within the community, without seeking revenge or perpetuating the dispute.

In the Gamo traditional justice system, if a dispute is not resolved at the lower family level, an appeal can be made to the next structure within the Gamo customary dispute resolution system. However, it is important to note that if a person continues to dispute and refuses to accept the decision made by the Gamo elders, they may face punishment by Gamo customary law⁹.

In cases where a husband and wife in conflict express their inability to reconcile outside of the framework of Gamo's traditional dispute resolution, a specific process is followed. The party unwilling to reconcile must gather all the other sub-members involved in the dispute. It is important to note that in the Gamo people, it is not permissible to abandon the conflict without resolving it. The traditional dispute resolution mechanisms are designed to ensure that conflicts are addressed and resolved within the community, emphasizing the importance of finding a resolution rather than leaving the conflict unresolved.

However, in the Gamo traditional justice system, after the process of reconciliation, there are no payments or penalties imposed on the parties involved¹⁰. Instead, there is a strong cultural expectation for individuals to fulfill the responsibilities that arise following reconciliation. Failure to do so is considered dishonorable and shameful in Gamo culture, and it is referred to as "*Gome*," which means a curse. This highlights the significance placed on upholding one's commitments and obligations after the reconciliation process.

⁸ Interview with Mazge Gazato, elder on Wednesday April 2, 2024 at Zozo

⁹ Personal interview with Isirael Kara, elder and mother tongue teacher, on Tuesday 2, 2024 at Chencha

¹⁰ Personal interview with Dawit Meried, elder and religion teacher, on Saturday 6, 2024 at Kogo

In the Gamo traditional justice system, the consequences for a person who disagrees with the decision-making process vary depending on whether they are the husband or the wife. If the husband disagrees with the decision, he is obligated to pay the full penalty amount determined by the elders to the wife¹¹. However, if the wife disagrees with the decision, according to tradition, she has the right to share the penalty imposed by the elders with her husband. This distinction is made because both parties violated the judgment of the elders, but the consequences differ. The party who violated the judgment will be fined, indicating the offense committed. On the other hand, the party who agreed to the decision will be given higher priority, suggesting their compliance and willingness to uphold the judgment.

After the parties state their disagreement with the decision of the elders, it is required for them to for once, and finally, they must spend one last night together in the same bed before divorce¹². It is believed that if they do not engage in biological relationships, they will be cursed by the elders of the culture. Therefore, even if the intention is to separate, they are obligated to have a biological relationship. It is seen as unavoidable in this context. The primary purpose of this practice is to create the possibility of conceiving a child on that specific day, according to the will of God. The hope is that the prospect of having a child will catalyze the couple to reunite and live together again. By subsequently coming back and living together following the reconciliation process, these individuals serve as a testimony within the community. This demonstrates the extent to which the culture values and emphasizes the effort to reconcile and reunite the two parties. The sacrifices made in this process highlight the cultural significance placed on fostering reconciliation and maintaining harmonious relationships. It showcases how far the culture is willing to go to achieve reconciliation between the wife and the husband. Divorce is considered shameful in Gamo culture. If one is married, separation is not allowed until death unless there is a miserable situation.

According to the information provided, the Gamo community has in place a family-level dispute resolution mechanism that prioritizes reconciliation and the restoration of harmonious relationships. When a family becomes embroiled in a disagreement, signaling the onset of a dispute, a neighboring community member promptly intervenes to listen and understand the details of the situation. If the dispute is deemed minor, an elder takes charge and swiftly resolves the

¹¹ ibid

¹² ibid

matter, bringing the conflict to a close. However, for more serious disputes, additional neighbors are called upon to collectively work towards a resolution. Throughout this process, the involved parties are expected to maintain the peaceful coexistence they shared prior to the dispute's emergence.

An intriguing aspect of this system is the concept of "*Yoha Tan Bonccars*," wherein the elder's directive mandates that all parties must continue with their regular tasks and behave as if they have already reconciled until a scheduled day of reconciliation. Disobeying this elder's order is considered a grave offense, a curse within the Gamo cultural belief system. The Gamo traditional justice system is structured in a way that allows for appeals to be made to higher levels of authority if a dispute remains unresolved at the family level. However, it is noteworthy that the Gamo community places a strong emphasis on finding a resolution within the community, and individuals who continue to dispute and refuse to accept the elders' decisions may face punishment under the Gamo customary law. In cases where a husband and wife find themselves in an irreconcilable conflict, a unique process is followed. The party unwilling to reconcile must gather all the other sub-members involved in the dispute, as the Gamo culture does not permit the abandonment of a conflict without resolution.

After the reconciliation process, there are no monetary payments or penalties imposed on the parties involved. Instead, the cultural expectation is for individuals to fulfill the responsibilities that arise following the reconciliation. Failure to do so is considered dishonorable and shameful, referred to as "*Gome*," or a curse. The consequences for disagreeing with the elders' decision-making process also vary based on the gender of the dissenting party. If the husband disagrees, he is obligated to pay the full penalty amount determined by the elders to the wife. Conversely, if the wife disagrees, she has the right to share the penalty with her husband.

The Gamo dispute resolution system goes to remarkable lengths to foster reconciliation and maintain harmonious relationships, even in the face of divorce. After disagreeing with the elders' decision, the couple is required to spend one last night together in the same bed before divorce, with the belief that the prospect of conceiving a child may catalyze their reunion and the restoration of their relationship. Divorce is considered deeply shameful within the Gamo culture, and the community's emphasis on reconciliation and the preservation of harmonious relationships is

evident throughout the family-level dispute-resolution process. This system showcases Gamo's steadfast commitment to conflict resolution and social cohesion within their community.

Based on the detailed information provided about the Gamo community's family-level dispute resolution mechanism, the *Dubusha* institution, here are the key points that highlight how it differs from and is similar to the Ethiopian federal judiciary system: While the federal court system primarily focuses on determining culpability and imposing punishments, the *Dubusha* mechanism places a strong emphasis on reconciliation and the restoration of harmonious relationships within the community. Rather than relying on a centralized and impersonal legal process, the *Dubusha* involves the immediate community, including respected elders and neighbors, in the dispute resolution. This community-driven approach allows for a more flexible and expedient resolution of minor disputes at the family level, avoiding the lengthy and bureaucratic proceedings often associated with the federal judiciary. Furthermore, the *Dubusha* system does not impose monetary fines or penalties. Instead, it utilizes social sanctions, such as shame and curses, to ensure compliance with the elders' decisions. Interestingly, the *Dubusha* also exhibits distinct penalty structures based on the gender of the dissenting party, a feature not present in the federal judiciary.

Despite these notable differences, the *Dubusha* and the federal judiciary system share some common ground. Both systems allow for appeals to higher levels of authority if a dispute remains unresolved, and they both aim to uphold the community's social norms and values, though the *Dubusha* does so through its unique cultural practices and beliefs. Moreover, both the *Dubusha* and the federal judiciary system play a role in promoting social cohesion within their respective communities. However, the *Dubusha* places a stronger emphasis on this aspect, with its reconciliation-focused approach serving as the cornerstone of its dispute resolution process.

4.2.1.2 Village or Guta (Neighbor) Level Dubusha

The Gamo people has a distinct traditional conflict resolution system that extends to resolving disputes between Villages. Drawing upon data collected from key informants through interviews and focus group discussions, this section explores how Gamo customary law effectively resolves conflicts in village or *Guta* (neighbor) level disputes.

In the Gamo traditional conflict resolution system, there is a specific process for resolving conflicts between villages. When a dispute arises in a certain *Guta* (neighbor) group, each appoints

a messenger called a *Mura*,¹³ and these messengers play a crucial role in the process. They gather their respective supporters and proceed to the shade of the *Dubusha*, which is a significant seating place under a tree in Gamo culture and serves as a holy gathering place. During this process, it is essential to maintain privacy. The matters discussed between the two neighboring *Muras* must be kept confidential by both parties. It is believed that no secrets should be shared unless people are sitting under the shade of the *Dubusha* tree. This emphasizes the importance of privacy and confidentiality in the resolution process. The *Dubusha* tree acts as a trusted entity where the secret is revealed. It is the designated place for the resolution of conflicts, and only during that meeting is the secret unveiled. Anyone who spreads rumors or reveals the secret before the meeting at the *Dubusha* tree is believed to be cursed. This aspect of secrecy adds to the uniqueness of the Gamo traditional conflict resolution system, as it emphasizes the value placed on confidentiality, trust, and the sacredness of the *Dubusha* tree as a central gathering place for resolving conflicts. Israel Kara, who was an elder and a Gamo language teacher, shares this idea of Kara Kama.

According to the Gamo tradition, the "*Dubusha*"¹⁴ is a place where lying is not told. It is believed that no one, regardless of their education or background, can stand in front of the *Dubusha* and tell lies. When someone attempts to lie while standing at the *Dubusha*, it is said that their legs start shaking uncontrollably. In contrast to modern courts where witnesses may swear falsely by touching their hands on religious texts like the Bible or the Holy Qur'an, but in front of the *Dubusha*, it is impossible to lie or swear falsely. If someone were to attempt to do so, they would immediately experience trembling. Even if they were to leave the *Dubusha* and return home, it is believed that they would soon fall ill or even die as a consequence. This is seen as a form of divine justice. This belief underscores the Gamo people's strong conviction in the sanctity of the *Dubusha* and the consequences of dishonesty within its vicinity. It serves as a powerful deterrent against lying and reinforces the importance of truthfulness and integrity within their traditional conflict resolution practices.

According to FGD participants' idea, after both neighbors gather in front of the *Dubusha*, the person seeking justice or retribution raises the issue and explains to the audience, one by one, how they were wronged and the reasons behind it. Secrets that have not been shared with any court,

¹³ Personal interview with Kara Kama, elder, on Sunday, April 14 at Gendo Gembela

¹⁴ Personal discussion with Dr. Adimasu Tassew, who is scholar and currently dean of Arbaminch university Abaya compass, on April 9, 2024 at Arbaminch

friend, or relative are openly revealed in front of the *Dubusha*. The belief is that no secret can remain hidden in the presence of the *Dubusha*. According to Dawit merid, the elder and religious teacher, keeping secrets before presenting the case to the *Dubusha* is considered a serious offense. Following this, the *Dubusha* listens to the matter and initiates the process of reconciliation. If the parties involved refuse to reconcile with the decision of the *Dubusha*, they have the option to take the matter to the people, seeking resolution through broader community involvement. However, if the reconciliation process concludes within the *Dubusha*, a ceremony is held to formalize the agreement, and the parties part ways in agreement. If a dispute or conflict exceeds the capacity of the *Dubusha* to resolve, the case is referred to the next higher structure called Sub-*Dere* Level *Dubusha*. In this context, the Sub-*Dere* Level *Dubusha* serves as a larger forum for dispute resolution, involving a broader representation of the community. It allows for a more comprehensive discussion and consideration of the matter at hand, drawing upon the perspectives and insights of multiple sub-groups, neighbors, or subdivisions involved in the dispute. Transferring the case to the next structure seeks to find a resolution that takes into account the interests and viewpoints of a wider range of stakeholders. This process demonstrates the community's commitment to addressing complex or significant conflicts by involving a larger collective and working towards a fair and inclusive resolution.

As we understand from the above presentation, the Gamo people have a distinct traditional conflict resolution system that extends to disputes between villages, known as the *Guta* (neighbor) level *Dubusha*. At the heart of this process is the *Dubusha*, a significant seating place under a tree that serves as a sacred gathering place for resolving conflicts. The *Dubusha* emphasizes the importance of privacy, confidentiality, and the sanctity of the space, as it is believed to be a place where lying is impossible. This belief in the *Dubusha* as a place of divine justice deters dishonesty and reinforces the importance of truthfulness. During the dispute resolution process, both parties openly reveal their secrets and grievances in front of the *Dubusha*, as it is believed that no secrets can be hidden in its presence.

If the parties involved refuse to reconcile with the *Dubusha's* decision, they have the option to take the matter to the broader community. However, if the *Dubusha* cannot resolve the dispute, it is referred to the next higher structure, the Sub-*Dere* Level *Dubusha*. This multi-tiered *Dubusha*

system demonstrates the Gamo community's commitment to inclusive and comprehensive dispute resolution, involving wider stakeholder representation to find fair and equitable solutions.

Based on the information above, a unique aspect of the *Dubusha* institution's approach to dispute resolution. It recognizes the need for some initial privacy and confidentiality in the preparatory stage but ultimately prioritizes transparency and open dialogue within the trusted space of the *Dubusha* tree gathering. This allows the community to collectively address and resolve disputes transparently, in contrast to the more consistently public nature of the formal judiciary system.

4.2.1.3 Sub-Dere Level Dubusha

At the Sub-*Dere* level of *Dubusha*, or community-to-community disputes that remain unresolved at the village or *Guta* (neighbor) level can be appealed for further consideration and resolution. The conflict resolution procedures at this level are similar to those at the village level, with the primary distinction being the population size¹⁵. While the exact details may vary depending on the specific circumstances and local customs, the core principles and processes of the *Dubusha* dispute resolution mechanism remain consistent. The Sub-*Dere* level *Dubusha* serves as a middle stage between the village level and the higher or *Dere* level *Dubusha*, providing an avenue for addressing more complex or contentious disputes that require additional attention.

During the resolution process at the Sub-*Dere* level,¹⁶ the disputing parties present their cases, provide evidence, and share their perspectives. Mediators or representatives from the *Dubusha* committee, who are respected members of the community, facilitate the discussions and work toward a mutually agreeable resolution. Just like in village level *Dubusha*, the emphasis is on reconciliation, mediation, and seeking a fair outcome that restores harmony within the community. By providing an appeals mechanism at the Sub-*Dere* level, the *Dubusha* dispute resolution mechanism ensures that disputes are thoroughly examined and that all parties have the opportunity to present their grievances and seek justice. This multi-tiered approach allows for a comprehensive and fair resolution process that takes into account the specific needs and circumstances of the Gamo people at different levels of governance.

¹⁵ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch.

¹⁶ Personal interview with Sadika Sime, elder, April 11, 2024 at Arbaminch.

4.2.1.4 *Dere* (Higher) Level *Dubusha*

The *Dere* (higher) level of the *Dubusha* dispute resolution system is an integral component of the Gamo traditional conflict resolution process. It serves as the final stage and holds great importance in resolving conflicts within the community¹⁷. Referred to as *Chare Dubusha* in the local language, this level relies on data gathered from key informants, which includes interviews, case studies, and focus group discussions. These sources of information are utilized to demonstrate how the Gamo customary dispute mechanism effectively resolves significant conflicts.

At the *Dere* level, the traditional dispute resolution process reaches its high point. It is designed to handle complex and serious conflicts that may arise within the Gamo people. When conflicts escalate to this level, it indicates that previous stages of dispute resolution, such as the lower levels of the *Dubusha* system, have been unable to reach a satisfactory resolution. Therefore, the *Dere* level acts as a final recourse to resolve conflicts and restore harmony within the community. To ensure a fair and just resolution, the *Dere* level incorporates a comprehensive approach. It relies on the wisdom and experience of respected community members who possess a deep understanding of Gamo customs, traditions, and values. These individuals, often referred to as elders or community leaders, serve as impartial mediators and arbitrators. They are selected based on their reputation for integrity, knowledge of customary laws, and their ability to maintain neutrality in resolving conflicts. Let's explore an example of how a case could be resolved using the *Dere* (higher) level of the *Dubusha* dispute resolution system within the Gamo people.

The information from document analysis and personal interview gathered data, recently, in 2023, a tragic conflict between the peoples of Chenchu and Dita districts in the Gamo zone led to a loss of human lives. The dispute originated from a disagreement over land boundaries.¹⁸ Despite government intervention with security forces, the conflict persisted, necessitating the involvement of the Gamo fathers. Recognizing the limitations of government efforts, the Gamo fathers took action by dispatching "*Ogetha*" to both conflict areas. "*Ogetha*" or *Ogade* has a similar meaning to the modern government term "ambassador." These "*Ogetha*," possessing traditional authority similar to the Red Cross in modern governance, played a crucial role in facilitating resolution. The unique position and revered authority of the "*Ogetha*" set them apart. They were entrusted with

¹⁷ Interview with Petros Segno, former government communication officer and currently a PhD candidate at Arbaminch University, April 5, 2024 at Arbaminch

¹⁸ Personal interview with Kitila Yalike, elder, April 8, 2024, at Doko Dambo

the responsibility of freely moving between the conflicting areas and delivering messages to the people. As bearers of tradition, they possessed the power to reconcile the two communities. It is worth noting that the “*Ogetha*” were considered unchallengeable. Their role as mediators and reconcilers was deemed essential, making it impossible to touch or reject them. This respect for their authority reflected the community's deep-rooted belief in the power of tradition to bring about reconciliation. This incident highlights the significance of the Gamo people's *Dere* (higher) level *Dubusha* dispute resolution system. When conflicts exceed the government's capacity, the involvement of respected figures like the Gamo fathers and the “*Ogetha*” becomes crucial. By leveraging traditional authority and cultural practices, the system aims to restore peace, foster understanding, and prevent further loss of life. The Gamo people's commitment to their traditional conflict resolution system demonstrates their belief in the power of dialogue, mediation, and reconciliation to address conflicts effectively and promote harmonious coexistence.

Therefore, the Gamo fathers used their wisdom to solve this conflict at that time. The Gamo people has a traditional practice called “*Suta Kanche*”¹⁹ which means blood water to resolve conflicts and promote honesty. It involves a ritual where a person accused of lying is ordered to drink water. It is believed that if the person speaks falsely or bears false witness and drinks the water, they may experience negative consequences such as becoming ill or even facing death. This serves as a powerful deterrent against dishonesty.

During the conflict resolution process, two “*Ogetha*”²⁰ representatives stand together while the people sit on the other side of the river. The “*Ogetha*” explain the case, and the judge, known as *Ogetha*, determines the guilty party. Once the verdict is given, both parties face each other, and together they raise their hands to the sky, saying the words “yo...yo...yo...yo...” This reconciliation ceremony signifies the resolution of the conflict. In 2023, the Gamo fathers applied their remarkable wisdom and conducted a perfect reconciliation using this traditional practice. By employing this ritual and conflict resolution process, they were able to address the conflict between the two districts and prevent future revenge. This showcases the Gamo people's deep-rooted belief in the power of their ancestral wisdom and cultural practices to bring about reconciliation, restore

¹⁹ Personal interview with Dawit Meried, elder and religion teacher of Chenchä and Kogota woredas, on Tuesday, April 1, 2024 at Chenchä town.

²⁰ Personal interview with Kosha Kodo, elder and currently “*Ogetha*” of *Dere* Chenchä, on Wednesday, April 6, 2024 at Zozo market, the historical seat of Kogota *Dubusha*.

harmony, and discourage dishonesty. It demonstrates their commitment to resolving conflicts in a peaceful and meaningful manner, ensuring the well-being and unity of their community. See annex picture 4.2. During the conflict resolution process in Chench and Dita districts (image from the Gamo Zone government communication department).

The fathers of Gamo possess not only the wisdom to reconcile after a community-to-community conflict has taken place but also the foresight and wisdom to prevent or preempt conflicts from arising in the first place. They are proactive and skilled in conflict prevention, demonstrating their role as wise fathers within the community. By addressing potential issues before they escalate, they contribute to maintaining peace and harmony within the communities.

In connection with this, the data collected from key informants, including interviews, case studies, and document analysis, reveals instances in which Gamo fathers demonstrated their ability to defuse conflicts before they escalated into community-to-community disputes. These examples illustrate the significant role that Gamo fathers have played in preserving peace and harmony within the community through their wisdom and proactive approach. A specific case exemplifying this can be seen in the following scenario.

During the government reform in Ethiopia in 2018, an incident occurred in the capital city of Gamo, Arbaminch, which highlighted the Gamo people's strong commitment to peace. This conflict arose in the context of significant events, including the government transition in Ethiopia. The ethnic attack originated in the Burayo area of Shager city administration, located near Addis Ababa, where Gamo people in the Oromia regional state faced tragic losses. In response, passionate and resilient youth in Arbaminch City organized a peaceful demonstration to honor the memory of their fellow Gamo people members. Initially, the youth were motivated by the tragic incident and driven by a desire for revenge, leading them to consider damaging the properties of the Oromo ethnic groups in Arbaminch City. However, in a powerful and inspiring act, the Gamo fathers stepped forward and knelt while holding "*Irx Maata*,"²¹ or wet grass, as a symbolic gesture of peace. This gesture aimed to convey the message of reconciliation and non-violence to the youth. The Gamo fathers' action was intended to pacify the emotions and appeal to the reasons of the young people, encouraging them to reconsider their intentions. Through this symbolic act, the

²¹ See the meaning of *Irx Maata* why they use: <https://youtu.be/nngD86oTr5g?t=65>

fathers of Gamo sought to foster understanding, unity, and peaceful resolution instead of perpetuating the cycle of violence. See annex Picture 4.3. The fathers of Gamo knelt and swore to the youth by holding wet grass to cool down the conflict in Arbaminch town (Image from Gamo zone administration).

The young people gradually calmed down, listening to the pleas and advice of the Gamo fathers. They abandoned their destructive intentions and embraced a more peaceful approach. Subsequently, the fathers of Gamo traveled to the Oromia region, where they engaged with the *Abagadas* (traditional leaders) and elders of the region. Together, they emphasized the importance of ending the conflict peacefully to avoid further divisions between the two communities. As a symbolic act, a bull was slaughtered, and its blood was used to anoint and unite the parties involved. Through these efforts, the fathers of Gamo demonstrated their commitment to resolving conflicts through wisdom, humility, and dialogue. Their actions aimed to foster reconciliation, heal wounds, and prevent future scars on the relationship between communities. The story of Gamo's fathers stopping the conflict by holding wet grass when the young man was ready to destroy the property of another nation, who was very emotional in the incident, has been recorded forever.

One significant aspect that should not be forgotten is the issue of the young people who listened to the advice of Gamo's fathers. In the present times, it may be challenging to find young people in Ethiopia who would wholeheartedly listen to their fathers' advice due to strong emotional influences. Therefore, the commendable actions of both the Gamo fathers and the attentive youth serve as an exemplary lesson for young people across different regions of Ethiopia. This collaboration between generations highlights the importance of working together to prevent conflicts from escalating and promoting a culture of peace.

From this particular scenario, we can understand that the fathers of Gamo played a pivotal role in resolving the conflict positively and constructively. Witnessing the escalating tensions, they took it upon themselves to intervene and guide the young people²² towards a peaceful resolution. Despite facing initial resistance, the fathers of Gamo approached the young marchers with humility and held "*Irx Maata*," or wet grass, symbolizing abundance and peace. This act aimed to pacify the emotions of the youth and appeal to their reason. Through their persistence and wisdom, the

²² See https://youtu.be/Txm97mWXA_4?t=6

fathers of Gamo succeeded in calming the young people, who abandoned their destructive intentions and embraced a more peaceful approach. Additionally, the fathers of Gamo extended their efforts beyond their community by engaging with traditional leaders and elders from the Oromia region. Together, they emphasized the importance of ending the conflict peacefully and preventing further divisions between communities. Their commitment to reconciliation and dialogue resulted in the symbolic act of slaughtering a bull and using its blood to unite the parties involved. The positive actions of the Gamo fathers demonstrated their dedication to fostering peace, healing wounds, and promoting unity among communities.

As evident from this case, the Gamo fathers possess the remarkable ability not only to resolve conflicts but also to proactively mitigate issues by anticipating and preventing community-to-community conflicts. Through their foresight and proactive approach, the Gamo fathers play a crucial role in averting potential conflicts before they escalate. This showcases their wisdom and strategic thinking, which contribute to fostering peace and harmony within the community. In one word, Gamo fathers are "peacemakers." The Gamo fathers were recognized for their commendable actions in preventing the escalation of conflict to a more severe level. Their efforts in resolving the dispute and promoting peace earned them the prestigious title of "Peace Ambassadors of the Year," awarded by the federal government. This recognition serves as a testament to their ability to effectively mediate the situation and prevent further tensions. By successfully cooling down the conflict, the Gamo fathers demonstrated their commitment to maintaining harmony and fostering peaceful resolutions. See annex Picture 4.4. Gamo Fathers received the 7th Good Man Award from the Federal Government of Ethiopia for their wisdom in conflict resolution (Image from social media).

To gain a comprehensive understanding of how the Gamo people addresses the crime of murder, we will delve into their traditional conflict resolution system. Through an examination of their customary practices, we can uncover valuable insights into the specific mechanisms employed to resolve such grave offenses within their cultural framework. This exploration will shed light on the approach taken by Gamo's fathers in resolving conflicts surrounding murder, offering clarity on their unique customs and traditions.

When an individual commits murder, their only means of self-preservation is to flee to another Kebele community. If he/she doesn't flee to another Kebele, anyone they encounter will seek to

kill them without hesitation or conditions. However, if they seek refuge in a Kebele inhabited by the "Shale" community, they will be exempt from such dangers. Comparing it to surrendering to the police in the modern government system, when someone abruptly isolates themselves and retreats to "*Shale*" Kebele, it is akin to voluntarily submitting to authorities. The "Shale" community traditionally holds significant diplomatic powers²³, enabling them to mediate and reconcile any crime, regardless of its severity. It is not possible to challenge the reconciliation authority of the "*Shale*" community, as they are entrusted with the same power as the "*Ogehta*" authority for community-to-community conflicts and the "*Mura*" authority for neighbor-to-neighbor dispute resolution.

Afterward, the "*Shale*" community initiates the process of resolving the issue. If the perpetrator happens to be a relative of the deceased, he will attend the funeral gathering and rent a horse used in mourning ceremonies, along with a burial suit cloth known as "*Buloko*"²⁴. From the back of the horse, the perpetrator throws the *Buloko* into the crowd. Subsequently, he swiftly departs on the same horse he arrived on, fleeing from the community. The Shale community then takes on the responsibility of following up on the matter and facilitating its resolution. They impose all the customary fines and penalties upon the perpetrator, the severity of which may vary depending on the nature of the killing. Intentional killings generally result in harsher punishments, while cases of impulsive or unintentional killings are assessed individually, potentially leading to lower or higher penalties.

Based on the information provided by the three perspectives, it is evident that the claim of cultural progress over time, as expressed by all parties, is not entirely accurate. Instead, it can be inferred that Gamo's traditional conflict resolution mechanisms, particularly in cases involving murder and abduction, have largely maintained their original form. Nevertheless, external influences have influenced these practices, resulting in certain modifications or adaptations over the years.

Furthermore, if an unusual new crime has been committed in the past, the tradition is to check whether there is a "*Lago*" or similar case solved in all the structures in the 42 *Dere* administrations of Gamo. If such a case has been previously addressed in another Gamo *Dere* area, the applicable law will be directly derived from that precedent. Conversely, if the case is entirely novel and has

²³ Interview with Mazge Gazato, elder on Wednesday April 2, 2024 at Zozo

²⁴ Personal interview with Kara Kama, elder, on Sunday, April 14 at Gendo Gembela

not occurred in any of the 42 Gamo structures, it will be resolved within the specific area where the incident took place. The outcome and resolution of this new case will then serve as a novel custom rule, binding upon all other structures of Gamo *Dere* areas in the future.

Another traditional method of dispute resolution in the Gamo people is known as "*Gufe*".²⁵ *Gufe* refers to the cultural practice of challenging or opposing a biased decision when an unfair judgment is made. In the Dubusha system, when individuals are tasked with delivering a fair judgment after listening to the grievances of a victim or reviewing a case, they need to make a just decision. If they fail to do so, the *Gufe* process is invoked to ensure that the biased decision is not upheld and that a correct judgment is reached. Once *Gufe* is initiated, it guarantees that the same verdict will be given to the pained person in the future for the same case, resembling the final decision of a Cassation Bench decision in a modern court system of Ethiopia or the legal system.

However, two situations can prevent the *Gufe* process from being initiated. Firstly, if upon re-examining the case, it is determined that the initial decision was incorrect, the decision will be reversed, and the need for *Gufe* will be eliminated. Secondly, there are instances when the Gamo fathers make a correct decision, but the individual intentionally challenges it by invoking *Gufe*. In such cases, the *Gufe* process is not pursued because it is not applicable when the decision is correct.

In the Dubusha system, it is important to note that not everyone who invokes *Gufe* is simply a person dissatisfied with a judgment or decision. There are instances where individuals creatively use *Gufe* to intentionally complicate matters. Such individuals who misuse *Gufe* face cultural consequences and punishments. This serves as a deterrent within the community, discouraging the misuse of *Gufe* for personal gain or to create unnecessary complications in dispute resolution processes.

From above presentation we understand that the Gamo's *Dubusha* system, with its unique conflict resolution mechanisms and cultural authority, coexists and interacts with the federal governance structure in Ethiopia. Rather than being entirely supplanted by the formal legal system, the *Dubusha* system has demonstrated its resilience and ability to adapt, playing a complementary role in maintaining peace, harmony, and justice within the Gamo community and the broader federal

²⁵ Personal interview with Tassewu Tsegaye, elder and religion teacher, on Tuesday, April 24, 2024 at Dera malo, Eli.

context. The recognition and integration of such customary conflict resolution practices within the federal framework can be seen as an example of the ongoing dialogue and negotiation between indigenous systems and the modern state, contributing to a more holistic and inclusive approach to governance and dispute resolution in the country.

4.3 Effectiveness of Customary Dispute Resolution Practices in Peacebuilding within Ethiopia's Federation

In this sub-section, the study explores the utilization of customary dispute resolution practices in peacebuilding, which has gathered considerable interest within the framework of Ethiopia's federation. The analysis centers on evaluating the efficacy of such practices, with a specific emphasis on the Gamo customary dispute resolution system employed by the Gamo people. While these practices hold promise for fostering peace and stability, several critical issues warrant examination to ensure their efficacy in promoting sustainable conflict resolution. This introductory exploration highlights key areas of concern, including cultural relevance, harmonization with formal legal frameworks, access to justice, community autonomy, capacity building, integration of modern principles, and the importance of monitoring and evaluation. Understanding and addressing these issues are vital for comprehensively assessing the effectiveness of Gamo customary dispute resolution practices in contributing to peacebuilding efforts within Ethiopia's federated system.

4.3.1 The Alignment of Federalism and Gamo Customary Dispute Resolution Mechanism

The alignment of federalism and the Gamo customary dispute resolution mechanism presents a compelling context for examining the effectiveness of customary dispute resolution practices in peacebuilding within Ethiopia's federation. This exploration delves into the intricate interplay between the decentralized governance structure of federalism and the culturally rooted mechanisms employed by the Gamo people to address disputes. Understanding the alignment of these two systems is crucial for evaluating how they synergize or create tensions that impact the overall success of customary dispute resolution in fostering peace and reconciliation.

The information collected from document analysis and focus group discussions reveals that while modern federalism in the United States is commonly traced back to 1789 (Wood, 1998), it is important to note that the principles of federalism were present in the management system of the Gamo people in Ethiopia, albeit without the modern term 'federalism.' Through an examination of

historical texts, we can discern that the Gamo people employed a governance system that shared close similarities with federalism²⁶, predating the American example. This highlights the existence of decentralized power structures and the division of authority between central and local entities within the Gamo people's management system. Furthermore, each *Dere* king within the Gamo people also had a governance system, contributing to the overall decentralized structure.

The United States gained independence from Great Britain after the Revolutionary War in the 18th century (Wallace, 2024). The founding fathers signed the Declaration of Independence on July 4, 1776, making the country 248 years old as of today. However, Ethiopia is unique in that it is the oldest independent country in Africa and one of the oldest independent nations in the world. In the Awash Valley, the oldest known remains of a human ancestor, dating back approximately five million years, were unearthed, surpassing the discovery of 'Lucy,' a 3.2²⁷ million-year-old specimen (Marcus, 2002).

As we understand from historical chronology, Ethiopia existed before America as a nation. Therefore, it follows that the Gamo people also existed within Ethiopia before the formal recording of its history. To evidence this, the Birbir Mariam Monastery, situated 50 kilometers away from Arbaminch town in the Gamo zone, holds remarkable historical significance. It predates the birth of Christ and serves as a place where the Torah is performed. This monastery stands as evidence that the Gamo people, like their fellow Ethiopian communities, have an ancient heritage. Further support for their ancient roots can be found in the presence of ancient sacrificial objects within the church. Additionally, the existence of the ancient Eli Gabriel Monastery and the discovery of human remains in Borada *Bayira*, which translates to "firstborn" in the Gamo language spoken in the region where the cave is situated, initiate a narrative recounting the ancient utilization of the Gamo highlands approximately 4500 years ago (Arthur, 2018). *Bayra* provides further compelling evidence of the Gamo people's ancient origins. However, due to the absence of scholarly documentation, the dissemination of Gamo history beyond the local context has been limited. It is

²⁶ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch.

²⁷ Personal discussion with Dr. Adimasu Tassew, who is scholar and currently dean of Arbaminch university Abaya compass, on April 9, 2024 at Arbaminch

important to note that the Gamo people had been practicing a form of decentralization resembling like federalist system even before the establishment of the American federal system²⁸.

Based on data collected from key informants, including focus group discussions and document analysis, it is evident that the Gamo people, primarily residing in the Gamo Highlands of Ethiopia, have a social and political structure characterized by decentralized governance (Gutu, 2020). This structure involves inter-kingdom relations at multiple levels within the community, which consists of over 40 communities, each with its own kingdom (Freeman, 2006). The Gamo people operate with various customary administrative levels, namely *Kawo* (king), *Dana*, *huduga*, and *aleqa*. More than 40 kings govern their respective kingdoms, guided by unwritten constitutions, and hold equal power without any superiority or inferiority. Each king is responsible for managing their specific community. However, a concern among the Gamo people arises when common issues emerge, as the kings rely on an inter-kingdom relationship system.

The Gamo customary administrative system exhibits similarities to modern federalism in terms of the following characteristics. A comparison between a list of structural characteristics distinctive to the Ethiopian Federation and the Gamo customary administrative system reveals several similarities. Firstly, both systems encompass two orders of government: in the Ethiopian federation, it consists of two levels, while in Gamo customary administration, it includes the "*Ogetha*" and *Kawo* (king). Secondly, there is a shared power arrangement between legislative and executive functions, with modern federations having an official, constitutional sharing and Gamo customary system having a traditional shared power structure. Additionally, modern federations have intergovernmental relationships, while the Gamo customary system involves inter-kingdom relationships. Remarkably, the Gamo people had a close similar to the modern federalism system even before the establishment of modern federalism itself.

4.3.2 Role of Customary Dispute Resolution in Peacebuilding

According to primary sources such as interviews and focus group discussions, the traditional conflict resolution system in Gamo holds a significant role in peacebuilding. One key aspect is that it promotes a non-revengeful approach. In contrast, modern court systems typically focus on

²⁸ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch.

assigning blame and imposing punitive measures, such as imprisonment or financial penalties, on the guilty party.

One case that supports this idea involves a truck driver who resided in the Chench district of the Gamo zone last year²⁹. This driver had the regular task of delivering weaving products from Chench Market to the central market in Addis Ababa, known locally as "*Fode*". However, one day, in an unfortunate accident, while traveling to Addis Ababa with a full load of weaving products, the car overturned in the West Abaya district. The driver sustained injuries and was admitted to the hospital. Seizing the opportunity, thieves from the area took advantage of the situation and stole clothes from the overturned truck before disappearing.

When the driver recovered and returned to the scene, he discovered that nothing was stolen from the vehicle. Upon informing the police about the incident, the Gamo elders in the area advised the driver not to proceed with filing a police report but instead to bring the matter to the attention of the Gamo elders for resolution. Drawing upon their traditional wisdom, the Gamo elders administered an oath-taking ceremony known as *Dubusha* to identify the thieves responsible for the theft. Each thief was compelled to take an oath revealing their involvement and disclosing the whereabouts of the stolen property. Subsequently, those who had stolen any items returned them to the designated meeting place or *Dubusha*.

In a traditional reconciliation ceremony, the stolen property was returned to the rightful owner, and no arrests or revenge took place due to the cultural prohibition against revenge. Instead, the individuals involved, including the thieves, participated in a symbolic act of kneeling and offering apologies to their ancestors. As a result, the case was peacefully resolved without conflicts, physical altercations, imprisonment, or fines. Thus, the traditional conflict resolution system of the Gamo elders played a crucial role in preserving peace and avoiding confrontations among individuals. The role of the Gamo's customary dispute resolution system in peacebuilding illustrates how traditional justice mechanisms can complement the formal legal system and contribute to the overarching goals of Ethiopia's federal model, which emphasizes unity within diversity, local autonomy, and the integration of diverse approaches to conflict resolution and social cohesion.

²⁹ Personal interview with Desta Walemu, government officer, on Saturday April 7, 2024, at Chench Town

4.3.3 Examining the Strengths and Limitations of Customary Dispute Resolution Practices in Gamo people

The strengths and weaknesses of Gamo's traditional conflict resolution system have been examined through interviews and focus group discussions. This analysis can provide valuable insights into the effectiveness of Gamo's customary dispute resolution practices in fostering peace.

4.3.3.1 Strengths

Gamo's traditional dispute resolution system has several notable strengths. One of the most important is that it avoids punitive³⁰ or restorative justice measures once conflicts are resolved. Consequently, individuals are reluctant to resort to modern courts unless faced with particularly challenging situations. In the modern court system, penalties are typically imposed, which makes it less appealing for individuals seeking resolution.

Another significant strength is the absence of revenge in the Gamo traditional conflict resolution system. After the resolution process is complete, there is no lingering desire for revenge or grudges. Instead, individuals are encouraged to live harmoniously, just like any other individuals, following reconciliation. This characteristic is particularly advantageous as it greatly contributes to fostering peace among the people.

Community Engagement is another strength of Gamo's customary dispute-resolution mechanisms. They actively involve community³¹ members in the resolution process, ensuring that decisions are made collectively and in line with the community's values, traditions, and cultural norms. This engagement enhances the legitimacy of the resolution outcomes and promotes a sense of ownership and accountability.

Additionally, customary dispute resolution in Gamo is often a more expeditious and informal process compared to formal legal systems. Disputes can be resolved punctually, as there is less reliance on bureaucratic procedures and legal complexities. This efficiency allows for timely resolution, reducing the duration and potential escalation of conflicts.

Gamo customary dispute resolution mechanisms also rely on the wisdom and experience of local elders or respected community members who are well-versed in the community's customs and

³⁰ Interview with Mazge Gazato, elder on Wednesday April 2, 2024 at Zozo

³¹ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch

norms. Their knowledge and expertise in local matters enable them to understand the intricacies of disputes and provide culturally sensitive solutions. This reliance on Local Knowledge and Expertise enhances the effectiveness of the resolution process.

Moreover, Gamo customary dispute resolution mechanisms play a role in conflict prevention. By addressing grievances and tensions at an early stage³², these mechanisms can prevent potential conflicts from escalating. The emphasis on reconciliation and community harmony fosters an environment conducive to conflict prevention and the maintenance of peace.

4.3.3.2 Weakness

While Gamo's customary conflict resolution mechanisms have several strengths, it is important to acknowledge that no system is without its weaknesses. According to data collected from the focus group discussion, here are a few possible weak sides of Gamo's customary conflict resolution mechanisms:

One weakness lies in the lack of formal documentation in Gamo's customary conflict resolution. These mechanisms often rely on oral traditions, which can make it challenging to maintain a clear record of decisions and outcomes. The absence of formal documentation may hinder the establishment of precedents and make it difficult to refer back to past resolutions, potentially leading to inconsistencies in future dispute resolutions.

The second one is, Gamo's customary conflict resolution mechanisms may have limited applicability to modern issues. They have evolved within a specific cultural and social context, which may make them less equipped to address complex challenges arising from factors like technological advancements, globalization, and evolving legal frameworks. As a result, these mechanisms may face difficulty in providing adequate solutions or adapting to changing societal needs. The third limitation is not allowing women to participate equally with men in final decision-making.

Additionally, the lack of professional training among individuals involved in Gamo customary conflict resolution mechanisms can be a weakness. Unlike legal professionals who undergo specialized education and training, those participating in customary conflict resolution may not

³² Personal interview with Kosha Kodo, elder and currently "Ogetha" of Dere Chencha, on Wednesday, April 6, 2024 at Zozo market, the historical saet of Kogota Dubusha

have formal legal knowledge or professional expertise. This can potentially lead to inconsistencies in decision-making and a lack of familiarity with certain legal principles, affecting the fairness and effectiveness of the process.

It is important to recognize these weaknesses to understand the limitations of Gamo's customary conflict resolution mechanisms. While they have their strengths, addressing these weaknesses can help improve the system and ensure that it remains relevant and effective in an evolving societal context.

4.4 The Influence of Governance on the Effectiveness of Customary Dispute Resolution Practices in the Gamo People's Peacebuilding Efforts

Based on document analysis, In many parts of Ethiopia, traditional, community-based systems of conflict resolution have long played a central role in maintaining social cohesion and upholding local notions of justice (Mandefro, Ajanaw Alemie, 2018). The Gamo people, for instance, have relied on their time-honored customary practices to address a wide range of interpersonal and communal disputes, drawing on cultural norms, spiritual beliefs, and the moral authority of respected elders. However, as these indigenous mechanisms have interfaces with the formal governance structures of the Ethiopian state, their efficacy has often become a delicate balancing act. The legal and policy frameworks established at the national level can have a significant bearing on the scope of authority and legitimacy afforded to customary dispute resolution.

Diverse Perspectives on the Influence of Federal Governance Structure on the effectiveness of customary dispute resolution practices in the Gamo people's peacebuilding efforts. Opinions among respondents regarding this matter vary. Some argue that the government does not influence us at all, placing the responsibility solely on ourselves. However, it is acknowledged that the government recognizes customary dispute resolution practices in the constitution and allows them to function. Conversely, some contend that despite constitutional recognition, the government intervenes in certain cases.

Additionally, some government officials have expressed their intention to directly influence the issue, stating that they will handle disputes at the government level to gain popularity with minimal expenditure. This showcases the different viewpoints on the role of the government in customary dispute resolution practices in the Gamo community.

4.4.1 The Collaborative Interaction between Gamo Customary Dispute Resolution Practices and Government Structure in Promoting Peacebuilding

Based on the information gathered from interviews, document analysis, and focus group discussions, it is evident that there is a collaborative and coordinated relationship between Gamo customary dispute resolution practices and Ethiopia's government structure in promoting peacebuilding. Here are some ways they collaborate:

Constitutional Recognition:³³ The Ethiopian constitution acknowledges the role of customary dispute resolution practices, including those of the Gamo people. This recognition provides a legal framework for collaboration and coordination between customary institutions and federal authorities.

Supportive Role: Government authorities, such as local government representatives and officials, often play a supportive role in the customary dispute resolution process. They may provide guidance, resources, and assistance to ensure effective resolution and implementation of decisions.

As per the participants of FGD, the proof of this collaboration is evident in the recent 2023 border conflict between Doko Yoyira Kebele and Zadha Kebele. Under tradition, Gamo's fathers presided over a reconciliation ceremony, while the government also fulfilled its responsibilities. The government facilitated transportation, provided loudspeaker equipment, and ensured the protection of people from unexpected attacks, demonstrating a cooperative effort in addressing the conflict. See annex Picture 4.5. During the Doko Yoyira and Dita Zadha Kebele conflict resolution process, cooperation with the government (Image: Gamo zone government communication department).

Information Exchange: There is an exchange of information and knowledge between customary institutions and government authorities. Customary leaders and elders share their insights and expertise with government officials, contributing to a better understanding of local customs and practices.

Conflict Referrals: In some cases, disputes that cannot be resolved through customary mechanisms are referred to the formal legal system. Customary institutions may work in

³³ (FDRE Constitution, 1995), Article 34/5

collaboration with government authorities to facilitate the transfer of cases and ensure a smooth transition between the two systems.

Harmonization of Laws: Efforts are made to align customary practices with government laws and regulations. This coordination helps to maintain consistency and compatibility between the two systems, ensuring that both traditional and formal mechanisms uphold the principles of justice and fairness. Indeed, Gamo's traditional conflict resolution system is known for its honest and impartial judgment, which leads to cost-effective and straightforward resolution of conflicts. This approach helps the government avoid incurring additional expenses while ensuring that peace is maintained in the country. As a result, both the people and the government benefit from the efficient resolution of conflicts through Gamo's traditional practices.

Capacity Building: Government authorities may provide training and capacity-building programs for customary leaders and elders. This helps to enhance their knowledge and skills in conflict resolution, enabling them to handle disputes more effectively within the framework of the federal governance structure.

Policy Development: Collaborative efforts may involve the development of policies and guidelines that integrate customary dispute resolution practices into the overall peacebuilding strategies of the federal government. This recognition and inclusion contribute to a more comprehensive and holistic approach to conflict resolution. Through these collaborative interactions, Gamo's traditional conflict resolution practices and the government structure work together to promote peacebuilding, benefiting both the people and the government.

4.5 Conclusion

The unique characteristics and potential implications of Gamo's customary dispute resolution system. The hierarchical structure and the prioritization of reconciliation over retribution offer valuable insights into alternative approaches to conflict resolution that can potentially inform and complement the formal legal system within the broader context of Ethiopian federalism. Further examination of the specific *Dubusha* mechanisms and their integration with the formal justice system could provide valuable insights into the complementarity and synergies between traditional and modern dispute resolution practices in promoting peace, social cohesion, and community-level conflict management.

These institutions operate at a hierarchical structure, ranging from the intimate family-level *Dubusha* to the broader *Dere*-level *Dubusha*, mirroring the tiered nature of the overall Gamo dispute resolution framework. At each level, the *Dubusha* serves as a crucial platform where community members come together to discuss grievances, listen to different perspectives, and collectively seek justice through open dialogue and mediation. This process aims to restore harmony and maintain social cohesion within the Gamo people. Furthermore, the Gamo customary dispute resolution system incorporates an appeals process, where unresolved disputes within the lower *Dubusha* structures can be elevated to higher levels for further consideration and resolution. This multifaceted role of *Dubusha* contributes to the maintenance of social cohesion and the promotion of justice within the Gamo people. The *Dere* (higher) level of the *Dubusha* dispute resolution system is the pinnacle of the Gamo's traditional conflict management process. As the final stage, it is designed to handle complex and serious disputes that could not be satisfactorily resolved at lower levels.

The Gamo fathers have demonstrated remarkable wisdom and leadership in conflict resolution and prevention within their community. Their traditional practices, such as the "*Suta Kanche*" ritual and the role of the "*Ogetha*" mediators, have been crucial in addressing conflicts and promoting reconciliation. Furthermore, the Gamo fathers' proactive approach to defusing tensions before they escalate into community-to-community disputes has been instrumental in maintaining peace and harmony. Their actions, such as intervening during the conflict in Arbaminch and engaging with traditional leaders from the Oromia region, showcase their commitment to fostering understanding and unity among diverse communities. The Gamo fathers' efforts have been recognized by the federal government, highlighting their role as "Peace Ambassadors" and exemplary leaders in conflict resolution. The historical evolution of the Gamo customary dispute resolution mechanisms has been a complex and multifaceted journey, marked by improvements, debates, and adaptations. The Gamo customary law has shown its capacity to evolve and accommodate shifting realities while upholding the essential values and traditions of the Gamo people.

The alignment between federalism and Gamo customary dispute resolution mechanisms underscores the potential for these culturally rooted practices to contribute effectively to peacebuilding efforts within Ethiopia's federal structure. Understanding this dynamic can inform

policies and approaches that leverage the strengths of both systems to foster sustainable conflict resolution and reconciliation.

Gamo's traditional dispute resolution system has both strengths and limitations in fostering peace. Its strengths include avoiding punitive measures, preventing revenge, engaging the community, providing timely and culturally sensitive resolutions, and playing a role in conflict prevention. However, the lack of formal documentation, limited applicability to modern issues, and lack of professional training among participants are identified as weaknesses.

Chapter five

5. Power Dynamics, Social Relationships, and Human Rights in Gamo's Customary Dispute Resolution Practices

5.1 Introduction

This research chapter examines the critical intersection of power dynamics, social relationships, and human rights considerations within the customary dispute resolution practices of the Gamo people. The Gamo community has a rich tradition of decentralized governance and conflict management rooted in their customary law. This chapter provides a comprehensive exploration of how these longstanding customary dispute resolution mechanisms (CDRMs) navigate the complex interplay of power, social hierarchies, and adherence to human rights principles. It seeks to understand how factors such as gender, age, social status, and economic standing shape the dynamics and outcomes of Gamo's traditional conflict resolution practices. Moreover, the research analyzes the alignment of these customary mechanisms with internationally recognized human rights standards, identifying areas of compatibility as well as potential tensions or gaps that may require further consideration.

By examining the power dynamics, social relationships, and human rights implications within Gamo's CDRMs, this chapter aims to offer critical insights that can inform efforts to strengthen the effectiveness, inclusivity, and legitimacy of these traditional conflict resolution and peacebuilding approaches within the evolving context of Ethiopia's federal governance system.

5.2 Power Dynamics and Social Relationships in Dispute Resolution and Peacebuilding

As per the data collected from key informants such as interviews, FGD and document analysis, Power dynamics in Gamo's traditional conflict resolution system are influenced by age. According to Reverend Dawit Mered the *Dubusha* system, which is employed to resolve conflicts, the decision-making authority rests with the eldest elder. In the Gamo traditional conflict resolution system, age holds significance. Regardless of an individual's age or adulthood status, the older person has the prerogative to propose a prioritized decision when addressing issues.

Age holds priority in decision-making³⁴ within Gamo's traditional conflict resolution system. Mazige Gazato the elder and customary leader supports this idea. However, there are specific ceremonial speech patterns observed at the beginning and end of meetings. In the *Dubusha* meeting system, once it is confirmed that all members are present and the meeting is ready to commence, *Mura*, the elder, will deliver an opening speech. During this speech, he will invoke blessings upon all relevant parties under traditional laws. Upon concluding his speech, if he has mistakably omitted any important aspects, he will say, in the local language, "*taappe attidayissa xoossi anjo*," which means may the Creator bless you and then take his seat.

After the opening ceremony, the official discussion begins in Gamo's traditional conflict resolution system. The discussion is characterized by numerous arguments and debates, some of which can extend for a considerable period without reaching a consensus. The primary aim of these debates is to arrive at a comprehensive and inclusive solution that aligns with the perspectives of all participants. This highlights the democratic and participatory nature of the Gamo traditional decision-making system.

It is worth noting that an outsider passing by the space of a Gamo elders' meeting area might misunderstand the warm debates as prolonged conflicts. However, it is important to clarify that these are participatory discussions³⁵ rather than actual conflicts. *Ogetha Kosha Kodo* reinforces Abera's point as follows. Some individuals have a natural tendency to raise their voices during conversations, which can create the impression of tension in those who are not familiar with their communication style. It's important to recognize that people express themselves in different ways, and vocal intensity does not necessarily indicate hostility or aggression. For some individuals, speaking with a louder volume is a normal part of their communication style and does not reflect their emotional state. In such situations, it is helpful to focus on the content of the conversation rather than the volume of the speaker's voice. By actively listening and engaging in open dialogue, it becomes easier to understand the underlying message and intentions behind their words. It is also important to maintain a non-judgmental and empathetic attitude, allowing for a more constructive and productive exchange of ideas. If there are concerns about the impact of raised

³⁴ Personal interview with Tadesse Zewude, elder and one of Kawo (king) in Gamo Deres, on Sunday, April 20, 2024, at Arbaminch.

³⁵ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, on Wednesday, April 10, 2024, at Arbaminch

voices on the overall atmosphere of the conversation, it may be beneficial to address the issue in a respectful manner. Individuals can express their preferences for a calmer speaking tone and suggest finding a middle ground that accommodates the communication styles of everyone involved. This approach fosters understanding and cooperation, allowing for a more harmonious and effective conversation.

Once a consensus is reached among the participants through extensive debates and discussions, the discussion is concluded. At this point, the oldest elder is granted the opportunity to provide the concluding remarks. However, it should be emphasized that the final decision reflects the collective opinion of the people, not solely the elder's personal preference. Therefore, the Gamo customary decision-making system concludes by consensus.

Federalism promotes the value of dialogue and recognizes that valuable ideas emerge through the exchange of diverse perspectives. (Alem, 2003 and Bulmer, 2017), highlight how federalism enables power-sharing and accommodation, distributing power between the central government and subnational entities to address ethnic, cultural, or political differences. It teaches us that engaging in debates and discussions leads to better outcomes. However, despite the progress towards democratic practices in our country, similar to the Gamo elders, it is unfortunate that we often witness those in positions of authority disregarding ideas and avoiding meaningful dialogue³⁶. In contrast, the Gamo elders serve as a commendable example of practicing democracy. They actively engage in debates, discussions, and the pursuit of consensus, demonstrating a genuine commitment to democratic principles.

Based on the analysis above, how do power dynamics and social relationships shape the customary dispute-resolution practices of the Gamo people? The *Dubusha* system grants decision-making primacy to the eldest elders, reflecting the cultural significance placed on seniority and experience. This age-based power dynamic is further reinforced through ceremonial speech patterns and protocols observed during the dispute resolution process. The opening and closing rituals led by the *Mura* (elder) underscore his elevated status and the reverence accorded to the wisdom of the elders.

³⁶ ibid

Despite the apparent top-down authority structure, the section emphasizes the democratic and participatory nature of Gamo's traditional decision-making. The lengthy debates and discussions among all participants aim to achieve a comprehensive and inclusive solution, rather than simply deferring to the elders' preferences. This highlights how the Gamo balances age-based power dynamics with the principles of collective deliberation and consensus-building. The section concludes by drawing parallels between Gamo's democratic dispute resolution approach and the principles of federalism, which promote power-sharing, accommodation of diversity, and the value of dialogue. This comparative analysis suggests that Gamo's customary practices hold important lessons for strengthening democratic governance and conflict resolution at the national level in Ethiopia.

5.2.1 Role of Authority Figures

According to data collected from FGDs, the authority figures' actions and decisions shape power dynamics within the community. The misuse of authority, whether it be traditional or governmental, can significantly impact the decision-making process. A key concern raised in this focus group discussion is the need for responsible use of decision-making power. Simply possessing authority does not guarantee correctness, as it can be prone to self-interest. Interestingly, some officials, particularly those in positions of governmental power, seem to exert influence on people to rush through discussions and make quick decisions. They may cite reasons such as time constraints, impending weather conditions, or the hunger of the people. However, it is worth noting that not all government authorities follow this approach. Some officials demonstrate a more inclusive approach by encouraging extensive discussions even for seemingly minor issues. It is evident that power holds sway over decision-making, for better or worse.

The authority figures in Gamo play a significant role in shaping power dynamics within the community. As a result, the fathers of Gamo recognize the importance of engaging in a thorough debate process, even if it takes a considerable amount of time. This approach allows them to ensure that their decisions are not overly influenced by authority. By engaging in extensive debates and discussions, the fathers of Gamo can carefully consider different perspectives and ideas. They aim to reach a collective decision that takes into account the diverse viewpoints present within the community. This process helps to prevent the concentration of power in the hands of a few individuals and encourages a more inclusive decision-making approach. The fathers of Gamo

understand that rushing decision-making or solely relying on the authority figures' preferences can undermine the democratic principles they value. By actively participating in the debate process, they can challenge and question the authority's decisions, promoting transparency, accountability, and fairness. While this commitment to a deliberative and time-consuming process may require patience, the fathers of Gamo believe that it is essential for maintaining a balanced distribution of power within the community. They prioritize open dialogue, allowing for the exploration of various perspectives and the identification of potential pitfalls or blind spots in decision-making.

The section highlights how the Gamo community's fathers recognize the potential misuse of authority, whether traditional or governmental and its impact on the decision-making process. This concern resonates with the key tenets of federalism, which emphasize the importance of power-sharing, checks and balances, and the distribution of decision-making authority across different levels of government. Federalism promotes the idea that concentrating too much power in the hands of a few can lead to the marginalization of diverse perspectives and the abuse of authority.

The Gamo community's approach to decision-making, characterized by extensive debates and discussions, aligns with the federalist principle of enabling meaningful dialogue and the exchange of diverse viewpoints. By engaging in thorough deliberations, even for seemingly minor issues, the Gamo fathers ensure that their decisions are not unduly influenced by the preferences of authority figures. This deliberative process allows them to carefully consider different perspectives and reach more inclusive and balanced outcomes.

5.2.2 Participation and Inclusion

According to Adimasu Tassew (PhD), scholar and currently dean of Arbaminch University, participation and inclusion are crucial aspects of the decision-making process for several reasons: Participation and inclusion are vital elements of the decision-making process, serving various important purposes. By incorporating diverse perspectives, decision-making processes benefit from a comprehensive understanding of the issue at hand. This diversity of backgrounds, experiences, and perspectives enables better decision-making by drawing upon unique insights and knowledge. Inclusion ensures that a wide range of voices are heard, fostering creativity, innovation, and a holistic approach to problem-solving. Therefore, in the case of the Gamo people,

decision-making involved extensive debates and took time to consider everyone's opinions³⁷. Because in a participatory and inclusive decision-making process, ownership and acceptance are also facilitated by participation and inclusion. When individuals actively participate in decision-making, they develop a sense of ownership over the outcomes. This sense of ownership enhances their commitment and willingness to accept and implement the collective decisions made. Inclusion plays a crucial role in building trust and legitimacy in the decision-making process as individuals feel that their concerns and interests have been taken into account.

Furthermore, inclusion improves decision quality by enabling informed and well-rounded decision-making. Engaging a diverse group of participants allows for the identification and evaluation of potential risks, benefits, and unintended consequences from various angles. This inclusive approach helps minimize biases and ensures that decisions are more balanced, fair, and effective. Inclusion also helps uncover potential blind spots or overlooked aspects of the issue, leading to more comprehensive and robust decisions. Participation and inclusion³⁸ contribute to social cohesion and empowerment. When individuals are involved in the decision-making process, they experience a sense of empowerment and foster social cohesion within the community or group. This participatory approach promotes a culture of collaboration, mutual respect, and shared responsibility. Inclusion allows individuals to feel valued, heard, and respected, strengthening social relationships and promoting unity.

Lastly, participation and inclusion contribute to the development of sustainable solutions. By involving all stakeholders, particularly those directly affected by the decisions, the resulting solutions are more likely to be contextually relevant, socially acceptable, and durable over time. Inclusion helps identify potential trade-offs, find common ground, and work towards mutually beneficial outcomes, ensuring the longevity and effectiveness of the decisions made.

5.2.3 Communication and Relationship Building

As per the study participants in interviews and focus group discussions, effective communication and relationship building play crucial roles in resolving conflicts and building peace. Firstly, effective communication allows parties in conflict to express their perspectives, concerns, and

³⁷ Personal interview with w/ro Hagote Hata, female interview participant, on Monday, April 23, 2024, at Tupha

³⁸ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch

interests openly and honestly³⁹. By actively listening and empathizing with each other, individuals can gain a deeper understanding of the underlying issues and motivations behind the conflict. This understanding forms the foundation for finding common ground and generating mutually satisfactory solutions.

Secondly, communication facilitates constructive dialogue between conflicting parties. It provides a platform for open and respectful exchange of ideas, fostering a sense of trust, transparency, and cooperation⁴⁰. Through dialogue, individuals can explore different viewpoints, challenge assumptions, and engage in meaningful discussions that lead to greater mutual understanding and shared problem-solving. The Gamo fathers, with their extensive experience in conflict resolution, approach issues with a deep commitment, engaging in thorough discussions and debates. They recognize the significance of the matter and demonstrate their dedication by scheduling follow-up meetings and establishing clear lines of communication to ensure that the dialogue can continue. Their emphasis on open and ongoing discussions allows for a comprehensive exploration of the topic at hand, exemplifying their commitment to finding effective solutions and promoting lasting peace.

Furthermore, effective communication helps manage and address the strong emotions often associated with conflicts. Conflict stirs emotions such as anger, frustration, and fear. By providing a safe space for individuals to express their feelings, effective communication acknowledges and validates these emotions. This creates an atmosphere conducive to constructive dialogue and conflict resolution.

Building positive relationships is essential for conflict resolution and peacebuilding. Effective communication helps establish and nurture relationships based on trust, respect, and mutual understanding⁴¹. By fostering positive interactions and promoting empathy, individuals can develop stronger connections and build bridges between conflicting parties. This relationship-building process lays the groundwork for future cooperation and collaboration.

³⁹ Personal interview with Abaynehe Akalu, government officer and culture expert, on Saturday, April 20, 2024, at Dega Gema.

⁴⁰ *ibid*

⁴¹ Personal interview with Desalech Dawit, female participant and currently Gamo Zone Head of Trade and Market Development Department, on Thursday, April 25, 2024, at Arbaminch.

Moreover, effective communication enables the exploration of creative and collaborative solutions to conflicts. Through active listening, brainstorming, and joint problem-solving, individuals can identify win-win outcomes that address the needs and interests of all parties involved. Collaborative solutions, incorporating diverse perspectives and promoting shared ownership, are more likely to be sustainable and long-lasting. The Gamo fathers' experience in conflict resolution reflects their commitment to finding effective solutions and promoting lasting peace.

Lastly, communication plays a vital role in reconciliation processes after conflicts have been resolved. It allows for the healing of wounds, fosters forgiveness, and rebuilds broken relationships. Through honest and empathetic communication, individuals can acknowledge past harms, seek understanding, and work toward reconciliation and long-term peace.

5.3 Customary Dispute Resolution Practices and Human Rights Alignment

Gamo's traditional conflict resolution system, referred to as the major customary dispute resolution mechanism, has played a central role in resolving conflicts within the community throughout its history. This system has evolved from a focus on family conflict resolution to encompass a broader community-wide approach. However, as we delve deeper into the dynamics of Gamo's traditional conflict resolution, it becomes essential to examine its intersection with human rights principles.

Under this cluster, the study seeks to explore the complex interplay between Gamo's traditional conflict resolution practices and the human rights framework. The objective is to consider how these practices align with fundamental human rights concerns, such as gender equality, fair trial rights, the rights of marginalized groups, and the right to effective remedies. Additionally, based on the information obtained from informants, the study will analyze the challenges of balancing the cultural context of the Gamo people with the promotion and protection of human rights.

Furthermore, the examination will extend to the potential integration of Gamo's traditional conflict resolution system within the broader legal framework, with a strong emphasis on upholding human rights standards. The examination will encompass strategies for strengthening access to justice and promoting legal pluralism. The ultimate goal is to ensure that the traditional conflict resolution system respects human rights while simultaneously preserving the rich cultural heritage of the Gamo people.

This examination aims to shed light on the difficulties and distinctions inherent in Gamo's traditional conflict resolution practices, as well as the opportunities for aligning them with human rights principles. By gaining a deeper understanding of these dynamics, individuals, and communities can work towards enhancing the effectiveness and fairness of conflict resolution processes while safeguarding the fundamental rights and dignity of all members within the Gamo people.

5.3.1 Alignments of Human Rights and Gamo Customary Dispute Resolution Mechanisms

Human rights are universal and inalienable entitlements of all individuals, based on the principles of inherent human dignity, equality, and freedom (UNICEF, 2015). These rights are protected by international human rights laws and standards, which aim to ensure the well-being, freedom, and equality of all individuals, irrespective of their nationality, race, gender, religion, or other characteristics.

Therefore, in this subsection, the intricate relationship between Gamo's traditional conflict resolution system and international human rights laws is examined. According to my informant, the interview and FGDs Gamo's traditional conflict resolution practices demonstrate compatibility with minimum international human rights standards. Often, indigenous institutions are blamed for human rights violations, but this is a general conclusion and doesn't show the reality on the ground. While it is true that human rights abuses can occur within any system, it is important to recognize that indigenous institutions vary widely and cannot be uniformly blamed. A more comprehensive and context-specific approach is needed to understand the complexities and intricacies of indigenous institutions, acknowledging both potential challenges and the positive contributions they can make towards human rights and community well-being. Gamo's traditional conflict resolution judges all genders equally⁴². It is noteworthy that Gamo culture places significant respect and value on women, which is exceptional compared to other individuals. ⁴³Women are granted distinct honors and privileges within the traditional conflict resolution process. For instance, they are permitted to sit and speak at the *Dubusha* meeting place, reflecting the

⁴² Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, April 10, 2024, at Arbaminch

⁴³ Personal interview with Desalech Dawit, female participant and currently Gamo Zone Head of Trade and Market Development Department, on Thursday, April 25, 2024, at Arbaminch

recognition of their esteemed status. This practice, known as "*Marjyama Utada Hasaya*"⁴⁴ in the local language, signifies the respect attributed to individuals who engage in seated conversation. In Gamo culture, a person who talks while sitting is more respected than someone who speaks while standing. In Gamo culture, it is customary and respectful to stand while addressing elders or traditional authority figures, except when communicating with women. Women are an exception to this norm, and it is considered appropriate and respectful to address them while seated.

Another significant aspect of respect and consideration given to women in Gamo culture is the response to their grievances. In Gamo culture, if a woman lodges a complaint with the elders or Gamo fathers regarding an injustice she has experienced, the elder is obligated to dismount from his horse and address her case, even if he is on an urgent journey. This practice, referred to as "*Maccassa magana parape wodhidi ferdetus*"⁴⁵ in the local language, signifies the resolution of a woman's issue by stepping down from a horse.

In Gamo culture, it is deemed disgraceful to leave without delivering a verdict after hearing a girl's complaints. Furthermore, if there is any pressing matter, it is considered unacceptable to depart without first addressing the burden of a cargo horse. Additionally, in cases where both a man and a woman present equal grievances, Gamo culture prioritizes resolving the woman's problem first⁴⁶. These customs reinforce the elevated status of women within Gamo people and exemplify the specific measures taken to ensure their concerns are heard and addressed on time.

The third aspect pertains to the respect and status accorded to women. In the event of a dispute between a woman and her husband, if the woman seeks refuge in the house of the Gamo fathers or elders and lodges a complaint during the night, the Gamo father who hears the matter will arise from his bed and inform the woman's husband, "I will come tomorrow to listen to your case, and today she will stay at her house."⁴⁷

When the Gamo father issues this command to the woman's husband, it becomes obligatory for him to comply. Failure to adhere to this directive would result in the husband incurring a customary penalty, known as "*gome*" means curs in accordance with the customs. Consequently, the woman

⁴⁴ Personal interview with Dawit Meried, elder and religion teacher of Chench and Kogota woredas, on Tuesday, April 2, 2024 at Chench town.

⁴⁵ *ibid*

⁴⁶ *ibid*

⁴⁷ *ibid*

remains at her own home for the duration of that day, and the following morning, the Gamo elder arrives early to resolve her case. According to tradition, it is strictly forbidden for a woman to spend the night outside her own residence, even if she has committed a wrongdoing. This tradition highlights the significance placed on maintaining the sanctity of the home and reinforces the cultural value of familial ties within Gamo people.

The fourth aspect concerns the respect and position given to women in Gamo culture during the period of childbirth. When a woman gives birth, she temporarily leaves her own small house and moves to her brother-in-law's larger house⁴⁸. In this setting, she nurtures and raises her child with dignity until the time comes for her to depart from the house. This practice reflects the cultural recognition of the importance of providing an appropriate environment for the mother and child during the crucial period following childbirth. Additionally, in Gamo culture, it is customary for a woman who has given birth to refrain from engaging in any work until her body has fully recovered and regained strength. This practice stems from the belief that any potential issues or harm to the mother or child would impact the entire community. By allowing the woman to focus on her physical well-being and the care of her newborn, Gamo culture emphasizes the collective responsibility and interconnectedness within the community. This period of rest and recovery acknowledges the significance of maternal health and the well-being of both mother and child for the overall welfare of the community.

Another important aspect of Gamo culture is the prioritization of the lower classes or marginalized individuals⁴⁹, such as women, in the process of conflict resolution. If a complaint is submitted by a marginalized person to the Gamo Fathers, it is expected to be resolved within a day. Failing to address these grievances in a timely manner is believed to have negative consequences, as expressed in the phrase "*tsoma gomey nuuna wrisana*,"⁵⁰ which means "his curs will finish us." According to traditional beliefs, the resolution of these complaints is crucial to maintaining environmental balance. It is believed that if such grievances are left unresolved, it may result in excessive rainfall, a lack of sunlight, or even a drought. This perception reflects the interconnectedness between human actions, societal harmony, and the natural world within Gamo

⁴⁸ *ibid*

⁴⁹ Personal interview with Abaynehe Akalu, government officer and culture expert, on Saturday, April 20, 2024, at Dega Gema.

⁵⁰ *Ibid*.

culture. By prioritizing the resolution of complaints from marginalized individuals, Gamo culture recognizes the importance of fostering equity, social justice, and environmental well-being in the community.

Indeed, the participation of women is a crucial aspect of Gamo traditional administration. In the institution-building system of Gamo culture, women play an integral role, and their involvement is essential for the complete functioning of these institutions. To hold traditional positions such as Chief, *Huduga*, *Mura*, or *Kawo* (King), a man must be married. Even if a man is divorced, he is ineligible to occupy these positions. This practice highlights the importance placed on women within Gamo culture and demonstrates the recognition of their contributions and value in governance and decision-making processes. By requiring marriage as a prerequisite for holding these positions, Gamo culture ensures that women are actively included, and their perspectives are considered in traditional administration. This approach promotes gender equality and emphasizes the significance of women's participation in shaping the governance structures of the community. By prioritizing the involvement of women and marginalized individuals, Gamo culture aligns itself with the principles of human rights, which emphasize equality, non-discrimination, and the inclusion of all members of society. This focus on women's participation and the consideration of marginalized groups indicates a commitment to upholding human rights values within the cultural context.

However, while women's participation and priority have been mentioned, my observations in the area indicate that women are not included in the decision-making power of summary decision-making processes. Nevertheless, women have an important role to play in various aspects. According to (Gebretsadik, 2022), women participate equally with men in the *Dubusha* meetings without experiencing gender-based discrimination. They can be present as accusers or the accused during *Dubusha* proceedings, and their gender does not affect how they are treated. However, it is important to note that women do not have the authority to make final decisions. If they perceive a decision as unfair, they have the option to reject it and file an appeal.

Additionally, women play a crucial role in preventing disputes from escalating and expressing their opposition to decisions made by the Council of Elders if they find them inappropriate. Their dissent is often expressed using a traditional practice called *Eleleta*, characterized by loud screaming or by putting their *Netela* (scarf) on the ground, which symbolizes the need for the

disputing parties to immediately cease their quarrel. In more intense conflicts, Gamo women have traditionally resorted to a powerful action: exposing their breasts and pointing them toward the sky. This act carries a strong cultural significance and serves as a potent symbol to bring an immediate halt to the ongoing conflict. The belief among the Gamo community is that a curse invoked by women can lead to misfortune. This showcases that there is a check and balance process, not simply that they hear the issue, but rather that they reshape the decision process.

Therefore, women's participation serves as a means to safeguard against further conflicts and challenge decisions that they perceive as unjust or unsuitable. In Gamo's traditional dispute resolution system, the final decision is made by the king or the king's representative, based on democratic discussions held during the assembly. The king or representative does not impose their personal opinion but considers the ideas presented by all participants, including women. If opposition arises from the people, including young men and women, the king or representative cannot impose their own opinion but must reshape it according to the ideas of all participants. This reflects the participatory nature of decision-making in the Gamo culture, where the collective input and consensus of the community are valued.

Regarding the gender dimension, we often resort to Western hegemony of knowledge that criticizes African traditions for disregarding women in decision-making, excluding them from the public arena, and violating their human rights. However, societies like Gamo operate through a structure that assigns roles to men, women, youth, children, and traditional leaders. When it comes to the roles of women (Gebretsadik, 2022), he gives an excellent explanation, saying, "an escalating conflict by putting their *Netela* (scarf) on the ground. If the conflict was so intense, the Gamo women used to take out their breasts and point them to the sky. Accordingly, the disputants have to stop their quarrel immediately. The ongoing conflict among the conflicting parties needs to cease immediately following the women's intervention. There is a great consistency in the belief that a curse made by women leads to misfortune among the Gamo. Hence, women can prevent the escalation of conflicts to turmoil and unrest among the Gamo. "

My fieldwork observations align with the author's findings, as I witnessed that while women are not the final decision-makers, their ideas and perspectives are not excluded. Instead, their input is valued and considered in the decision-making process. Although women may not hold ultimate

authority, their participation and contributions are acknowledged, ensuring that their voices are heard and taken into account.

From the above discussion what we understand, the examination of the alignment between Gamo's traditional conflict resolution system and international human rights standards reveals several key points that connect with the principles of federalism: The Gamo culture demonstrates a high degree of respect and value for women, granting them distinct honors and privileges within the traditional conflict resolution process. This aligns with the Federalist principle of equality and non-discrimination, where all individuals, regardless of gender, are afforded equal rights and opportunities. The Gamo culture also prioritizes the resolution of complaints from marginalized individuals, such as women, in a timely manner. This speaks to the Federalist emphasis on inclusivity and the representation of diverse perspectives in decision-making processes.

The traditional Gamo conflict resolution system involves the participation of elders and community members in addressing disputes. This decentralized approach to conflict resolution resonates with the federalist principle of subsidiarity, where decision-making is delegated to the lowest appropriate level of governance. The compatibility of Gamo's traditional conflict resolution practices with international human rights standards demonstrates the recognition and accommodation of cultural diversity within a broader legal framework. This aligns with the federalist concept of preserving the autonomy and unique identities of constituent units within a larger system. Gamo culture's belief in the interconnectedness between human actions, societal harmony, and the natural world reflects a holistic approach to community well-being. This perspective aligns with the federalist principle of subsidiarity, where decision-making considers the local context and environmental impacts.

5.3.2 Challenges in Preserving and Adapting Gamo Cultural Traditions in the Context of Human Rights

Preserving and adapting cultural traditions while upholding human rights can present challenges for any community, including the Gamo people. Their unique customs and practices, deeply rooted in their identity, may sometimes come into clash with internationally recognized human rights principles. This subpart explores the challenges faced by the Gamo people in striking a balance between cultural preservation and the promotion of human rights.

According to my participant during focus group discussion, one significant challenge is the impact of modernity and Western cultural influences on the current generation of the Gamo people. The allure of modern lifestyles and the adoption of Western practices can lead to a decline in the preservation and appreciation of traditional customs and values.⁵¹ To address this challenge, it is crucial to raise awareness among the younger generation about the importance of their cultural heritage. Emphasizing the compatibility of these traditions with human rights and highlighting their value for community well-being can help foster a sense of pride and motivation to preserve them.

The Gamo traditional conflict resolution system faces external and internal influences that can hinder its complete implementation. Some religious teachings⁵² may view certain cultural practices as idolatry, leading to a negative perception of these traditions. Additionally, misinformation about traditional ceremonies can mislead individuals, creating further resistance to their acceptance and implementation. Overcoming these challenges requires open dialogue and education. Engaging religious and community leaders in discussions about the compatibility of cultural practices with both religious teachings and human rights principles can help bridge the gap and promote a more inclusive and accepting approach.

Striking a balance between cultural preservation and human rights promotion is a complex task for the Gamo people. It calls for the active involvement of community members in decision-making processes, cultural preservation initiatives, and educational programs. By empowering the Gamo people to take ownership of their cultural heritage, they can contribute to finding solutions that maintain the integrity of their traditions while upholding human rights principles. Collaborative efforts between community members, local institutions, and relevant stakeholders are essential in navigating the challenges and creating a more inclusive and balanced approach to cultural preservation and human rights promotion.

⁵¹ Personal discussion with Abera Ogato, PhD student and researcher at Addis Ababa University, on Wednesday, April 10, 2024, at Arbaminch

⁵² Personal discussion with Dr. Adimasu Tassew, who is scholar and currently dean of Arbaminch university Abaya compass, on April 9, 2024 at Arbaminch

5.3.3 Potential Integration of Gamo's CDRMs within the Broader Legal Framework

The relationship between Gamo's traditional conflict resolution practices and the broader legal framework raises an important question about the possibility of integrating these practices into the formal legal system. This subpart examines the potential and challenges associated with incorporating Gamo's traditional dispute resolution system within the broader legal framework. Based on the information obtained from the focus group discussions, the following key issues have emerged:

One of the potential integration systems is recognizing the inherent value of Gamo's traditional conflict resolution practices, which is a crucial starting point for successful integration. These time-honored methods have a proven track record of effectively resolving disputes, fostering social harmony, and maintaining cultural cohesion within the Gamo people⁵³. By acknowledging the merits of these practices, it becomes possible to explore avenues for their integration into the formal legal framework.

Secondly, identifying areas of compatibility between Gamo's traditional conflict resolution system and the broader legal framework is essential for a seamless integration process. This involves identifying shared underlying principles, values, and objectives between the two systems. By pinpointing areas of common ground, opportunities for cooperation and collaboration can be developed to foster the integration process.

Furthermore, ensuring the presence of legal safeguards and protections is paramount when integrating Gamo's traditional conflict resolution system. This requires establishing mechanisms that uphold fundamental human rights, including gender equality, fair trial rights, and the protection of marginalized groups. By incorporating these safeguards, the integration process can be conducted in a manner that aligns with universally recognized human rights principles.

In addition, building capacity and raising awareness among legal professionals, community leaders, and members of the Gamo people is crucial for the successful integration of traditional conflict resolution practices. Providing training, workshops, and educational programs can enhance understanding and appreciation of the benefits and challenges associated with

⁵³ *ibid*

incorporating these practices. This fosters a sense of ownership and commitment among stakeholders involved in the integration process.

Finally, addressing the challenges and concerns that may arise during the integration process is vital for finding effective solutions. These challenges may include jurisdictional issues, ensuring procedural fairness, and resolving potential conflicts between traditional practices and formal legal principles. Open dialogue, collaboration, and continuous evaluation are necessary for identifying and resolving these challenges while respecting both cultural heritage and human rights concerns.

Conclusion

The examination of power dynamics, social relationships, and human rights considerations within the customary dispute resolution practices of the Gamo people reveals important insights. The chapter highlights how factors such as age, social status, and cultural norms shape the decision-making processes and outcomes of traditional conflict resolution mechanisms in the Gamo community. Notably, Gamo's decentralized, consensus-driven approach to dispute resolution, exemplified by the Dubusha system, demonstrates strong alignment with the principles of federalism. The emphasis on inclusive dialogues, the recognition of diverse perspectives, and the ability to accommodate cultural differences provide valuable lessons that can inform efforts to strengthen the legitimacy and effectiveness of traditional justice systems within the evolving context of Ethiopia's federal governance.

The Gamo fathers recognize the potential for the misuse of authority, whether traditional or governmental, and emphasize the importance of extensive debates and discussions to ensure inclusive and transparent decision-making. This approach aligns with the tenets of federalism, which emphasize power-sharing, checks and balances, and the distribution of decision-making authority. Participation and inclusion in the decision-making process underscores the significance of incorporating diverse perspectives and ensuring that a wide range of voices are heard, the Gamo community benefits from comprehensive understanding, improved decision quality, social cohesion, empowerment, and sustainable solutions. The value of inclusive, communicative, and relationship-oriented approaches to community decision-making, conflict resolution, and peacebuilding. By embracing these principles, the Gamo community can foster a more

participatory, harmonious, and resilient social fabric that is better equipped to navigate challenges and achieve lasting progress.

The examination of the interplay between Gamo's traditional conflict resolution practices and human rights principles reveals a complex and nuanced landscape. While the customary dispute resolution system has played a central role in the community, there is a need to carefully consider how these practices align with fundamental human rights concerns. Gamo's cultural practices demonstrate a strong emphasis on gender equality, the respect and status accorded to women, and the prioritization of marginalized individuals in the dispute resolution process. These aspects align with the core principles of human rights, such as inherent human dignity, equality, and non-discrimination. The Gamo's recognition of women's esteemed status, the measures taken to ensure their concerns are addressed, and the cultural norms that reinforce the importance of maternal health and familial ties, all exemplify the Gamo's commitment to upholding human rights values within their traditional system. By prioritizing the participation of women and marginalized groups, the Gamo's conflict resolution mechanism reflects a holistic approach to fostering social justice, community well-being, and environmental balance, which are fundamental to the realization of human rights.

The Gamo people face the challenge of preserving their unique cultural traditions while upholding international human rights principles. Balancing these competing priorities requires a multifaceted approach involving community engagement, education, and open dialogue. The potential integration of Gamo's traditional conflict resolution system within the broader legal framework presents both opportunities and challenges. By recognizing the inherent value of these time-honored practices, identifying areas of compatibility, ensuring legal safeguards, building capacity, and addressing emerging challenges, a pathway for successful integration can be forged. This process requires a collaborative approach involving the Gamo community, legal professionals, and relevant stakeholders. Through open dialogue and a commitment to upholding both cultural heritage and human rights principles, the integration of Gamo's traditional conflict resolution practices can contribute to a more holistic and inclusive legal framework..

CHAPTER SIX

6 Summary of the Major Findings, Conclusion, and Recommendation

6.1 Summary of the Major Findings

The study has one overarching objective and five more specific objectives that it aims to investigate. Hence, the general objective of the study aimed to examine the customary dispute resolution and peacebuilding practices of the Gamo people within the Ethiopian Federation. To fulfill the broader objective mentioned earlier, the study has formulated five, specific objectives.

The first specific objective of this study was to identify and document the major customary dispute resolution mechanisms of the Gamo people, including an examination of their historical evolution. The findings from case studies, interviews, focus group discussions, and related literature have revealed that the Gamo people employ a distinct customary dispute resolution system structured similarly to the Ethiopian Federal System. At the highest level, there is the *Dere* (higher) level *Dubusha*, which functions akin to a Supreme Court. Below that, there is the Sub-*Dere* (middle) level *Dubusha*, serving as a high court. At the local level, there are the village or *Guta* (neighbor) level *Dubusha*, which operate as first-instance courts. Finally, at the family level, *Dubusha* addresses disputes at the most intimate level. The Gamo people's traditional conflict resolution system prioritizes reconciliation over punishment, fostering peace. These mechanisms are categorized into different levels, namely the lower or family level *Dubusha*, village or *Guta* level *Dubusha*, sub-*Dere* level *Dubusha*, and the higher or *Dere* level *Dubusha* structures. To understand the major customary dispute resolution mechanisms, it is important to consider the role of customary institutions known as *Dubusha*.

The *Dubusha* institution holds significant importance in the Gamo people's customary dispute resolution system. It serves as a public gathering platform for reconciliation, mediation, and justice. *Dubusha* operates at four levels: *Dere* (higher) level, sub-*Dere* (middle) level, village or (neighbor) level, and family level. At each level, *Dubusha* functions as a crucial forum for addressing disputes and seeking fair resolutions. It provides a space for community members to discuss grievances, engage in dialogue, and collectively pursue justice. The hierarchical structure of *Dubusha* ensures that conflicts are addressed at the appropriate level, from broader community

matters to lower family level disputes. In cases where disputes remain unresolved at lower *Dubusha* levels, an appeals process allows them to be escalated to higher levels for further consideration and resolution. This appeals mechanism promotes accountability and ensures a comprehensive examination of complex or contentious cases. The unique characteristics of the *Dubusha* system extend beyond its role in dispute resolution. Unlike a purely punitive approach, the *Dubusha* emphasizes the restoration of social harmony and community cohesion after reconciliation, rather than focusing solely on punishment.

The seating arrangements within *Dubusha* reflect the community's values and social structure. Stone chairs, carved with symbolic significance, are assigned to participants based on their roles and responsibilities. Seating arrangements also incorporate factors such as age and hierarchy, emphasizing respect for elders and inclusivity of younger generations. By implementing a seating hierarchy, *Dubusha* embodies the Gamo people's commitment to balanced decision-making, inclusivity, and unity. It ensures that decisions are made with input from multiple generations and promotes a sense of collective responsibility.

The other unique feature of *Dubusha*, the shade of the *Dubusha* tree serves as a sacred gathering place, emphasizing the importance of privacy and confidentiality. Lying is believed to be impossible in front of the *Dubusha*, with attempts to lie resulting in uncontrollable leg shaking. Openly revealing secrets in front of the *Dubusha* is considered essential, as it is believed that no secret can remain hidden in its presence.

The *Dere* (higher) level of the *Dubusha* dispute resolution system is the final stage in the Gamo traditional conflict resolution process. This comprehensive approach incorporates the wisdom and experience of respected community members who serve as impartial mediators and arbitrators, selected for their integrity, knowledge of customary laws, and ability to maintain neutrality. A case study example illustrates how the *Dere* level facilitated the resolution of a conflict between the Chenchu and Dita districts in the Gamo zone, with traditional authority figures known as “*Ogetha*” playing a crucial role as mediators. The Gamo people also practices "*Suta Kanche*" (blood water), a ritual to promote honesty during conflict resolution. Moreover, the Gamo fathers not only excel in reconciling conflicts but also demonstrate foresight and wisdom in preventing conflict. They actively engage in conflict prevention, contributing to peace and harmony within the community. Their commitment to peace is evident in their actions during a conflict in Arbaminch City, where

they knelt while holding "*Irx Maata*" or wet grass as a symbolic gesture of peace, appealing to the emotions and reason of young individuals considering destructive actions. The Gamo fathers also collaborate with traditional leaders and elders from the Oromia region to emphasize peaceful resolution and prevent further divisions. Their ability to resolve conflicts constructively and their proactive approach earned them recognition as "Peace Ambassadors of the Year" by the federal government, commending their efforts in promoting peace and harmony within the community.

The traditional conflict resolution system of the Gamo people addresses the crime of murder through a distinct set of practices. When an individual commits murder, their only means of self-preservation is to seek refuge in a different Kebele community, particularly one inhabited by the "*Shale*" community. The "*Shale*" community holds significant diplomatic powers and is entrusted with the authority to mediate and reconcile any crime, including murder. They initiate the resolution process by overseeing symbolic acts, such as the perpetrator attending the funeral gathering and participating in mourning rituals. The "*Shale*" community then takes on the responsibility of following up on the matter and imposing customary fines and penalties on the perpetrator, with the severity varying based on the nature of the killing. While the traditional conflict resolution system has seen some adaptations over time due to external influences, it has largely retained its original form, highlighting the preservation of Gamo customs and traditions.

At family level dispute resolution system after the parties state their disagreement with the decision of the elders, it is required for them to for once, and finally, they must spend one last night together in the same bed before parting ways. It is believed that if they do not engage in biological relationship, they will be cursed by the elders of the culture. Therefore, even if the intention is to separate, they are obligated to have biological relationship. It is seen as unavoidable in this context. The primary purpose of this practice is to create the possibility of conceiving a child on that specific day, according to the will of God. The hope is that the prospect of having a child will catalyze the couple to reunite and live together again.

The Gamo people also employs the traditional dispute resolution method known as *Gufe*, which involves challenging biased decisions and seeking just resolutions. *Gufe* ensures that unfair judgments are not upheld and guarantees consistent verdicts in similar cases. However, the process is not initiated if the initial decision is found to be incorrect upon re-examination or if the Gamo fathers make a correct decision. It is important to note that not all individuals invoking *Gufe* are

dissatisfied; some misuse it to complicate matters. Misusers face cultural consequences and punishments, serving as a deterrent against exploiting *Gufe* for personal gain or creating unnecessary complications

Based on the debate surrounding the historical evolution of Gamo customary dispute resolution mechanisms, there are different viewpoints among the respondents. While some argue that the evolution of Gamo customary law is a matter of contention, a case study sheds light on the flexibility of the system. In the case study, two religious followers opted for the reconciliation system rather than adhering strictly to the existing cultural law. This suggests that Gamo's customary law can undergo evolutionary changes. The principle is that any laws that harm the people will be modified, while those that are beneficial will be upheld. Although the Gamo customary law is not overly flexible in terms of amendments, it is not rigid either. This allows for a balance between adapting to changing circumstances and maintaining the core values and principles of the Gamo culture.

The second specific objective is to analyze the integration of customary dispute resolution practice into the formal legal system of Ethiopian Federation. In line with this, the findings gathered through interviews, FGD, and related literature have proved that firstly, there exists constitutional recognition of customary dispute resolution practices, including those of the Gamo people, within the Ethiopian legal framework. This recognition provides a basis for collaboration and coordination between customary and formal institutions. The acknowledgment of customary practices in the constitution establishes a supportive environment for the involvement and participation of both parties in peacebuilding efforts.

The collaborative efforts between Gamo customary institutions and government authorities are also evident through various means. Government representatives and officials often play a supportive role in the customary dispute resolution process by providing guidance, resources, and assistance. This supportive role ensures effective resolution and implementation of decisions. Additionally, there is an exchange of information and knowledge between customary leaders and government officials, fostering a better understanding of local customs and practices. The coordination also extends to conflict referrals, where cases that cannot be resolved through customary mechanisms are transferred to the formal legal system in collaboration between customary institutions and government authorities.

Furthermore, efforts are made to harmonize customary practices with government laws and regulations to maintain consistency and compatibility between the two systems. This coordination helps uphold the principles of justice and fairness, which are integral to both traditional and formal mechanisms. Government authorities also engage in capacity-building programs for customary leaders and elders, enhancing their conflict-resolution skills within the federal governance framework. Additionally, collaborative interactions may involve policy development and the integration of customary dispute resolution practices into the overall peacebuilding strategies of the federal government, contributing to a comprehensive and holistic approach to conflict resolution.

The third specific objective is to investigate the peace-building mechanisms employed within the Gamo people and evaluate their contribution to reconciliation and sustainable peace. The major findings of this sub-section on the effectiveness of customary dispute resolution practices in peacebuilding within Ethiopia's federation, focusing on the Gamo people, highlight several key areas of concern. These include the need for cultural relevance of the practices, harmonization with formal legal frameworks, ensuring access to justice, preserving community autonomy, capacity building for effective implementation, integrating modern principles, and the importance of monitoring and evaluation.

Examining the alignment of federalism and the Gamo customary dispute resolution mechanism reveals historical similarities between the Gamo people's decentralized governance system and modern federalism, predating the establishment of federalism in the United States. The Gamo customary administrative system demonstrates similarities to modern federations in terms of the two orders of government, shared power arrangements, unwritten constitution, and interkingdom relationships. These findings emphasize the significance of understanding and addressing these issues to comprehensively assess the effectiveness of Gamo customary dispute resolution practices in contributing to peacebuilding within Ethiopia's federated system.

The role of customary dispute resolution in peacebuilding within the Gamo people in Ethiopia has several strengths. Firstly, it promotes a non-revengeful approach, avoiding punitive measures and fostering reconciliation. Community engagement is another strength, as decisions are made collectively, enhancing legitimacy and accountability. The system is also efficient, resolving disputes promptly without bureaucratic procedures. It relies on the wisdom of local elders, who

offer culturally sensitive solutions based on their expertise. Moreover, Gamo's customary conflict resolution mechanisms play a role in conflict prevention by addressing grievances early on.

However, there are weaknesses to consider. The lack of formal documentation makes it difficult to maintain clear records and establish precedents. The system may struggle to address complex modern issues due to its specific cultural context. Additionally, the absence of professional training among those involved in dispute resolution can lead to inconsistencies and limited understanding of legal principles.

The fourth specific objective is to examine how power dynamics and social relationships influence the results of customary dispute resolution practice and peacebuilding mechanisms within the Gamo people. Hence, the findings regarding power dynamics and social relationships in Gamo's traditional conflict resolution system reveal that decision-making authority rests with the eldest elder, emphasizing the significance of age. Ceremonial speech patterns are followed, with the elder invoking blessings and acknowledging any omissions. Extensive debates and discussions are central to reaching comprehensive and inclusive solutions, highlighting the democratic and participatory nature of the process. Vocal intensity during discussions should be understood as a communication style rather than indicating aggression. Consensus-based decision-making concludes the process, reflecting the collective opinion of the community. The Gamo traditional conflict resolution system serves as a commendable example of practicing democracy, engaging in meaningful dialogue and pursuing consensus. These findings underscore the importance of age, participatory debates, understanding communication styles, and the value of consensus in Gamo's conflict resolution practices.

The fifth specific objective of the study aimed to assess the compatibility of customary dispute resolution practices and peace-building mechanisms within the Gamo people with minimum human rights standards and principles. The findings from interviews and focus group discussions revealed that the traditional conflict resolution mechanisms of the Gamo culture are in alignment with human rights principles. These mechanisms demonstrate gender equality, protect women's rights, address their grievances, promote maternal health, prioritize marginalized individuals, and involve women in governance. Within the conflict resolution process, Gamo customs treat all genders equally, granting women distinct honors and privileges. They prioritize the resolution of women's grievances, provide specific protections for women's rights, and ensure their voices are

heard and addressed. Moreover, the culture values maternal health and creates a supportive environment for mothers and infants. Gamo customs also prioritize the resolution of complaints from marginalized individuals, emphasizing the interconnectedness between human actions, societal harmony, and the natural world. Women play a central role in Gamo governance, actively participating and contributing to the community's decision-making processes.

Women in the Gamo community participate in meetings and the *Dubusha* proceedings, but their final decision-making power is limited. They can be present as either accusers or the accused, and their gender does not affect how they are treated during these proceedings. However, women do not have the authority to make final decisions. If they believe that a fair decision has not been reached, they have the option to reject the decision and file an appeal. Women's participation is crucial in preventing the escalation of disputes and voicing their opposition to decisions made by the Council of Elders if they perceive them as inappropriate. They express their dissent through the traditional practice of *Eleleta*, which involves loud screaming. This highlights the important role of women in safeguarding against further conflicts and challenging decisions they consider unjust or unsuitable. How Western perspectives often criticize African traditions for disregarding women in decision-making and violating their human rights. This critique suggests that Western ideas and norms may not always be applicable or appropriate when examining non-Western cultures and their practices. In the context of the Gamo society, the emphasis is on understanding and appreciating their traditional structure and roles assigned to different individuals, including men, women, youth, children, and traditional leaders. The intention is not to impose Western ideas but to recognize the importance of women's participation and contributions within the Gamo cultural framework. The focus is on the unique dynamics and values of the Gamo culture itself, rather than viewing it solely through a Western lens.

However, the preservation and adaptation of Gamo cultural traditions in the context of human rights face challenges. One significant challenge is the influence of modernity and Western cultural influences, which can lead to the decline of traditional customs and values. To overcome this challenge, it is essential to raise awareness among the younger generation about the importance and compatibility of these traditions with human rights. This can help instill pride and motivation for the preservation of Gamo cultural heritage. Additionally, external influences from religious teachings that view certain cultural practices as idolatry and misinformation about traditional

ceremonies can hinder acceptance and implementation. Addressing these challenges requires open dialogue, education, and engagement with religious and community leaders to bridge the gap between cultural practices, religious teachings, and human rights principles. By fostering understanding and finding common ground, a more balanced approach to cultural preservation and human rights can be achieved.

6.2 Conclusion

The study was extensively intended to examine the customary dispute resolution and peacebuilding practices of the Gamo people within the Ethiopian Federation. More specifically, the study used a case study research design, drawing on both primary and secondary data sources, as well as interviews and FGD as the main instruments of data collection and clustering. To ensure the success of this study, non-probability sampling methods were employed.

Based on the data collected through various instruments, document analysis, and relevant literature, the researcher has arrived at the following conclusions regarding the findings of the study:

Through an investigation of the major findings, some key points have emerged. The Gamo people employ distinct customary dispute resolution mechanisms, categorized into different levels, such as *Dubusha*, which serves as a crucial platform for reconciliation, mediation, and justice. The hierarchical structure of *Dubusha* ensures conflicts are addressed at the appropriate level, with an appeals process for unresolved disputes. The Gamo fathers play a significant role in conflict prevention and resolution, actively engaging in promoting peace and harmony within the community. The traditional conflict resolution system also addresses murder cases through unique practices involving the mediation of the "*Shale*" community. Additionally, the research sheds light on the historical evolution of Gamo customary law, highlighting the adaptability and flexibility of the system. It is evident that while the Gamo customary law is not overly flexible, it allows for amendments that benefit the people, striking a balance between adapting to changing circumstances and preserving the core values and principles of the Gamo culture. Additionally, the study revealed the existence of the *Gufe* method, which challenges biased decisions and seeks just resolutions. However, misuse of *Gufe* is discouraged through cultural consequences and punishments. Overall, the research highlights the significance of customary institutions, the adaptability of Gamo customary law, and the preservation of cultural customs and traditions.

The research revealed that the Ethiopian legal framework recognizes and acknowledges the constitutional significance of customary dispute resolution practices, including those of the Gamo people. This recognition establishes a supportive environment for collaboration and coordination between customary institutions and federal authorities, facilitating their involvement in peacebuilding efforts.

The study further revealed the various mechanisms through which collaboration take place. Government representatives and officials play a supportive role in the customary dispute resolution process by providing guidance, resources, and assistance. This collaboration ensures the effective resolution and implementation of decisions. There is also an exchange of information and knowledge between customary leaders and government officials, promoting a better understanding of local customs and practices. Efforts are made to harmonize customary practices with government laws and regulations, aiming to maintain consistency and compatibility between the two systems. This coordination upholds the principles of justice and fairness, which are integral to both traditional and formal mechanisms. Capacity-building programs for customary leaders and elders are also conducted by government authorities, enhancing their conflict-resolution skills within the federal governance framework. Additionally, the research highlighted the potential for policy development and the integration of customary dispute resolution practices into the overall peacebuilding strategies of the federal government. This comprehensive approach contributes to a holistic framework for conflict resolution, encompassing both traditional and formal mechanisms.

The investigation into the peacebuilding mechanisms employed within the Gamo people and the evaluation of their contribution to reconciliation and sustainable peace have identified several important findings. These findings shed light on various areas of concern and strengths related to the effectiveness of customary dispute resolution practices in peacebuilding within Ethiopia's federated system. The research highlights the need for cultural relevance in the practices, ensuring that they align with the values, customs, and traditions of the Gamo people. It also emphasizes the importance of harmonizing customary practices with formal legal frameworks to maintain consistency and compatibility. Access to justice is crucial, and efforts should be made to ensure that all individuals have equal opportunities to seek resolution through customary mechanisms. Preserving community autonomy and decision-making processes is essential to maintain the legitimacy and accountability of the system. Capacity building programs are necessary to enhance

the effectiveness of customary dispute resolution practices, providing training and education to those involved in the process. Integrating modern principles into the practices can help address contemporary issues and challenges. Furthermore, monitoring and evaluation mechanisms should be in place to assess the outcomes and impact of the peacebuilding efforts.

The research also highlights the historical similarities between the Gamo customary administrative system and modern federalism, emphasizing the relevance and potential compatibility of the two systems. Understanding and addressing these historical connections can contribute to a comprehensive assessment of the effectiveness of Gamo customary dispute resolution practices within Ethiopia's federated system. The strengths of the Gamo customary dispute resolution mechanism in peacebuilding include its non-revengeful approach, community engagement, efficiency, and early intervention in conflict prevention. These strengths foster reconciliation, enhance legitimacy, and provide timely resolutions to disputes.

However, some weaknesses need to be considered, such as the lack of formal documentation, which can hinder record-keeping and precedent-setting, as well as the potential limitations in addressing complex modern issues due to the specific cultural context. The absence of professional training among those involved in dispute resolution can also pose challenges, leading to inconsistencies and limited understanding of legal principles.

The Gamo customary dispute resolution system demonstrates the influence of power dynamics and social relationships. Decision-making authority lies with the eldest elder, emphasizing the importance of age. Extensive debates and discussions, characterized by ceremonial speech patterns and vocal intensity, lead to inclusive and democratic solutions. Consensus-based decision-making reflects the collective wisdom and perspectives of the community. Understanding these dynamics is crucial for utilizing the system effectively and fostering sustainable peace.

The assessment of the compatibility of Gamo customary dispute resolution practices and peacebuilding mechanisms with human rights standards and principles reveals encouraging findings. The traditional conflict resolution mechanisms within the Gamo culture align with human rights principles, demonstrating gender equality, women's rights protection, inclusion of marginalized individuals, and women's active participation in governance.

The findings indicate that Gamo customs treat all genders equally and grant women distinct honors and privileges within the conflict resolution process. Women's grievances are prioritized, their rights protected, and their voices heard and addressed. The culture also values maternal health and promotes a supportive environment for mothers and infants. Moreover, Gamo customs prioritize the resolution of complaints from marginalized individuals, recognizing the importance of societal harmony and the interconnectedness of human actions and the natural world.

In Gamo people, women's participation in decision-making processes may not grant them final decision-making power, but it does not mean their input is disregarded. Observations in the area indicate that women are not included in summary decision-making processes. However, they have equal participation with men in *Dubusha* meetings, where they can be accusers or the accused without experiencing gender-based discrimination. While final decisions are made by the king or the king's representative, democratic discussions held during the assembly shape these decisions, considering the ideas presented by all participants, including women. Women also play a crucial role in preventing conflicts from escalating and can express their opposition to decisions through traditional practices such as *Eleleta* or symbolic actions like putting their *Netela* (scarf) on the ground or exposing their breasts. This reflects the participatory nature of decision-making in the Gamo culture, where collective input and consensus are valued. Hence, while not holding ultimate authority, women's participation and contributions are valued, ensuring that their voices are heard and taken into account.

However, challenges exist in preserving and adapting Gamo cultural traditions within the context of human rights. Modernity and Western influences can lead to the decline of traditional customs, while external influences from religious teachings and misinformation may hinder acceptance and implementation. Overcoming these challenges requires raising awareness among the younger generation, and engaging in open dialogue, education, and collaboration with religious and community leaders to bridge cultural practices, religious teachings, and human rights principles.

6.3 Recommendation

Based on the findings of the study, the following recommendations are put forward:

1. **Documentation and Preservation:** Gamo community elders and traditional leaders, should take the lead in documenting and preserving the major customary dispute resolution mechanisms of the Gamo people. This includes recording the historical evolution,

practices, and unique features of *Dubusha* and other traditional institutions. Efforts should be made to compile comprehensive and accurate records, ensuring that this valuable cultural heritage is documented for future generations.

2. **Awareness and Education:** The Gamo Cultural Association and local educational institutions, should lead the effort to raise awareness and promote educational programs on the Gamo customary dispute resolution mechanisms, particularly the younger generation, about the significance and value of their customary dispute resolution mechanisms. Education programs can be developed to promote understanding and appreciation for these practices, emphasizing their historical importance, effectiveness, and compatibility with human rights principles.
3. **Adaptation and Flexibility:** The Gamo community, through their traditional governance structures and with the participation of elders, leaders, and legal experts from within the community, should lead the effort to ensure the continued adaptation and flexibility of their customary dispute resolution practices.
4. **Collaboration with External Influences:** The Gamo Council of Elders should take the lead in engaging in open dialogue and collaboration with external stakeholders, including religious leaders, community organizations, and human rights advocates. The Gamo Council of Elders should facilitate these collaborative efforts to bridge the gap between Gamo customary practices, religious teachings, and human rights principles. They should work to foster a better understanding of the cultural significance and compatibility of Gamo traditions, addressing any misconceptions or misunderstandings that may hinder the acceptance and implementation of these practices.
5. **Integration of Modern Tools:** The Gamo Customary Law Documentation and Research Center should be tasked with exploring the integration of modern tools and technologies to complement and enhance the Gamo customary dispute resolution mechanisms.
6. **Strengthening Women's Role in Decision-Making:** The Gamo Women's Council, in collaboration with the Gamo Council of Elders, should take the lead in enhancing the role of women in the decision-making process of Gamo customary practices. To enhance the alternative role of women in the decision-making process of Gamo customary practices, it is crucial to strengthen their involvement while upholding the community's culture and traditions. This necessitates not only giving women more prominence within the existing

system but also reinforcing the culture of protesting unjust decisions. Moreover, it is essential for the formal system to actively support and facilitate these efforts. By increasing the visibility of women's contributions, empowering their voices, and ensuring formal support, the decision-making process can become more inclusive, responsive, and aligned with the values of the Gamo community.

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Appendix One: Interview Guidelines

Addis Ababa University
College of Law and Governance Studies
Center for Federalism and Governance Studies

Dear respondents,

The purpose of this interview is to explore and understand the major customary dispute resolution mechanisms among the Gamo people, the historical evolution of these practices, the effectiveness of these practices in peacebuilding, the influence of power dynamics and social relationships on dispute resolutions, and the alignment of these practices with human rights standards and principles. The information collected through this interview will be used solely for academic purposes in the preparation of an MA thesis entitled "Customary Dispute Resolution and Peacebuilding in the Ethiopian Federation: A Case Study of Gamo."

Your responses will be kept confidential, and your participation in this interview is voluntary. I kindly request your active and voluntary participation in providing your responses and sharing your experiences. Your input is essential for the quality of this study. Your cooperation is greatly appreciated. By participating in this interview, you are giving your consent for your responses to be included in the research study. If you have any concerns or questions, please feel free to raise them before proceeding.

A. An interview guideline for community leaders/elders and religious leaders

I. Key traditional institutions and practices used by the Gamo community

1. Can you provide an overview of the customary dispute resolution mechanisms practiced among the Gamo people?
2. What are the key principles or values that underpin the customary dispute resolution mechanisms?
3. Can you describe some specific examples of customary dispute resolution cases and how they were resolved?
4. Have there been any external influences or factors that have impacted the evolution of these dispute-resolution practices?

II. Effectiveness of Customary Dispute Resolution Practices in Peacebuilding within Ethiopia's Federation.

1. In your opinion, how effective are the customary dispute resolution practices of the Gamo people in resolving conflicts and promoting peace?
2. Can you provide examples of conflicts or disputes where the customary dispute resolution practices have contributed to peacebuilding?
3. What are the strengths and limitations of the customary dispute resolution practices in fostering peace within the Gamo people?
4. How has the implementation of the federal structure of governance in Ethiopia influenced the effectiveness of the customary dispute resolution practices in the Gamo people's peacebuilding efforts?
5. In the context of Ethiopia's federation from below, how do the customary dispute resolution practices of the Gamo people interact with the federal governance structure to promote peacebuilding? Are there any collaborative efforts or coordination between customary institutions and the federal authorities in resolving disputes and maintaining peace?

B. An interview guideline for scholars specializing in the field

III. Power Dynamics and Social Relationships in Dispute Resolution and Peacebuilding

1. How does power manifest within the customary dispute resolution processes among the Gamo people?
2. How do power dynamics influence the decision-making and outcomes of dispute resolutions?
3. Are there certain social relationships or hierarchies that affect the effectiveness or fairness of the dispute resolution processes?
4. Can you provide examples of how power imbalances or social relationships have impacted the outcomes of specific dispute resolution cases?
5. In your experience, what strategies or measures can be employed to address or mitigate the influence of power dynamics in the dispute resolution and peacebuilding processes?

IV. Customary Dispute Resolution Practices and Human Rights Alignment

1. How are human rights considerations integrated into the customary dispute resolution practices of the Gamo people?

2. Can you provide examples of how human rights principles are upheld or upheld during the dispute resolution processes?
3. Are there any specific human rights challenges or dilemmas that arise in the context of customary dispute resolution?
4. In your opinion, to what extent do the customary dispute resolution practices align with international human rights standards and principles?
5. What measures or improvements could be implemented to enhance the alignment of customary dispute resolution with human rights standards?

Appendix Two: Guiding Questions for FGD

Addis Ababa University
College of Law and Governance Studies
Center for Federalism and Governance Studies

Dear respondents,

These focus group discussion questions are designed to collect primary data for the MA Thesis Entitled: "Customary Dispute Resolution and Peacebuilding in the Ethiopian Federation: A Case Study of Gamo." The main objective of the study is to examine the major customary dispute resolution mechanisms among the Gamo people, the historical evolution of these practices, the effectiveness of these practices in peacebuilding, the influence of power dynamics and social relationships on dispute resolutions, and the alignment of these practices with human rights standards and principles. Thus, I kindly request you to provide accurate information with respect to the following questions. The answers you give are highly valuable and the information gathered will be confidential and will solely be utilized for the purpose of this research. I am therefore, grateful for your attention and for the time you devote.

Thank you in advance for your cooperation!

Discussion points

FGDs one (for customary knowledge individuals such as elders, and religious leaders)

I. Key Customary Dispute Resolution Mechanisms of Gamo

1. In your experience or knowledge, what are the customary dispute resolution mechanisms commonly practiced among the Gamo people?
2. Can you provide examples of specific cases where these dispute-resolution mechanisms were utilized?
3. What factors or events do you think have influenced the changes in these practices?
4. Do you observe any differences in the use of these mechanisms between older and younger generations? If yes, what are the reasons behind these differences?

II. Effectiveness of Customary Dispute Resolution Practices in Peacebuilding with in Ethiopian federation.

1. From your perspective, how effective are the customary dispute resolution practices of the Gamo people in resolving conflicts and contributing to peacebuilding?
2. Can you share any examples or stories where these practices played a role in resolving conflicts and fostering peace?
3. What are the strengths of the customary dispute resolution practices in promoting peace within the Gamo people?
4. Are there any challenges or limitations associated with these practices in achieving lasting peace?
5. In your opinion, how effective are the customary dispute resolution practices of the Gamo people in promoting peacebuilding within the decentralized governance structure of Ethiopia's federation from below?

B. FGDs two, guideline for expertise

III. Power Dynamics and Social Relationships in Dispute Resolution and Peacebuilding

1. In your opinion, how do power dynamics influence the customary dispute resolution processes within the Gamo people?
2. Can you share any examples or instances where power dynamics affected the outcomes of dispute resolutions?
3. What role do social relationships, such as kinship or community hierarchies, play in the dispute resolution processes?
4. How do you think power imbalances can be addressed to ensure fair and equitable outcomes?

5. What changes or adjustments would you suggest to improve the influence of power dynamics and social relationships on dispute resolutions and peacebuilding?

IV. Customary Dispute Resolution Practices and Human Rights Alignment

1. How do you think human rights considerations are taken into account within the customary dispute resolution practices of the Gamo people?
2. Can you provide examples where human rights principles were upheld or challenged during the dispute resolution processes?
3. Are there any specific human rights challenges or dilemmas that arise in the context of customary dispute resolutions?
4. From your perspective, to what extent do the customary dispute resolution practices align with international human rights standards and principles?
5. What measures or improvements would you recommend to ensure better alignment of customary dispute resolution practices with human rights standards?
6. How has the implementation of federalism in Ethiopia influenced the alignment of customary dispute resolution practices of the Gamo people with international human rights standards and principles?

Appendix Three: General information about the respondents

A. General information of interviewees

no	Name of the interviewee	sex	Place of interview	Date of interview	Position	Code
1	Dawit Merid	M	Chencha	02/04/2024	Community & religion leader	IR 01
2	Mazige Gazato	M	Chencha	02/04/2024	Gamo father	IR 02
3	Kosha Kodo	M	Dita	03/04/2024	Traditional author	IR 03
4	Kara Kama	M	Chencha	03/04/2024	Traditional author	IR 04

5	Dr, Adimasu Tasew	M	Arbaminch	09/04/2024	scholar	IR 05
6	Abera Ogato	M	Arbaminch	10/04/2024	scholar	IR 06
7	Petiros Segno	M	Arbaminch	05/04/2024	scholar	IR 07
8	Hagote Hata	F	Arbaminch	23/04/2024	Community member	IR 08
9	Desalech Dawit	F	Arbaminch	26/04/2024	Government officer	IR 09
10	Zegenech Harko	F	Arbaminch	20/04/24	Community member	IR 10
11	Tayech Boke	F	Arbaminch	11/04/2014	young	IR 11
12	Sanare Shanko	F	Arbaminch	08/04/24	Community member	IR 12
13	Tadesse Zewude	M	Chencha	20/04/24	Kawo(king)	IR 13
14	Desta walemu	M	Chencha	7/04/24	Youth	IR 14

B. General information of FGD Participants

No	Group of FGD	Name of Participants	Code of Participants	sex	Place of discussion	Date of discussion	Duration in local time
1	FGD –I Scholars & Government leaders	Zinash Odiro	FGP 01	F	Chencha woreda	April 8, 2024	11:20-12:30
		Abayneh Akalu	FGP 02	M			
		Adugna Sonko	FGP 03	M			
		Zale Zewude	FGP 04	M			
		Adane Alto	FGP 05	M			
		Ashenafi Petros	FGP 06	M			
		Yohanis Said	FGP 07	M			
		Dawit Tsera	FGP 08	M			
		Meseret Menta	FGP 09	M			
2		Kasamo Gacho	FGP II A	M			04:00-05:30

	FHD- II Elders and young	Dikaso Dilbato	FGP II B	M	Arbamin ch zuriya	April 9, 2024	
		Demise Guja	FGP II C	M			
		Gera Dayile	FGP II D	M			
			FGP II E	M			
		Lale Lame	FGP II F	M			
		Mara Yelia	FGP II G	M			
		Birhanu Uto	FGP II H	M			
		Yale Yacha	FGP II G	M			
Koyira Lokosho	FGP II H	M					
3	FHD- III elder, government officials, and religious teachers	Maja Yela	FGP III 1	M	Arbamin ch	April 22, 2024	08:00-09:00
		Balo Onoko	FGP III 2	M			
		Shagite Saakee	FGP III 3	F			
		Orathe Oshite	FGP III 4	F			
		Yamika Yatara	FGP III 5	M			
		Taye Mino	FGP III 6	M			
		Belayneh Onkoro	FGP III 7	M			



Picture 1: FGD at Chench Zuriya Woreda. (April 8, 2024)



Picture 4.1 In Gamo zone, Dita Woreda, Goza Kebele Dubusha seat (Image by the researcher, Tuesday 2, 2024)



Picture 4.2. During the conflict resolution process in Chencha and Dita districts (image from the Gamo Zone government communication department).



Picture 4.3. The fathers of Gamo kneeled and swore to the youth by holding wet grass to cool down the conflict in Arbaminch town (Image from Gamo zone administration).⁵⁴



Picture 4.4. Gamo Fathers received the 7th Good Man Award from the Federal Government of Ethiopia for their wisdom in conflict resolution (Image from social media).

⁵⁴ The fathers of Gamo kneeled and swore to the youth by holding "Irxa Maata," or wet grass, as a symbolic gesture of peace to cool down the conflict in September 19, 2018 at Arbaminch town. The Oromia Cooperative Bank is shown in the photo on the back side of fathers of Gamo. The fathers defended the conflict with amazing wisdom so that young people would not destroy this bank emotionally and cause problems with other brothers living in the area.



Picture 4.5. During the Doko Yoyira and Dita Zadhha Kebele conflict resolution process, cooperation with the government (Image: Gamo zone government communication department).



Picture 4.6 : In the Dere (Higher) Level Dubusha Dispute Resolution System: The chiefs who are sitting in front are now in power. Those who were finished in the second row were the ones who led before and now handed over power. In the third row are the old men and in the back are the adults and young people. (On April 21, 2024) .



Picture 4.7: When journalists report directly on Dubusha's reconciliation ceremony at Doko fango Dubusha. (April 2, 2024),. See <https://youtu.be/QQA8QR2dXbI?t=181>



Picture 4.8. The conflict resolution ceremony between Doko Yoyira and Dita Zadha districts at Suutha Kanche (blood water) on Saturday, June 27, 2023. (Source Gamo zone administration)

42ቱ የጋሞ ደሬዎች ዝርዝር (List of 42 Gamo Dere)

1. ጎሎና መጋሮ ቦሮዳ፤
2. ፖሻና ጎባና ቁጫ፤
3. አዴቶና ጉቼ ኤዘ/ቆጎ፤

4. ጌቶና ተንከለ ዶርቤ፣
5. አሳዶና ቶይቶ ዶኮ፣
6. አዋጌና ጉጌ ሻማ፣
7. ዎንጃሎና ቱቆ አንዱሮ፣
8. ባቴና ማንዶ ዲታ፣
9. ሳንዶና ተንከለ ዛዳ (ጉጊሳ) ፣
10. አልቤና አሻ ዎባራ፣
11. ዋርጎና ቤጎ ኦቾሎ፣
12. ዳቺና ለቃ ሻራ፣
13. ካልሳና ጨባሮ ጋንታ፣
14. ዳፃሞና ዳንዬ ጋዬ፣
15. አጃና አዝጌ ውሳሞ፣
16. ዛቤና ባራታ ኮዶ፣
17. ዳዳና አርሼ ቦንኬ፣
18. አሳና ቶራ ኮለ፣
19. ዎጋሶና ሀፀ ጋርባንሳ፣
20. ማሮና ሻላዬ ጨንቻ
21. ዎንቶና ዛቶ ገረሴ፣
22. ዲቻና አሻ ካምከለ፣
23. አርባና ካይዬ ዛመ፣
24. ማዶና ፆና ዛርጉላ፣
25. ሀላላና ፖሻ ባልታ፣
26. አዛይኔና ዳልኬ ካምባ፣
27. አለና ቦሪቻ ሐኒቃ፣
28. ሕርብቶና ፔራ ማርታ፣
29. ማራቆና ማኬ ጋርዳ፣
30. ጋንቶና ዲሜ ኦቶሎ፣
31. ቱጊና ማጋ ድንጋሞ፣
32. ዛቶና ኦለ አንኮ፣

33. ኅቱሮና ኦንኦ ሀርንጋ፣
34. ቃራ ቃሊና ኮንቴ ጉጌ፣
35. ሐንዳሎና ኮቴ ዱሴ (ኤለ) ፣
36. ኮንቴና ቶጋ ዳራ፣
37. ሀሪንጎና ዓንጎ ማሎ፣
38. አጫና ካይዬ ማናና፣
39. ታንጋና ዎርቃ ጮዋ፣
40. አዳዮና አርባ ሼላ፣
41. ኦፋሮና ዋንጆ ሱሌ፣
42. ኦሳና ካልሳ መለ፣

Source: Gamo Zone government communication department.