

Bringing the sultan back in: Somali elders as peacemakers in Ethiopia's Somali region

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1 Introduction¹

The question as to how the revival of “traditional authority” through the incorporation of chiefs and elders by the post-colonial African state reconfigures power relations between the latter two requires an empirical and conceptual reasoning. Which roles do “traditional” and state representatives take up, how are they legitimised and rationalised by different actors and, finally, how does this “re-traditionalisation” of authority impact on selected social groups? These are questions for an empirical analysis by anthropologists, sociologists, political scientists, and historians who will focus on the historicity and discreteness of different state incorporation processes. However, elucidating and comparing empirically grounded cases will probably not be enough. Rather a questioning of the very foundations that shape social actors’ perceptions and discourses on representation, power, and politics is necessary in order to determine the material and symbolic implications of what Englebort (2002) refers to as the “traditional resurgence”. The key challenge for the researcher thus consists in reconciling what Bourdieu (1998) calls actors’ “classificatory schemes” with our own theoretical assumptions. We know of the analytical fuzziness (and at the same instrumental political uses) of words such as “modern”, “tradition”, “third world”, “community”, “market” etc. Yet the actors we observe constantly use these notions in their quest to understand, explain and modify reality. Consequently, the researchers must question these concepts not only as part of a definitional exercise, but by exposing the contested meanings that they embrace. In a first step this entails a positioning via some recurrent notions in the debate on Africa’s post-colonial state, be it in its “hybrid”, “re-traditionalised”, “globalised” or “failed” variant (see Kyed and Buur 2005).

From the viewpoint of a reflexive political sociologist a number of dichotomies that have dominated the better part of folk and scientific discourse must be refuted as explanatory models (but not necessarily as elements of a theoretically grounded approach). These dichotomies concern the distinction that is often operated between “tradition” and “modernity”, “state” and “society”, and “formal” and “informal”. Rather than aiming to grasp the realms of the modern vs. the realm of the traditional, researchers must demonstrate how traditions and modernities² are constructed and reconstructed or, in Hobsbawm’s famous dictum, how they are invented (Hobsbawm & Ranger 1983). Such an approach is not equal to an exaggerated type of socio-constructivism that denies the material and social forces at work. Traditions, or customs as I prefer to call them, are objective and subjective social facts. Yet actors do not merely reproduce, but also alter them. In this sense I will stick to Scott’s (1998:34) definition of customs and the customary as “living, negotiated tissue of practices

which are continually being adapted to new ecological and social circumstances – including, of course, power relations”. While this point is generally accepted by social scientists, the use of analytical tools that operate on an intuitive separation of the state from society continuously enjoys great popularity. Yet states do not exist outside of societies and vice versa. This should be obvious in the case of African states, which have not experienced a process of institutional differentiation from their respective societies comparable to their European counterparts and thus lack the degree of autonomy that defines legal-rational domination and state bureaucracy (Chabal & Daloz 1999). Finally, the distinction between formal and informal has been the cause of much confusion. Formal is often but wrongly equated with the rules and domain of the state while informal is perceived as non-state, indigenous, communitarian etc. This is obviously not the case and different streams of literature such as new institutional economics (North 1990, Shivakumar 2003), neo-institutionalism (Hall & Taylor 1996) and political anthropology have demonstrated how collective action has been and can be formalised without a priori reliance on state codification.

This present paper sheds light on some of these issues by reviewing the recent incorporation of Somali elders into the regional and local administrations of Ethiopia’s Somali Regional State, more commonly known as the Ogaden³ (see map of region 5 in Annex). In 2000 the region’s government appointed Somali elders, known in Somali as *guurti* (council of elders) or *lataliye* (advisor), respectively *amakari* in Amharic (advisor), as official counterparts of the district and regional authorities⁴. The appointment of these elders represents an interesting development that bears relevance for several interrelated research problems. First, the creation of a Somali region *guurti* corresponds to a contemporary form of state-sponsored “resurgence of tradition” as it is the Ethiopian government who initiated the recognition and formalisation of selected Somali clan leaders. Consequently, there is a need to scrutinise the subsequent reconfigurations of power between customary, state and other authorities as a result of this state incorporation. Second, given the Somali region’s “frontier” character (Geiger 2002) the question arises as to whether the recognition of elders by the government represents a strategy to expand routine state control in semi-arid lowlands inhabited by pastoralists. Although the Somali region is one of Ethiopia’s regional states (Vaughan 2003), it shares many similarities with its neighbouring Somali-inhabited territories⁵. In all Somali inhabited territories, whether belonging to the “failed state” of Somalia or to internationally recognised states like Kenya and Ethiopia, state presence remains weak, sporadic and with little legitimacy in the eyes of local communities. The

example of region 5's recent appointment of elders into the government structure thus allows for a comparison of different state-building practises and emergent types of statehood at the interface of nation-state and customary institutions within the Somali areas since 1991⁶. Such a systematic review lacks for the moment⁷, but seems promising in view of identifying alternative types of governance in the Somali Horn of Africa (see Doornbos 2002). Third, the appointment of elders into the regional government structure represents a noteworthy development within Ethiopia's "ethnic federalism" and ongoing decentralisation of the state (Aalen 2002; Merera Gudina 2003; Vaughan & Tronvoll 2003). The implications of Somali and Afar⁸ elders' participation in decentralised government under the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) have, to my knowledge, not yet been subject of academic inquiry. Centre-periphery relations between federal authorities and the Somali regional state were analysed recently by Abdi Ismail Samatar (2004) and Haggmann (forthcoming).

As studies on the reinvention and selective use of tradition in pastoral areas are lacking (Abbink 1999:3), this paper concentrates on the first of these different research themes, i.e. the rationale and implications of creating a new category of customary authorities in the Somali region who now work for the state. I will do so by highlighting the roles of Somali elders, both government recognised elders and "normal" elders, in settling and resolving violent inter-group conflicts within the Somali region⁹. In so doing I attempt to provide a first analysis of the interface between customary and state institutions' representatives at the concrete example of conflict resolution. The focus on elders as peace makers is relevant for the discussion on state incorporation of customary authorities in several regards. First, controlling and ending violence is among the classic tasks of the nation-state who seeks to impose a monopoly over the use of legitimate force (Weber 1947:156). Second, peacemaking activities are among the activities commonly practised by and attributed to Somali elders. Conflict resolution on the basis of blood compensation (*diya* in Arabic, *mag* in Somali) represents a procedure that is widely practised (although in different variants) wherever Somalis live, yet their local conflict-resolution systems have to date eschewed systematic description (Gardner & El Bushra 2004:166). Third, conflict settlement and resolution praxis in Somali region reflects an institutional bricolage (Cleaver 2001) that transcend the divide between customary Somali cosmology and the nation state's legal and judicial codes. Conflict resolution in the Somali region thus provides an interesting showcase of how state and community representatives formalise rules in what Ensminger (1990:662) calls the

“peripheral and least developed areas that only minimally recognize state authority and jurisdiction”.

The empirical data presented in this paper stems from open and semi-structured interviews conducted in Jigjiga, Harshin, Godey, Qalafo, and other localities within the Somali Region. Between May and July 2003 and between May and July 2004. I interviewed elders, kebele¹⁰ heads, and district officials on resource use and the management of violent conflicts over land and water as part of my ongoing thesis (Hagmann 2002). Informal focus group discussions were held in a number of “teashops” while more sensitive information pertaining to clan politics, intra-clan conflict and conflict resolution procedures was collected through longer, open-ended conversations with elders and district administrators. These intense discussions usually involved the consumption of tea and *qaad*¹¹. This paper is divided into five sections. A first section provides a cursory introduction to the sociological context and symbolic imaginary in which Somali elders are couched. In addition, it briefly reviews historic relations between colonial and post-colonial administrations in Somalia and Somali elders. In a second section I describe the modalities and motives of the recent incorporation of elders into local government within Ethiopia’s Somali region in 2000. Third, I provide a description of conflict settlement and resolution procedures by elders and district administrators as a combination of customary law and state legal mechanisms. A last section proposes some preliminary conclusions in light of the ongoing discussion on the “re-traditionalization” of authority in Africa by discussing some of the debate’s key themes.

2 The Somali elder as practice and rhetoric

If Bourdieu’s (1984:144) casual yet appropriate dictum that “everyone is an elder or a youngster of someone”¹² holds true, then both the phenomenon and the concept Somali elder deserve to be called into question. Menkhaus (2000:186) rightly points out that “the social category of ‘elder’ is quite fluid, a source of considerable confusion for outsiders”. While part of this confusion is due to evolving and competing ideas of what represents legitimate authority - and what not - within Somali society, some major implicit assumptions of the concept of Somali elder must be established. A first ambiguity stems from the meaning of “elder” itself. To quote Ismail I. Ahmed and Green (1999:123) “not all old men are elders, nor are all elders aged”. Being old enough is thus neither a necessary nor a sufficient condition to qualify as Somali elder. Rather, as we shall see below, a number of distinct (and certainly also evolving) behavioural and sometimes genealogical characteristics are necessary to qualify as elder in Somali society. This holds true for numerous African and other societies. Yet Somali

society distinguishes itself by the fact that, in principle, every married man can speak on behalf of his clan lineage as representation is very much based on an egalitarian mode in Somalis' "pastoral democracy"¹³. According to the dominant Somali cultural ideal every man participates in decision-making by taking part in the *shir* (talks, deliberations), an ad hoc assembly that decides upon all important public matters and represents "the fundamental institution of [customary] government" (Lewis 1999 [1961]:198)¹⁴. A second implicit behind the concept of the Somali elder is the fact that Somali elders are always males and never females. The idea of a Somali "pastoral democracy" enacted by wise old men (the elders) corresponds to a purely patriarchal definition of democracy where women play a subordinate role in all public and political affairs. As Glascock (1986:56) unambiguously points out: „Males are the dominant sex in Somalia“. The concept of Somali elder thus exclusively comprises political representation by men. Curiously, while post-structuralist scholars of Somali studies have challenged the egalitarian myth of Lewis' "pastoral democracy" by highlighting social and economic stratification of Somali society, Somali scholarship remains rather gender-blind. Undoubtedly, the concept of Somali elder reflects a social imaginary in which the old dominate the young (gerontocracy) and men dominate women (patriarchy).

While all aged men are elders (*odayaal*), some are able to distinguish themselves and gain prominence as "effective negotiators, trusted mediators, moving orators, or wise and pious men" (Menkhaus 2000:185-186). These are the persons that the notion of clan elders usually refers to. In most cases their authority is not based on hereditary status, but derived from respect and recognition of their kin as "their elders"¹⁵. Glascock (1986:66) resumes this process at the example of the elders' council (*aqiyaarta*) of the Rahaweyn in southern Somalia's Bay region:

"The *aqiyaarta* rather than the government appointed *gudoomiye* (governing council) are the major decision-makers within the villages of the Region. There is no formal selection process for *aqiyaarta*. A man is considered *aqiyaarta* when villagers begin to treat him as such and he is no longer *aqiyaarta* when villagers stop treating him as such. Although a man of any age can be regarded as a wise man, men over the age of fifty comprised over eighty percent of the *aqiyaarta* in the villages researched. The informal council, rather than the *gudoomiye* handles most village matters including solving village-wide problems, settling disputes both within and between households, arranging marriages, funerals and religious ceremonies (...)".

Important attributes associated with Somali elders are "experience, age, oratory skills, fairness and impartiality, ability to compromise and persuade, expertise in *xeer* [customary law] and

religious knowledge” (Ismail I. Ahmed. 2001:7). Glascock (1986:56) furthermore stresses the importance of wisdom as a trait Somalis closely relate with age and respectful behaviour: “A wise man is one who is successful in his economic activities, who is able to maintain order within his household, who is able to get along with people within the village, who is able to solve problems and who has a grasp of the Koran and who is religious.” The institution of Somali elder must furthermore be understood within the two basic principles of Somali society, kinship (*tol*) and contract (*xeer*)¹⁶. Somali society is composed of segmented clan lineages who claim actual and fictitious ancestry through patrilineal descent. The *diya*-paying group (*jilib*) represents the most stable political and social unit within Somali society and its members are bound to *diya*-paying groups of other clan lineages through contractual agreements (*xeer*). Both the concept of customary law as well as specific oral treaties between distinct clan lineages (*xeer* Isse, *xeer* Ogaadeen etc.) are designated by *xeer*, which “is not static and (...) constantly being revised in the light of new conditions” (Lewis (1999 [1961]:175). Membership in a clan lineage and *xeer* thus provide Somalis with collective security, which neither the colonial nor the post-colonial state has been able to generate so far for its Somali criticizes (Drysdale 2004).

The role of Somali elders as custodians of their kin’s welfare has been and continues to be appraised controversially. With the advent of “participatory development” as the dominant legitimate mode of international aid and after the collapse of the Siyaad Barre government Somali elders have been increasingly lauded as legitimate and responsive community representatives. Partly as a consequence of the Somali civil war Somali elders were reified as benevolent sages and peacemakers (as opposed to the young generation of militia fighters imputed for creating havoc in the country). Today paying tribute to the role of Somali elders has become a standard practise by Somali and non-Somali development agencies, politicians and even rebel groups such as ONLF. The latter states the need to (selectively) take into account the elders into the struggle for Ogadeni self-determination "to preserve cultural norms respecting the position of elders in our society and to periodically consult the elders in our community, in accordance with tradition, when feasible" (ONLF undated). Yet, not all commentators reproduce the uncritical idea of disinterested Somali elders who work exclusively for peace and their communities’ benefit. The fact that Somali elders are not only instrumental in peace, but also in war-making is a commonplace that is often ignored as it deranges the idyllic image of the *nabadoon* (peace searchers). In his analysis of local governance structures in Somalia’s north-eastern Puntland administration Adam J. Bihi (2000:30) clarifies that “the alternation of so many elders between roles of warmonger

(raising funds, recruiting fighters etc.) and peacemakers engendered deep cynicism within the public, many of whom decried elders as opportunists”. Other authors have rebutted the idea of elders’ altruism in resolving conflicts on the basis of blood compensation by pointing out their vested interest to collect large amounts of *diya* (Gardner & El Bushra 2004:79). Roland Marchal (1998:unpaginated) has expressed scepticism about foreign and local actors’ “emphasis on the neo-traditional *xeer*”. In his words “the success of such kind of neo-traditionalism where elders and traditional authorities have been given the prominence has been tremendous. However, few people dare to raise controversial issues linked to the *xeer* and to the effectiveness of such governance”. Drawing upon firsthand experience in Somalia’s Lower Shabelle region Marchal describes local elders as “accused to have stirred up conflicts in order to get a share of the *diya*”, of corruption, “missing the basic education to fulfil their current responsibilities”, and marginalizing the youth and educated sectors of society.

Colonial and post-colonial efforts to incorporate Somali elders into local administration and to curb or accommodate the customary *xeer* produced ambiguous results. The British colony in the north tried to co-opt Somali elders by creating titular elders known as *aquils* (after 1921) who acted as a link between the district administration and protectorate’ inhabitants (Lewis 2002 [1965]:105). Geshekhter (1985:28) resumes the British attempt to involve Somali elders into colonial indirect rule as a “nominal attempt” that “lacked credibility among the nomads”. In the Italian Somali colony in the south similar efforts took place to nominate loyal elders as “capos” (Lewis 2002 [1965]:98). In legal regards both the Italian colony and the British protectorate followed a “middle course” by introducing Western criminal law (the Indian Penal Code for British Somaliland and the Italian Penal Code in Italian Somalia) but partially incorporating the *diya* blood compensation into the administration of justice (Contini 1971:79-80). Comparing how the two colonial powers accommodated the co-existence of Western state law and Somali customary law within the colony Contini concludes that (1971:81):

“it is interesting that the two metropolitan powers, presented with the same problems, followed a parallel course of action. In the British as well as in the Italian territories the state authorities, in addition to endeavouring to apprehend and punish the individual offender, sought to avoid reprisals and bloodshed by encouraging an amicable settlement of *dia* by a variety of means: judicial recognition of the rights and obligations of the *dia*-paying groups; recourse to the expertise of the Kadis in calculating the amounts due in individual cases under Islamic law; and occasional participation of government officials as impartial go-betweens to assist opposing groups in arriving at a mutually acceptable settlement”¹⁷.

Ethiopian rulers in the Somali inhabited Ogaden proceeded in a comparable manner to the British and Italian colonial administration. By the 1930s Darood Somali chiefs and clan notables from the Ogaden “were taken to Addis Ababa to express their loyalty to the Emperor (Barnes 2000:146).

Following Somalia’s independence in 1960 the country’s first government propagated national modernisation that did not foresee customary institutions. After Siyaad Barre’s arrival to power and the subsequent establishment of scientific socialism all tribal names and allegiances were officially abolished (Lewis 2002 [1965]). Despite the Somali government’s pronounced policy of abolishing “tribalism” the payment of blood compensation “was found to be compatible with the constitutional provision that penal liability shall be personal” (Contini 1971:83)¹⁸. In neighbouring Ethiopia, the *Dergue*’s rule over the Ogaden was primarily based on military coercion vis-à-vis those Somalis who had not fled the region following the 1977/78 Ethio-Somali war. By the time of Siyaad Barre’s downfall Somali elders had followed different pathways. Some “became tainted as ‘stooges’ of the military regime”, others preserved a degree of integrity and “the majority of elders hovered between the government and their communities attempting to placate the government and promote the interest of their people” (Adam J. Bihi 2000:30). International humanitarian intervention in Somalia at the beginning of the 1990s sought to re-establish a central government primarily through a top-down approach that involved the warlords and faction leaders but failed to produce the desired effects. Later on UNOSOM half-heartedly adopted a more bottom-up approach to peace and state-building in Somalia (Bryden 1999). But the international community largely failed to involve genuine elders and community leaders in peace initiatives. In absence of a central authority and significant international assistance indigenous peace-building efforts and institution-building by clan elders become instrumental in resolving conflicts and maintaining security within the context of radically decentralised governance in Somalia (Ahmed Y. Farah & Lewis 1997; Hoehne 2002; Little 2003; Menkhaus 2000, 2004). In Somaliland clan elders’ conferences since 1993 not only managed to resolve major differences between the northern clan lineages, but institutionalised a 75 member *guurti* council of elders with advisory and legislative powers as the republic’s upper chamber of Parliament (Bradbury et al. 2003)¹⁹. In north-eastern Somalia elders were involved in similar processes of peacemaking and institution-building that eventually led to the establishment of the autonomous Republic of Puntland in 1998²⁰.

3 The (s)election of *guurti* elders in Ethiopia's Somali region

forthcoming PhD thesis T. Hagmann

4 “Customs in action”: elders as peacemakers

forthcoming PhD thesis T. Hagmann

5 Some preliminary conclusions

A number of preliminary conclusions can be drawn in light of both the recent incorporation of *guurti* elders into Somali region's governance and the manner in which state officials and elders manage violent conflicts. One key question is whether the recognition of traditional authorities and laws by state actors “freezes” the customary system's inherent flexibility (Benda-Beckmann 2003:302). In other words, did the creation of *guurti* elders in Somali region “freeze” the roles and positions of elders as well as of the *xeer* and *diya*-based blood compensation system? The answer is somewhat ambivalent. On the one hand the outcomes of conflict resolution processes are documented and formalised by district authorities. This state codification of customary law bears a potential of “freezing” the contractual agreements between clan lineages. However, I think that this is not the case because the state codifies the conflict resolution outcomes and not the procedure itself. The key characteristic of the *xeer* is its common law character as the *xeer* provider regulations on how to compensate victims and casualties, yet is open to adaptations. As long as local administration in Somali region documents and sanctions the *diya* modalities on a case by case basis and rather than generalising them for all clans, the flexibility and thus strength of *xeer* will be maintained. It is important to note that *xeer* is perceived as being legitimate not only because it provides material and political security, but also because it is and has to be negotiated again and again to fit the demands of the parties and conflict circumstances. This said a “freezing” of tradition would occur if the government decided to impose its *guurti* elders as the prime responsible actors for peacemaking. As the analysis of the conflict settlement and resolution process clearly demonstrates, the *guurti* elders act as the link between the district administration and the conflicting clans, but the actual mediation is carried out either by non-*guurti* elders or by non-*guurti* elders in collaboration with *guurti* elders. If regional government and party decide to monopolise the negotiation process in the hands of the *guurti* elders, this would come close to a major “freezing” and manipulation of the customary system.

A second key question relates to the different roles taken up by state-incorporated elders such as the *guurti*. Similarly to the Mozambican case (Buur and Kyed 2005), the *guurti* elders of region 5 are rhetorically presented and legitimised as a traditional type of leadership that represents community interests. Contrary to Mozambique, the “portfolio” of state tasks delegated to the *guurti* elders is rather limited as they concentrate primarily on peace and security. This is undoubtedly a reflection of the Ethiopian state’s weak presence in the Somali region (no tax collection, public services almost inexistent etc.) more than a deliberate move by the government to exclude the *guurti* elders from classic regal tasks. It seems fair to conclude that the different roles of the *guurti* elders are appreciated differently. Generally, *guurti* elders’ de facto dependence on the government and their involvement in campaigning for the ruling party does not speak for their integrity as a “traditional” authority. After all the *guurti* elders were created by the government, implement government policy and receive a government salary. But in terms of their role as facilitators or the peacemaking process, their role is less disputed. This is undoubtedly because the *xeer* and conflict resolution through blood compensation enjoy high legitimacy among (Ethiopian-)Somalis. Mohammed Mealin Seid and Zewdie Jotte (2004:33) rightly point out that the *xeer* “has a moral force, hence it is accepted by all the parties in most of the cases”. Thus whichever elder has knowledge of *xeer*, negotiation experience and a record of being a neutral mediator will be respected, independently of his relation to the government. As the above description of the management of violent inter-group conflicts demonstrates, district authorities and elders collaborate closely (yet not always with success) in resolving conflicts. The *guurti* elders provide a vital link in a peacemaking approach that is characterised by high syncretism, merging *xeer* and state coercion, *diya* compensation and administrative sanctions.

Undoubtedly, the institutionalisation of the *guurti* elders has led to the creation of different categories of elders within the Somali region, i.e. “government elders” and “non-government elders”. Tension and competition for community representation between *guurti* elders and non-government elders are manifest in some areas within the region. For instance in the district of Quelafo, different lineage elders’ council, locally known as *darsane yashe*, compete for community representation and the management of local affairs including conflict resolution (authors’ field notes, July 2004). As a systematic review on this topic is outstanding and as the *guurti* elders have only existed for a limited number of years, future research will have to demonstrate the competing and - as in the case of conflict resolution - partially overlapping roles and legitimacies of those elders recognised by the state and those not recognised by the state.

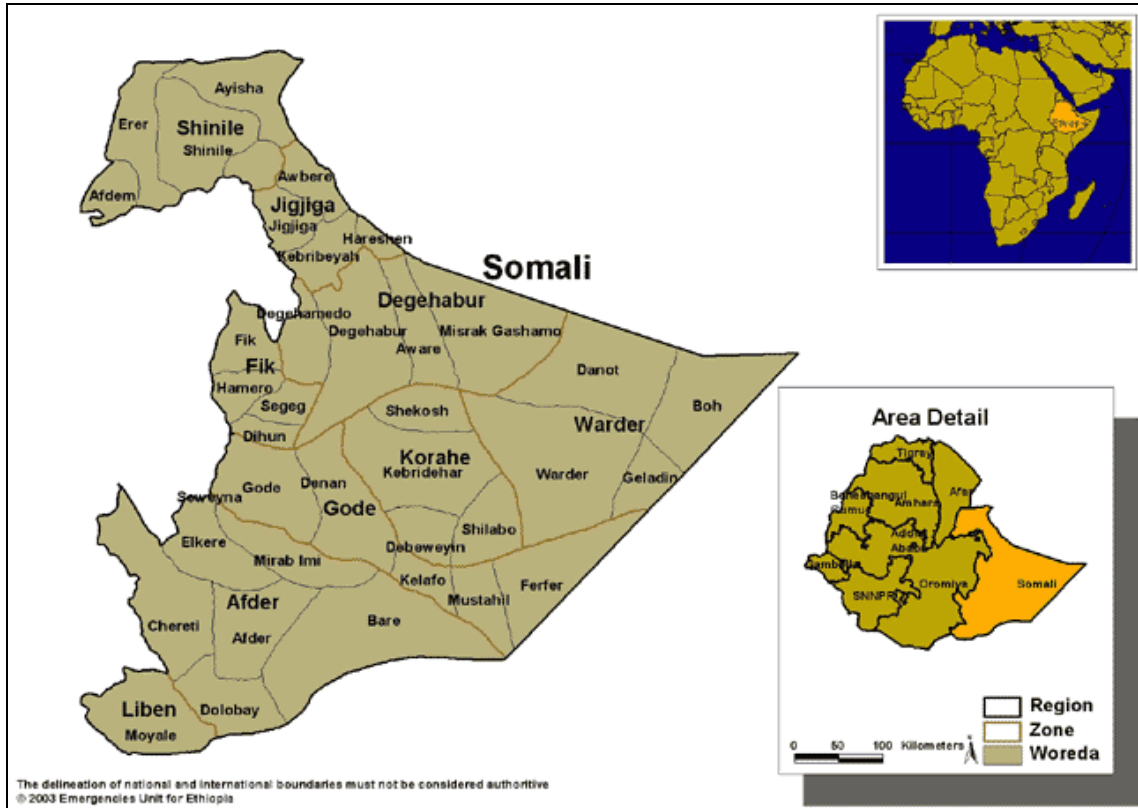
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Annex: Map of Somali Regional State of Ethiopia



Source: UN OCHA Ethiopia 2003.

Endnotes

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² “Modernities” as opposed to a singular Western, modernity and thus as an alternative to the teleological bias that, ultimately, all (“developing”) societies will converge towards one modernity or, for that matter, type of statehood (see Fukuyama 1992).

³ I use the geographic names Somali Region, Region 5, and Ogaden interchangeably in this text. Since the introduction of “ethnic federalism” in Ethiopia and the ensuing ethnification of politics, the term Ogaden has increasingly become synonymous with the clan lineages belonging to the Ogaadeen (Darood). As the Ogaadeen comprise the majority but not all of Somali region’s inhabitants, Ogaden as designation for the territory of all Somalis living within Ethiopia is contested.

⁴ Evidently, the notion of *guurti* (council of elders) comprises a symbolically more powerful image than the one of *lataliye* (advisor). While the first refers to an imagery of the wise, honored and respected elders who decide on the fate of their communities, the latter transpires that these government elders are not autonomous decision-makers, but ultimately their activities are conditional on government endorsement.

⁵ Djibouti, Somaliland, Puntland and south-central Somalia (former Somali Democratic Republic) and the Somali-inhabited Northern Frontier District of Kenya. On “traditional” authorities in Somaliland see Markus Hoehne’s (2005) AEGIS conference paper, panel 36d, “Between pastoral and state politics”.

⁶ Of primary interest is a comparison between Somali region (Ethiopia), Somaliland, Puntland, and south-central Somalia. 1991 is the year of the downfall of the Siyaad Barre regime in Somalia and the socialist *Dergue* dictatorship in Ethiopia.

⁷ Partly because there is few interaction between “Ethiopianists” and students of Somali politics, partly because many of the Somali inhabited territories have been rather inhospitable for field researchers in the past one and a half decade.

⁸ According to Getachew Kassa from the Institute of Ethiopian Studies, Addis Ababa University (personal communication, summer 2003) the Ethiopian government incorporated Afar elders into the Afar regional state prior to incorporating the Somali elders in the Somali regional state. I lack knowledge about the situation in the other “peripheral” regions of Ethiopia, i.e. Gambella and Benishangul-Gumuz.

⁹ Conflict settlement is defined as “outcome-oriented strategies for achieving sustainable win-win solutions and/or putting an end to ‘direct violence’” (Reimann 2001) while conflict resolution refers to “a process that transforms conflicts in an enduring manner rather than settling disputes (...) by addressing basic human needs and building (...) relationships” (Fisher 1997:268-69).

¹⁰ *kebeles* represent the lowest administrative level in Ethiopia. Initially established by the *Dergue* regime as “peasant associations”, the EPRDF maintained the *kebele* structure. In Ethiopia’s pastoral lowlands *kebeles* lead a rather nominal existence. The *kebele* chairman, vice-chairman and secretary receive no official salary. However, they have privileges when food aid is distributed in their respective locations.

¹¹ On problems of reliability of primary sources obtained by historical sociologists from societies with a strong oral tradition like the Somalis see Ali A. Abdi (2001).

¹² “On est toujours le vieux ou le jeune de quelqu’un” (Bourdieu 1984 :144).

¹³ Lewis (1999 [1961], especially chapter 7 “Authority and Sanctions”) seminal and unrivaled study has, by its title and content, very much influenced the perception of Somali society as being an egalitarian social body to the extent of being anarchic and where feud and violence are functional expressions of the segmentary kinship system. See Besteman (1998) for a critique of Lewis’ political anthropology of Somali society.

¹⁴ In reality members of outcast groups are often excluded from such consultations.

¹⁵ Although a difference exists between clan lineages with titled (such as *boqor*, *garad*, *sultan*, *ugas* or *isimo*) and those with untitled elders, these differences are of minor importance. Titled elders in Puntland are described by Adam J. Bihi (2000), for the Somali region see Mohammed Mealin Seid and Zewdie Jotte (2004).

¹⁶ For a comprehensive discussion see Lewis (1999 [1961]: especially chap. 6 “Clanship and Contract”). A more summary account of *xeer* can be found in Menkhaus (2000) and UNDP (2001).

¹⁷ For more details on the relation between colonial administration and customary law in the British protectorate see Lewis (1999 [1961]:167-179). In the case of British Somaliland the integration of these two legal systems was rather limited. The colonial penal code formally dominated the customary code in a situation of asymmetric co-existence between the two. Contini reports that “whenever a homicide occurred two separate machines of justice were set in motion, each governed by its own rules” (Contini 1971:80).

¹⁸ Although the Somali Supreme Court in 1964 established that a person may leave his *diya*-paying group “by explicit declaration” (Contini 1971:83).

¹⁹ Englebert’s (2002:4) claim that in the case of Somaliland “can be partly considered a case of tradition-based secession” seems rather misleading given the central role played by the Somali National Movement (SNM) in declaring independence.

²⁰ Ismail I. Ahmed (2001:15) imputes the success of clan elders’ peacemaking endeavours in both Somaliland and Puntland to the fact that “traditional social structures have largely remained intact” from colonial influence in these two territories.