

Approach to Integrate Indigenous Dispute Resolution Mechanisms as Restorative Justice in Ethiopian Criminal Justice System

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Abstract Ethiopia is one of the countries which have compositions of ethnic groups and indigenous peoples, most of which they have endemic modalities of peacekeeping mechanisms and conflict resolutions practices. These varieties of Indigenous Dispute Resolution Mechanisms (hereafter IDRMs) have been using as peaceful means of disputes resolution processes. In practice, despite lack of legal recognition, informally the communities have been utilizing IDRMs to settle criminal disputes including serious ethnic conflicts. The available substantive and procedural criminal laws of Ethiopia are futile to prescribe rules which may perhaps facilitate the incorporation and better use of IDRMs into the criminal justice system. This research aims to respond question how can formal criminal justice system effectively utilize IDRMs? The researcher applied qualitative research methodology that covered both primary and secondary sources. The finding shows that IDRMs necessitates recognition through integration into the formal criminal justice system based on the restorative approach is a valuable assertion. Finally, the writer suggests the application of dynamic and participatory approach of which could recognize IDRMs as a good option to the communities to resolve disputes by the predictable peaceful solution. Such an approach can limit the challenges of the formal criminal justice system; since, those indigenous resolutions are accessible, effective and efficient, less expensive, less coercive and more respectful options.

Keywords Indigenous Dispute Resolution Mechanisms (IDRMs), Restorative Justice, Integration, Criminal Justice System

1. Introduction

1.1. Background of the Study

Modern formal criminal justice system flourished with modern state formation during the 14th-17th centuries (Skoll, 2009). In the 18th Century, most European countries were at the stage of socio-economic transformation and industrialization. The Egalitarian and dynamic inception of democracy and right protection were spread over Europe and North America. This age of enlightenment branded with the establishment of new perspectives of political administrations, accommodations of the diverse value of moralities, and new perspectives in understanding crime. Legal development and transformation reflected by adoption and transplanted of legal systems. Skoll (2009) describe the age of enlightenment after the overthrow of autocratic and feudal regimes began to be replaced with structured state institutions that granted the opportunity to organize and frame the modern legal system. The enlightenment philosophers and classical criminologist of the 18th Century had significant contributions to legal renovation.

Tuori (2010) depicts the development of modern criminal justice influenced by European civil law that was followed by the codification of codes in different categories, and Anglo-American common law school concerned case law or precedent. Some European countries have absorbed the civil law without any revision of their customary or indigenous system; whereas, legal scholars of Germany critically reviewed their indigenous rules before transplanted of the civil law. Former British colonies were accustomed to adopt a common law legal system. In addition, it was necessary to institute the judicial organ which empowered to interpret and enforce the due process of law. Colonizers', especially in Africa countries, had demanded 'system' which instituted by organs of selected legal practitioners, Judges, Juries and focus groups to

interpret and analyze the implementation of the laws. These establishment processes were administered and organized by state. Protection of the community from heinous criminals affirmed as the responsibility of the state. In doing so, the legal scholars formulated 'criminal justice system'. In the criminal justice processes, there are two basic models *due process model* and *crime control model* (Packer H, 1964). The difference between these two models is, the former characterized to safeguard the protection of the accused; whereas, the latter ambitious to the protection of the public interest. Besides, there are also two criminal justice procedural systems i.e. adversarial and inquisitorial. Adversarial system the parties to conflict act independently and they are responsible for uncovering and presenting evidence in front of a passive and neutral trial jury; the inquisitorial system is different which is the ultimate responsibility for finding the truth is the burden of officials of the justice system.

Tuoris (2010) explains that the era of transplantation of legal system, the criminal justice system was inherently adopted by the transformative developing countries, while, they are at the stage infancy to hold perfection of the system. The immediate political benefit of the criminal justice system is 'social control' which grants opportunities for the state to administer the community with a monopoly of power (Grace Jennifer, 2004). The excited perception and expectation of states had favored the spread of the criminal justice system to post-colonial Asian and African countries.

The criminological origin of conceiving crime and criminals as evil and punishing through punitive methods passed different 'classical' and 'neo-classical' theories and philosophical formulation stages (Mark & Henry, 2004). Scholars had been pursuing scholarly approaches to contextualize peace, justice, stability, and prosperity. Despite such tremendous efforts, still there is an increasing number of the prison population, increasing criminal recidivism, rising crime rates in 'modern system', and the corrupt decision of criminal justice system officials are challenges (UN Restorative Justice Handbook, 2006). The Criminal justice system has been presumed as a cure for crime prevention and the pursuit of justice implicit within the framework of the retributive approach.

The transplantation of criminal justice had faced challenges in the midst of pluralistic legal traditions in Ethiopia from its inception up until now. There are more than 85 diversified nations, nationalities, and peoples in Ethiopia. Over 60 indigenous dispute solutions are available which emanated from culture, religion, historical practice of the people (Gebre Yntiso, et al, 2010). To mention few IDRM; _ Oromo Geda System _ which is practiced in Oromiya Region; Erik ena Shemeglena _ exercised in Amhara Region; Mada _ applied in the border between Afar and Tigray Regions; and etc. The Ethiopian legal tradition is pluralistic due to the presence of such heterogeneous cultural dispute resolution mechanisms. For

a long period of time, these cultural dispute resolutions mechanisms have been used to reconcile interpersonal disputes and serious tribal conflicts.

This research aims to introduce the approach to indigenous dispute resolution mechanisms as restorative justice in the Ethiopian criminal justice system. The enormous commitments of the state on criminal justice have been surfed less concern to indigenous solutions. Despite this, magnificently in some circumstance, indigenous resolutions have been exercised to resolve serious conflicts; even when the criminal justice has failed to do so. If that is so, why the criminal justice system is overlooked to use those customary dispute resolutions properly? Besides, the question of how to properly integrate the indigenous resolution mechanisms to the criminal justice system is the fundamental issues of this research.

1.2. Objectives of the Study

This research intended to explore a better method which helps to utilize indigenous dispute resolutions in the criminal justice system of Ethiopia. Therefore the basic objective of this research is to discuss the way how to integrate indigenous dispute resolutions into Ethiopian criminal justice system in order to enhance functional contributions in solving disputes and serving justice, peace, and stability the community.

There are also specific objectives of the main objective:-

- To examine the relevance of the application of indigenous dispute resolutions; that could reduce the challenges of the criminal justice system;
- To discuss the best approaches to draw lesson to use IDRM;
- To review selected theories of restorative justice which could facilitate to use IDRM; and
- To make recommendations for accessible inclusive, collaborative, and participatory criminal justice processes that can integrate indigenous conflict resolution mechanisms.

1.3. Research Questions

1.3.1. General Question

- How can we effectively utilize indigenous dispute resolution processes in the Ethiopian criminal justice system?

1.3.2. Specific Questions

- What problems hinder to adopt indigenous resolutions?
- Is it possible to integrate indigenous dispute resolution into the formal criminal justice system of Ethiopia?
- Which approaches or theories do we need to incorporate indigenous dispute resolutions or what

type of legal and practical formulation is better to integration?

- Who is responsible for the proper integration of IDRM?

1.4. Methodology of the Study

This is qualitative research that relies on extensive use of primary and secondary sources. The qualitative approach is considered necessary because: first, this research has the objective of exploring or to get an insight about the way of integration of indigenous resolution into the criminal justice process. This research has also objectives that explore the interest of the community and criminal justice system about the usage of cultural dispute resolution in criminal matters. The qualitative approach includes different modes of data collections these are: i.e. primary data collected by structured and semi-structured interview, informal discussion, focus group discussion, and observation. Secondary sources also applied references research findings, books, articles and review of court real cases.

1.4.1. Research Population

The study population selected from the officials of the criminal justice system and from the community members who have experience and knowledge about IDRM. The primary organ of the criminal justice system is the legislative body. Therefore, the researcher conducted an interview with a few Regional Administrative Council members. The legal officers in different levels of criminal procedure including Investigation Police Officers, Public Prosecutors, and Judges are the relevant research population of the study. The samples of this study are collected from Amhara Regional state, one of the regions in Ethiopia which have compositions of IDRM. The researcher purposefully selected three Zones from the region i.e. South Wollo Zone, North Shewa Zone, and South Gonder Zone. From each Zone, one Woreda (district) has selected which comprise different levels of the criminal justice process and institutional organs. Therefore, generally, three districts have chosen as the target area. The justice system officials including; Judges (district Courts, High Court, and Supreme Court and Regional Cassation court), Public prosecutors and investigation police officers are target population of the study. The other focus group populations are the victims, suspects, offenders and community participants who are using indigenous resolutions as a mechanism to solve the criminal dispute are also basic participant contributors for the research.

1.4.2. Sampling Methods and Size

To select the specific target individuals for a qualitative approach, the writer operates a purposeful or judgmental sampling method. Officials of criminal justice institutions have selected by judgmental quota sampling; because, the

numbers of cases which are executed by indigenous resolution significantly vary at each level of courts and prosecutor offices. It is obvious Woreda courts (district courts) and prosecutor offices are comparatively entertain enormous criminal cases than any other levels of courts.

The sample sizes of the selected population have assigned by the proportional number of professionals in each level of courts from three zones i.e. South Wollo, North Shewa, and South Gonder. From each specific Zone, one district/woreda/ has selected to conduct an interview, group discussion, and observation of indigenous resolution processes. With regard to legislative organ, two regional representatives of the Administrative Council interviewed. While it was difficult to fix the sample size of victims and suspects who exercised the indigenous dispute resolutions; the researcher has used other supplementary methods of focus group discussion with community participants.

1.4.3. Data Collection Tools

There are different tools for primary data collections from which this research applied interview, observation, and focus group discussion. In this regard, the interview questions and focus group discussions vary according to the personal contribution and involvement into the criminal justice system or into IDRM. For instance; the questions which are raised for legislative members have more concerned about the legal status of the region on IDRM to recognizing the law. Generally, the types and contents of the questions prepared by assessing the responsibilities, positions and expected knowledge on the matter at hand.

2. Introduction to Indigenous Dispute Resolution Mechanisms as Restorative Justice

2.1. Indigenous Resolutions Mechanisms: General Overview

Ethiopia is one of the countries which composition of ethnic diversity and endemic customs of conflict resolutions practices. Customary laws have been used for a long period of time that has a tremendous contribution to solving disputes and conflicts which grant sustained peaceful relation of the community. Particularly in the Ethiopian rural areas, the customary process of dispute resolutions has a valuable contribution to settle disputes and to maintain the socio-economical peaceful relations.

Before the introduction of theoretical analysis, it is valuable to introduce the concept of what is 'indigenous'? What makes related to dispute resolution? In fact, the term 'indigenous' has used in different perspectives; whereas, this introduction focus is on the concept and relation with the dispute resolution. Most of the cases the word 'indigenous' sited in circumstance referred as an indication of 'distinct identity of something' for example 'indigenous

people', 'indigenous language', 'indigenous laws', and etc (Malan Jannie, 2005). While the concept is ambiguous, the word indigenous laterally understand 'not coming from another place' or 'survival of native communities based on cultural, political, and economic realities' (Burkhardt & George, 2009). There are other complementary terminologies that applied interchangeable words like 'native', 'customary', and 'aboriginal' etc are familiar by different scholars (Damren, 2002).

As Proulx Craig (2005) explains indigenous indignity was a redundantly rehearsed to explain circumstances which related with preservation of endemic identities of society before colonization. Most of the post-colonized countries suffered the extinction of native identities. This could be caused by the perception of colonizers to undermine native languages and aboriginal cultural practice as barbaric and primitive. Repealing indigenous customary laws is one of dimension which European colonizers altered indignity of colonies; instead, they brought experiences of their own legal system. For example British colonies faced to serious disaster to sustain their indigenous customary laws which forced to follow Anglo-American common law legal system; similarly, German and French colonies preserved civil law into their legal system. In this regard, Ethiopia is a historic and heroic nation that preserves her from the horrific effect of European colonization. Despite this, the political ambition and dream to create modern Ethiopia cost the nation to neglect the aboriginal resolutions processes by transplanting western laws (Beckstrom, 1973).

What is Indigenous Dispute Resolution (IDR)? One reflection of indignity is dispute resolution practice which is performed by aboriginal communities to restore peace according to customary laws (McAuliffe, 2013). Such dispute resolution experiences have special affiliations with culture and religion which conflicts resolved by the participation of the community. Such a community-based approach to crime deeds has accustomed as the essence of integrity for indigenous society. It is not only punishment of the offender rather it is more about restitution of the victim and back the offender to the community.

In 2007 the UN has acknowledged the right of indigenous people by Declaration on the Rights of Indigenous People for protection and to the preservation of custom and local identity. Despite the non-binding effect, the declaration has conferred provisions that assert the normative rights and protection of indigenous peoples. Protection of indigenous laws and institutions covered under Article 34 is; Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards (UN declaration No.61/295).

Why Indigenous? There are other phrases which

interchangeably used by substituting this conception of cultural dispute resolution. Scholars have been frequently used the phrase 'Alternative Dispute Resolution' (ADR) to refer IDRM in their writings. Their justification is the term ADR includes all types of resolutions which are 'alternatives' to the criminal justice system. Of course, in some countries, these cultural dispute resolutions are 'real' alternatives and they have impressive roles in assisting the criminal justice system. Whereas, the experience in Ethiopia shows that, despite availability indigenous resolutions have failed to be recognized as 'real alternatives'. The term alternative dispute resolution is inappropriate to IDRM because little or no effort has been done to adopt by the criminal justice system. It is unfair to argue those customary solutions are functional alternatives. The community members have devoted to exercise IDRM without recognition of the state justice organs.

There are countries which have experienced with the utilization of indigenous resolution as an alternative to criminal justice with some sort of modification of cultural practice into restorative programs. But, the situation in Ethiopia is unenthusiastic to native solutions.

Despite rich compositions of indigenous resolutions, the Ethiopian justice system and native solution experiences still stand in different directions; but both admit one's importance of the other. The basic question is how can mitigate the theoretical and practical gaps of the two sides. The compromise of such diverse reality would significantly valuable to both; criminal justice system could be assisted by the community participation in the investigation of crime deeds, decision making a role that supposed bring long-lasting crime prevention and decrease crime recidivism; in response native traditional resolutions could improve its performance by the recognition of the criminal justice system.

2.2. The Link between Restorative Justice and Indigenous Dispute Resolution

There are tremendous commentary books, research findings, reports published to define restorative justice. It has to confound to be presented in academics as "New paradigm", "program", "criminal justice model", "alternative to dispute resolution" and "community justice"(Daly & Immariageon, 1998). The origin and concept have not yet settled and seems such contentions continuous. Howard Zehr (2003) who is referred as the grandfather of restorative justice suggested that the motive of restorative justice was started in the 1970s and its effect flourished in 1990s in Canadian Christians and in some European countries. Van Ness and Strong, K. (2009), have sighted Albert Eglash (1955) as the first person who states the term 'restorative justice' in 1955 when he wrote an article to suggest types of criminal justice. Braithwaite (2002), one of the influential theorists of restorative justice, has rejected the assumption of origin of restorative justice

before his work of “Re-integrative shaming theory and restorative shaming”, in 1989. Others have suggested the philosophical conceptions of restorative justice raised far behind human communal history. Disputes and conflicts are part of social life and cultural resolutions have started to use before the revival of the modern criminal justice system; whereas, as Daly (1998) describes that the past of restorative justice was the worst stage of development. However, as Hadley (2006), argues restorative justice is at a deeply rooted spiritual foundation instituted by moral values of the believers and connected with cultural identity.

The links between customary dispute resolutions and conception modern restorative justice have flourished in the late 19th century when the community accustomed to solving its’ problem by indigenous resolution mechanisms. So, it would be improper to reject the attributions of native solution that rejuvenated from religious sources and the cultural hierarchy of society elders. Therefore, one can argue the ancient conception of restorative justice was revived from the native community that aspires the characteristics and values of restorative justice. Braithwaite is the one who acknowledged the indigenous societies could be sources of a new vision in serving justice. He appreciates the indigenous traditions of *Maori people family based resolution* converted to Family Group Conference (FGC) and South African *Ubuntu* laterally means “*I am what I am because of what we all are*” or “*being-with-others*” or “*humanity or affection each other*” by his recent work ‘*Restorative Justice and Responsive regulation*’ (Braithwaite (2002)). He claims, despite lack of perfection and mismanagement in indigenous tradition, it would contribute to a new vision of justice.

The term restorative justice has regarded as controversial based on social, economic and ideological differences between scholars perspectives. Some are elucidated as the third alternative of criminal justice adding with traditional retributive and rehabilitation in the criminal justice system (Zehr (2005)). Criminal justice has little room for victims, offenders, and community participation due to a misleading perception of crime is wrong against the state; but in the case of restorative justice, crime presumed wrong against the community. There were attempts to accommodate common definition by Van Ness, Zehr and Marshal T, who are prominent and influential restorative justice scholars.

Van Ness and Strong, K. defines;

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders (Van Ness and Strong, K. (2009)).

Zehr also define;

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible (Zehr, 2003).

As Braithwaite, McCold, and Zehr inferred that, ‘the most acceptable working definition’ was offered by Tony Marshall:

Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future (Braithwaite (2002)).

The definition consensus is not overwhelming. The contemporary ideal “merging” between community justice and Restorative justice has termed as the greatest challenge to future restorative justice paradigm (McCold, 2004). Scholars admitted external similarities of these two. While, they are also critical about the considerable inner differences; the restorative justice fused to gross collaborative participation of the community with the slight link with criminal justice organs; community justice devoted on action strategies of the criminal justice system (Presser, 2004).

In some countries, Youth Offender Prevention Programs and Community Policing and different rehabilitation centers are established proposition and supervision of the criminal justice system. McCold (2004) criticized such experiences which diluted the values of restorative justice. In this regard, there is a paradox as Wheeldon (2009) contested ‘impossible structure of restorative justice’ when if the government is attempting to control processes that shadowed its functionality. Wheeldon furiously criticizes ‘mediation’ will be another safe mode of controlling the society when if it merged with the criminal justice system. There are writers that argued the merger of the two concepts could disrupt the primary vision of restorative justice. But, others strongly denied such critics by confirming these two are not supposed to be controversial rather supportive one to the other.

One should not draw hypothetical ‘bridge’ or ‘boundary’ the choice will be the feasibility of restorative justice as a paradigm and the impact on the justice system to restore justice (Presser (2004)). In this regard indigenous dispute resolutions are not perfect there are some traditions which could discredit the shinning contributions. Circumstances like disregarding human right principles, ignoring women involvement, prevention of outsiders of the given clan, and some other traditions which could influence the overall quality of participation needed follow-up and supervision by established organ. But, it is shall not mean indigenous resolution should interrupt its substantive values by the state.

2.3. Restorative Justice in Ethiopia and Indigenous Dispute Resolution Mechanisms

Are there any conceptions of restorative justice in Ethiopia? In Ethiopia, the concept and origin of restorative justice are not well researched and rare to find the sources in the field. Macfarlane J. by her workshop reflection, ‘Working towards Restorative Justice in Ethiopia:

Integrating Traditional Conflict Resolution Systems with the *Formal Legal System*' described restorative justice as an *informal system*, as which dominantly practiced in a different part of Ethiopia (Macfarlane, 2007). Her writing is not alleged as research; it is a mere workshop report and personal argumentation on the situation of 'restorative justice' and formal justice system. She was not taking time to elucidate what is restorative justice in Ethiopian perspective. She rushed to discussions of the availability of massive religious, tribal informal means or resolutions.

Is that possible to argue the Ethiopian indigenous mechanisms identical with restorative justice? There is a lack of critical study in the field; there are of course researches which conducted focus on anthropological discussion of indigenous resolutions processes.

Most of the research findings confirmed significant of the customary dispute resolution mechanisms. In recent phenomena, there are attempts to collect the researches by *Ethiopian Arbitration and Conciliation Centre* (GebreYantiso, 2011). In most of the writings the term "Alternative Dispute Resolution (ADR)" has used interchangeably used to describe traditional resolutions methods. But the question is; does the term is appropriate? Even, Ethiopian Criminal Justice Policy has used the term ADR explicitly to name IDRM. Whereas the term may not functional name for IDRM. The reason is; those traditions were not practical alternatives as indicated by the name. That is why this research choose the term '*indigenous*' to identify those native cultural dispute resolution which the criminal justice system is persistently disregarded to recognize them. To be alternative there have to equal footing and opportunities; unless making two things as an alternative would amount disregarding the disadvantaged. In addition, the term '*Alternative*' has dispersed argumentations; some said, alternative indicate a choice of the criminal justice system to apply such process that submerges resolution as subsidiary to the formal justice system. The FDRE constitution Article 34 has granted some protection to customary courts for interpersonal disputes and family matters; while, it silent to include criminal cases. Therefore, some have argued the constitution is vague at this context to grant recognition of traditional process to apply on the criminal matters (Ayalew Getachew, 2012).

Despite all these controversies, the Ethiopian criminal justice system is dominantly surrounded under consistently practiced endemic cultural resolutions. Before the coming of unfamiliar foreign laws, the societies settled the conflict by religious and tribal informal rules. Historically, the Ethiopian legal system is transplanted from foreign laws that used sources of different basic codes and state made proclamations (Aberra Jembere, 2000). These transplanted European laws were unfamiliar to people and in every stage of codifications, it lacks to concern about indigenous rules. Ethiopian laws/codes have resisted by society due to newness of the legal contents and discriminatory nature of

laws by religion, race, ethnic, and sex. Fisher. Z (1971) in his criminal procedure commentary book clearly shows his amazement on action and devotion of Ethiopian government and he criticized futile perception of the prior existences of customary dispute resolutions.

Even in present days the Ethiopian criminal justice system is still out of revelation and ignored IDRM ideally and practically. Little acknowledgment has made in the FDRE Constitution and recent Federal Criminal Justice Policy (2010); whereas, it lacks clarity, specificity, feasibility, and practicability of the rules about the application of IDRM. Those rules under the policy are not clear whether ADR included indigenous resolutions or not. In addition, the policy is failed to be supported by other specific proclamations or regulations. Consequently, indigenous resolutions have practically ignored to apply with the collaboration of the formal criminal justice system.

2.4. Challenges to Integrate Indigenous Dispute Resolutions Mechanisms

Why the communities interested to apply indigenous resolutions? Macfarlane argued society may have different grounds which vary according to distinctive types of modalities. Most of the indigenous resolutions accepted as a reflection of identity that demands courage, honor, respect, and faith by the community (Macfarlane, 2007). Defending cultural identity from extinction could also inspire some users to be devoted and some might be tied to fulfill religious duties. Others could also be pressurized by the community or family to preserve indigenous resolution process. There are suggested external factors attached to problems and failure of the criminal justice system. The content of laws and processes has strange character; in fact, some transplanted laws are not still clear even for lawyers. In addition, other political factors like the illegitimate or corrupt government could reflect by the sign of refusal to exercise cultural solutions. Macfarlane (2007), also mention that when the community mistrusts the state and its bureaucracy it would be reflected by marginalizing and intimidating the criminal justice system and that would empower customary resolution practice. She also redundantly told, '*extreme poverty and hardship*', Africans' especially Ethiopians stick with *informal* resolutions due to extreme situation scarcity of needs including food, house, and cloth which developed the social morality of 'compromise' rather than 'justice'.

Despite the fabulous ambition to restorative justice, it has challenges like disorganized formation, many dependencies on criminological theory, imperfect analysis of functional mechanisms; distrust of state its political authority over the society. In addition commitment of the government is a basic challenge to integrate indigenous resolutions; diversity and negative side effect are also bottleneck establishing foundations of cultural dispute

resolution.

Though there are conflicting points, the best result would be flourished when IDRM's and criminal justice system support one another rather than disconnect each other.

2.5. Restorative Justice and Theoretical Frameworks to Apply IDRM's

As Wheeldon (2009) describes Pavlich's appraisal, the 'paradox identity' of restorative justice hesitated devotion to integration in the traditional criminal justice system. Andrew Ashworth and Von Hirsch (2003) have contests restorative lacks coherent goals and theories which help to implement and they proposed the 'making amends' – suggesting restorative justice as a tool of modification of criminal justice. Others like Barton (2000) draw question 'What is a fair and just response to a wrongful and criminal act, and how can this best is determined?' In response for a long period of time, the Retributivism _just desert model and Utilitarian's _Consequentialist model have been the only option (Kellogg, 1977). However, now a day's such inceptions changed by '*restorative justice interventions*' (Barton, 2000).

There are writers like *Zvi D. Gabbay (2005)* analyze the retributive criminal justice would not contradict with restorative justice, the retributive theory of '*just desert*' proposed by Von Hirsch (1990), has *rehabilitative* principles. Rehabilitative response to crime which supposed participatory nature amount the characters of restoration that practiced by welfare states (Duff, 2003).

UN position on restorative justice reflected as; 'successful implementation of restorative justice programs requires strategic and innovative initiatives that build on the collaboration of governments, communities, nongovernmental organizations, victims and offenders' (UN RJ Handbook (2006)). The question is which theory is better in molding best to practice restorative justice especially indigenous resolutions.

Some argues discovery of the single theory of restorative justice would amount fixing the practice of restoration in a specific area; in this regard, there are numerous theories which criticality analyzed in different perspectives of in deploying restoration practices (Andrew Ashworth and Von Hirsch, 2003).

Most of the restorative theories are born from criminological theories. Wheeldon (2009), discerns that the integration of restorative conceptions into criminological theories support its advancements such as *social disorganization, social learning, and moral development*. Labeling theory, re-integrative shaming, peacemaking theories are also other criminological theories. Of course, there are many restorative theoretical formulations with full of critics. For the purpose of this article, it is better to select a theory that supports the implementation of indigenous resolutions.

As Braithwaite (2002) proposed a theory of Responsive regulation is best in merging the government responsibility to intervene and a wider consideration of *Persuasion* (*restorative* justice). His proposition is a mixture of varieties of theories consideration of their advantages. Indigenous resolutions are characterized by inhabiting diversified behavior which would sometimes impossible to stick in a single theory. In case we might lack to the categorization of certain indigenous resolution into well-known restorative justice models i.e. VOM (Victim Offender Mediation), FGM (Family Group Mediation), or circle (Zehr, 2003). In this regard, some cultural resolutions have composed of unique characters; so theories could be not fitted properly in different perspectives. One reason could be theories have proposed based on restorative justice 'programs' which are framed specified characters. In other words, there are scarce theories to consider cultural resolutions.

'*Reintegrative shaming theory*' – is provided as one of the controversial restorative justice theories due to the linkage between 'shame' and reintegration (Harris and Maruna (2006)). The theory proposed by Braithwaite in 1989, focusing to explain the procedures of restorative justice conferencing methods. Shame is considered a 'mysterious emotion'. The conception is wide but that should not perceive as humiliation or degradation of the personality of individuals. Rather it is duly informing the criminal about the consequence of his wrong action further to leads him/her repentance.

Controversies surrounded the thesis due to the link of internal morality and emotion which could illusive to proof. Braithwaite's (2002) Reintegrative shaming thesis proposition concerned the advantages of healthy 'social disapproval'. Condemnation of criminals should be respectful with forgiveness to bring back the offender to the community; while, this was disregarded by criminal justice. On the contrary disintegrative shaming is a high level of stigmatization label criminals as evil and monster status. Reintegrative shaming has values in regarding deterrence of future criminals by threatening offenders' social relations. Individuals' relation tied the trend of morality. Imprisonment has accustomed as a way of living inside the prison as a 'due' for criminals rather than rehabilitation centers, or prisons have taken as segregation centers and prisoners as extraneous to the society. Such degradation influenced the generation disrespect the punishment and its deterrence principles. Besides, nowadays we are experiencing horrible crimes that disregarded the morality of human essence at the lowest level. For example, no one could be presumed 'suicidal bombers' will be deterred by whatever serous punishment- no more punishment than blowing his/her body into pieces. Some argue shaming by sort of forgiveness has had the contribution more than retributive punishment. Incapacitation by segregation or the death penalty is the disintegrative way of punishment. Criminal justice

processes are called ‘degradation ceremonies by naming different status of wrongdoer’; from the very inception of the suspect, accused, guilt, convict, prisoner and to master status ex-convict. Labeling theory justifies how the criminal justice system predetermines some behaviors as deviant by the decision of the majority of the community (Mark and Stuart, 2004).

‘*Responsive regulation theory*’ – formulated by Braithwaite, who is the prominent initiator of this theory, informed law enforcers should be responsive to how effectively citizens or corporations are regulating themselves before deciding whether to escalate intervention. He provided ‘*Regulatory Pyramid*’ which use as an indicator of ‘when to punish and when to persuade’ (Braithwaite, 2002).

Braithwaite pyramid classified crimes and criminals for entitlement of persuasion into three categories. These are restorative justice, deterrence, and incapacitation. At the bottom of the pyramid, it is restorative justice which encompasses ‘persuasion’- that stress on dialogue which applied to virtuous or moral capable offenders. But that is not mean punishment never happen in this level; rather it is the matter of priority. At the middle of the pyramid is about little-bit serious criminals that presumed in need of punishment for deterrence purpose and offender is supposed to have ‘rational actor’ who refrain from further wrongdoings. The top of the pyramid is classification about incapacitation (imprisonment and death penalty) which ordered to irrational offender like serious criminals like a psychopathic serial killer.

Criminal justice system ‘regulatory formalism’ is criticized as an emphasis on strict prosecution. The responsive theory has suggested these strict formal criminal justice processes need a revision of prior steps before prosecution. Those steps could dialogue, group discussions (before and after crime commission), notice, mediation, and warnings in different forms (written or oral). In short, the theory perceived ‘gives the chance for wrongdoers’ to reconsider his/her character. But that is not mean the criminal is free of punishments each of the three levels. Accordingly, this theory advice to amend the fault of perception of the formal justice system which granted priority of prosecution for every crime and criminals, by indicating that all crimes and criminals should not always be supposed to apply punishment. Punishment presumed the last resort that comes when persuasion is failed. So, by applying this principle as ground, enforcement of indigenous resolutions could be explained. That means the state would permit the interventions of indigenous resolution in strict responsive approach.

2.6. The Experience of other Countries on Indigenous Resolution and Restorative Justice

There are countries which actively exercise indigenous resolution in a different form, whether by transforming

their own cultural practice into a specialized entity of criminal justice organ or some others adopt other countries experience into their modalities by modifying the customary rules supporting with legal frameworks. In this regard European and Anglo-American countries like that of New Zealand, Australia, and Canada, have excellent experiences. Despite, distorted resistance of some nations, Braithwaite emphatically suggested that,

Western nations need to open themselves to learning not only from the restorative practices of their own indigenous peoples but also from Asian, Polynesian, African, and other cultural traditions of restorative justice.

There are also the African countries that applied their customary dispute resolution even for serious international crimes, for example, Rwanda ‘Gachacha’ and Truth and Reconciliation in South Africa are the most outspoken experiences. Technically, these countries have been acquired enormous advantages from indigenous resolution.

Accordingly, most of the Anglo-American countries adopted restorative justice in different approaches and distinct anomalies. Some of are: ‘Alternative to Prosecution’, ‘Diversion’, ‘Differed’, and ‘Alternative to imprisonment are examples’. Some states also asserted various institutional programs dependent or independent to the criminal justice system including Juvenile and Youth Delinquency correctional programs and rehabilitation centers. These methods aim at diverting the suspect out of the criminal justice system at the earliest possible stage or after conviction (Peter Talk, 2005).

3. Integration of IDRM with the Criminal Justice System

The data collected from the study area community participants shows that the demand to use customary dispute resolution mechanisms is very high. However, most of the informants criticized the criminal justice system which is legally and practically reluctant to endorse IDRMs. Basically, the informants confirmed the demand to outline use IDRMs its indignity and independence from any inconsistent foreign intervention.

One of the member of Aweramba community told that, the victim of crime who reports a case to the criminal justice system has to patiently wait for long processes of investigation, prosecution, court adjudication, and final judgment. The number of criminal cases adjudicated in the formal justice system is the smallest in proportion to the total number of criminal disputes in the community. The study informants concerned that, the cases brought to criminal justice system encountered with serious procedural delay, the mistake of fact, false accusation, false witnesses, the corrupt practice of criminal justice officials’, and wrongful conviction. These problems have caused the community to be uncertain on the criminal justice system, and highly interested to use those customary dispute

resolution methods. For example interview with Zumera who is founder and father of the Aweramba Community, shows that justice shall be served by considering the indigenous solutions. According to Zumera, the social structure of Aweramba community is peaceful and dignified. Some interview respondent has also proved Aweramba community is relatively crime free society. The community has a self-administered justice process by the indigenous resolution.

Police have little experience to solve 'private compliant' criminal matters by ADR mechanisms. Despite lack of proper formal and legal support, as some investigation police officers attest to that, they have been informally resolving criminal cases, even serious conflicts by IDRMs. Despite, such inconsistent practice the police firmly acknowledged the advantage and positive contribution to the peaceful relationship and stability of the community and prevention of commission of the crime. Legally, Police neither clearly authorized to resolve cases by IDRMs, nor prohibited such discretion. They suggested formalization of the irregular use of IDRMs into a coherent experience by assigning authorized responsible organ. The interviewed informant polices officers suggested that; it would be able to be coherent and fruitful if there is some sort of legal frameworks to specify the responsible organs to supervise of IDRMs.

Court Judges and public prosecutors concerned the circumstances of criminal dispute resolution which has been inundated with complicated legal and practical challenges. First, the community including victim preferred practice IDRMs, even for serious public matters. Second, criminal justice has lacuna to organize coherent legal frameworks and responsible organs to accommodate such community interest. Third, there is a lack of legal experts in the field of indigenous laws.

The prosecutors argued that there is 'legal deficiency' in the field of IDRMs. Ethiopian criminal laws are reluctant to include flexible provision of restorative nature. Prosecutors and Judges admitted the undeniable contribution towards the accessibility and fairness, as well as complementing the efficiency of the justice sectors. To exercise the IDRMs fruitfully the court Judges suggested the enactment of substantive and procedural laws.

The research finding shows that it neither demanded free ride of the IDRMs nor strictly controlled by the state. It rather desires the collaboration between the criminal justice system and IDRMs to have a prominent contribution for technical balance and incredible accreditation of each other.

The equilibrium would be able to support the balance of interest between the community demands of IDRMs values and considerable collaboration with the state. The responsible organs of the state should have the ambition to grant credit for the IDRMs. Since the processes should be collaborative as 'give and take policy' the IDRMs benefited state protection and promotion via to policy making and

other legal frameworks. The criminal justice system also cultivates the advantage from the IDRMs to solve challenges the inefficient and inaccessible criminal justice processes.

The justice officials are interested in the applicability of IDRMs. The criminal justice system should enhance the processes based on the enactment of policy and other laws which help the application of IDRMs. Unless otherwise, the present dissected practice of IDRMs is support by the state a relational function it will be difficult to be fruitful. Comparatively, this approach has wider recognition of the merit of both IDRMs and formal criminal justice system. The communities follow the trend of their customary resolutions and they support by the criminal justice system or any responsible organ sponsored by state or NGOs'. The integration approach is better to be operational through the devotion of the community and collaboration of the criminal justice organs. So, there must be some coherent formal integration policy of IDRMs in regional level which can help to handle the extensive participatory procedure of dispute resolutions.

3.1. Combined Stochastic - Responsive Regulation

To integrate the IDRMs the responsive regulation need to have the additional consideration of community interests besides to offenders' rationality. The criminal justice system should grant an equal probabilistic opportunity to all crimes and criminals to use IDRMs based on the combined assessment of community interest and rationality of the offender. Therefore the researcher suggested applying stochastic approach which is a diverse triangulation of criminal cases in specific localities.

Stochastic can be described as a process or system that is connected with random probability, or the state of criminal matters can have the probability to apply the IDRMs'. Here means, there should be no specific lists of crimes or specific criminals, it rather every criminal matter should have a probability of applying IDRMs. There are several IDRMs which have a different approach to crimes and criminals; most of them are related to moral and religious values. Therefore, based on the combined stochastic approach we need to respect not only offenders' rationality it also the communities' perception towards the crime. If we are limiting the IDRMs only to select the rational offender, it will disregard the social interest of the community. Accordingly, the states' national intervention approach via policy or legal perspective should be probabilistic in consideration of the morality and cultural values of the society. For instance, the conflicts between the Amhara and Afar border have been solved through customary resolution. Conflict is prevalent between the pastoral community of Afar and Amhara around regional borders due to the pretext of possession of grazing land. Sometimes the conflict has out of control to the administration of security organs which resulted in the loss

of human life and destruction of properties. The same is true with other areas for example border between Afar vs Somali; Oromiya vs Somali; Afar vs Somali etc.

But, the indigenous resolution has not supported in other specific areas that are different one locality to the other. For example in Aweramba community crimes of homicide between families solved by their indigenous mechanisms whereas, such a solution may not work in somewhere in other parts of the country. So, the criminal justice system shall be flexible in considering the IDRM based on each community's interest as far as the solution is a predictable peaceful feature in the society.

The IDRM have a difference from place to place; some apply for serious crimes others selective to simple crimes. Thus, national integration policy of IDRM as principle shall not be fixed to listed crimes or criminals; since there are significant discrepancies between the values of the community. Whereas, it should be clear that IDRM should not be careless anticipation entuses. In fact, random indicates the discrepancy of offenses which can solve by IDRM in collaboration with the community and the criminal justice system. Despite, the lack of formal processes, it is undisputed the contemporary criminal justice system sporadically attempted to utilize IDRM to every criminal dispute. Therefore, the community deserves to choose the best solution for the dispute and the state shall be flexible to use those IDRM. The approach of stochastic can granted the recognition of those inconsistent applications of IDRM. Contemporarily, no matter the crime and criminal behavior the criminal justice system

was unsuccessful to stop the community from using IDRM. As discussed above, there are many examples in the Amhara region; Aweramba in Fogera woreda, 'Ydem-Erke' in Lalo-mama meder Woreda and Amare in Wogdiworeda.

The interviewed informants in these areas confirmed that the communities considerably using IDRM even for serious crimes like that of homicide and rape. The way of applying is inconsistent and without acknowledgment of the criminal justice system.

In Combined – Stochastic Theory- the processes of IDRM shall have formal recognition by the criminal justice system. In doing so, the criminal justice system shall establish a responsible organ to the supervision of IDRM. The organ needs to be authorized by the regional justice Bureau and dawn to local justice offices in woreda/district level. This organ shall be independent to facilitate the regional and local utilization of IDRM. The functions, duties, and responsibilities and composition of this organ shall determine by law. The mode of integration can succeed by the establishments of an organ which suggested connecting the criminal justice system and IDRM. The organ shall protect the norm and customs of the community – it should promote the cultural practice and recognize the morality of society. In addition, the processes of the election of members of this organ shall be free of any political, social and economic influences of the state. The organ needs to have the mandate to support and appreciate the practice of IDRM.

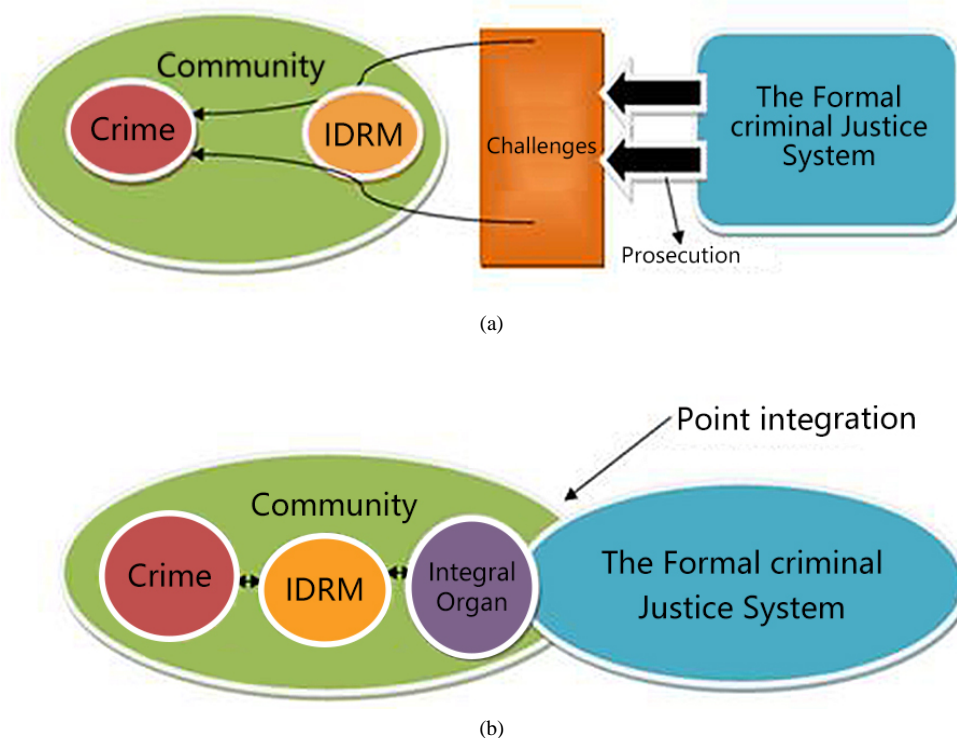


Figure 1. (a) Formal criminal justice system (Retributive Approach towards IDRM); (b) Integration of IDRM with Criminal justice system

In the contemporary processes of retributive criminal justice approach, the formal criminal justice system and IDRM has disrupted by challenges. (See Figure-(a)) The criminal justice system much focus search of criminal punishment, while the community has determined to apply cultural solutions. The barrier is a lack of collaboration and clear acknowledgment. The regional state of Amhara involved some dispersed approach to use those restorative IDRM. The police via-to community policing and formal criminal justice investigation process; prosecutors and Woreda/district/ courts used 'ADR' for simple private compliant matters to revoke criminal cases. Such dismantled approach is overlapped one to the other sometimes there are also confusions as to whom and how those organs share duties. Besides, those attempts lack efficiency and effectiveness. The criminal justice has still stood in such confusing circumstances neither determined to the effective operation of IDRM nor totally ignored the IDRM.

Such disconnected processes can be sorted by the reasonable recognition of IDRM through the stochastic approach. The offender and victim have a chance to solve disputes based on their own selection of indigenous resolution mechanisms.

There must be responsible organ [(see above figure (b))] to coordinate the overall process of IDRM which collaborates and support with the criminal justice system. The IDRM coordinating organ might support and finance by the NGOs or the government. It expected to avoid negative challenges of IDRM by awareness creation training and other mechanisms with the collaboration of the regional state Justice Bureau. This organ shall be established at the regional level to solve the problem of the responsible authority to integrate the IDRM.

Accordingly, the IDRM can resolve cases by the full consent of the victim, offender, and participation of the community. The process shall be supervised by the IDRM coordinators who should assess the process of resolution is fair and impartial. The decision of the IDRM should be biding which can be referred to criminal justice organs including to police, public prosecutor, or court. Criminal matters could be diverted from the criminal justice system to indigenous dispute resolution processes from any stage of formal criminal justice proceedings. When the matter is failed to be solved by IDRM the case shall immediately be transferred to the formal criminal justice system. In addition, the criminal justice system should collaborate via awareness creation training about human right protection, fairness and providing security and peace of the community. Such a mode of integration benefits the criminal justice process through the participation of the community in solving problems.

3.2. Process of Integration via Stochastic – Community Interest

This approach has propositions for further discussion of the practical analysis;

1. The first proposition is when the community is against the criminal justice system and in support of using IDRM, in principle the criminal justice system should be positive towards the community reaction. But it could be negative in the exceptional case against the choice of the community.

The community may choose to apply the cultural solution to solve criminal disputes. Such practice has been neglected by the formal criminal justice system. The criminal justice system should evaluate the interest of the community; whether the dispute is peacefully settled with the active participation of the society or not. Exceptionally, community elders' decisions might unsuccessful to resolve disputes; in such case, criminal justice should respond by using formal criminal procedure steps. The IDRM coordinating organ play role to organize the referral of cases from the IDRM to the formal criminal justice system and the reverse. The criminal justice system needs to develop trust on the community – the assumption of sole justice is delivered from the state should change and the principle of "bottom-up"- justice shall be done by the community.

2. The second proposition is when if the community is a support to use the criminal justice system and against the IDRM, the criminal justice system should respond positively to accept the case.

In some circumstance, there are cases which the community demands the direct intervention of the criminal justice system. IDRM might unsuccessful or impossible due to the diversified interest of the community or due to other reasons. In such circumstance, the formal criminal justice system needs step-up to entertain the case by formal criminal procedures. That means when if the community dislike the specific criminal matter to be solved by IDRM, the state shall be responsible to continue the formal proceedings. The IDRM coordinating organ shall also to transfer cases from IDRM to criminal justice organs.

3. The third proposition is, when the criminal justice system is against the IDRM – the community should assume positive in principle towards the criminal justice system, and might exceptionally reject the position of the criminal justice system.

Currently, the criminal justice system intervened in the processes of IDRM based on the reason of protection of peace and security. When the criminal justice system is responsible to the community, the act of intervention supposed to benefit society. Thus, the community has to acknowledge and should work with the criminal justice system. But, in some situation state might interfere due to

political or administrative interests. Beyond community peace and security; state political affiliated intervention shall be resisted by the society that has been happening in the present situation when the community reflected through boycotting or refusing the intervention of the criminal justice system. Therefore, the state should reassess its involvement is based on the willingness and interest of society.

4. The fourth proposition is when the criminal justice system in support of IDRM the community should be positive.

The positive responses of integration and ongoing desire of ambition of the criminal justice system can be evaluated by cooperation between the IDRM coordinating personals and the criminal justice system professionals. Supporting and advocating the process of IDRM through policy enactment and lawmaking will be able to flourish the success. The collaboration should be in a certain scope of limitation, the criminal justice organs have to respect the norms, values, and moralities of the society. In reverse, the indigenous resolution participants in the processes of IDRM should also assist the criminal justice system.

To clarify the proposition by showing a practical example, Aweramba community is one of the established societies in Amhara Region state in South Gonder Fogera Woreda. This community has its own peaceful indigenous resolution processes. Criminal disputes have chance entertained by family-based dispute resolution processes which led by the community elders. Zumera who is father and founder of this community has the role of settling every type of dispute in the area. On the session of focus group discussion with community members all participants reflected they used to apply their cultural dispute resolutions to settle criminal matters. To highlight the propositions;

1. The first proposition is when the community is much favored the IDRM the justice system has to tolerate the interest of the society. The Aweramba community has a choice to apply the customary dispute resolution then the justice system could cooperate through IDRM coordinating organ. Therefore regional coordinating organ shall play the role of facilitation and cooperation.
2. The second proposition is when the community is demanded the direct intervention of the formal criminal justice system, the justice system shall use the integration organ to intervene and apply the formal criminal justice processes. In some circumstance, Aweramba community members might request the formal justice system assistance or intervention then in such situation the justice system shall be cooperative to settle matters through formal criminal justice processes.
3. The third proposition is when the formal justice system is interested to intervene in the IDRM

processes; such intervention shall be taken positively. But such a proposition is to aim the protection of the society from the negative impact of the IDRM. For example, when if the decision of the Aweramba community dispute resolution is suspected of negative effect against the public interest of the society the formal criminal justice system shall intervene via coordinating organ. Such intervention shall be independent and free from any political interest of the justice system and it shall be assessed case by case.

4. The fourth proposition is when if the criminal justice system is interested to assist the IDRM the community shall accept the cooperation. For instance, when the justice system is devoted to supporting Aweramba community indigenous resolution mechanism, it shall be positively interpreted. However such cooperation shall be free of strange intervention to the community.

Generally, the stochastic approach can be applied through the collaboration of the formal criminal justice system and the indigenous dispute resolution mechanisms.

4. Conclusions

In Ethiopia, almost every criminal matter including serious crimes, have been resolved according to the customary laws and indigenous dispute resolution mechanisms. The indigenous dispute resolutions have a magnificent contribution to solving criminal disputes that can support the criminal justice system in different forms.

The formal retributive criminal justice system inundated with continuing challenges that related to victims participation, community interest, and lesser concern to the harms of victims and restoration of the damage. In addition, the criminal justice system has criticized by high cost, delay, ineffectiveness, increasing number of the prison population, and inefficient deterrence effects. Even more, serious problems of crime sin investigation which is more dependent on the oral witnesses have obsessed the legal personals to corrupt and mistaken decisions.

So, the main theme of this research is to investigate the way how to utilize IDRM effectively by integrating with the formal justice system. The research finding shows the two, both the formal criminal justice system and IDRM, shall approach each other with the intervention of third 'organ'. So, the integration processes have to reconsider the essences and benefits of each other.

Therefore the researcher has proposed a solution to the integration of IDRM into the criminal justice system as restorative justice to confer the method which the contemporary criminal justice system to be accessible, participatory, effective and efficient. The integration of IDRM suggested using the stochastic national approach

which determines by assessments of the interest of both formal criminal justice system and the community participants including victims and offender. Since these two has collaborated the utilization processes will be effective and efficient.

5. Recommendations

To utilize IDRMs effectively the researcher suggested the following solutions;

i. Amendment of Legal Frameworks

The Federal laws including the FDRE constitution, criminal justice policy have failed to recognize the IDRMs. Besides, the criminal code and criminal procedure code ignore the very idea of indigenous resolutions. Even the draft criminal procedure is not embraced provision about IDRMs. So, the federal legislative organ shall enact or amend those legal frameworks.

Regional states granted by the federal constitution to formulate policy and strategy that states would enact policy about the IDRMs. Regional governments' initiation and commitment have a considerable contribution to the proper formulation of guideline for the application of IDRMs. So, the regional state shall enact the policy document which offers acknowledgment of integration and formal utilization. Further, the regional state can frame criminal law that recognizes IDRMs which is not covered by the federal criminal law. Hence, the regional council can formulate provision about the integration of IDRMs.

ii. Establishment of IDRMs Coordinating Organ

The IDRMs require permanent and responsible organ to coordinate the processes. The effects of a lack of responsible organ reflected through multiple confusions of different institutions. The Federal Ministry of Justice shall have specifically designated to coordinate and supervise regional states performance. Structurally the Federal IDRMs coordination organ shall be established by law. Besides, the coordination organ must also establish at the regional level. The regional coordination organ shall be responsible for the Regional Justice Bureau and the power and duties must be determined by the law. The IDRMs coordinating organ institute by the collaboration of the criminal justice system which aims responsibility to facilitate and support the IDRMs'. The responsibilities of this organ are to facilitate the processes of integration by providing necessary infrastructures, selection of independent personnel to coordination role, provide training and other coordination roles.

As it is the nearest to each cultural dispute resolution the regional coordination organ shall be responsible for the integration of IDRMs. This organ must scrutinize the features and resolution processes of each cultural resolution methods. Further, this organ shall propose an

action plan for the implementation of IDRMs.

iii. Conduct Research works

The regional IDRMs are diversified in type and character which complicated the harmonization processes. To clarify the challenges extensive empirical researches have to be conducted. There are various characteristics of IDRMs; to accommodate and discern such diversified interests the Regional Justice Bureau should conduct research. The studies should also scrutinize the methods of integration of the criminal justice system.

iv. Resolve Financial Constraints

The state shall be committed to allocate budget to the establishment and integration processes of the IDRMs. Unless financial constraints solved, the researches and proposed means of utilization will be out of a function or fruitless effort. For this purpose, the regional state shall offer a proper amount of budget. There are also the possibilities to find financial support from different NGOs'.

v. Legal Experts and Law Schools

Other countries experience shows that in their law school curriculum there are courses dedicated to studying the indigenous laws, but there is no such experience in Ethiopia law schools. Ethiopian law schools devoted studies on transplanted foreign laws. Even more, the law schools dedicated the scrutiny of researches that analyze the codified laws. In addition, most of the legal writings drastically been dreaming 'modern laws' and subordinate the indigenous laws. Accordingly, legal experts who graduate from higher education knew foreign laws while they don't know about their own indigenous laws. Due to that, there is a problem of legal experts in the field of IDRMs. Therefore, as recommendation Ethiopian law schools should be fruitful to assess and give due consideration on indigenous laws.

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