



# Afar Politics: A Tapestry of Ancient Wisdom and Modern Relevance

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## Abstract

The Afar people are an indigenous group that inhabits the Horn of Africa, mainly in Ethiopia, Eritrea, and Djibouti. They have a rich and complex political system that dates back to ancient times and reflects their nomadic and pastoral lifestyle. The Afar political system is based on a tapestry of clan, lineage, and territorial affiliations, as well as customary laws and institutions that regulate social, economic, and political relations. The Afar political system has shown remarkable resilience and adaptability in the face of various challenges, such as colonialism, state formation, civil wars, environmental degradation, and globalization. This research paper explores the historical and cultural roots of the Afar political system, as well as its contemporary relevance and implications for the wider region and the world. The essay argues that the Afar political system offers valuable insights and lessons for understanding and addressing some of the most pressing issues of our time, such as democracy, human rights, conflict resolution, and sustainable development.

**Keywords:** Afar, Indigenous, Politics, Tapestry, Wisdom, Relevance

## I. Introduction

The domain of conflict resolution has been significantly shaped by Western cultural practices. Originating from the West, this field has seen the involvement of conflict resolvers and mediators, even in third-world and African conflicts. However, local societies possess their own indigenous conflict resolution methods, utilizing local resources for dispute resolution in distinctive ways. Various societies employ unique means for conflict resolution, with common features like arbitration and reconciliation. This term paper aims to explore

the indigenous conflict resolution mechanisms in Afar.

In contrast to contemporary conflict resolution methods, indigenous conflict resolution mechanisms prioritize reconciliation among feuding families over punitive measures. When compared to non-indigenous approaches, these mechanisms are less intricate, time-efficient, and afford parties the opportunity to actively engage in resolving their issues according to their own methods. The core of enforcement in indigenous conflict resolution lies in social sanctions. Consequently, recognizing these local mechanisms in government-level conflict resolution becomes crucial, as each society possesses its distinct indigenous conflict resolution methods. Incorporating local resources and indigenous conflict resolution mechanisms into governmental conflict resolution can significantly contribute to achieving sustainable and enduring peace.

In summary, indigenous conflict resolution mechanisms can serve as valuable resources to fortify processes at higher levels and attain lasting peace. The Mad'aa, as an illustration, effectively managed conflicts between Afar and some of their neighbors in the past, showcasing the potential of these indigenous methods (Bayu 1-91; Gemaluddin 35-48; Kassa; Onsamo and Srilatha 275-280; Reda 65-71).

## Brief Explanation of Indigenous Conflict Resolution Mechanisms in Ethiopia

Ethiopian society, characterized by its diversity, harbors a plethora of indigenous conflict resolution mechanisms. Each nation within Ethiopia employs its unique approach to conflict resolution, with these indigenous mechanisms and institutions playing a pivotal role in community well-being, stability, and security (Tamang 1-63). Conflict



remains a prevalent concern in many parts of Ethiopia, emphasizing the need for peace and conflict workers to address and enhance community participation (Bayu 1-91). To achieve this, an understanding of indigenous conflict resolution mechanisms, their significance, and how they can be integrated with modern/western approaches is imperative.

Historically, Ethiopian regimes, including the imperial, Derg regime, and EPRDF, accorded minimal attention and recognition to indigenous conflict resolution mechanisms. However, the current Prosperity Party government has constitutionally recognized these mechanisms. Notably, Article 34(5) acknowledges the adjudication of disputes related to personal and family laws in accordance with religious or customary laws, with the consent of the parties involved (Bayu 1-91). Furthermore, Article 78(5) empowers the House of People's Representatives and state councils to establish or officially recognize religious and customary courts, emphasizing the constitutional recognition given to traditional conflict resolution mechanisms in Ethiopia.

The selection of cases is based on the availability of information on Indigenous Conflict Resolution mechanisms and their modern counterparts. (Bayu 1-91; Onsamo and Srilatha 275-280; Tamang 1-63)

#### **Afar Indigenous Conflict Resolution Mechanism & Institution (Mad'aa)**

The Afar people boast an independent traditional political system with well-defined geographic boundaries. Traditional authorities such as 'Amoytas, Dardars, Redantus, Momins, and Makabantus serve as the highest political representatives of individual tribes or tribal confederacies. The established Sultanates of Rahaita, Tağura, Awasa, Bidu, Gobaad, and Dawe, alongside various tribal confederacy councils like Awsa SheckhaDebenek We 'ima, continue to function. These authorities administer society through their traditional customary law, known as Madqa, processed through litigation or law-suit referred to as Mablo. As per Gemaluddin (1998:35), "there are five numerous tribal chieftaincies, the Afarare administered by customary laws known as Madqa, which are processed through litigation or law-suit known as Mablo." The law court, termed HARA, and the jury, referred to as Makaban, facilitate this process. Noteworthy Madas include Burilimada (Burili's code of laws), Budditobarihmada (Buddito's son's code of law),

and the Debnak-We 'imamada (Debnak –We 'ima's code of law). Despite the Afar straddling different political borders, traditional authorities maintain a significant influence even surpassing national rules and regulations (Gemaluddin 35).

#### **Ma'ada**

The term Ma'ada, denoting rules, is employed by the Afar to describe their traditional system of customary law. The Ma'ada identifies five distinct types of crimes:

Eido (Killings), Aymissiya (Injury), Rado(Theft, Destruction of Property), Samo (Adultery), Dafu (Insults, Affronts). Collective responsibility and intentionality are pivotal features of the Ma'ada, holding the clan accountable for the deeds of its members (Gemaluddin 1973:2-4).

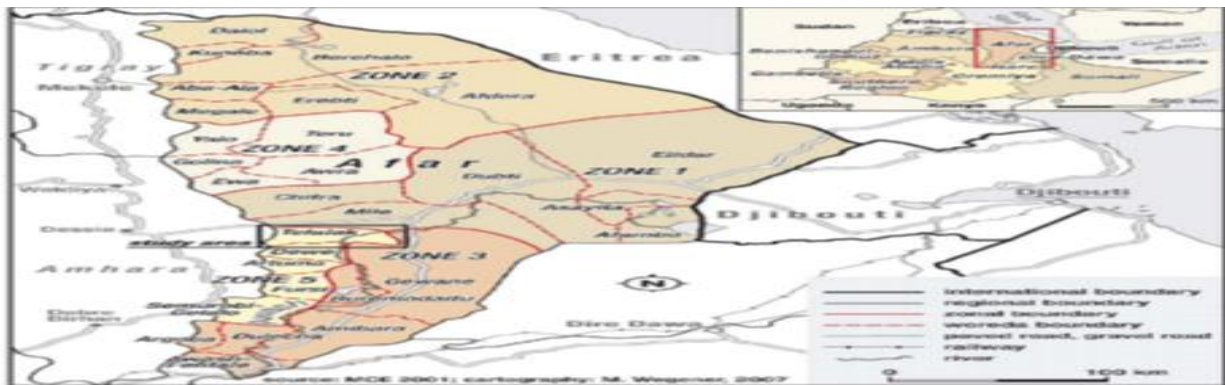
#### **Har Abba and Keddo Abba in the Afar Political System**

The term "Har Abba," translating to 'father of the tree,' holds a significant position in the Afar system of political authority, operating at both clan and sub-clan levels. At the lowest tier of the hierarchy, the Har Abba plays a crucial role in initiating the formal process of traditional conflict resolution by delivering the opening or inaugural speech during the proceedings (Bayu 1-91).

A paramount figure in the Afar traditional governance system is the "Keddo Abba" or 'father of the clan'. Beyond its governance functions, the Keddo Abba assumes a pivotal role in conflict management and resolution. Within the traditional system of conflict resolution, the decisions of the Keddo Abba hold ultimate authority and are considered final and binding. The Afar governance structure encompasses additional positions at both clan and sub-clan levels, each contributing significantly to the process of conflict management and resolution (Bayu 1-91; Gemaluddin 35-48; Onsamo and Srilatha 275-280; Reda 65-71).

#### **Description of the Afar People, Its Habitat, and Legal System**

The Afar people trace their genealogy to the eastern Cushitic-speaking family and inhabit the northern region of the African Rift Valley, comprising modern-day Horn of African countries such as Ethiopia, Djibouti, and Eritrea (Onsamo and Srilatha 275). Predominantly followers of Islam, the Afar people speak Afaraf, and their lifestyle is predominantly nomadic, with a majority practicing 'transhumant pastoralism' for subsistence (Onsamo and Srilatha 275).



Map 1: Administrative of the Afar national regional state (taken from EPA of the FDRE, 2010)

### The Afar National Regional State in Ethiopia: A Geographical Overview

The Afar National Regional State stands as one of the eleven autonomous regional states within the Federal Democratic Republic of Ethiopia, as stipulated in Article 47(1) of the FDRE Constitution of 1995 (Federal Democratic Republic of Ethiopia). Geographically, the Afar National Regional State shares its boundaries with the Tigray regional state and the state of Eritrea to the north, the Oromia regional state to the south, the Somali regional state and Djibouti Republic to the east, and the Amhara regional state to the west (Federal Democratic Republic of Ethiopia) Covering a vast area of 270,000 square kilometers, as reported by the Central Statistical Agency of Ethiopia in 2008, the region is home to approximately 1.4 million people, based on the same statistical data (Central Statistical Agency of Ethiopia).

Administratively, the Afar regional state is organized into six administrative zones, 36 Woredas (districts), 28 towns, and 400 urban and rural Kebeles (Central Statistical Agency of Ethiopia). This complex administrative structure reflects the diverse and expansive nature of the Afar National Regional State within the Ethiopian federal framework. (Central Statistical Agency of Ethiopia)

### Legal pluralism and indigenous conflict resolution mechanisms in the Afar National Regional State (ANRS)

In analyzing legal pluralism and indigenous conflict resolution mechanisms in the Afar National Regional State (ANRS), a distinct legal pluralism is evident (Gemaluddin 35). The legal system encompasses Sharia law, predominantly governing family and personal matters such as marriage, divorce, succession, and maintenance (Federal Democratic Republic of Ethiopia). Additionally, the Afar customary law holds sway over the broader

spectrum of dispute resolution mechanisms among diverse Afar clans (Gemaluddin 35). The formal legal system, on the other hand, exclusively governs state-related matters, including taxation and security issues (Federal Democratic Republic of Ethiopia). The Afar community has historically administered itself through its customary law, known as Mad'a (Gemaluddin 35). This legal framework is practiced through a litigation process termed Mablo in a court of law referred to as Hara, presided over by a body of jurors known as Makaban (Gemaluddin 35). The ANRS constitution, mirroring Article 34(5) of the FDRE constitution, grants individuals the right to seek relief through religious or customary laws under Article 33(5) (Federal Democratic Republic of Ethiopia).

Similarly, Article 65 of the ANRS constitution formally recognizes religious and customary courts that were established and functioning before the constitution's enactment, aligning with Article 78(5) of the FDRE constitution (Federal Democratic Republic of Ethiopia). Additionally, Article 63 of the ANRS constitution permits the establishment of councils of elders at various levels of regional administration (Federal Democratic Republic of Ethiopia). These provisions collectively contribute to the legal pluralism and indigenous conflict resolution mechanisms within the ANRS (Gemaluddin 35)

### Peculiarities of Mad'aa Institution

The Mad'a, an integral part of Afar customary law, exhibits unique characteristics, acknowledged by various researchers (Getachew and Shimelis 1; Suadiq 2). Despite having both positive and negative aspects inherent in any informal system, the Mad'a institution stands out due to specific peculiarities. Contrary to the argument of some scholars about the absence of separation of functions or persons in customary



systems, the Afar customary law defies this notion. It incorporates a robust executive institution known as fi'ima, representing an association of young people at the same age level, functioning as an executive body or police force. In the past, the Fi'ima was the sole entity empowered to enforce decisions of the customary courts using coercive powers whenever required. Researchers like Getachew and Shimelis highlight the presence of three distinct governance organs in Afar customary laws, akin to the modern government: the judiciary (Mad'aabba And Malla), the legislative (Kedoabba, Mablo, And Maguar'a), and the executive (Fi'ima And Fi'imaabba).(Osman, 2017, Unpublished M.A Thesis)

Another peculiarity of the Mad'aa institution is its intricate internal network for dispute resolution. Various practices such as Yallakdagna, Wadayiinu, Alla, Aligginu, Fargaaga'u, Muggaa'innu, Afbehinnu, and many others serve as means of conflict prevention and resolution. Moreover, the Afar customary law introduces a rare concept of conflict of laws, featuring terminologies such as Afarre (the law for Afar) for laws applicable within the Afar community and Adanle (the law for human beings) for laws applicable to non-Afar entities. This intricate framework distinguishes the Mad'a institution within the broader spectrum of customary systems. (Osman, 2017, Unpublished M.A Thesis)

### Historical Existence and Classification of Mad'aa Institution

The Afar customary law can be classified into five distinct systems, each with its historical significance and geographical applicability (Suadiq; Getachew and Shimelis). The first, Bur'ulimad'a, has a history spanning 350 years and is primarily applicable in all parts of zone two, some parts of zone four in the ANRS, and across Eritrea's Afar region. The second system, BuditobadihMad'aa, with a history of 150-175 years, is applied in certain areas of zone one and some parts of zone four in the ANRS. Afke'ekma'adehmad'a, the third system, also 150 years old, is applicable in parts of zone one exclusively. The fourth system, Bodoytamelahmad'a, dating back 150 years, finds its application solely in zone five. Finally, Debnkwe'imihmad'a, established 150 years ago, is applied in zone three of the ANRS and certain areas of the Republic of Djibouti. Despite the distinct classifications, there are no substantial differences among the Afar customary laws (Suadiq, 2008, p. 36). The substantive and procedural rules, along with the conduct of hearings, remain consistent across Afar lands. The variation lies primarily in the enforcement aspect, where different customary laws prescribe compensation in various forms such as Baklo (a kid goat), cows, or camels. Although the modes of compensation differ, the amounts paid also vary, exemplified by the compensation for homicide, which ranges from 100 camels or 3000 Baklo in most Afar customary laws (Mad'aa) to 50 camels or 1500 Baklo in the case of Bodoytâmela customary law.(Osman ,2017,Unpublished M.A Thesis)

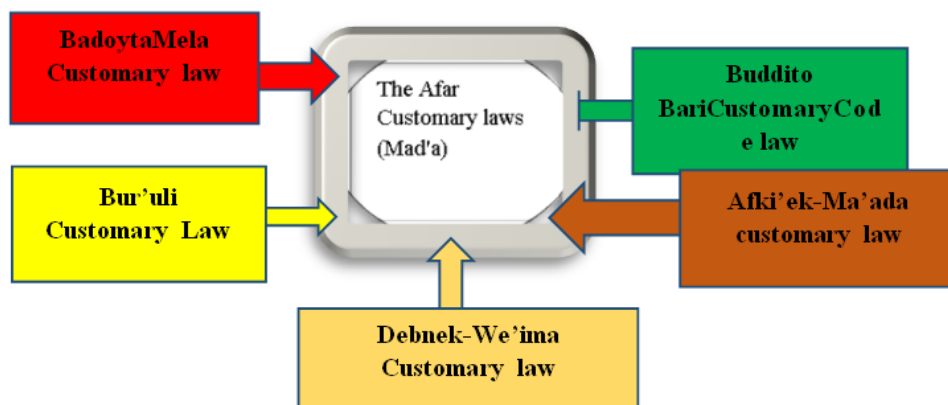


Figure 1: Different codes of Mad'aa, (Adopted from Culture and Tourism Bureau of the ANRS, the Afar customary law, 2016)

### Structure of Indigenous Adjudication in Mad'aa Institution

The Structure of the Afar Indigenous adjudication follows more or less the structure of the

social organization of Afar society, though not exactly the same. Inherently, in Indigenous Conflict Resolution systems, lower-level disputes may be solved within the family through the extended



family elders. For more serious disputes, a case may be referred to customary judges and tribal leaders with proven customary knowledge at higher levels. The Afar, based on blood relation and kinship, have a social organization divided into five layers: a nuclear family known as Bura comprising father,

mother, and children, an extended family known as Nefta, composed of three to four generations, a lineage called Dala includes a group of Neftas extended up to seven generations, several Dalas making Gulub (Clan), and several Gulubs forming a Kedo (Tribe).

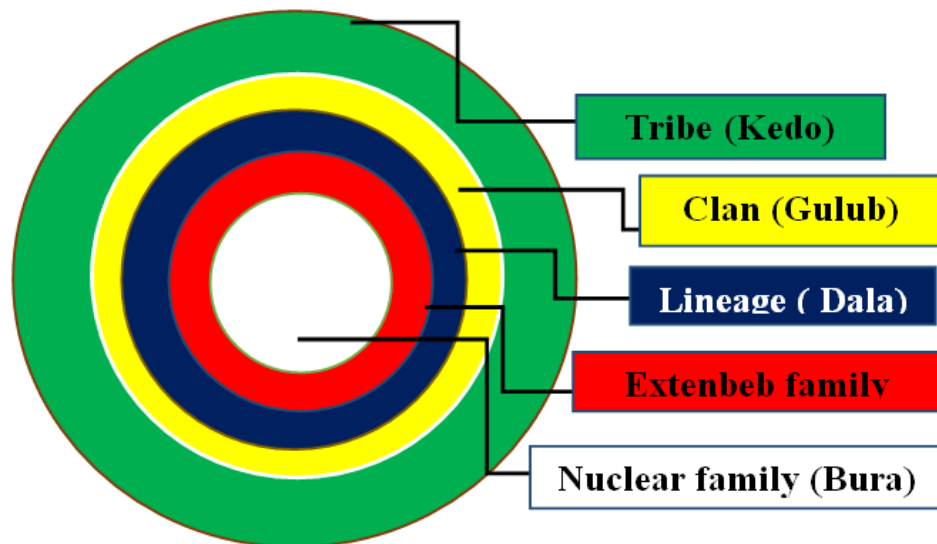


Figure 2: The social Hierarchy of the Afar society: (Adopted from Yasin Muhammad, 2010;

Getachew and Shimelis, 2008, and Lenesil and Original; with some design and content modifications) In the Afar National Regional State, it is estimated that there are more than 100 tribes, categorized into two major groups as Adohyanmara (white people) and Asahyanmara (red people), considered commoners and nobles with supreme power, respectively, in the whole Afar domain. Less grave crimes, especially within the same clan and sub-clan members, can be adjudicated by the kedohabba (clan leader). (Osman, 2017, Unpublished M.A Thesis) On the other hand, serious crimes like theft are likely to be handled by higher-level customary judges and tribal leaders (Suadiq ;Getachew and Shimelis ; Reda2008, p-35,2008, p. 5, 2012, p. 17).

#### Why Afar Society Insists Using Its Conflict Resolution Mechanism than Formal Courts?

The Afar people prefer using their long-lived conflict resolution mechanism over formal courts, believing it to be comprehensive and friendly with nature. This unique law covers every aspect of life, addressing criminal issues and providing detailed treatment, distinguishing between circumstances such as shooting from the front and back. Compensation under this system varies based on the location of the damage, with the front and

back parts of the body not given the same value due to societal considerations (Suadiq 1; Kalemework and Gebreyesus 7).

According to Kalemework and Gebreyesus, indigenous institutions go beyond restitution, aiming to repair affected social harmony and create a conducive environment for lasting peace and order (Kalemework and Gebreyesus 7). The state, as noted by the same authors, is involved in this process (Kalemework and Gebreyesus 7). This preference for indigenous conflict resolution mechanisms over formal courts is rooted in the belief that these mechanisms not only address legal issues but also contribute to the overall well-being of the community (Suadiq 1). In the Afar National Regional State, the formal justice system is criticized for its prolonged decision-making process, taking from two to four and sometimes more than six years to reach a final verdict. In contrast, the Afar Makaban is known for providing a quicker resolution, often within a few days (Suadiq 1). This delay in the government courts is attributed to their emphasis on punishing the individual criminal rather than focusing on reconciliation and restoring damaged social harmony (Suadiq 1).

One significant reason for the preference for the Afar Indigenous Conflict resolution mechanism is the perception that customary law is



considered the legitimate property of the Afar people, fostering a sense of ownership. In contrast, state laws are viewed as an alien legal system with no connection to the community, creating a question of legitimacy (Suadiq 1). Those seeking relief from state courts are sometimes penalized by customary elders with fines, such as one sitting camel, equating to 120 ETB, and labeled as Kaafirinna or Amharinna, implying an act outside of their culture or creed (Osman, 2017, Unpublished M.A Thesis).

Afar people believe that their Indigenous Conflict resolution mechanism is more effective in controlling conflicts in the region because it addresses root causes and ensures a satisfying reconciliation process for both parties. In contrast, the state's formal system is criticized for not addressing the root causes and neglecting the reconciliation process (Suadiq 1; Kalemework and Gebreyesus 7).

#### **Collaboration and Interface between the Two Systems in Afar Region**

Exploring the collaboration and interface between the two systems in the Afar Region reveals a lack of a formal framework enabling such interaction. However, various literature sources indicate that state justice organs provide assistance to customary elders whenever needed. The government and law enforcers cooperate with customary elders to prevent crimes and resolve disputes, emphasizing a shared objective of ensuring sustainable peace and order. The collaborative efforts between both systems play a crucial role in justice administration in the region (Ibid). At the regional level, collaboration between the formal and customary justice systems is considered complementary rather than competitive. The regional government actively allocates budgets to facilitate the activities of customary elders, showcasing a cooperative relationship (KaleworkTefereReda 37; Getachew and Shimelis 103).

When individuals are arrested or accused of criminal offenses, the customary elders often intervene by approaching the state justice administration to secure the release of the arrested people. The state requires certain formalities, such as writing an application and signing it, ensuring a commitment to handle the issue properly and achieve a peaceful resolution. In such cases, the court may request a report of the resolution to be submitted. Another practical interface occurs at the appellate level, where cases lodged for appeal may be resolved through customary adjudication. If the court is confident in the sufficiency of the

customary decision and the absence of doubt regarding the continuance of the dispute, the court may use the customary decision to mitigate judgment against the offender (Ibrahim Hamad 127).

#### **Frequency of Cases at Indigenous Conflict Resolution vis-à-vis Formal Courts**

In terms of the frequency of cases, there is an increasing interest of people resorting to state courts, reflecting a change from almost zero to some percentage. This shift is attributed to the presence of the Afar's own state administration, government, police, prosecutors, and court system, instilling greater confidence in the state courts. However, According to Usman Ahmed M.A research results indicate that the majority of Afar people still prefer using their customary justice system, with approximately 91-95% relying on it to resolve their cases. The use of formal courts is more prevalent among urban dwellers, although some urban people in specific localities, such as Samara, Dubti, and Asaita town, also approach formal courts at times. Notably, a significant proportion of inter-clan homicide cases end up in reconciliation. While clear statistical data may be lacking, the majority of the Afar prison population is associated with customary justice resolution (KaleworkTefereReda 42; Muhammad Musa 133; Getachew and Shimelis 96; Lenasil and Original 10; Kalemework and Gebreyesus 41). In the context of the prison population, a significant number consists of individuals imprisoned for committing homicide and rape crimes. The majority of these offenders are non-Afar, with theft being the primary crime for which they are incarcerated (Culture and Tourism Bureau 79-83; Shehim, Kasim 189).

#### **Mablo as Indigenous Dispute Resolution Processes**

Moving on to Indigenous dispute resolution processes, the method known as Mablo, translating to peace-making, is employed to address conflicts between different parties. In cases of intra-clan disputes or conflicts, the dispute resolution system operates in a more immediate and relatively less formal manner. Central to the Mablo process is the Kusa'a, involving investigation or research. It's noteworthy that the state apparatus, represented by the Woreda and Kebele administrations, plays a central role in this process. They often initiate the involvement of elders and, in some cases, facilitate transportation for the elders to participate in dispute resolution. The Afar customary laws follow precise and detailed rules of procedure, particularly for



grave crimes such as homicide, which entail accurate and clear procedures. While procedural rules vary based on the nature of cases, common types of procedures for various litigations are summarized for the purposes of this term paper.

In the litigation process, the aggrieved parties can submit complaints to the Makaban, and the Makaban fixes the hearing day if the applicant is a major person. If the complainant is a minor, they request the presence of a guardian and then determine the hearing day and place. On the hearing day, before commencing the hearing process, the parties making a complaint are asked to cover the cost (a feast) for food and drinks called *lee keeyso*. Subsequently, the Makaban asks both the plaintiff and the defendant to bring human guarantees, known as *habi* or *mabbara*, who are held responsible for the parties' behavior throughout the litigation process. The hearing process involves giving the plaintiff the first chance, followed by the defendant's plea of guilt or innocence. Afterward, both parties are given a second chance. The Makaban may allow attendants in the courtroom to summarize the arguments of both parties, or one of the Makaban may do it themselves (Culture and Tourism Bureau 79-83; Shehim, Kasim 189). In the customary dispute resolution process, the Makaban engages in a thorough analysis of the debate, considering whether additional witnesses are necessary or if a verdict can be based on the parties' debate alone. If the need for an additional witness is identified, the Makaban hears the witness and declares the final judgment. If the witness is unavailable, the case may be adjourned to another day, on which the final verdict is announced. In cases where the defendant denies the allegation and there are no witnesses, the defendant may be required to take an oath or swear in the name of Allah, touching the holy Qur'an. Relatives often try to dissuade the defendant from taking a false oath due to the perceived disastrous consequences. Following the announcement of the final judgment, parties unsatisfied with the decision can request an appeal to another Hara or customary court. The conclusion of the final judgment involves the reading of a verse from the Holy Qur'an and making dua or blessings, known as *Fatiha* (Culture and Tourism Bureau 79; Getachew and Shimelis 98; Ibrahim Hamad 127).

During the hearing, if one party accuses a customary judge or Makaban of partiality, the remaining judges investigate the accusation. If there is a valid reason to doubt the judge's impartiality, the judge must be excluded from the assembly. However, if the accusation is deemed false, the accuser may be penalized or fined with *Marusoi* or

*Doro'u* for defamation. In cases where unprecedented or strange offenses, referred to as *Mabboni* and *Maballoni*, are presented to the Makaban, a penalty of 12 cows or 120 Balkoin is imposed. This penalty is not compensation but a direct punishment for the offender, distributed among the customary judges in a manner similar to fines paid to the state in modern times (Culture and Tourism Bureau 78; Getachew and Shimelis 98). The examples can be as fighting of five men with one man or chopping off parts of the body of a person inhumanely, or stabbing a corpse, etc., and then it follows with other penalties such as compensating the victim. Compensation for any crime is paid separately and directly to the victim and his clan, and the amount is decided based on the nature of the case. Concerning the cases involving non-Afar, it is based on their preference. If they consent to Afar customary adjudication, then the Makaban applies their customary rule. However, if they prefer to go to the court of law, they are free to do so. Concerning the Afar who want to get relief from state courts instead of the Makaban, they are not stopped, but most of the time, people do not opt for that. Even after going to state courts, they often return to the Makaban because it is challenging to get sufficient remedies for Afar-Afar disputes in formal courts. Therefore, the system is semi-obligatory because of the nature of societal psychology, but not completely (Ibrahim Hamad 127).

## II. Conclusion

In Africa, communities often use their own ways to solve problems and disagreements. These ways are connected to how people live and their social, political, and economic situations. Indigenous conflict resolution, which means solving issues in a traditional or local manner, is a big part of this. For example, in Ethiopia, especially in the Afar region, where they follow ethnic federalism, they have their own traditional ways to handle conflicts. The Afar people have their own leaders and systems, like *'Amoytas*, *Dardars*, *Redantus*, *Momins*, and *Makabantus*. They believe that their traditional conflict resolution is better at solving problems because it looks deeply into the reasons behind the conflict and makes both sides happy with the solution. On the other hand, the formal government system doesn't always address the real causes of the issue and doesn't focus much on making peace between the involved parties.

So, in conclusion, these traditional ways of solving problems are crucial in the daily lives of the people in Ethiopia, particularly in the Afar region.



They act as alternative systems for conflict resolution and play a vital role alongside the official government methods.

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