

# Customary Dispute Resolution Mechanisms in Gambella Regional State with Emphasis on Opo Community: Opportunities and Challenges

Gatwech Puk<sup>1\*</sup> Samson Dak<sup>2\*\*</sup>

1. Department of Sociology and Social Work, Gambella University, PO Box 126, Gambella, Ethiopia.

2. Department of Civics and Ethical Studies, Gambella University, PO Box 126, Gambella, Ethiopia

\*E-mail of the authors: [gatwechpuk@gmail.com](mailto:gatwechpuk@gmail.com) . \*\*[samsondak99@gmail.com](mailto:samsondak99@gmail.com)

## Abstract

*Customary dispute resolution mechanisms (CDRM) were used for conflicts settlement among ethnic groups in Ethiopia. They are mechanisms to maintain peaceful co-existence in the country. There was rich knowledge and limited written information about CDRM used by the Opo in Gambella. This study qualitatively explores indigenous institutions in settling disputes. A cross-sectional study was conducted. Purposive sampling technique was used to select knowledgeable village elders. Both primary and secondary sources were used and qualitative data were analyzed thematically. Conflicts were caused by farmland border contentions, adultery, fornication, elopements, rapes, impregnation, drunkenness, magic and evil eyes, hatred, homicide, and co-wives competition. Conflicts among Opo were categorized as inter-ethnic and intra-ethnic. Opo are so keen to maintain peace. Social structures and political systems are influential factors for maintaining peaceful co-existence. To them, peace means societal well being. Conflicts disrupted social interactions. The CDRM are useful because of shared social structures. For murder cases, a person is offered as compensation during mediation ceremony (gisa). Actors were elderly men (Becege) and nephews (Bititu). This tradition of bequeathing is against international human right laws. Local elders and government officials should discuss on the fair way to do compensations. Informal ways of conflict resolution mechanisms should be linked to formal system of conflict resolution mechanisms.*

**Key words:** Conflict, Customary dispute, resolution, Opo.

**DOI:** 10.7176/PPAR/15-3-04

**Publication date:** July 30<sup>th</sup> 2025

## 1. Introduction

### 1.1. Background of the Study

Conflict emerged with the origin of humankind. It affects the smooth societal harmony and social progress. Since time immemorial, societies have constructed suitable mechanisms for conflict settlements (Yonas, 2012). This is what is termed as conflict resolution mechanism.

Regardless of their locations in terms of time and space, any society has its own legal norms for settling disputes (Mapara, 2009). At international and local levels, initiatives were organized and used to keep the society amicably calm in order to pursue the social progress in their vicinities.

African societies have their own dispute settlement mechanisms. However, with the onset of colonialism the continent was engulfed by western peace-building mechanisms. These schemes were seemingly embraced and the native initiatives were placed aside (Tegegne, 2019)

Ethiopian societies have the tradition of dispute settlements (Ajanaw, *et al.*, 2018). However, the wave of massive cultural influence caused by western imperialism did not bypass the nation. The imperial government

has adopted several laws related to western legal values that impinged indigenous dispute settlement mechanisms.

Inter and intra conflicts are frequent in Gambella (Medhane, 2007). The various causes are competition for use and access to resources, population pressure, clan conflicts and provision of better social services in urban vicinities.

The Opo conflict resolution was neglected (Gambella, 2015). When instructive value of the society is neglected, it will lose social dynamism and social static (Ajayi, *et al.*, 2014). The inspiration to do this study is community's approach on how to tackle problem when conflict arises.

### **1.1. Statement of the Problem**

Societies in the world are front to communal conflicts. People witnessed conflicts at individual scale, families, as a group or even as communities.

The African cultural norms are essential prior to colonial era. With the coming of the European colonial powers, they were devalued and replaced by western traditions. They survived in the pocket areas of rural vicinities.

In Ethiopia, the imperial government has introduced modern law. With the tidal waves of global dynamisms and modernization, the societal mechanisms of resolving conflicts were weakened (Yonas, 2012). At these recent decades, the indigenous conflict resolution mechanisms persist at the edge of modern legal institutions with miniature survival.

Ethnic conflicts are at the massive rise currently. Even though the government has tried some resolution measures, it has not been a one size fits all. The major challenge encountered humankind is not an actual occurring of the conflict but the worthwhile options to be employed to calm the dire conflict and restore social order (Kefelegn, 2019).

Since Gambella region witness recurrent conflicts, exploring indigenous conflict resolution mechanisms are needed. The little presence of the government in the area coupled with marginalization of these communities has led them holding tight to their cultures. The Opo have different conflicts and as a result they employed diverse mediation practices (Gambella, 2015). The CDRM used by Opo community are not mentioned in this document. According to Okello *et al.*, (2015), there is traditional system of conflict mediation among Opo known as *gisa*. The study did not elucidate how *gisa* is carried out. The Opo community is worthy to be researched since little is known about them in the literary world (Kurimoto, 1992).

### **1.3 Objectives**

1.1.1. Main Objective: To assess the role of CDRMs among the Opo.

1.1.2. Specific objectives:

1. Examine the major sources of conflicts among Opo community
2. To identify the roles of indigenous institutions in handling disputes among Opo.
3. To explore the procedures of customary dispute resolution mechanisms.
4. To discuss the merits and demerits of these traditional conflict resolution mechanisms

## **2. Review of Related Literature**

### **2.1. General Concept of Conflict**

Conflict has been defined in different ways by different scholars and by diverse traditions. Researchers and social scientists have agreed on one idea that conflicts usually happens because of clashes of values, vested interests and aims among two or more parties. Traditionally, conflict is considered as a contentious episode at

which competitive individuals or groups are struggling over resources, status, power, and irreconcilable goals (Ajayi, *et al.*, 2014).

The term conflict is originally derived from the Latin which means to “engage in a fight or clash” (Musingafi, *et al.*, (2019), It was perceived as fierce confrontation between rival parties aspiring towards dissenting goals or competitive means or ends. Conflicts mostly erupt among people or group when diverse interests, needs, ideas, beliefs, values, goals come to light. Conflict is related with chaos, wars, mutual suspicion, competition, hatred or strained relations. It can happen because of political, economic and social differences. Among African societies, conflicts occur as a result of rage, rift, misunderstanding, family quarrels, skirmishes, assaults, disagreements and miscommunication (Ajayi, *et al.*, 2014).

Conflict is always viewed in a negative sense. When unexpected violence, destructive war and undesirable discord have come to light, it is where people perceive the present of the conflict in a negative sense. For this reason, destructive conflict is characterized by intolerance, violence, destruction and war. However, there are times when conflict served as a source of transformation. When misunderstandings, contests and disagreements are positively managed, conflict at this angel is said to be constructive. Constructive conflict is necessary to generate change and development (Musingafi, *et al.*, 2019). The known positive consequences of the constructive conflict were tolerant, proper perception, good relationship, collaboration and development.

## **2.2. Conceptual Analysis on Communal Conflicts**

Communal conflicts are intractably linked to social identities, societal history, culture and core values. They are also confined to a particular locality. According to Elefversson and Brosché (2012), many communal conflicts that intermittently erupted among different communities and clans were associated to patronage system, weak government structures and politicization of ethnic identity. Poverty plays pivotal roles on occurrence of violence conflict (Galtung, 2012).

African communal conflicts were studied by different researchers. Elefversson and Brosché (2012) affirmed that from the year 1989 to 2009, Africa ranked first by communal conflict on regional trends. Among 316 communal conflicts occurred in all continents, 275 were fought in Africa. Most conflicts happened in Democratic Republic of the Congo (DRC). At the dawn of millennium, Africa witnessed 27 active communal conflicts of which 7 were fought in Uganda, 5 in Ethiopia and 4 in Nigeria. Countries such as Somalia, the Sudan and Kenya also witnessed communal conflicts (*ibid.*). Recent trends on exploded conflicts were recorded in some African countries. Let alone both state and non-state based conflicts that ranked 25 and 2,791 respectively in the continent in the year 2019, the communal conflicts scored 29 in number in the same year. These communal conflicts were witnessed in Nigeria, South Sudan and Eritrea (Palik, *et al.*, 2020).

Livelihood conflicts that goes in line with ethnicities and clan structure are so frequents in Africa. Among these communal conflicts, pastoralists took the leads by contending over meager natural resources such as grazing lands, water points. The Bagara versus Dinka in the Sudan, Murle versus Dinka, Borana versus Somali in both Ethiopia and Kenya, Mursi versus Nyangatom in Southern Ethiopia and clan fights in Somaliland, are good examples of communal conflicts (*ibid.*). Research outcome from Young and Korrir (2011) reported conflicts such as inter-ethnic conflicts associated with livelihood based competition in Tanzania, Rwanda, Burundi, Uganda, Kenya, and South Sudan. These are resolved mostly using traditional methods that exist among the two contending groups.

## **2.3. An Overview of Indigenous Conflict Resolution Mechanisms**

Customary dispute settlements are quite specific in their context. They have no universal implication because their techniques are specific to particular culture and experienced by specific society. The traditional method of conflict resolution is widely practiced in Africa, Latin America and most parts of Asia (*ibid.*, 2015). The obvious reason for the widespread practices of indigenous conflict resolution methods are attributed to factors such as the prevailing use of local language, geographical distance such as remoteness of the area and the existent of the distinctive culture. It is highly valued that local conflicts have their distinct practical solutions on a local base. Many people in rural areas have lost hope on modern system of dispute resolutions (Ajanaw, *et al.*, 2018; Tamang, 2015). They are practically viewed as irrelevant because of their unsuitability to a specific cultural context. However, the modern ways of conflict resolution mechanisms are comparatively expensive and demanded formal procedures that take more time to come to a solution. It also requires modern language which rural people are unable to speak.

## **2.4. Principles of Customary Conflict Resolution Mechanisms in Africa**

Long before colonialism Africans have their own indigenous ways of resolving their own disputes (Ajayi, et al., 2014). These traditional techniques originated from African philosophy and religion. The local knowledge has essentially aided the communities to frame the suitable legal and moral systems that can work positively for conflict resolution. Customs, common feeling of sharing ordeals, social solidarity, social structures of the families, clans and lineages are the tied the band the community to construct mechanisms of solving conflicts. Social relationships are the core value for the quest for peace among people (Musingafi *et al.*, 2019). According to Tamang (2015), 90% of African population basically relies on traditional conflict resolution mechanisms. These traditional cultures are practiced both formally and informally. Countries such as Sierra Leone, Botswana, Ethiopia, Ghana, Mozambique, Republic of South Africa, Rwanda, Zimbabwe, Uganda and Kenya were known for their ideal recognition of the customary laws and traditional courts (Tamang, 2015). These traditional system of conflict resolution used local elders as their functionary. In Northern Kenya, women have organized firm method of conflict settlement known as the *Wajir* peace initiative (Musingafi, 2019). In this particular district, some educated Somali women have organized themselves with the market women to discuss some issues related with intense conflicts. These groups of women consulted the warring parties particularly the elders in order to organize the youths, sheiks, business people, and government workers for mediation. In addition, *dare* was practiced as positive option to solve conflicts in Zimbabwe (*ibid.*). The dominant cultural practice in Rwanda was *Gacaca*, Ingando, and abunzi. Tradition such as Mato Oput was able culture of mediation among society inhabiting north-central Uganda. Kenya has applied *Miss* as a method of conflict resolution among pastoralists clans. Ajayi, *et al.*, (2014) confirmed that Yoruba peoples of Nigeria have their own system of adjudication.

Colonialism has placed a detrimental impact on the social, cultural, political and economic aspects of Africans in the most fundamental and radical way. With colonialism, a western legal tradition premised upon an Anglo-American jurisprudence thought was imposed on Africans. African values, norms and beliefs, which provided the normative and under-girding framework for conflict resolution, were severely weakened, undermined and disregarded. Using examples across the African continent, the author examines some of the successes and challenges faced by elders, and opportunities offered by the institution in enhancing access to justice among African communities (Musingafi, *et al.*, 2019).

Emphasis is placed on conflict settlement among Africa because of several reasons. The first is the value of human life. Human life is seen as sacred. The Ubuntu/unhu traditions among many communities of southern Africa believed on collective person hood of humankind or the virtue of being human. The basic features of Ubuntu/unhu tradition contain psychological terms such as “caring, compassion, unity, tolerance, respect, closeness, generosity, genuineness, empathy, consultation, compromise, and hospitality”. Ubuntu emphasizes working together to solve problems, so members of the community are responsive to the idea of cooperating with extended family, elders, chiefs and headmen to work through concerns in a way that results in the reconciliation of all members of the community. In Democratic Republic of Congo, a forum for elders known as the *Baraza Ya Wazee* was allowed by the government to solve local conflicts (Musingafi, *et al.*, 2019).

In country such as Zimbabwe, Rwanda, Ethiopia, Burundi, Somaliland and Democratic Republic of Congo, different methods of conflict resolution mechanisms were used. Ajanaw, *et al.*, (2018) study has confirmed the significance of cultural processes, institutions, and values in conflict resolution and peace building mechanisms among the Akans of Ghana and the Tswana of Botswana. The study shed light on the fact that individuals, families and communities still prefer indigenous conflict resolution processes because they are based on cultural concepts, values, and procedures that are understood and accepted. In Burundi, a common judicial system known as Basbingantahe (council) was established throughout the country (Kohlhagen, 2018). The Pondo tribe of the Zulu in the Republic of South Africa used an association known as Mat. The Yoruba and Igbo of Nigeria used Baale (Chief) and Amala (elders) (Ajayi, 2014). In Somaliland, a system known as Guurti (house of elders) was preserved as traditional structure for conflict management and resolution mechanism among the society (Gatimu, 2014).

## **2.5. Indigenous systems of conflict resolutions in Ethiopia**

Ethiopia is a country inhabited by diverse ethnic groups that exhibit the interface interactions. These ethnic groups were not only characterized by peaceful co-existent but also branded with habitual and detestable confrontational conflicts attached to territorial claims (Kinfu, 2014). Thus, some of the known conflicts among ethnic groups in the country were the pastoralists conflicts such as between the Afar-Karrayu, Guji-Geddo, Diz-Surma (Abraha, 2012). The Somali-Oromo conflict, Afar and Issa, Anywaa-Nuer, Murle-Nuer, Gumuz-Oromo,

Borana-Konso, Burji-Guji were recorded by the known researchers (Kidane, 2011). Researcher such as Grindaker (2020) has studied the 2018 recurrent conflict among Guji and Geddo.

The traditional conflict management mechanism is through the traditional elders without the involvement of government officials. Elders from the mobile community will approach the host elders and with the permission of the host elders migrating animals are allowed to graze and use the water whenever the mobility is within the same clan. Some clans in Afar used the so called Abala and the Nemo in Shinasha people.

In Oromia region, an old age administrative structure of social organization known as the *Gaada* system was practiced. The *Gaada* system, served as social tie that bind the social, religious, political and economic life of the Oromo society. In their social history, the *Abbaa Seera* served as the supreme judge. When conflicts arise, they were mediated with the help of societal elders known as the *Jarsuma*. This council operates under the *Gaada* system. Though at this recent time the work of resolving disputes is carried out formally by the government from region up to *kebeles*, the elders are playing undeniable role roles in conflict settlements (Federal Democratic Republic of Ethiopia, Ministry of Peace, 2019).

The pastoralists of the Somali region particularly in Harshin and Gursum districts rely on local dispute settlement mechanism known as the '*odiyash deganka*'. When conflict arises, the communities soon report the case to the clan leaders. Using the *Ola* system, the leaders will call the disputants and amicably solved their conflict and drop their hostility. When the conflict occur among them with other ethnic groups, the community used another system known as the *Ugas* who is the leader of clans in Somali ethnic groups that has the supreme power. Thus, the decision made by the *Ugas* is automatically accepted by the ethnic group. The Somali people have their own distinctive system of conflict mediation known as *Xeer* (treaty).

The Gumuz ethnic group of Benishangul-Gumuz regional State relied on Michu traditional conflict resolution mechanisms. The *muchu* system of conflict resolution is carried out during communal ceremony of ritual where bull or goat is slaughtered and free movement of the community is pronounced. Handshakes were conducted between the elders and clan leaders as a gesture for peace and sustainable cooperation. The Komo, Mao, Berta, the customary conflict resolution mechanism were presided by a council of elders who were eighteen in numbers. This council of elders usually deals with major offenses. Minor conflicts were resolved by a council of nine elders who were nominated among different clans (Bayisa and Lemesa, 2008). The chairperson of this council is known as *Qallu* who is also a religious leader. In their mid, three elders and *Qallu* were nominated to serve as the customary court and other five to serve as executor.

In Tigray region, the Raya, Wejerat people and their neighboring communities of Afar region who are pastoral groups used the institution known as *Abbo Gereb*. *Gereb* institutions was effectively established for long time (Abraha, 2012) among these communities.

The Amahara society practices an old system known as *shimgilina*, *Erq* or *Giligil* which means the dispute resolution process (Kefelegn, 2019; Melaku and Wubishet, 2008). Apart from government formal system, the informal mechanisms include *Yezemed Lijoch* (literally 'children of kin') in north Wollo, *Yewonz Lijoch* (children of one river) in Gojjam in which jurisdiction is circumscribed by the path of the river.

The Silti people used *Baliq* as common practice of conflict resolution (Kebede, *et al.*, 2021). Some groups also used *Ragaa* and *Magaa* as institution of conflict resolutions. The *Ye Joka* indigenous conflict resolution mechanism was predominant among the Gurage people. In this customary conflict resolution legal system, the board of clan leaders and notable societal elders adjudicate the cases and also make implement the laws (Engdawork, 2013). Researchers such as Kebede and Wondu (2021) pointed Feragezagn as customary tradition for conflict settlement among the Gurage of Meskan woreda in SNNPR. In Benishangul-Gumuz Regional State, the Boro-Shinasha used Enashma as their mechanism of handling disputes (Million, 2020).

## **2.6. Concepts of conflicts and their resolutions in Gambella region**

### **2.6.1. Concepts of conflicts and Conflict Resolution Mechanisms in Gambella**

Gambella region has been subjected to ethnic conflicts for subsequent decades. Among these, the earlier was a traditional conflict related to demographic and natural resources. It was related the needs for green pasture and water for animals among the Nuer. The recent conflict was associated with demographic factors. There were push and pull factors that induced Nuer and Anywaa to engage into intense confrontation over the lands and the need to expand and retains their frontiers respectively.



The societies inhabiting Gambella region uses informal strategies to mitigate local conflicts. They have informal workable strategies employed to resolve conflicts. These informal procedures of local conflict resolution mechanisms are an old practice in their existence. The Anywaa uses *Juatut* traditional conflict redress mechanism while the Nuer practices *Ruach* which means communal talk (Federal Democratic Republic of Ethiopia, Ministry of Peace, 2019). Dereje (2008) termed the process of Nuer conflict resolutions by the hands of elders as *Duol* (meeting). He further noted that the Nuer used to resolve their conflicts using judicial bodies such as *Rueec Wec* (Village administrators), *Rieng* (Flesh, to means the masters such as cattle and earth masters) and *Gok* (Prophets).

Among the people of Gambella region, the procedures of conflict resolutions were collaborative efforts (Gatluak, 2014). The community influential figures, elderly people and religious leaders, call the warring parties for dialogue and reconciliation and to pass compensation amount which is usually paid in kind, like livestock and traditional materials. These leaders played a pivotal role to let the clans and family of the deceased person to instill and have feeling of forgiveness which enables them to avoid the tendency for possible retaliation. The discussions, dialogues, mediations and compensations are used to solve the conflict.

The members of the Inter-religious Council consist of the Ethiopian Orthodox Tewahido Church, Islam, Catholic, Ethiopian Evangelical Church Mekane Yesus, the Seventh-Day Adventist Church, Kalehowit and Muluwongel Churches, are organized as religious council to resolve disputes. Even though their lion share is at grant level, some are involving at the lower echelon of the societies to mediate the chaos and leading positive gesture to the process of resolution. Although not of traditional origin, these stakeholders were highly valued by the society. Several conflicts so far were solved by the religious leaders such as pastors, evangelists, elders, deacons and deaconesses (Gatbel, 2020). Recent conflicts of the Nuer Nation Zone, pastors from different denominations, have shown unreserved commitments. They were from different denomination such as the Seventh-Day Adventist Church, Western Bethel Synod Mekane Yesus, Christian Temple, Pentecostal Churches, Evangelical Covenant Church, Presbyterian Church, Church of Nazarene and the Seventh-Day Baptist Church.

### **2.6.3. Contribution of Community Associations in Conflict Resolutions**

The association such as Nuer Development Association (NDA) has played a dominant role on recent conflicts in Nuer Nation Zone. The other associations involved in peace mediation among clans and sub-clans are Ethiopian Gajaak Association for Development (EGAD), Waw Association for Development and Unity (WADU), Chaany Organization for Development Affairs (CODA), Nyayan Community Association (NCA), Reang Unity for Development Association (RUDA) and Mathiang Community Association (MCA). The initial process of resolving conflict was ran by the leaders of these associations (Gatbel, 2020).

### **2.6.4. Roles of Faith-Based Associations in Conflict Resolutions**

In Gambella peace building initiatives, the faith-based organizations have unquestionable lion share. The responsibility such as restoring peace and maintaining stability is also a prime concern of the faith-based organizations. The most important reason is that customary values are interwoven with spiritual advises and practices. According to James (2011), the Ethiopian Evangelical Church Mekane Yesus (EECMY) established peace commission in 1993 to settle disputes. The other religious-based peace practitioners were Nuer Council of Churches for Peace and Development (NCCPD). They conducted numerous peace conferences in all *woredas* of the Nuer Nation Zone. For example, the NCCPD facilitated the conflict between Cie Nyejani and Cie Waw. The same organization involved in mitigating the deadly conflict between Cie Nyejani and Cie Chaany in 2009-2010. The other important work on peace building initiative is the usual roles played by the Nuer Christian Network (NCN). These are committee nominated from different Protestant denominations in order to deals with day to day affairs including conflicts among the Nuer society. Since conflict may interrupt spiritual activities and development, the faith-based associations become the upper hand of the regional government. They easily get acceptances from the community. The members of these denominations were the majority in the society even among the disputants.

### **2.7. Theoretical framework on customary dispute settlement.**

Social thinkers and sociologists in particular have adopted different scientific models to elucidate social issues. Their enthusiasm on the quest for understating the state of social life motivated them to align under keen investigation of social organizations, social structures and functioning of human society. Different sociological theories have explained that social bond and cohesion are instrumental for societal interrelationships and

interactions. They considered the existent and reasonable perpetuity of communal conflicts and sound solutions as are provided based on the norms, valued, traditions and beliefs.

The empirical concept examining of social forces and structures that held society together was initially a rigorous contribution of Emile Durkheim. He stipulates that there are larger-scale structures and forces such as shared moral beliefs and institutionalized law that exist among society. Durkheim generally considered these social obligations as social facts. From his personal point of view, social facts are “forces and structures that are external to, and coercion of, the individual” (Ritzer, 2011). He further illustrate that non-material social facts such as cultural norms, values, morality and extrinsic social institutions are the social ties that held society together through social cohesion. Thus, societal social bonds are attached to common morality which he termed as collective conscience. Hence, society with stronger social conscience is held together by mechanical solidarity. They regularly engaged in one activity and responsibility. This, community is characterized by collective harmony and are considered as homogeneous in their social pattern.

Pierre Bourdieu (1986) used the term social capital for his work on education. He lent this model from economics and revisited Durkheim’s view on social facts to discuss this new approach. According to him, societies have valued social relations among themselves. He called this concept as social capital to distinguish it from economic capital. His basic tendency is to analyze social capital in light of culture as significant resource for society and social groups. He gradually termed the concept as cultural capital. Social capitals are social resources that are relevant for understanding societal cohesiveness and community prosperity. They are capital constitutes the basis of social life and influence one’s position in social milieu in the sphere. They constitute social structure and functioning of the social world. Bourdieu regarded social capital as a communally-owned asset providing members with individual good. His view was lies on close social ties in families and communities.

According to Coleman (1988), social capital refers to “the relations among persons that enable them to cooperate in the pursuit of mutual objectives”. In this dimension, social capital increased social cohesion and also solve collective problem. He follows the concept in pursuit of social structure. The theme of his theoretical analysis was on family relations and community relationships. He concluded his argument that social capital is embodied social norms and effective sanctions.

Putnam (2001) puts his view on social capital while analyzing civic societies in both Italy and America. According to him, social capitals are “features of social organization, such as networks, norms and trust, which facilitate co-ordination and cooperation for mutual benefit”. By this insight, Putnam was emphasizing that stronger social ties, trust, honesty, reliability, communal contribution have important positive role in strengthening group and societal bonds and bridging. By bonding, Putnam refers to it as inter-group social capital while by bridging, he means social capital between a collectives or intra-group social capital. Based on his analysis, social capital ranges from micro to macro. At individual level, there exists interpersonal or social trust, norms, strong ties that are shared among individuals within the group or society. Thus, an ethnic group can have social capital through shared structures of trust, norms, values and traditions. This exists through propensity of social interactions. These interactions breed the desired trust. Most of the time, these capital are cognitive, in a sense that, they are derived from mental process and are reinforced by a particular culture and ideology. His emphasis is on level of devotion to community life.

These social theorists used the method of social capital to visualize the conceptual structure that researchers used to represent paramount important aspect of the world. Social capital at its best describes and constitutes a proper conflict resolution. He mentioned that social capital is a cultural resource for society. Hence, it transforms violent relations. It served as non-material resources of a group life. The basic features of cultural capital blended with practices, values, beliefs and social norms. The concept of social capital offers apparatus to assess contribution of shared norms, rules and convention to govern dispute-laden behavior.

Ritzer (2011) noted that “social capital consists of valued social relations between people”. He narrated social capital as consisting of cultural capital. He elucidated cultural capital as “comprises familiarity with and easy use of cultural forms at the apex of society’s cultural hierarchy”.

Moreover, theories above generally suggest insightful perspectives that social factors such as social networks, social solidarity, cooperation and generosity are influential for dispute settlement among societies. Secondly, manifest factors such as social norms, values, beliefs, attitudes and traditions breed cultural homogeneity that produce positive goal for conflict resolution mechanisms. Mutual benefits are also considered as economic

factors. Lastly, environmental factors such as social proximity are responsible for indigenous conflict resolution process because they facilitate internal network of ties or social bonding.

### 2.8. Conceptual Framework of the Study

Different factors are playing influential roles in customary dispute resolution mechanisms. Thus, cultural factors such as social norms, values, beliefs, traditions, institutions are contributing factors for indigenous conflict resolution mechanisms. Social factors such as social network, social solidarity, cooperation, generosity, openness, loyalty, reciprocity are enablers for resolution of disputes among the communities. Factors related to economic such as mutual benefits have direct influence on customary dispute settlements. Physical proximity has direct contribution for conflict resolution mechanisms. Moreover, customary conflict resolution mechanisms are the dependent variable for this study. The independent variables for this research are social norms, values, beliefs, attitudes, traditions, institutions, social network, social solidarity, cooperation, generosity, openness, loyalty, reciprocity, mutual benefits and physical proximity.

## 3. Research Methodology

This study was conducted in Gambella Regional State of south western parts of Ethiopia, 766 km from Addis Ababa. Itang special *woreda* have 23 *kebeles* (Assessment Team Members, 2017). The Anywaa, Nuer and Opo ethnic groups living this district have distinctive conflict resolution mechanisms.

A community-based cross-sectional study was conducted using the qualitative method. The primary sources were gathered from the informants using KII with elderly people, village head men, *kebele* leaders, government officials and legal officers. The IDIs were conducted with victims of compensations and secondary data were collected from books and journal articles. Key Informant Interviews were conducted with *kebele* leaders, police officers, judges, prominent women, men and religious leaders. Others were government officials, militia leaders and expert from culture and tourism office. The total numbers of these informants were twenty. The IDI data were collected from victims of blood compensation. The FGDs were conducted with two groups. One consists of nine participants and other with seven in these two *kebeles*. Non-probability sampling method and purposive sampling technique were used. The instruments were KII, IDI, FGD and observation. Document review was also employed.

The data were analyzed through arranging of words (verbal) by reading through the transcripts, listening and writing memos. All notes and taped recording during FGD, KII and IDI were transcribed verbatim. The participants were informed of voluntary participation. They were ensured of anonymity and confidentiality. They were told of how their information will be used.

## 4. Results and Discussion

### 4.1. Conflict among Opo Community

Conflict, by its patterns, is a dynamic concept viewed in diverse dimensions among Opo community. For Opo people, conflict ranges from smaller contradictions to large-scale communal engagements. At a smaller level, conflict is considered to be caused by lack of compatibility because of diverse views and opinions. They called this process of conflict as *k'ase c'e kara* which means misunderstandings among individuals. This is the most frequent among all kinds of conflicts in the area. Conflict also is associated with disagreements on some points (*heskala*). This is considered as second in its actual happenings. Thus, the Opo considered the quarrelling (*sewula*) among two people also as conflict. They also consider issues such as dispute (*nap*) and enmity (*je kaya*) as parts of conflicts. Insult (*k'et*) and wrestling (*maata*) are also common when people drink beer and exchange uncomfortable words. Conflict is also occurring when two people are contesting for properties such as inheritance, land and other resources. Below is the table that describe types of conflicts.



**Table 1. Types of conflicts among Opo community**

Types of conflicts	Names	Meaning
Smaller-scale conflicts	<i>K'ase c'e kara</i>	Misunderstandings
	<i>Heskala</i>	Disagreements
	<i>Sewula</i>	Quarrelling
	<i>Nap</i>	Dispute
	<i>Je kaya</i>	Enmity
	<i>K'et</i>	Insult
	<i>Maata</i>	Wrestling
Large-scale conflicts	<i>L'ata</i>	Miscommunication
	<i>Je kaya</i>	Absence of mutual love.
	<i>Torah</i>	Fight
	<i>K'osa</i>	Beating
	<i>Cagal</i>	Infidelity
	<i>Kiw</i>	Choas
	<i>Jay</i>	War

**Source: Informants, 2021**

## 4.2. Sources of Conflicts among Opo Community

The major conflicts are adultery, fornication, elopement, alcoholism, hatred, magic and evil eyes. The minor conflict includes family disputes, neighboring disagreements, insults, and criticisms.

## 4.3. Patterns of Conflicts among Opo Community

### 4.3.1. Inter-ethnic conflicts

Opo community was leading victims of slave raids during the middle of 19<sup>th</sup> and first half 20<sup>th</sup> centuries (Eisei, 1992). This raids were reversed to the search for ivory and firearms. The relation was possible with Oromo of Anfillo and Sayo (Dembidolo). The Opo chief known as Chala Atus served as middle man between two Anywaa (*Jijanggo*) chiefs-the Udiel of Abwobo and Medho of Pukumu (Eisei,1992).

The Opo encounter few incidents with Nuer (*Janggo*) which pushed them to the northeastern direction. The Opo established scattered villages along the bank of Pil River such as Katir, Kaldongka, Kalkhaa and Wiy Puya, Kalkis and Ayamburi (Smolders, 2019). The Nuer comes to collect grains and tobacco. This economic friendship turned raids which make children, women, weak men and properties as victim. In 1979, a tribal militia leader known as Chuol Barow ordered a deadly raid on Opo villages.

The Opo people describe their relation with the Anywaa as friendly. One old woman narrated the relation as follows:

*Our fathers stayed in Pinykiew (Akado) together. Our interaction is characterized by petty trade. The Opo take honey to the Anywaa areas and exchanged it with local salt. We also have other items of trade such as tobacco. During Kidane, the Anywaa brought Pangas, hoes, spears and cloths for sell. At that time, we were in Atuch. However, we have no marriage among ourselves.*

The Oromo of Anfillo used to collect elephant tasks and leopard skins. During the leadership of Atuch Mena, the Opo travelled to Anfillo to exchange elephant tasks and leopard skins with firearms. One elderly woman said: “When the Oromo arrived in our village, we despairingly rushed to the jungles and hide ourselves. When men identified the intruders, they came closer and told the men that they come for peace. They hold fruitful talk with Kidane Challa. The Oromo leader from Anfillo was Melkamu Worku”.

#### 4.3.2. Intra-ethnic Conflicts among Opo

One of the elder describes the conflict erupted between Biligo and Modin: “There was intra-conflict that occurred in ancient time about girls. It happened in my sub-clan (*Bitusin*). The whole Biligo came and fight us. This incident claimed the life of people. My brother was killed by the Biligo and another man was killed from them. No *gisa* initiated. Recently, these men were compensated with agreed amount of money”.

#### 4.4. Methods Involved in Resolution of Conflicts among Opo

##### 4.4.1. Inter-conflict Mitigation Approaches

Historically, when someone was killed at a fight, no compensation is claimed. Recently, the Opo used compensations. A young man was killed by the Nuer and was compensated with 40 cattle., A Nuer man recently was beaten to death by the Opo and was compensated with ETB 150,000.

##### 4.4.2. Procedures of Intra-ethnic Conflict Resolution

When homicide occurred, the elders (*beceege pa*) intervene quickly. They relocated family members of perpetrator to the home of one influential elder. The elders can pay visit to the victimized family (*kothai*). After successful discussion with them, they set the date for *gisa* ceremony. These authorities would return to the side of the perpetrator (*kothi jita*) and discuss the way to make ready the girl to be offered as blood compensation (*ki kop*).

Homicides are mostly resolved using traditional system known as *gisa* (mediation). They discussed the process of reconciliation. Both sides will be called in one place for dialogue. The root cause of the problem has to be addressed and family of the perpetrator will be told to identify certain individuals to be put aside for compensation.

The Opo village elders locally known as the Biceege *pa* will call upon the nephews (*Bititu*) of both sides to be seated them in the middle. The elders allow the victimized family to choose one person as compensation on the side of the perpetrator. The family of the offender will agree to handover the person chosen as compensation to them. This compensation can be boy, girl, or woman. Finally, the elders will start the *gisa* ritual ceremony.

The elders that served as arbitrators are men aged sixty five and above. They also comprises of elderly women known as *Opo cege*. These elders are considered as wise individuals (Gambella, 2015).

##### 4.4.3. The Roles of Nephews (*Bititu*)

The nephews served as mediators (*wutak po jay*). They involve in burial ceremony of the victimized person and protect the family of the perpetrator. They comfort the family of the victimized person. They provide foods and water to both sides. During the ceremony of *gisa*, they are able to initiate the program of offering the girl chosen as blood compensation.

One of the elder from the family of the perpetrator holds the hand of the girl and hand it over to *bititu* who can handled it to the victimized family. The *Bititu* also tend to keep the girl at home to avoid her escape and act as messengers. During the *gisa* ceremony, they have to be sure everyone is present from both side. The *bititu* are the one roasting and grinding the sesame. At the ritual ceremony, they sit in the middle to avoid any confrontation. They have to be sure that all sticks, spears and other tools are placed in a distance place. The nephews have a leading role of advising people, twisted spear and ordered beer.

##### 4.4.4. The *Gisa* Customary Rituals

The Opo traditional ritual refers to as “*gisa*”. Two groups in a dispute are obliged to enter into covenantal oath that involves sanctity of vow. Initially, the arbitrators consisted of *beceege pa*, *koro pa*, *koro je kuu*, *hopo ceege* and other influential figures are in their places. The *Bititu* are taking a leading role in this crucial day when what went wrong is restored to its rightful place. Mutual trust is to be reinstated and social cohesion is reclaimed.

When the compensation is ready, the ritual leaders will order people from both sides to bring sesame seeds. The elders roasted in two local baking pans made of clay. This well-baked sesame will be kept on hot clay pans till it is toasted and its color turned charcoal. It will then be put on grinder and chopped until in turn oily powdered

flour. The elder will make oil from it. Thus, elders would call upon the person from the side of the victim and other from the offender. Each person will dive his finger in that oily flour and paint their forefront and shoulder. The process continued until all painted each other in their foreheads and shoulders. Anyone not involved in this ritual ceremony among the family of the culprit can be ordered drink salty water (*sapo*). If a person failed to attend the ceremony of *gisa* from the family of the deceased person and aspire for future revenge, the elders would pronounce curse upon him.

The elder orders the spear ceremony to be conducted in front of the public. The spear will be grasped by respective men from both contending groups. Then, they will thrust the edged part on stone until it is curved. The spear then can be thrown away. This is a sign of promise not to make retaliation. The elders will order the *bititu* to conduct the ceremony of blood compensation. One elder from the side of the perpetrator will hold on hand the girl and handed it over to one of the *butitu* that will offer this girl to one of the elder from the victimized family.

The elders will order the *bititu* to bring water, local beer and food as gesture for possible resolution of the conflict. The *hopo cege* (elderly women) then makes ululations and chant their traditional songs. The event finally seems weeding occasion and all people overwhelmed with excitement. These two families will not marry among themselves since the victimized family will take the compensation to their home.

#### **4.5. The Roles of Traditional Authorities among Opo Community**

The Opo have village of elders known as *Biceege pa*. There is one elder termed as *Wutoni pa*. He is the one who declared the final verdict during the *gisa*. He also pronounce blessing to the family who will live according to the principles of *gisa*. Obeying the *gisa* results into family welfare. He promise curse upon the person who will resort to retaliation. This action of revenge is considered as *toga* which means violation of *gisa*.

#### **4.6. Status of the Person Offered as Compensation**

Mostly the girl or woman and sometimes the boy taken as blood compensation would serve as permanent member of the deceased's family. The girl or woman will be married by one of the family members. Children bore by him are definitely called by the name of the dead person. This wife is expected to be treated with dignity and respect. She must not face domestic violence. A lady offered as compensation narrated her situation as follows:

*"Life was good when I first arrived at their home. I was nursed well and psychologically integrated into the family sphere. Gradually my marriage was arranged with one of the family young man who finally becomes my husband. We started our marriage life constructively but eventually my husband turned wild and violently abuses me. He married another woman and abandoned me with three dependent children. He beats me several times when arrived home drunk. Now I am the one caring for kids' necessities. I usually farms and go to school."*

At family levels, invisible psychological mistreatments usually happen unnoticed. They faced several symptoms of cultural, economic, psycho-social abuses and stereotypes.

#### **4.7. Merits and Demerits of CDRM among Opo**

##### **4.7.1.Strengths of CDRM among Opo Community**

Though the methods used to resolve the conflicts within the community seems to acts as violation of human rights, it serves to satisfy the demand of the community. Results from FGD indicates that the practice contribute for sustainable peace among Opo. People respect the tradition so that no one can make revenge. However, when someone avenged his brother or relative's death, that person is believed to be contacted by infectious diseases such as leprosy (*dubo*), mental disorder or disharmony among family members. One elderly woman reported this way: "returning to violence by creating revenge is assumed to be an eminent invitation of a perceived curse which is detrimental to personal or family health". Another village elder said: "it is prohibited for the perpetrator to utter a single nasty word (*moth*) about what he has done during communal dance, community fishing or hunting or during the group gathering for drinking beer. He cannot do this unwanted behavior. Because of loyalty, the perpetrator has to abide by the sense of loyalty and reciprocity".

This practice therefore is believed to possibly remove the root cause of the conflict. It is considered as cheap in terms of financial cost. It consumes a short duration of time and save power of the people. It also offers quick resolution to that particular escalating conflict and grant fair compensation to that particular damage. Moreover, it provides win-win approaches to a particular conflict resolved.

#### **4.7.2. Weaknesses of CDRM among Opo Community**

If the person offered as compensation was a wife of another man, children will remain in a state of psychological trauma. The man, whose wife is taken because of the fault committed by his brother, cousin or other nearest relatives, may turn to the perpetrator for violence. This usually creates distrust among family members.

It is also widely open to possibility of gender-based abuse. The norm of donating the girl or a woman is also against the principle of human rights. The lawyer narrated the case as follows:

*One day I paid visit to police station to see accusers and the reasons they are detained. I encountered one case. There was a certain lady that ran away from Wankey to Itang town escaping the stressful life of the new home where she was offered as compensation. While she arrived in Itang, his brother beats her and reported her to the police station. The lady was put to jail. When I ask the person that put her to jail, he replied that this lady wants the community to returns to conflict. She does not want to conform to the social values of the Opo community. She was donated and now she refuses to live in that family. Thus, as legal expert, I admitted that this norm is against the human rights.*

Women were against these customary practices. The government and women were against the tradition at this recent time. It is about to be stopped though unlikely to be decided overnight. At the moment, some Opo prefer the use of money, goats and few cattle as a means of compensating the blood feud.

### **5.Conclusion and Recommendations**

#### **5.1 Conclusion**

Customary dispute resolution mechanisms are vital for resolving conflicts among communities. It can address multiple causes of conflict and has reasonable potential to integrate all issues to resolve disputes.

Among the Opo, the criminal case is adjudicated by the traditional council of elders known as becege to means elderly men and opo cege, the elderly women. They involve in relocation the family and relatives of the culprit to keep away from the relatives of the deceased person. The offender was received by others clans and took refuge in a distant village. They will remain neutral in this conflict. The Bititu (nephwes)served as mediators in the process of disputes. They home after home for mediation. They struggle for resolution of the dispute. They visit the funeral. Their work is to convince the person who wants to retaliate. They also provide foods to the group that took refuge. They also visit the family of the victims and makes conversations to led family of the victim to forget the episode.

Evidences have shed light on the fact that there are more advantages from customary dispute resolution mechanisms. Firstly, customary laws are flexible. Secondly, customary law provides a central role to maintain order in the communities. Thirdly, the law itself is more immediate and meaningful to all people concerned since it is developed and imposed by the community itself. They are timely relevant in their nature. It terminates violence in the long term. People do not make revenge after ritual ceremony of giisa. The system is acceptable because it is homogenous in its patterns. The system does not possess enmity with modern system in most settings except in some elements.

On the other hand, there are several weaknesses in these traditional approaches of dispute settlement. It acts against the modern principle of human rights. It was impinged women to be offered as blood compensation in this respect.

### 5.1. Recommendations

- Awareness creation is needed concerning gender equality and the insignificant roles women play in mediation.
- Effective trainings are needed to inform the elders about their significant roles in indigenous leadership and social well beings among the society.
- The government should devise strategies that aim at fostering the sustainability for the indigenous knowledge system.
- Both government and NGOs should train the community about human and democratic rights.
- The relevant alternative should be redefined such as the use of money for compensation to replace human beings as means of compensation.
- When the perpetrator is jailed, soon the relatives start to complain about release when they compensation is done. Therefore, these contradictory principles should be resolved.

### Acknowledgements

We are extremely grateful to Gambella University for sponsoring this study. We also extend our deepest gratitude to the Opo elders that provide vital information for this work.

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