

***Maaga* Indigenous Conflict Resolution Institution among Libido-Mareko Ethnic Group in Gurage Zone Southern Ethiopia**

Daniel Mekonen

Department of social science, Debre Marekos University, Debre Marekos, Ethiopia

Abstract- The main objective of this article is to investigate *Maaga* indigenous conflict resolution institution among the Libido-Mareko ethnic group in Gurage Zone Southern Ethiopia. To attain this objective, the article employed both secondary and primary data sources. Both primary and secondary data were organized thematically and analyzed through systematic interpretation and triangulation of various sources. The article found that conflicts are manifested at family, neighborhood and clan level with varying magnitude. The indigenous conflict resolution institution among Libido-Marko ethnic group has two stages of conflict resolution involving the *Maaga* and *Raaga*. The two stages of conflict resolution are highly interconnected and refer cases from one setting to another. The first stage, *Maaga*, has five structures: *Minan woran jaana* (family congregation), *Hegeegan janna*, (intra- and inter-village structure), *nihuss-gossa* (sub-clan), *gichotan hafa* (clan structure) and *Meexe hafa/libidan dummichcha* (Libido-Mareko assembly).

Index Terms- Conflict, Indigenous conflict resolution institution, Libido-Mareko, *Maaga*,

I. INTRODUCTION

Conflict and disputes within a society and individuals over different issues are part of human history (Burtone, 1996:12). It is often argued that conflict is inevitable normal, positive and even sometimes necessary and useful for social changes (Jacob et al., 2009:1, Augesurg, 1996 in Stewart 1998). Conflicts are facts of life, inevitable and often creative (Fisher, 2000). Fisher (2000) points out that in our day-to-day interaction with others, we either observed or pass through conflicts, which range from the very interpersonal quarrel, family and neighbors dispute, ethnic and inter- state conflicts to the global war.

The biggest challenge today confronting human nature is not about occurrence of conflict per se, but how to these conflicts are fully resolved whenever they occur to prevent them from further escalation (Bokari, 2013). In this regard, Ahmad (2011), notes that humans have sought, as long as there has been conflict, to handle conflict effectively, by containing or reducing its negative consequences.

According to Alula and Getachew (2008), conflict resolution mechanisms in Ethiopia can be broadly classified as indigenous conflict resolution mechanisms and formal conflict resolution mechanism (state justice system). The formal conflict resolution mechanism (which is provided by the state) in Ethiopia is mainly European origin (Ayalew, 2012:8). It was

introduced in Ethiopia in the 1960s, and subsequent laws issued by succeeding governments.

According to Alula and Getachew (2008:1), indigenous conflict resolution mechanisms are prevalent throughout the country at local level and it is the dominant justice system in the country. Indigenous mechanism to conflict resolution is made by the people not by the state and drives its legitimacy from participation and consensus of the community and its recognition of the same by the government (Abera, 2003:839). Indigenous conflict resolution mechanism emanates from the custom of the people as practiced over long period, accepted by the community as governing principle, and hence binds the society, a breach of which entails social reaction and even punishment (Dagne and Bapu, 2013:2).

Ethiopia is the home for various ethnic groups. Almost all ethnic groups have developed indigenous mechanisms of conflict resolution. Different ethnic groups like Oromo, Afar, Amhara, Benishangul- Gumuz, Hareri, Somale, Sidama, Walayeta, Gamo, Tigiray and others develop their own indigenous mechanisms of conflict resolution with certain peculiar features. These features, which comprise social traditions, values, norms, beliefs, rules, and laws, communicated and accepted among the respective communities for peaceful co-existences. Abera (2000) argues that these indigenous conflict resolution institutions of different ethnic groups were the major body of law in Ethiopia for centuries.

The Libido-Mareko ethnic group of Gurage Zone Southern Ethiopia have their own time tested indigenous conflict resolution institution, *Maaga*, which has been used to resolve intra- and inter -group conflicts. This article investigates the *Maaga* indigenous conflict resolution institution among Libido-Marko ethnic group in Gurage Zone Southern Ethiopia, with specific reference to the structure, processes involved in and values, norms and belief related with *Maaga* indigenous

II. MAAGA INDIGENOUS CONFLICT RESOLUTION INSTITUTION'S STRUCTURE

Libido-Mareko ethnic group members have their own conflict resolution institution like any other society. The Libido-Mareko's conflict resolution institution is known as *Raaga-Maaga*. It is a system of local governance, which administers different affairs of the society including conflict. This indigenous conflict resolution institution has two stages: *Maaga* and *Raaga*.

Maaga is the first stage of indigenous conflict resolution institution that shows tremendous success in Libido-Mareko ethnic group conflict resolution. *Maaga*, as a system of conflict resolution, exists in every corner where Libido-Mareko ethnic group inhabited (even outside Mareko *Woreda*). The term *Maaga* refers to both the first stage of conflict resolution institution and the conflict resolvers.

The first stage of Libido-Mareko ethnic group conflict resolution institution, *Maaga*, has five different structures: one, *Minan woran jaana* (family congregation), two, sub-clan (*nihuss-gossa*), three, *Giichchoten hafa* (clan structure), four, *Heegeegen jenna* (intra-and inter-village level) and five, *Meexe hafa* or *libidan dummichco* (the assembly of Mareko).

Each structure of *Maaga* has its own authority and process of conflict resolution. The use of each structure is dependent on different factors like the scale and types of the conflict, actors in the conflict, relationship of conflicting parties and the nature of particular conflict and so on. *Maaga* solves any criminal and civil matters in Mareko *Woreda* in general and in Libido-Mareko ethnic group in particular. Anyone who is not satisfied with the lower *Maaga* structure has the right to ask appeal to the higher structure. This process of asking appeal is called *gefeetchaa*.

2.1 *Minan woran jaana* (Family Congregation)

Minan woran jaana (family congregation) is the lowest conflict resolution structure in Libido- Mareko ethnic group by the *Maaga* conflict resolution institution. This conflict resolution structure resolves minor criminal related matters (example, law scale physical injury) and many civil matters within the family. A family in Libido-Mareko ethnic group mainly includes parents and children, though this conflict resolution structure resolves conflict arising between cousins, nephews, uncles, brothers from different mothers, husband and wife, parents and children and close family members. According to my informants many conflicts at this stage are related with economic issues, like inheritance claim and claim over resources. This *Maaga* structure also resolves minor family affairs, disputes between families, disagreement between husband and wife. According to the informants, from the formal court many of civil matters are resolved at this *Maaga* structure.

The authority of *Minan woran jaana* structure is limited under the family jurisdiction. It assembles frequently to address conflict issues under the roof of one of the conflicting parties or at the convenient places of the closest family member. Conflict resolvers at this structure are family members, proposed by the conflicting parties and chaired by male elderly person in the family, known for his good reputation. Even though the conflicting parties have the right to oppose the *Maaga* proposed by the opponent, since the issue at hand is family issue, their acceptance is too low. Due to this, at this structure, intimate family members of the disputants serve as conflict resolvers. In addition to this, any family members and relatives can attend the conflict resolution process.

The procedure of presenting cases to *Minan woran jaana* structure involves various forms. The conflict can be present to elders by one of the conflicting parties or their close relatives. Family members of the conflicting party could also call the disputants to settle their dispute if they are convinced that such conflicts could affect the family. And according to the informant

from formal court, sometimes the attorney and the judge also initiate and advise the conflicts between close family members to resolve their problem by indigenous conflict resolution institution, *Minan woran jaana*, particularly civil matters.

Since the conflict is within the family members who have close blood, psychological and social relationship, and conflict resolvers at this structure do not propose a binding decision. Rather, they create a condition that enables the conflicting parties to discuss their differences in order to resolve their conflicts. The punishment at these stage ranges from kissing shoulder to taking goat from the wrongdoer and slaughter it. It mainly focuses on forgiveness and restores family ties. Any conflicting party, who is not satisfied with the decision of *Minan woran jaana*, has the right to appeal, *geffecha*, to the higher *Maaga* structure. If the conflict is criminal matter, after *Maaga* at *Minan woran jaana*, resolve they sent the disputant to *Raaga*, the next stage of conflict resolution stage.

2.2 *Giichchotan hafa* (Clan and Sub-clan Structure)

The procedures, process and the structure of conflict resolution at clan and sub-clan level is same in the study area. However, *Giichchotan hafa* is the highest conflict resolution and appealing (*geffecha*) structure within a clan and *nihuss-gossa* (sub-clan) is the lower conflict resolution structure in the clan and appealing (*geffecha*), structure for conflicts form the *Minan woran jaana* (family congregation).

Giichchotan hafa is the third structure of conflict resolution in the study area next to *Minan woran jaana* (family congregation) and *nihuss-gossa* (sub-clan) conflict resolution structure, which resolves conflicts that arise between the members of the same clan and issues presented to it by the *nihuss-gossa* (sub-clan). Conflicts within a clan that are not resolved at lower *Maaga* structures (*Minan woran jaana* and *nihuss-gossa*) are referred to *gichchotan hafa* in order to see the case by the clans' council.

The clan leaders or council in Libido-Mareko ethnic group serve as administration organ of the clan and conflict resolver. This clan council, *conetemeechoo*, has five to seven members who are selected from the sub-clans on the base of good reputation, knowledge of *uulten seera*, leadership quality, and acceptance in the community and so on. The clan council is led by head of the council, *jemedila* and has secretary and follow-up committee. In *Giichchotan hafa* structure, conflict resolvers are mainly clan leaders. In addition to council of the clan, elders known for their good reputation and mastery of *uulten seera* take part in the conflict resolution process at this structure. However, conflicting parties have the right to propose their own *Maaga* and/or give consent for already selected conflict resolvers.

Every clan in Libido-Mareko ethnic group has its own place of assembly, *hafa*, which is historical and culturally attached to the clan and where the majority of its members are reside. It is an open air under a roof of a large tree but in some condition, it may set at any convenient places. Even though the clan has fixed place to set and see cases, it addresses issues related to the clan members irrespective of geographical location. This structure resolves conflicts presented to it by the clan members, sub clan and family congregation. It resolves any conflict within the clan except homicide.

According to the customary law of the land (*uuleten seera*) homicide case is out of the jurisdiction of *gichchotan hafa* mainly for three reasons. First, to prevent revenge from the mother's side clan. Marriage among Libido-Mareko is exogamous. According to Libido-Mareko *uuleten seera*, a person's clan is counted from the father's side and any member of the ethnic group is member of at list two clan, so whenever there is homicide in the clan the other side clan might take revenge against the father's side clan. Second, to raise the confidence of the mother's side clan in the conflict resolution process. Third, the *gichchotan hafa Maaga* structure cannot resolve homicide case because the whole clan is considered as criminal.

The decision at *gichchotan hafa* structure is not binding. It can be appealed to the next structure, *meexe hafa/libidan dummichcha* (the assembly of Libido-Mareko). However, in most cases, conflict resolvers of *gichchotan hafa* structure exert their maximum effort to resolve every conflict under their jurisdiction. If the conflict is a criminal matter, after clan's *Maaga* settle the conflict they sent the disputant to *Raaga*, the next stage of conflict resolution institution.

2.3 Hegeegan janna (Village Structure)

Hegeegan janna is the second structure of conflict resolution in the study area next to family congregation and parallel to *gichchotan hafa*. *Hegeegan janna* structure predominantly addresses conflict between the members of a village (not member of same clan), due to their day-to-day interaction and its authority is limited under village jurisdiction. It resolves any conflict except homicide.

Conflicts that are addressed at *hegeegan janna* structure include, disputes between friends, conflict between neighborhoods, *iddir* and *eqqube* issues, property destruction by animals, land related conflict, theft and so on that are caused by the members' day-to-day interaction. It assembles frequently to address conflict issues and has no fixed places to resolve disputes but conflict issues could be addressed at convenient places near to the accuser's house under a big tree, *hafa*.

When the relationship of the conflicting parties in the village is broken due to the fight or disagreement, the procedures of presenting cases to *Maagas* involves many forms. For instance, an angry party could bring complain to the attention of elders or the elders themselves could call the disputants to settle their dispute if they are convinced that the existence of such conflicts could affect the day-to-day activities of the villagers. Third party, who was in the place when conflict is taking place, would also initiate the conflict resolution process.

The conflicting party selects the conflict resolvers, *Maaga*, at this structure. Conflicting parties have the right to select equal number of *Maaga* whom they trust, think protect their interest and who has the ability to resolve the conflict easily. These conflict resolvers might come from the village or anywhere who are known for their good reputation and seniority. In addition to this, any *Maaga* who is selected by the opponent must get the consent of both conflicting parties unless he cannot set as a *Maaga* in the conflict resolution process. Both parties may also commonly choose one *Maaga* to chair the conflict resolution process that they think are neutral and transfer the conflict peacefully and partially and who is known for his reputation.

However, sometimes the *Maaga*, who are selected for the resolution or by third party who initiates the conflict resolution process, might select the chair *Maaga*. Generally, the conflict resolvers at *hegeegan janna* structure ranges about seven to nine depending on the complexity of the conflict. However, anyone can attend the conflict resolution process.

At *hegeegan janna* structure, the conflict resolution process begins with *faate'o* (blessing) followed by presenting the case by the conflicting parties. At the end, elders usually need to have a discussion on the issue presented before them and in the main time *Maaga* may decide the parties and other participant to allow them some time for discussion. When the parties move aside, *Maagas* discuss the issue and come up with compromising decision that is comprehensive and able to settle conflict among the parties. Decision at this structure is made sometime by the majority vote style.

The *Maaga* at this structure mainly facilitates situations that enable the conflicting parties to discuss their differences in order to resolve their conflicts' easily. However, *hegeegan janna* structure *Maaga* does not propose a binding decision. Any unsatisfied party has the right to appeal to higher structure of *Maaga*, *meexe hafa/libidan dummichcha*. In general, *Maaga* never give up until the conflict is resolved. If the conflict is a criminal matter after the village's *Maag* resolve they sent the disputants to *Raaga*, the next stage of conflict resolution.

2.4 Meexe hafa/libidan dummichcha (Assembly of Libido-Mareko)

Meexe hafa or *libidan dummichcha* is the highest and the final *Maaga* conflict resolution structure among Libido-Mareko ethnic group. *Meexe hafa* or *libidan dummichcha* has the authority of resolving conflicts of any kind including homicide, which may arise between clans, sub-clans, villages, families, and individuals. It also addresses any issues that are directly appealed (*geffecha*), or cases referred by the lower *Maaga* structures.

Conflict resolvers at this structure are selected from each clan of Libido-Mareko ethnic group and have chairperson and secretary. The *libidan dummichcha* meets regularly once in a week at the capital of Mareko *Woreda*, Koshe, in open air under a big tree in the compound of old mosque. At time when special issue is presented or special discussion is needed *meexe hafa* seat at a particular venue called *abba Deshelee warka*, the historical venue of *libidan dummichcha*.

According to the observations and informants before the deliberation process started at *libidan dummichcha* structure, the *Maaga* perform two important things. First, members of *libidan dummichcha Maaga* exchange information. Before passing to the resolution process, led by the chair *Maaga*, the elders exchange information. If there is a problem that needs a solution, they discuss about the issue and find a solution. Second, before the actual resolution process starts, the elders ask (*faate'o*) the creator, a blessed day, revelation of truth, age for the aged, life to the youth, peace forgiveness for misdeed and prosperity to the land.

Any case at *libidan dummichcha* structure is presented in writing to the secretary. The conflict resolution process began when the chair *Maaga* allow the secretary to call the disputants. On the occasions when the offender is not known, the claimant gives the name of the suspect to the *Maaga*. And the *Maaga* give

the responsibility to the heads or representative of the suspect's clan to bring the suspect in their assembly. Failure to respond is considered as the admission of guilt. Then the accused is liable for paying compensation. If the suspect appears before the court, he/she has the right to hear the case in written or verbally by the accuser and asked to admit or refute regarding the claimants claim.

After the conflicting parties confirm to be judged by *Maaga*, elders request them to call *wasse* (guarantor) to assure their presence in appointment day when their cases are handled and to accept the rule of *Maaga* and *Raaga*. The *wasse* also questioned his/her consent to be the disputants' guarantor and to bring the plaintiff at the court of the elders at time of needs. If the *wasse* agreed to be the guarantor, the elders could start the hearing process and left the floor for the conflicting parties to present their own information, opinion, and claims about the conflict or they dismiss the crowd for other appointment.

Following utterance of blessing, disputants present their cases, standing in front of elders. The plaintiff takes the chance first and then the defendant would follow. Following the debate of conflicting parties, elders let the crowd to express their questions, suggestions, and objections. The *Maaga* and any participant can ask questions, which would help to resolve the conflict. In this process both parties are supposed to not to interrupt each other, unless they are allowed or asked by the *Maaga*. If the conflict is complicated, they give time for disputants to think about not more than 15 days.

After *Maaga* collect all the necessary information from the conflicting parties, they might look for witness to testify the issue under proceeding. Based on the information from the conflicting parties and witness, *Maaga* pass on to identifying the guilty. Once *Maaga* identify they would indicate where the fault lies through argument and tails. A decision at this level is binding. If the conflict is a criminal matter, they refer it to *Raaga*, but if the conflict is a civil matter, they refer it to the appropriate *Maaga* structure for the execution.

The reconciliation process and referring disputants to *Raaga*, the second stage of conflict resolution could not proceed unless the guilty party accepts his/her fault. In rare case, the guilty party disagrees or does not accept his/her fault. In this scenario, the jurisdiction of indigenous conflict resolution institution ends and the issue is referred to the formal court.

The above five structures of conflict resolutions are used to resolve conflicts that arise at family, sub-clan, village, inter-village, clan, and inter-clan levels. The lower three *Maaga* structures, which are confined under their respective locality, resolve minor disputes that arise due to the members' day-to-day interaction. *Gichchotan hafa* structure addresses conflicts of any type that arise between clan members. The fifth structure, *libidan dummichcha*, resolves any conflicts that arise between different clans of Libido-Mareko, which is the highest *Maaga* structure of conflict resolution and the final *Maaga* appalling structure in the study area. Its decision is binding and unappealable

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AUTHORS

First Author – Daniel Mekonnen Yilma, lecturer at Debre Marekos University, Department of social science, Postcode- 269 Debre Marekos, Ethiopia, Email- dmekonnen37@yahoo.com