



# TRADITIONAL MEDIATION IN SOMALI REGION

GUURTI ELDERS

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## INTRODUCTION

The Somali Regional State (Somali: Dawlada Deegaanka Soomaalida, Amharic: የሶማሌ ክልል, Arabic: المنطقة الصومالية), officially known as the Somali West (Somali: Soomaali Galbeed), is the second largest and easternmost of the Nine regions of Ethiopia. The state borders the Ethiopian states of Afar and Oromia and the chartered city Dire Dawa (Dir Dhaba) to the west, as well as Djibouti to the north; Somalia to the north, northeast and east; and Kenya to the southwest.

Jigjiga is the capital of the Somali Regional State. The capital was formerly Gode, until Jigjiga became the capital in 1995 on account of political considerations. Other major towns and cities include Awbare, Degehabur, Kebri Dahar, Barey, Fiq, Erer, Kelafo, Shilavo, Kebri Beyah, Werder, Aware, Daroor, Gashamo, Shekosh, Baabili, Tuli Guled, Bookh, Gallaaddi, Sasabane, Gunagado, Boodalay, Dig, IWM.

The government of Somali is composed of the executive branch, led by the President; the legislative branch, which comprises the State Council; and the judicial branch, which is led by the state Supreme Court.

The Somali State covers much of the traditional territory of Ogaden and it formed a large part of the pre-1995 province of Hararghe. The population is predominantly Somali.



Fig 1. Main street in Jijiga's Laanta Hawada neighborhood

## Demographics

Based on the 2007 G.C. Census conducted by the Central Statistical Agency of Ethiopia (CSA), the Somali Region has a total population of 4,445,219, consisting of 2,472,490 men and 1,972,729 women. Ethnic groups include Somalis (97.2%), Amhara (0.66%), Oromo (0.46%), foreign-born Somalis (0.20%) and Gurages (0.12%). The population was projected to be 5,748,998 in 2017 G.C.

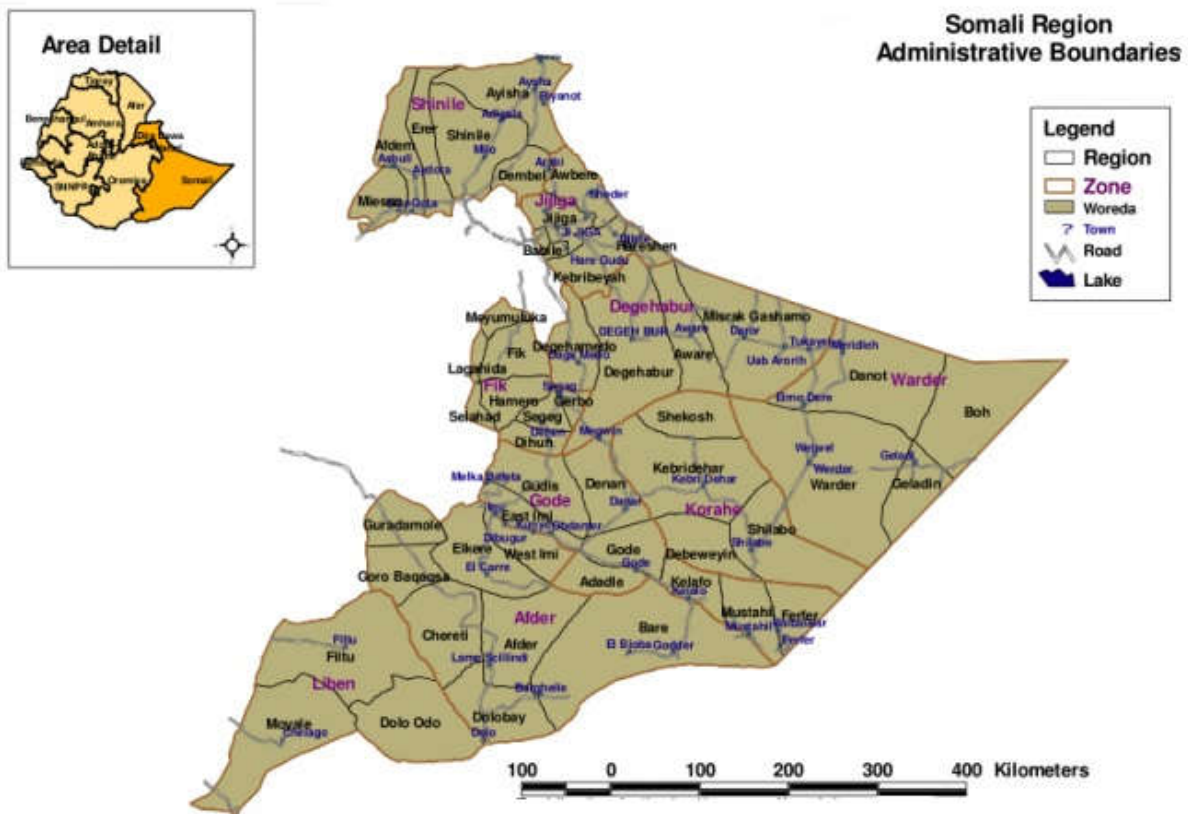


Fig 2. Official zones and woredas

## Languages

Somali was spoken by 98.82% of the inhabitants. Other minor languages included Amharic (0.67%), and Oromifa (0.51%).

## Religion

Islam accounts for 99.4% of the population, 0.50% Orthodox Christian, and 0.10% are followers of all other religions.

## Transportation

### Ground travel

West from Addis Ababa, Awash 572 km via Harar and Jijiga to Degehabur.

## **Air travel**

Somali Region has 3 international airport and 2 commercial airports. The international airports are Jijiga Airport, Gode Airport, and Kabri Dar Airport, The 2 commercial airports are Dolo Airport, and Shilavo Airport.

## **Government**

### **Executive branch**

The executive branch is headed by the President of Somali Region. The current President is Mustafa Muhammed Omer (Cagjar), elected in 22 August 2018. A Vice President of Somali Region succeeds the president in the event of any removal from office, and performs any duties assigned by the president. The current vice president is Adam Farah Ibrahim. The other offices in the executive branch cabinet are the Regional Health Bureau, Educational Bureau, and 18 other officials.

## **Traditional Conflict Management Mechanism In Somali Region**

### **Executive Summary**

In many African societies, elders play a crucial role in managing public affairs in their community, both with and in the absence of formal state recognition. Elders assume the most varied tasks in safeguarding the social, political, economic, cultural, religious and spiritual welfare of the people they (claim to) represent. Conflict resolution in the Somali region of Ethiopia provides an interesting showcase of how state and clan leaders formalize rules.

In 2000 G.C., the Somali region appointed clan elders as the official counterparts of its district and regional authorities. The recognition and formalization of Somali elders selected by the ethiopian government is a contemporary form of state-sponsored “traditionalisation” Known in Somali as guurti (council of elders) or lataliye (advisor), or as amakari in Amharic. guurti elders represent a parallel, not a hierarchically inferior structure to Somali region’s existing administrative levels, the region, the zone and the district.

The guurti elders play a vital but not uncontested role in a peacemaking process characterized by strong syncretism.

## THE (S)ELECTION OF GUURTI ELDERS

The guurti system of the Somali region had initially been proposed by the federal government in 1998 G.C, but was delayed due to dissent within the regional parliament. The actual creation of the guurti in 2000 G.C. was the result of a string of careful appointments by the regional government, which made the process more a matter of selection than of election. This (s)election took place in two consecutive rounds, first at the regional and zonal levels at the end of 1999 G.C. and later at the district level at the beginning of 2000 G.C. In November 1999 G.C, an “enclave of seven hundred of the most prominent clan elders and ugaasyo (sing. ugaas)” from the Somali region elected the guurti elders at regional and zonal levels for a five-year term of office. The meeting and its procedure had been jointly organized and planned by the federal and regional authorities.

To begin with, the elders were asked to nominate an organizing committee, which was given the task of defining the modalities of the new guurti system. The committee proposed that the regional guurti, as the highest body within the government-recognized elders’ hierarchy, should be composed of thirty members. Seventy elders should represent the region’s nine zones, and each of the region’s then 48 districts was supposed to (s)elect three guurti elders.

Participants agreed to this proposal, and after a brief presentation of the candidates, approved the nomination of one hundred guurti elders at the regional (30) and zonal (70) levels. After approval of his candidature, each guurti elder was asked to swear on the Koran “that he will represent the community as a whole, not his clan”. Meetings were then held to (s)elect three guurti elders in each of the districts at the beginning of 2000 G.C.

Although there was no criteria that one has to meet to be elected as a member to the institution of the guurti, the following were agreed to be factors considered in the election:

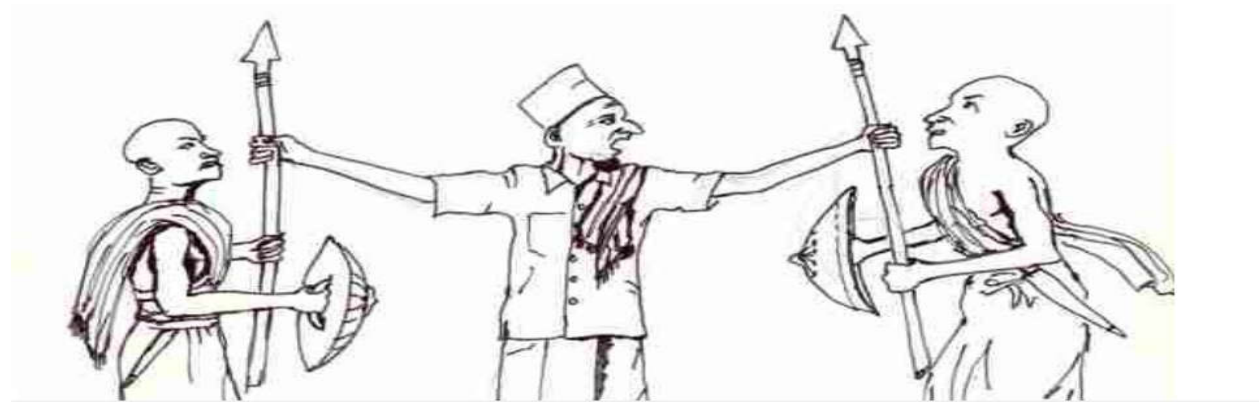
1. Not being a member of groups opposing the government;
2. being free from clannism and favoritism;
3. having a reputation in the community;
4. integrity;
- and 5. knowledge of traditional law and Islam with the ability of self-expression.

Since their inauguration, guurti elders receive the same salary as the civil servants in the district, zonal and regional administrations. Zonal and regional guurti elders receive their salaries from the regional finance bureau, while district (woreda) guurti elders are directly paid by the district finance bureau. District guurti members earn 609 Ethiopian Birr (ETB), zonal guurti members 940 ETB and regional guurti members 1,600 ETB respectively. A formal mandate or “job description” for guurti elders does not exist. Article 56 of the revised Somali Regional State Constitution (SRS 2002) on the “Establishment of the Elders’ and Clan Leaders’ Council” provides the constitutional basis for the establishment of the government-recognized elders’ council.

## ELDERS AS PEACEMAKERS

This section describes in detail the roles and actions of elders, guurti elders and state officials in containing, settling and resolving violent clan conflicts. Making peace in the Somali context involves consecutive phases, starting from the cessation of hostilities to the fulfillment of preconditions for negotiations, actual bargaining over the diya payment, the transfer of such payments, and the final act of reconciliation between the conflicting groups.

Upon receiving information about a violent incident (shootings, killings etc.), the district administration and guurti elders mobilize all the security forces, including the district militia, police, and sometimes federal soldiers, and appropriate all locally available vehicles. Jointly they rush to the conflict site, sometimes carrying white flags. Time is of the essence, as tensions can quickly escalate into full-blown fighting if both parties to the conflict mobilize their clansmen. Upon arrival at the conflict site, the intervention team positions itself between the two warring parties, who are told to retreat.



The security forces are instructed to disarm the men from both sides and to confiscate their guns. At this point the fighters usually retreat, as they are afraid of losing their weapons. In an initial step to calm the situation, the district administration and guurti elders summon elders from the two fighting clans, who are warned that whoever violates the ceasefire or enters the “demilitarized” zone will be “dealt with” by the government. In cases where people have been killed, the district administration removes the perpetrator’s family from the conflict site in order to avoid direct contact between the perpetrator’s and victim’s relatives. After physically separating the parties to the conflict and ending the immediate violence, the district administrators, in collaboration with the guurti elders, designate an odd number of elders (usually seven or nine) belonging to a third clan, i.e. a lineage group that did not participate in the dispute.

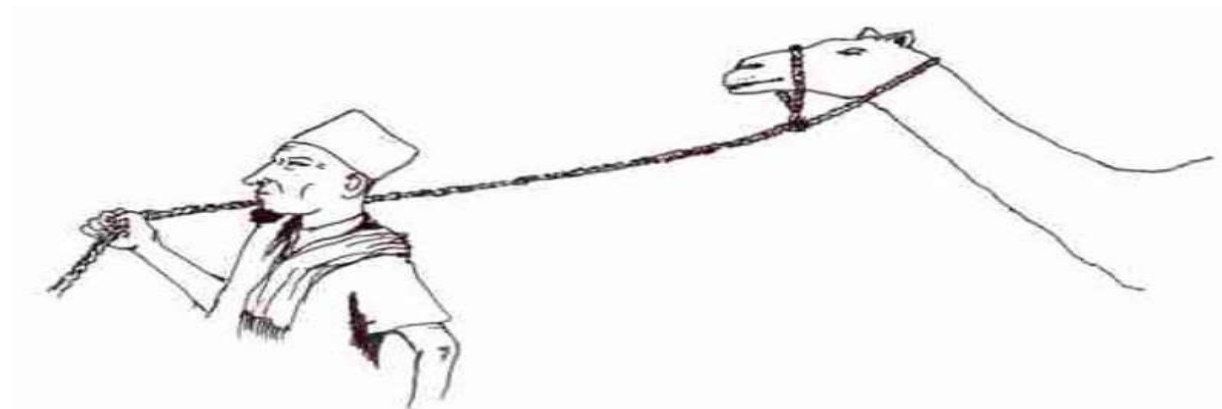
The mandate of these mediating elders is to reach a negotiated agreement on diya payments between the disputing clans. These mediating elders include members of the guurti who belong genealogically to a third-party clan. One precondition for engaging in negotiations over the blood money is the identification and arrest of the killer(s) so that the victim’s clan members



may refrain from revenge and instead engage in negotiations that will eventually make them forgive the perpetrator(s). District officials face the challenge of apprehending the killer(s) and the gun(s) that are requested by the aggrieved party. Often the local government is not in a position to catch the killer(s) by force as it lacks the coercive means (transport, police etc.) and military strength (being outnumbered by the fighting clans) to do so. Consequently, the district officials arrest close agnatic relatives, for instance the father(s) of the killer(s) in order to pressurize the relatives into handing over the perpetrator(s) to the mediating elders.

After apprehending the perpetrator, the mediating elders commence with the actual negotiations of the blood money. Each side chooses an equal number of elders to represent them, usually between five and ten. The negotiations take place between these three groups of elders: the mediating elders and the two groups of elders representing the parties to the conflict. Both sides present their complaints to the mediators in the presence of the other clan.

The mediating elders then reach their final decisions in seclusion. Negotiation of the amount and timing of the diya lies at the center of what Somalis consider “conflict resolution” in cases of inter-clan conflict. As a general rate the homicide of a man is compensated with one hundred camels, of a woman with fifty camels or cash of equivalent value.



The ratio of hundred:fifty camels constitutes the standard amount for diya in the Somali inhabited territories. A number of other wrong doings are partly or fully compensated with cash. People injured in fighting are entitled to obtain diya, and their case is included in the negotiations. The amount of diya depends on the gravity of the injuries as decided by elders knowledgeable in sharia law. Wounds are mostly compensated in cash, though often only half the total amount of diya provided for to compensate for wounds is paid to the victim. After the district administrators and guurti elders have brought open hostilities to a halt, the perpetrator's relatives have to hand over one thousand five hundred ETB to the injured person(s) to cover expenses for medical treatment.

Special circumstances and motives of the killing are taken into account in determining the total amount of diya. Blood compensation can increase up to one hundred and fifty or one hundred and eighty camels if someone is killed unexpectedly (while sleeping or traveling) or in a very

brutal and inhumane manner. Conversely, the amount of blood money will decrease if, for example, the two lineage groups involved had agreed in the past that less than one hundred camels would suffice to compensate a murder. Existing contractual agreements between different lineage groups are taken into consideration in each negotiation. One can thus speak of a body of customary rules that are interpreted and reinterpreted through each new conflict and case of mediation. The camels and cash that comprise the diya are presented to the victim's diya-paying group. Approximately half of it is given to the next of kin of the victim and the other half distributed among the members of the entire diya-paying group. The major task of the mediating elders is to determine the time schedule and the amount of diya, which is usually paid in three consecutive installments.

The first installment is known as axan (camel slaughtered at a funeral) and kafan (white garment used to cover the corpse before burial). For axan and kafan the killer presents his gun and three thousand ETB to the victim's clans men, the latter being intended to cover the funeral expenses. It is only after axan and kafan have been paid that the amount of diya will be decided by the parties to the conflict and the mediators. Usually within five to twenty days, the second installment of blood compensation, known as rafiso, has to be given to the victim's immediate kin. Finally, the third and last installment of blood money, called mag dheer (the long or tall diya), is paid within two to four months of reaching the original blood compensation agreement. The animals given as mag dheer are usually weaker and older than those paid for rafiso. The mediating third-clan elders and district officials remain at the conflict site until the rafiso is completed. During this period, the killer's clan relatives have to provide food, including qaad, and accommodation to the elders and officials, expenses that are known as siifad. Although not formally part of the diya, they are indirectly part of the compensation, as the siifad often becomes a real financial burden for the killer's family. The guurti and mediating elders also determine the sanctions to be imposed in any case of non-compliance by the conflicting clans with the blood compensation agreement. Penalties take the form of financial sanctions in the range of five thousand to twenty thousand ETB. In cases of highly aggravated clan conflicts with numerous casualties the mediating elders might encourage the victim's clan to accept a young girl from the killer's clan as part of the reconciliation process (godob reeb), in which case the total amount of diya to be paid will be reduced. Furthermore, the mediation between the clans is accompanied by prayers and, upon successful reconciliation, by the slaughtering of animals for joint consumption by the clan elders.

The mediating elders and district administrators document the conflict resolution process in two written agreements that bind the conflicting clans to the agreement reached. The first document relates to the decisions of the mediating elders' committee. It is addressed to the two disputing clans, and a copy of it is sent to the zonal administration. The letter briefly describes the conflict, lists the amount of and deadlines for the diya installments, and lays down a fine for non-compliance. It is signed by the mediating elders and three district officials. The second document spells out the agreement reached between the elders of the two disputing clans. In this letter, the parties to the conflict vow to accept the decision of the

mediating elders, which has been approved by the district administration. The disputants commit themselves to peace and accept the proposed fine. Finally, the document again lists the installments and conditions of the diya payments. This second document is signed by the 19 elders of the two conflicting clans, who thereby consent to abide to the agreement reached by the mediators.

This portrayal of a sequence of joint peace-making steps by the guurti, other elders and local government officials does not imply that these steps are uncontested, evolve linearly or always successful – the contrary is the case. Often mediators and government officials are able to contain violence and to engage disputants in some kind of agreement on diya payment, usually by threatening a recourse to coercive state measures. However, such agreements do not automatically translate into implementation, and in protracted clan conflicts especially, diya remains unpaid and the local government is unable, and sometimes also unwilling, to resolve the conflict. Revenge killings during negotiations may considerably disturb the mediation process. Such killings indicate that some factions within the disputing lineage groups are more interested in direct confrontation than in settling the issue.

## **The Role of Women in Conflict Management**

It is critical to consider the role of women in traditional conflict management mechanisms. In Somali society that role is subtle, given its patriarchal nature and the generally deferential role women play. Interviewees in most communities visited say that women are members of the guurti councils and they most likely are, but the extent of their engagement and clout within those councils is uncertain. It is likely that they enjoy some influence but that decisions, especially important ones, rest with the men.

Now a days in Somali region there is an increasing involvement and respect for women. This is a gradual process, but one that is likely irreversible and creates opportunities to support women in carving out a larger space for involvement in traditional conflict management mechanisms.

Unfortunately, women's role in conflict management is not always positive. Somali region women are known to "sing songs that talk ill of other sub-clans and the offended sub-clan retaliate by singing back" and to harshly ridicule men when they are perceived to be cowards. In themselves these habits are not drivers of conflict, but they can contribute to rapid escalation.

## **Youth perspectives on the traditional structures**

Still traditional mediation in Somali region is available widely. The youth acknowledge the role of the traditional elders in creating peace and stability and positive inter-clan relations. They even acknowledge that the real power is with the traditional leaders. However, there are also objections. The youth emphasized the following negative aspects of the traditional structures:

- Youth does not have a role in traditional decision making;
- The capacities of elders are often limited, that is, they do not take minutes, and knowledge is mainly limited to nomadic life;
- The elders do not adapt to social change, which leads to 'clashes' between the needs of the youth and the old 'codes';
- Some elders manipulate with the mag payments.

There was also a sentiment against the collective responsibility of the clans in respect to the actions of its individual members. Hence, they reflect their approach to individualisation. This reflects the fact that many young men fall out of the traditional codes and respect for their clans when they commit crimes, such as phone theft, which sometimes leads to killing. The existing traditional guurti are often not equipped to deal with such issues because it does not make sense to deter an entire clan collectively when it is rogue individuals that need to be deterred from committing crimes. This kind of complex is similar to that experienced in connection with car accidents: How to define who are responsible for the damage?

The youth stressed the negative aspects of clannism, because it works against development and educational change. Hence, they are against customary practices that foreground protect clan specific interests contrary to the interests of common development. In relation to clannism, they stressed the negative aspects of traditional elders who mislead people and are corrupted and manipulated by politicians, warlords and business people. The result is that such traditional leaders follow their private and particular interests and not the wider interests of the community as such.

## **Recommendations**

This traditional mediation has risks should be considered:

The first and more critical risk is that a strengthening of the elders is seen by the political system as a threat to their power. That should indeed be avoided. The interventions must therefore not lead to a political role of the elders, which also would contradict the positive traditional role they possess in terms of peacemaking and safekeeping of stability. Hence, the option of elders associations is not to form a partisan political force, on the contrary it is to create a forum where elders can cross their clan differences and raise issues of common concern and interest vis a vis formal governance structures needed in order to achieve accountability and responsiveness in the political system.

The other and the most important immediate issue is that the elders' legitimacy is based on a very high moral fundament. Support, especially financial, may very well corrupt that image, and hence undermine the legitimate status of the elders themselves. Hence, it is crucial to avoid direct economic support to them and ensure that anything that happens is based on their

needs and ideas only, and not an adaptation to the agenda of the intervening agency in anticipation of personal benefits.

## Overview

First of all, I am very proud and lucky to participate and to be part of this project. During my study period I understood and assured that, elders play a very important role in the Ethiopian society; in fact they are mediators on every issue ranging from business, family issues and even in times of national issues.

Elders play the role of judges. When a married couple is facing difficult material issues, elders come in and try to solve the situation and create peace. I think, this role that elders have played for a long time mainly rest on the fact that they have power, in society. But lately, meaning the past few decades, I hear of less and less “shimigilina,” i.e **mediation** by elders and more of mediation by judges. Married couples go to judges instead of calling their elders to help them solve the problems.

Not all elders are wise, considerate and just, not all are capable of resolving disputes and not all are interested in being involved in such processes. And in some cases, some elders are so unfriendly and rude. But there is a traditional role that they have played. Unfortunately, our understanding and respect for tradition seems to be on a downward move. We seem to drop all that is traditional. But preparing this types of participation like “YE EREK HASAB ALEGN” plays a vital role to understand and support our traditional mediations. So this participation should have to be the beginning not the end.

In general, strengthening and passing this tradition to the next generation should have to be our responsibility.

## Conclusion

In this paper, I have examined the roles of traditional elders in mediation and reconciliation efforts. I focused on the elders' effectiveness. I underscored that Somali region represented the distinctive case of a democratic nation born of efforts by the local traditional authorities. The model that the traditional Somali elders have been using for years is what theorists call “insider-partial mediation,” but future studies about whether or not such a model could be applied more widely in Somali region is required. I highlighted the main factors for the elders' effectiveness. In Somali region, traditional elders have a relationship with the clans in the conflict settings, enjoy trust and respect, exercise enormous moral and traditional authority or moral persuasion, and have a strong relationship with the community. Those factors help them to stop conflicts and create homegrown mechanisms to promote peace building.

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