

CUSTOMARY CONFLICT MANAGEMENT AND RESOLUTION MECHANISMS AMONG SOMALI COMMUNITIES: INSIGHTS FROM AWBARE WOREDA OF SOMALI REGIONAL STATE, ETHIOPIA

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Abstract

Conflicts are recurrent problems in pastoral and agro-pastoral socialist communities, where struggles over limited natural resources are usually a catalyst for social tension and violence. Conflicts among Somali communities in Awbare Woreda, Somali Regional State, arise from issues related to water, land disputes, livestock, clan identity, and political power, frequently resulting in violence, evictions, human rights violations, and underdevelopment. This study examined how Somali communities typically deal with and resolve conflicts. The study employed a qualitative research method, and data were collected through focus group discussions and key informant interviews. Participants in the study, through key informant interviews and focus group discussions, provided information on the main causes of conflict, traditional ways of resolving them, and their relationships with formal systems. The findings underscore disputes regarding grazing pastures, farmland ownership, water sources, and matrimonial matters. The *Oday* beled, or elders of the community, are very important for mediation and building peace. People usually practice customary methods because they are cheap, easy to get to, and reliable. In addition, the study examines the relationship between traditional and formal legal systems to improve sustainability and the effectiveness of the customary conflict management systems. This study recommends a unified approach that respects cultural practices while strengthening legal frameworks, ensuring more efficient and sustainable conflict resolution in the region.

Keywords: Conflict Resolution, Customary Mechanisms, Peace Building, Somali Communities

1. Introduction

Indigenous conflict resolution techniques are a form of social capital that rely on the human spirit by focusing on the power of social norms and emphasizing ideals of sharing, empathy, and collaboration in solving shared challenges. These are components of a well-designed, tried-and-true social framework that aims to maintain, mend, and strengthen social bonds. The procedures, policies, and practices are firmly ingrained in the people's customs and traditions. For political neutrality and cost-effectiveness, villagers in countries with diverse ethnic groups heed the council of elders when resolving local issues (Moore, 2014).

Every civilization has a unique system for resolving disputes. The existence of traditional dispute-resolution techniques such as mediation, reconciliation, and negotiation in Africa and other regions demonstrates that these practices are not novel. African cultures had their methods for resolving disputes before colonization. These systems were designed to promote harmonious coexistence between Africans (Kouassi, 2008).

In Ethiopia, several ethnic groups have coexisted for a very long time. In a multicultural society, different social groups coexist peacefully, cooperatively, and occasionally in conflict. When conflict emerges inside or between social groupings, many different conflict resolution techniques

and organizations are used nationwide and among diverse demographic segments (Mengistu, 2022)

According to Ahmed (2010), Somali culture and identity are deeply ingrained in traditional conflict management and resolution techniques that are robust, lawful, and successful in handling a wide range of issues. These procedures are predicated on shared accountability, compensation, peacemaking, and elder and religious leader mediation. Certain restrictions and limits affect customary systems, including the lack of enforcement authority, the marginalization of minorities and women, the impact of clan politics, and external interests. Studies demonstrate how military conflict, political maneuvering, economic marginalization, and official involvement have all threatened traditional systems. New types of conflict, such as land conflicts, environmental degradation, and human rights violations, have put the customary processes under pressure (Kinfe, 2014).

Abdullahi (2017) emphasizes the need to improve the capacity and long-term viability of traditional institutions, as well as to promote cooperation between formal and traditional legal systems. He contends that customary systems ought to be recognized and endorsed by the state as essential elements of a pluralistic legal framework that honours the diversity and autonomy of local communities.

The study documented and examined indigenous methods for averting, managing, and resolving conflicts over essential resources such as land, water, and livestock. It also examined the potential pros and cons of combining these traditional approaches with the formal legal system to improve their effectiveness and longevity. The study examined local customs and institutions, deepening understanding of the cultural underpinnings of conflict resolution and highlighting avenues for integrating traditional methods with formal governance frameworks to improve conflict management outcomes. In this context, conflict arises when different social groups pursue distinct goals with limited resources, creating tensions that must be resolved promptly.

Conflict is the hostility between two contending parties, such as dominant and minority ethnic groups, arising from their struggle for control over resources, identities, and social status. Others see it as a type of conflict in which one or more disputing parties examine the issue from multiple perspectives, the reasons behind it, and the resolution process that transpired (Wondwosen, 2015).

Using native methods for resolving disputes outside the formal criminal justice system is essential to maintaining strong, lasting relationships in any community (Julie, 2007). The rapid expansion of the modern legal system seriously threatens customary laws and traditional administrative processes.

However, the system is unavailable in isolated settlements, and infrastructure is lacking. As a result, most traditional processes are changing from their original state (Wondwosen, 2015).

Indigenous customs rules address political and socioeconomic issues in the administration of justice. In employing indigenous remedies to address social and economic problems, disputing parties are willing to accept and preserve their traditional traditions; failure to do so would amount to social neglect and exclusion from society's norms. Applying native conflict resolution techniques requires meticulous consideration of customs and traditions. People in villages still go to the council of elders to resolve community disagreements for two apparent reasons. Indigenous dispute-resolution methods are essential because they emphasize the importance of parties cooperating to reach a mutually beneficial agreement. Additionally, they are crucial for maintaining the social fabric and healing the divide between the offender and the victim (Melissa, 2011).

According to Tarekegn (2008), traditional approaches to managing and resolving conflicts within or between communities rely on local actors alongside conventional community-based institutions and decision-making procedures. Since the elder's decision is backed by social pressure and does not result in any loss of face, disputing parties are more likely to accept advice from

conventional litigation than from other sources. Moreover, it offers win-win solutions rather than zero-sum games.

There have been numerous conflicts among the Somali communities in Awbare woreda of the Somali Regional State over land, water, livestock, clan identity, and political power. Violence, evictions, human rights violations, and underdevelopment are frequently the outcomes of conflicts (Abdullahi, 2014). Most earlier research on this topic has ignored the informal and traditional practices ingrained in Somali culture and society, favouring formal and institutional approaches to conflict resolution, thereby leaving a significant gap in the body of knowledge. The current policies and interventions aimed at addressing the underlying causes and effects of conflicts in the area are limited by gaps in comprehensiveness and effectiveness.

This study focused on how Somali communities use traditional institutions such as elder councils, peace committees, customary courts, and religious leaders to resolve and manage disputes. These native structures are crucial for maintaining peace and resolving resource-related disputes. The study was guided by important research questions that aimed to fill a major gap in the literature by looking into how well these mechanisms work, how legitimate they are, and how well they can be integrated. A lot of research has been done on how to solve conflicts in different parts of Ethiopia.

However, there is still a lack of research on the Somali Regional State, especially in Awbare Woreda. This study provides novel insights into the dynamics of customary conflict resolution at the local level and establishes a basis for future policy and academic discourse in the region.

The main objective is to assess customary mechanisms for conflict management and resolution among Somali communities in Awbare Woreda, the Somali Regional State of Ethiopia.

2. Materials and Methods

2.1 Location and Size

The research was carried out in the Awbare district. The district is situated in the

northeastern part of the Ethiopian Somali Region, adjacent to Northern Somaliland. The coordinates are 90°18'N to 100°12'N latitude and 420°37'E to 430°26'E longitude. The total area is approximately 3,862 km². Awbare town serves as the district's administrative center and ranks as the fourth-largest city in the region. It is 74 km northeast of Jigjiga and about five km from the border between Somaliland and Ethiopia. The Siti (formerly Shinile) Zone is to the Northwest; the Jigjiga district is to the South; the Kabribeyah district of Fafan (formerly Jigjiga) Zone is to the Southeast; and Northern Somaliland is to the Northeast, East, and Southeast (WAO, 2013).

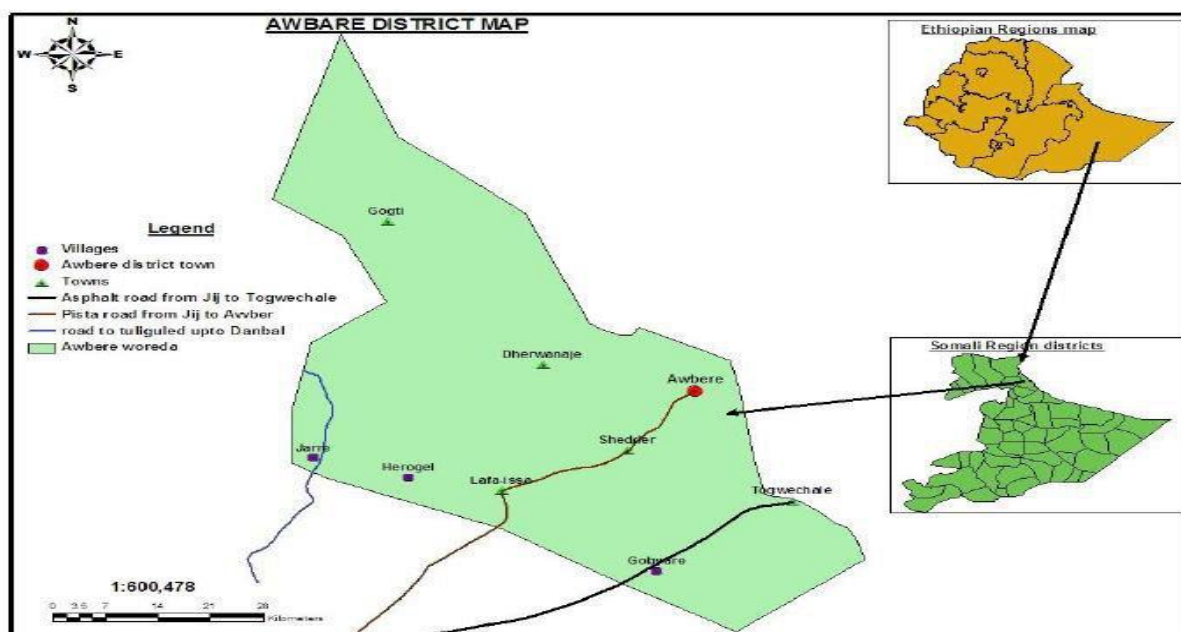


Figure 1: Map of the Study Area Source: Somali Region Bureau of Finance and Economic Development

2.2 Demographic Profile of the Study Area

The Awbare district has a population of 401,937 people and covers an area of 3,862 square kilometers. Among this population, 52% (209,007) are female, while 48% (192,930) are male. The population distribution shows that 88.29% (354,870) live in rural areas and 11.71% (47,067) live in urban areas. The average household size is six. There are 45% (180,872) people under 15 years old, 52% (209,007) people between 15 and 64 years old, and 3% (12,058) people over 64 years old. The district is mainly populated by Somali tribes, who primarily adhere to Islam (CSA, 2007).

2.3 Research Approach

The study employed a qualitative research approach to examine social and human issues, as emphasized by Creswell (2014) and Dawson (2009). It relied on language, narrative, and emotions rather than quantitative evaluation. The researcher examined attitudes, behaviours, and experiences through interviews and focus groups, providing significant insights into dispute resolution and cultural practices in Awbare Woreda.

2.4 Research Design

This study employed a qualitative descriptive design to study the traditional conflict-resolution methods in Somali communities in Awbare Woreda. Kumar (2005) explains that research design is a structured approach to addressing specific questions or problems. The descriptive approach helped how to resolve conflicts, develop hypotheses, and explain important events and their causes and effects. Yin (2009) supports its suitability for this research category. Since experimental studies were impractical or unethical (Creswell, 2017), this design provided a

comprehensive representation instead of establishing causal relationships. The methodology enabled extensive data gathering through focus group discussions and key informant interviews, facilitating a thorough analysis.

2.5 Sample Size

A sample is a representation of the target population selected according to a set of rules (Oso and Onen, 2005). Evaluation of traditional conflict management and resolution mechanisms within Somali communities in Ethiopia's Somali Regional State, particularly in Awbare Woreda. The researcher intentionally chose two of the four Kebeles. Gobyarey and Gedeb are Kebeles. The researcher selected study participants using purposive sampling, a nonprobability sampling method.

The researcher has chosen 14 key informants for the study. Influence on the community, understanding of peace and conflict, leadership role, gender, and religious perspectives are used to select study participants. All these criteria help ensure accurate information and an inclusive study that includes varied opinions. The primary informants research participants are traditional elders, community leaders, religious leaders (ulimo-awdin), and local government leaders.

The FGD participants were selected for their subject knowledge and experience. The focus group participants were selected based on age, education, and understanding of the targeted kebeles' political, social, and security contexts. Traditional elders, community elders, and religious leaders attend FGDs. In the FGD session, 32 people participated

in four focus groups, each with eight participants. The study participants assisted Somali communities in Awbare Woreda in conflict resolution through conventional methods. The researcher selected 46 participants for interviews based on the focus group discussion and the fact that all group members knew the study's goals.

2.6 Sources of Data

To reach its goal, the researcher gathered information from interested parties through both primary and secondary sources. Key informants, focus group participants, community elders (Odaybeled), religious leaders (ulimo awdin), disputants, Sharia authorities, and local authorities contributed data. Secondary sources encompassed books, journals, the internet, reports, research papers, and dissertations.

In addition, the researcher has employed document reviews to evaluate customary conflict resolution practices within Somali communities in Awbare Woreda. Focus group discussions enabled the collection of shared perspectives from four groups, each comprising eight participants, including elders and religious leaders. Key Informant Interviews, executed via unstructured interviews, provided extensive insights from the study participants. Semi-structured interviews offered the requisite flexibility, allowing elders and local officials to articulate their experiences effectively. The review of documents corroborated the findings through multiple sources, including books, constitutions, and scholarly articles. Combining these methods gave a full picture of how traditional dispute resolution works and how it fits into formal legal systems.

2.7 Method of Data Analysis

The researcher employed a qualitative data analysis using narration and description. Before the analysis, the data from different sources were systematically organized by source. The verbal data collected from residents of the study area were sent for analysis, and a brief discussion was prepared to examine their relationship to social phenomena in the region.

Secondary data were also analyzed to enhance the primary data and investigate the study's critical issues.

3. Results and Discussion

3.1 Primary Causes of Conflict

The primary causes of conflict in the study area were an array of factors, which include disputes on controlling and ownership of farmlands, disputes arising from access to and controlling of grazing pasture for livestock and water points, and conflicts arising from women's marriage and dignity-related issues, as well as disputes over common grazing land and water walls. The finding addresses the question it sought to answer. The findings from the study woreda in this regard have also been compatible with those of similar studies conducted to identify the causes of conflict in pastoral and dryland areas of the Somali region.

3.2 Farmland Related Disputes and Conflicts

Both participants in the Key informant interviews and Focus group discussion sessions confirmed that disputes over farmland were the primary cause of violent conflict in the woreda, and the wording and expressed perceptions are varied. For instance, according to the key informants, conflict is an inevitable, natural phenomenon in people's daily

lives. It happens everywhere and every time, but it can be reduced and handled. On the other hand, participants in the focus group described conflict as a "a universal phenomenon" that occurs in routine human interactions. According to participants in the Focus group discussion, the definition of conflict varies across societies based on values, customs, traditions, history, geography, economics, and political circumstances. Its types and causes can also differ from one society to another. Except for two cow horns, every circumstance and location can cause conflict. They continued by saying that disagreements could arise even within the family. This analysis is supported by Boege (2006), who states that the process, method, and applicability of indigenous conflict resolution mechanisms differ from society to society and region to region.

Regarding the violent conflict over farmland, the informants in both the Key informants' interviews and the Focus group discussion highlighted that clan disagreements over farmland ownership and border-related matters often lead to a range of problems, including displacement in the Awbare woreda communities. The key informant explained during the interview that land conflict occurs when farmers remove markers and determine the boundaries of their farms. Land access is the main cause of recurrent conflicts in the Awbare Community. In the wereda community, where farming and herding are the main ways to make a living and buy things for the house, conflicts over who owns what or where the border is often turn violent. When disagreements get worse, elders in the community step in to stop and control fights between Awbare communities. Muchie and Bayeh (2015) argue that competition over land resources

is the most common cause of violent conflict in rural areas of Ethiopian society.

3.3 Grazing as a Source of Conflict

The second variable identified by participants as the cause of conflict in the study area is linked to disputes over grazing pasture. This finding is corroborated by the literature, the Focus group discussion, and the Key informants conducted. For instance, according to participants in focus group discussions in Awbare woreda communities, population growth and a lack of available grazing land partly lead to conflicts over grazing pastures, often resulting in disputes between households and communities in Awbare woreda, Gobyare, and Gedeb kebele. The FGD participants reiterated that drought and climate change exacerbate the scarcity context, causing a shortage of resources such as grass and contributing to increased violent conflict over access to grazing pastures. This finding complements the notion that scarcity and climate change-induced violent disputes in the pastoral areas of the Horn of Africa and the Sahel region.

3.4 Water as a Source of Conflicts

As a wereda located in the pastoral and Agro-Pastoral economic zones of the region, Awbare is in an area with limited water resources. According to theories forwarded by Deveraux, water is an essential aspect of the pastoral livelihoods in this area. The theoretical framework of scarcity used to explain the conflict in the area hinges on water shortages, leading to household competition and, hence, conflict. As noted in the existing literature and theories, water scarcity and competition for access to and control over this resource often lead to violent conflict in the study area. Based on information from key informants and FGD

participants, the Awbare woreda communities lack access to water. This is due to shortages in rural areas with limited water sources, which lead to fierce competition among clan members. In the contest for these resources, tensions can escalate, leading to violence. Similarly, the focus group discussion identified that access to the water point contributes to conflict in Awbare woreda. This is related to natural calamities, such as drought, which limits resources, particularly during dry seasons.

Theoretically, pastoral mobility is considered a strategy to address water shortages in the area. Pastoralists move from one location to another to search for water sources during extended dry seasons and years of drought. As different groups move in search of this scarce resource, especially during dry seasons, access to water becomes a typical source of conflict. This result aligns with a study by Gedi (2005), which found that the Somali pastoralists' grazing land is severely moisture-stressed and has poor-quality pasture due to extended dry seasons and the depletion of traditional water wells. Conflict arises when pastoralists move their animals to nearby grazing and watering areas. Although water is freely available, the Awbare pastoralists disagree about how to share it and who gets to use it first. This is a subject of contention surrounding the water access point.

3.5 Women's Role in Clan Disputes: Marriage, Honor, and Conflict in Awbare

According to the Focus group discussion, Awbare Somali society values women. If women are abused or hit with sticks, it causes war and displacement. Insulting women means limiting the honour and respect of the clan. This can cause clans to feel

threatened, leading to conflicts. Insulting women can create new tensions between clans, leading to new conflicts and intensifying old wars.

Similarly, participants in the FGD and KI highlighted that conflicts arise from insults directed at women. When a girl marries without her father's or brothers' permission, it can be seen as suspicious and lead to conflict.

According to the key informant interviews conducted, the reason women and conflict emerge is that parents have the right to choose their daughter's spouse; therefore, they give their daughter to a guy against her will. Sometimes, the girl declines these advances and goes with the first man who makes an offer; this could lead to tension between her family and the man's family. According to elders, a woman's conflict arises when her husband dies (becoming a widow), and she refuses to marry her husband's brother or his close relatives. If she refuses to marry, all the resources she has been ordered to transfer to her deceased husband's family, and her relatives will inform them if they can solve the dispute. Conflict may arise between the families if the dispute is not solved.

3.6 Water Wells (*Ceel*) and Clan Dispute

According to the Focus group discussion, the Awbare woreda community's clans mainly depend on the wells (*ceel*) for their water needs during the early to mid-dry and rainy seasons. The family drilled a shallow well together and owned it together. Since families have the necessary effort and resources to access this kind of water source, the *Ceel* is primarily held by individuals or families. In the study area, conflicts resulting from wells. These are also common when digging or

excavating on private property. When a family's wells contain less water than a neighbour's, the conflict may arise over using the neighbour's well.

3.7 Conflict over Communal Land

Participants in the Key informant interview and Focus group discussions highlighted that the common land is where the clans have established their farms, and that these areas are residential areas belonging to individual clans. Since no one owned the common lands, some individuals believed that grazing near their homes was their responsibility, sparking conflict among clans. Here, Hardin's (1968) notion of a free rider in pasture use among pastoralists comes into play. The individual competing to amass resources that belong to everyone, not just one person, leads to conflict as people rush to maximize their own benefit.

3.8 Customary Conflict Resolution: Structures, Roles, and Responsibilities

3.8.1 The Structure of the Community Elders

According to an extensive study of the Northern Somali, Lewis (1998) identified the Somali people's governance structure through a web of tree-like structures based on lineage and locality. In such structures, the elders and religious leaders play pivotal roles in war and peace. Similarly, the FGD participants' responses indicate that the communities' elders, known as the '*Oday beled*' of each clan in the Awbare community, play prominent roles in conflict resolution and peace-building. In the case of Awbare, specific criteria were used to select the community's elders (known now as *beled*). First, each clan was asked to nominate one candidate to serve as a council of elders. The clan then selects the candidate based on

the candidate's merits, often expressed in terms of cultural knowledge, oratory skills (*cod kar*), religious convictions, honesty, and prior experience in conflict resolution. The responsibility of *Oday beled* members is to resolve any disputes that may arise among the Awbare communities and subclasses.

The community elders are the most powerful in Somali culture, and the formal courts are even implementing the decisions they make. They have the power to control every conflict among the Awbare woreda communities. This council of elders consists of at least 10 elders and is mandated by the Somali customary law known as *Her* (Somali *Xeer*). One participant in the focus group emphasized the composition and roles of the community's elders, who represented different clans. According to the informants, the number of traditional councils is often 50 individuals. Regarding the authority of the institutions, the informants highlighted that the leaders have the power to punish and impose sanctions on those who commit crimes and violate the clan's laws and regulations. Community elders thoroughly investigate the issue, reach a consensus, and impose sanctions on the clan that neglected, exploited, and abused human rights.

The Community elders also impose sanctions on clans that fail to comply with customary practices for conflict resolution and management. The elders form a traditional, hereditary court that serves as the highest socio-organizational and conflict-resolution mechanism within the Somali Community in the woreda. If an elder from the community dies, they replace the elder with the elder's son or another member of his clan. The

community elders comprise all clan chiefs or leaders, clan leaders, religious leaders, age mates, and representatives of the Royal Council.

In this regard, one of the participants in the Focus group discussion said that Community elders are principally made up of well-respected, experienced, and wise older men and leaders who are knowledgeable in different affairs and areas, such as customary law, history, war, social solidarity, and community relationships among the Somali society. The community's elders deal with major disputes and criminal cases. It is mandated to negotiate with other communities, particularly to resolve peace and cease-fire agreements, grazing land disputes, water resources, and inter-clan conflicts. Other major functions of the council of elders include acting as arbitrators and reconcilers when disputes occur, to restore peace and maintain harmonious relations between clans. Accordingly, the community's elders (*oday-beeled*) are responsible for sanctioning those who commit crimes and breaking up the clan's laws and regulations. The Community Elders are the most powerful traditional authority in Awbare woreda of the Somali region.

3.9 The Role of Community Elders

According to the focus group discussion participants, elders in the community (Oday-beeled) are essential to resolving conflicts. People in the community like them and know a lot about their field. People often ask elders to help settle arguments because they know the rules of the land and can help people talk to each other and make peace. FGD says that older people, who have more experience, are very important in settling disagreements. People respect them and see them as

decision-makers who represent the community's best interests. Elders speak for their clans in bigger fights that involve more than one clan. They negotiate peace deals and mobilize community support to end the conflict. Their influence can affect how disputes are resolved.

According to FGD, elders are our culture passed down from generation to generation, and tomorrow's generation will replace today's generation, which will replace today's generation, which will replace today's generation. The role of the elders is to work for the peace, unity, harmony, and integration of the Somali clans. The elders' behavior is to tolerate the problems facing society and to prefer peace and unity.

Focus group discussions and key informant interviews indicate that ulamaudin (religious leaders) are instrumental in fostering unity and peace. In conflicts, they guide negotiations, frequently in a shaded area, or encourage parties to cease hostilities. Noncompliance with ulamaudin is thought to invoke a curse (*habar*). The group that adheres to their direction is believed to succeed following a dispute. In cases of bodily harm, ulamaudin determine compensation in accordance with Sharia law and also adjudicate disputes concerning marriage, divorce, and inheritance. How well they know Islamic law (Sharia) has a big effect on how they act as mediators. Ceremonies are held to dispel bad feelings and bring people back together. *Diya*, which means paying someone back with money or livestock, is a big part of *xeer* practice. The amount of cows given to a man who dies is 100, while a woman who dies gets 50. Alternatively, the man can choose to get 75 cows and 25 of them turned into cash. Families seek

justice, embrace diya, and work to repair their relationships. Families of offenders are very important because they give diya, show regret, and work to rebuild trust, which helps keep the peace in the community.

The Practice of Customary Conflict Management Mechanisms in the Study Area

According to the informants in the Focus group discussions, the Somali people in the study area use different steps in their conflict-resolution mechanisms. They often first allow both the offender and the defender to raise complaints. The offender directly involved in the conflict is not the only one subject to severe fines or physical punishment; the entire family and clan are also subject to these measures. This is being done to stop other community members from making mistakes.

According to the key informants, the study area's most well-known dispute settlement mechanisms include traditional bargaining, negotiation, mediation, arbitration, restitution, and compensation. This is similar to the finding in the case of the Dinka and Nuer cultures, where the participants to a problem must consent before an elder mediates a resolution.

- **Negotiation:** according to data obtained from focus group discussions, community elders mediate debates between two or more people to settle disagreements, gain an advantage for themselves or the group, or create peaceful solutions that meet different interests; the parties hope to reach an agreement on disputing issues. All or some of the parties may benefit from the arrangement. To improve their prospects of

closing transactions, averting disputes, building connections with other parties, or optimizing joint profits, negotiators should identify their needs and wants while attempting to comprehend those of others. To reach an agreement, distributive negotiations, also known as compromise, involve presenting a perspective and making concessions; as indicated, case two was a good example of negotiations.

- **Mediation:** as indicated to the key informants, mediation is negotiated by an impartial third-party neutral. Using specific communication and negotiation strategies, the elder mediator is an unbiased third party who assists conflicting parties in resolving disputes through an interactive, structured process. Community elders recommended that all parties involved in mediation actively participate. The mediator employs a broad range of strategies to assist the parties constructively and positively in identifying the best solution. Community elders serve as facilitators, overseeing parties' interactions and fostering open communication.
- **Arbitration:** According to the key informants' interviews, community elders have a customary law arbitration process (xeer) in which they make final decisions, acting as neutral third parties to enforce legally binding customary norms. The disagreement is decided by a neutral third party acting as a judge.
- After hearing arguments from both sides and reviewing pertinent information, the

community elders decide. There are almost all aspects of the arbitration process that the disputants can discuss, such as the standards of evidence that will be applied and the evidence that will be presented. A good example of elders' arbitration appears in case one, inter-clan disputes.

- Arbitrators render rulings that are typically non-public and unchallengeable.
- **Restitution:** According to the focus group discussion, restitution is compensation for a loss or harm. When a criminal's actions result in a victim suffering a monetary loss, the offender may be required to make restitution to the victim in a criminal proceeding.
- Restitution is required in all criminal cases when the defendant is found guilty. It is part of the sentence order and refers to the payment of crime-related costs to a victim by an offender. It entails the perpetrator of the crime repaying the victim for any expenses incurred as a result of the crime, as the focus group discussion mentioned above
- **Compensation:** According to key informants, it can take many forms,

Steps in Conflict Resolution

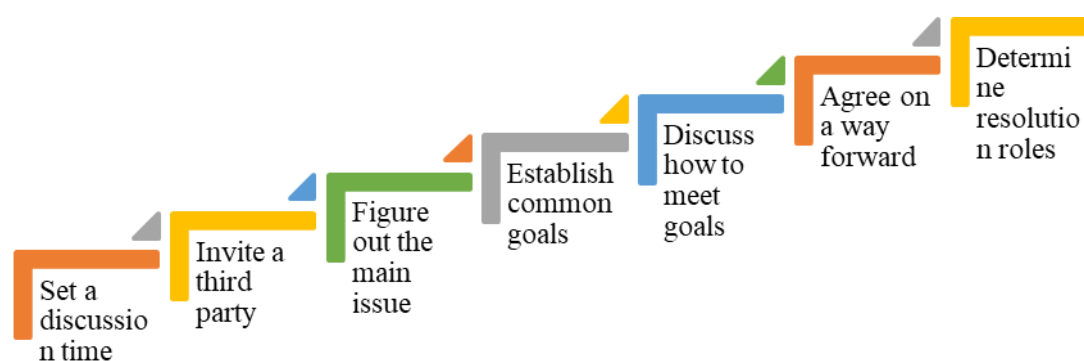


Figure 2: Seven Series of Steps in Conflict Resolution

Source: modified and adopted from Wilmot & Hoocker, 2014

including cash payments, livestock, land, or other goods, depending on community customs and the type of injury sustained.

- Compensation is a good example of A classic legal notion in Islamic law (*Sharia*), "*Diya* compensation," often referred to as "blood money" or "*diyat*," is the payment of monetary compensation to a victim's family or heirs in cases of homicide or physical harm. The idea is based on restorative justice and seeks to facilitate communication between the victim's family and the perpetrator.

Diya is a kind of compensation for an injury or loss of life. Its goals are to financially support the victim's family and foster societal harmony by preventing retaliation or violence.

The practices of Somali traditional conflict resolution mechanisms include a total of seven series of steps: -

Elders in communities also employ informal dispute-resolution mechanisms, which allow all parties to maintain control over the process and engage in dialogue to find mutually agreeable solutions through key informants and focus group discussions. The willingness of all parties to settle the dispute amicably and their good faith are prerequisites for the success of this process. Stronger working relationships and new understandings can result from mediation. Informal conflict resolution is a common strategy for handling disputes in the study area. This method is typically applied through mediation or guided discussion and is often recommended as an initial step in conflict resolution. To create conflict-resolution processes, the elders of the communities draw on their customs. The Awbare woreda communities use their customs to manage conflicts and resolve disputes.

3.10 Procedures of the Customary Conflict Resolution Mechanism in the community

Based on the findings from the Focus group discussions, community elders with a wealth of experience oversee the community's unwritten *Xeer* (customary law), passing down customs, values, and unwritten regulations from one generation to the next. The elders handle, mediate, arbitrate, and resolve conflicts within the community. Informants state that the customary dispute resolution procedure predates open communication and consultation amongst the parties involved. A person of great social status, such as a community elder or a religious leader, mediates disputes using their social legitimacy and facilitation abilities.

Community Elders are the primary players in resolving disputes following Somali customary law.

Participants in the focus group said that procedures are followed in the resolution process during a violent conflict. The communities' ten to twelve-member elders first intervene by advising the disputing parties to calm down and stop fighting. After listening to both sides, the community elders ask one member to reiterate the dispute's primary causes. Following these procedures, the case is ultimately decided, and the elders ask the parties involved to vacate the premises for a while so they can evaluate the evidence they have covertly obtained and make their final determination. The dispute will be resolved if the accused group agrees with the elders' ruling. However, if he does not accept it, he may file an appeal for a reconsideration of the matter up to three times.

According to Key informants, a crime against a fellow community member was typically settled by exchanging livestock and money for reparation. Accordingly, a crime committed by one or more clan members or sub-clan members is attributed to the entire group. Hence, clan members typically donate cash and cattle, which must be paid as compensation, regardless of where they live. For example, when a guy from one clan murders a member of the other clan, any other two members of that clan would appear at the Indigenous conflict resolution system to plead their case, not the man himself.

Additionally, the blood money for compensation will be determined, with 100 cattle designated for unintentional killing and 150 cattle designated for

intentional killing. Leaving the deceased's family with 60 cattle, the surviving members of the clan will split the remaining 40 cattle among themselves. The surviving members of the clan will split the remaining 40 cattle. Additionally, informants stated that, depending on the severity of the injury, varying amounts of capital are awarded as blood money compensation. In addition, the

injured's family cares for him by feeding and tending to him until he recovers, promoting healing and preserving a harmonious relationship between the two actors in the conflict.

Case -1

A brutal murder occurred in Gobyare when a man with mental health challenges killed another man. The killer approached from behind and struck him on the head with a large stick, breaking his skull and causing his immediate death. The clan responsible for the trouble fled. The deceased belonged to Clan A, while the killers were from Clan B. In response, the clan of the deceased gathered weapons and guns to search for the murderer and avenge him. However, the Elders arrested the murderer and took him to the police station in Gobyare Kebele. The community elders then mediated between both parties to achieve a peaceful resolution. The clan of the killer ordered a *diya* compensation of 100 cows to be paid within 15 days. Once an agreement was reached, the man's corpse was buried. This is how the elders of the Awbare woreda communities mediated and resolved the conflict.

Case 2

The elders said that two clans fought recently because an unmarried girl got pregnant. When she had the baby at the hospital, everyone found out. The elders of the community met to prevent the conflict from worsening. They went to both clans and forced the man who got the woman pregnant to pay a fine of one cow and 20,000 Birr. The elders were able to prevent a crisis by stepping in. The man paid the necessary fees and then married the girl, which solved the problem. The elders of Awbare Woreda work hard to maintain peace and harmony in the community, ensuring there are no fights among local communities.

Case 3

In August 2024, two clans fought violently at a confrontation site, leaving five people hurt. The people who were hurt were treated at Gobyare Hospital and then taken to the Gobyare police station, where they were arrested. The elders of the community called a meeting with both clans to help them settle their differences. The clans gave their problem to the elders, who knew very well about the border between them. After much thought, the elders asked both sides to reach an agreement. They adjusted the spacing between the borders and made the lines clearer. Anyone who went against the elders' decision would be fined and punished. The elders posted a sign between the clans to ensure the decision was final. If you broke this sign or took it down, you would have to pay thirty thousand birr (30,000 birr). The elders of the community worked closely with the police station to ensure that everyone followed the rules and worked together. Formal groups honoured and followed the elders' decision. The elders of the Awbare Woreda community stepped in to help settle the disagreement. They used their traditional law, called Xeer, to maintain order. Anyone who tried to eliminate the border space between clans would be punished and fined. The elders of the community kept the peace and resolved through mediation.

3.10.1 The relationship between Customary and Formal Conflict Resolution Systems

Participants in both the KI and FGD indicated that formal legal frameworks, modern dispute-resolution methods, and traditional conflict-resolution techniques coexist and are integrated to varying degrees within the Awbare woreda community of the Somali regional state. There are two legal systems governing the Awbare woreda: formal legal systems based on national and customary law, or Xeer. Because of this duality, there is room for disagreement resolution; community members often choose the path they think will lead to the best outcome. Modern methods such as mediation and negotiation are increasingly used alongside traditional methods of resolving conflicts. These are ways community leaders can make traditional systems work better. Sometimes, traditional elders and official legal authorities work together to settle difficult

disagreements. This partnership might help people in the community better accept and trust the solutions.

According to data from the key informant and Focus group discussion sessions conducted in Awbare woreda, communities can access formal (modern) and informal (customary) dispute-resolution mechanisms. Accordingly, disputes are settled through rigorously regulated judicial proceedings in today's world. Yet, the study's interviewees disclosed that customary conflict prevention and resolution mechanisms are less complicated and save time and money compared to the formal legal system. According to FGD participants, traditional conflict-resolution techniques have been tried and are effective for managing disputes. Traditional conflict avoidance and resolution methods are simpler and faster, allowing involved parties to take an active role in resolving their issues and managing their affairs on

their own terms, compared to contemporary conflict resolution techniques. Furthermore, FGDs and interviews made it abundantly clear that when conflicts arise at any level within the Awbare woreda communities, the communities prefer customary dispute resolution methods over legal institutions (courts).

According to Key informants and focus group discussions, the Awbare community has established long-standing, successful customary systems for managing conflicts. To stop chronic violence, these disagreements must be handled properly. It was conveyed to nearly all informants and discussants that 90% of differences are resolved on the first attempt using conventional dispute-resolution techniques. The other 10% of conflict cases involve governmental action; however, elders are occasionally consulted in accordance with traditional dispute resolution. The findings of this study generally align with those of comparable studies conducted by institutions established by seniors, which are widely recognized because elders are seen as reliable and informed members of the community. There are traditional institutions for managing conflicts that have been in place for a long time and make sense for the community.

3.11 Customary Conflict Resolution Mechanisms: Strengths and Challenges

Compared with mainstream and formal conflict-resolution mechanisms, customary approaches are more commonly applied and preferred by the community in the study area for reasons of access, cost, and preference. According to Key informants and Focus group discussion participants, customary conflict resolution mechanisms are faster and less expensive than formal methods. This strategy offers

a low-cost, empowering way to resolve disputes comparatively quickly, without large-scale campaigns or complex party structures. This method of resolving disagreements typically requires the parties' permission and commitments. The procedure lowers the likelihood of a win-lose mindset. It offers a framework for resolving future disputes between the parties because it is simpler than formal conflict-resolution systems.

Compared to formal systems, customary conflict resolution is less structured, quicker, and less expensive. According to informants, the length of formal dispute resolution processes and the perception that they take a long time are the most common complaints about these institutions and courts. In addition, the case will be heard in several sessions, and witnesses and other relevant evidence from the legal system will be shown.

The case will also be heard in multiple sessions, with witnesses. Information from key informants and focus group discussions also confirmed the many benefits of traditional dispute-resolution methods, including saving time and money. Conflicts can be quickly resolved, and people can settle their differences within their own communities. There will be other relevant evidence of the legal system.

It reduces the time and expenses of resolving disputes related to materials, transportation, labour, and other costs. However, using the formal legal system leads to financial crises due to the time required to resolve a single case and the costs of filing fees, attorney fees, and other expenses.

The effectiveness of the customary conflict resolution method in improving society's access to justice is threatened by several challenges,

including a lack of clear legal mandates, limited financial support from national and international governments, and limited oversight capacity to monitor system performance.

Concerning the availability of support from different actors to the customary conflict resolutions in the district, the participants in the FGD mentioned that sometimes the government provides training; the selection procedure for local elders was unjust when the government attempted to send them for training, and the Kebele administrators often select their family members and close friends to benefit them from the training opportunities and this is one of the limitations in using the method. The community leaders could not expand their capacity due to this circumstance. Secondly, other issues raised by study participants in the group discussion include the government's potential lack of regard for the community elders' judgment as binding. This means that after local elders pass a decision, the government may punish the parties in dispute by overriding the elder system's judgment. Consequently, the outcome demonstrated that the government does not provide sufficient support to integrate local dispute settlement methods into the official legal system, which is deeply embedded and practised by the community in the study area.

3.12 Community Preferences for Customary Conflict Resolution

According to Key informants and focus group discussion participants in the Awbare woreda community, elders and mediators resolve conflicts through negotiation or arbitration, usually reaching agreement on Somali norms, beliefs, and customs. The informants claimed that customary conflict

resolution is popular and widely used in the Awbare Community and has many advantages, including the ability to respond quickly to emergencies, reduce the number of routine court cases, and help preserve public finances and resources. Customary dispute resolution mechanisms give many people who do not find the modern conflict resolution system comfortable access to a system that also delivers fair outcomes, and are now available to many individuals who find the existing conflict resolution system uncomfortable, costly, or inappropriate for their needs. This is to enable the parties to manage their affairs actively, which is impossible under the current legal system.

According to Focus group participants, traditional conflict-resolution methods are especially advantageous because they enable the community to find its own solutions to challenges. They also noted that indigenous dispute-resolution practices prioritize rapprochement over punishment, in contrast to modern approaches. In addition, social punishments are the primary means by which the law has been enforced in indigenous dispute resolution. These kinds of systems show how long-standing and complex the ties are in the community, unlike the current court system, which is corrupt and follows a set of written rules. Informants say that going to court always ends in a win-lose situation that makes people angry and affects how they interact with others in the future.

4. Conclusion

This study investigates the traditional conflict management and resolution strategies employed by Somali communities in Awbare Woreda, Ethiopia. The main reasons for conflict in the study area are

disagreements over farmland, access to grazing land for livestock, water sources, and issues related to women's marriage and dignity. Religious leaders, clan leaders, sub-clan leaders, community elders, and knowledgeable people are all involved in customary ways to settle disputes. Some institutions also take part in traditional ways of settling disputes, either directly or indirectly. These include the Kebele/Woreda administration office, the Kebele/Woreda police office, social courts, shari'a courts, and the Woreda court and prosecution office. The primary sources of conflict in the study area include disputes over control of agricultural lands, access to and management of grazing pastures and water sources, and issues related to women's marriage and dignity. To settle these disagreements, community elders enforce the unwritten Xeer customary law by mediating, arbitrating, and settling disputes within the community. This study evaluates the extent to which customary conflict resolution mechanisms coexist with or integrate into formal legal systems and contemporary conflict resolution strategies. The Community of Awbare Woreda follows two distinct legal systems: the formal legal system, based on national law, and the customary legal system, known as Xeer. The community prefers customary conflict resolution methods because they are easy to use, inexpensive, and culturally appropriate. Elders and mediators usually settle disagreements through negotiation or arbitration, and the agreements they reach align with Somali beliefs, customs, and norms.

5. Recommendations

To improve the effectiveness of conflict management and resolution among Somali communities in Awbare Woreda, the following recommendations are proposed:

1. 1. Setting up a system that recognizes the role of customary law in the national legal system and ensures that decisions are in line with human rights standards.
2. 2. Making training programs that teach religious leaders, clan leaders, and community elders how to be more gender-sensitive and inclusive to improve their mediation and arbitration skills.
3. 3. The goal is to write down and codify the unwritten Xeer customary law so that it can be used consistently and easily integrated into the formal legal system.

REFERENCES

- Abdullahi, A.(2014). Conflict resolution in Somali communities. *Journal of Somali Studies*, 12(3), 45–67.
- Abdullahi, A.(2017). The role of customary law in modern governance. *African Law Review*, 12(3), 45–67.
- Acemoglu, D., & Robinson, J. A. (2006). *Economic origins of dictatorship and democracy*. Cambridge University Press.
- Adeleye, O. (2012). Conflict and violence in Africa: Causes, sources, and types. *TRANSCEND Media Service*. Retrieved from <https://www.transcend.org/tms>
- Ahmed, A. (2010). Traditional conflict resolution in Somali culture. *Journal of African Studies*, 15(2), 123–145.
- Ang, S., & Van Dyne, L. (2008). *Handbook of cultural intelligence: Theory, measurement, and applications*. Routledge.

- Befekadu, D., & Dirbssa, A. (2005). Social identity theory. In *Title of the Book or Article* (p. 80). Publisher.
- Berkowitz, L. (2012). Frustration-aggression hypothesis: Examination and reformulation. *Psychological Bulletin*, 82(4), 588–600.
- Besley, T., & Persson, T. (2011). *Pillars of prosperity: The political economics of development clusters*. Princeton University Press.
- Besley, T., & Persson, T. (2011). The logic of political violence. *Quarterly Journal of Economics*, 126(3), 1411–1445.
- Boege, V. (2006). *Traditional approaches to conflict transformation: Potentials and limits*. Berghof Research Center for Constructive Conflict Management. Retrieved from <https://berghof-foundation.org>
- Central Statistical Agency (CSA). (2007). *Population and housing census of Ethiopia: Somali Regional State, statistical summary report*. Addis Ababa: Federal Democratic Republic of Ethiopia.
- CHF International. (2006). *Grassroots conflict assessment of the Somali Region, Ethiopia*. Retrieved from <http://www.globalcommunities.org/publications/2006-somalia-conflict-assessment.pdf>
- Creswell, J. W. (2007). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE Publications.
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE Publications.
- Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE Publications.
- Dawson, C. (2009). *Introduction to research methodology: A practical guide for anyone undertaking a research project* (4th ed.). Beg Broken.
- Deutsch, M. (1973). *The resolution of conflict: Constructive and destructive processes*. Yale University Press.
- Devereux, S. (2006). *Vulnerable livelihoods in Somali Region, Ethiopia*. Institute of Development Studies (IDS), University of Sussex.
- Ethiopian Development Research Institute. (2021). *Economic activities in Awbare Woreda: A study by EDRI*. Ethiopian Development Research Institute.
- Eshetu, T., & Getu, M. (2009). *Alternative dispute resolution: Justice and legal system research institute*. Image Printing Press.
- Folarin, S. (1997). Christianity and Islam in the University of Ibadan. *B.A. Long Essay Project*, Department of History, University of Ibadan.
- Forgas, J. P., & Jussim, L. (2019). *Social conflict: Emotion, cognition, and behavior*. Psychology Press.
- Gedi, A. (2005). *Pastoral conflict and customary resolution mechanisms among Somali clans*. *Somali Studies Journal*, 2(1), 33–49.
- Gudykunst, W. B., & Kim, Y. Y. (2003). *Communicating with strangers: An approach to intercultural communication*. McGraw-Hill.
- Hardin, G. (1968). The tragedy of the commons. *Science*, 162(3859), 1243–1248. <https://doi.org/10.1126/science.162.3859.1243>
- Homer-Dixon, T. F. (1999). *Environment, scarcity, and violence*. Princeton University Press.
- Horowitz, D. (2002). *Ethnic groups in conflict*. University of California Press.
- International Legal Foundation. (2004). *The customary laws of Afghanistan*. Retrieved from www.TheILF.org
- Julie, A. (2007). *Community dispute resolution*. XYZ Publishers.
- Karol, B. (2017). *Community land conflicts*. Kouassi, E.K. (2008). *Negotiation, Mediation and other Non-Judicial Ways*

- of Managing Conflicts in Pre-Colonial West African Societies. *International Negotiation*, 13, 233-246.
- Kinfe, S. (2014). Dispute resolution mechanisms among the Afar people of Ethiopia and their contribution to the development process. *Journal of Transdisciplinary Research in Southern Africa*, 10(3), 152–164.
- Kumar, R., & Lim, H. (2019). *Conflict management in the digital age*. Routledge.
- Lewis, I. M. (1998). *Peoples of the horn of Africa: Somali, Afar, and Saho*. International African Institute
- Markos, T. (2014). *State-society relations and traditional modes of governance in Ethiopia: A case study of Sidama*. Addis Ababa.
- Melissa, T. (2011). The role of elders in resolving conflicts: The case of Walayta people of Southern Ethiopia. In Tarekegn & Hannah (Eds.), *Making peace in Ethiopia*.
- Mengstie, M.M. (2022). Exploring indigenous conflict resolution mechanisms between the Awi and Gumuz ethnic communities in Zigem Woreda, Ethiopia. *Journal of Aggression, Conflict and Peace Research*.
- Moore, C. W. (2014). *The mediation process: Practical strategies for resolving conflict*. John Wiley & Sons.
- Muchie, M., & Bayeh, E. (2015). *Land disputes and rural conflict dynamics in Ethiopia*. Ethiopian Journal of Social Sciences, 3(2), 45–59.
- Nikolajeva, M. (2005). *Aesthetic approaches to children's literature: An introduction*. Scarecrow Press.
- Noah, C. (2010). *The politics of dispute resolution and continued instability in Afghanistan*. United States Institute of Peace Special Report.
- Oso, W. Y., & Onen, D. (2005). *A general guide to writing research proposal and report: A handbook for beginning researchers* (2nd ed.). Kisumu: Options Printers and Publishers.
- Pfeffer, J. (1981). *Power in organizations*. Pitman Publishing.
- Robbins, S. P. (2005). *Organizational behavior* (11th ed.). Prentice Hall.
- Tadesse, M. (2003). Turning conflicts into cooperation in the Horn of Africa. FES International Publications.
- Tarekegn, A. (2008). Traditional institutions and conflict resolution mechanisms in Ethiopia. Addis Ababa: Ethiopian Civil Service College Press.
- WAO (Woreda Administration Office). (2013). Annual report on Awbare district social and economic development. Awbare: Woreda Administration Office documents
- Wondwosen, T. (2015). Conflict and conflict resolution mechanisms in Ethiopia: A review of traditional and modern approaches. Addis Ababa University Press.
- Yin, R. K. (2009). *Case study research: Design and methods* (4th ed.). SAGE Publications.