



Opportunities and challenges of traditional institutions and leaders in Ethiopia: The case of guraghe society

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Abstract

Traditional institutions and their leaders are known in the history of the world and affect the life and relationship of the people. Their nature, function and the place differs from country to country. It is unquestionable that before the establishment of formal government administration, these traditional institutions and leaders played a significant role in handling and administrating public affairs. Presently, Traditional institutions and leaders do not have same responsibility and play a function which is similar to the previous time. Their role is minimized as a result of the establishment of modern government administration and formal non-government organizations, however not totally taken by them. Traditional institutions and leaders of Guraghe are inculcated in the minds of the people. The society recognizes, trusts, respects them. It becomes part of their culture and belief. This is because the system is not taken from somewhere else; rather the people by itself established and developed it. Meaning, it is their own local solution for their local problems. Thus, they do have a great place in the mind and heart of the society. This by itself is a big asset or value of the society. This article digs out various roles or advantages of traditional institution and leaders that can be taken as an opportunity for Guraghe society to benefit from it. And also point out the current challenges that they are facing and possible solutions or recommendations are forwarded.

Keywords: guraghe society opportunities- challenges and systems-traditional institutions and leaders

1. Introduction

Research done before in the area, seem to address to one well known function of traditional institutions, i.e. dispute resolution. But in this article other contributions of them have been explored and discussed.

Traditional institutions and leaders are the preservers and guardians of traditional norms ^[1] that are respected in particular communities from generation to generation. They are important channel through which social and cultural change can be realized. Traditional institutions and leaders are important institutions which give alternative dispute resolution ^[2] and welfare services to the society ^[3]. Institutions, be they are formal or informal (traditional), co-existed with the people and continue to co-exist with them ^[4]. And they are presumed to be established for the benefit

of the society. Society in general has traditional settings where traditional institutions and leaders play a significant role in mobilizing the society through influencing the attitudes and actions of the people. This holds true for Africa ^[5], Ethiopia, and particularly, to the Guraghe society. Beginning from the formulation of written constitutional history of Ethiopia, even though the degree and extent may be different, they give recognition to the cultural and traditional administrative systems. They have been reflected on the 1987 constitutions of Ethiopia and also clearly provided on the present Federal Democratic Republic of Ethiopia (FDRE) Constitution. Under the FDRE Constitution, customary laws and practices have been given due cognizance unless they are not contrary to constitutional provisions ^[6]. The government has the duty to support and

¹. Tradition can be defined as something done or respected according to custom from generation to generation, or a belief or practice transmitted from one generation to another and accepted as authoritative, or a set of customs passed down over the generations, and a set of beliefs and values endorsing those customs. (<http://www.federo.com/pages/Role%20of%20Traditional%20Rulers.htm>)

². According to the definition given in 6th edition of Oxford Advanced Learners Dictionary the word 'Alternative', refers to "a thing that you can choose to or have out of two or more possibilities." Therefore, the word in this context is used as an adjective and refers to all permitted dispute resolution mechanisms other than litigation, be it in court or administrative tribunal. Traditional institutions can be taken as one alternative.

³. Tefere Eshetu & Mulugeta Getu, Teaching Material on Alternative Dispute Resolution, under the sponsorship of Justice & Legal System Research Institute of Ethiopia (2009), p.4.

⁴. According to the interview made with Weg Agezi(Chiza) from Geto Woreda the justification for their existence is that during earlier days of Guraghe history, where there was no government and organized administrative system, there were some sorts of injustice done by the individuals like taking the wife and property of another individual by force

and even, recent stories indicate that there was high level of discrimination and coercion on some sections of the society in the area considered as servants. There were situations in which an individual is put to death for the survival of the other according to their belief.

⁵. Relevance of African Traditional Institutions of Governance, presented on the workshop named "Governance for a Progressing Africa", that took place in Addis Ababa, 2006.p.8.

⁶. Article 9(1) of the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution in force at present provides that "the Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect". Article 34(5) of the same provided also that the "Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute". In addition the Constitution on Article 41(9) imposes an obligation on the government by stating that "the State has the responsibility to protect and preserve historical and cultural legacies and to contribute to the promotion of the arts and sports". Furthermore, the Constitution on its cultural objectives provision on Article 91(1) imposes additional obligation on the government by stating that the "Government shall have the duty to support, on the basis of equality, the growth and enrichment of *cultures and traditions* that are compatible with

encourage the function of cultural and traditional institutions that are relevant to the society unless otherwise they are contrary to basic human and democratic rights provided in the constitution. The formal court system allows any conflicting interests or cases to be settled by the traditional institutions and leaders as far as the involved parties show their agreement to be governed by the local by-laws in written form. This works for civil cases and petty offences, but for grave offences they can reconcile save to formal court decision. Reconciliation between the accused and the injured parties in case of grave crimes serve as one ground for extenuating circumstance or reduction of penalties. However, a party can bring the case to the formal court when not satisfied.

These shows, still now, customary norms, traditional practices and institutions are sources of law in some subject matters. It cannot be said that they are totally ignored and marginalized ^[7], rather it seems some sort of recognition have been given to their function and relevance ^[8].

In Guraghe socio-cultural setting, the inter-generationally transferred institutional systems have been shaping and determining the behaviors of individuals and groups. Some of these institutions have been strong enough to influence social systems and are sources of social capital. However, these institutions lack due attention and recognition or their advantages not well exploited. Now a days, following the

fundamental rights, human dignity, democratic norms and ideals, and the provisions of the Constitution".

⁷. Article 3347(1) of the 1960 Ethiopian Civil Code provides the following: "unless otherwise expressly provided, all rules whether written or *customary* previously in force concerning matters provided for in this Code shall be replaced by this Code and are hereby repealed." However, this does not mean that the applications of customary laws are totally abolished by these new enactments. Rather they are legalized in a sense that the codes recognized the importance of customary norms of the society in two ways. One: by directly incorporating the prevalent customary norms in the codes like in the family, succession and property laws. On the other hand sometimes direct reference had been made to those customary laws of the society as long as they are not contrary to the prevalent laws, like formation of marriage and interpretation of contract. For instance Article 14 of the present Southern Nations, Nationalities, and Peoples Regional (SNNPR) State Family Code Proclamation Number 75/2004 recognizes the conclusion of marriage according to the custom of the community in which a man and a woman live or belong or one of them belongs to. In addition, Article 1713 of the 1960 Ethiopian Civil Code provides the following: "the parties shall be bound by the terms of the contract and by such incidental effects as are attached to the obligation concerned by *custom*, equity and good faith, having regard to the nature of the contract." And the SNNPR Land Use Proclamation No.110/2007 mandatorily urges the courts to refer land cases to Committee called land use committee before hearing land disputes before court. Most of the time and the majority of the members of the committee are leaders and elders of traditional institutions at that specific place or district. This is because it is believed that leaders and elders of the traditional institutions do have the knowledge of the source of conflict, to which the land belongs and the disputant parties accept mostly the solution proposed by them.

⁸. As per Article 37 of the FDRE Constitution, courts are the primary institutions empowered to settle disputes, but by no means are the only institution with adjudicative power. Article 78(5) of the FDRE Constitution provides that "Pursuant to Sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and Customary courts that had state recognition and functioned prior to the adoption of the constitution shall be organized on the basis of recognition accorded to them by this constitution". And Article 34(5) of the same Constitution provides that "This constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of parties to the disputes. Particulars shall be determined by law". In addition Article 14(2)(m) of Charities and Societies Proclamation No.621/2009 give recognition for the promotion of conflict resolution or reconciliation through the establishment of charities and societies.

strengthening of the formal system (specially, government institutions), certain loss of institutional recognition to traditional institutions including leaders is being observed. Not giving them due recognition could imply loss or erosion of associated benefits, knowledge, values, loss of social capital and can result in making the social system fragile, among others.

The traditional institutions and leaders are in a better position to influence the people compared to the formal system as there is spiritual and moral values associated with the traditional institutions and leaders. In cases where the state fails to fix certain social issues, the traditional institutions and the traditional leaders used to take actions without discussing with the officials indeed, for example, the traditional institutions and the traditional leaders determine the fine levels of common malpractices, costs and mechanism of marriage and funerals, which were very much costly to the society. Next, methods of conflict resolution, rules and procedures followed by the elders and leaders of traditional institutions together with the roles that traditional institutions and leaders do play and the challenges they are facing are presented.

2. Methods of conflict resolution, rules, procedures, and organizational structure

2.1 Methods of conflict resolution, rules and procedures

This section answers questions with regard to the basis for the decision of traditional elders and leaders in the course of settling disputes that arise in the society. It assesses whether or not there are rules, procedures and guiding principles to direct their action in the process of settling disputes? This includes both the substantive and procedural rules as well.

Since traditional institutions are informal and as their name indicates, they are not expected to have a comprehensive, well organized and formal written rules and procedures. Traditional institutions existed before the establishment of government, formal laws and developed education ^[9].

In earlier times, the elders, representing different sections of the society, gather together to discuss on their problem and pass on various decisions. The elders, after decision, go back to their localities and implement it uniformly. The discussions and decisions at their gathering become a rule and guiding principles for the society. The interpreters are the known elders called judges. If there is a new thing and difficulty, again they do have a fixed meeting date and place to pass decision and settle disputes. The rules and guiding principles transferred from generation to generation orally. The son succeeds the judgeship from his father and continues like that. For long time in the past, the discussions and decisions were not reduced in to written form. Now a day with the help of educated members of the society, 16 years before (in 1998), the western parts of the society (Sebat-Bet Guraghe) reduced their customary rules and guiding principles called 'kitcha' in to writing and published. However, unlikely, the eastern part of the society did not reduce their customary rules called 'Sodo Gordena sera' in to writing and get published. This all is in relation to the substantive rules that define the basic rights and duties. Like the substantive rules, still the procedural rules such as methods of application by the complainant, the defense and

⁹. Yirga Gebre Direta(Azmatch), Participatory Conflict Management/Resolution Mechanisms(The use of Elders in the Guraghe zone)(Draft),Sponsored and Financed by Peace and Development Committee, November 2007,Addis Ababa,Ethiopia,P.9.

hearing procedures, procedures of production of evidences and traditional techniques of finding the truth are not published both in the western and eastern part of the society. However, this does not mean that the substantive rules do not provide some procedural rules within it. For instance the western published substantive rule on chapter 13 beginning from Article 26 provides some procedural rules with regard to traditional oath (traditionally called 'Gurda') that is going to be made by the parties and witnesses, the structure, hierarchy and jurisdiction of the traditional institutions at different level, and with regard to the place and time of meeting to entertain cases and settle issues.

Even if the basic rules and guiding principles have been reduced in to writing, still the detailed interpretations and applications remain within the minds of elders who got the knowledge and the skill through oral transfer from their ancestors.

Thus, it can be said that the traditional institution leaders and elders base their decision on customary rules transmitted orally from generation to generation, except with recent (1998) publication of the basic customary rules of the western Guraghe^[10].



Fig 1: shows the moment of presentation of cases by parties to the traditional leaders at the supreme (*Yejoka*) level.

2.2 Place and Time of Meeting

Traditional leaders and elders at different levels do have known and almost fixed meeting places. Both at the local and higher level, they do have fixed meeting places. On some occasions they conduct short meetings in public institutions like schools and religious places such as churches.

Some of the known places of meeting of traditional leaders and elders are "*Yejeweka*" (at the supreme level-situated in the Western part-*Sebat Bet Guraghe-Cheha Woreda*), "*Weshe*" (at the higher or middle level- situated in the Western part-*Sebat Bet Guraghe-Inemor and Ener Woreda*), "*Desene*" (at the higher or middle level- situated in the Western part-*Sebat Bet Guraghe-Eza Woreda*), and also at the grass-root or lower level they do have meeting places.

However, "*Yejeweka*" is the well-known meeting places of the Western part-*Sebat-Bet Guraghe* at the supreme level like Supreme Court of the formal courts. A final decision is pronounced in this place. The known elders who represent the various sections of *Sebat-Bet Guraghe* gather together at this place and unsettled cases get their final decision and basic issues of the society get solutions at this very place. This place situated in *Cheha Woreda* and far around 10km

from the *Woreda town- Emdibir*. Now at this time, because of transportation and other facility problems, many meetings are being conducted in the town-*Emdibir*, not on the historical place-"*Yejeweka*".



Fig 2: The historic meeting place of leaders and elders of *Sebat-Bet Guraghe* traditional institution called "*Yejeweka*".

Concerning time of meeting, leaders and elders of traditional institutions do not have a fixed office building and office hours to the society. Formal courts open their offices and entertain cases day after day except weekends and holidays. Like formal courts, traditional institutions do not have offices to open and entertain cases day after day. However, this doesn't mean that leaders and elders of traditional institutions do not accept any applications from an aggrieved party or a member of the society. They accept applications at any time even in weekends and holidays. At any time where ever it is the elders hear the complaint, can be said as oral application, and schedule it to the meeting at the local level (known place) or the complainant appear in person and bring his case live on the fixed meeting time and place at the grass-root or local level. The next meeting date will be fixed on this meeting on the same place. The same trend is followed at the higher (middle or *Woreda*) level and supreme level - "*Yejeweka*".

2.3 Structure and Organization

Traditional institutions do have their own structures and organizations that begin from the grass-root level at the sub-clan, in the middle (higher) level at the clan or *woreda* level, and ends at the supreme level, the constituents of which are representatives of different sections of the society, entertain appeal cases, decide important issues that concern the society as a whole, amend rules, make new laws and the like.

The organization of traditional institutions in the western and eastern parts of *Guraghe* is almost similar. In the Western *Sebat-Bet Guraghe*, elders (leaders of specific sub-clan) at the first instance level handle cases at the grass-root levels on matters arising at the lower level from the same sub-clan. Members of the same family at the sub-clan level bring their cases to the local elder or leader called *Yetib-Dane*^[11]. The local leaders try to settle issues that arise from the same family or sub-clan at the local level. The traditional setting at this level in the eastern *Sodo Guraghe* is called *Yebeteseb Shengo*. They do have locally known place and scheduled time to resolve conflicts and to discuss

¹⁰. The by-law-'*Kitcha*', after it was endorsed by 8 bigger families of the *Sebat-Bet Guraghe* society, was first published in 1998. The by-law has 16 chapters and 43 articles. Now a day, amendment provisions form part of the by-law.

¹¹. A traditional judge or leader of a sub-clan in particular area. Different types of traditional judges have been defined under Article 29 of *Sebat-Bet Guraghe Customary law* called *Kitcha*. Those traditional judges who know and have experience of substantive and procedural rules of customary law called as *ye Kitcha dane* who sit at the supreme *Yejeweka* level.

on other issues that concern them.

Where the issues raised are broad and the concern of different sub-clans or the parties are from distinct sub-clans or locality, the matter is going to be handled by the elders and leaders represented from different sub-clans. At this level the leaders of the sub-clan gather together, settle conflicts and decide on issues that concern that section of the society. At this middle or higher or woreda level the appeals (any dissatisfied party) from the local level decision of the leader of sub-clan (*Yetib-Dane*) will be entertained and issues of that Woreda get solution. The traditional setting at this level in the eastern Sodo Guraghe is called *Yegordena Shengo*. This level of organization does have similar status with high court of the formal courts of the judiciary organ. The examples of such kinds of settings in their local naming are: *Weshe-Inemor* and *Ener Woreda*, *Desene-Eza Woreda*, *Emir Yekoterpa-Mihur* and *Aklil woreda*, and other sections of the society gather at this level in the public school (Cheha people), in religious institutions (Church- Sodo people), and under big tree in other parts of the society.

At the supreme level, the Western Sebat-Bet Guraghe (Cheha, Gumer, Geto, Eza, Enemor and Iner, Mihur and Aklil, Abeshge), except *Endegagn* ^[12], representatives or leaders of respective localities (elected from each Woreda) gather together and handle appeal cases and decide issues of the Sebat-Bet Guraghe (Western Guraghe) as a whole. Their decision is final. Unlikely, now a day, such kind of structure is not common (the third-supreme level) in the eastern part of Guraghe that comprises Sodo, Meskan, and Kokir Gedebano (Welene) Woredas. However, sometimes they gather together to discuss and settle issues of the same concern ^[13]. They do not have one gathering system and place like the Western part Sebat-Bet Guraghe-*Yejeweka*. The final decision will be given at the Woreda-middle or higher level. The three sections of the society in the eastern part of Guraghe (Sodo, Meskan and Kokir Gedebano), each of them do have their own distinct customary law. Among them, the *Sodo Gordena Sera* or customary law only is reduced to written form, but not yet published like *Kitcha* (customary law of Western part of Guraghe).

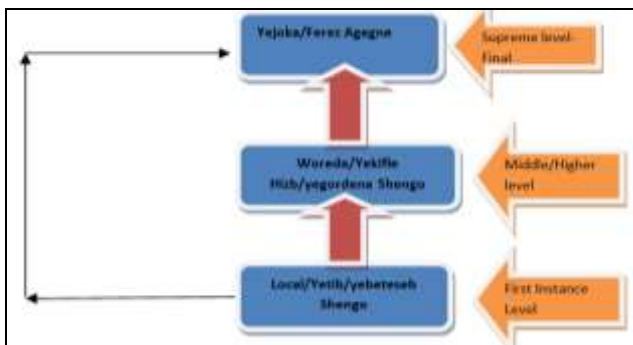


Fig 3: Organizational structure of traditional institution of both Sebat-Bet Guraghe and Sodo Gordena.

¹². It doesn't include the traditional institution structure of Endegagn kifle Hizb/woreda of the society. They do have their own distinct structure and they do not participate in *Yejeweka*

¹³. *Ferez Agegne* of Meskan people in the eastern part of Guraghe is considered as supreme like *yejeweka* of western Guraghe. Sodo people also sometimes use this supreme traditional institution setting for issues of common concern.

3. Relationship of Traditional Institutions and Leaders with Government Organs and Formal Laws

Traditional institutions and leaders do have functional relationship with government offices. The writer found out the relationship of the elders with formal government offices is much stronger in the West part of the society than the Eastern. Particularly, the traditional institutions and leaders (elders) do have a relationship with offices like courts, office of prosecutor, security offices, women and youth affairs offices and so forth.

In all parts of the society, the traditional institutions and leaders participate in time of preparation of the plan of activities of the year and give their suggestion and comment on the quarter reports of the offices of the justice department. On the planning stage there is a document known as '*citizen's charter*' ^[14] as a result of which traditional institutions and leaders are invited to participate and forward their comment so that they can work together. The justice department in order to minimize work load and for sustainable solutions to conflicts, they would rather prefer traditional institutions and the government prefers the case to be handled by the elders where the cases are not of grave offences. Mostly, for petty offences, crimes up on complaint and whose penalty is below 3 years imprisonment can possibly be settled by the traditional institutions.

Even for grave offences, after the sentence has been pronounced by the court, elders reconcile the offender with the injured and his family and also with the society as a whole for sustainable peace and security ^[15]. So, the prosecutor and the justice departments give training and create awareness to the elders and leaders of traditional institutions where their role is required to conform to the law of the country. The offices make the traditional institutions aware about the law and the area in which the function of the elders is required to go in line with rules and procedures of the country. In case of grave offences, if the offender by using traditional elders settles his case with the injured person and brings this to the court with his written application, the penalty will be mitigated or minimized, but he cannot escape totally from being penalized in case of grave offences like homicide, rape, abduction, and the like which are crimes punishable up on accusation.

The public prosecutors assist and give training to the leaders not to go against the law and violate the basic human rights and fundamental freedoms of human beings. The traditional institutions also have a direct link with the justice departments by supplying evidences in time when the prosecutors unable to get it and save the files from being closed because of lack of evidence. As a result, a number of crimes have been minimized in the area. They also work

¹⁴. Meaning an agreement between the justice department and the citizens to work together.

¹⁵. A special emphasis is given in case of homicide. Even if the formal court put the criminal in jail, the society and the penalized individual do not believe that the issue get final solution. To get final settlement, it has to go through traditional procedures and beliefs. After the involvement of elders, traditional ceremony and compensation made through traditional procedure and laws, that the issue will get final settlement. Now a days the compensation that is going to be paid to the families of the injured for first degree homicide (traditionally called as '*mura*') reached to 80,000 Ethiopian birr as a result of decisions made by the covenants of '*Yejoka*' by amending 30,000 Ethiopian birr compensation for blood provided in Article 24(1) of the customary law-'*Kitcha*'. However, previously in near past time (in time of Dergue regime-before 1991) it was 300 Ethiopian birr and dramatically increased since then according to the interview made with the elder Weg Agezi (Chiza) from Geto Kifle Hizb (Woreda).

with security and administrative offices to bring about peace and avoid insecurity.

Traditional institutions do have also functional relationship with courts. The judges of the courts refer cases like conflict within families, private neighbor, or other civil cases, and cases of petty offences to be settled by the elders of the traditional institutions up on the consent of both parties. As a result the work of judges of the court will be easier since they are assisted by the traditional institutions and leaders or members. This trend is known in the Guraghe society and their role is recognized by the offices that work with them.

They do have also functional relationship with women's affairs office of the government. The offices give training and create awareness to traditional institution leaders and members specially to respect women's equality, to send girls to school, on harmful traditional practices like female genital mutilation, abduction, and the like. The offices work first on the attitude of the elders and then after they discourage such harmful practices by teaching the society in their grass-root level gathering and stand beside government offices. The government officers do have strong acceptance if they go with known elders and leaders of traditional institutions of the specific area.

The same is true with Youth affairs offices. Through elders and leaders of traditional institutions, youth affairs offices transmit message to youths of the society. In the meeting with youths, the elders will be invited and urge the youngsters to attend schools, love work and hate theft and free from any drugs (addictions). The elders at the individual level and also in their gathering advise the youngsters to be good and responsible citizens. Thus, elders are the strong hands of the Youth affairs offices. However, the offices are not doing in well organized and planned manner with traditional institutions. This is a little bit strong with courts and justice departments and security offices.

At last the traditional institutions should not be in conflict with basic laws and fundamental human rights provided by the laws of the country. It should not be in conflict with the Federal Democratic Republic of Ethiopia (FDRE) Constitution. If they conflict with it, their practice is null and void ^[16]. The preamble of Western Guraghe Customary Law-Kitcha assures the conformity of the customary rule with the FDRE Constitution and provides that the traditional institutions work in accordance with the principles of the Constitution. Mainly, traditional institutions work on the area of family, personal, and petty offence cases up on consent of the parties and in line with the basic laws of the country for other issues concerned. Practically, some conflicts with the formal rules and offices of the government are expected. We will see this point in the following part.

4. Major Roles of Traditional Institutions and Leaders

When we mention first about traditional institutions and leaders, what comes at first impression to our mind is that their role in conflict resolution. In the Guraghe society, historically, the existence of traditional institutions and leaders have been justified because to avoid injustice as a result of taking the property and wife of individuals by aggressive and violent persons. In order to correct these incidents, traditional institutions have been established. Thus, in the case of conflict between individuals, groups, clans, and sub-clans and within the family they do have big

role in settling it especially in the matters like land, homicide, conflicts between families or husband and wife.

There are crimes and conflicts that are common in the Guraghe society that needs the intervention of the elder members and leaders of traditional institutions. Such crimes and conflicts, ranging from minor or petty offences to grave offences include: conflict over using and grazing of land, removal of border stones or signs, irrigation water, murder, theft, conflict between group of individuals, conflict within family, abduction (girl or women), destruction of property, burning of homes, and rape. Among the list of the above crimes and conflicts, the most serious and repeatedly attract the attentions of the elders and leaders of traditional institutions were land issues, burning of homes or property, murder, especially the youths steal chat, chew it and get drunk and then insult and beat other individuals. Problems with regard to family include divorce, succession, discrimination against women to inherit and own property especially land are also prominent. The elders and leaders together with the government officials were busy of handling such kind of issues in the society.

In relation to the above, traditional institutions and leaders are better in finding out the truths and evidences for appropriate decisions at the time the crime is committed and the actor is not known like in the case of homicide, theft, robbery, burning of property and also in the case of conflict on land and related matters, they know to whom it belongs. Their decision is not absurd rather un doubtfully with unequivocal evidences reach in to fair decision and the solution they give is long lasting, accepted by the parties and without any reservation and satisfy both parties, reconcile them and bring them to their previous societal position to live together in co-operation and harmony (particularly in the cases of land and homicide).

Better than formal courts, traditional institutions and leaders arrive at the truth and find evidences to reach at sound decisions. Formal courts decide most of the time in favor of one party and/or the other will be dissatisfied. The formal courts do not reconcile and satisfy both parties and do not bring both parties back to their previous societal position. And the solution or decision given by the traditional leaders is being implemented, accepted and respected better by the society than the decision given by the formal court or judges.

For example, if the conflict is on land, the traditional elders mostly know well about the historical background to whom it belong, the source of conflict since they live within the society. The truth is not concealed from them. Thus, they will give appropriate decision unless they become biased. It seems as a result of which that the Southern Nations, Nationalities, and Peoples Region Rural land Use Proclamation No.110/2007 recognized elders to have decisive role in the process of determining to whom the land belongs to ^[17]. While the writer collects data in one of the study areas i.e. Cheha Woreda, a conflict on land has arisen and a group of persons affected by it. This conflict becomes

¹⁶. Article 9(4) of the FDRE Constitution (1995)

¹⁷. Article 12(1) of Proclamation No.110/2007 provides that when dispute arises over rural land holding right, the case shall be brought to kebele land administration committee. The committee shall let the dispute be resolved by negotiation and arbitration through local elders set by the choice of the two parties. Any party dissatisfied by the decision of elders can appeal to the ordinary court that extends from the first instance court to the Supreme Court cassation division of the region and Federal as well. 'Kebele' means a place that indicates a particular district.

the issue of the society at that district and government officials. The officials from different sectors of that Woreda go with the elders to settle the dispute. Finally, the elders handled the case and settled it successfully.

In addition, traditional institutions and leaders do have a big role in cases involving homicide. Their role is magnified in this particular crime which is considered as a grave crime in the society. For whatever reason, it is unacceptable. If an individual killed a human being whether intentionally or driven by any motive or negligently or on self-defense^[18], the elders take up the case immediately. The moment they have got an information about the murder, they immediately go to that place and urge the criminal and his family to leave their living place called '*Heterat*' and stand between the families of the suspect and the injured to avoid further killing and conflict. The elders will select individuals from both sides to form a committee that will assume same traditional responsibilities in the process of settling dispute and avoiding further measures from being taken by the families of the injured against the killer and his families as revenge. If the killer is not known the leaders follow traditional way of finding out of the criminal. The families of the suspect will give an oath on behalf of the suspect that he did not commit the crime by their own traditional belief. If the suspect denied the fact and his family are sure about it, they will give their words to the elders who handle the case and they guarantee or protect the suspect. However, if the family suspects or knows about the actor is that person they will not give an oath on false grounds because they fear a curse by their own belief that it is not good for that family and next generation connected to supernatural power? Thus, they will tell the truth and give their testimony to the elders. The two families enter in to oath which is traditionally known as '*Gurda*' which binds them to the oath and one refrain from taking a negative measure against the other. It is prohibited to break the oath and the elders follow the situation carefully. If anyone breaks the oath, the traditional institutions leaders will give a verdict on that. Mostly, nobody violates that rule^[19]. Therefore, the traditional leaders play a prominent role in minimizing further crimes at that moment and also reach at the truth through their own traditional methods and the people also respect the oath and fear the consequence (curse) if they do not tell the truth especially in the cases of homicide.

Traditional leaders give the solutions on the spot before the problem is spread and aggravated to the other place. In terms of accessibility they are better than formal courts. Traditional leaders handle cases most of the time successfully and will restore peace in the area. They are skillful and accepted by the society. Especially the leaders at the grass root level have a big role for the continuance of the family and non-occurrence of divorce.

Traditional institutions and leaders also assist the formal justice sector by minimizing case load. They will settle matters before they go to the justice sector and formal courts. As a result they will minimize cost in time and money. Locally, at their own place, parties get solution and

settle without incurring much cost in terms of money and time. Mostly, as compared to formal courts, a solution will be given by the leaders promptly and with minor costs.

Traditional institutions and leaders do have roles beyond conflict prevention and dispute settlement. The traditional leaders are trusted and accepted by their people like in promotion of education, work, and health care activities, and other development endeavors. Such welfare activities as construction of roads, bridges, Schools, health centers and the like by urging the people including business men and the like, who live outside the region like Addis Ababa, capital city of Ethiopia, to contribute what they have in terms of money, labor and skill. They urge the youngsters to learn and love work rather than wasting time on drugs and dependent on the family. Highly discourage harmful traditional practices that affect their health. They prohibit marriage without taking HIV/AIDS test. Discourage also favorable situations that make youngsters to engage in for unsafe sex in time of wedding ceremony. They urge the youngsters not to engage in and form a family without getting information one on another unknowingly so as not to result on prompt divorce. There is a saying in the eastern part of the society (Sodo) '*kli-kla*' (meaning let us move far from family) that means the teenagers (male and female) without due consideration to the consequence of marriage, they leave their family and go somewhere else and form a family of their own. After some time they get divorced. The elders educate them to be cool and consult their family. They also educate individuals not to waste resources (money, time, labor, etc) in case of wedding and funerals. Therefore, they do have a big role in building the society positively and avoiding harmful practices.

To sum up, traditional institutions and leaders do have the following roles

1. they resolve disputes
2. they support and assist the formal justice system-e.g. by reducing case load and provision of evidences
3. they promote education, work, health care and other development activities-e.g. build roads, bridges, schools, health centers, etc
4. they prevent and avoid harmful practices like genital mutilation, finger cutting, abduction, intoxication, wasting of resources, sex before marriage, etc
5. they promote the development of good culture and language-e.g. theft does not have any place in the society, encourage speaking the local language
6. they promote co-operation and harmony, e.g through '*Ekub*' (Amharic word meaning saving to alleviate economic problem) and '*Edir*' (Amharic word meaning contribution for the time of funeral).
7. they give prompt decision
8. they are accessible
9. they minimize cost in time, money, labor, etc
10. they avoid revenge and replace co-operation and harmony

5. Major Challenges of Traditional Institutions and Leaders

Traditional institutions are not without problems and challenges. The challenges and problems emanate either within themselves or outside like from the formal rules, government organs and from the society. They are not perfect and their functions are not without challenges and

¹⁸. These three types or degrees of homicide considered as crime by the traditional institutions both in the eastern (Gordena Sera) and western (Yejoka-Kitcha) part of the society-we can refer it from Article 24 of the Western Guraghe Customary law-Kitcha.

¹⁹. You can also refer it from Article 26(2) of the Guraghe Customary Law-Kitcha (1998).

problems. The major ones are discussed as follows:

1. They conflict with formal laws of the country, even though the preamble of the customary law-‘Kitcha’ provided otherwise. The elders and leaders of traditional institutions are not allowed to handle cases of grave offences. In earlier times traditional institutions all in all used to settle cases including grave offences like homicide. Now a day this power is totally reserved to the formal courts. Personal, family, petty offences, offences up on complaint and whose penalty is below 3 years imprisonment are only left for elders to reconcile up on full consent of the parties. However, sometimes elders try to handle grave offences and in this time conflict with law and formal government organs arise. At this time, when they are deprived of such power, elders will complain on government and as a result they will be dissatisfied. Thus, their claim is not legally founded.
2. Sometimes they work for the criminals not to be disclosed and corrective measures from being taken. They conceal evidences and make witnesses not to give their true testimony before police officers, prosecutors, or courts when they are deprived not to handle grave offences, or the offender is their relative/family/sub-clan. Even in case of grave offences, for example cases of traffic damages (car accident), they negotiate with both parties so that the injured will be compensated and reconcile with the injured and will not apply to justice department. As a result, they hinder appropriate and rehabilitative measures from being taken by the state machinery. The potential offenders will not be discouraged rather encouraged by the mentality that ‘*I will settle with the elders*’. Offenders get confidence and commit a crime since there are traditional elders that handle their cases after the commission of the crime. In the eastern part of the society, in case of abduction, the elders interfere and negotiate with the parties and urge the abductor to give some compensation or gift like cattle to the family of the abducted girl and then after make the act of abduction not to be reported to the police or justice department. Thus, they insist the crime of abduction not to be disclosed and corrective measures from being taken. As a result such crime will not be discouraged and will not be minimized.
3. Traditional institution leaders and members are sometimes not independent or neutral and they are biased. They do not treat parties equally. Like an advocate they will side or favor one party and do not stand impartially. They favor and advocate for the interest of one party may be their relative/family/sub-clan or they may side to the haves or rich party. Even they classify witness irrationally whether to be competent or not, for instance, do not admit the testimony of witnesses if they come from the discriminated sections of the society like classified as servants. Sometimes they demand money or gift from the parties. As a result they reach in to unjust and unfair decisions and parties will be dissatisfied and rather prefer the formal courts. There was a saying that in earlier times the known elders of the society, after they settle the conflict and give decisions, before they return back to their home, on the road to it, they sit down on the ground repeatedly three times because there was a belief that it avoids a curse to their family and next generation if they give unfair and unjust decision. This act shows that the elders fear curse on them if they give biased decision. This day, some elders sometimes are not neutral and they are biased.
4. Sometimes, traditional institutions’ leaders impose huge penalties or measures specified in the Guraghe customary law or above or more than the formal laws. By using their power and reputation, impose unfairly huge or high penalties or compensation for damage. They compel the poor farmers to sell their cattle (e.g. up to 4 cattle at once) and home and working materials as well. In this case the elders do so not to teach others rather they themselves have their own share and negotiate with the parties on that. As a result sometimes individuals do not want the cases to be referred or be handled by elders rather prefer courts and they tell courts ‘*do not let us go or stand before hyenas*’ (in Amharic ለጅብ አሳልፋችሁ አጎስጥኝ) ^[20].
5. Sometimes traditional institution leaders act as autocrats and rigid. Elders want to handle cases of grave offences. In such a case, if the justice departments stopped them from doing so, they will accuse them and complain that they are interfering on their activity. Then they make the evidences to disappear and warn witnesses not to give testimony. And nobody gives testimony to the court if the elders tell them not to do so. The courts will be forced to close the files because of lack of evidences. However, after some days (shortly after the file have been closed) the elders gather together and they say that this is not good for us and next generation (specially in case of homicide) and by using their traditional methods i.e. ‘*Gurda*’ (oath) promise for themselves and disclose everything by handling the case and settle the issue by their own. The closed file by the formal courts will get solution by elders. And even the elders do not want the individual parties to pass them and apply to the formal justice departments. If they do so, they will discriminate from any social activities. They do not respect the individuals consent and freedom.
6. Their penalty is not individualistic or private in nature ^[21]. The families who do not have any participation in the commission of the crime become part of the penalty and targets of the measures. The families together with the criminal will be compelled to leave their home up until the dispute is resolved and it is told to them return back ^[22]. So this is against the liberty and freedom of individuals.
7. The traditional institutions do not have space for women involvement. Women do not have role play or participation in the system. Even women by themselves cannot appoint or select a woman, but prefer a man to handle their cases. Women are not active in the system of traditional institutions, but they themselves do have

²⁰. The meaning in Amharic language is called as ‘*Lejib Asalifachihu Atisun*’.

²¹. Article 41 of the FDRE Criminal Code (2004) provides that punishments are not transmissible to another person. They operate to the benefit or to the detriment of solely of the person to whom it attach.

²². It is called ‘*Heterat*’ in the local meaning. It is Defined under Article 26(3) of Guraghe Customary Law and it is a traditional procedure that obliges the disputant parties in case of serious conflict to stop from taking any measure one against another up until the date fixed by the elders in order to settle the case in calm way.

respect for roles of them. There is a story of famous woman called 'Yekake Wurdawet' in Mihur-Aklil Woreda-Cheza (Zermegne) rural district. She was a women's right activist in the society. She worked for the equal treatment of women in the society with men. She opposed discrimination. Now a day women's non-discrimination is a guaranteed right by the Constitution and other laws of the country. So they can enforce by going to formal court even if the elders do not want to do so (sometimes the elders believe that females do not have to succeed equally with male especially land not because they misrecognize their equality but because of fear of continuation of sub-clan level generation. The fear materializes when a woman succeed land and get married to a man from another sub-clan. As a result of these events the land becomes the property of a sub-clan to which a man belongs).

8. Traditional institutions sometimes face a challenge from the religious institutions. Traditional institutions employ oath (locally called 'Gurda') and follow cultural beliefs in the process of settling disputes (mainly in cases of homicide). However, these acts are forbidden by religion and so elders fall in confusion with it. Thus, elders raise it as a challenge^[23].
9. Traditional institutions also face challenge from the government offices when the mechanism of dispute settlement goes against the formal laws and basic human rights and freedoms. In Eastern Guraghe, to some extent, the elders failed to publish customary law since their draft document loses acceptance and recognition by the individual government officers. From the government officer side they forgot the informal nature or characteristics of traditional institutions. They expect them always to go with formal laws and procedures of the government.
10. Traditional institutions face challenges as a result of shortage of budget and materials for their activities. They do not have any budget and support in terms of money and materials except some coffee, 'kollo', and water to drink in time of meeting as a result of contribution made by voluntary individuals. Elders discharge their responsibility by their own expenses. They travel long places and cover transportation costs by their own.

6. Conclusion and Recommendations

Traditional institutions and leaders that exist in Guraghe zone mean a lot to the society. They are popular and deeply rooted in the minds of the society. Historically, they played a significant role in settlement of disputes particularly and overall impact on development of the area in general. This trend has also continued today with new situation. Still they have been given a big place and recognition by the society and by the formal government administration. Presently

²³.The writer observed that there are religious persons (priests and sheiks) who participate actively in the traditional institutions. Even though the traditional institutions and religious institutions are quite different entities, some times in the dispute settlement process elders mix traditional institutions with religion. Traditional institutions, especially, in the Eastern Guraghe, use worshipping compounds for their meetings and religious teachings in the process of settling disputes. They can be taken as a good sign or a model of peaceful co-existence that now a day we are lacking and facing a challenge domestically and worldwide as a result of radicalism. In the 'Yejewoka' gathering and even at the grass root level followers of different religion participate actively respecting the customary laws.

their role is not totally replaced by the government structure and administration. They contribute in the settlement of disputes, the promotion of social and economic development such as building bridges, road, school, water supply, health centers, and other uncountable contributions in the area of educating ethics and self-disciplinary matters. The services of the traditional institutions and leaders could be better exploited if a harmony could be made with the governmental and non-governmental formal undertakings. Among others, development of a larger domain of institution that cross all local institutions or that makes all the institutions members as a coalition of them is suggested to add value. The benefit of coalition, when they do better at the higher level of the structure, could be evidenced with the Yejeweka (the Western Sebat Bet Guraghe traditional institution), the Guerdena Sera (the eastern Sodo Guraghe traditional institution), or others.

The traditional institutions and leaders could also benefit from modern communication system, personal leadership concepts to provide to the traditional institutions and the traditional leaders, or to identify special focus areas where the government could make comparative advantage and disadvantage with the traditional institutions and the traditional leaders. However, these traditional institutions could not benefit from formal studies on how to make their operation better.

The contributions of the traditional institutions should be given a credit and get recognition. It should be taken as a great opportunity by the society as a whole. We should capitalize on those real role or advantages of the existence of traditional institutions and leaders. On the other hand, individuals, groups, government and non-government organizations have to make financial and non-financial support in order to overcome the challenges so that they can scale up their contribution in bringing about peace and development.

The question that has to be addressed here is how to capitalize on the opportunities that tops on their major roles and use them positively. In order to capitalize on the opportunities and sustain their positive contribution the following recommendations can be taken as a home work by concerned individuals and bodies as well:

1. Recognition has to be given to the existence and positive contribution of traditional institutions' leaders and members by all members of the society, both young and old, as well as the government. They should not be marginalized since their advantage exceeds their disadvantage. The recognition can be expressed through developing positive attitude towards their contribution by the society especially young generation. This can be done through various awareness creation activities such as public discussion, publications and media. These activities can raise the awareness of the society at different levels. The activities also include their inclusion in the curricular and extra-curricular activities of the students beginning from the primary school to the higher educational level. It should be given place in the mini-medias and clubs at the school levels. A lot of work on this area is expected from Education, Culture and Communication Departments of Guraghe Zone Administration.
2. Training on basic laws, fundamental human rights and freedoms has to be given to the leaders and elders to help them go with rule of the day. This has to be done

by Guraghe Zone Justice Department and High Court and the respective offices at the bottom in collaboration with interested organs, groups and individuals. And also training to personnel and officials who have relationship with the traditional institutions has to be given on the issues such as the nature, contribution and limitations of the later.

3. Material and financial support has to be made such as chair, table, other office materials, and allowances at least for the leaders when they travel a long distance to encourage them. Then the traditional institutions and leaders have to be encouraged to convene on their historical places in order to preserve the traditional and touristic value attached to the place. The Cheha Woreda and 'Yejoka' kebele(district) has to do more in making the traditional place attractive to the leaders and elders and to visitors as well. The historical place 'Yejoka' has to be cultural and tourist site and has to be open for tourists by providing important services there.
4. The Ministry of Federal Affairs and corresponding offices in the region and Guraghe Zone has to take the traditional institutions as opportunities and examples (models) of coexistence, tolerance, appreciation of diversity between people and followers of different religion. This value has to be promoted and transferred to the new and next generation.
5. The leaders and elders have to make the room to the youths and women in their activities to transfer the tradition to the next generation.
6. Like the western Guraghe Customary law-Kitcha, the customary law of Eastern Guraghe (Sodo Gordena Sera) has to be published. In addition, the procedural rules not included in above substantive laws have to be also reduced to writing and published to transfer them to next generation. This should not affect the informal nature of traditional institutions. The traditional institution need to have its own disciplinary rules and procedures for those who do not serve the society truly and fairly. The leaders themselves have to respect the customary laws and stand for the observance of it. The amendments made to the customary laws and important decisions made at least at the highest level have to be reduced to writing in order to be consulted and referred to by the people and transferred to next generation. For example, the monetary compensation for murder provided in the 1999 customary law-Kitcha has been amended. This has to be reduced to writing and communicated to the society.

7. References

1. Tradition can be defined as something done or respected according to custom from generation to generation, or a belief or practice transmitted from one generation to another and accepted as authoritative, or a set of customs passed down over the generations, and a set of beliefs and values endorsing those customs. ([http://www.federo.com/pages/Role%20of%20Traditional %20 Rulers.htm](http://www.federo.com/pages/Role%20of%20Traditional%20Rulers.htm))
2. According to the definition given in 6th edition of Oxford Advanced Learners Dictionary the word 'Alternative', refers to "a thing that you can choose to or have out of two or more possibilities." Therefore, the word in this context is used as an adjective and refers to all permitted dispute resolution mechanisms other than litigation, be it in court or administrative tribunal. Traditional institutions can be taken as one alternative.
3. Tefere Eshetu & Mulugeta Getu, Teaching Material on Alternative Dispute Resolution, under the sponsorship of Justice & Legal System Research Institute of Ethiopia, 2009, p.4.
4. According to the interview made with Weg Agezi(Chiza) from Geto Woreda the justification for their existence is that during earlier days of Guraghe history, where there was no government and organized administrative system, there were some sorts of injustice done by the individuals like taking the wife and property of another individual by force and even, recent stories indicate that there was high level of discrimination and coercion on some sections of the society in the area considered as servants. There were situations in which an individual is put to death for the survival of the other according to their belief.
5. Relevance of African Traditional Institutions of Governance, presented on the workshop named "Governance for a Progressing Africa", that took place in Addis Ababa, 2006, p.8.
6. Article 9(1) of the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution in force at present provides that "the Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect". Article 34(5) of the same provided also that the "Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute". In addition the Constitution on Article 41(9) imposes an obligation on the government by stating that "the State has the responsibility to protect and preserve historical and cultural legacies and to contribute to the promotion of the arts and sports". Furthermore, the Constitution on its cultural objectives provision on Article 91(1) imposes additional obligation on the government by stating that the "Government shall have the duty to support, on the basis of equality, the growth and enrichment of *cultures and traditions* that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions of the Constitution".
7. Article 3347(1) of the 1960 Ethiopian Civil Code provides the following: "unless otherwise expressly provided, all rules whether written or *customary* previously in force concerning matters provided for in this Code shall be replaced by this Code and are hereby repealed." However, this does not mean that the applications of customary laws are totally abolished by these new enactments. Rather they are legalized in a sense that the codes recognized the importance of customary norms of the society in two ways. One: by directly incorporating the prevalent customary norms in the codes like in the family, succession and property laws. On the other hand sometimes direct reference had been made to those customary laws of the society as long as they are not contrary to the prevalent laws, like formation of marriage and interpretation of contract. For instance Article 14 of the present Southern Nations, Nationalities, and Peoples Regional (SNNPR) State Family Code Proclamation Number 75/2004 recognizes

- the conclusion of marriage according to the custom of the community in which a man and a woman live or belong or one of them belongs to. In addition, Article 1713 of the 1960 Ethiopian Civil Code provides the following: "the parties shall be bound by the terms of the contract and by such incidental effects as are attached to the obligation concerned by *custom*, equity and good faith, having regard to the nature of the contract." And the SNNPR Land Use Proclamation No.110/2007 mandatorily urges the courts to refer land cases to Committee called land use committee before hearing land disputes before court. Most of the time and the majority of the members of the committee are leaders and elders of traditional institutions at that specific place or district. This is because it is believed that leaders and elders of the traditional institutions do have the knowledge of the source of conflict, to which the land belongs and the disputant parties accept mostly the solution proposed by them.
8. As per Article 37 of the FDRE Constitution, courts are the primary institutions empowered to settle disputes, but by no means are the only institution with adjudicative power. Article 78(5) of the FDRE Constitution provides that "Pursuant to Sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and Customary courts that had state recognition and functioned prior to the adoption of the constitution shall be organized on the basis of recognition accorded to them by this constitution". And Article 34(5) of the same Constitution provides that "This constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of parties to the disputes. Particulars shall be determined by law". In addition Article 14(2) (m) of Charities and Societies Proclamation No.621/2009 give recognition for the promotion of conflict resolution or reconciliation through the establishment of charities and societies.
 9. Yirga Gebre Direta (Azmatch), Participatory Conflict Management/Resolution Mechanisms (The use of Elders in the Guraghe zone) (Draft), Sponsored and Financed by Peace and Development Committee, November, 2007, Addis Ababa, Ethiopia, P.9.
 10. The by-law-'Kitcha', after it was endorsed by 8 bigger families of the Sebat-Bet Guraghe society, was first published in. The by-law has 16 chapters and 43 articles. Now a day, amendment provisions form part of the by-law, 1998.
 11. A traditional judge or leader of a sub-clan in particular area. Different types of traditional judges have been defined under Article 29 of Sebat-Bet Guraghe Customary law called *Kitcha*. Those traditional judges who know and have experience of substantive and procedural rules of customary law called as *ye Kitcha dane* who sit at the supreme *Yejeweka* level.
 12. It doesn't include the traditional institution structure of Endegagn kifle Hizb/woreda of the society. They do have their own distinct structure and they do not participate in *Yejeweka*
 13. *Ferez Agegne* of Meskan people in the eastern part of Guraghe is considered as supreme like *yejeweka* of western Guraghe. Sodo people also sometimes use this supreme traditional institution setting for issues of common concern.
 14. Meaning an agreement between the justice department and the citizens to work together.
 15. A special emphasis is given in case of homicide. Even if the formal court put the criminal in jail, the society and the penalized individual do not believe that the issue get final solution. To get final settlement, it has to go through traditional procedures and beliefs. After the involvement of elders, traditional ceremony and compensation made through traditional procedure and laws, that the issue will get final settlement. Now a days the compensation that is going to be paid to the families of the injured for first degree homicide (traditionally called as '*mura*') reached to 80,000 Ethiopian birr as a result of decisions made by the covenants of 'Yejoka' by amending 30,000 Ethiopian birr compensation for blood provided in Article 24(1) of the customary law-'Kitcha'. However, previously in near past time (in time of Dergue regime-before 1991) it was 300 Ethiopian birr and dramatically increased since then according to the interview made with the elder Weg Agezi (Chiza) from Geto Kifle Hizb (Woreda).
 16. Article 9(4) of the FDRE Constitution, 1995.
 17. Article 12(1) of Proclamation No.110/2007 provides that when dispute arises over rural land holding right, the case shall be brought to kebele land administration committee. The committee shall let the dispute be resolved by negotiation and arbitration through local elders set by the choice of the two parties. Any party dissatisfied by the decision of elders can appeal to the ordinary court that extends from the first instance court to the Supreme Court cassation division of the region and Federal as well. '*Kebele*' means a place that indicates a particular district.
 18. These three types or degrees of homicide considered as crime by the traditional institutions both in the eastern (Gordena Sera) and western (Yejoka-Kitcha) part of the society-we can refer it from Article 24 of the Western Guraghe Customary law-Kitcha.
 19. You can also refer it from Article 26(2) of the Guraghe Customary Law-Kitcha (1998).
 20. The meaning in Amharic language is called as '*Lejib Asalifachihu Atistun*'.
 21. Article 41 of the FDRE Criminal Code provides that punishments are not transmissible to another person. They operate to the benefit or to the detriment of solely of the person to whom it attach, 2004.

22. It is called '*Heterat*' in the local meaning. It is Defined under Article 26(3) of Guraghe Customary Law and it is a traditional procedure that obliges the disputant parties in case of serious conflict to stop from taking any measure one against another up until the date fixed by the elders in order to settle the case in calm way.
23. The writer observed that there are religious persons (priests and sheiks) who participate actively in the traditional institutions. Even though the traditional institutions and religious institutions are quite different entities, some times in the dispute settlement process elders mix traditional institutions with religion. Traditional institutions, especially, in the Eastern Guraghe, use worshipping compounds for their meetings and religious teachings in the process of settling disputes. They can be taken as a good sign or a model of peaceful co-existence that now a day we are lacking and facing a challenge domestically and worldwide as a result of radicalism. In the 'Yejewoka' gathering and even at the grass root level followers of different religion participate actively respecting the customary laws.