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## The Role of Traditional Justice Institutions in Peacebuilding: Lessons Learned from the *Gereb* in Northeast Ethiopia

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There are three main approaches to peacebuilding. The first is driven by international actors, the second led by local actors, and the third is an amalgam with different levels of coordination between the two. Whilst research on peacebuilding emphasizes the importance of including local actors, there is a tendency to ignore civil society unless it is somehow linked vertically to international actors. As a result, traditional institutions are often not afforded the attention that they deserve, and the perspectives of recipient communities on conflict, peace, and justice are not adequately examined or understood.

This paper highlights the centrality of traditional justice institutions to peacebuilding in Africa using the case of Gereb institutions in northeast Ethiopia to make some wider observations on their utility across the continent.

The main argument is that traditional justice institutions are preferable to more formal mechanisms for peacebuilding, due to their greater resonance with communities' understanding of peace, conflict, and justice. More importantly, they have the potential to prevent conflict. Whilst I support the view that

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“wars are ended by elites; [but] peace is built and sustained at the grassroots,” and agree that “peace agreements and peacebuilding efforts need to better reflect that reality in African societies,”<sup>1</sup> this paper does not romanticize either “local ownership”<sup>2</sup> or the concept of “the local” more generally.

To this end, the rest of this paper is organized as follows: The first section briefly explains the context and conflict dynamics of the region. The next section offers some evidence of why traditional institutions should be privileged in peacebuilding. The final section reflects on the internal or external challenges of these institutions.

## Demography and Conflict Dynamics in Northeast Ethiopia

Ethiopia is a country of more than 80 ethnic groups, and traditional institutions are ubiquitous throughout the country.<sup>3</sup> These are mostly intra-communal in nature, though a number of inter-ethnic traditional institutions also exist. The *Edible* among the Afar-Esa, the *Aborge* among the Afar-Amahara, the *Mangima* among the Gumuz, and other ethnic groups within the region are but a few of them. In Ethiopia at the local level, traditional institutions take the lion’s share of responsibility in delivering justice to the community. While action by the federal or regional governments is the typical means to solve inter-ethnic conflict in Ethiopia, traditional justice institutions also play a role in reconciling different communities in major parts of the country. Among the recent and recurring inter-ethnic conflicts, the land-related conflict between the Somali-Afar and Somali-Oromo can be mentioned.<sup>4</sup>

This paper focuses on the boundary region between the Afar and Tigray regional states in Ethiopia, where the *Gereb* traditional justice institutions are actively practiced. The *Gerebs* (Tigrinya word meaning “stream/river/forest”) are institutions found along the boundary of the Tigray and Afar regional states. The institutions extend from the southern tip of the Tigray-Afar boundary to its northern tip and work to prevent, manage, and resolve inter-communal conflicts. The two main groups which are subject to these institutions are the people of Tigray and Afar. The Tigrayans are predominantly Christian (95 percent) and dependent on agriculture; the people in the neighboring Afar region are Muslim and are one of the largest pastoral groups in the Horn of Africa. The *Gerebs* have managed inter-ethnic conflicts since time immemorial.<sup>5</sup> The people who run the *Gerebs* are called *Abo Gerebs* (father of the *Gerebs*) who are representatives of both communities. The *Abo Gerebs* from the Tigray side are nominated by the Afars, and the *Abo Gerebs* from the Afar side are nominated by the Tigrayans. The *Gereb* institutions have their own *Sirit* (rules).

The number and type of conflicts vary along the boundary of the two regions. The most common cause of conflict, as revealed by participants of a recent study,<sup>6</sup> are related to: use of and access to natural resources, such as grazing land, water resources; issues related to land demarcation;<sup>7</sup> and livestock theft and killing, which are common across farmer-herder conflicts in Africa.<sup>8</sup> These conflicts usually take an ethnic dimension. The worst conflict in the region happened in 1995-1996 during which hundreds of lives were lost, and thousands of people were displaced. Similar conflicts were also reported in 1998 and 2005-2006.<sup>9</sup>

## Why Traditional Justice Institutions are Preferable for Peacebuilding

### Peace and Conflict: Community Perceptions

Understanding how communities perceive conflict is an essential first step in peacebuilding. In Africa, notions of conflict have a strong societal dimension. Isaac Albert aptly described the communal nature of conflict in Africa as

the recalcitrance of one member can create problems for other members of the community. Every decent member of the society is thus expected to locate himself in the context of Mbiti’s famous phrase: “I am because we are; and since we are, therefore I am.”<sup>10</sup>



A conflict over a grazing land between two individuals may lead to communal violence whereas the resulting peace process is not about the peace of the conflicting parties but the peace of the community as a whole. Contrary to the ordinary understanding of criminal laws, a clan or a district can be responsible for instigating a conflict based on the rule of the *Gereb*.<sup>11</sup> Compensation is paid not only by the perpetrator but also by the family, the tribe, or community of the perpetrator. Recipients of compensation include the victim but also the family or the relatives of the victim. Reconciliation, the shaming and naming process, forgiveness, and guilt must be held in public.

A telling case reported elsewhere<sup>12</sup> and shared with this researcher by *Abo Gerebs* during field work, related to a conflict over grazing land between two communities, where members had been killed and cattle taken. Regional and federal government officials had become involved to pursue the perpetrators, but community members and the *Abo Gerebs* intervened. The federal government withdrew the case and prisoners were released in order to create a conducive environment for the peaceful resolution of the conflict. Their intervention led to the peaceful settlement of a conflict that threatened to spin out of control.

### **The Sense of Traditional Justice**

When the two regions granted *de facto* recognition of the *Gereb* traditional institutions, some claimed that it came about because “there were simply too many cases,” as the case for *Gacaca* in Rwanda,<sup>13</sup> for formal mechanisms to handle by themselves. Instead, it derived from that fact that prior attempts to manage the conflict through regional states institutions has failed. Key to the success of the *Gereb* was the pursuit of peace through the community’s own notion of justice, which prioritizes forgiveness by the victims, ownership of guilt, and recognition of pain by perpetrators and the community.

Justice, in the ethos of *Gerebs*, is not about material well-being but recognition—an acknowledgment of another human being’s dignity or worth, or what is otherwise understood to be “status,” as some have argued: “violence in human history has often been perpetrated by people seeking not material wealth but recognition.”<sup>14</sup> This recognition is essential in a society where pride and shame have a significant influence on the day-to-day social interaction of the community. The values, beliefs, norms, and traditions intrinsic to traditional justice can neither be seen or felt. Curses, prayers, sanctions, excommunications, proverbs, and other symbolic expressions used during reconciliation processes are unique parts of the traditional understanding of the justice system. Material objects valued in the communities, such as crosses, books, knives, spears, clothes, and activities like the slaughtering of animals and distant eating from the same basket, are part of traditional justice processes. Amartya Sen wisely observed, “The community or culture to which a person belongs can have a major influence on the way he or she sees a situation or views a decision.”<sup>15</sup> This idea is central to understanding how notions of justice are deeply rooted at the community level.

### **Preventing Emergence of Conflict**

The *Gereb* institutions have rules made and developed by the participation and consensus of the two communities. Rules on how to use grazing lands, water, and punishments for trespassing thereof are fixed in advance. Information sharing for any potential conflict among the members is essential as per the rule of the *Gereb*. Any potential conflict is required to be communicated through the institutions. The *Gereb* is a trusted network and shared institution of the two communities, which serves as a bridge of cooperation and interconnectedness that in turn helps to prevent conflict from emerging. As social capital is one means of peacebuilding, the institutions are a means of cooperation, trust, and solidarity in all interactions of the communities. Since the 2006 reconciliation process, no conflict has been recorded in the two communities.<sup>16</sup>



List of actions	Penalty (Ethiopian Birr)
Hiding or/and not reporting a conflict	300
District which instigated conflict	1000
Bringing AK-47 or similar to a conflict area	500

Table 1: Rules of the Gerebs in Enderta and Abala district, Tigray and Afar regional states

### Preventing Escalation of Conflict

Conflict escalation relates to the intensity of coercive and non-coercive inducements used to wage a conflict; escalation also occurs when more people become engaged in a conflict or are impacted by it.<sup>17</sup> Prevention of escalation depends on the containment of the factors of escalation. Three mechanisms are established by the *Gereb* to contain any possible conflict escalation.

If a conflict erupts, the interventions of *Abo Gerebs* guarantee the prevention of conflict before it runs into high-scale conflict. Upon any report of conflict, the first thing that *Abo Gerebs* do is to oblige the victim’s family not to resort to an act of revenge, which is common practice of traditional justice institutions in Ethiopia and beyond.<sup>18</sup> In a community where the culture of honor and shame dominates, the early intervention of these institutions is key. In these study areas, when conflict occurs, reporting to the *Abo Gerebs* is not a matter left to those directly involved in the conflict. Rather, it is a responsibility that everyone—including a district or a village—is required to carry out. Failing to report the occurrence of conflict or hiding the perpetrators is a punishable act under the *Gereb* system. When conflict is reported, the first task of the *Abo Gerebs* is ensuring the prevention of revenge by the victim/victim’s families.

### Preventing Re-emergence of Conflict

Cases settled by the *Gerebs* are less likely to relapse into inter-ethnic conflict than through formal, state institutions.<sup>19</sup> The following story is instructive about what can happen when traditional justice institutions are not involved.<sup>20</sup>

The boy who was very small when his relative was killed became an adult and was armed with a gun by the Kebele [district] administration. The criminal stayed in prison for twenty years but when he came out, he did not accept that he should pay compensation even though he had been penalized by [the state justice] system. The boy, who was by now a man, could not tolerate the feeling that his relative’s killer could live in the same village as him without asking elders and reconciling/settling the conflict after twenty years, during which the criminal stayed in prison for his crime. He did not hesitate to shoot four people of the criminal’s family to escape the feeling of degrading himself because of living in the same place with the killer.

### Challenges

Although traditional institutions undoubtedly contribute to peacebuilding, there are challenges surrounding their use. First, there are no legal, policy, or institutional frameworks in Ethiopia that recognize traditional justice institutions except on civil matters. Second, due to the absence of legal and policy frameworks, political intervention or political disagreement between the two states may halt or hinder the smooth function of these institutions. Third, though traditional justice institutions can help prevent conflicts, there are limits to their effectiveness. The recent conflict between the federal government of Ethiopia and Tigray regional government is one example.



## Conclusion and the Way Forward

Despite their prevalence on the continent, traditional justice institutions have been accorded little attention in peacebuilding approaches. Through a case study, this paper has shown how inclusion of traditional justice institutions could help to strengthen peacebuilding on the continent. In many cases, these institutions are best placed to prevent conflict and to understand its causes when it occurs; and have an unparalleled understanding of what peace means in the local context, buttressed by long-standing knowledge of the remedies required to restore and consolidate peace. Their omission or underutilization compromises efforts to manage conflict and build peace. Therefore, there is a need to build a comprehensive and more systematic policy framework on traditional justice and conflict prevention. In addition, peace operations and peace agreements coordinated by international and regional actors should engage traditional justice institutions. Specifically, to ameliorate the divisions within Ethiopian society, grassroots justice and reconciliation processes should come before or in parallel to the planned national dialogue in Ethiopia.

1. Terence McNamee and Monde Muyangwa, "Introduction," *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners*, (Cham, Switzerland: Palgrave Macmillan, 2021) 8.
2. Birgit Bräuchler and Philipp Naucke, "Peacebuilding and Conceptualizations of the Local." *Journal of Social Anthropology* 25, issue 1 (2017): 422-436, <https://doi.org/10.1111/1469-8676.12454>.
3. More than 40 researched traditional justice institutions are listed by the Ethiopian Arbitration and Reconciliation Center in its three-volume study. Gebre Yinteso, Fekade Azeze, and Assefa Fisseha, *Customary Dispute Resolution Mechanisms in Ethiopia*, Volume 2, (Addis Ababa, Ethiopia: The Ethiopian Arbitration and Conciliation Center, 2011-2012).
4. Aljazeera, "Over 100 Killed in Clashes in Ethiopia's Afar, Somali Regions," *Aljazeera*, April 7, 2021, <https://www.aljazeera.com/news/2021/4/7/dozens-killed-in-clashes-in-ethiopia-s-afar-somali-regions>; BBC, "What is Behind Clashes in Ethiopia's Oromia and Somali Regions?" *BBC*, September 18, 2017, <https://www.bbc.com/news/world-africa-41278618>.
5. Except in one district, Alamata district, *Gereb* is an institution of inter-communal conflict resolution. Though there is some disagreement on the history of *Gerebs*, most studies suggest that they have existed throughout Ethiopia's recorded history. Activities of the *Gerebs* have varied through changes in central government in Ethiopia. See Abraha Tesfay, "Dynamics of Inter-Communal Conflict in North-East Ethiopia: The Case of Wejerat People and Their Neighboring Afar," *Anthology of Peace and Security Research* 3, (2012):1-70.
6. Data for the study was collected before the outbreak of conflict in Tigray.
7. Ethiopia adopted the Federal Arrangement—often referred to as the Ethnic Federation—in 1995. The Afar and Tigray regional states are two ethnic constituents of the Federal Arrangement, with their own land demarcations.
8. Mark Moritz, "Changing Contexts and Dynamics of Farmer-Herder Conflicts Across West Africa," *Canadian Journal of African Studies* 40, issue 1 (2006):1-40 <http://dx.doi.org/10.1080/00083968.2006.10751334>.
9. Per the Tigray regional State Justice Bureau report, the main source of the conflicts were land demarcation and conflict over grazing lands.
10. Isaac O. Albert, "Understanding peace in Africa," *Peace and Conflict in Africa*, edited by David J. Francis, 31–45. (London: Zed Books, 2008), <http://dx.doi.org/10.5040/9781350221710.ch-03>.
11. According to the rule of the *Gereb*, a district or village will be liable to pay 3000 Ethiopian Birr if it fails to report a conflict to the *Gereb* institution.
12. Alula Pankhurst and Getachew Assefa (eds.), *Grass-Roots Justice in Ethiopia: The Contributions Of Customary Dispute Resolution*, (French center of Ethiopian studies: 2008), 224, <https://books.openedition.org/cfee/471?lang=en>.
13. Terence McNamee, "Such a Long Journey: Peacebuilding After Genocide in Rwanda," *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners*, (Cham, Switzerland: Palgrave Macmillan, 2021).
14. Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution*, 1st ed, (New York: Farrar, Straus and Giroux, 2011), 441.



15. Amartya Sen, *Identity and Violence: the Illusion of Destiny* (New York: Norton and Company, 2006), 35.
  16. In 2006, the *Gereb* institutions arranged a reconciliation process for past conflicts and potential claims, so that restitution and compensation could be made available to affected communities.
  17. Louis Kriesberg and Bruce W. Dayton, *Constructive Conflicts: From Escalation to Resolution*, 4th ed, (Rowman & Littlefield, 2012), 143.
  18. "Keeping the perpetrator in custody," "bringing a guarantor for the behavior of perpetrator," and "taking oath" are among the way of preventing escalation of conflict in Ethiopia reported in Pankhurst and Assefa, *Grass-roots Justice*.
  19. Data collected in one of the districts, Alamata, which is in the southern part of Tigray Regional State, suggested that homicide cases settled by the *Abo Gerebs* greatly reduced the prospect of reprisal murders when compared to cases addressed only at the district courts.
  20. Pankhurst and Assefa, *Grass-Roots Justice*, 230-231.
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