

INNOVATIONS

The Role of Indigenous Institutions in Conflict Resolution: Abbagar in Focus, Wollo, Ethiopia

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Abstract: Ethiopia has been practicing various kinds of traditional conflict resolution mechanisms. This study was aimed at describing traditional conflict resolution mechanism called Abbagar, the dynamics of the process, its strength and weaknesses and also the challenges of the institutions of Abbagar in Habru District of North Wollo, Ethiopia. The study employed both qualitative and quantitative research approaches with the case study research design. Likewise, the study used both primary and secondary data that gathered through key informants interview, observation and focus group discussion via non-probable sampling techniques of respondents' selection; and thematic analysis method of data interpretation. The finding reveals that traditional conflict resolution of Abbagar is important as it is better positioned to produce a win to win result which is instrumental for conflicting parties, time saving, less costly and vital for social stability, peace building, harmonious lives and interaction among communities of the study area.

Key Words: 1. Conflict 2. Conflict Resolution 3. Abbagar 4. Indigenous Conflict Management 5. Social

1. Introduction

The Concept of Conflict

The word conflict is as old as mankind. It always exists as long as human beings live together and it is an inescapable human experience. This is because the word has been in existence in all spheres of human life since the inception of the world (Kamiri, 2004). The term conflict refers to a situation of hostility between individuals, groups, or states resulting from competition over resources, power, or opposing interests in other areas (Francis, 2006).

Conflict means a fight, struggle or battle, clash, contention, confrontation, a controversy or quarrel, active opposition, strife or incompatibility, to meet in opposition or hostility, to contend, to be contrary or to be at variance (Gluckman, 1959).

Conflicts are inevitable wherever scarce resources are unequally distributed among competitors and inequity is reflected in cultural and political relationship between groups. They have fought one another and bitterly sought the elimination and/or subjugation of rivals, in order to control these resources and commodities (Reichel, 1998). With regards to various issues in dealing with conflict, it is important to bear in mind not just overt, physical violence, but also sometimes subtly disguised forms of structural and cultural violence (Azam, 2000).

Similarly, conflict can be defined as a situation in which two or more parties strive to acquire the same scarce resources at the same time. It occurs between people in all kinds of human relationships and in all social settings. Because of the wide range of potential differences among people, the absence of conflict usually signals the absence of meaningful interaction. Conflict by itself is neither good nor bad. However, the manner in which conflict is handled determines whether it is constructive or destructive (Deutsch and Coleman, 2000).

More importantly, conflict arises from the interaction of individuals who have partly, incompatible ends, in which the ability of one actor to gain his ends, depends to an important degree on the choice or decisions that other parties will take. Conflict could be violent, uncontrollable dominant or recessive, resolvable or insolvable under various sets or circumstances (Omotsho, 2004).

Conflict Resolution

Conflict management in general and conflict resolution in particular, are almost entirely determined by our understanding of the composition of a conflict and not only by symptoms (Kotze, 2000). Conflict resolution refers to the termination of a conflict or dispute through the elimination of the underlying bases or cause of the conflict (Burton and Dukes, 1990). Conflict Resolution (CR) is oriented toward conducting conflicts constructively, even creatively, in the sense that violence is minimized; antagonism between adversaries are overcome; outcomes are mutually acceptable to the opponents; and settlements are enduring (Kriesberg, 1997).

Conflict resolution aims at identifying the main causes of a conflict so as to put an end to the conflict to ensure sustainable peace. The United Nations Department for Economic and Social Affairs (2001) maintains that, "a conflict is resolved when the root causes of that particular conflict are identified and addressed. Conflict resolution seeks to design solutions through a joint-problem solving approach. When a conflict is successfully resolved, the conflict is transformed and becomes a catalyst for deep-rooted enduring positive change in individuals, relationships and structures" (Jemila, 2010). Thus, successful resolution of a conflict will ensure sustainable peace which would lead to improved security and good relations among people which could lead to human well-being and general development. Conflict resolution brings an end to a conflict where the disputing parties are satisfied and the conflict is genuinely and truly resolved (Kriesberg, 1997). Many approaches and methods could be used in conflict resolution. These include mediation through a third party intervention, negotiation, alternative dispute resolution, collaboration, arbitration and conciliation (Best, 2006).

Forms of Conflict Resolution

There are generally two types of conflict resolution i.e. modern/formal and traditional/informal. Modern is western or formal and traditional is informal or any resolution mechanism which operates outside the purview of modern legal system. These two mechanisms are different from each other in terms of mediation, value judgment, adjudication and others (Macfarlane, 2007).

Formal Conflict Resolution Mechanism

Formal conflict resolution is a well-defined practice in post-cold war era that is in 1950s and 1960s as foundational period and further in 1970s and 1980s by handful group of scholars and practitioners in North America and Europe. Formal conflict resolution is embedded in western values and customs basically Europeans and Americans (Ramsbotham, 2003). Formal signifies modernity which is mainly a legacy of colonialism. It is guided by codified laws and constitution. Justice is dispensed through trained professionals, lawyers, highly sophisticated and hierarchal institutions. Formal conflict resolution is universal in all technicalities other than few codified laws. Focusing on individual rights, the judgment is based on punitive justice lose-win situation. Formal system adopts the rational approach and hence emotion is never addressed. Furthermore, formal legal system is based on individual interests and responsibilities. Participation is not mandatory and the goal is punishment rather than rebuilding of society. Professional training and neutrality is also regarded as the sources of legitimacy and consequently power is the fundamental aspect of conflict resolution in modern systems (Tuso, 2011).

Traditional/Informal Conflict Resolution Mechanism

As long as people live in society or group, there are conflicts arising from differences of interests, prejudice, needs and ambitions. Therefore, the approach adopted to prevent or resolve such difference of interests determines its resolution. In other words, when a conflict happens, the crucial point should be the effective adoption of the necessary principle of the resolution. Traditional mechanisms are grass root approaches to solve conflicts by the society. The most important elements involving in this mechanism include the tradition of forgiveness, respect for elders because of their symbolic authority to enforce decisions and transfer of resource as compensation (Zartman, 2000).

Traditional conflict resolution processes are part of a well-structured, time-proven social system geared towards reconciliation, maintenance and improvement of social relationships. The methods, processes and regulations are deeply rooted in the customs and traditions of peoples of Africa (United Nations, 2007; Nwolise, 2005). The importance and utility of the processes lie in the fact that they strive “to restore a balance, to settle conflict and eliminate disputes”. Traditional processes are relatively informal and thus, less intimidating.

Those who use them are also more at ease in a familiar environment. The role of chiefs, elders, family heads, and others is not only to resolve conflicts but also to anticipate and stop/or intercept conflicts. Group relationships and rights are as important as individual ones as emphasis is on restoring relationships and reconciling groups (Choudree, 1999).

Traditional conflict resolution offers not only alternative means of resolving conflicts but an entirely more efficient way of doing business with each other. It's the term in advance of justice all over the community but remains widely misunderstood which is likely to be the reason it is often initially treated with less recognition by the state. These institutions were mostly characterized by public will and associational trust especially as they are conducted truthfully and pragmatically (Brainch, 2006).

Traditional conflict resolution comprises a range of processes fashioned structured to meet the specific needs of parties in a conflict; each process being an alternative to litigation but commonly mediation and arbitration. The key principle is that the means used in seeking to resolve the conflict must be proportionate to its nature in terms of value, complexity and importance to the conflicting parties. This implies that traditional conflict resolution mechanisms refer to the set of mechanisms a society utilizes to resolve conflicts outside litigation or the formal court (Osi, 2008).

Traditional conflict resolution mechanisms aim at the restoration of order and harmony of the community. Cooperation between conflict parties in the future has to be guaranteed. Traditional conflict resolution is thus geared towards the future (Tsega, 2002). Consequently, the issue at stake is not punishment of perpetrators for deeds done in the past, but restitution as a basis for reconciliation. Reconciliation is necessary for the restoration of social harmony of the community in general and of social relationships between conflicts parties in particular (Assefa, 2005). The aim is “not to punish, an action which would be viewed as harming the group a second time. Re-establishing harmony implies reintegrating the deviant members ... The ultimate matter is ... restoring good relations” (Faure, 2000). This is why traditional approaches in general follow the line of restorative justice instead of punitive justice. Restorative justice has to be understood “as a compensation for loss, not as a retribution for offense” (Zartman, 2000).

Challenges of Traditional Methods of Conflict Resolution

Due to westernization, modern civilization and development thinking, the role and efficacy of the traditional conflict resolution mechanism has been greatly eroded, marginalized, and diminished. In some places, it has become totally irrelevant, because of individualism; people prefer modern police and court system. The system is regarded as an archaic, barbaric, uncivilized and outdated mode of arbitration. Young people have lost faith on elders, traditional institutions and customary laws saying that, they belong to the old generation. External factors and opportunist tendencies largely influence customary methods of brokered peace. Traditional laws cannot be practiced by other than the particular community. This limits the impact of the traditional conflict resolution mechanisms (Radar and Kamiri, 2004; D’Souza, 2011).

Traditional mechanisms of conflict resolution are effective at grass root level only and it is mainly confined to rural areas among local people. Their relevance or development beyond local level was combined blocked by colonial experience and neglect of post- colonial state (Economic Commission for Africa, 2007; Obarrio, 2011).

Due to influx of outsider and influences of foreign culture, the value amongst the local community has changed. Lack of proper and efficient enforcement instruments and techniques in traditional mechanisms are unable to deal with new forms of modern conflict such as environmental conflict and ethnic conflict created by nation building process, land dispute and conflict over natural recourses that are confronting with local people. It could not resolve the conflict locally so conflict has to be taken outside the village (National Alternative Dispute Resolution Advisory Council, 2006).

Different regions have different reasons of declining indigenous mechanism of conflict resolution such as; diminishing role and efficacy of customary mechanism of conflict management among the Marakwet people (Kenya) is one of the main weaknesses of the system. Civil war in South Sudan brought radical change in social behavior. Because traditional chiefs were forced to take up the arms and the people who have fled from their village and people have to set up their own rules and values of Conflict resolution institution that are not compatible with ancestral one. When they return back, they undermine traditional system as well (Radar and Kamiri, 2004; Wassara, 2007).

Run (2013) argues that colonialism is the main reason of silencing traditional thought of conflict resolution in Africa. Victor (2007) also argues that, “traditional method of conflict resolution is marginalized due to unequal power, language barrier and wrong interpretation of culture as well as other things and one dimensional European approach to conflict resolution”. Methodologically, traditional world view of conflict resolution marginalized through westernization because in practice, training and research western model of conflict resolutions are promoted as appropriate to all

cultures. Colonialism helped to dominate the western epistemology and ontological values (Walker, 2004). Even though traditional conflict resolution mechanisms are challenged by many factors, still they are functional in preventing and resolving different conflicts and maintaining peace and stability in the community (Burton, 1990).

2. Research methodology

In this study, the researcher employed case study research design with qualitative data. Howard and Morgenroth (1968) states that, "case study research design is concerned with description, explanation, prediction and control of the individual process, household, group, or organization, or community". Thus, it is often appropriate for several research objectives going beyond description and explanation i.e. assessment.

Sources of Data

The sources of data for this study are both primary and secondary sources. The primary sources of the study are interviews conducted with the *Abbagars* (traditional judges of the district), the community elders, the court leaders (judges) and the conflicting parties who settle their disputes in the institution. The researcher used various data collection instruments to gather information. The main data collection mechanisms include interview (semi-structured interviews), observation, and focused group discussion with few knowledgeable individuals. The secondary sources of data in the study are document analysis.

To this end, the researcher employed non-probability sampling technique to take a sample of respondents. Among many non-probability sampling methods, the researcher employed purposive sampling technique.

In this research, the researcher analyzed and interpreted the raw data collected through observations, interviews, document consultation and focus group discussion to answer the research questions and to achieve the stated objectives. In this analysis, the researcher used qualitative approach specifically thematic analysis in interpreting the data. Thematic analysis is a form of qualitative approach which involves recording and identifying passages of texts or images that are linked by a common theme or idea allowing the researcher to index the text in categories (Gibbs, 2007). Therefore, the researcher analyzed and interpreted the utilized raw data by using thematic analysis.

Results and discussions

Traditional Conflict Resolution Institutions in Ethiopia

Ethiopia is believed to be the "museum of peoples" with more than 80 ethnic groups constituting and forming one state. It is a country of diversity harboring varieties of languages, different religions and faiths as well as quite many nations and nationalities with their own philosophical perspectives and unique cultural practices. History also tells us that Ethiopia is as ancient as 3000 years back (Assefa, 2005). It is, therefore, definitely true that it had experienced strong and cohesive systems of administration with its world top leading civilization, namely Axumite civilization. Indeed, every Ethiopian ethnic groups as their African counterparts have traditionally age-old and time-tested administrative and conflict resolution institutions at the grass root levels. In fact, exhaustive and thorough studies about these institutions are not bulky enough and so are limited literatures in this area. There are some literatures on only few cases elaborating the importance and strength of these multipurpose institutions. For instance, BahruZewde (2002) has written about the traditional political

and judicial institutions in Gurage. He pointed out the YajobaQicha and Gordanna sera practiced in the society. He has stated these institutions as:

The Yajoka and Gordanna assemblies seem to combine legislative and judiciary functions. Representatives of the Constituent units of the Sebat Bet and Kestane, respectively, were assembled to agree on the fundamental rules governing their community. Periodic meetings were also held to revise the laws when such revisions were deemed necessary. At the same time the assemblies serve as courts of final recourse.... Individuals who felt dissatisfied with ruling of their territorial assembly could invoke their right of appeal with set expressions: Ājoka (“let the Yajoka rule on this case”) or Gefacha (“I appeal”) ..., confirmation (or otherwise) of a lower verdict by the supreme court was mandatory in all cases, irrespective of appeals being made or not(Bahru, 2002).

To add one more traditional institution of Ethiopia, there is also another such similar multipurpose institution of the Kambata, South nations, nationalities and peoples’ region. This traditional institution as to YacobArsano (2002) is known as Seera. Seera is everything to the Kambata society. It is everything such that it serves as a basis for the political administration, social interaction and means of conflict resolution within the territory of the society. Yakob explains it more comprehensively as:

Seera refers to the code of conduct practiced and internalized among the Kambata. Relations between individuals, tribes and territorial units are regulated by Seera. It is alternatively known as Marietta, which means commitment to truth. Seera is broadly neither conceived nor native realm within which individuals and groups are expected to behave; Seera administration aims at pacification, conciliation, correction and reintegration. Elders in this regard, according to the rule of Seera, are considered to have the most esteemed and graceful status. It is believed that it is with the lifelong experiences and accumulated knowledge of the elders which Seera would appropriately function(Yacob, 2002).

Gada is also the most known political, social and judicial traditional institution widely practiced among the Oromo people. Much is said and written in different sources about the democratic nature of the Gada system. Hamdesa (2000) andAssefa (2005) also stated that it is an effective institutional system to manage any source of conflicts among the Oromo so that harmony, peaceful co-existence and smooth relations would be maintained in the society (Hamdesa, 2000; Assefa, 2005). As to Hamdesa (2000), there are thirteen steps on the way to the whole process of conflict resolution through the use of the Gada system to finally arrive at reconciliation. South Wollo as one of the cultural communities in Amhara, has its own varieties of customary practices. Among these it has traditional conflict resolution mechanism known as *Abagar*. It has a gap filling role for the state made laws (Hamdesa, 2000).

In South Wollo, councils of elderly are known by variety of names, but they do have common goal i.e. resolving the conflicts especially personal and family cases peacefully through mediation, conciliation, and arbitration mechanisms at local level customarily (Netsanet, 2006). *Abagar* is the known traditional conflict resolution mechanism with local judicial jurisdiction and administrative structures. It plays a complementary role in keeping the peace and stability as well as addressing the cause of conflict and builds solidarity and belongingness within the community (Jemila, 2010).

The Meaning of Abbagar

As to the explanation of the key informants, the term *Abbagar* comes from two Amharic words. These are *Aba* and *Gar*. *Aba* means a person who has the ability to think critically, traditional position and prestige, aged etc. The term *Gar* refers to cooperation, acquiesce/concordant, having good relationship, solve different conflicts by discussion, integrity etc (Jemila, 2010). Therefore, *Abbagar* means a system which comprises a collection of individuals/traditional judges who know their tradition, custom, culture, norm, value and solve different conflicts in a traditional way. In other words, *Abbagar* is a traditional conflict resolution mechanism which works based on the culture, tradition and norms of the society (Abbnik, 2001).

Abbagar is a traditional conflict resolution mechanism which plays a great role in the community by solving different conflicts which happen due to different factors (land, water, sand, border etc). It solves different conflicts of the community and protects bloodshed. As a result of this it is known as "Arbitrator of blood or Dem Adrik". The institution works not only in one kebele or community but also its function goes beyond one kebele or it works across different kebeles or communities of the woreda; even it works between different woredas (Habru, Tenta, Ambassel and Delanta). If border conflict happens between two or more kebeles of the woreda or between the above listed woredas, the institution of *Abbagar* solves the conflict. As a result of this, it is known as "*Wenzegnaw*" (Jemila, 2010).

The Role/Function of Abbagar in Conflict Resolution

The target of the study is to assess the traditional conflict resolution mechanism of *Abbagar* in Habru woreda. Therefore, the study emphasizes on the institution of *Abbagar* as a traditional conflict resolution mechanism in the study area. In Habru woreda there are manifold/many conflicts due to different factors (boundary/border line, grazing land, farm land, urban land, sand, water, inheritance etc). Among these homicide, blaze, theft, beating, mudslinging etc.

Before the escalation of these conflicts the institution of *Abbagar* traditional conflict resolution mechanism solves the conflicts in a peaceful way. Thus, the institution plays a significant role in solving different conflicts (Netsanet, 2006).

Investigation Procedures of the Homicide Dispute

Various traditional conflict resolution mechanisms have different conflict resolution procedures to settle or handle the case of homicide (Netsanet, 2006).

Homicide is one of the worst crimes which happen in Habru woreda. Even though it is the worst, the institution has its own solution for the problem that is reconciliation. In the institution of *Abbagar*, the reconciliation system of homicide has its own unique process. The process is stated as follows: if two or more individuals/groups conflicting each other and homicide occur, the killer is arrested by the police or stay off somewhere. To harmonize the relatives of the conflicting parties and protect the revenge which might be done by the deceased relatives, the institution of *Abbagar* solves the conflict by careful investigation of the case (Jemila, 2010; Netsanet, 2006). At the beginning, the killer's families select 5 elders and send to the deceased/departed relatives. The selected elders go to the home of the deceased and tell them about the issue. They are expected to convince/persuade the deceased family. After they have reached an agreement through deep conversation with the community, chairman of the *kebele*, the leader of *Iddir* and the relatives of the two conflicting parties, they assemble/meet together to see the case roughly and to select one *Yezemed Dagna* (*family arbitrator*). This family arbitrator is selected by the agreement of the two conflicting parties and used as informer for both sides and plays a great role in selecting 14 elders from both sides. Each

conflicting party must select seven (7) elders. Generally, the selected elders should be approved by the consent of both conflicting parties. At this time, the former five elders elected by the killer's relatives give up their function and the rest processes of conflict resolution would be conducted by the new elected elders together with the institution of *Abbagar* (Jemila, 2010).

The new elected elders including family arbitrator and leaders of *idiras* well as the community begin the bargaining of the conflicting parties. The bargaining process is held not to give a decision; rather to understand the case and to announce the issue for the *Abbagar*. Because of the bad nature of the crime, the killer and his relatives are unable to announce the case directly for the institution. So, the elected arbitrators inform the case for *Abbagar* traditional conflict resolution mechanism (Jemila, 2010).

The killer's and deceased relatives together with elected elders and family arbitrator go to *Abbagar* to inform/present the case. The institution serves the community two days a week (Monday and Friday). Monday at the place called *Terie/Legegadi* (023 kebele) to solve the conflicts of the four woreda's people (Habru, Tenta, Delanta and Ambassel). Friday, at the place called *Bedadi* (022 kebele), it solves the conflicts of Habruworeda community alone. So, the killer's and deceased relatives together with elected elders and family arbitrator go to *Abbagar* either to *Terie/Legegadi* or *Bedadi* to hear the case. The place is determined by the elected elders and family arbitrator. After they reached *Terie* or *Bedadi* the family arbitrator and elected elders together announce the case for the institution. *Abbagar* see the case roughly and order each member of the conflicting parties to get promise/oath to solve their conflicts peacefully and to accept the decision of the institution. Because of fear of the malediction/imprecation of *Abagar*, the conflicting parties accept the process and decision of the institution. It is impossible and unthinkable to oppose the processes and decisions of *Abbagar* traditional conflict resolution mechanism. The community believes that *Abbagar's* malediction bring along horrid results like hunger, drought, catastrophe, adversity, fatality etc. So, the rules and regulations, processes and decisions of *Abbagar* are respected by the community in general and the conflicting parties in particular (Netsanet, 2006).

After getting promise/oath the next step/process is electing surety by the killer's relative. The elected surety has two main functions in the conflict resolution process. First, the punishment decided on the guilt's relatives by the institution is announced to him, and he also tells to the conflicting parties. Second, He pays the decided punishment if the wrongdoer's relatives oppose the *Abbagar's* decision. After the accomplishment of electing surety, the process is continued by selecting the place in which the final conflict resolution process would be held. The place is selected by *Abbagar* and it should be in between of the conflicting parties. Then, the institution announces the place and time (excluding Monday and Friday) to family arbitrator and he also tells to both sides (Jemila, 2010; Netsanet, 2006).

The next step is by respecting the appointment given family arbitrator, the elected elders, the killer's and deceased relatives all together go to the place/village of *Abagars*/traditional judges and return back to the place in which the final conflict resolution process would be held. The killer's relative carries the materials of *Abbagar* (*dbi*, kettle/coffee pot, chassis, cup, pot/pitcher (used to cook meat), curtain, hearth/oven, coffee, chat etc) used to conflict resolution process. The journey has its own lively ceremony. When they go to the place of conflict resolution they pray to Allah/God in the form of song (*Hadra*), takes rest when they get village and solve some conflicts of the community as well as pray to Allah for the wellbeing of that community. The villagers also come up with different gifts like food, coffee, chat etc. Then, all the people together eat food, drink coffee and chewing chat, and finally, the *Abbagar*/traditional judge blesses the community and the journey is continued (Abbinik, 2001; Jemila, 2010).

After they have reached on the conflict resolution place the killer's relatives prepare pavilion promptly. For the sake of getting quiet place the pavilion is made 100 or 200 meters far from the village of the community. Then, Abbagar begins chewing chat, strike/slosh dbi and pray to Allah for about 30-40 minutes. After this the institution begins to see the case in detail from both sides. When Abbagar investigate/interrogate the case the deceased relatives sit in the right side of the Abbagars/indigenous judges while the killer's family in the left side. According to the community's attitude, the left side represents phantasm whereas the right side represents decency. Because of this the killer's relatives are unable to sit in the right side of Abbagar. Both sides (first the killer's, then the deceased relatives) present the case in detail. After the case is presented by both sides, Abbagar order both of them to leave from the pavilion and stay somewhere. For the second time Abbagar asks the conflicting parties separately. After the careful investigation of the case, the institution orders all the people (the conflicting parties, family arbitrator, elders, etc without including females) to enter in to the pavilion and announces the punishment for surety decided on the killer's relatives. The verdict or punishment decided on the killer's relative is not the same in all situations. Killing someone suddenly and deliberately/consciously, and individually and in a group has not the same punishment or verdict. According to the institution's rules and regulations a person who kills somebody suddenly is expected to pay compensation 20,000 birr for the deceased relatives. If he kills someone intentionally, he is expected to pay 40,000 birr. If somebody is killed by a group of individuals suddenly, the killers are expected to pay compensation 30,000 birr whereas if the action is made deliberately, they are expected to pay 60,000 birr (Netsanet, 2006).

Depend on the situation the institution announces the punishment or verdict for surety decided on the killer's relatives. The surety also informs the verdict of the institution for both sides. After this the head of Abagar institution make speech about conflict and its impact on the conflicting parties and the community, the process and enforceability of their decisions. In addition to this, the Abagar advises the deceased relatives not to think about the case rather to think about love and belongingness. The killer's relatives would also be advised by the institution not to think or worry about the money they will pay. After this one of the members of the killer's relatives asks for apology by standing in front of the deceased relatives. He says "we are wrongdoers. We know that we committed the worst crime in our community. By doing this we are the enemy of you and the community. To live in our ancestor's area, we request your amnesty/apology. Please give us your apology." Then, one of the deceased relatives stands and says "we lost our family member. As a result of this we feel melancholy. Not only us but also the whole community feel sadness. You also accept your mistake and asks apology. After this we never think about the dead and we give our amnesty/forgiveness" (Netsanet, 2006)

The next process of conflict resolution is getting promise/oath by saying "we never look each other's as enemy, we live together by respecting the rules and regulations of Abbagar, and we keep our promise/oath. If we break our oath, we are the enemy of the community andAbbagar. So we never feud again" (Abbinik, 2001).

If the conflicting parties are the follower of the same religion the killer's relatives slaughter/slay 3-5 goats or sheep. Then, the nearest family member of the deceased eats meat by the hand of the killer himself. If the killer is under the control of the government, he should come to the reconciliation place. If the place of reconciliation is so much far from the jail and the policemen together with the killer are unable to come to the place, the slaughtering process is held at the jail. Before the killer and his relatives as well as the deceased families eat together all of them climb over /jump ammunition. Then, they eat together. If the killer comes to the reconciliation place the slaughtering ceremony is conducted there. The deceased relatives eat meat by the hand of the killer. This process is called *Gumaa*. At the first the nearest family member of the deceased eats meat by the hand of the killer himself. Then, all relatives of the deceased eat by the hand of the killer. He and his relatives also eat

by the hands of the deceased families. Generally, all the people (the conflicting parties, elders, family arbitrator, and the community) eat together (Dejene, 2007).

If the conflicting parties are the followers of different religions both of them bring their own bread and slay goats or sheep separately. Since they have different religions they are unable eat meat together. But the deceased relatives eat bread by the hand of the killer and vice versa. All the people participate in the reconciliation process eat bread together. Finally, both sides skim/touch Abbagar'sdbi. This means if anyone of them breaks the reconciliation he himself, his children and property will be exposed to adversity. Generally, somebody who skim/touch Abbagar'sdbi has the responsibility to keep the rules and regulations as well as the reconciliation and verdict or decisions of the institution. Unless and otherwise, he will be exposed to Abbagar's malediction/imprecation (Jemila, 2010).

Before the Abbagars/traditional judges return back to their home the villagers slay goats or sheep to them. Any Muslim of the community eats meat together while the Christians eat bread or *injera*. After the accomplishment of eating ceremony Abbagars blesses the community. This bless protect the people from hunger, drought, conflict and adversity. And they carry away/ betake the skin or hide of the slaughtered goats or sheep. Both Abbagars/traditional judges and the community believe that if the skin remains there the crime of homicide will continue forever. Therefore, to protect the crime Abagars betake the skin to their home. Finally, the killer's relatives carry the materials of the institution and return back with them (Abbagars). The community also sees off the Abbagars 3-4 kilo meters (Abbinik, 2001).

Generally, by following the above reconciliation processes the institution solves any homicide conflicts. Opposing Abbagar is considered as opposing Allah/God. Therefore, the institution solves any homicide cases (Netsanet, 2006).

Investigation Procedure of Other Conflicts (Beating and Theft)

The institution solves many conflicts of the community. Depending on the causes and impacts of the conflicts, the institution solves problems or disagreements differently. As stated above homicide is the cruelest or worst crime in the community. Because of this the killer's and deceased relatives first bargain through elected arbitrators. The arbitrators also inform the case for the institution of Abbagar. Then, the institution solves the conflict by investigating the case from both sides (Netsanet, 2006).

GoodHandrt (1999) stated that all conflicts cannot be treated in the same way. Rather they can be treated depending on the causes and impacts they have on individuals, organizations and communities (Good Handrt, 1999).

In the institution of Abbagar conflicts like beating and theft have not the same reconciliation processes with the crime of homicide. If two or more individuals or groups are conflicting each other (beating or theft), the case is solved by the institution following the conflict resolution processes that are different from homicide (Netsanet, 2006; Jemila, 2010).

Beating: Due to different factors (border, water, urban land, farm land, grazing land, sand etc) beating may happen between two or more individuals or groups. After the conflict (beating) is happened the assailant's relatives go to the institution directly and announce the case by saying "we are wrongdoers. We beat somebody. Therefore, we request amnesty/apology of the relatives of wronged one." The institution of Abbagar sends minibaj to the victim and his relatives. The assailant's relatives receive minibaj from the institution, and go to the village of the victim and give it for the

chairman of the kebele. The chairman also gives it for the relatives of the victim. The minibaj contains the date and place (*Terie/Legegadi or Bedadi*) of appointment (Netsanet, 2006).

The institution solves different conflicts (excluding homicide) of the community two days a week (Monday and Friday). The conflicts related to homicide are treated outside of Monday and Friday by selecting half way of the conflicting parties. But other cases are treated two days a week at the places called *Terie/Legegadi* and *Bedadi*. On Monday the institution solves different conflicts of the four woreda's community (Habru, Tenta, Delanta and Ambassel) at the place known as *Terie/Legegadi*. *Terie* is the junction of the above listed four woredas. On Friday *Abbagar* solves many conflicts of the *Habruworeda*'s community alone at the place called *Bedadi*(Netsanet, 2006).

Based on the appointment the conflicting parties go to the institution separately. The places in which *Abbagar* gives verdict (*Terie/Legegadi* and *Bedadi*) are highly respected by the community. *Abbagar* starts the program by chewing chat, slosh dbi and pray to Allah/God in the form of song (*Hadra*). After 30 or 40 minutes the conflicting parties enter in to the institution's pavilion. The assailant's relatives sit in the left side of the *Abbagar*/traditional judge while the relatives of victim on the right side. Then, both sides (first the assailant's relatives) present the case in detail. *Abbagar* order both of them to leave from the pavilion and stay somewhere. For the second time the institution asks the conflicting parties separately. After this the head of *Abbagar* speak about the case in detail and says "the final verdict will be decided after the recovery of the victim. But until the recovery of the wronged, one of the assailant's relative should pay the patient's medical costs and *metekosha* that is 10 *kuna* (100 kg) teff, 7 *sehan*(10.5kg) pepper, 2 *sehan* (3kg) salt, 2 goats or sheep, firewood etc." if the case is minor beating the assailant's relatives does not expected to pay *metekosha*. Finally, *Abbagar* bless the two sides. Within a week the assailant's relatives pay the patient's medical costs and *metekosha*. After the recovery of the victim/wronged one the conflicting parties go to the institution. Both sides (first the assailant's relative) announce the recovery of the victim (Netsanet, 2006, Jemila, 2010).

The institution tries to memorize the case and gives the final decision that is the assailant's relatives to pay a compensation 2-6 goats or sheep. The punishment is not the same for all beating conflicts. It is different depending on the situations. Beating someone suddenly and intentionally, individually and in a group, simple, severe beating and others have not the same punishments. Depending on the situation the relatives of the assailant are expected to pay a compensation 2-6 goats or sheep (Netsanet, 2006).

After the final verdict is given by the institution both sides eat together. If they have the same religions they eat meat, unless eat bread and *injera* (Flat bread) together. And also eat by the hand of *Abbagar*. After the accomplishment of eating ceremony *Abbagar* begins pray to Allah/God by chewing chat, slosh dbi (drum), singing religious song (*Hadra*), drinking coffee etc. Finally, the conflicting parties make a promise/oath not to beat each other again. To this end, they skim/touch *Abbagar*'sdbi. Then *Abbagar* blesses the two sides (Jemila, 2010).

Theft: Theft is the other area of conflict in *Habruworeda*. At different times, many people got in to conflict each other because of theft. This conflict is also solved by *Abbagar* using different processes. If somebody loses his property, he goes to *Abbagar* and announces the case. After the case is presented by somebody who lost his property (accuser) *Abbagar* send a minibaj to the suspected one. The accuser receives the minibaj and gives it for the chairman of kebele. The chairman also gives the minibaj for the suspected one (accused). Based on the given appointment both the accuser and accused goes to *Abbagar* traditional conflict resolution mechanism (Netsanet, 2006). The *Abbagar* inform the case in detail for the suspected one. He also asks the accused saying "Have you stolen the accuser's property?" If the accused says "yes I have taken the property of the accuser", *Abbagar* orders him to bring back/give back the property of the accuser and to bring bread for the institution

within two weeks. Based on the Abbagar order the accused gives back the property to the accuser. To accomplish the final reconciliation both sides goes to Abbagar. They kiss each other, eating bread together and skim/touch Abbagar'sdbi. Then, Abbagar pray to Allah by chewing chat, drinking coffee, slosh dbi and singing religious songs (*Hadra*). Both sides get promise to live in harmony. Finally, the Abbagar blesses the conflicting parties (Jemila, 2010).

If the accused says "I did not take the property of the accuser," Abbagar orders him to skim/touch dbi. The accused accept the order and skim/touch dbi. Abbagar begins chewing chat promptly and cursing the community in general and thief in particular.

Abbagar says,

“ሸረሻውንሁለበለው

በጫትዱላ፤

አባጋርላገጋዲየሸረሻውጋዲ”

(Literally, hit the sinful by chat stick hence Abbagar knows the malicious and can roped their legs) other maledictions.

Abbagar sends a message to the community in which the accuser's property has been lost. The accuser receives the message and gives it for the chairman of kebele. The main body of the message for the community is to give back the property of the accuser in his place/home within two weeks. If the property is given back to the accuser, he goes back to Abbagar by having bread to announce the case. Then, Abbagar blesses the community which bring back the property of the accuser. If the property is not brought back for the accuser, he goes to Abbagar by having muffin to tell the case. Abbagar feels sadness and curses the community. Someone who pinch/purloin the accuser's property will have exposed to community. Not only this but also his property and children will destroy because of Abbagar's malediction. Due to the above myth no one is rigid to give back the accuser's property. So, the property brings back to its owner easily (Netsanet, 2006; Jemila, 2010).

Abbagar solves many problems of the community differently. For example, homicide, beating, theft, mudslinging and others have not the same conflict resolution processes. Depending on the nature, cause and impact of the conflicts there are different conflict resolution processes and punishments. Even though Abbagar follow different conflict resolution processes for different conflicts there are some common processes of reconciliation for all conflicts. For example, the materials used by Abbagar (dbi, kettle/coffee pot, chassis, cup, pot/pitcher, curtain, hearth/oven, coffee, chat and etc) are common for all reconciliation processes. The other common thing is that Abbagar allow both the conflicting parties to present the case. No decision is made without the presentation of the case in both sides. Promise/oath is the other inevitable common process in Abbagar traditional conflict resolution mechanism. Eating together, chewing chat and praying to Allah by slosh dbi are common processes of reconciliation in Abbagar. Blessing and cursing/maledictions are also parts of the reconciliation processes for all conflicts in the institution. Abbagar solve not only crime related conflicts but also civil cases like divorce, inheritance, issues related to farm land, grazing land and etc(Jemila, 2010; Netsanet, 2006).

In addition to individual conflicts, the institution solves inter group conflicts. If two or more groups of different kebeles conflicting each other because of border/boundary, water, sand, grazing land and others the institution solves the conflict by assembling the conflicting groups and seeing the case in detail. Abbagar order both sides to slay/slaughter ox or cow in common. Then all the people eat and

drink together, sing cultural song with cultural dance, get promise/oath not to feud/tussle again and to think about their belongingness alone by ignoring their enmity. Finally, Abbagar bless the community (Abbnik, 2001; Netsanet, 2006).

Generally, Abbagar solves any conflicts of the community. No conflict gets concealed from Abbagar traditional conflict resolution mechanism. As a result of this, Abagar plays a great role in promoting peace and stability in the community of Habruworeda. Therefore, it is the back bone of the community by keeping the peace of the community.

Enforceability of Abbagar Traditional Conflict Resolution Mechanism

Abbagar is a traditional conflict resolution mechanism which deals with promoting peace and stability as well as handling conflicts in a peaceful way. It solves conflicts in a secure way. Because of this the community sustains the system, and has a moral obligation to obey it. Anyone who opposes Abbagar traditional conflict resolution mechanism will be isolated from the community (isolated from his/her social life) (Abbnik, 2001).

According to my own observations and information obtained from key informants, someone who commits a fault goes to Abbagar directly or indirectly to announce the case. Abbagar sends minibaj to the victim. Sometimes the victim may not be voluntary to accept Abbagars' minibaj. For the second time the institution sends minibaj. If the victim rejects the minibaj for the second time Abbagar excrete/throw away *beded*. *Beded* means isolate someone from his/her social life (idir, ikub, wedding and funeral ceremonies and others) because of his/her opposition of Abbagar. Someone who exposed to beded is unable to contact with his/her neighbors and others. He/she is unable to participate in all social life activities like wedding and funeral ceremonies. He/she contacts his/her relatives (nuclear and extended families) alone. Therefore, rejecting the institution minibaj is difficult or impossible (Netsanet, 2006).

The decision of the institution is highly respected by the community. Rejecting Abbagar's decision has earthshaking impact than that of rejecting minibaj. The institution gives verdict after the careful investigation of cases. This verdict is enforceable in the community. Because of fear of Abbagar's malediction anyone is unable to reject the institution's decision. The community believes that a person who rejects Abbagar's decision will be exposed to adversity. His/her property or children will have got destroyed. In addition to malediction he/she is exposed to beded. He/she is isolated from the community, and unable to contact with anyone except his/her nuclear family (father, mother, brother and sister). The community believes that if the decision of the institution is disobeyed by someone, famine, drought, adversity, illness etc will happen in the area. Therefore, a person who disregards Abbagar's decision is considered as the enemy of the community. Because of this, Abbagar's decision/verdict is enforceable in the community (Jemila, 2010; Netsanet, 2006).

The institution solves different conflicts irrespective/without considering of the conflicting parties age, religion, language, race, occupation, wealth and physical appearance. The decision is given by careful investigation of the case; not by corruption and identity of the conflicting parties. As a result of this Abbagar has a great acceptance in the community. This helps Abbagar's decision to be enforceable (Abbnik, 2001).

Generally, the role/function of the institution is dependent on the culture, tradition, norm and custom of the community. It served as a traditional conflict resolution mechanism for a long period of time. Before and after the coming of modern court in the woreda, it solved many conflicts of the community. Because of this, Abbagar's verdict/decision is consistence/wellgroomed and transferred/carried over from generation to generation. Invalidate Abbagar's decision is impossible or difficult for the community.

Strengths and weaknesses of Abbagar Traditional Conflict Resolution Mechanism

Strengths of Abbagar Traditional Conflict Resolution Mechanism

Abbagar plays a paramount role in solving different conflicts of the community. Since its beginning the institution has its own strengths in its function.

1. Abbagar plays a significant role in promoting peace, stability and tolerance in the community. Conflict is the inevitable phenomenon/occurrence in the life expectancy of human beings. The main point is not why conflict has happened; rather solving conflicts in a peaceful way that promotes peace, love and tolerance in the community. As Odwang (2011) stated traditional conflict resolution mechanism is focused on maintaining social cohesion or community harmony. The emphasis in traditional justice is often using restorative justice to promote reconciliation between parties who have to continue living in the same community. Similarly, the institution of Abbagar traditional conflict resolution mechanism solves the conflicts the study area (Habruworeda) and promotes peace, love, stability, belongingness and tolerance in the community in general and in the conflicting parties in particular (Abbnik, 2001; Netsanet, 2006).
2. Abbagar saves the conflicting parties money, time and energy when Abbagar solve different conflicts it saves money, time and energy of the conflicting parties. To solve a case, the institution uses a short period of time (maximum it takes 45 days). Abbagar saves not only time but also the money and energy of the conflicting parties. The conflict resolution process of the institution takes less amount of money and energy of both sides (wrongdoer and wronged one) (Netsanet, 2006).
3. Abbagar traditional conflict resolution mechanism is flexible according to Brainch (2006) traditional conflict resolution mechanism is flexible and can accommodate to changing circumstances more easily than cumbersome bureaucratic state justice systems. As norms, processes and sanctions are usually unwritten; actors can forge solutions and provide remedies that are socially appropriate and tailored to the context of each case. Similarly, the institution of Abbagar solves conflicts and provides remedies based on the unwritten laws and regulations of the community. Therefore, the decisions given by the institution are flexible and tailored to the context of each case (Brainch, 2006; Netsanet, 2010).
4. Abbagar works together with other institutions of the community: All conflicts of the community are solved in collaboration effort of Abbagar, leaders of idir, chairman of kebele, community elders and religious leaders. But Abbagar is the main actor/leading one among others. Working together with others helps the institution to be successful in solving different conflicts of the community.
- 5.

Weaknesses of Abbagar Traditional Conflict Resolution Mechanism

Although Abbagar serves the community by solving different conflicts and promoting stability it has its own weaknesses.

1. The existence of the violation of some human and democratic rights of women: When Abbagar solve different conflicts some human and democratic rights of women are violated. According to article 25 of the FDRE constitution:
 - a) *All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal*

*and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth, or other status (FDRE, 1995).*The FDRE constitution in article 35(1 and 4) stated that:

- b) *Women shall, in the enjoyment of rights and protections provided by this constitution, have equal rights with men. The state shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited(FDRE, 1995).*
2. But in the contrary of the above articles of the FDRE constitution Abbagar violates some human and democratic rights of women. Women are not treated the same as men in the institution. If man and woman have a feud each other, the woman is unable to present her case directly to the institution. The process is held through her representative. The woman is participating at the end of the conflict resolution process that is eating together. This is due to the past history of women and the attitudes of the community. Still women are considered as inferior to men. Because of this, the institution gives decision in favor of men. Therefore, some human and democratic rights of women are violated by Abbagar traditional conflict resolution mechanism (Jemila, 2010).
3. Resolution of conflicts without the consent of both conflicting parties Conflict is the inevitable occurrence in human being. When two or more individuals or groups conflict each other, the relatives of the wrongdoer go to the institution to announce the case. Then, Abbagar send minibaj to the relatives of wronged one. Even though the victim is not voluntary to solve his/her conflict through Abbagar he/she is forced by the situation to reconcile in the institution. Because opposing Abbagar's minibaj leads to *beded*(isolation). A person who opposes the system of the institution is isolated from his/her social life. By fearing *beded* the victim solves the conflict through Abbagar traditional conflict resolution mechanism. Because of *beded* and malediction of Abbagar many conflicting parties are unable to solve their conflicts through court. People are forced to solve their conflicts through the institution of Abbagar traditional conflict resolution mechanism (Netsanet, 2006; Abbnik, 2001).
4. The abscission of the workings of Abbagar during Ramadan Ramadan is one of the pillars of Islamic religion. It entails fasting for one month per year. During this time the institution refrain from serving the community by solving different conflicts. The main focus of indigenous judges is praying to Allah. When conflicts arise during Ramadan, the cases are investigated after Id-Alfetir. Because of this, conflict escalates to the worst way (Abbnik, 2001).

Challenges to the Practice of Abbagar Traditional Conflict Resolution Mechanism

Abbagar traditional conflict resolution mechanism has been playing a significant role in resolving conflicts for the vast section of community. But as a social institution with multiple responsibilities its practice or implementation has been challenged by different factors. According to Netsanet (2006) and Jemila (2010) the main factors that are challenging the implementation of Abbagar traditional conflict resolution mechanism are:

Lack of training on capacity building: is one of the main factors challenging the implementation of the practice of the institution of Abbagar. The individuals who serve the institution are uneducated and have not training in solving conflicts. Simply they solve conflicts based on their own traditional experiences. This lack of training on capacity building related to conflict resolution systems and legal issues challenge the practice of Abagar.

The other challenge to the institution is its distance from the vast community. Terie/Legegadi and Bedadi (the places in which conflicts are resolved through Abbagar) are so much far from the vast community. These places are located at the periphery of the woreda. To use the institution, the conflicting parties are forced to go by foot in average for about 6-7 hours. This is one challenge to the practice of Abbagar traditional conflict resolution mechanism. Lack of budget is another challenge to the practice of the institution. Abbagar has no its own budget for its purpose of solving different conflicts. The institution is administered by the gift of the community. The materials of Abbagar used for conflict resolution processes like curtain, coffee pot/kettle, pot/pitcher, hearth/oven, chassis, cup, chat, coffee and others are sponsored by the community (Jemila, 2010; Netsanet, 2006).

Conclusions

Based on the findings obtained, the following conclusions have been drawn. The finding in the study indicates that the respondents, namely the Abbagars/traditional judges of the woreda, leaders of court/judge, community elders and the conflicting parties who settle their disputes in the institution of Abbagar illustrate that Abbagar traditional conflict resolution mechanism have been widely practiced in North Wollo Zone, particularly in Habruworeda. As can be observed from the institution border/boundary, grazing land, farm land, urban land, water, sand, inheritance were the major causes of conflicts in the woreda. Then, the institution of Abbagar took the largest share in preventing and resolving conflicts of the community. From the information obtained, a number of conflicts are resolved by the Abbagars/traditional judges. Because of a high fear of malediction of the Abbagars/traditional judges, the decisions are respected by the community in general and the conflicting parties in particular. According to the information obtained from the key informants, Habru town community strongly believes on traditional conflict resolution mechanism of Abbagar as a better option to court proceedings for the following reasons.

The institution of Abbagar is important as it is better positioned to produce a win-win result which is instrumental for conflicting parties' future cordial relationship; time saving, less costly and vital for social stability, though it has its own weaknesses like the violation of some human and democratic rights of women, the abscission of its workings during Ramadan etc. As mentioned by the respondents, the existence of women participation (albeit supportive), the spread of the institution's branch, modernization of Abbagar in its workings, having relationship with the court and working with other institutions of the community are the changes which evolved in the institution of Abbagar over the years. Lack of capacity building training on how to solve conflicts, lack of budget, the institution's distance from the vast community and the nature of the Abbagars/traditional judges' livelihood were the major challenges of the institution. From this, it is possible to conclude that most challenges were technical which can be solved by the local community, kebele administration, woreda administration and other concerned bodies.

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