

Ganba-Gansom: An Indigenous Justice Institution among the Tamang Community of Nepal

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Abstract

This study examines Ganba-Gansom, an indigenous justice institution of long standing in the Tamang community that resolves disputes while maintaining social harmony and preserving customary knowledge. The study examines the structure, procedures, and contemporary relevance of Ganba-Gansom and explores its relationship with the Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169). Using qualitative interviews with 27 respondents across nine districts, the study finds that Ganba-Gansom remains a respected and trusted institution emphasizing reconciliation, dialogue, fairness, and community participation. Its practices show considerable similarity to the principles recognized in ILO Convention No. 169. The paper concludes that indigenous justice institutions can complement formal legal systems and support culturally appropriate access to justice while preserving Indigenous knowledge. This is consistent with the constitutional guarantee of equality before the law under Article 18(1) of the Constitution of Nepal.

Keywords: customary law, legal pluralism, ILO Convention No. 169, Indigenous Peoples, Ganba-Gansom

Introduction

Ganba-Gansom (some meaning 'three') are three categories of respected elders in the Tamang community. The Choho are selected for social and judicial responsibility; the Bonbo (shaman) or Lama for religious standing; and the Tamba (storyteller) for intellect, wisdom, and mastery of ancestral tradition and culture. Together they have helped the community to regulate social behavior, resolve conflicts, preserve cultural values, and maintain social harmony.

Tamang communities are among the largest indigenous communities in Nepal (National Statistics Office [NSO], 2023). The Tamangs have their own language, customs, rituals, customary laws, and indigenous knowledge system, which are the rich cultural heritage of the Tamangs. Since time immemorial, the Tamang community has had community-based institutions that have played important roles in social, cultural, and political life. For these institutions, Ganba-Gansom is the major traditional mechanism for delivering justice and resolving conflicts.

The Ganba-Gansom system is a customary institution through which disputes are resolved, and social harmony is maintained. It is led by respected community elders and traditional leaders who possess knowledge of customary rules, cultural values, and local traditions. Through dialogue, consultation, mediation, and reconciliation, Ganba-Gansom seeks to resolve disputes in ways that preserve relationships and restore peace within the community.

ILO Convention No. 169 applies to peoples in independent countries who are regarded as indigenous because they descend from populations that inhabited the country at the time of conquest or colonization. It also applies where such peoples, irrespective of their legal status, retain some or all of their own social, economic, cultural, and political institutions (ILO, 1989).

In recent decades, growing attention has been given to indigenous rights and customary institutions at both national and international levels. The adoption of ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has encouraged governments to recognize and respect indigenous institutions and customary practices. Nepal's ratification of ILO Convention No. 169 in 2007 further strengthened discussions regarding the role of indigenous institutions within the country's legal and governance systems.

The formal judiciary is not viewed as the natural forum for resolving disputes in Tamang society. The judiciary built by the modern state is comparatively expensive, cumbersome, and time-consuming, and its remedies do not always restore the community to its previous state. Consequently, the leaders of Tamang society continue to administer justice at the community level (Tamang, 2073).

Even today, the Choho, Tamba, and Ganba have an important role in Tamang villages, and decisions made by the Choho are widely accepted by the community. A

person who violates community norms may be subject to social boycott by consensus of the village meeting (International Tamang Council, n.d.).

Despite the significance of Ganba-Gansom in Tamang society, limited academic research has examined its role as an indigenous justice institution. Existing studies have primarily focused on Tamang culture, language, religion, and social organization. Relatively little attention has been given to understanding how Ganba-Gansom functions, why community members continue to trust it, and how it relates to international frameworks concerning indigenous rights.

This study seeks to address this gap by examining the structure, procedures, effectiveness, and contemporary relevance of the Ganba-Gansom justice system. Specifically, the study explores how disputes are resolved through customary mechanisms and how community members perceive the institution. It also examines the extent to which these practices align with the principles of ILO Convention No. 169. Through this analysis, the study contributes to broader discussions on indigenous justice, legal pluralism, and the recognition of indigenous knowledge systems in Nepal.

Literature Review

This review situates Ganba-Gansom within four bodies of scholarship. These are the general literature on indigenous justice systems, theories of legal pluralism and customary law, studies of indigenous governance in Nepal, and the international legal framework established by ILO Convention No. 169. Read together, these strands provide the conceptual foundation for examining Ganba-Gansom as both a customary institution and a subject of international indigenous rights law.

Indigenous Justice Systems

Before the establishment of modern courts and state legal systems, communities, including Indigenous communities, developed their own mechanisms for resolving disputes and maintaining social order. These systems were generally based on local customs, traditions, collective values, and community participation (Kerrigan et al., 2012).

Unlike formal legal systems, indigenous justice institutions often focus on restoring social relationships rather than imposing punishment. The main objective is usually to restore harmony within the community and prevent future conflicts. Through

dialogue, mediation, and consensus-building, indigenous leaders seek solutions that are acceptable to all parties involved (Braithwaite, 2002; Kerrigan et al., 2012).

Studies conducted in various countries have shown that indigenous justice systems remain important because they are culturally familiar, accessible, affordable, and trusted by local communities. These institutions often operate in remote areas where formal legal services are limited or difficult to access (Kerrigan et al., 2012; United Nations Permanent Forum on Indigenous Issues, 2021).

Legal Pluralism and Customary Law

The concept of legal pluralism has become an important framework for understanding the coexistence of multiple legal systems within a single society. Griffiths (1986) argues that state law is only one among many forms of law that may operate within a community. Customary laws, religious laws, and traditional governance structures can also function as legitimate sources of social regulation. Similarly, Merry (1988) explains that legal pluralism exists when different legal orders operate simultaneously within the same social space.

Legal pluralism is particularly relevant in multicultural countries where different ethnic and indigenous groups maintain distinct customs and traditions. In such contexts, customary legal systems often continue to play important roles in resolving disputes and regulating community life (Griffiths, 1986; Merry, 1988). It was observed that customary institutions frequently possess a level of legitimacy that formal institutions may struggle to achieve. This is because community members trust customary leaders who share their cultural background and understand local realities. This trust contributes to the effectiveness and durability of customary systems (Kerrigan et al., 2012; Kymlicka, 2007).

Indigenous Governance in Nepal

Nepal has a long history of indigenous governance. Before the expansion of centralized state administration, many indigenous communities governed themselves through traditional institutions and customary practices. Community elders, religious leaders, and traditional authorities played important roles in dispute resolution, resource management, and social regulation (Sharma, 2052).

Formal state institutions expanded significantly during the twentieth century. Even so, many customary institutions continued to operate at the local level because

they reflected communities' cultural values and social structures (Sharma, 2058). The recognition of indigenous rights in Nepal has increased in recent decades. Nepal's ratification of ILO Convention No. 169 in 2007 encouraged greater attention to indigenous institutions, customary practices, and self-governance. Practical questions regarding the recognition and integration of indigenous institutions within formal governance systems, however, continue to be discussed by policymakers and scholars (ILO, 1989; Xanthaki, 2007).

The Tamang Community and Traditional Institutions

The Tamang community is one of Nepal's largest indigenous groups, concentrated primarily in the central hill region. It possesses a rich cultural heritage of language, religion, oral tradition, customary practice, and indigenous knowledge (Tamang, 2057; Yonjan, 2062). Institutions such as Ganba, Tamba, Lama, Bonbo, Choho, and Labtaba have historically contributed to community governance and cultural preservation. Their functions include conducting rituals, preserving oral history, advising community members, and resolving disputes (Sharma, 2058; Tamang, 2057; Yonjan, 2062).

Tamba plays an important role in preserving oral traditions and transmitting cultural knowledge across generations through storytelling and cultural teaching. This work contributes to the continuity of Tamang identity and indigenous knowledge (Tamang, 2057; Yonjan, 2062). Ganba, meanwhile, is widely recognized as a community leader responsible for maintaining social order and facilitating dispute resolution. Traditional leaders are respected for their experience, knowledge of customary practice, and commitment to community welfare (Sharma, 2058; Tamang, 2057). Despite their importance, the justice-delivery functions of these institutions have received limited academic attention. Most available literature discusses their cultural and social roles rather than their contribution to conflict resolution and customary governance. This indicates a need for research focused specifically on indigenous justice institutions within Tamang society (Tamang, 2057; Yonjan, 2062).

ILO Convention No. 169 and Indigenous Justice

ILO Convention No. 169 is one of the most important international instruments concerning indigenous rights (ILO, 1989). The Convention recognizes the rights of Indigenous Peoples to maintain their customs, traditions, institutions, and decision-

making processes (ILO, 1989; Xanthaki, 2007). Article 8 requires governments to respect indigenous customs and customary laws where these are compatible with fundamental human rights and national legal systems. Article 9 recognizes traditional methods used by indigenous communities for dealing with offenses committed by their members. Article 10 encourages consideration of customary practices when determining sanctions, favoring alternatives to imprisonment where appropriate (ILO, 1989).

Similarly, UNDRIP recognizes the rights of Indigenous Peoples to maintain and strengthen their legal, political, economic, social, and cultural institutions (United Nations, 2009). Together, these instruments provide an important framework for understanding the significance of indigenous justice systems in contemporary society (United Nations, 2009; Xanthaki, 2007). Research conducted in different countries has shown that indigenous institutions can contribute significantly to access to justice, social cohesion, and cultural preservation. This is particularly true in rural and marginalized communities (Kerrigan et al., 2012; United Nations Permanent Forum on Indigenous Issues, 2021).

Indigenous Peoples in International Law

Anaya's (2007) influential account of indigenous peoples in international law develops three connected themes. On human rights, Anaya argues that universal human-rights guarantees must be interpreted to encompass cultural integrity and the right of Indigenous groups to survive and develop on their own terms. This moves beyond a purely individualistic conception of civil liberties. On self-determination, he argues that the concept is not strictly an avenue for statehood or secession. Instead, it is a foundational, collective right that guarantees Indigenous Peoples control over their lands, resources, and institutions of internal governance. On legal pluralism, Anaya highlights the need to decolonize international law by legally acknowledging Indigenous customary laws, societal norms, and land-tenure systems. He argues that these should be respected alongside, and sometimes prioritized over, the imposed laws of colonial nation-states (Anaya, 2007).

Although previous studies have documented aspects of Tamang culture, identity, language, and social organization, few have specifically examined Ganba-Gansom as an indigenous justice institution (Tamang, 2057; Yonjan, 2062). Existing literature provides limited information about its procedures, effectiveness, community legitimacy,

and relationship with international indigenous-rights frameworks. This study addresses that gap by providing an in-depth examination of Ganba-Gansom as a customary justice system. It documents the institution's structure and functions, explores community perceptions, and assesses its relevance within the broader framework of Indigenous rights and legal pluralism.

Research Methods

Theoretical Framework

This study is guided by the theories of legal pluralism and indigenous rights.

Legal Pluralism

Legal pluralism refers to the existence of more than one legal system within a society. In many countries, state laws operate alongside customary laws, religious laws, and traditional governance systems. Communities often continue to follow their own customs and practices even when formal government institutions are available. This study draws specifically on the legal pluralism theorized by Griffiths (1986) and Merry (1988), discussed above. Both scholars argue that state law is only one among several coexisting normative orders within a given social field. In the context of Nepal, legal pluralism helps explain how indigenous institutions such as Ganba-Gansom continue to function alongside formal judicial structures.

Indigenous Rights

The second conceptual foundation of this study is indigenous rights. International instruments such as ILO Convention No. 169 and UNDRIP recognize the rights of Indigenous Peoples to preserve and strengthen their cultural, social, political, and legal institutions (ILO, 1989; United Nations, 2009). ILO Convention No. 169 acknowledges that indigenous communities have the right to maintain their customs and institutions, provided these are consistent with fundamental human rights. It further recognizes traditional methods of dispute resolution and encourages governments to respect indigenous systems of governance (ILO, 1989).

Nepal's domestic legal framework reinforces this. Section 9 of the Treaty Act, 2047 (1990) provides that where a treaty to which Nepal is a party, such as ILO Convention No. 169, is inconsistent with prevailing domestic law, the treaty provision prevails and is enforceable as if it were Nepalese law. The Ganba-Gansom system can therefore be understood as an indigenous institution that reflects both customary legal

traditions and broader principles of indigenous self-governance. This framing helps explain its continued importance within Tamang society and its relevance to contemporary discussions about indigenous rights and legal pluralism.

Comparative Customary-Law Practice

In recent years, governments in Africa, Australia, and parts of Latin America (including Peru, Bolivia, Ecuador, and Colombia) have shown increasing interest in customary or indigenous law. This reflects a broader recognition in international human rights law that Indigenous Peoples have a right to enjoy their own cultures.

In Lesotho, for example, national courts generally apply national law, while customary courts apply customary law. National courts may also apply customary law as courts of first instance where all parties are subject to customary jurisdiction. They generally do so, too, when hearing appeals from customary courts. This is subject to a repugnancy clause, which limits customary law to applications consistent with justice, morality, and legislation (Shale, 2019).

In Australia, South Australia was the first state to enact heritage-protection legislation in 1965, followed by other states. Interim federal legislation also protected sites and objects of particular significance to Aboriginal peoples in accordance with Aboriginal tradition (Australian Law Reform Commission [ALRC], 1986). Thousands of sites have since been recorded by state authorities, although the protection extended by these statutes varies and does not always encompass the full range of Aboriginal traditions. Specialist courts such as the Koori Court in Victoria and the Murri Court in Queensland operate within the standard legal framework. They allow respected Elders to sit alongside the judge. This integrates local cultural practice and community perspective into sentencing.

Chart Summary

Table 1 summarizes the key findings from each of the nine districts studied. "VDC" refers to Village Development Committee, the local administrative unit under which fieldwork sites were originally identified. These areas now fall under Nepal's restructured rural municipalities and wards following the 2015 federal reorganization.

Table 1*District-wise key findings summary table*

District	VDC(s)	Key Findings	Remarks
Rasuwa	Syapru	Traditional leaders are still respected. Ganba-Gansom continues to settle local disputes, while people also use the police when needed.	Traditional and formal systems work together.
Nuwakot	Duipipal	Traditional justice is still respected, but people now also seek help from the police and government offices.	Formal system is used mainly for appeals and serious cases.
Kavrepalanchok	Bolde	Traditional leaders play an important role in community rituals and dispute resolution. Customary justice is trusted.	Women take part in discussions but rarely give decisions.
Sindhuli	Majhitar	Community members continue to follow traditional justice and trust local leaders to settle disputes.	Disputes are usually settled through apology rather than money.
Sindhupalchok	Lishankhu	Traditional leaders remain active in resolving disputes and community members trust their decisions.	Some community decisions are preferred over outside judgments.
Ramechhap	Tilpung	Traditional justice and community leaders continue to play an important role in solving local disputes.	Government offices are used mainly for difficult cases.
Dhading	Satyadevi	Traditional justice is still widely followed, with women also	Formal institutions are

		taking part in some religious roles.	used when necessary.
Makwanpur	Faparbari	Traditional leaders actively settle disputes and conduct community rituals. People have strong trust in customary justice.	Includes an example of successful family mediation.
Dolakha	Magapau wa	Traditional leaders continue to handle community disputes and rituals. Their decisions are widely respected.	Some court cases were later resolved by the community.

Data collection was guided by an 18-item interview protocol covering: (1) who was/is regarded as most respected in the community and how they were addressed; (2) whom residents approached to resolve local conflicts before and after the establishment of VDCs and police posts; (3) the Tamang-language term for an official community meeting; (4) key individuals or groups involved in marriage and death rituals; (5) where their roles are documented; (6) whether and how women participate in the local Tamang judiciary; (7) whether a quorum is required for rites and rituals; (8) whether the judiciary committee has a designated meeting place or convenes as needed; (9) whether disputes are referred to Tamang elders from other villages or to neutral non-Tamang parties; (10) whether VDC or police decisions have subsequently been revisited by customary leaders; (11) perceived political bias in VDC, police, or customary decisions; (12) whether government recognition of customary justice delivery is desired; (13) whether community verdicts are considered binding and acceptable to both parties; (14) whether the customary practice has continued alongside modern government bodies; (15) which types of cases are pursued further when a party is dissatisfied with a verdict; (16) perceived complementarity between ILO 169 and Tamang customary law; (17) perceived rationality and practicality of Tamang customary law relative to other rules; and (18) a description, with an example, of the justice-delivery procedure followed by a respected person in the Tamang community.

The justice-delivery process in Tamang society through Ganba-Gansom also respects gender equality, human rights, and the norms and values of national and

international law. This assessment is based on what could be determined from respondents' answers.

This study adopted a qualitative research design to examine the structure, functions, and contemporary relevance of the Ganba-Gansom justice system within the Tamang community. A qualitative approach was considered appropriate because the study aimed to understand people's experiences, perceptions, beliefs, and practices related to customary justice. These are closely connected to cultural values and local knowledge.

The study was conducted in nine districts with significant Tamang populations: Nuwakot, Dhading, Sindhupalchok, Sindhuli, Dolakha, Ramechhap, Rasuwa, Makwanpur, and Kavrepalanchok. These districts were selected because they contain communities where traditional Tamang institutions continue to function and where customary justice practices remain relevant.

Table 2

District-wise Participants

District	No. of Participants
Rasuwa	3
Sindhuli	3
Kavrepalanchok	3
Nuwakot	3
Ramechhap	3
Makwanpur	3
Dhading	3
Dolakha	3
Sindhupalchok	3
Total	27

Data collection focused on populous Tamang areas across the nine districts, with three respondents purposively sampled in each district (27 respondents overall: 13 elder Tamang women and 14 elder Tamang men). Respondents were drawn from Ganba, Tamba, Lama, Choho, Bonbo, Labtaba, community elders, and other individuals familiar with customary governance and dispute-resolution practice. Participants were selected because they possessed direct knowledge and experience of the Ganba-Gansom

system. This enabled the study to collect detailed information on its operation, procedures, strengths, challenges, and relationship with contemporary legal frameworks.

Primary data were collected through semi-structured interviews, focus group discussions, informal consultations, and direct observation. Semi-structured interviews allowed respondents to explain their experiences and perspectives in their own words while ensuring that key topics related to customary justice were covered. Focus group discussions provided opportunities to explore collective views regarding the functioning and legitimacy of the Ganba-Gansom system. Observation helped in understanding the social and cultural context in which customary justice operates. Informal interactions with community members provided further insight into local perceptions of traditional institutions. Secondary information was collected through books, journal articles, reports, legal documents, and policy papers related to Tamang culture, indigenous governance, customary law, and ILO Convention No. 169.

The collected data were organized, reviewed, and analyzed using thematic analysis. Responses from participants were grouped according to common themes and patterns, and similarities and differences across districts were examined. The analysis focused on the role of Ganba-Gansom as an indigenous justice institution and the procedures used in dispute resolution. It also examined community perceptions of legitimacy and the relationship between customary practice and international indigenous-rights frameworks.

Results and Discussion

The findings reveal that the Ganba-Gansom system continues to play an important role in maintaining social harmony and resolving disputes within Tamang communities. Although the study covered different districts, respondents expressed remarkably similar views regarding the significance and effectiveness of the institution. Five major themes emerged from the analysis.

Ganba-Gansom as a Respected Indigenous Institution

Respondents consistently described Ganba-Gansom as an important part of their cultural identity and community life. It is not simply a mechanism for resolving disputes, but an institution that preserves customary values, social norms, and traditional knowledge. Community members respect its decisions because they trust the wisdom, experience, and impartiality of the elders involved. Unlike formal courts,

which derive authority from state law, Ganba-Gansom derives its authority from community acceptance and cultural tradition. This distinction demonstrates that indigenous institutions continue to possess social legitimacy even where formal legal systems are available. People view the institution as their own, developed and maintained by their ancestors, and this sense of ownership contributes significantly to its continued relevance.

Traditional Procedures of Dispute Resolution

Respondents reported that the process generally begins when an individual or family approaches community elders and requests their assistance. This is traditionally accompanied by *sagun*, a symbolic offering that signifies respect and formally initiates the dispute-resolution process. Ganba-Gansom then convenes a meeting involving the concerned parties. Elders listen carefully to each side and encourage open discussion. The aim is not merely to determine fault, but to understand the causes of the dispute and identify a solution acceptable to all parties. Decisions are reached only after careful discussion, and elders often consult other respected community members before deciding. As Lhakpa Tamang from Sindhuli explained, "Ganba-Gansom listens to both parties first. Everyone gets a chance to speak. Only after understanding the whole situation do the elders make a decision." These findings indicate that customary procedure incorporates important principles of fairness, including the opportunity to be heard, impartial consideration of evidence, and collective decision-making. Together, these contribute to community confidence in the institution.

Reconciliation as the Main Goal of Justice

Respondents repeatedly stated that the purpose of Ganba-Gansom is not to punish individuals but to restore relationships and maintain harmony. Many disputes involve family members, neighbors, or relatives who must continue interacting after the conflict is resolved. Minor disputes are often resolved through apology, mediation, and mutual agreement. In more serious cases, compensation may be required, though respondents emphasized that compensation is generally intended to restore harmony rather than impose severe punishment. A participant from Makwanpur described a case in which a husband accused his wife without proof: "Ganba-Gansom listened carefully to both sides. Since there was no evidence, the accusation was rejected. After that, the husband accepted his wife again and they continued living together peacefully." This

example illustrates how customary justice prioritizes social harmony and family unity, seeking solutions that allow people to rebuild trust rather than escalating conflict. These findings strongly reflect the principles of restorative justice, which emphasize healing, accountability, and relationship-building over punishment alone.

Community Trust and Preference for Customary Justice

Across all districts, respondents expressed strong confidence in Ganba-Gansom and a preference for customary mechanisms over formal alternatives, for several reasons. Customary justice is accessible within the community, avoiding travel and complex legal procedure, and it is relatively inexpensive compared with formal proceedings. Community elders also understand local customs, traditions, and social relationships, enabling culturally appropriate decisions that are often seen as more acceptable because they emerge from community dialogue rather than external authority. As Dorje Tamang from Kavrepalanchok District explained, "During the conflict period, some people received decisions from other groups, but in the end they accepted the decision of Ganba-Gansom because it was acceptable to both sides." This statement highlights the level of trust and legitimacy the institution enjoys. The broader findings suggest that trust is one of the most important factors in the continued relevance of customary justice systems. Community members are more likely to comply with decisions when they perceive the process as fair, transparent, and culturally meaningful.

Relationship with ILO Convention No. 169

Respondents overwhelmingly believed that the principles underlying Ganba-Gansom are compatible with ILO Convention No. 169. They emphasized that the institution respects community participation, dialogue, fairness, and non-violent conflict resolution. Several respondents specifically noted that physical punishment is not practiced, and that disputes are instead resolved through discussion, apology, mediation, and, when necessary, compensation. These approaches are broadly consistent with Articles 8, 9, and 10 of the Convention. Participants also expressed strong support for formal recognition of indigenous justice institutions within Nepal's legal framework. They argued that such recognition would strengthen indigenous self-governance and contribute to the preservation of traditional knowledge systems. As Sita Tamang from Nuwakot district explained, "Our customary system has existed for generations. It helps

people solve problems peacefully. The government should recognize and respect it." These findings suggest that Ganba-Gansom should be understood not only as a cultural institution but also as an important example of indigenous self-governance and legal pluralism.

Discussion

The Thakali community offers a useful point of comparison. A council of 13 chiefs meets in the communal building (Huulthim) of Thak Sat-saya, seated by rank. The Mir chief sits first, followed by the Sub-Mir chief and the Tahabil chief, with the remaining ten chiefs seated by age. In this Mukheli system, both parties are brought face to face, and justice is delivered without undue expense or delay. This feature closely parallels the Tamang Ganba-Gansom system in terms of speed, cost, and simplicity (LAHURNIP, 2066).

A comparable institution exists among the Limbu: the Tumyang, discussed in relation to the customs of the ten Limbu chiefdoms. In this system, the Hangtummyahangs historically held roles analogous to kings, ministers, and nobles, while the Thaktambas served as principal chiefs. Disputes were formalized through a process known as Kayalnama, and quarrels were resolved by village chiefs through the Tumyang system (Thebe, 2069), which likewise closely resembles Ganba-Gansom.

Beyond Nepal, other Indigenous Peoples follow broadly similar patterns. In Bangladesh, the personal laws of Indigenous Peoples in the Chittagong Hill Tracts concern marriage and other family matters. These are governed by unwritten customs administered by village leaders, headmen, and traditional chiefs. The state has recognized this self-governing system, which is not inconsistent with national law. Customary rights over land and forests, however, may be exercised only where they do not conflict with state law. In Latin America, customary law of Indigenous Peoples has been incorporated into national legal systems since 1990, driven partly by pressure from Indigenous organizations and by obligations under ILO Convention No. 169. Bolivia, Colombia, Ecuador, Mexico, Nicaragua, Paraguay, and Venezuela have all recognized the legal diversity of Indigenous Peoples through their constitutions, consistent with their multicultural or multiethnic character (ILO, 2009).

Secondary sources also indicate that Indigenous Peoples, including the Tamang, have not always fully enjoyed their cultural rights under ILO 169, UNDRIP, ICESCR,

and ICCPR. For instance, the Buddhist religion observed by Sherpa communities forbids the killing of cows. Yet every year, Sherpa communities engage butchers from Tibet to slaughter yaks for consumption. This is itself in tension with the Buddhist precept against eating meat from animals killed for one's own consumption. Other Indigenous groups outside the Buddhist or Animist (Prakriti) traditions show related patterns. The Thakali-Nepali-English Dictionary records "KuTinxya" as a deity honored in an older method of ancestral worship in which a yak was sacrificed (Gauchan, 2061). The Bantawa (Rai) Shabdakosh records that, until recently, Kirat communities would slaughter a cow to appease their ancestors. Dead cattle are still consumed in Kulung society today under the terms "Mekchan" and "Jhariya" (Bantawa, 2052).

Taken together, these comparisons demonstrate that Ganba-Gansom remains a living institution that continues to serve important social functions within Tamang communities. It provides accessible and culturally appropriate mechanisms for resolving disputes, maintaining social harmony, and preserving Indigenous knowledge. The emphasis on dialogue, reconciliation, and community participation distinguishes Ganba-Gansom from more adversarial forms of justice. Rather than focusing solely on punishment, the institution seeks to restore relationships and strengthen community cohesion, characteristics that contribute to its legitimacy and effectiveness.

The study also demonstrates that customary justice systems can coexist with formal legal institutions. While serious criminal matters may require intervention from state authorities, many local disputes can be resolved effectively through community-based mechanisms. This finding supports broader discussions regarding legal pluralism and the potential for constructive cooperation between customary and formal justice systems. The compatibility between Ganba-Gansom and the principles of ILO Convention No. 169 suggests that indigenous justice institutions can contribute to both cultural preservation and access to justice. Recognizing and supporting such institutions may also help strengthen indigenous rights while promoting inclusive and culturally responsive governance.

Conclusion and Implications

Conclusion

This study examined the Ganba-Gansom system as an indigenous justice institution within the Tamang community of Nepal. The findings show that Ganba-Gansom continues to play an important role in resolving disputes, maintaining social harmony, and preserving customary knowledge and cultural values. Despite the presence of formal legal institutions, many Tamang communities continue to rely on this customary system because it is trusted, accessible, culturally familiar, and effective.

The Ganba-Gansom system is based on dialogue, fairness, community participation, and reconciliation. Community elders carefully listen to both parties, examine available evidence, and encourage peaceful solutions, seeking to restore relationships rather than impose punishment. This approach reflects values and traditions that have guided Tamang society for generations. The strong trust placed in customary leaders demonstrates the continued relevance of indigenous governance institutions in contemporary society.

Another important finding is the compatibility between the principles of Ganba-Gansom and the provisions of ILO Convention No. 169. The customary system promotes peaceful conflict resolution, community participation, and respect for indigenous institutions. This is consistent with international frameworks recognizing the rights of Indigenous Peoples to maintain and strengthen their traditional institutions. Overall, Ganba-Gansom is not simply a historical practice or cultural tradition. It remains a living institution that continues to provide meaningful and effective justice services within Tamang communities. This underscores the importance of indigenous knowledge systems and their contribution to social harmony, community governance, and access to justice.

Implications

Implications for Indigenous Rights

The study highlights the importance of recognizing and respecting indigenous institutions as part of broader efforts to protect indigenous rights. Ganba-Gansom represents an important example of indigenous self-governance and community-based decision-making; greater recognition of such institutions can contribute to the preservation of indigenous cultures, traditions, and knowledge systems.

Implications for Justice Delivery

The findings suggest that customary justice institutions can complement formal legal systems. In many rural and indigenous communities, customary institutions provide accessible and culturally appropriate mechanisms for resolving disputes. Policymakers may therefore consider ways to strengthen cooperation between formal and customary justice systems while ensuring respect for constitutional principles and human rights standards.

Implications for Cultural Preservation

Ganba-Gansom is not only a justice institution but also an important carrier of indigenous knowledge and cultural values. The continued practice of customary dispute resolution contributes to the preservation of Tamang traditions, community norms, and social relationships. Supporting such institutions can help safeguard valuable cultural heritage for future generations.

Implications for Future Research

This study provides a foundation for future research on indigenous justice systems in Nepal. Additional studies may examine similar customary institutions among other indigenous communities and explore how different systems contribute to social cohesion, governance, and access to justice. Comparative studies may also help identify best practices and lessons for strengthening indigenous institutions.

Limitations of the Study

This study has several limitations. First, it was based on qualitative data from a limited number of respondents in selected districts. Although participants possessed extensive knowledge of the Ganba-Gansom system, the findings may not fully represent the experiences and perspectives of all Tamang communities in Nepal. Second, the study focused primarily on community perceptions and experiences. It did not include a detailed examination of formal legal records or a comparison of dispute outcomes between customary and formal justice systems. Third, the study was limited to the Tamang community, so the findings cannot be generalized to all indigenous groups in Nepal without further research. Despite these limitations, the study provides valuable insight into the functioning, significance, and contemporary relevance of the Ganba-Gansom justice system.

Ethical Disclosure

The study was conducted in accordance with accepted ethical principles for social science research. Participants were informed about the objectives of the study and participated voluntarily; verbal consent was obtained before interviews and discussions, and participants were free to withdraw at any stage. The local customs, traditions, and cultural practices throughout the research process was respected. Information collected from participants was used only for academic purposes, and confidentiality and privacy were maintained to the extent possible during data collection, analysis, and reporting.

Declaration

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Conflict of Interest

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