Ethiopia:

Chalo — Indigenous Conflict Resolution Mechanism of Yem People and Its implication on Peace, Security, and Good Governance

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Abstract: In Ethiopia, many ethnic groups have developed their own conflict resolution mechanisms. The ethnic group of Yem in south-western Ethiopia is one of those with its own conflict resolution mechanism (the Chalo judicial system). The objective of the study was exploring the practice through which the studied community deals with conflicts by using the Chalo judicial system and its implication for peace, security and good governance. A qualitative research design was employed under which, key informants' interviews, focus group discussion, document analysis and observations were conducted and the data was analyzed qualitatively. The find-

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DOI: 10.24193/csq.40.2 Published First Online: July 04/ 2022 ing of the study revealed that, the Chalo judicial system plays an important role in maintaining the peace and security of the community. The Chalo judicial system has its own execution time, process, and actors involved. Theft and betraval, inheritance, boundary conflict, and divorce are some of the sorts of conflict that are presented and handled in the Chalo judiciary. Besides, the study revealed that, while it is used to resolve a wide range of conflicts on the ground, it is not adequately recognized by national law and lacks a strong link with the formal court system. Therefore, this research recommend that the members of the community, the woreda culture and tourism office, higher educational institutions, and the government shall collaborate in order to conserve and pass on this sort of indigenous conflict resolution mechanism which upholds community peace and security to future generations.

Keywords: Chalo, elders, indigenous conflict resolution, governance, peace, security.

Introduction

Not just for the proper running of society, but also for human growth, peace, security and good governance are essential ingredients (Beyene, 2007, *apud* Muluken, 2020). Conflict, on the other hand, has a long history in human life and is an unavoidable event. In any relationship, conflict is unavoidable. Whether we like it or not, it will happen. Conflict is an inevitable phenomenon in human life since the prevalence of conflict within society manipulates the entire life of humanity when people set opinion against opinion, run interests against interests (Abebe, Samson, & Tesma, 2015). Conflict may generally exist wherever or whenever incompatible activities occur and may result inwin-lose character. As a result, conflict mostly defined as a social situation in which at least two parties (actors) compete for the same goal.

Because conflict is inherent, the question is how to resolve it instead of how to avoid it. Here, the issue of conflict resolution is brought up. When we talk about conflict resolution in this study, we are talking about indigenous conflict resolution. In this context, conflict resolution refers to a range of strategies that can be utilized to meet the requirements of all persons involved in a conflict for security, identity, self-determination, and quality of life (Sanson & Bretheton, 2007). Similarly, Dereje (2010) defines conflict resolution as the suppression of a conflict that has already broken out in the form questing for solution that will minimize the levels of violence and prevent it from intensifying, either formally or by indigenous conflict resolution mechanisms. The indigenous conflict resolution mechanism is a social capital that implies the ability of social norms and customs to hold members of a group together by effectively setting and making possible the terms of their relationship (Murithi, 2006).

Indigenous mechanisms have long been utilized by societies around the world to prevent and settle conflicts (Ajanaw & Hone, 2018). Indigenous conflict resolution system, which are typically founded on community norms, familial relationships, or institutional practices, coexist with the formal state sanctioned process in every community (Macfarlance, 2007; Mapara, 2009 both cited by Ajanaw & Hone, 2018). More than 80 ethnic groups are thought to live in Ethiopia. They speak different languages and have different customs (Kebede, Aregash, & Lensa, 2021). Apart from the formal conflict resolution systems, these diverse ethnic and cultural groups have developed their distinct political, administrative, economic, social and judicial systems over many years. For instance, Oromo, Afar, Amhara, Benishangul-Gumuz, Hareri, Somale, Sidama, Walayeta, Gamo, Tigray and others develop their unique indigenous mechanisms of conflict resolution with certain peculiar features (Daniel, 2016).

Similarly, the Yem people of southwestern Ethiopia have their own kingdom, with a centuries-old system of indigenous conflict resolution, political, and administrative framework (Lemma & Mandefro, 2019). Indigenous conflict resolution procedures are part of a societal structure in the Yem community and they play an essential role in

resolving private and family conflicts, as well as a variety of other crimes. This system is made up of the structure, strategies, processes, and institutions that people use to manage their differences and maintain social unity. According to Osi (2008), the indigenous conflict resolution techniques are essential, well-practiced, and pre-colonial methods and institutions for addressing community disputes in a cooperative and shared manner. However, despite their extensive utility and implications, indigenous conflict resolution systems have the difficulty of not being constitutionally well acknowledged and documented as contributive to peace and security. It usually arises when communal cohesiveness is lost to violent conflict that the relevance of such community virtues begins to get recognized. Furthermore, modernity and civilization of the western world pushed to extremely fail to appreciate fully the role of indigenous conflict resolution and peacemaking mechanisms to the maintenance of a community and society solidarity.

Statement of the Problem

Domestic relationships and community networking are always valued, preserved, and strengthened in Africa (Brock-Utne, 2001). When there is a conflict between two groups, the restoration of relationships takes precedence. The immediate goal of this type of conflict resolution is to repair a broken or damaged relationship, as well as to right wrongs and restore justice. Another goal is to restore the complete integration of parties into their society and to develop a cooperative attitude (Abdinasr, 2020). Indigenous conflict resolution processes in Africa are often tightly linked with socio-political and economic realities of community lifestyles (Tafese, 2016). These mechanisms are entrenched in the African people's culture and history, and are unique to each community in some way. The Rwandan Gacaca court, Kacokemadit gatherings in northern Uganda, Yourba and Igbo in Nigeria and Pondo in South Africa, for example, are prominent for providing rapid solutions to genocide perpetrators, trauma rehabilitation and consensus building (Ajayi & Buhari, 2014).

Ethiopia is a country where people of diverse ethnic groups coexist. Each ethnic group has its own method of resolving conflict (Yitayew *et al.*, 2020). Different social groups have unique traditional settings and relationships, where the indigenous mechanisms could play an important role in resolving and preventing violent conflicts. For example, Oromo, Afar, Amhara, Benishangul-Gumuz, Hareri, Somali, Sidama, Walayeta, Gamo, Tigray and others have their distinctive indigenous conflict resolution mechanism that pay a significant role not only in reconciliation but also in constructing social well-being throughout the country (Daniel, 2016).

Many scholarly works in southwestern Ethiopia also revealed that various ethnic groups in the area have used their distinctive indigenous conflict resolution mechanisms. Bisrat (2018), Tagel (2021), Wasihun and Admasu (2022), for instance, discuss the Kaffa, Benč,

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and Shekacho communities' indigenous conflict resolution mechanism. However, Yem is only mentioned in a small proportion of the literature reviewed. Scholarly works like Lemma and Mandefro (2019) attempt to explain the importance of the Hebo New Year ceremonial rite in social stability and progress. The Yem, on the other hand, have indigenous conflict resolution mechanisms constructed on their own traditions and customs, which have not yet researched. Thus, the aim of this research is to explore Yem indigenous conflict resolution mechanism and its role in promoting peace, security and good governance, particular emphasis on the *Chalo* judicial system.

Objectives of the Study

The objective of the study constitutes the following general and specific objectives.

The General Objective of the Study

The general objective of the study is to scrutinize the indigenous conflict resolution mechanism of Yem People and Its implication for peace, security, and good governance

The Specific Objectives of the Study

- To identify the types and primary sources of conflict in the study area.
- To investigate the *Chalo* indigenous conflict resolution system and actors participating in it.
- To examine the interconnection between the *Chalo* indigenous conflict resolution mechanism and the formal court system.

Research Questions

- What are the types and main causes of conflict in the study area?
- How does *Cahlo* work, and who are the actors in the *Chalo* indigenous conflict resolution mechanism?
- What is the interconnection between the *Chalo* indigenous conflict resolution mechanism and the formal court?

Significance of the Study

The study of the *Chalo* indigenous conflict resolution mechanism in Yem special woreda (district), *Chalo* Town in south-western Ethiopia, is relevant from the following perspectives: it will provide valuable information about the role indigenous conflict resolution mechanism play among the Yem people. In addition, public organizations and other interested groups may use it as a model for promoting indigenous peoples values, in general, and indigenous conflict resolution, in particular. It is also intended to serve as a significant and reliable foundation for policymakers and development partners (government bodies, nongovernmental organizations, and so on) in their efforts to

initiate, implement, manage, and supervise the holistic and sustainable development of the study area and other similar localities throughout the country.

Scope of the Study

The scope of the study delimited to explore the *Chalo* indigenous conflict resolution mechanism. Geographically, the study was conducted in Yem special woreda, *Chalo* Town. And methodologically the study was used qualitative research technique. Thematically, the study focused to examine *Chalo* indigenous conflict resolution mechanism and its implication for peace, security and good governance.

Limitation of the Study

Doing research in one's own society has both benefits and challenging experiences. During conducting this research there was different constraints bear limitation on the study. These are scarcity of reference materials, financial difficulties, transportation shortages, security concerns, translating local language Yemsa to English language. Incidence of Covid-19 has also created a few gaps in our study due to a lack of freely available individuals who are familiar with the *Chalo* indigenous conflict resolution mechanisms.

Methods of the Study

The study area

Yem special woreda is found in the Southern Nations Nationalities and People's Regional State (SNNPRs) of Ethiopia. It occupies a surface area of 724.5 km2. The area is bordered by Oromia region in the North-West, Gurage zone in the North-East and Hadiya Zone in the East. The principal town of the district is Saja, situated 242 km southwest of Addis Ababa, on the Addis Ababa Jimma tarmac highway. The Saja town is the administrative center of the Yem special woreda. The *Chalo* place is covered the total area of 2,878.1 hectare (28.78 km2). *Chalo* is a place where the Yem peoples celebrate the festival of Meskel (an annual religious holiday in the Ethiopian Orthodox church) and the area where the local elders resolve conflicts by selected elders (judges). The area is located 27 km far from the town of Saja, and 10 km from the Fofa (former administrative town of the Yem) and near to Borry mountain forest area.

Research design

The research design for this study was a qualitative approach which aimed to investigate the role of the *Chalo* indigenous conflict resolution mechanism in upholding peace, security and good governance. The use of a qualitative method is justified since it provides in-depth and comprehensive information about the issue of the study.

Participants

The sample for this study was selected from members of the community, under which, 26 informants were selected as sample of the study. The informants of the study were chosen using purposive sampling strategy to conduct interviews and focus group discussions (FGDs). This means that only those people in the community who are thought to provide enough and relevant information were included. As a result, interview and focus group discussion (FGD) informants were chosen based on the criteria that they would have better accumulated information and experiences on the area of the study.

Instruments

A combination of primary and secondary sources of data was employed to accomplish study objectives and come up with appropriate data from the field.

Primary Data Collection Instruments

The researcher employed the following primary data collection methods;

Interview

We employed interviews in this study to scrutinize the *Chalo* indigenous conflict resolution mechanism and to examine the major cause and effect among the study population. We selected (12) twelve key informants from the study community, including elders, community members, and clan leaders, for this interview.

Observation

In this research observation was used as part data collection techniques. Because people say things that contradict one other, observation is another key method of data collection to get reliable data. By watching day-to-day activities and the *Chalo* indigenous conflict resolution process in the study area, the researchers were able to gather first-hand information. In the villages, we saw diverse cultural practices related with *Chalo judiciary*.

Focus Group Discussion

One of the most common data collection strategies used in qualitative research is a focus group discussion. The participants are chosen based on the focus group discussion topic. We employed two (2) focus group discussions in this study. Each group included seven (7) participants of the people partaking in conflict resolution.

Secondary data

To support the study and to get a comprehensive understanding of the issue of the study, we used secondary data. Secondary data for this research was collected by reviewing the existing secondary documents already collected and organized in the form

of reports form Yem special woreda culture and tourism office, and other published and unpublished materials which reinforce this work.

Data Analysis

We have analyzed the study in detail using qualitative research approach after we have collected all of the essential data. The primary data for this study was gathered through focus group discussion (FGD), key informants interviews, and observation. The secondary sources of data were reports, published and unpublished documents pertaining to the study undertaken. Lastly, the collected data was analyzed though in a qualitative way.

Results and Discussion

Types and Primary Sources of Conflict in the Area

As researchers have recognized from the literature, conflict can occur inside families, communities, and nations (Gowok, 2008, cited in Wasihun & Admasu, 2022). As a result, conflict may arise for a variety of reasons at all levels. Informants and FGD discussants were indicated that conflict happens in the Yem community in multiple causes, and these disputes are classified as land, marital conflict, and interpersonal conflict.

Theft and betrayal

Theft and betrayal are among the causes of conflict in the area. Conflicts arise when there is burglary, theft of crops, and looting of property. When such conflicts occur, they come to *Chalo* for judgment. We were able to observe a number of people who robbed and betrayed present their cases to *Chalo* during the trial.

Inheritance

Although the Yem community has its own traditions and customs regarding inheritance, occasional conflicts and family conflicts can arise as a result of inheritance. When this happens, the matter comes to *Chalo* judiciary.

Land

In an agrarian community, land is a major or critical component. Land ownership is a vital resource for socioeconomic development in Yem, as it is an agrarian community. As a result, when one of the neighbors crosses the border, interpersonal boundary conflict occurs. As a result, land is the most prevalent and frequent sort of conflict among the Yem people. Such conflicts, according to FGD discussants, are one of many cases brought to *Chalo* judiciary.

Marriage

If a husband and wife abuse each other during the course of their marriage, it can lead to conflict and divorce. In the event of such a conflict, one of the two may bring the matter to *Chalo* judiciary.

Actors in the Chalo judicial system

In the *Chalo* judicial system, an independent traditional judiciary (elders or Judges) is chosen from one tribe, and the tribe is called Gazewa. The title of *Chalo* traditional judiciary and judicial system is not found by education and knowledge, but only by ethnicity. Not everyone who is not a member of the Gazewa tribe can claim the title. When the judge is died the first born son takes over the reins of power. In this case the age, life style and ethnicity of the first born son are taken in to consideration. In the absence of a first-born son, as mentioned above, the rein is handed over to his younger brother. Not everyone who is a member of a tribe who does not have authority in this way can be a judge. *Chalo* judiciary and judicial system has three judges:

1. Mengagna (The first judge)

As a judge, the title *Mengagna* acts as the president of the House of Representatives. He is a good news bearer who proclaims about love, unity, belongingness, serving for other and morality. The person holding this title must convene a hearing and decide on the offense committed by the party that allegedly committed the crime. If a defendant fails to appear in court to determine whether or not he or she has been convicted of a crime, an adjudicator may find him or her guilty of a felony.

2. Aulongagna (The second judge)

Aulongagna is the second judge, and he is also a law enforcement officer. He prevents trouble during the holiday season, imposes appropriate punishment in the event of a crisis, ensures that the judicial process is carried out in a proper and conventional manner, avoid space constraints in the *Chalo* judiciary, defining and protecting where the system is taking place, keeping people away from the locations where the trial is being takes place, preventing other acts that may obstruct the court system, and preventing unethical acts from taking place.

3. Kongagna (The third judge)

Kongagna, the third judge, is in responsible of offering the sacrifice and monitoring the judicial process as a whole. If property is stolen during the judicial process, he seeks out the property of those who have lost it and brings those who have stolen it to justice. In addition to three chief judges, 12 tribal elders from different ethnic groups who oversee the traditional judicial process, is just as much a part of the legal system as the jury. Juries are individuals who are represented by members of the Yem community who are engaged in a variety of disciplines. However, these representatives of the twelve tribes do not interfere with the three judges' judicial proceedings.

Chalo Judiciary and Judicial Process

The first phase of the *Chalo* judicial process will be held on September 17 and the second phase held on April 27–28 each year at *Chalo* Kancha (the first phase of the ceremony will be announced in the *Chalo* place of execution the feast of the cross by light up *demara*). In the past, September 17–23 and April 27–28, the case was decided by the plaintiffs, who received the money from the gift for the execution of the judgment. The proceeds from the gift will be used to buy a goat. On September 17, the goat will be slaughtered in *Chalo* Kancha and then the plaintiff and the defendant are called in to hear the case. After the hearing of the three judges and the observer elders, the petitioners sit in rows according to their sequence. The judges view will ensure that the complaint is not handled by formal court. The major reason for this is to respect and uphold the formal court's sovereign jurisdiction. If the complaint is heard to the best of their ability, they will ask whether or not the defendant is present at the hearing. If the defendant is present, he or she will appear and give an answer, just as in any case, in accordance with the formal code of civil procedure of the country. The judges will ask the plaintiff whether the defendant believes or not. If he accepts the appeal, he will be ordered to pay immediately, but he does not have money he was ordered to pay by appointment. He or she is not required to call a bail the main reason for this is because it is considered to doubt the judgment of the creator. According to informants and FGD discussants, however, if he or she is accused and convicted of theft or any other crime and denial during the *Chalo* trail, and if he believes he committed the crime afterward, he is required to invite the people gathered during the *Chalo* trail by slaughtering an ox or sheep, in addition to compensating the plaintiff.

What is Unique in the Chalo Judicial System?

All judicial systems are appealed, except for the *Chalo* judiciary. Informants and FGD discussants stated that the main reasons for not appealing to a *Chalo* judge is that,

1st. This is due to the fact that the trial is unique in that, like the common law legal system, there is a body that checks evidence and disciplinary issues to ensure that the process is fair.

 2^{nd} . If the convicted party denies or does not believe the case, the judge will render the case to the creator. Then cursing will take place. The curse of the judges is because it is thought to happen and is seen in action.

The Main Reasons Why the Chalo Judicial System is Preferred

Various crimes or conflicts have occurred, however the crime cannot be prosecuted in a regular court if there is no proof to punish the perpetrator. In this scenario, if the victim brings the case to *Chalo*, the defendant may accept a guilty plea and be sentenced. The victim may also be compensated. According to informants and FGD discussants, this

is because the community believes that if the *Chalo* judges curse the perpetrator, he would be cursed directly.

The Interconnection between *Chalo* Indigenous Conflict Resolution Mechanism and the Formal Court

In this sub section, we have sought to place the relationship between indigenous conflict resolution mechanisms and the formal court system in their collective endeavor to maintain peace and security issues in the study area. The formal court system and indigenous conflict resolution structures are clearly sources of peace and stability in the study area. As a result, it is clear that their collaboration is inevitable. In terms of maintaining peace and resolving conflicts, these institutions collaborate in specific areas. These mutual efforts are carried out for the mutual benefit of institutions on the one hand, and to maintain peace and stability in society, on the other.

According to elders and FGD participants, the *Chalo* judicial system and the formal court system have a relationship and collaborate, despite the fact that it is not strong. Informants and FGD discussants also indicated that, one institution cannot succeed without the other because the formal mechanism has its own legal means to maintain order in the area (community policing, police force, militia, etc.), whereas the indigenous institution has the experience and traditional authority to harmonize people's relationships and strengthen social cohesion. Although the scope of their involvement in resolving conflicts varies, indigenous conflict resolution methods are now working in conflict resolution and drawing the attention of the government whenever the community feels threatened, according to data acquired from informants.

On the other hand, indigenous methods are used to resolve any disputes and conflicts that lack evidence and require social reconciliation. Both institutions collaborate to promote societal peace and security. Elders advise and recommend that the community refrain from criminal conducts because they are heard by the community. When both institutions identify difficulties involving a family disagreement, such as land, divorce, property inheritance and division, they see cooperative effort for mutual benefit. Furthermore, both have similar approaches towards preventing injustice and preserving the peace and security of the community. For instance,

- In the *Chalo* legal system, the decision is not made without allowing the defendant to respond to the charge, as in a formal court.
- The plaintiff also reports the injury to the elders. The elders will hear the case and decide on a date that they feel appropriate, like the regular court.
- The judge in a formal judicial system should be free and independent. In the *Chalo* judicial system, no one interferes with the three judges' legal proceedings.
- In the *Chalo* judicial system, the *Chalo* judges exclusively consider cases that are not addressed by the formal court system.

• In formal courts, a system is in place to ensure that judges make decisions based on rules and procedures in order to avoid injustice. Similarly, jurors (as much part of the legal system) oversee the impartiality of decisions in the *Cahlo* judicial system.

In general, the *Chalo* indigenous conflict resolution system and the formal dispute resolution mechanism, both significant drivers of peace and stability in the area, work together for community's benefit.

Conclusion

The major goal of this research was to look into the Yem People's indigenous conflict resolution mechanism and its implications for peace, security, and good governance in south-western Ethiopia. To achieve the objectives of study, the researcher used a qualitative approach. Moreover, a variety of tools were employed to gather in-depth information about the issue under investigation. During the study, data was collected through key informant interviews, observation, focus group discussions, and document analysis.

Theft and betraval, land, marriage, inheritance, and other factors all contribute to conflict in the Yem community. Theft and betrayal are two of the most common causes of conflict in the study area, which occur from burglary, crop theft, and property looting. The other is Yem as an agrarian society, where the most common and frequent type of dispute among the Yem community is over land. In order to resolve conflict that arises as a result of the aforementioned causes, the Yem people have had their unique indigenous conflict resolution processes (the so-called *Chalo* judicial system) based under their own traditions and customs. Three judges (Mengagna, Aulongagna, & Kongagna) who are chosen from Gazewa tribe based on ethnicity and 12 tribal elders (juries) from different ethnic groups are the major actors in the *Chalo* judicial system. In terms of conflict resolution practices, the finding of the study revealed that the Yem community elders/judges mostly depend on the type and nature of the conflicts to be handled when it comes to conflict resolution practices. They also believe that any disputes within their community should be settled amicably using an indigenous process that has been in place for a long time. The system is made up of certain procedures and rules that govern the extent of sanctions and compensation payments based on the sternness of the crimes.

The study also revealed that, even though both *Chalo* indigenous conflict resolution system and the formal dispute resolution mechanism are significant drivers of peace and stability in the area, the formal court lacks the infrastructure to forge a formal and strong partnership with the indigenous institution. Furthermore, regardless of whether traditional conflict resolution institutions are utilized to handle a wide range of offenses on the ground, the country's law limits the purpose of traditional conflict resolution institutions, specifically excluding serious criminal concerns.

Recommendation

Based on the aforementioned conclusion, the research suggests the following recommendations,

- The *Chalo* traditional conflict resolution mechanism is a historic institution dedicated with disciplining and reforming illegal behavior, maintaining peace and order, and promoting good governance. But, the fundamental issue is that the strategy is not proactive, in that it does not prevent criminal activities before they occur in the community. To overcome these drawbacks, it would be preferable to create a platform that allows the *Chalo* elders to collaborate with the government to prevent conflict in the first place.
- The value of the *Chalo* indigenous conflict resolution mechanism deteriorates over time as a result of religious expansion and a failure to educate and pass such knowledge to the younger generation. Therefore, the community, the woreda culture and tourism office, and the government need work together to preserve and pass on this type of indigenous conflict resolution mechanism that promotes community peace and security to future generations.
- In order to strengthen the interconnection of traditional indigenous conflict resolution mechanisms with the formal court system, it is preferable that the government in general and woreda authorities in particular, establish a framework and grant legal foundation to the *Chalo* judicial system.

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