



Center For Human Rights

College of Law and Governance Studies
Addis Ababa University

The role of indigenous conflict resolution mechanisms in the protection of human rights:
A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda,
Northern Shewa (2018-2022).

A Thesis submitted in partial fulfillment of the requirements for the award of
a Master's Degree in Human Rights

Submitted to

Christophe Van der Beken-
Associate Professor
Center of Human Rights, Addis Ababa University

Written by

Melaku Hailu W/Michael
GSR/1449/13

April ,2023.

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Declaration

This thesis's findings are my original work and has not been presented in any other University and College. All sources and materials used are properly acknowledged.

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Associate Professor Christophe Van der Beken	-----	-----

Approval

We, the under signing certify that we have and here by recommendation to the Addis Ababa University, College of Law and Governance Studies at Center for Human Rights, to accept the thesis submitted in partial fulfillment of the requirements for the award of a Master's Degree in Human Rights by Melaku Hailu Wolde Michael entitled by a study on :- The role of indigenous conflict resolution mechanisms in the protection of human rights: A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda, Northern Shewa (2018-2022).

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Abstract

The main objective of the study is to assess the role of indigenous conflict resolution mechanisms in the protection of human rights: A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda, Northern Shewa(2018-2022). Because of lack of practicing and the concerned government bodies did not give due attention to these mechanisms, all sorts of conflicts have been resolved only by the government using legal procedures, but unfortunately, such measures become excessive and in due courses, human rights violations have also occurred. Thus, the researcher has tried to fill the gap interns of identifying their role in assessing human rights protection and ensuring the security of citizens from human rights perspectives and has used key informant interview (KII), systemic observation and snowball techniques, as alternatives, for gatherings of data from the respective area's community members, IDPs, city administrator, zonal police command force, as well as different academicians from the nearby University, i.e. Debre Berhan University as well. The study has tended to be normative in its nature which distinguishes human rights research from other types of research, and are not purely and simply academic, but central to the political and social affairs, too. Finally, the researcher has stated in his findings that, although the government has a duty to safeguard the sovereignty of the country and securing its citizens, it is its responsibility to undertake any possible measures to secure peace and stability by interfering in any conflict resolution activities, but not necessarily to involve in all matters starting from establishment of members of indigenous people to resolve the conflict and in the name of peace keeping issues, rather let prepare a ground for the long standing indigenous conflict resolution mechanisms to be in practice and give all sorts of support to work in line with the usual legal procedures at least, based on the given rights stated in the 1995 constitution art.78 (5). for betterment of the community in general. Moreover, since these leaders for indigenous conflict resolution mechanisms have their own contribution in the process of conflict resolution, to give immediate solution, bring sustainable peace in the community, and to restore the previous friendship relation of members of the community, etc, shall be recommended to participate in the process of policy formulation ,be it at national or regional level and hence, would help to facilitate the implementation of the related ongoing policy matters, too.

Key words: - Indigenous conflict resolution mechanisms, peaceful dispute settlement, sustainable peace, policy formulation, policy implementation.

Acknowledgement

I would like to express my sincere gratitude to my advisor **Associate Professor Christophe Van der Beken**-Center of Human Rights, Addis Ababa University for the continuous support of my Masters study and research, his guidance helped me in all the time of research and writing of this thesis.

Besides my advisor, I would like to thank my staff members in **Ethiopian Human Rights Commission, chief commissioner Dr. Daniel Bekele, and W/ro Sebel Tadesse, Director for Human Resource and Management at Ethiopian Human Rights Commission**, for their assistance from the beginning to enrolled in this programme , for their encouragement and insightful comments, as well.

Special thanks for **the zone police command force head centered in Debrebrhan city**, that his devotion and guidance all the way to destine in the research area , in Atay city, Efratana Gidim wereda Northern Shewa and back to home peacefully.

Moreover, **Ato Zegey Asefaw**, one of the known elder people in Ethiopia in reconciliation and peace accord affairs and recently appointed as one of the commissioners for National Reconciliation Commission, for his deep briefings about the Oromo people struggle and the long-standing unity of the two people: the Amhara and Oromo people, as well. Thanks all the participants from the community members, different organizations and institutions, university, who have willingly shared their precious time during the process of interviewing.

I would like to thank **my beloved wife, w/ro Senait Abera**, who has supported me throughout the entire process, by keeping me harmonious during my thesis work at home with my children, Naoly **Melaku, and Yadene Melaku**, and indeed, I will be grateful forever with this family members.

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List of Acronyms

CSA	Central Statistical Agency of Ethiopia.
FDRE	Federal Democratic Republic of Ethiopia
EHRC:-	Ethiopian Human Rights Commission
EPRDF	Ethiopian People Revolutionary Democratic Front
IDP	Indigenous Displaced People
TPLF	Tigray People Liberation Front
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs, Department of Justice and Constitutional Development
UDHR	Universal Declaration of Human Rights
CPR,	Civil and Political Rights
ESCR.	Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRM	Indigenous Conflict Resolution Mechanisms

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Chapter One

1. Introduction

1.1. Background of the study

Indigenous conflict resolution mechanisms basically aim at the settlement of conflicts in peaceful ways, at the restoration of relations and at societal integration. Sustainable peace will lead to a harmonious community interaction and to the rebuilding of mutual trust and communal life between the community members, who have been involved in the conflict.¹ Ethiopia is one of the countries in East Africa and is considered as the home land of more than 80 ethnic groups having their distinct languages, cultures and norms. Moreover, they have their own ways of conflict resolution mechanisms in line with their specific cultural norms, religious and historical heritages developed by the community itself.²

Such mechanisms in Ethiopia, in a broader sense, involve mediation between the conflicting parties and their respective families. The existing researches on this issue, have a gap in terms of assessing the role of these mechanisms in the protection of human rights, more specifically whether such mechanisms have an effect on the prevention, protection, and investigation of human rights violations, and to what extent the security of the people can be ensured from human rights perspectives. Moreover, although many researchers have recommended that, government should give due attention to such customary laws and include them in the developing human rights policies and acknowledge its importance, they have failed to indicate the extent to which individuals, groups or the community as a whole, have been given a specific rights to be governed by any customary laws , in line with their culture, norms and historical heritages etc, as stated in the Ethiopian constitution article 78(5) of 1995 rather than only used such mechanisms for temporary conflict resolution purposes.

¹ Ajanaw Alemie & Hone Mandefro 2018. Roles of Indigenous Conflict Resolution Mechanisms for Maintaining Social Solidarity and Strengthening Communities in Alefa District, North West of Ethiopia, *University of Gondar*. Journal of indigenous social development at: <https://www.researchgate.net/publication/330037458>

² Tibebu Kefale Muluken .2020. The Role of Indigenous Conflict Resolution Mechanisms in the Pastoral Community: An Implication for Social Solidarity in Somali Region, Shineli Woreda, Open Access Library Journal, School of Psychology, Jigjiga University, Jigjiga, Ethiopia.

In this regard, the research has used article 78(5) of the constitution as a major legal provision for utilization of customary courts provided that, the house as well as the state council can establish or give official recognition for religious and customary courts. Hence, this can be considered as a major indication for the rights of such mechanisms whereby customary laws would also be a legally binding agreements or acknowledged in line with other formal legal procedures by the constitution itself. Moreover, this article indirectly associated with democratic rights where the rights of such institutions, as indicated in the constitution article 31 where every “legal person” has the right to freedom of association for any cause or purposes. ³

Table 1. Weredas in North Shewa ⁴

Zone Administration	List of Wereda at Zonal Level	
North Shewa Zone	1) Angolalla Tera 2) Ankober 3) Antsokiyana Gemza 4) Asagirt 5) Basona Werana 6) Berehet 7) Debre Birhan Town 8) Efratana Gidim 9) Ensaro 10) Giske 11) Hagere Mariamna Kesem 12) Kewet	13) Menjarna Shenkora 14) Menz Gera Midir 15) Menz Keya Gebreal 16) Menz Lalo Midir 17) Menz Mam Midir 18) Merhabete 19) Mida Woremo 20) Mojana Wadera 21) Moretna Jiru 22) Siyadebrina Wayu, Termaber Atay(Effeson) Jewha and Karakore are towns/city in this wereda.

³ Constitution of the Federal Democratic Republic of Ethiopia (FDRE),1995.journal magazine available at: <https://www.refworld.org/docid/3ae6b5a84.html>

⁴ North Shewa, Amhara regional state, at : [https://dbpedia.org › page › North_Shewa_Zone_\(Amh... dbpedia.org](https://dbpedia.org › page › North_Shewa_Zone_(Amh... dbpedia.org)

Hence, among weredas listed in North Shewa , Efratana Gidim is the one where the research has been undertaken :-

i.e. Efratana Gidim (Amharic: ኤፍራታና ግድም Efrata and Gedem") is a woreda in Amhara region, Ethiopia. It is named after two historic districts that were part of the former autonomous kingdom of Shewa, Efrata and Gedem..⁵

In all parts of the Amhara regional state, there are different types of indigenous conflict resolution mechanisms involving different community members including elders and religious people, known individuals, clan leaders etc,. The community members involved are commonly known as *shimagillé*, who can play a key role in conflict resolution.

In the Oromiya regional state, there are three major indigenous conflict resolution mechanisms 1. the judicial (dispute settlement) aspect of *Gadaa*, 2. the *JaarsaBiyyaa* (also known as *Jaarsaa Araaraa* or *jaarsumaa*), 3. the *Qallu* spiritual leaders and their transformations into spiritmedium mediators can be mentioned ⁶

Thus, this study has tried to see the role of such mechanisms from human rights protection perspectives based on a case study of Amhara-Oromo conflicts in Atay city (2018-2022).

1.2. Statement of the problem

From a global perspective, there are as many indigenous conflict resolution mechanisms as there are different societies and communities with respective historical heritages, cultural differences as well as community norms and values, since all countries have their own cultural norms and values, different countries obviously have different forms of indigenous conflict resolution mechanisms.

⁵ Efratana Gidim Map - Locality - Ethiopia – Mapcarta at: <https://mapcarta.com> › Africa › East Africa › Ethiopia

⁶ Alula Pankhurst and Getachew Assefa (eds.).2008. understanding customary dispute in Ethiopia, books and book chapters at: <https://books.openedition.org/cfeg>

At regional level, Africa has different related mechanisms which are an important component of the cultural heritage of its people to manage and have their own means of addressing and resolving conflicts.⁷

But in most African countries, in order to conquer the political power, armed conflicts have been used as one of the mechanisms to stay and come to power, and hence, these countries do not give due attention to these mechanisms for resolving conflicts. Rather they reserve these mechanisms for simple and family matters which also need an immediate solution either to continue the relation as it was before or to begin a new way of life, when it applies to marital ceremonial cases. But, the aim of such mechanisms is beyond family matters, i.e. it is beyond a conflict between husband-and-wife matters, rather including also any other inter- communal conflicts among different ethnic groups, too, since they aim to mend the broken or damaged relationships, and restore justice to the community as a whole. Likewise, in Ethiopia, although these mechanisms are used to resolve various kinds of conflicts in different regions of the country where any sorts of legal system are difficult to be applicable, their role in peace building has not yet been equally practicing in line with the modern judicial system.⁸

Moreover, although many researches are done in line with the process, role, as well as those actors participated in these mechanisms, most of them are unable to come across and indicate customary laws are effectively in practice to solve conflicts and pave the way to enhance human rights protection. Hence, this study is intended to assess whether the existed mechanisms in the study area had been practiced or not and if so, what was the role of their contribution with respect to the protection of human rights which is not well addressed by the previous researches.⁹

⁷ Wondyrad Asmamaw .2014 .The Practice of Indigenous Conflict Management Systems in a Multiethnic Society: The Case of Shimgelena in Guangua and Dibate Districts of Metekel Area; Ethiopia

⁸ Heron Gezahegn Gebretsadik .2022. Indigenous Conflict Resolution: Social Institutions and their Role in Peacebuilding in Ethiopia's Gamo Community, International Journal of Research and Innovation in Social Science (IJRISS) |Volume VI, Issue IV, April 2022|ISSN 2454-6186 www.rsisinternational.org

⁹ An Assessment of Indigenous Conflict Resolution Mechanism ...<https://www.grin.com/document>

The research does not only emphasize their importance for resolving the immediate conflicts, but also wants to assess their advantages to improve human rights protection, and see the challenges and the consequences of using violent dispute settlement. In these mechanisms, conflicts were monitored, prevented, managed, and resolved through generally established mechanisms in decreasing the probability of conflicts.¹⁰

On the other hand, when we talk about policy making process, it is designed to achieve defined goals and present solutions to societal problems. More precisely, policies are government statements of what it intends to do or not to do, including law, regulation, ruling, decision, or order. But in relation to the given study, especially in relation with these mechanisms, the previous studies could not show the need for such customary laws in any policy making process especially in relation with peace making processes, during agenda setting that would have their own impacts and also on the implementation of the very useful concern of each policy settings.¹¹

During a certain time, especially (2018-2022) , internal conflicts have increased in different parts of Ethiopia such as west Welega, Oromiya regional state, Metekel zonal administration in Benshangul Gumuz regional state. Unfortunately, conflicts have continued in many parts of the Amhara regional state such as Gonder and Wollo and have spread to other parts of the country, such as North Shewa as well.

Hence, in relation with the study area, as per different news reports and observers of the conflict between the Oromo and Amhara people in the zone: -

"303 people were killed, 369 injured, 1,539 houses were torched and over 50,000 people have been displaced." Later, Addis Standard reported quoting the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) , that 358,000 people displaced from North Shewa and Oromo Special Zones of Amhara due to conflict and are in need of food, shelter, non-food items, water and healthcare services¹²

¹⁰ Cletus A Dr. Lanshima Nigerian Army University Biu. 2016. African Traditional Systems of Conflict Resolution

¹¹ Christoph Knill and Jale Tosun .2008. Policy Making. Chair of Comparative Public Policy and Administration, Department of Politics and Management, University of Konstanz at:- <https://d-nb.info> › ...

¹² Getahun Tsegaye.2021.Ethiopia: Analysis - Post-Violence Recovery in Oromo Special, North Shewa Zones, at: <https://allafrica.com> › stories, Addis Standard news magazine (Addis Ababa).

In addition, according to Reuters from Nairobi ,

“ The Amhara and Oromiya regions share a border and attacks on civilians from one ethnic group living on the other side of the border have been rising. In accordance with this report, the major conflicts have occurred in Jile-Temuga district of Oromo Special Zone. The zone is classified as special because it is in Amhara region, but residents are predominately Oromos where the Zone has been established to empower the Oromo through the grant of territorial autonomy at local level ”¹³

Attempts to address this conflict mainly included formal procedures involving government interferences. Although the conflict could not be resolved only by such formal processes, still the government was unable to appreciate the possible advantages of taking into consideration of the existing indigenous conflict resolution mechanisms to settle the conflict. In general, although customary laws and religious institutions were given a constitutional right only to handle personal and family matters and there is a possibility of giving legal recognition which can establish or give official recognition to such institutions, as stated in article 78 (5): ‘Pursuant to sub article 5 of Article 34 , but still the constitution has limited the mandate of the customary and religious institutions to private and family matters.¹⁴

Thus, since all these previous empirical studies undertaken by different researchers indicated that, they are unable to address and did not also show the contemporary challenges and opportunities that the institution is facing while working in an area where other ethnic groups live together, this study aims to emphasize what was the role of indigenous conflict resolution mechanisms to resolve the conflict existed especially between the Oromo and Amhara people who have been living together for many years? Moreover, the study has intended that, since these mechanisms have advantages by giving an immediate solution, bring sustainable peace, getting back to the previous friendship, and also not to use excessive power against the other party which obviously would lead to violation of human rights, etc, and hence could prevent the community from suffering any sorts of human rights violations whenever conflict occurs in the city and surrounding weredas .

¹³ Africa Reuters. 2021. Clashes between Ethiopia's Oromo, Amhara .at ..<https://www.reuters.com › world › africa ›>

¹⁴ Meron Zeleke(Ass. Prof.) . 2010. Ye Shakoch Chilot (the court of the sheikhs): A traditional institution of conflict resolution in Oromiya zone of Amhara regional state, Ethiopia , African Journal on Conflict Resolution at :- <https://www.ajol.info › index.php › ajcr › article › view>

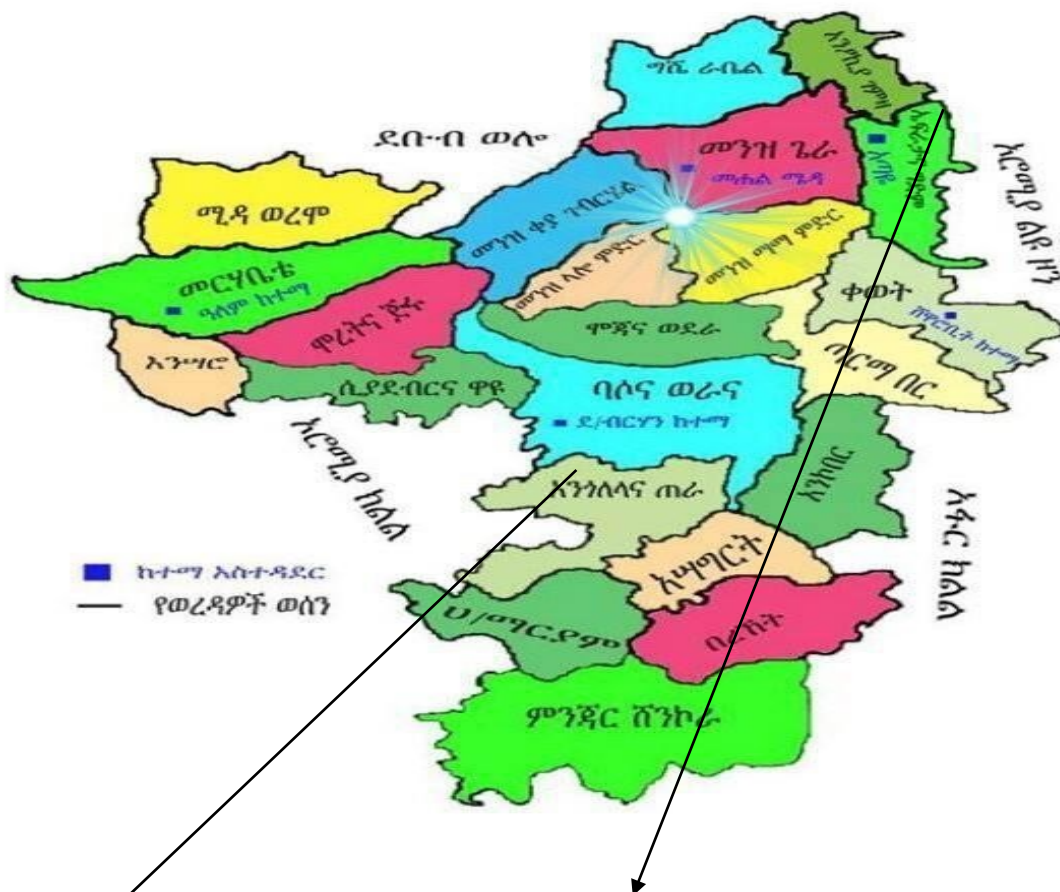
1.3. General overviews about the study area

North Shewa (Amharic: ሰሜን ሸዋ) is a zonal administration in Amhara regional state of Ethiopia. The zone is bordered on the south and the west by the Oromia regional state, on the north by South Wollo, on the northeast by the Oromia zone, and on the east by the Afar regional state. Thus, the case study area, Atay city, is a town /city in Eferatana Gidim Wereda, Northern Shewa, and according to the 2007 census conducted by the Central Statistical Agency of Ethiopia (CSA):_

‘‘The three largest ethnic groups in North Shewa were the Amhara (90.73%), the Oromo (7.14%), and the Argobba (1.71%); all other ethnic groups made up 0.42% of the population. Amharic is spoken as a first language by 92.97%, and 6.32% spoke Oromiffa; the remaining 0.71% spoke all other primary languages reported. 94.71% of the population said they practiced Ethiopian Orthodox Christianity, and 4.91% were Muslim’’¹⁵

¹⁵ North Shewa, Amhara regional state, supra note 4

የሰሜን ሸዋ ዞን ካርታ



Eferatana Gidim Woreda, Atay city (Town)

AngololanaTera wereda:- the researcher birth place
'
Fig. 1. North Shewa Zone Map

1.4. Objectives of the study

1.4.1. General Objectives

The general objective of the study is to assess the role of indigenous conflict resolution mechanisms in the protection of human rights: A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda, Northern Shewa (2018-2022).

1.4.2. Specific Objectives

To assess the effectiveness of indigenous conflict resolution mechanisms for resolving conflicts and reducing human rights violations.

To identify the role of indigenous conflict resolution mechanisms in handling conflict in the study area.

To discuss the possible advantages of indigenous conflict resolution mechanisms for resolving human rights violations.

To assess the view of the society and the government bodies towards the use of traditional institutions from a human rights perspective.

1.5. Research questions

How effective are indigenous conflict resolution mechanisms for resolving conflicts and reducing human rights violations?

What has been the role of the indigenous conflict resolution mechanisms in handling conflict in the study area?

What are the possible advantages of indigenous conflict resolution mechanisms for preventing and remedying human rights violations?

How the respective societies and the government bodies view the use of traditional institutions from a human rights perspective?

1.6. Significance of the study

The study has demonstrated the relevance of indigenous conflict resolution mechanisms in settlement of conflicts especially between ethnic groups across regions has the potential of such conflict mechanisms in the protection of human rights in addition to resolving the immediate conflicts and disputes.

This study is expected to serve as a reference for conducting other researches on a similar topic either region-wide or nation-wide. The findings of the study can be of use to the concerned bodies such as the government organs i.e. the legislative, executive as well as judiciary, to consider and preserve indigenous knowledge and to value the rationale behind it. Since modern conflict resolution mechanisms may entail the utilization of excessive force and hence, may on their turn cause many losses of life and damages of individually or institutionally owned properties, but indigenous conflict resolution mechanisms on the other hand, are more preferable with respect to quick responses and to build sustainable peace in the community and to restore the previous unity between or among peoples.

1.7. Scope of the study

This study focuses on the assessment of the role of indigenous conflict resolution mechanisms in the protection of human rights: A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda, Northern Shewa (2018-2022).

1.8. Definition of terms

Conflict

Conflict as defined by Fisher (1990:1) is an incompatibility of goals or values between two or among parties in their relationship combined with attempts to control the antagonistic feelings of each other (Sandole, 2015; Thomas, 2015)¹⁶

Michael Nicholson, defines conflict as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns.¹⁷ Sociologists see conflict as a function of social structure and an hostile part of the way society evolves. Political science sees conflict as a function of power relations and economists regard conflict as the result of rational decision making by an individual seeking to maximize their personal utility given a pool of scarce resources and might even contest that conflict and competition were one and the same.¹⁸

1.9. Ethical consideration

One of the types of ethical issues is confidentiality and hence since all participants have a right to privacy, all identifying personal information including their identity about the participants should be removed from any research report.¹⁹ Thus, in this study, too, the information given by the participants should be protected and secured confidentiality in all aspects of the research study.

¹⁶ Zelalem Muchie & Endalcachew Bayeh .2014. Department of Civics and Ethical Studies, College of Social Sciences and Humanities, Ambo University, Ambo, Ethiopia, Traditional Conflict Resolution Mechanisms among Ambo ...<https://www.researchgate.net/publication/27081698>... Journal of Political Sciences & Public Affairs

¹⁷ What is conflict? <https://mariancrc.org> › conflict and peace

¹⁸ Centre for the Economics and Management of Aquatic Resources. 2002. The Management of Conflict in Tropical Fisheries - Literature Review, University of Portsmouth, UK. At:- <https://mrag.co.uk/management-conflict-tropical-fishe...>

¹⁹ Ethical Considerations in Research | Types & Examples at <https://www.scribbr.com/methodology/research-ethics>

Chapter Two

2. Literature review

2.1. Theoretical framework

Based on scholars' perspectives, conflict is a natural and unavoidable part of human existence Francis (2006).²⁰ Conflict always exists and is inevitable as long as human beings live together and common to every society and hence, they are used to developing their conflict resolution mechanisms based on their own societal cultural norms and values. Thus, the concepts of conflict are also defined by different scholars with respect to their understanding of inevitability which could be as differ as society's have in their culture and norms.²¹ Conflicts occur between or among the community due to various factors and among these factors, such issues as loss of access to key resources, insecurity and of course, the weakening of the indigenous conflict resolution mechanisms in the given community, are important²²

Conflict has many roots and may occur due to basic human instincts, the ambition to acquire scarce resources and power, and as well as due to the historical background and development of the society concerned. Irrespective of these factors, conflict can be clearly identified by its unique historical context. i.e. the history of the people who are participants in a conflict, of the systems in which the conflict is occurring, and the influential factors for the occurrence of the conflicts.²³ Although the term conflict often has negative values when the outcomes are a zero-sum game (no-one benefits) attached to it, rather than a positive sum-game (everyone benefits), it can be positive because it plays the act of a catalyst for change, it encourages government to become more efficient, flaws in the set-up of institutions and allows society to function efficiently by resolving small conflicts often. Thus, given the right context, conflict is dynamic and is a fundamental societal need.²⁴

²⁰ Yonas Berehe. 2022. An Assessment of Indigenous Conflict Resolution Mechanism of Mezard in Rural Alamata Woreda, Tigray National Regional State, Ethiopia at:- <https://www.grin.com> > document

²¹ Cletus A Dr. Lanshima Nigerian Army University Biu. 2016. Supra note 10

²² Mohammed Mussa1, Habtamu Tekal and Ahmed Aliye. 2017. Indigenous conflict management and resolution mechanisms on rangelands in pastoral areas, Ethiopia, journal of African Studies, At: <https://www.researchgate.net> > ... > African Studies.

²³ Bernard S. Mayer. 2000. The Dynamics of Conflict Resolution, A Practioner's Guide.- Publisher: John Wiley & Sons, USA)²

²⁴ Centre for the Economics and Management of Aquatic Resources. 2002. Supra note 18

In general, conflict is an inescapable part of our daily lives, an inevitable result of our highly complex, competitive, and often litigious society.²⁵

Thus, conflict is not a new social phenomenon in the history of mankind. Hence, there is a need for a constant search for all means of resolving conflicts including indigenous conflict resolution mechanisms²⁶

Conflict resolution can be defined as the informal or formal process that two or more parties use to find a peaceful solution to their dispute.²⁷

Hence the process to handle such conflicts should be seen from the perspectives of the socio-economic and historical background of the community itself.²⁸ Since conflict is one of the existed challenges in the history of mankind, knowing its magnitude and the extent to which it occurs, may prevent further escalation²⁹

Thus, obviously, to bring the required sustainable peace, long term conflict resolutions require the commitment of all actors including the government to set a conducive atmosphere that enable alternative mechanisms, such as indigenous conflict mechanisms, found in each community.³⁰ Different types of conflict resolution mechanisms can apply at all stages of conflicts, in a constructive way and may secure peace between or among the conflicting parties. Thus, it could be possible to put as a general conclusion that conflict can be managed before it occurs and further precautionary measures can be taken by the concerned bodies or the community itself.³¹

²⁵ Dudley Weeks 1994. the 8th essential steps to conflict resolution :- preserving relations at work, at home and in the community , a book at :- <https://ombuds.columbia.edu/content/eight...>

²⁶ Daniel Mekonnen. 2016. Major Features of Indigenous Conflict Resolution Mechanisms In Ethiopia, *College of Social Science, Debre Markos University*, International Journal of Arts Humanities and Social Sciences (IJAHSS) Volume X Issue X I

²⁷ What is Conflict Resolution, and How Does It Work? – PONat:_ <https://www.pon.harvard.edu> › daily › what-is-conflict-..

²⁸ Alfonso Peter Castro, Kreg Ettenger.1996. Indigenous Knowledge and Conflict management: exploring local perspectives and mechanisms for dealing with community forestry disputes, a case study , Anthropology Department Syracuse University Syracuse,NewYork,USA13244,at:Fao.Org<https://www.fao.org> ›

²⁹ Alula Pankhurst and Getachew Assefa (eds .). 2008, Supra note 6

³⁰ Mohammed Mussa1, Habtamu Tekal and Ahmed Aliye. 2017. , Supra note 22

³¹ Bercovitch, Jacob, Victor Kremenyuk and William Zartman (Eds.) 2009. The Evolution of Conflict Resolution, the Sage Handbook of Conflict at [://www.maxwell.syr.edu](http://www.maxwell.syr.edu) › parec › publications

In Africa, indigenous conflict resolution mechanisms involve elders, chiefs, priests, priestesses' secret cults etc. and these mechanisms have also been considered as a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals i.e. it has a win-lose character and produces a zero sum situation. These mechanisms have different levels, where different phases of conflict resolution take place at the inter-personal or family level, the extended family level and village or town level.³²

Indigenous conflict resolution in Africa takes different forms and are usually embedded in African customary laws and reflect norms and values. It involves the use of council of elders who act as third parties in the processing of conflicts that exists at different levels right from the family through the clan and to the community levels.³³

State and governments have a major responsibility to manage conflicts since one of the basic objectives of any government is protecting the sovereignty of the country from any aggression and secure the citizens life. However, this requires a joint/inter-governmental collaborative mechanism. i.e. it should include those mechanisms in a respective community in line with the usual government legal procedures³⁴

Indigenous conflict resolution mechanisms require a continuous participation from the respective community and are directly relevant for facilitating the restoration of the previous relationships between or among conflicting parties. The people in the community might get an immediate and meaningful solution to the existing conflict. Hence, members of the community feel a sense of belongingness as to the process undertaken and such mechanisms might, therefore, offer a sustainable peace to the community. However, these mechanisms have their own problems, such as lack of appropriate and effective enforcement acts, lack of recognition by the government bodies, and the absence of a policy and legal framework.³⁵

³² Ajayi, Adeyinka Theresa and Buhari, Lateef Oluwafemi.2001. Methods of Conflict Resolution in African Traditional Society, African Research Review, an International Multidisciplinary Journal, Ethiopia ,at:- <https://pdfs.semanticscholar.org/8595/29a0bdbcf...>

³³ David Naya Zuurel *, George Hikah Benson2 , Adams S. Achanson3(2020):- Indigenous Conflict Resolution and the Protection of Human Rights among the Talensi of Ghana, East African Journal of Education and Social Sciences

³⁴ Alemayehu Fentaw.2009. Conflict Management in the Ethiopian Multi-national Federation, Submitted to the European University Center for Peace Studies in Partial Fulfilment of the Requirements for the Master of Arts in Peace and Conflict Studies, Stadtschlaining, Austria

³⁵ Ajanaw Alemie & Hone Mandefro .2018. Supra note 1

Some scholars categorize dispute settlement mechanisms in to two: -

“violent and peaceful. Regarding the peaceful settlement mechanisms, negotiation, mediation, arbitration, adjudication, conciliation, can be mentioned whereas among the violent mechanisms of dispute settlement, war, self-help and duel are the major actions resolving the existed conflicts³⁶”

Others also states that, one of the categories of indigenous conflict resolution mechanisms is peaceful dispute settlement, which consists of negotiation, mediation, arbitration, adjudication, avoidance and burying the disputes in a symbolic process. These offer alternatives and are opposite to the violent mechanisms of dispute settlement which include war, self-help and duel , as indicated in Fig. 2. Hence, in the context of this study, since in Ethiopia, various ethnic groups have their own peaceful indigenous conflict resolution mechanisms, the researcher has focused on the peaceful dispute settlement institutions of the Oromo and Amhara people in Atay city. Among these peaceful dispute settlement institutions, negotiation is one which involves the concerned parties to identify and discuss the issues at hand to arrive at a mutually acceptable solution without the help of a third party.³⁷ According to different scholars, negotiation is the process whereby different parties who are engaged in conflict about different issues, such as scarce resources, or the delimitation of border areas attempt to find a mutually acceptable solution for the existing conflict. Negotiation may be facilitated by a third party where the third party helps, the conflict parties to reach a mutually satisfying agreement.³⁸

Another peaceful means of dispute settlement is mediation. It is a peaceful method where the conflicting parties are engaged in getting solutions to the conflict by reaching an agreement with the assistance of a third party. Its goal is for a neutral third party to help disputants come to a consensus on their own.³⁹

³⁶ Zerihun Abebe. 2020. Review article on Conflict and Conflict Resolution Mechanisms in Africa, Focusing on Ethiopia, Wollega University, Nekemte, Ethiopia at <https://www.longdom.org/open-access-pdfs/review->

³⁷ Ajanaw Alemie & Hone Mandefro 2018. Supra note 1

³⁸ Emanuel remi Aiyede 2006. Theories in Conflict Management, Publisher: National Open University of Nigeria, University of Ibada at: - <https://www.researchgate.net/publication/303018083..>

³⁹ Zerihun Abebe. 2020. Supra note 36

Mediators would also provide to the conflicting parties, sustainable, voluntary, and nonbinding support.⁴⁰

Mediation, according to Moore (1996:1), is:

“The intervention in a negotiation or conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute.”

Goodpaster, (1997:203-04) sees mediation as:

“a problem-solving negotiation process, in which an outside, impartial neutral party works with disputants to assist them to reach a satisfactory negotiated agreement. Unlike judges or arbitrators, mediators have no authority to decide the dispute between the parties; instead, the parties empower the mediator to help them resolve the issue between them.”⁴¹

Arbitration is another peaceful way of conflict resolution and is practiced in different societies⁴²

In arbitration, a neutral third party serves as a judge who is responsible for resolving the dispute i.e they first try to argue the case and present relevant evidence, and hence, come up with a binding decision on the conflict.⁴³ Arbitration has also been defined by other scholars, as a procedure for resolving conflicts where by the conflicting parties set a final binding agreement made by the decision of the arbitrator.⁴⁴ Conciliation is another non-violent dispute settlement mechanism practiced in different societies. It is a process in which a third party, called a conciliator, restores damaged relationships between disputing parties by bringing them together, clarifying perceptions, and pointing out misperceptions.⁴⁵

⁴⁰ Pon Staff. 2020.What are the Three Basic Types of Dispute Resolution? Harvard Law School, published , <https://www.pon.harvard.edu › daily › dispute-resolution>

⁴¹ Emanuel remi Aiyede .2006. Supra note 38

⁴² Zerihun Abebe. 2020. Supra note 36

⁴³ Pon Staff. 2020. Supra note 40

⁴⁴ Emanuel remi Aiyede .2006. Supra note 38

⁴⁵ Zerihun Abebe. 2020 . Supra note 36

Litigation is still another and familiar type of dispute resolution mechanism where by civil litigation typically involves a perpetrator facing a litigant before a judge. In general, since such mechanisms have also practiced in different parts of African countries, among the peaceful dispute settlement mechanisms, arbitration has been often applied in traditional African communities where by a neutral third party serves as a judge who is responsible for resolving the dispute and for making binding judgments which is almost similar with most mechanisms in Ethiopia⁴⁶

In addition to the peaceful dispute settlement mechanisms, there are different approaches/ methods to conflict resolution mechanisms, such as:- the judicial approach ,the power –politics approach and the conciliatory approach. The judicial approach entails conflict management within a legal framework and is purely legalistic and based on legal procedure. On the other hand, the power –politics approach includes a situation in which the third party takes the initiative to manage a conflict out of concern (personal) for realizing its own broader strategic interests rather than the interest of the parties to the conflict. And, finally, the conciliatory approach involves a process in which the third party tries to bring the parties to a certain agreement to fill the gap which makes them to separate and set peace for both conflicting parties.⁴⁷

From general perspectives, understanding the process of conflict resolution helps to highlight the formation and structure of conflicts themselves. However, conflict resolution mechanisms have their own stages to give last long solution in due processes. Hence, a scholar like Galtung (1971, 1976) identified three key stages of conflict resolution such as peacemaking, peace keeping and peace building. Peace-making (conflict resolution) implies the first tentative steps, and a form of peace has been achieved and effort is now required to keep it. Whereas, peace-keeping (the dissociative approach) by which the two sides to the conflict withdraw from the arena; peace building (the associative approach) where cooperation is developed. i.e. peace building suggests the final step where cooperation and relationship between the two sides has to be engendered.⁴⁸

⁴⁶ Pon Staff. 2020. Supra note 40

⁴⁷ Emanuel remi Aiyede .2006. Supra note 38

⁴⁸ Centre for the Economics and Management of Aquatic Resources. 2002. supra note 18

Hence, for this research, if the government had been working with the existed indigenous mechanisms, it would have been suggested that, Peace-making (conflict resolution) would be preferable which implies the first tentative steps, and a form of peace has been achieved and effort is now required to keep it.

With different reasons where most of the community in Ethiopia are lived in rural areas, leads to the possibility for lack of access to justice in line with absence of many infrastructural setups. In this regard, this inefficiency of the state legal systems should not make alternative institutions of conflict resolution indispensable. Rather, the traditional institutions in the country have responded to this urgent need and are covering a wide geographical area.⁴⁹ These mechanisms have the capacity to restore harmony within the community when dispute has arisen. Consequently, disputants can live in peace and cooperation family.⁵⁰ On the other hand, scholars suggested that, conflict resolution, in theoretical terms, is different from the general category of conflict management which includes efforts and interventions to limit, contain, or negate conflict.⁵¹

However, in the process of resolving conflicts, irrespective of these mechanisms, other bodies including governments should also participate in this process, although their form of intervention can also vary. Such types of government intervention include: preventive or pre-emptive intervention which focuses on the situation before the outbreak of a conflict. This form of intervention is, as some scholars have argued, the most effective way of dealing with internal conflicts since it takes place early before the violence becomes severe. Another form is curative intervention which aims at the solution, limitation, control or regulation of an existing conflict.⁵²

⁴⁹ Meron Zeleke(Ass. Prof.) .2010. Supra note 14

⁵⁰ Haftom Halafi .2009. Indigeneious conflict resolution mechanism in the Horn Ethiopia Political Science & Strategic Studies Master: on the field of Peace and Conflict Studies Mekele University at :-<https://www.academia.edu> > Indigeneious_conflict_reso...

⁵¹ Cletus A Dr. Lanshima Nigerian Army University Biu. 2016. Supra note 10

⁵² Emanuel remi Aiyede . 2006. Supra note 38

2.1.1. Theories of conflict resolution mechanisms

Conflict theory is rooted in the idea that conflict naturally exists among groups as they compete for resources and power. Assumptions of conflict theory include competition, structural inequality, revolution and war.⁵³ Theories of conflict are broadly classified into two as traditional and contemporary where the former is based on the assumption that conflicts are bad, are caused by trouble makers, and should be subdued. And the latter, the contemporary theory recognizes that conflicts between human beings are unavoidable.⁵⁴ Conflict resolution theory guides the informal or formal process that two or more parties use to find a peaceful solution to their dispute.⁵⁵ Generally, today the global conflict resolution strategies in both the traditional and modern systems primarily follow three approaches such as the win-lose approach which is the most common, and in its strategy, force the other side to capitulate. The other approach is the lose-lose approach which is illustrated as either smoothing over the conflict or compromising the interests of parties used to practice. And finally, the win-win approach, which is a conscious and systematic attempt to maximize the goals of both parties through collaborative problem-solving.⁵⁶

In addition to these approaches, this study has tried to assess one theory called The Human Needs Theory which operates on the premise that all humans have basic needs which they seek to fulfill, and that the denial and frustration of these needs by other groups or individuals could affect them immediately or later. The theory, therefore, holds that a pre-condition for effective resolution of conflict is the recognition and respect for some basic needs of the disputants. This theory requires that the resolution of any conflict must be done in a manner that would ultimately ensure that disputants feel that their respective basic needs are met at the end of the process. However, since human needs are varied and complex, therefore, the people who facilitate the process of resolving conflicts must be tactical enough to identify the specific needs desired by disputing parties over which the dispute emerged.⁵⁷

⁵³ Indigenous Systems of Conflict Resolution in Oromia, Ethiopia <https://www.researchgate.net/publication/259487578...>

⁵⁴ Theory of conflict management <http://www.nzdl.org/cgi-bin/library>

⁵⁵ What is Conflict Resolution Theory? – PON_at :_https://www.pon.harvard.edu/tag/conflict-resolution...

⁵⁶ Heron Gezahegn Gebretsadik .2022. Supra note 8

⁵⁷ David Naya Zuurel *, George Hikah Benson2 , Adams S. Achanson3 2020. Indigenous Conflict Resolution and the Protection of Human Rights among the Talensi of Ghana, East African Journal of Education and Social Sciences

2.1.1.1. Criticisms on theories of conflict resolution mechanisms

Basically, indigenous conflict resolution mechanisms have their own short comings with regard to being as a mechanism for social control and lack a reasoned justification that arises out of any broad concept of conflict. Similar to formal law, it is embedded in individualism and, consequently, the fundamental principle of individual responsibility is seen as the cause of the conflict.⁵⁸

Most of the time, in most Customary Dispute Resolution (CDR) mechanisms of Ethiopia, women are not treated equally or may also pass decisions which are against the interests of women.⁵⁹

A new generation of critical theorists assume that conflict resolution should have been originated from the assumptions of social order starting with its sources.⁶⁰

Moreover, such mechanisms as an institution, may not reflect the specific needs, rights and interests of children and young persons, who are often treated the same as adults. These institutions sometimes exclude the participation of minority groups, such as occupational craftworkers or clans that are considered inferior. Noncompliance with the human rights standards is another criticism i.e. since these institutions operate on the basis of their own laws and procedures. These may differ significantly from those written and passed by the legislative bodies. Thus, individuals may find themselves convicted of a crime that is unknown to law or subject to a consequence that is not supported by the formal legal system.⁶¹

⁵⁸ Conflict Resolution and a Critique of "Alternative Dispute ...at:- <https://www.ojp.gov> › ncjrs › virtual-library › abstracts

⁵⁹ Endalew Lijalem Enyew .2014 . Ethiopian customary dispute resolution mechanisms: Forms of restorative justice?

⁶⁰ Marta Martinelli Quille. 2000 .A Response to Recent Critiques of Conflict Resolution at:-<https://ciaotest.cc.columbia.edu> › wps ›Copenhagen Peace Research Institute

⁶¹ Getachew Assefa and Alula Pankhurst. 2008. Facing the Challenges of Customary Dispute Resolution ...<https://books.openedition.org> › cfee

There are a large number of ethnic groups in Ethiopia and most of them have their own specific CDR institutions, i.e. there exists lack of uniformity. There are significant differences between these systems. Thus, the justice received may be dependent upon ethnicity and locality and not solely upon the issues or matters in dispute. This can give rise to different verdicts about the same offence or the same verdicts for different offences resulting in lack of consistency and potentially unfair judgments.⁶²

2.1.2. A human right–based approach to conflict resolution

The issues of human rights and indigenous conflict resolution have been traditionally perceived as two separate fields, with contradictory principles and conflicting approaches toward achieving peace. However, they are more integrative and a human rights perspective can enrich the theory and practice of conflict resolution. It clarifies the main characteristics of a human rights approach to conflict resolution and identifies a set of human rights standards guiding its implementation: a normative legal framework; structural conditions for peace; participation and inclusion; and accountability and redress.⁶³

Human rights violations are often the root causes of conflict and insecurity which, in turn, invariably result in further violations of human rights. As such, action to protect and promote human rights has inherent preventive power, while rights-based approaches to peace and security bring this power to efforts for prevention and sustainable peace. However, the system can also serve to reduce the risk of violence and conflict by ensuring that the drivers and triggers of conflict are tackled early on. Thus, human rights are most powerful for conflict prevention when all human rights are protected, respected and fulfilled.⁶⁴

⁶² Getachew Assefa and Alula Pankhurst. 2008. Supra note 61

⁶³ A Human Rights Approach to Conflict Resolutionat . 2019. at <https://www.cambridge.org/core/journals/ethics-and-...>

⁶⁴ OHCHR .2017. Human rights, prevention of conflict or crisis and ...at:- [https://www.ohchr.org/en/prevention-and-early...](https://www.ohchr.org/en/prevention-and-early-...)

A human rights-based approach takes its starting point in the values and principles underpinning the UN human rights conventions; non-discrimination, participation, accountability and transparency. An important key element in a human rights-based approach is the focus on empowerment and capacity development of rights holders and duty bearers. Thus, conflict resolution and human rights are inseparable when it comes to the well-being of human communities. Both are underlying ingredients to bringing about lasting peace. Neither can stand alone nor bring about tranquility of order. Thus, they are mutually inclusive.⁶⁵ Basically, human rights-based approaches have mainly four characteristics. First, the realization of human rights as protected in the Universal Declaration of Human Rights (UDHR)⁶⁶ and international treaties. Second, aiming to develop the capacities of rights holders to claim their rights and of duty bearers to meet their obligations to respect, protect, and fulfill these rights. Third, the inclusiveness of human rights principles such as the universality, inalienability, indivisibility, interdependence, and interrelatedness of human rights; equality and nondiscrimination; participation and inclusion; and accountability and the rule of law. Fourth, emphasizing human rights norms were created precisely to protect weak and vulnerable individuals and groups from the abuse of the state or other potentially exploitative actors⁶⁷

In general, these approaches which are under any circumstances when a human rights issues or any other socio-economic and political activities are undertaken by the government bodies, it should be inclusive with rights based approach and hence these characteristics referred also in the situation for conflict resolution , too, and integrate international human rights and humanitarian law norms with the processes of humanitarian intervention and development in any circumstances for violation of human rights. Moreover, they involve many actors and stakeholders (state and non-state) and must be addressed within the context of the prevailing political, legal, social and cultural norms and values in a country or community.⁶⁸

⁶⁵ When Human Rights and Conflict Resolution Clash .2022. Can Both at:- <https://www.beyondintractability.org/casestudy> ›

⁶⁶ Universal Declaration of Human Rights - the United Nations at:- <https://www.un.org/about-us/universal-declaration-of-human-rights> ›

⁶⁷ Claudia Fuentes-Julio and Raslan Ibrahim .2019.A Human Rights Approach to Conflict Resolution, <https://www.ethicsandinternationalaffairs.org/2019/a...>, ELA(Ethics and International Affairs) , Cambridge University Press.

⁶⁸ Rights-based approach .2013. <https://www.endvawnow.org/articles/1498-rights-based-approach> ›

The humanitarian law approach is concerned with the conduct of war and the protection of civilians during armed conflict. For human rights and conflict resolution to complement each other, it is important not to focus solely on respect for human rights while ignoring the need to end violent conflict⁶⁹ As such, human rights norms can provide a useful and acceptable set of principles and patterns to follow during the different phases of conflict and can also play an important role in guaranteeing pre-negotiation agreements and de-escalating hostilities by providing reassurances and guarantees to disputing parties.⁷⁰

Michelle Parlevliet, suggested that : *‘human rights are both symptoms and causes of conflict where by the visibility of a certain things occurred in a society would reflect to the apparent violations of human rights whereas the causes of violence that are not visible, as such, refers the structures in the society or governance that results in human rights violations. Hence, the relationship between conflict and human rights would be revealed on both ways i.e. the violation of human rights are both the symptoms and causes of a violation ‘.*⁷¹

Thus, from the scholars' views, human rights violations can be caused in two ways, that due to any sorts of violations, since loss of life and damages of properties could occur, and at the same time the rights of the people would be violated. on the other hand, in the struggle for achieving human rights or the rights of the people, people might involve in conflict and many people might again loss their life, hence, in this respect, conflict automatically occur between or among the conflicting parties who fought for their freedom and the governing bodies who did not give the rights of the people who became against of the government.⁷²

⁶⁹ J Mertus, J Helsing .2006. Exploring the intersection between Human Rights and Conflict Exploring the Intersection between Human Rights and Conflict <https://gsdrc.org/document-library/exploring-the-int...>

⁷⁰ Claudia Fuentes-Julio and Raslan Ibrahim .2019. Supra note 67

⁷¹ Kalpalata Dutta. 2020. Relationship Between Conflict and Human Rights, Asian Institute for Human Rights (AIHR) at:- <https://www.aihrhre.org/conflict-and-human-rights>

⁷² Human Rights & Peacebuilding Processes <http://www.peacebuildinginitiative.org/index9013>

The role of human rights abuses in the causes, dynamics, and consequences of conflict illustrate the importance of a human rights approach to conflict resolution: if human rights are part of the problem, they must be part of the solution.⁷³

Human rights advocates believe that there can be no peace without justice and accountability. For these advocates, it is impossible to end violence and attain a workable peace agreement without addressing issues of human rights violations and crimes committed during conflicts. These groups see violations of human rights as causes of conflict. Therefore, if issues of human rights are not addressed alongside efforts to resolve the conflict, then there is a high probability the conflict will erupt again. Ending conflict without providing justice cannot be sustained and eventually fails. Therefore, for human rights advocates, failure to address human rights violations parallel to any sorts of resolution for conflicts, obstructs peace-making and conflict prevention efforts. Hence, the customary dispute resolution mechanisms of Ethiopia, no doubt, are compatible with the values and principles of restorative justice.⁷⁴

2.1.3. The issues of policies

Currently, the public participation concern is becoming as mandatory to any government procedures and law-making enactment which refers as a new approach that emphasize two-way interaction between decision makers and the public as well as deliberation among participants. In these aspects, the activities of indigenous conflict resolution mechanisms have also their own contribution for any government activities and shall put as a procedure to be applicable whenever conflict occurred. Thus, in addition to setting the possibility of customary laws shall be implemented in line with legal procedures, as stated in the constitution, of 1995, it would rather advantageous by formulating a policy for customary laws for in acting at each level in accordance with the nature of the conflict and the respective societal norms and cultural heritages. And hence, it would be very easy to follow the same or common procedures for different level of conflicts with a respective culture and norms of any society.⁷⁵

⁷³ Claudia Fuentes-Julio and Raslan Ibrahim 2019.supra note 67

⁷⁴ When Human Rights and Conflict Resolution Clash .2022.Can Both ...<https://www.beyondintractability.org/casestudy/whe...>

⁷⁵ Dispute Resolution of Public Policy makers - Brandon University at :- <https://www.brandonu.ca/rdi/files/2015/09>

2.2. Empirical frame work

Many studies have indicated that, indigenous conflict resolution mechanisms would be more effective than the modern ones, they are less complex, save time, money and energy and give chances for parties to actively participate in the solving of problems. Thus, these mechanisms, typically incorporate consensus building based on open discussions to exchange information and clarify issues to resolve the existing individual and group problems in a community.⁷⁶ These mechanisms emphasize conflict processes that generate solutions yielding some mutual gains for the opposing sides.⁷⁷

Moreover, they also allow conflicting parties to work cooperatively by minimizing their gap in a productive way that does not demolish their relationship and often generates community focused results that impact positively on the entire social relationship. Basically, these mechanisms originate from the community itself and are also simple and easy to realize. Besides, solutions are provided to the society without affecting the needs of these societies and the victims and the possible options for the accused to appeal on the decision passed⁷⁸

Since in Africans today, especially in the Horn of Africa, including Ethiopia, conflicts were caused by boundary demarcation and power struggles between the leaders and regional lords.⁷⁹, in order to resolve the conflict, most of the mechanisms popularly known as indigenous conflict resolution mechanisms are being used with respect to the nature of cultural norms and heritages of the society, and most of these mechanisms resembled modern day mechanisms such as negotiation, mediation, reconciliation and arbitration.⁸⁰

⁷⁶ Zigale Tamir Tenaw.2016. Indigenous institutions as an alternative conflict resolution mechanism in eastern Ethiopia, the case of the Ittu Oromo and Issa Somali clans , journal article , accord publisher at: <https://www.accord.org.za> › AJCRs

⁷⁷ Louis Kriesberg.2009. Bercovitch, Jacob, Victor Kremenyuk and I. William Zartman (Eds.), The Evolution of Conflict Resolution, Springer, Cham publisher, at: <https://www.maxwell.syr.edu> › parcc › publications

⁷⁸ Y Bamlak.2013. Assessment of Indigenous Conflict Resolution Systems and Practices: Implications for Socio-Economic Development, a Survey of Simada Woreda, Amhara Region, Ethiopia at : <https://opendocs.ids.ac.uk> › opendocs › bitstream

⁷⁹ Zelalem Muchie & Endalcachew Bayeh 2014. Supra note 16

⁸⁰ Kariuki Muigua .2017. Traditional Conflict Resolution Mechanisms and Institutions <http://kmco.co.ke> › uploads › 2018/08 › Traditio...

In Ethiopia, the customary dispute resolution mechanisms function on the basis of local customary practices or cultural norms, unlike the judges of the formal legal system who are appointed by the state on the basis of their knowledge of state laws, customary dispute resolution mechanisms are handled by elders, who are associated with the cultural norms and beliefs of the peoples, and gain their legitimacy from the community values instead of the state. These mechanisms also involve at restoring the previous peaceful relationship within the community as well as maintaining their future peaceful relationships.⁸¹ However, these mechanisms and their end results are sometimes open to abuse.⁸² since customary laws may not be implemented by the government as it is stated in the 1995 constitution of FDRE and hence this would be considered as a challenge at present time.⁸³

These mechanisms are widespread and found almost everywhere throughout the country and have worked historically in the absence of the state justice system as well as where it exists in the past and the present. The most common indigenous conflict resolution mechanisms are the Gadaa in the Oromo and Shimagelle in the Amhara ethnic groups which jointly constitute nearly twothirds of the total population in Ethiopia.⁸⁴

The Oromo are a Cushitic-speaking ethnic group in East Africa and live in Ethiopia and Kenya . They are composed of Christians, indigenous religious followers (*Waaqeffataa*), and Muslims. They practice the Gadaa system and indigenous practices of the socio-political age-grade system that leaders succeed each other every 8 years. The Gadaa system incorporates also embedded in itself post-conflict reactive mechanisms such as *jaarsummaa* (Araaraa), *Siiqqee*, *Gumaa*, and *Qaalluu* to ensure peace. The Gadaa law-making bodies gather under the sycamore tree called *Odaa* and make laws. These gadaa leaders are elected on the basis of wisdom, bravery, health and physical fitness. However, slight differences are observed among the Oromo communities across Oromia in the way they practice gadaa.⁸⁵

⁸¹ Endalew Lijalem Enyew 2014 .Supra note 59

⁸² Alfonso Peter Castro, Kreg Ettenger. 1996 ,Supra note 28

⁸³ Zigale Tamir Tenaw.2016, Supra note 76

⁸⁴ Heron Gezahegn Gebretsadik 2022. Supra note 8

⁸⁵ Awulachew,Gupta,etal.. 2005. Indigenous systems of conflict resolution in Oromia, Ethiopia, International Water Management Institute (IWMI), ILRI-Ethiopia campus, Addis Ababa, Ethiopia, and Asian Institute of Technology, School of Civil Engineering, Pathumthani, Thailand<https://publications.iwmi.org> › pdf

In Oromo society, although women do not directly participate in conflict resolution mechanisms, there was a way that allows women to participate in some conflict resolution activities and influence law making and election. Among the Oromo people, there are about four widely used and practiced indigenous conflict resolution mechanisms:

- ‘‘ 1. *Ilafi Ilamee* mechanism (negotiation or compromising mechanisms),
2. *Jarsumma* mechanism (reconciliation administered by the community elders);
3. *Gada* system mechanisms (judicial, administrative and political mechanisms) and
4. *Waqefanna* system mechanism (religious adjudication).’⁸⁶

These Oromo indigenous conflict mechanisms are popular and they are widely used in almost all areas of the Oromia regional state and they have different advantages but seem common to all types of indigenous conflict resolution mechanisms. However, in most cases, scholars put their own remarks about the extent to which these mechanisms to be recognized, revitalized and empowered and use them as alternative for conflict prevention, mitigation, and resolution.⁸⁷

On the other hand, Amhara region state is located in the northern and northwestern parts of Ethiopia. It shares borders with the regional states of Oromia, Afar, Benishangul, and Tigray. It also borders Sudan. The capital of the Amhara regional state is Bahir Dar, which is 565 kilometers from Addis Ababa. Customary dispute resolution mechanisms are used in the Amhara regional state to resolve disputes between individuals and groups. The most prominent and traditional institution of the Amhara in resolving conflict was *shimiglina* (elder of the land) by which the service of third party is used as a means of helping the conflicting parties to reduce the extent of their differences and disagreements to arrive at an harmonious settlement.⁸⁸

The ‘‘ *shimiglina* ‘‘ is the most common form of dispute resolution throughout the Amhara region. It operates at a local community level, which involves elders known as ‘‘*shimagillé* ‘‘ who play a key role in mediation.⁸⁹ i.e. it is a mechanism through which conflicting parties resolve disputes outside of the ‘modern’ court⁹⁰

⁸⁶ Ajanaw Alemie & Hone Mandefro 2018. Supra note 1

⁸⁷ Y Bamlak.2013, S upra note 78

⁸⁸ Zelalem Muchie & Endalcachew Bayeh 2014. Supra note 16

⁸⁹ Heron Gezahegn Gebretsadik 2022 .supra note 8

⁹⁰ Wondyrad Asmamaw 2014. Supra note 7

Many people in the Amhara regional state use indigenous conflict resolution mechanisms, because it is preferable and mostly common to all the region due to its accessibility, low cost, and trust. This mechanism engages different members of the community such as elders and religious people, clan leaders, known individuals etc. These respected members of the community are likely to evaluate the evidence of the conflicting parties and formulate their decisions based on existing norms and values of the society.⁹¹

Thus, the current government of Ethiopia has to take the initiative to create synergy between *shimglina* and the formal criminal justice system so as to handle the currently acute social problem in the area where the two people are used to live together for many years.⁹²

As a result, different scholars confirmed that, *shimglina* is characterized by win-win approach, while the formal legal system, in contrast, is like a zero-sum game.⁹³

2.3. Conceptual frame works

The indigenous conflict resolution mechanisms could be applicable to all kinds of conflicts from the basic to the higher-level ones. These mechanisms are also unique in their nature since they originate from the community itself and they are very simple and easy to realize. Moreover, any remedies for the conflict are provided without affecting the needs of these societies. These mechanisms are also unique with respect to the participants since different elders, and known individuals in the community, religious people, clan leaders etc, are supposed to participate. These community members have a higher social status and indeed are expected to activate the whole process through open discussions between the conflicting parties.

⁹¹ Y Bamlak.2013, Supra note 78

⁹² Gubaye Assaye,Kumelachew Siferaw, Abebe Dires , Mohamed Seid .2021.The nexus between *shimglina* as ADR and the formal criminal ...<https://www.accord.org.za> > AJCRs

⁹³ Wondyrad Asmamaw 2014. Supra note 7

The other characteristics of indigenous conflict resolution mechanisms are that they are applicable to all stages of conflicts and can be used for betterment of the community while securing a sustainable peace. Moreover, these mechanisms are also peaceful settlement mechanisms contrary to the ones usually applied by governments i.e. the violent mechanisms of dispute settlement as stated in the diagram below. (Fig. 2 Categories of indigenous conflict resolution mechanisms).

Hence, as per different scholars' proposition, the peaceful dispute settlement mechanisms, such as negotiation, mediation, arbitration, adjudication, conciliation, etc, are related with the indigenous conflict resolution mechanisms and are being practiced in different parts of the world, where like in Africa, ethnic communities are found and have different cultural and social ways of resolving conflicts.

While the violent dispute settlement mechanisms such as war, self-help and duel can be effective in resolving the existing conflicts, they entail the use of excessive force and are therefore, problematic from a human rights perspective. Indigenous conflict resolution mechanisms are in all cases, directly relevant for restoring, maintaining and strengthening community relationships.

Moreover, these mechanisms help to ensure peaceful, harmonious and cohesive relationships among community members, which are expected to facilitate the restoration of relationships among conflicting parties and facilitate a sense of community belongingness.

These mechanisms are not supposed to demolish community relationships and members of the community have the opportunity to participate and act as witnesses in the process of the ongoing decisions during such peaceful conflict settlement mechanisms and have an immediate solution since they are developed based on the cultural concepts, values, and procedures that are easily understood and accepted by the community itself.

As a result, they generate a sense of belonging to the processes involved. And of course, these mechanisms are more effective since they avoid delays. When we compare them with the modern conflict resolution mechanisms, the indigenous ones are better than the former since they are less complex, save time, money and energy and give chances for parties to actively participate in solving different problems in the community.

Although customary laws have been given official recognition like other laws as stated in the 1995 FDRE constitution, in practice, the government did not give adequate recognition to indigenous conflict resolution mechanisms in its legal frameworks apart from a brief statement in the Constitution and hence their functions and legal status are vague which has negatively impacted their effective application. Hence, in this contemporary world, indigenous conflict resolution mechanisms differ in several respects, and are also used for post-violence reconciliation, enhancing justice, and for establishing conflict management systems.

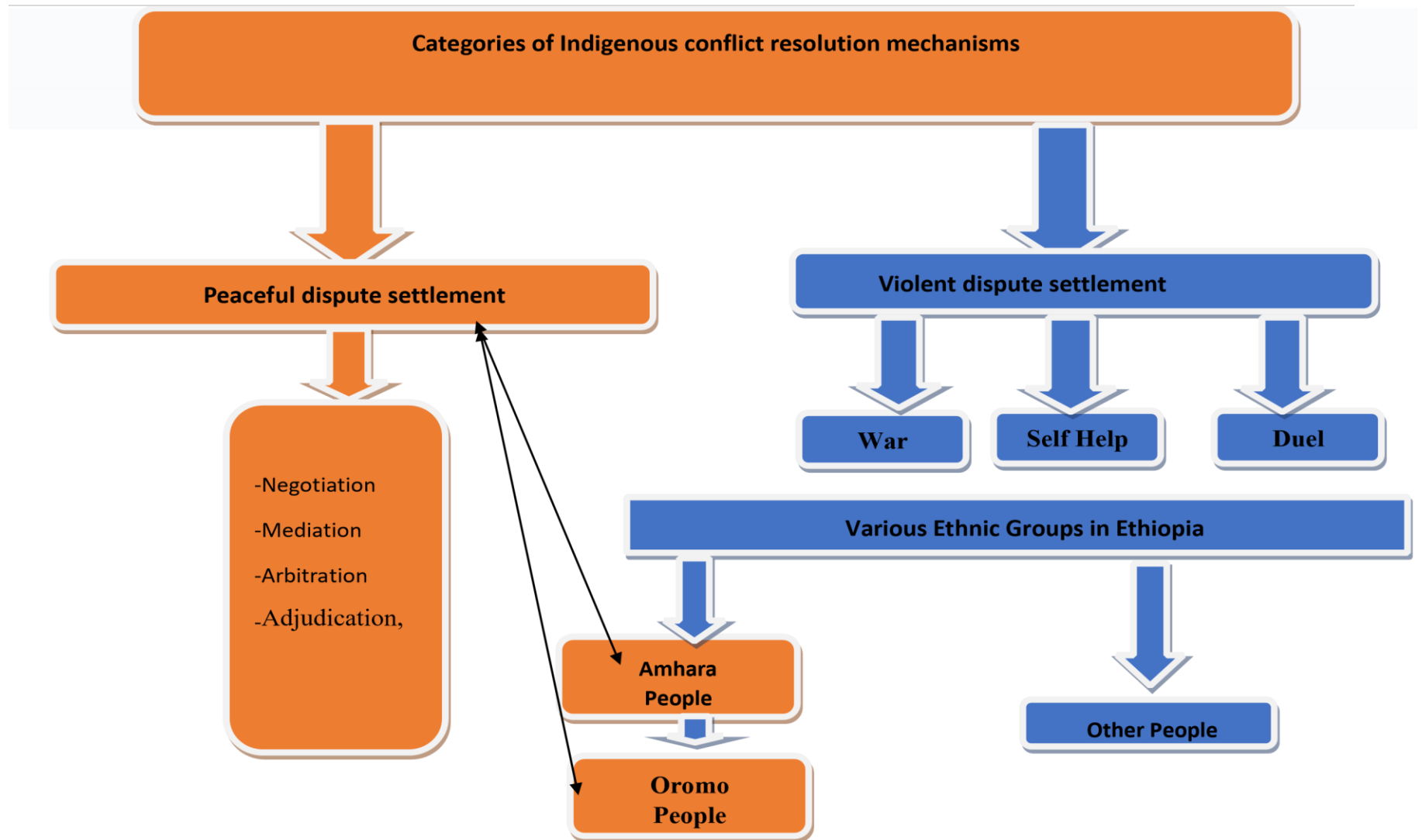
In general, in any circumstances, particularly in Ethiopia, although there are different indigenous conflict resolution mechanisms which are being practiced in accordance with the norms and values of each ethnic groups, they are in most cases not effectively utilized and acknowledged by the government for various reasons such as whenever and wherever, conflicts exist, immediately the government's different security forces, in the name of peace keeping, will be involved to resolve the conflict without consulting the existing local mechanisms.

By doing this, in many parts of the country, especially since 2018, when conflicts have flourished, the government forces have utilized excessive force on civilians. These acts of the government led to violation of human rights which could have been avoided if the government had also relied on the indigenous conflict resolution mechanisms to bring peace to the ethnic communities such as the Amhara and Oromo people, in the study area.

With respect to the study area, since the city of Atay is found in an area where the Amhara and Oromo people have been living in a neighborly manner for a long period of time, cases that bring conflict between them should rather be resolved using one of the stated traditional dispute settlement mechanisms as shown in (Fig.2) below , such as negotiation, mediation, arbitration, adjudication.

These mechanisms could have served both before and during the outbreak of the conflict. However, since 2018, after the new government has taken power, these indigenous conflict resolution mechanisms have not been used. All conflicts have been characterized by formal government intervention by using the usual legal procedures which, in fact, hinders these indigenous conflict resolution mechanisms to be effective. This has led to the use of excessive force by the government and indeed, generated human rights violations.

Fig. 2 Categories of indigenous conflict resolution mechanisms to be applicable in this research



2.4. The legal frame works

Customary law can be roughly defined as a body of rules which have been developed or evolved over time through the practice of specific communities or populations, and which are recognized by such communities or populations as having legal effect and has played a role in the development of legal systems and is recognized to varying extent by both common law and civil law systems.⁹⁴

Since Ethiopia is the home for various ethnic groups, indigenous conflict resolution mechanisms in Ethiopia are highly related to social values, norms and are deeply rooted in the custom, culture and tradition of various ethnic groups, which implies that they could play a big role in resolving conflicts. Almost all ethnic groups have developed their own mechanisms. Among these ethnic groups, the Oromo and Amhara people can be mentioned as they have developed their own mechanisms with certain peculiar features. These features consist of different aspects such as their own social values, norms and beliefs which are of course accepted among the respective communities for peaceful co-existence.⁹⁵

These mechanisms play a crucial role in supporting the formal court system by reducing case load in courts, easing shortage of judges, and reducing court budgets and are more applicable to the local context, culturally acceptable and morally binding mechanisms of conflict resolutions. However, there is still a lack of proper attention given to utilize these mechanisms, accordingly for human rights development, hence this study will try to indicate that, the indigenous conflict resolution mechanisms have a direct role in the protection of human rights and should get legal recognition and different procedures to be implemented as of other legal procedures.⁹⁶

⁹⁴ Brendan Tobin Dr..2008. the role of customary law in access and – WIPOat :- https://www.wipo.int › pdf › customary_law_abs_tk

⁹⁵ Daniel Mekonnen.2016, Supra note 26

⁹⁶ Y Bamlak.2013, Supra note 78

From its historical perspectives, conflict resolution mechanisms in Ethiopia can be broadly classified as formal conflict resolution mechanisms (state justice system) and indigenous conflict resolution mechanisms. The formal conflict resolution mechanism was introduced in Ethiopia in the 1960s, by subsequent laws issued by succeeding governments and intended to create a comprehensive set of laws, a modernization of the legal framework that would serve modern Ethiopia. Nonetheless, indigenous conflict resolution mechanisms are prevalent throughout the country at local level and it is the dominant justice system in the country ⁹⁷

However, these mechanisms are made by the people not by the state and derive their legitimacy from participation and consensus of the community and its recognition of the same by the government. Moreover, many of these mechanisms in Ethiopia do not have written law with respect to communality to be applicable in all areas with the same rules and procedures. Although this could be considered as a specific features of indigenous conflict resolution mechanisms, and not in a well-organized structure way in resolving conflict and to enforce decisions. Hence, this makes such mechanisms highly dependent on the consent of the disputants and on the customs, norms, and spiritual belief of the community for the execution of its Decision.⁹⁸

The absence of strong laws and policies related to the validity of these mechanisms and their affiliation with the formal justice system, the possibility of application of their authority are found to be serious challenges that need urgent attention by the government and policy makers. In Ethiopia, the relationship between state and customary law can be divided into three phases. The first phase, which can be situated during the imperial period from the 15th century till the early 20th century can be characterized within the realm of the Empire by the imperial reliance on reference to indigenized translated texts based on ‘imported’ biblical and Roman-Byzantine traditions with a strongly sacred flavor. ⁹⁹

⁹⁷ Alula Pankhurst and Getachew Assefa (eds .). 2008, Supra note 6

⁹⁸ Daniel Mekonnen. 2016, Supra note 26

⁹⁹ Ajanaw Alemie & Hone Mandefro 2018. Supra note 1

Later during the same Emperor's rule, a more elaborate law, The Fitha Negest was introduced into Ethiopia from the Coptic Church of Alexandria and was translated from Arabic into Ge'ez. The Fitha Negest was used as a law in both criminal and civil matters. However, The Fitha Negest and other written legal instruments were used in areas under the monarchical administration and therefore covered limited areas of the country among Christians, and people living in other areas had their cases adjudicated and disputes settled through customary institutions.¹⁰⁰

The second phase began with Emperor Haile Sellassie's modernizing drive from the early 1930s, pursued more vigorously after the Italian occupation especially in the mid -1950s and 1960s with the development of legal codes.¹⁰¹ i.e. the modern secular imported nation-building period under Emperor Haile Sellassie and embarked the drafting of the first Constitution of 1931. And more emphatically as of 1955 when the Constitution was revised.¹⁰²

Concerning the legitimacy of reconciliation, during the imperial period, its legitimacy had been incommensurable. This was basically because of the values, norms and customs of the society and the government had recognized and validated the indigenous mechanisms.¹⁰³ This second phase includes the Derg period which introduced a socialist orientation reflected in the 1987 Constitution of the People's Democratic Republic of Ethiopia (PDRE), drafted by the Institute for the Study of Ethiopian Nationalities in 1986.¹⁰⁴

During the *Derg* regime, though the reconciliation had not been supported by the public policy makings, the indigenous systems had a broad popular legitimacy.¹⁰⁵

¹⁰⁰ Muradu Abdoand Gebreyesus Abegaz. 2011. Customary Laws and Codes in Ethiopia - ETHIOPIAN LAW-INFOat :- <https://ethiopianlaw.weebly.com> › blog › customary-laws-

¹⁰¹ Ajanaw Alemie & Hone Mandefro 2018. Supra note 1

¹⁰² Muradu Abdoand Gebreyesus Abegaz 2011. Supra note 100

¹⁰³ Gubaye Assaye, Kumelachew Siferaw, Abebe Dires, Mohamed Said 2021. Supra note 92

¹⁰⁴ Muradu Abdoand Gebreyesus Abegaz 2011. Supra note 100

¹⁰⁵ Gubaye Assaye, Kumelachew Siferaw, Abebe Dires, Mohamed Seid 2021. Supra note 92

The third post-modern phase: -

*i.e. in the postmodern view there are no absolutes of any kind and there are no universal truths and such truth is relative.*¹⁰⁶

Ethnic federalist phase began with the defeat of the Derg in 1991 and is most clearly expressed in the 1995 Constitution¹⁰⁷ which is the new approach based on ethnic federalism under the EPRDF.¹⁰⁸ It represented a radical break from the centralist unitary past and was exceptional in the extent to which ethnicity was proposed as the organizing principle.¹⁰⁹

Hence, logically this premise implied a greater recognition of customary values. However, the indigenous conflict resolution mechanism depends on attaining “a win-win end and endeavors principally to settle the disagreeing parties, whereas the formal system considers and focuses on a zero-sum game wherein the winner takes all”.¹¹⁰ i.e. in the case of the former, at least both the disputants would be benefited from the decision made by the elders where as in the case of the later, any one of the disputants only beneficiary, one against of the other.

The 1995 Constitution of the Federal Democratic Republic of Ethiopia, however, reflects a direct bearing on how customary laws are recognized like other formal justice system. Moreover, the constitution, itself a product of the shift in paradigms of approaches to the complex nature of the Ethiopian society and its problems, has allowed a greater space for customary and religious laws and courts existing in the country.

It has been noted that, currently, the formal justice system and indigenous conflict resolution mechanisms operate simultaneously and in the same place with limited overt support or recognition of each other. The formal system officially ignores the existence of indigenous conflict resolution mechanisms or views them as irrelevant to the legal system and gives them no credence or legitimacy in areas other than those recognized by the Constitution.

¹⁰⁶ Postmodernism <https://www.qcc.cuny.edu> › ppecorino › ethics_text › P...

¹⁰⁷ FDRE constitution, 1995, supra note 3

¹⁰⁸ Muradu Abdoand Gebreyesus Abegaz 2011. Supra note 100

¹⁰⁹ Alula Pankhurst and Getachew Assefa (eds .). 2008, Supra note 6

¹¹⁰ Gubaye Assaye,Kumelachew Siferaw, Abebe Dires , Mohamed Said 2021. Supra note 92

Conversely, the indigenous conflict resolution mechanisms operate without regard to the claims of the formal system to jurisdiction or legitimacy. Each system has its own sphere of influence and sometimes client group and operates relatively successfully within it. Hence, in practice, the state has tended to rely on the formal justice system with limited attempts to involve customary institutions. i.e. misconception of the formal system often relies on customary institutions to deal with more simple and localized cases often relating to family matters.¹¹¹

Hence, the recognition of the mandate of credible customary institutions and their relationships and interactions with the formal judicial structure should be reconsidered to enhance local level justice delivery while ensuring the protection of human rights, notably those of women, children, and minorities.¹¹²

Thus, for this research, the researcher wants to assess whether these mechanisms were applied or not and their impacts that should have been considered, implemented and why not given due attention during the conflict between Oromo and Amhara people in Atay City¹¹³

The other issues which could be seen from the perspectives of participation in the policy making process would also have its own impact on resolving conflicts .i.e members of these mechanisms would have their own contribution while making public policy by the government since from identifying the problem or the conflicts that would occur and in the implementation of the policy assisting and directing the community to accept and ruled by the rules and regulations of the government to stay in peace and live together .

¹¹¹ Getachew Assefa and Alula Pankhurst. 2008.Supra note 61

¹¹² Heron Gezahegn Gebretsadik. 2022. Supra note 8

¹¹³ Endalew Lijalem Enyew 2014 .Supra note 59

Chapter Three

3. Research Methodology

Since methodology basically outlines the principles that guide research practices, for this research, the researcher has used qualitative research for exploring and understanding the problem. In this research, the research has used both primary and secondary sources of data. Key Informant Interviews (KII) were used as a major instrument for primary data and were of a semi-structured type of interview. Secondary data include both published and unpublished materials such as books, magazines, journals and unpublished reliable reports from government and nongovernmental organizations.

Area's coverage of the study includes those displaced people found in Atay city, Amhara regional state, which have been victimized due to the outbreak of the conflict between the Oromo and Amhara people. This study has also tried to include IDPs who have been living in Shewarobit and Debrebrhan (the capital city for North Shewa).

The researcher has tried to collect the necessary data from different selected key informant groups which constitute different parts of the community members who could give basic information about the conflict since majority of them were presented during those times in the city. Such ways of gathering information seems like the researcher has usually used to collect data about human rights violations from different parts of the country in the working place at Ethiopian Human Rights Commission for investigation and monitoring of human rights violations. In this way, community members who are living in the study area and who could be eyewitnesses about the incidents during the time have been selected.

Hence, the researcher has used to interview with those (IDPs) Internal Displaced People, because of the conflict, the respected institutions, government workers, religious people and University lecturers and students, etc to view their understandings and if any measures were undertaken as well.

Furthermore, the research has used the systematic observation data collection method to observe the recent status of Atay city in May, 2022. i.e. the researcher has observed the current situation of the conflict in the study area just to know in what way has the conflict got a solution? , because the incidents were happened before, at least ,4 years and hence, not directly to observe the activities of such mechanisms in the area that have been used to resolve the conflict . But rather whether such indigenous conflict resolution mechanisms have been used as a mechanism or not! in relation with the case study. Hence, for this study, as the prevailing situation has indicated that, the researcher has not used a checklist for observation since the intention for the study not to list out how many damages occurred and any other devastation during the conflict.

The sampling technique employed for this study was purposive. It uses non- random sampling where the units in the sample are chosen based on the identified targeted population who are displaced from their home due to the conflict between the Oromo and Amhara people in Atay city. This study has also used non-probability sampling techniques such as judgmental sampling. i.e. *non-probability sampling techniques where we use different strategies to sample typical cases* and snowball (Network) sampling – chain sampling as an alternative. i.e. “ *This is a nonprobability sampling techniques method for identifying and selecting the cases in a network. Starting with one or two information-rich key informants and ask them if they know persons who know a lot about your topic of interest.* ”

Regarding the sample size of the study , the researcher has conducted an interview with five city administration experts in Atay city, five government workers who are living in Atay city, nine former IDPs, members of the community in Atay city, one NGO expert from Showarobit city, one chief commander from North Shewa head policy department, one from North Shewa zonal administration head , one medical doctor from Debrebrhan specialized hospital, one instructor and four students from Debrebrhan University, one former staff and four students from Debrebrhan Teachers Training College , one senior expert and two higher level officials (Commissioners) from Ethiopian Human Rights Commission, are part of the research “population”.

In addition to these, the Ethiopian Human Rights Commission, which is a national human rights institution in Ethiopia and where the researcher himself is currently working and has already accessed IDPs and have made its investigation about the conflict in Atay city. Hence, all experts (i.e. directors and other concerned bodies, who have been involved in investigation work when conducted by the commission, have been enrolled for assessing the information during the interview time). Moreover, different officials of the institution, including the chief commissioner have been included in the interview process. Since the purpose of this study is to give a possible solution for the existing conflict, the researcher has applied analytical research aiming at describing the sources of the conflict in the area and in what way those existed mechanisms had a contribution, if any, to resolve the outbreak of the conflict. i.e. *An important feature of this type of research is in locating and identifying the different factors (or variables) involved to suggest or explain why or how something is happening,*

3.1. Research approach

In this research, due to the very nature of human rights research, it resembles the methodological approach of critical research which has a value of universality and the consequences of normative frame work, which distinguishes human rights research from other types of research , and are not purely and simply academic, but it tries to emphasize the social and cultural interactions of the community and their traditions for resolutions of conflicts whenever it happens central to the social justice , too.¹¹⁴ Moreover, at the same time, it is inductive in its nature, since it has been conducted with qualitative approaches. The study has intended to use the data collection techniques with two alternatives due to the nature of the area where those data have been collected.

¹¹⁴ Yitayew Alemayehu & Wondemagegn Tadesse. 2013. *Human Rights Research, A practical guide book on methodology and methods*, published by Center for Human Rights, Addis Ababa University.

Previously, as stated in the research proposal, as:-

“ As indicated in the research proposal, this researcher was expected to use both key informant interview (KII) and Observation as a primary sources for data collection, however, the prevailing situation could not allowed him to use observation as a method because of the fact that the existed war .between the federal gov’t and TPLF”

However, since the prevailing situation (i.e. the time at which data has been collected in May , 2022) , has allowed the researcher to follow the possible data collection procedures, even using observation for assessing the current situation of the study area, Atay city , and at the same time, since the birth place of the researcher is near by the conflicting area, Atay and have used his family members to get some of the information about the conflict , and interviewing some key informants as intended to collect the data as shown in table 2 below. Thus, this opportunity would help the researcher to assess the most areas of conflicts with no hesitation for collecting data even though it was very difficult to convince the interviews with respect to their responses to be secured.

Table 2:- Summary of Key Informant Interviewees

NO .	Name of the Institution	Expected Candidates to be Interviewed	Interviewed candidates	Gender Distribution	
				M	F
1	Ataye city Administration	5	5	4	1
2	North Shoa Police Command Force (Department)	1	1	1	-
3	North Shoa zonal Administration head	1	1	1	-
4	Debereberehan Specialized Hospital	1	1	1	-
5	Debre berhan University	5	5	5	-
6	Debre berhan Teachers Training College	5	5	5	-
7	Ethiopian Human Rights Commission higher level officials	3	2	2	-
8	IDPs of Ataye City	10	9	4	5
9	NGO experts from Showarobit	1	1	1	-
10	Government workers (Expert) Atay city	5	5	5	-
	Total Key Informant Interviewees	37	35	29	6

3.2. Method of data analysis

This study has applied qualitative analysis which comprises organizing words or behaviors into categories, patterns, and themes, sample quotations, written narratives that summarize what the researcher has already found out and moreover, has also used triangulation which involves gathering data on the same theme from a variety of sources and which can be useful in analyzing the data whether or not there are correspondences or discrepancies.

The researcher has analyzed data as the research progressed, a continual refining and reorganizing in light of the emerging results. Before analysis, the researcher has produced an interview summary in Amharic, the language in which most of the interviewees have given their responses: - (see Appendix C, below). Hence, the researcher himself could easily understand, the responses, as well. Then, the researcher has again translated the interview summary in English language to organize the collected data as stated in chapter four section under data analysis and interpretation section, below.

The researcher then has analyzed and interpreted the raw data collected through literature review, and assessments of data from both primary and secondary sources, to answer the research questions and to achieve the stated specific objectives. Among the types of qualitative analysis, such as content analysis, narrative analysis, discourse analysis, framework analysis and grounded theory, narrative analysis has been chosen by the researcher, i.e. an exploration of the data at some point becomes to examine and then to report measures of impact.

Chapter Four

4. Organization, analysis and interpretation of data

4.1. Organization of data

The following detailed data collected has organized in relation to the type of respondents, their level of education, and the status they have with their working experiences, and believed that almost all are aware of the study area so that one way or another, they have the idea of the conflicting areas i.e. Atay city and other contemporary issues of the area in general.



Fig. 3 The current picture for the city: Atay:- the road to city administration



Fig. 4 The current picture for Atay city:- View for Part of the city, Atay

General overview

In the process, the researcher has conducted interviews in relation with specific objectives, and questions as scheduled and first established a contact with the zonal police command force, because of the fact that, to reach at the center of the study area, it required basic information about the current situation with respect to knowing whether that area is conducive for conducting research. Thus, the researcher then presented a copy of the researcher's personal identification and the detailed research data collection materials for further clarification purposes, then, directly went to Debre berhan University and found one instructor and four students, then again went to Debre berhan Techers Training College and met with one former staff member and four students. Unfortunately, since the time of conducting the research, was also the time of recruiting new students by the college (Debre berhan Teachers' Training College), many instructors, including the chief director, were not present and hence the researcher was directed rather to conduct interviews with the available students and some other staff members who had been working for a long period of time in the college.

Moreover, the researcher met in the same city, four IDPs who had been engaged in shopping in Debre berhan and who were on their way home to Atay, and among these IDPs, two religious' preachers, one from the orthodox church in Debre berhan Trinity Church and one from the Muslim community while taking a break at a coffee house. while the rest five were interviewed in Atay city, staying in one restaurant for taking their lunch.

Further, as at the beginning, the researcher had intended to conduct interviews with experts, and higher-level officials from the Ethiopian Human Rights Commission. However, the ongoing investigation work of the commission has not been fully completed and publicized and of course, the researcher took due account of the recommendation given by the chief commissioner for the Ethiopian Human rights commission, Dr Daniel Bekele, who stated “

“Basically , as much as possible, such unpublished reports of human rights investigation rather not to be used for academic research purposes since for the sake of the safety for victims and credibility aspects, and hence not totally depend on the report , but get some clues about the role of the indigenous conflict resolution mechanisms for the development of human rights , from other expertise who were not participated in the investigation work during the outbreak of the conflict in the study area.”

Five government workers whom belongs to Atay city administration, one government officials at North Shewa zonal Administration found in Debreberhan city, one medical doctor from Deberberehan Specialized Hospital, one NGO experts from Showarobit who was accompanied with the researcher in the same transport means, five government workers (Expert) of different institutions who have been working Atay city, were incorporated in the interview process.

Finally, the researcher has organized the collected data in the way that those which have more or less have the nearest views with their premises, have put together and derived their communality in their views as sub-conclusions and made the necessary data analysis for finalizing and delivering final findings of the research.

4.2. Analysis and interpretation of data based on the given parameters referring with objectives of the research studies

Based on the collected data given by the respondent from Debre berhan University instructor indicated that:-

“ there are indigenous conflict resolution mechanisms in the study area, that are still in practice in nearby villages, woredas and even at zonal level too, and it has a long history at regional level, i.e. in the Amhara regional state. Actors in indigenous conflict resolution mechanisms are being organized and are drawn from different parts of the community such as elders, religious fathers, clan leaders and known individuals, etc. However, among the mechanisms, shemegelela (“ሽምግልና”) is being used all over the Amhara regional state including in the North Shewa administration. However, to practice even the existing mechanism, like shemegelela (“ሽምግልና”) , the legal procedures of the government did not give chance to members of the community. Rather, whenever any conflict arises at the zone level, and in cities and woredas, the government will formally intervene.”

From this views, as the researched has understood that , As a principle , although the objectives of any government is to keep the sovereignty of the country and securing its citizens , and hence, in due courses of time, if conflict arises, the government usually interfere to resolve the conflict, but with respect to indigenous conflict resolution mechanisms, the exiting government should have been given at least access to these mechanisms to be established and practiced by the community themselves and do their job in accordance with the community culture and norms. Thus, in this regard, the government has interfered in all aspects of the conflict which could be handled by these mechanisms, either or work together in line with the usual legal procedures.

As per the reviewed literature indicated that, although these mechanisms had been effectively practiced before the coming of this new government: _

“ i.e. indigenous conflict resolution mechanisms in Ethiopia in the 1960s, were prevalent throughout the country at local level and it was the dominant justice system in the country and these mechanisms were made by the people not by the state and derive their legitimacy from participation and consensus of the community and its recognition of the same by the government.” nowadays, due to government interferences and its ambition to safeguard government power, these mechanisms are in danger and even, if applied, they are supposed to work after the conflicts have occurred i.e preventive and awareness creating activities about the conflicts could not be practiced.

Moreover, even, as per the respondent of regional administration head has indicated that:

“recently the government have tried to work with the community to resolve such conflicts and hence tried to organize members from the community “ however, this form of organizing members would lead to biasedness with respect to decision and stands for own side, as well.

Thus, the researcher has identified from this that, if such mechanisms had been effectively practiced, it would have been better than those actions undertaken by the government using the usual legal procedures such as different policies and strategies and other judicial acts in different courts etc. i.e. whenever conflict arises, all actions are supposed to be undertaken by the government and as a result, these mechanisms are losing their credibility in the community.

In this study, the researcher has tried to see the interconnection between conflicts and human rights and as stated in the data collected, hence, although the very duty for any government shall be the protection of the sovereignty of the country and securing its citizens, almost all the respondents have given their perception and blamed that: -

“ the existing government, especially the regional government of Oromiya, a special zone, nearby Atay city, as a responsible bodies for the recent conflicts. The respondents also stated that the government should be accountable for all loss of life and property and have been able to control the conflict and bring the perpetrators to courts.”

Moreover, as it is believed by the respondents especially from Debre berhan University with the rank of the instructor as well as by students, NGO workers at Shewarobit and five government workers at Atay city, stated that: -

‘The major causes for the continuous conflict and for all forms of human rights violations are the actions of the so called ‘freedom fighters’, i.e. the known armed group which has already segregated as one wing under the name of , ‘Shene’ from the Oromo Liberation Army (OLA). ‘

Of course, as these respondents have also tried to view that,

‘the other wing of the OLA has decided to work with the government and even some of them have been appointed as higher-level officials in the Oromiya state administration and at federal level, at the rank of minister.’

Nonetheless, majority of these respondents have: -

‘still suspected these government officials to have an indirect relation with the armed group to exercise their hidden political agenda.’

The government is also alleged to be responsible because of its direct interference in the name of peace keeping process.

Hence as a result, as these respondents included in their views during interview that: -

‘both the federal and regional states, such as from state minister of peace Ato Taye Denda, and regional state president of Oromiya , Ato Shemelese Abdissa, including the prime minister of the country, Dr. Abiy Ahmed, have acknowledged and publicized their views in different government medias as such claims are true and need further clarity on party disciplinary measures in the so- called Prosperity party.’

Thus, nowadays, what the respondents, who have been interviewed by the researcher and are living in Atay and the surrounding areas, believe that: -

‘such conflicts at the final analysis would be a danger even for the existence of the government as well as the community to continue as citizens and hence, it is the current government led by the prosperity party, which should take the responsibility and take the necessary measures to clean out its members of the respective leading party, which represents the Oromiya regional state at federal or at regional level. ‘

Moreover, such indigenous conflict resolution mechanisms like “Shemeglana” in Atay city and the surrounding areas and also institutions at national level, like Ethiopian Reconciliation Commission and even the newly established commission known by the name, The Ethiopian National Dialogue Commission etc, although they are strategically supposed to be independent, as the respondents of, both the instructor and students at

Debre berhan University also argued that: -

‘these institutions are forced to be organized in line with the government political agenda and hence their foundation might not be clear to the public.’

As the respondents of government workers at Atay city have given their views that: -

“ it becomes difficult to overcome such type of conflict using indigenous conflict resolution mechanisms since such mechanisms are deliberately demolished by the government for achieving and concurring political values and specific agendas. Hence, the government rather assigned different peace keeping forces, such as defense forces, special forces of the Amhara regional state, and the recent known community based peace keeping force by the name known ‘Fano’ ‘ፋኖ’, to take any action for resolving the conflict. In addition to these, even while the government forces evacuate the area for unknown reasons, automatically other unknown conflicting groups would control the area and do all they want to do. As a result, it has been very difficult to set the rule of law to bring these perpetrators to court. ”

The other difficulties as per the respondents of government workers in Atay city, indicated their perception that: -

‘it becomes difficult to bring those disputants to the court, since the government uses its different usual legal procedures developed in the country to be applicable during conflict has existed, hence, it becomes difficult to utilize these mechanisms effectively in all aspects.’

However, on the other hand, as per the respondents from zonal administration head, and zonal police command force head indicated that: -

‘the major conflicting parties in the area, were identified by the community as those armed persons belonging to the two communities of Amhara and Oromo people who deliberately fuel the conflict, and such conflicts could also be encouraged by those who do not want to see a peaceful community and run their political agenda, and also by those external bodies , who are against the government and fighting in different parts of the country, in the name of TPLF (Tigray People Liberation Front), which facilitates such conflicts between the Amhara and the Oromo people, as a national agenda to show to the public that , there is no political stability in the country, in general. Moreover, those business groups who are involved in movement of different weapons, and lack of communication and cooperative work between government peace keeping forces and the surrounding officials of the government.’

However, again, the respondent of North Shewa administration mentioned that: -

‘ the government had already started discussion with different elders and religious people found in the zone at the capital city of the zone, Debre berhan, as to how such indigenous conflict resolution mechanisms to be effective, and allows the immediate foundation for such mechanisms in different areas of the zone where conflicts have occurred before .As a result, some activities have also started to bring sustainable solution for the conflict and to bring those perpetrators who had involved in the conflict, for peace by elder people, religious leaders, and clan leaders etc ‘

Thus, most interviewees especially, university students and religious fathers’, recommended also that: -

‘ it shall be better to use these mechanisms and discuss with the respective groups to bring sustainable peace and solution at zonal level although still the government is dominant and plays a great role in resolving any conflicts. ’

Again, as per the views of the two religious’ fathers of the Orthodox and Muslim religions, indicated that: -

‘Even though practicing indigenous conflict resolution mechanisms has already stated, nowadays, especially after the current government took power, in 2018., government political interferences have increased and hence, these mechanisms have gradually deteriorated. ‘

Thus, in relative comparison from the given data, the researcher believes that, these days the federal government of Ethiopia had established a commission by the name Ethiopian Reconciliation Commission i.e. based on reconciliation commission establishment proclamation No.1102 /2018) ,

‘establishing values of forgiveness for the past, lasting love, solidarity and mutual understanding by identifying reasons of conflict, animosity that are occurred due to conflicts, misapprehension, developed disagreement and revenge ‘¹¹⁵

which incorporating different religious leaders, known individuals, elders people among the community representatives to resolve different conflicts, and again , later another commission was organized after the previous commission has dissolved, by the name The Ethiopian National Dialogue Commission, which is an impartial and independent organ of the federal government with its own legal personality has been hereby established by Proclamation No.1265/2021, hence, even at national level, such different indigenous conflict mechanisms are become as one and undertaken by the government , just representing the respective community traditional and cultural ways of indigenous conflict resolution mechanisms at zonal and down to wereda level, too, are almost in active. But it has encouraged to solve such internal conflicts with these institutions, with respect to overcome the shortcomings of such indigenous conflict resolution mechanisms in decision making process, since they are differently organized in all over the country based on their norms and culture of their respective community.

However, still all conflicts are approached by the government through legal measures to bring sustainable peace and see an immediate solution for the existing conflict, and to bring the right for the people, and hence, hinder to see the very usefulness for such mechanisms to practice in due courses.

¹¹⁵ Ethiopia - Reconciliation Commission Establishment. ILO Constitutional law; Human rights, Law, Act at: <http://www.ilo.org/dyn/natlex/natlex4.detail>

However, since the perpetrators are community members, it would be better for the community to use such mechanisms which would bring sustainable solution for the conflict. And since all government interventions are not permanent and unable to resolve the conflict for the community at all time, hence it would be even better to use such mechanisms at country level, too, for human rights protection, sustainable peace and continuity of the trends.

Thus, from the reviewed literature indicated that: -

“ those indigenous conflict resolution mechanisms, in addition to resolving the existing conflict, they are useful for human rights protection and resolving such conflicts according to their community’s norms and values and to take immediate measure and helps the perpetrators even to be judged in their own respective community and also to help the key elements of human beings. i.e peace to be secured in the society shall be also considered in this respect. “

Hence, the researcher has perceived from these facts,

“at this time, the interferences of government in its political decision would affect these mechanisms and even become unable to resolve household level problems as such. Thus, from the context of international as well as national human rights activities, these indigenous conflict resolution mechanisms help not to use excessive power from the government side and hence, it would be better for the government, not to be claimed by using excessive power and from the community point of views, to get solution for their problems and not to be victimized with the acts of the government, in addition to different problems occurred due to existed conflict. Thus, even from the data collected in the study, it is indicated that indigenous conflict resolution mechanisms are still believed to be more preferable and would enable victims to get compensation. It is therefore, better to use such long-standing mechanisms for betterment of the people in general, although they are different from place to place. “

However, as per the respondents from the University instructor and Debrbrehan specialized Hospital have mentioned their threat as : _

‘still the government itself has been using these mechanisms for political consumption and for propaganda purposes. And also, it has created its own network among the community and those elders’ and religious people have become part of the political party membership and appointees are among those known by people from the government. Thus, since these mechanisms are organized in line with the government political purposes and stay under the control of the government, even, these mechanisms would become dangerous and suppress the rights of the community. Hence, such indigenous mechanisms shall be in practice in line with the usual legal procedure in government administration work. i.e. as an alternative, whenever conflict arises, better to start the case with such indigenous mechanisms to resolve the problem and the outcome would also be acceptable at usual legal procedures like at court level, and to be the binding agreements of the conflicting parties and decisive to be implemented between or among the conflicting parties.’

On the other hand, according to the data collected, among the respondents, those who are from government workers of Atay city and an instructor from Debre berhan University have indicated that: -

‘As per the community’s understanding, the implementation of indigenous conflict resolution mechanisms is limited to serve for a day-to-day activity of family matters and other related community-based services than used for respecting and protecting the rights of the people. Hence, in this regard, nothing has been done by the existing government to effectively use such mechanisms with respect to constitutionally protected human rights. As a result, almost all human rights violations are committed by the ignorance and negligence acts of the government itself, and that it becomes one of the threats and the government should take the responsibility.’

On the other hand, as per the views from the two religious’ men: -

‘‘ since there are some initiatives to utilize indigenous conflict resolution mechanisms, still the government is beneficiary with these mechanisms in relation with a political commitment, and organize them in line with its formal structure for political consumption. Hence, such government activities have ruined the long-standing unity of the people and organized them for the benefit of the government itself.’

Thus, the researcher has perceived from the given data,

‘although at zonal level, it is believed by the government that different religious people, elders and other expected community members are participating through a free discussion, still nothing has been done to resolve the existing conflicts and to utilize traditional mechanisms for a better human rights protection and for the sustainability of peace in the community.’

In general, in the analysis, the researcher has also tried to incorporate some related theories or approaches such as the win-lose approach, the lose-lose approach and the win-win approach, hence, in this regards, the researcher has proposed to the extent of long standing problem solving process, the win-win approach, would have been preferable to be applied in the ongoing conflict resolution processes in the area with the assumption that to maximize the goals of both parties through collaborative problem solving.

In addition to these approaches, this study has tried to assess one theory, The Human Needs Theory which operates on the premise that: -

‘all humans have basic needs which they seek to fulfill, and that the denial and frustration of these needs by other groups or individuals could affect them immediately or later the theory, therefore, holds that a pre-condition for effective resolution of conflict is the recognition and respect for some basic needs of the disputants.’

Thus, as per the study, the researcher has come to a certain remark that,

‘the sorts of resolutions undertaken by the government should also be considered or look into such human needs aspects as a source for conflicts and hence, while trying to resolve the conflict using legal procedures, it should also have been considered in either way, too. It is because of the fact that, basically, human needs are varied and complex, therefore, the people who facilitate the process of resolving conflicts must be tactical enough to identify the specific needs desired by disputing parties over which the dispute emerged.’

On the other way, too, as the researcher has tried to reviewed different literature, and hence, it is indicated that:-

‘human rights are most powerful for conflict prevention when all human rights are protected, respected and fulfilled. Thus, conflict resolution and human rights are inseparable when it comes to the well-being of human communities. i.e. they are mutually inclusive. Thus, in the process of resolution for the existed conflicts, the human rights aspects of the conflicts shall also be assessed in order to give last long solution for any conflict.’

Chapter Five

5. Summary of major Findings, Conclusions, and Recommendations

5.1. Summary of major Findings

General Overviews

Since the overall study deals with to indicate what was the role of indigenous conflict resolution mechanisms in the protection of human rights, in the study area, Atay, as the study indicated that, although such mechanisms are still practiced in that specific area, recently from (2018-2022), where the new reformist government has taken power, any sorts of resolving conflicts shall be undertaken by the government using usual and formal legal procedures rather than utilizing such mechanisms. Hence, this rather hinders the very usefulness of these mechanisms and unable to see their role in resolving conflicts and especially in the protection of human rights violations, in the conflict area, Atay.

Thus, their role in the protection of human rights could not be viewed because of the fact that, the continuous involvement of government interferences with respect to establishment of their members and not giving due considerations, as indicated by many respondents, in the process of resolving conflicts which would finally lead to, in most of the time, utilize excessive forces during conflict resolution process and of course, venerable to violation of human rights in due courses of time.

Hence, during these seasons, such mechanisms could not be revealed and unable to see the expected roles rather covered by the formal government legal procedures. Thus, since the major focus of the study was to identify what was the role of those existing mechanisms for resolving the conflict in Atay, unfortunately, such mechanisms could not work as it was expected.

According to the findings , the majority of respondents‘ opinion that traditional conflict resolution mechanisms have so many advantages compared with the modern court system in terms of cost effectiveness and time and energy savings, however, based on the analysis ,although most of the Ethiopian indigenous conflict resolution mechanisms are compatible with the values and principles of restorative justice, unless they are properly institutionalized and given sufficient legal recognition, it would become difficult to manage all sorts of conflict using these mechanisms. Hence, there is a need for amendment of constitution so that indigenous conflict resolution mechanisms are effectively recognized by the government as a legal entity and their mandate shall also be clearly indicated in the constitution.

The research has also identified that, different forms of peaceful dispute settlement mechanisms such as negotiation, arbitration, mediation, etc, have been practiced as an indigenous conflict resolution mechanism in the study area, Atay, and in nearby villages, woredas and at zonal level too. Among these mechanisms, the one known by the name, shemegelena (‘‘ሽምግልና’’), has a long history at regional level, which is being used mostly in all areas of the Amhara regional state including in the North Shewa administration zone. However, most of the time, the conflict resolution work has been undertaken by the government with regard to all sorts of conflicts in the area.

Thus, since government interferences have increased and even some members of the indigenous conflict resolution mechanisms are sometimes assigned by those who have a close relation with the government bodies, their activities and independence are not liable i.e. the more the government interferes in all matters of the indigenous conflict resolution mechanisms, the higher the possibility for losing their credibility in the community.

Hence, the government shall take accountability for all loss of life and property as well, since indigenous conflict resolution mechanisms could not be effectively practiced due to the government interference in the form of peace keeping forces.

The researcher was also identified that, there is still a perception in the community as indicated by most respondents that: -

“ the major conflicting party in the area was identified by the community as those who are suspected to be supported by, especially, the Oromia regional state members of the leading party known by the name prosperity party (“በልዕና ፓርቲ”) and some from the federal executive members, who do not want to see a peaceful settlement of the people. Moreover, the existence of a continuous government political interference and lack of commitments of members of the resolution mechanisms who actually established to work in favor of government political agenda (i.e a deliberate act of the government to facilitate a certain mission, not targeting to resolve the conflict) than their expected actual duties, lack of any sorts of cooperative work between government peace keeping forces and the surrounding officials of the government, would lead the conflict to further aggravated and these gaps have prevented a sustainable solution for the conflict.”

Moreover, as per the respondents’ views,

“ although some activities have begun at zonal level by organizing different people who are known by members of the community as elders, clan leaders, and religious people to establish a certain group representing indigenous conflict resolution mechanism, since the organizing body is from government representatives, and not by the community members, hence, these members have rather stands for serving government political agenda. (i.e a deliberate act of the government to facilitate a certain mission, not targeting to resolve the conflict.)”

Thus, the researcher has found from the given data collected that,

“although certain activities have already started in terms of practicing indigenous conflict resolution mechanisms, especially after the existing government took power, since 2018 government political interferences have increased and hence, in order to bring sustainable peace and see an immediate solution for the existing conflict, and to bring the right for the people to organize themselves, government shall withdraw its hands, or give room for indigenous mechanisms, too, from all activities of conflict resolution practices even if it has a duty to do so, from securing citizens and safeguarding the sovereignty of the country perspectives.”

Moreover, such indigenous conflict resolution mechanisms, in addition to resolving the existing conflict, they are useful for human rights protection and while resolving such conflicts, shall be with respect to their community's norms, values and take immediate measure. And also, from the context of international as well as national human rights standards, these mechanisms help not to use excessive power from the government side and hence, it would be better for both the government, not to be claimed by using excessive power and from the community point of views, to get solution for their problems and for the community, not to be victimized with the acts of the government.

The researcher has also identified that, such mechanisms are still believed to be more preferable and those victims even would have an opportunity to get compensation and better to use such a long-standing mechanism for betterment of the people in general, although they are different from place to place. However, since these mechanisms are organized in line with the government political purposes and stay under the control of the government, rather, these mechanisms would become dangerous, too, to the community, as stated in the collected data.

5.2. Conclusions

Based on the findings from the research data, the researcher has come up with the following conclusions: -

- Although there are enough peaceful dispute settlement mechanisms i.e. the indigenous conflict resolution mechanisms, in Atay city and the surrounding areas, it has not been feasible to practice them because of the fact that, the present government, led by the prosperity party, has continuously interfered in the peace keeping activities and has never given a chance for these mechanisms to be used in the peace keeping process.
- In the city, Atay, and the surrounding areas, all conflicting parties are known by the community and amazingly, as per the information gathered from respondents' views: -

‘the current government itself seems to have become one of the leading conflicting parties in the area. The respondents alleged that, members of the leading party both from regional (with respect to the Oromiya regional state) and federal level, are suspected of assisting one of the known conflicting groups in the name of the Oromo Liberation Army (OLA) or ‘Shene’. This might explain why the government has not been able to take adequate measures and also the government has used such procedures for its political consumption, like other political parties, or groups etc, are involved in the conflict directly or indirectly, to run for their political agenda.’

- Predominately, the major responsible party for the existed conflict in the area is the government itself due to not keeping its commitments stated in the 1995 constitution. Indeed, one of the major objectives of the government is to keep the sovereignty of the country and securing the life of the citizens, but it failed to do because of the fact that, it has prioritized political decisions rather than encouraged the practice the known indigenous conflict resolution mechanisms. This indicates that, the government has still faced a communication gap and lack of coordination work with community leaders, religions and elder people, and other concerned community members, too.

- These indigenous conflict mechanisms are believed to be more advantageous than the modern ways of conflict resolution mechanisms, by giving an immediate solution, and to bring sustainable peace and get back to the previous friendship, and also not to use excessive power against the other party which obviously would lead to violation of human rights. However, still the government has insisted on using the formal military power, special forces of the regional state i.e. for this case the Amhara special forces and the recent known community based group by the name known “Fano”(ፋኖ) in the name of peace keeping force than using the existed indigenous conflict resolution mechanisms, as such.
- Even some activities have already begun from the government side, just to give access to these mechanisms, not only at zonal level, but rather at federal level, since the government has tried to organize different commissions such as peace and reconciliation commission, with members of different parts of the country, to bring peace and solidarity in the country, however, still these commission based institutions could not be effectively active due to the ongoing war between the federal government and the TPLF (Tigray People Liberation Front) forces , and as such in some parts of the Oromia regional state , a certain group which stands for liberating the Oromo people . i.e. The Oromo Liberation Army (OLA) or “Shene” have still caused many loss of life and damage to properties and could not be effective and carry out its mission in all parts of the country, especially in the north shewa administration , where even a city at wereda level, has almost completely damaged that not happened in other areas and this rather seems to be the act of negligence by the government in addition to ignoring not to practice the existing indigenous conflict resolution mechanisms in Atay city .

5.3. Recommendations

Based on the brief conclusion of the overall research work, the researcher has provided the following recommendations to be implemented accordingly in order to get an immediate solution, for the existing conflicts, from the government: _

- Although the government has a duty to safeguard the sovereignty of the country and securing its citizens, and hence it is its responsibility to undertake any possible measures to secure peace and stability by interfering under the possible recommended form of intervention known as preventive or pre-emptive intervention which is believed as the most effective way of dealing with internal conflicts since it takes place early before the violence becomes severe in any conflicting activities. However, but not necessarily to involve in all matters in the name of peace keeping issues, rather let prepare a ground for the long standing indigenous conflict resolution mechanisms as it was done before as indicated by the reviewed literature that:-

“indigenous conflict resolution mechanisms were introduced in Ethiopia in the 1960s, and these mechanisms were made by the people not by the state and derive their legitimacy from participation and consensus of the community and its recognition of the same by the government.”

to be in practice again and give all sorts of support to work in line with the usual legal procedures if things become beyond the government level of resolving any conflicts.

- Since the indigenous conflict resolution mechanisms have useful dimensions to build strong friendship of the previous damaged relationship and keep the long standing friendship between and among the community and set sustainable peace , the government should have been under consultation first with the community members , and their representatives to work with them, before taking any other measures which leads to use excessive power and resolve all sorts of existing conflicts in Atay city, and the surrounding areas. Moreover, leaders who have been engaged in indigenous conflict resolution mechanism should also participate in all phases of policy development guidance on indigenous conflict settlement.
- The indigenous conflict resolution mechanisms in Ethiopian context, are under normal circumstance have excluded women as a decision maker and part of the membership on decision making process. Thus, the researcher would also recommend that, the gender aspects shall be reconsidered in the long standing traditional and cultural dispute resolution mechanisms in the country, and hence, enabling to empower them as like as the legal procedure does.
- In the long run, the government should give access to this indigenous conflict resolution mechanisms as it is given to the usual legal binding agreements, since there is a possibility of giving legal recognition which can establish or give official recognition to such institutions, in line with the existed constitution as stated in article 78 (5): ‘Pursuant to sub article 5 of Article 34 , of the 1995 independently from any government interferences. However, since still the constitution has limitation regarding the mandate of the customary and religious institutions to private and family matters and thus, need to amendment.

- From the contemporary political arena perspectives in Ethiopia, since there existed different indigenous mechanisms as per the cultural heritages and norms of the respective community in Ethiopia, having a common indigenous mechanism which represents all Ethiopian community is advisable, the current government led by the Prosperity Party, has adopted a new vision for enabling the participation of different community members in national reconciliation activities in order to prevent wars, massive human rights violations and enable the rehabilitation processes, which refer to as part of its objectives, and mission for the rebuilding processes taking place in the community in the aftermath of the conflict situation which tends to be institutionalized under the commission level, i.e. The Ethiopian National Dialogue Commission. However, such government activities not supposed to be suffered the same faith as the previous institution, the so called the Ethiopian Reconciliation Commission, which was terminated even before its detailed activities were presented to the public.

Rather , better to follow the possible indigenous mechanisms practices as a neutral party which is arbitration, in the new commission (The Ethiopian National Dialogue Commission) that has been often applied in traditional African communities where by such a neutral third party serves as a judge who is responsible for resolving the dispute and for making binding judgments which is almost similar with most mechanisms in Ethiopia and of course, which should have been applicable in Amhara-Oromo conflicts in Atay city.

On the other hand, too, even the government to use such approaches as the conciliatory approach where it involves a process in which the third party in this case, The Ethiopian National Dialogue Commission, tries to bring the parties to a certain agreement to fill the gap which makes them to separate and set peace for both conflicting parties.

And finally, as per the global conflict resolution strategies , today in this contemporary world, be it at traditional and modern systems , countries are proposed to follow different theoretical approaches as conflict resolution strategies, and hence, among these approaches, the win-win approach, which is a conscious and systematic attempt to maximize the goals of both disputant parties through collaborative problem-solving, would be preferable for the government for application in this new national dialogue commission , as an alternative even not directly in the way to use the existed indigenous conflict resolution mechanisms in Ethiopia. And hence, since there is close relation between resolution of conflict and human rights violations and also, they are inseparable and mutually inclusive, the process of resolution for all the existed conflicts in Ethiopia, to give last long solution, would give also solution for the existed human rights violations.

Thus, while doing that the government shall work with the concerned other bodies like human rights advocates, whom believe that: -

‘there can be no peace without justice and accountabilities. it is impossible to end violence and attain a workable peace agreement without addressing issues of human rights violations and crimes committed during conflicts. These groups see violations of human rights as causes of conflict. Therefore, if issues of human rights are not addressed alongside efforts to resolve the conflict, then there is a high probability the conflict will erupt again. Therefore, for human rights advocates, failure to address human rights violations parallel to any sorts of resolution for conflicts, obstructs peace-making and conflict prevention efforts.’

Bibliography / List of Reference

1. Africa Reuters. 2021. Clashes between Ethiopia's Oromo, Amhara, at: <https://www.reuters.com › world › africa> ›
2. Ajanaw Alemie & Hone Mandefro 2018. Roles of Indigenous Conflict Resolution Mechanisms for Maintaining Social Solidarity and Strengthening Communities in Alefa District, North West of Ethiopia, *University of Gondar*. Journal of indigenous social development at: <https://www.researchgate.net/publication/330037458>
3. Ajayi, Adeyinka Theresa and Buhari, Lateef Oluwafemi (2001):- Methods of Conflict Resolution in African Traditional Society, Methods of Conflict Resolution in African Traditional Society pdfs.semanticscholar.org/8595/29a0bdbcf1175fe8c979ab379d51c4a1460b.pdf
4. Alfonso Peter Castro, Kreg Ettenger.1996. Indigenous Knowledge and Conflict management: exploring local perspectives and mechanisms for dealing with community forestry disputes, Anthropology Department Syracuse University Syracuse, New York, USA13244, at: Fao.Org<https://www.fao.org> ›
5. Alemayehu Fentaw(2009):- Conflict Management in the Ethiopian Multi-national Federation, Submitted to the European University Center for Peace Studies in Partial Fulfilment of the Requirements for the Master of Arts in Peace and Conflict Studies, Stadtschlaining, Austria.
6. Alula Pankhurst and Getachew Assefa (eds.).2008:- understanding customary dispute in Ethiopia, at: <https://books.openedition.org › cfee>
7. An Assessment of Indigenous Conflict Resolution Mechanism ...<https://www.grin.com> › document.
8. Awulachew, Gupta,etal., 2005:- Indigenous systems of conflict resolution in Oromia, Ethiopia, International Water Management Institute (IWMI), ILRI Ethiopia campus, Addis Ababa, Ethiopia, and Asian Institute of Technology, School of Civil Engineering, Pathumthani, Thailand<https://publications.iwmi.org> › pdf
9. Brendan Tobin Dr..2008. the role of customary law in access and – WIPOat :- <https://www.wipo.int> › pdf › customary_law_abs_tk
10. Bernard S. Mayer:- 2000, The Dynamics of Conflict Resolution, A Practioner's Guide.:- Publisher: John Wiley & Sons, USA)

11. Bercovitch, Jacob, Victor Kremenyuk and William Zartman (Eds.) 2009. The Evolution of Conflict Resolution, the Sage Handbook of Conflict at ://www.maxwell.syr.edu › parcc › publications
12. Christoph Knill Jale Tosun . 2008. Policy Making. Chair of Comparative Public Policy and Administration, Department of Politics and Management, University of Konstanz at:- <https://d-nb.info> › ...
13. Centre for the Economics and Management of Aquatic Resources. 2002. The Management of Conflict in Tropical Fisheries - Literature Review, University of Portsmouth, UK. At:- <https://mrag.co.uk> › management-conflict-tropical-fishe...
14. Cletus A Dr. Lanshima Nigerian Army University Biu 2016. African Traditional Systems of Conflict Resolution
15. Claudia Fuentes-Julio and Raslan Ibrahim .2019.A Human Rights Approach to Conflict Resolution, <https://www.ethicsandinternationalaffairs.org> › 2019 › a..., ELA(Ethics and International Affairs) , Cambridge University Press.
16. Colin Neville .2004. An Introduction to research and research methods , (UniversityofBradford,Schoolofmanagement),at: <https://www.unrwa.org/sites/default/files/...>
17. Constitution of the Federal Democratic Republic of Ethiopia (FDRE) 1995, journal magazine available at: <https://www.refworld.org/docid/3ae6b5a84.html>
18. Conflict Resolution and a Critique of "Alternative Dispute ...at:- <https://www.ojp.gov> › ncjrs › virtual-library › abstracts
19. Daniel Mekonnen. 2016. Major Features of Indigenous Conflict Resolution Mechanisms In Ethiopia, *College of Social Science, Debre Markos University*, International Journal of Arts Humanities and Social Sciences (IJAHSS) Volume X Issue X II
20. David Naya Zuurel *, George Hikah Benson2 , Adams S. Achanson3(2020):- Indigenous Conflict Resolution and the Protection of Human Rights among the Talensi of Ghana, East African Journal of Education and Social Sciences
21. Dispute Resolution of Public Policy makers - Brandon University at :- <https://www.brandonu.ca> › rdi › files › 2015/09
22. Dudley Weeks(Phd)1994, the 8th essential steps to conflict resolution :- preserving relations at work, at home and in the community, a book publishedbyJ.P.Tarcher/Perigeeat<https://ombuds.columbia.edu/content/eight>
23. Efratana Gidim Map - Locality - Ethiopia – Mapcarta at:- <https://mapcarta.com> › Africa › East Africa › Ethiopia

24. Emanuel remi Aiyede (2006):- Theories in Conflict Management, Publisher: National Open University of Nigeria, ISBN: 978-058-338-6 , University of Ibada
25. Endalew Lijalem Enyew .2014 . Ethiopian customary dispute resolution mechanisms: Forms of restorative justice?
26. Ethical Considerations in Research | Types & Examples at <https://www.scribbr.com › methodology › research-ethics>
27. Ethiopia - Reconciliation Commission Establishment . ILO Constitutional law; Human rights, Law, Act at: <http://www.ilo.org › dyn › natlex › natlex4.detail>
28. Federal Democratic Republic of Ethiopia (1995):- Constitution of the Federal Democratic Republic of Ethiopia(FDRE), published by National Legislative Bodies / National Authorities available at: <https://www.refworld.org/docid/3ae6b5a84.html>
29. Getahun Tsegaye. 2021. Ethiopia: Analysis - Post-Violence Recovery in Oromo Special, North Shewa Zones, at: <https://allafrica.com › stories>, Addis Standard (Addis Ababa).
30. Getachew Assefa and Alula Pankhurst.2008.Facing the Challenges of Customary Dispute Resolution ...<https://books.openedition.org › cfee>.
31. Haftom Halafi .2009. Indigeneious conflict resolution mechanism in the Horn Ethiopia Political Science & Strategic Studies Master: on the field of Peace and Conflict Studies Mekele University at :-https://www.academia.edu › Indigeneious_conflict_reso...
32. Heron Gezahegn Gebretsadik .2022. Indigenous Conflict Resolution: Social Institutions and their Role in Peacebuilding in Ethiopia"s Gamo Community International Journal of Research and Innovation in Social Science (IJRISS) |Volume, VI, Issue IV, April 2022|ISSN 2454-6186 www.rsisinternational.org
33. A Human Rights Approach to Conflict Resolution at .2019. at <https://www.cambridge.org/core/journals/ethics-and...>
34. Human Rights & Peacebuilding Processes <http://www.peacebuildinginitiative.org › index9013>
35. Indigenous Systems of Conflict Resolution in Oromia,Ethiopia<https://www.researchgate.net/publication/259487578...>
36. J Mertus,J Helsing .2006. Exploring the intersection between Human Rights and Conflict Exploring the Intersection between Human Rights and Conflict <https://gsdrc.org › document-library › exploring-the-int...>
37. Kalpalata Dutta (2020):- Relationship Between Conflict and Human Rights - The Asian Institute for Human Rights (AIHR) <https://www.aihrhre.org/conflict-andhuman-rights>

38. Kariuki Muigua .2017. Traditional Conflict Resolution Mechanisms and Institutions
<http://kmco.co.ke> › uploads › 2018/08 › Traditio...
39. Kothari, C.R. 2004. Research Methodology: Methods and Techniques. 2nd Edition,
 New Age International Publishers, New Delhi.
40. Louis Kriesberg. 2009. The Evolution of Conflict Resolution, at:
<https://www.maxwell.syr.edu> › parcc › publications
41. Marta Martinelli Quille. 2000 .A Response to Recent Critiques of Conflict Resolution
 at:-<https://ciaotest.cc.columbia.edu> › wps ›Copenhagen Peace Research Institute
42. Meron Zeleke(Ass. Prof.) . 2010. Ye Shakoch Chilot (the court of the sheikhs): A
 traditional institution of conflict resolution in Oromiya zone of Amhara regional state,
 Ethiopia , African Journal on Conflict Resolution at :- <https://www.ajol.info> ›
 index.php › ajcr › article › view
43. Mohammed Mussal*, Habtamu Tekal and Ahmed Aliye. 2017. Indigenous conflict
 management and resolution mechanisms on rangelands in pastoral
 areas,Ethiopia,journal of African Studies, at: <https://www.researchgate.net> › ... › African
 Studies.
44. Muradu Abdoand Gebreyesus Abegaz. 2011.Customary Laws and Codes in Ethiopia -
 ETHIOPIAN LAW-INFOat :- <https://ethiopianlaw.weebly.com> › blog › customary-laws-
45. North Shoa, Amhara Regional state, at: <https://dbpedia.org> › page ›
 North_Shewa_Zone_(Amh... dbpedia.org
46. OHCHR .2017.| Human rights, prevention of conflict or crisis and ...at:-
<https://www.ohchr.org/en/prevention-and-early...>
47. Pon Staff .2021. What are the Three Basic Types of Dispute Resolution? Harvard Law
 School, published,at: <https://www.pon.harvard.edu> › daily › dispute-resolution.
48. Prosperity Party Program (Ethiopia) - Law Ethiopia at :- <https://www.lawethiopia.com> ›
 index.php › volume-3
49. Rights-based approach .2013. <https://www.endvawnow.org> › articles › 1498rights-ba...
50. TeganGeorge.2022. Semi Structured Interview, Definition, Guide&Examples at:
<https://www.scribbr.com/methodology/semi-structured-interview>
51. Tibebu Kefale Muluken .2020. The Role of Indigenous Conflict Resolution
 Mechanisms in the Pastoral Community: An Implication for Social Solidarity in Somali
 Region, Shineli Woreda, Open Access Library Journal, School of Psychology, Jigjiga
 University, Jigjiga, Ethiopia
52. Theory of conflict management <http://www.nzdl.org> › cgi-bin › library

53. Universal Declaration of Human Rights - the United Nations at:- [https://www.un.org > about-us > universal-declaration-o...](https://www.un.org/about-us/universal-declaration-o...)
54. What is Conflict Resolution, and How Does It Work? – PONat: [https://www.pon.harvard.edu > daily > what-is-conflict-..](https://www.pon.harvard.edu/daily/what-is-conflict-..)
55. What is conflict? [https://mariancrc.org > conflict and peace](https://mariancrc.org/conflict-and-peace)
56. What is Conflict Resolution Theory? – PON at :-[https://www.pon.harvard.edu > tag > conflict-resolution...](https://www.pon.harvard.edu/tag/conflict-resolution...)
57. What Is Conflict Theory? Definition and Examples | Indeed.com :[https://www.indeed.com > ... > Career development](https://www.indeed.com/.../Career-development)
58. When Human Rights and Conflict Resolution Clash .2022. Can Both at:- [https://www.beyondintractability.org > casestudy >](https://www.beyondintractability.org/casestudy)
59. Wondyrad Asmamaw .2014 .The Practice of Indigenous Conflict Management Systems in a Multiethnic Society: The Case of Shimgelena in Guangua and Dibate Districts of Metekel Area; Ethiopia
60. Y Bamlak.2013. Assessment of Indigenous Conflict Resolution Systems and Practices, Implications for Socio-Economic Development, at :[https://opendocs.ids.ac.uk > open docs > bitstream](https://opendocs.ids.ac.uk/open-docs/bitstream)
61. Yitayew Alemayehu & Wondemagegn Tadesse. 2013. *Human Rights Research, A practical guide book on methodology and methods*, published by Center for Human Rights, Addis Ababa University.
62. Yonas Berehe. 2022. An Assessment of Indigenous Conflict Resolution Mechanism of Mezard in Rural Alamata Woreda, Tigray National Regional State, Ethiopia [at:- https://www.grin.com > document](https://www.grin.com/document)
63. Yogesh Kumar Singh. 2006. Fundamental of research methodology and statistics, lecturer depart. Of education Mahatma Guandi Chitrakoot Rural University, New age International P. limited, publishers
64. Zelalem Muchie & Endalcachew Bayeh .2014. Department of Civics and Ethical Studies, College of Social Sciences and Humanities, Ambo University, Ambo, Ethiopia, Traditional Conflict Resolution Mechanisms among Ambo ...[https://www.researchgate.net > publication > 27081698...](https://www.researchgate.net/publication/27081698...) Journal of Political Sciences & Public Affairs
65. Zerihun Abebe. 2020 . Review on Conflict and Conflict Resolution Mechanisms in Africa, Focusing on Ethiopia, Senior Researcher and Lecturer, Wollega University, Nekemte, Ethiopia.
66. Zigale Tamir Tenaw.2016. Indigenous institutions as an alternative conflict resolution mechanism in eastern Ethiopia, the case of the Ittu Oromo and Issa Somali clans ,at: [https://www.accord.org.za > AJCRs](https://www.accord.org.za/AJCRs)

Appendix A: List of Interviews

I. English Language

Dear Respondent

I am a postgraduate student at Addis Ababa University, College of law and Governance Studies and Governance, department of Center for Human Rights Studies.

The following detailed information is concerned with for a partial fulfillment of the requirements of the degree, Master of Arts in Human Rights, and carrying out research on ‘*The role of indigenous conflict resolution mechanisms in the protection of human rights: A case study of Amhara-Oromo conflicts in Atay city, Eferatana Gidim Wereda, Northern Shewa(2018-2022).*

Thus, you have been selected to provide your input into this study and I kindly request your assistance for your interviews. Your response will be treated with at most confidentiality and will be used only for research purposes of this study.

Hence, if you have anything for clarification, contact me on my cell phone 0920315790 or 0923151750 or through email:- naoly141@gmail.com.

Thank you in advance for your co-operation.

Sincerely yours

Melaku Hailu W/Michael

Center for Human Rights (AAU)

General Instruction

In designing questions for data collection, the question type, the wording and sequences are normally determined in each case based on the participants' background. **(Yitayew & Wondemagegn ,2013)**. Thus, this interview questions contain two sections: -. the first section deals with some demographic profile of the respondents where only for the purpose of identifying and locating the level of information gathered came from and the reliability and accessibility of the subject matter. Hence, respondents are kindly requested to provide your responses for the sake of producing tangible outcomes which can be useful for further research on the study areas at national level.

The second section would help to get dates' which are related to the study areas, which are normally determined by the research questions and objectives of the study.

Section I

Demographic profile of respondents

Please indicate the following by ticking (✓) on the spaces in front of the response options:

1. **. Work position:** Minister ☐ state minister ☐
 Commissioner ☐ Director ☐ Group leader ☐
Experts ☐ Other ☐
2. **Educational level:** Diploma ☐ First degree ☐
 Master degree ☐ Doctorate Degree ☐ other ☐
3. **Work experience:** Less than 1 yr ☐ 1-5yrs ☐ 6-
10yrs ☐ Over 10 yrs ☐

Section II:
Information's relevant to the study area

2.1. Concerning the effectiveness of the indigenous conflict resolution mechanisms for resolving conflicts and in reduction for human rights violation

2.1.1. Describe your knowledge about the indigenous conflict resolution mechanisms from your community point of view, where you are living.

2.1.2. If there is any, which type of the indigenous conflict resolution mechanisms is recently in practice?

2.1.3. How much effective they are, those known indigenous conflict resolution mechanisms in resolving the existed conflict?

2.1.4. How do we define your perception regarding human rights issues?

2.1.5. If you have knowledge about human rights, please, describe those that could be considered as causes for conflict.

2.1.6. Would you mention those challenges for the violation of human rights in community/city?

2.1.7. If your answer is yes, would you please mention those persons or groups involved in convicting violation of human rights?

2.1.8. Would you mention if there are mechanisms for claiming those individuals caused for human rights violations?

2.1.9. Can you mention with whom such actions have been taking?

2.2. What was the role of the indigenous conflict resolution mechanisms in handling conflict in the study area?

2.2.1. In this circumstance, what do you think the cause to be for the distraction and dismantling of the Atay city?

2.2.2. If your answer is yes, what do you think where the source is?

2.2.3. Would you mention, if anything you have, about those problems in the city, Atay, whether those challenges are a recent phenomenon or the long-standing problem, not yet resolved?

2.2.4. Would you please mention, If there is any activities ahead, to resolve those existed challenges with the indigenous conflict resolution mechanisms?

2.3. What are the possible advantages of the indigenous conflict resolution mechanisms for resolving human rights violations?

2.3.1. Can you mention those advantages that the indigenous conflict resolution mechanisms have?

2.3.2. Is there any possible advantages of the indigenous conflict resolution mechanisms in resolving human rights violations?

2.4. How the respective societies and the government bodies view the use of indigenous i from human rights context?

2.4.1. In your understanding, would you please describe community are views, who are living i Atay, regarding the indigenous conflict resolution mechanisms?

2.4.2. With similar perspectives, what do you think the perception of government regarding acceptance of the indigenous conflict resolution mechanisms?

2.4.3. Can you mention those activities undertaken by the community in Atay city and surrounding areas, to resolve any human rights violations using the indigenous conflict resolution mechanisms?

2.4.4. Can you mention, in what way the existed government of the federal democratic republic of Ethiopia, is in active to resolve the existed human rights violations, by using the indigenous conflict resolution mechanisms in the community?

II. In Amharic Language ውድ

ክቡራንና ክቡራት

እኔ ስሜ ከዚህ በታች የተገለፀው አቶ መላኩ ሃይሉ ወ/ሚካኤል የአዲስ አበባ ዩኒቨርሲቲ የህግና አስተዳደር ትምህርት ኮሌጅ፣ የሰብአዊ መብት ትምህርት ክፍል የማስተርስ ዲግሪ ተመራቂ ተማሪ ስሆን ለዚህ መመረቂያ ፅሁፍ ማሟያ በመረጥቁትና ዩኒቨርሲቲው ባፀደቀው ርዕስ ማለትም የባህላዊ የግጭት አፈታት ዘዴዎች በሰብአዊ መብት መከበር እድገት ላይ ያለውን ሚና በሚል ጥናቱ ከ 2011 ዓ.ም ጀምሮ በሰሜን ሸዋ ዞን ዐጣዬ ከተማ በአማራ እና በኦሮሞ ብሄረሰቦች መካከል የተነሳው ግጭት አስመልክቶ የደረሰውን የሰብአዊ መብት ጥሰት የሚዳስስ ሲሆን በዚህም መሰረት እርስዎ ለዚህ ጥናት ግብአት የሚሆኑ መረጃዎችን እንዲሰጡኝ ይህን ቃለ-መጠይቅ አቅርቤያለሁ።

በመሆኑም የሚሰጡን መረጃ ለዚህ ጥናት ማሟያ ብቻ እንደሚውል ከወዲሁ እየገለፅኩኝ ለተጨማሪ ማብራሪያና ግልፅ እንዲሆን በሚፈለግ የመጠይቁ ይዘት ላይ በሞባይል ቁጥር 0920315790/0923151750 እንዲሁም በኢሜል naoly141@gmail.com በቀጥታ የሚያገኙን መሆኑን በአክብሮት እገልጻለሁ።

በመጨረሻም ለሚሰጡኝ በጎ ምላሽ ከወዲሁ ምስጋናዬን አቀርባለሁ።

መላኩ ሃይሉ ወ/ሚካኤል

በአዲስ አበባ ዩኒቨርሲቲ የሰብአዊ መብት የማስተርስ ዲግሪ ተመራቂ

አጠቃላይ መመሪያ

ይህ ቃለ- መጠይቅ ሁለት ክፍሎች ያሉት ሲሆን፡- የመጀመሪያው ክፍል የምላሽ ሰጪውን አጠቃላይ ማንነትን የሚገልፅ ሲሆን ይህም ምን ያህል ወንዶችና ሴቶች እንዲሁም በምን የትምህርት ደረጃ ላይ እንዳሉና እድሜያቸውን የሚያመለክት ሲሆን ጠቀሜታውም መረጃውን የሰጠው ሰው ከቀረቡት ጥያቄዎች ጋር ያለውን እውቀትና ግንዛቤ እንዲሁም በህብረተሰቡ ውስጥ ያለውን ነባራዊ ሁኔታ ከማገናዘብና ከማወቅ አኳያ ጠቀሜታው የጎላ በመሆኑ ከዚህ አንጻር ብቻ ታሳቢ ባደረገ መልኩ ለጥናቱ አስፈላጊ መሆኑ በመታመኑ ነው።

ሁለተኛው ክፍል ደግሞ በጥናቱ አላማ ላይና ጥናቱ እንዲሟላ የሚጠይቃቸውን ሃሳቦችን መሰረት ባደረጉ መላሾች በራሳቸው አስተሳሰብና ከሚያውቋቸው መረጃዎች በመነሳት ግልፅ በሆነ መልኩ ሀሳባቸውን እንዲሰጡ የሚያስችል እንዲሁም ከአካባቢው ተጨባጭ ሁኔታና ከተፈጠረው ችግር ጋር በተያያዘ ወደፊት ለማህበረሰቡ የሚጠቅሙ በሰብአዊ መብት አጠባበቅ ዙሪያ የእነዚህ አገር በቀል የግጭት አፈታት ዘዴዎች ሊያበረክቱት የሚችሉት አስተዋፅኦን ታሳቢ ያደረገ በመሆኑ ከቡራን የጥናቱ ተሳታፊዎች የጥናቱን ጠቀሜታ ከማህበረሰቡ ነባራዊ ሁኔታዎች ጋር በማገናዘብ ምላሻቸውን እንድትሰጡኝ በአክብሮት ቃለ- መጠይቁን አቀርባለሁ።

ክፍል አንድ

1. የመላሾች አጠቃላይ መግለጫ

- ከዚህ በታች በተቀመጡት ሳጥኖች ውስጥ ካለው አማራጭ ምልክቱን (✓) በማስቀመጥ መልሶትን ይሰጡ።

1.1. የስራ ሁኔታ፡-

- ሚኒስቴር ☐ ሚኒስቴር ደጋ ☐ ኮሚሽነር ☐ ም/ኮሚሽነር ☐ የክልል መስተዳድር ☐ የከተማው ከንቲባ/አስተዳዳሪ ☐ የከተማው ፖሊስ/የፀጥታ ዘርፍ ሃላፊ ☐ የስራ ሂደት ሃላፊ/ባለሙያ ☐ በሌላ የስራ ዘርፍ ያሉ ☐

1.2. የትምህርት ደረጃ

- ዲፕሎማ ☐ የመጀመሪያ ዲግሪ ☐ ማስተርስ ዲግሪ ☐ የዶክተሬት ዲግሪ ☐ ሌላ የትምህርት ዘርፍ ☐

1.3. በአካባቢው የቆዩበት/ ለተለያዩ ስራዎች በቦታው የቆዩበት ጊዜ ፡

- ከአንድ ዓመት በታች ☐ ከአንድ እስከ አምስት ዓመት ☐ ከስድስት እስከ አስር ዓመት ☐ ከአስር ዓመት በላይ ☐

ክፍል ሁለት ከጥናቱ ጋር
ግንኙነት ያላቸው መረጃዎች

2.1. ግጭቶችን ለመቅረፍና የሰብአዊ መብት ጥሰቶችን ለመቀነስ ባህላዊ የግጭት አፈታት ዘዴዎች ውጤታማነታቸውን በተመለከተ

- 2.1.1. ስለ ባህላዊ የግጭት አፈታት ዘዴዎች ከአካባቢያችሁ ነባራዊ ሁኔታዎች አኳያ የሚያውቁትን ግለፅ
- 2.1.2. የትኞቹ በአካባቢያችሁ አሁን ላይ ተግባራዊ እየተደረጉ ይገኛል?
- 2.1.3. እነዚህ የሚታወቁ ባህላዊ የግጭት አፈታት ዘዴዎች ግጭትን ከመፍታት አኳያ ምን ያህል ውጤታማ ናቸው?
- 2.1.4. ስለ ሰብአዊ መብት ምንነት ያለዎት ግንዛቤ ምን ያህል ነው?
- 2.1.5. ግንዛቤው ካለዎት ለሰብአዊ መብት መጣስ ዋነኛ ምክንያቶች ናቸው ብለው የሚያስቧቸውን ጉዳዮች ቢገልፁ፡
- 2.1.6. በአካባቢዎ ለሰብአዊ መብት መጣስ ምክንያት የሆኑ ችግሮች ካሉ ቢጠቅሱ
- 2.1.7. መልሶት አዎን ከሆነ ፡- ችግሩ በማን እንደሚፈፀም የሚታወቅ ከሆነ ቢጠቅሱ
- 2.1.8. በአካባቢዎ ለሰብአዊ መብት ጥሰቶች ምክንያት የሆኑ አካላትን ተጠያቂ ለማድረግ የሚወስዱ እርምጃዎች ካሉ ቢገልፁ
- 2.1.9. የሚወስዱት እርምጃዎች በማን እንደሚፈጸሙ ቢገልፁ

2.2. በአጣዬ ከተማና አካባቢዋ የተፈጠረውን ግጭት ከማስቆም አኳያ ባህላዊ የግጭት አፈታት ዘዴዎች የነበራቸው ሚና በተመለከተ

- 2.2.1. አሁን ላይ ለአጣዬ ከተማ መፍረስና መውደም ምክንያቱ ምንድነው ብለው ይገምታሉ?
- 2.2.2. ምክንያቱ የሚታወቅ ከሆነ በእርስዎ አስተሳሰብ መነሻው ምን ሊሆን ይችላል ብለው ይገምታሉ?
- 2.2.3. በከተማዋ የተከሰተው ችግር ጊዜያዊ ወይም የዘለቀ ችግር ስለመሆኑ የሚያውቁ ካለ ቢገልፁ፡
- 2.2.4. የተከሰቱ ችግሮች በአካባቢው ባህላዊ የግጭት አፈታት ዘዴዎች ለመፍታት የተደረጉ ስራዎች ካሉ ቢገልፁ

2.3. የሰብአዊ መብት ጥሰቶችን ከመቅረፍ አኳያ ባህላዊው የግጭት አፈታት ዘዴዎች ያላቸው ጠቀሜታን በተመለከተ

2.3.1. የባህላዊ የግጭት አፈታት ዘዴዎች በተመለከተ በእርስዎ አስተሳሰብ ያላቸውን ጠቀሜታ ቢገልፁ፤-

2.3.2. እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች የሰብአዊ መብት ጥሰትን ከመቅረፍ አኳያ ያላቸው ጠቀሜታ በእርስዎ አስተያየት ቢዘረዝሩ፡-

2.4. ከሰብአዊ መብት አንጻር በአጣዬ ከተማ ያሉት የህብረተሰቡ ክፍሎችና መንግስት በባህላዊ የግጭት አፈታት ዘዴዎች ዙሪያ ስለ ጠቀሜታቸው ያላቸውን አስተሳሰብ በተመለከተ

2.4.1. በእርስዎ አስተሳሰብ በከተማዋ ያሉ የህብረተሰብ ክፍሎች እነኚህን የባህላዊ የግጭት አፈታት ዘዴዎችን በተመለከተ ያላቸው አረዳድ ቢገልፁ

2.4.2. መንግስት የባህላዊ የግጭት አፈታት ዘዴዎችን በተመለከተ ተቀባይነታቸውን በምን መልኩ ይመለከታቸዋል ብለው ያስባሉ?

2.4.3. የአካባቢው የህብረተሰብ ክፍሎች በአጣዬና በአካባቢዋ ያሉትን የባህላዊ የግጭት አፈታት ዘዴዎች በመጠቀም የሚከሰቱ የሰብአዊ መብት ጥሰቶችን ለመፍታት የሚደረጉ ስራዎች ስለመኖራቸው የሚያውቁትን ቢገልፁ

አሁን ያለው የኢትዮጵያ መንግስት በከተማዋ የተከሰተውን የሰብአዊ መብት ጥሰቶች ለመቅረፍ በማህበረሰቡ ውስጥ ያለውን ባህላዊ የግጭት አፈታት ዘዴዎች ተግባራዊ ለማድረግ በምን መልኩ እንቅስቃሴ እያደረገ እንደሆነ ቢገልፁ

Appendix B:

Letter of permission and application for data collection (From University and Working areas of the researcher :- Ethiopian Human Rights Commission)

a) Application Letter (English Version)

To:- _____

Subject: - Request for Cooperation

In the long journey of world history, Ethiopia is known by its historical and cultural heritages which are very unique especially in relation to resolving any internal conflicts with indigenous conflict resolution mechanisms. However, for many years, such resources could not be implemented properly in line with the existed national laws and regulations. and hence, almost all have not recognized legally, and due to this, whatever conflict exists, it tends rather to be resolved with the modern ways of conflict resolution mechanisms which have a big gap due to the utilization of excessive forces during conflict arises.

Thus, in order to come up with these long-standing problems, it is believed that related researches and studies need to be conducted. Based on these and other facts, **one of the staff member at Ethiopian Human Rights Commission and a graduating class student at Center for Human Rights , Addis Ababa University , Melaku Hailu Woldemichael**, has been conducting a research in his fulfilments for MA thesis which focuses on under the title: ***The role of indigenous conflict resolution mechanisms in the development of human rights. A case study of conflicts between the Amhara - Oromo people in Atay City ,Eferatana Gidim Wereda, Northern Shewa (2018-2022).***

The research basically considers those displaced people from Ataye, which have been victimized due to the out breaking of the conflict between the Oromo and Amhara people. This study will also try to include IDPs who are now living in showarobit and Debreberehan (the capital city for North Shewa).

From its general objectives, the study will assess the role of indigenous conflict resolution mechanisms in the development of human rights in Ethiopia. And also from its significance aspects, too, the study will show the relevance of indigenous conflict resolution mechanisms in settlement of conflicts especially between ethnic groups across regions. Moreover, an indigenous conflict resolution mechanisms are also more preferable with respect to quick responses without any external forces in resolving the existed problems or any sorts of precautionary acts. This study is also significantly expected to serve as a reference for other researchers to conduct research on a similar topic either region-wide or nation-wide. Moreover, the study will demonstrate the potential of such indigenous conflict mechanisms in the development of human rights in addition to resolving the immediate conflicts and disputes. Thus, I would like to ask all concerned bodies to collaborate me in all ways of my works based on the usefulness of the study to put a ground for the development of human rights in Ethiopia.

with all regards

| P a g e

b) Application Letter (Amharic Version)

ለ:

ጉዳዩ፡- የትብብር ጥያቄ ይመለከታል

ኢትዮጵያ በዘመናት ውስጥ የራሳቸው ባህልና ታሪክ ካላቸው ሃገራት ተርታ የምትሰለፍ ሃገር ስትሆን ይህን ወርቃማ ታሪክ፣ባህልና እሴት ለመጠበቅ እንዲሁም ግጭቶች ሲከሰቱ ችግሩን ለመፍታት የራሷ ባህላዊ የግጭት አፈታት ዘዴዎችም ያሉዋት ሃገር ስትሆን እነኚህን እሴቶች ከመደበኛው የግጭት አፈታት ዘዴዎች ጎን ለጎን ለማስኬድ የሚያስችል የህግ ማእቀፍ ባለመኖሩ በተለያዩ ጊዜያት በሃገራችን የሚከሰቱትን ግጭቶች በተገቢው መንገድ ለመከላከል አልተቻለም። በመሆኑም ሃገሪቷ ያሏትን መሰል ባህላዊ የግጭት አፈታት ዘዴዎች እንደ አካባቢው ባህልና ወግ እንዲሁም የአኗኗር ዘዴ መሰረት በአግባቡ ተግባራዊ ለማድረግ ያልተቻለበትን ሁኔታ ማጥናትና አልፎ አልፎም ተግባራዊ እየተደረጉ ያሉም የባህላዊ የግጭት አፈታት ዘዴዎች በህብረተሰብ ውስጥ ያላቸውን ሚና በጥናት በተደገፈ መልኩ ተለይተው እንዲታወቁና ህዝቡም መሰል ችግሮች ሲከሰቱ በራሱ ባህልና ወግ ብሎም የአካባቢው ማህበራዊ አኗኗር መሰረት እንዲጠቀምና ዘላቂ ሰላም ለማስፈን የሚረዳ ህጋዊ ማእቀፍ ያለው የባህላዊ የግጭት አፈታት ዘዴዎች መኖሩ የሚታመን በመሆኑ ፤ ይህን መሰረት ባደረገ በቅርቡ በአማራ ክልል በሰሜን ሸዋ ዞን አጣዬ ከተማ ላይ በአካባቢው በሚኖሩ የአማራ እንዲሁም የኦሮሞ ብሄር ህዝቦች መካከል በተፈጠረው ግጭት ደርሶ በነበረው የህይወትና የንብረት ውድመት ያስከተለው አደጋ መንስኤና ለዚህም ግጭት በአካባቢው የባህላዊ ግጭት አፈታት ዘዴዎች የነበራቸውን ሚና ለመዳሰስ አንድ ጥናት በአቶ መላኩ ሃይሉ ወ/ሚካኤል በአዲስ አበባ ዩኒቨርሲቲ ሰብአዊ መብት ማእከል የማስተርስ ዲግሪ የመጨረሻ ዓመት ተመራቂ ተማሪ ለመመረቂያ ፅሁፉ የሚረዳ ጥናት ለማካሄድ በተመረጡ ቦታዎች ማለትም በደብረብርሃን፣ሸዋ ሮቢት ፤አጣዬ እንዲሁም በግጭቱ ሳቢያ ወደ ተለያዩ ቦታዎች ተፈናቅለው በሚገኙ የአካባቢው ማህበረሰብ ባሉበት ቦታዎች፤ አዳማና አዲስ አበባ በሚገኙ ተቋማትና ድርጅቶች ለጥናቱ የሚረዱ መረጃዎችን ለመሰብሰብ ለመሄድ ስለምንቀሳቀስ የሚመለከታቸው አካላትም የዚህ ጥናት ዓላማ በቀጣይ በሃገራችን በተለያዩ ቦታዎች ሊከሰቱ ለሚችሉ ግጭቶች ከወዲሁ መፍትሄ የሚሆኑ ዝቅረሃሳቦችን በማመንጨት ለሃገር እንዲሁም ለህዝቦች ሰብአዊ መብት መከበር ጠቃሚ የመፍትሄ ሃሳቦችን ለማቅረብ ወሳኝ በመሆናቸው አስፈላጊውን ትብብር ይደረግልኝ ዘንድ ከወዲሁ በአክብሮት እየጠየቅሁ በቅድሚያ ለሚደረግልኝ ትብብር ምስጋናዬን አቀርባለሁ፡፡

ከሰላምታ ጋር

Addis Ababa University



አዲስ አበባ ዩኒቨርሲቲ
የሰብዓዊ መብቶች ማዕከል

Addis Ababa University
Center for Human Rights

Date: 11 May 2022

Ref. No: 084/2020

To Whom It May Concern

Re: Request for Cooperation

Dear Madam/Sir,

Mr. Melaku Hailu is our student attending the Human Rights Masters program administered by the Center for Human Rights at Addis Ababa University. The student is currently working on his MA thesis entitled "The role of indigenous conflict resolution mechanisms in the development of human rights. A case study of conflicts between the Amhara and Oromo people in Atay, Northern Shoa since 2018."

Hence, this is to kindly request your office to assist Mr Melaku Hailu in providing documents and other information necessary to successfully undertake his research. Your cooperation is highly appreciated.

Sincerely,

Dr Christophe Van der Beken (PhD) – Associate Professor
Addis Ababa University – Center for Human Rights
Coordinator, Center for Human Rights MA programs
Email: christophe.vanderbeken@gmail.com



የኢትዮጵያ ፌዴራላዊ ዴሞክራሲያዊ ሪፐብሊክ
Federal Democratic Republic of Ethiopia
የኢትዮጵያ ሰብአዊ መብት ኮሚሽን
ETHIOPIAN HUMAN RIGHTS COMMISSION

ቁጥር *ሰበሰቦ/ወ/74/2014*
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Addis Ababa

ሰሚመለከተው ሁሉ

የኮሚሽኖችን ባልደረባ የሆኑት አቶ መላክ ኃይሉ ወ/ሚኒኤል የመ/ቤታችን ሠራተኛ መሆናቸውን እና በአዲስ አበባ ዩኒቨርሲቲ የሰብአዊ መብት የትምህርት ክፍል ተማሪ መሆናቸውን ጠቅሰን እንድንፅፍላቸው ግንቦት 01/2014 ዓ.ም. በተፃፈ ደብዳቤ ጠይቀውናል።

በዚህ መሠረት አቶ መላክ ኃይሉ ወ/ሚኒኤል የኮሚሽኖችን በስነ-ምግባርና ፀረ-መብት ባለሙያ የሰራ መደብ ላይ አፈጻጸሙ ሲሆን ኮሚሽኑ ባደረገላቸው ድጋፍ በአዲስ አበባ ዩኒቨርሲቲ የሰብአዊ መብት የትምህርት ክፍል የማስተርስ ተማሪ መሆናቸውን እንገልጻለን።



ከሰላምታ ጋር

[Handwritten signature]

ሰብአ ታደሰ

የሰው ሀብት ልማት ሥራ እመራር
ዳይሬክቶሬት ዳይሬክቶር

ሰብአዊ መብቶች የማይገነዘቡ! የማይሸራረቱ እና ሁሉ አቀፍ መብቶች ናቸው።
Human Rights are Inalienable, Indivisible and Universal Rights

Appendix C:

Interview Summary (Amharic Version)

ጥናቱ በሚደረግበት በሰሜን ሸዋ ዞን በአጣዬ ከተማ ጥናት አጥኝው በአካል በመገኘት ከተለያዩ የህብረተሰብ ክፍሎች፤ መንግስታዊና መንግስታዊ ካልሆኑ ድርጅቶች ሃላፊዎች፤ ባለሙያዎች፤ ሰራተኞች፤ እንዲሁም በግጭቱ ወቅት የነበሩና በዚህም ሳቢያ ከቤት ንብረታቸው የተፈናቀሉ የህብረተሰብ ክፍሎች (IDPs)፤ የሃማኖት አባቶች፤ የመንግስት የፀጥታ ክፍል ሃላፊዎች ወዘተ ጋር የተደረጉ ቃለ ምልልሶችን እንዲሁም ጥናቱ ከሚካሄድበት ከአጣዬ ከተማ ውጭ ስደተኞች በወቅቱ ሰፍረውበት ከነበረው ከዞኑ ዋና ከተማ ደብረብርሃን ካሉ የተለያዩ የህብረተሰብ ክፍሎችና በከተማው ባለው የደብረብርሃን ዩኒቨርሲቲ መምህራን ጋር በተደረገው የቃለ መጠይቅ (Key Informant Interview) የተወሰደውን መረጃ እና የጥናቱን specific objectives መሰረት ባደረገ የተገኘውን መረጃ በማጠናቀር በእያንዳንዱ የጥናቱ specific objectives መሰረት ጥናቱ እንዲመልሳቸው ያስቀመጠውን research questions ምላሽ በሚሰጥ መልኩ መረጃው እንዲያራጅ (Data organization) እና እንዲሁም አስፈላጊው የመረጃ ትንተና (Data Analysis) እንዲሰራ ተደርጓል።

1. ግጭቶችን ለመቅረፍና የሰብአዊ መብት ጥሰቶችን ለመቀነስ ባህላዊ የግጭት አፈታት ዘዴዎች ውጤታማነታቸውን በተመለከተ

To assess the effectiveness of indigenous conflict resolution mechanisms for resolving conflicts and reducing human rights violations.

ከተለያዩ በጥናቱ ከተካተቱ አካላት በተገኘው መረጃ መሰረት በአካባቢው እንዲሁም በአገራባች ከተሞችም የቆየ ባህላዊ የግጭት አፈታት ዘዴ እንዳለና እነዚህን መሰሉ የባህላዊ የግጭት አፈታት ዘዴዎች በሃይማኖት አባቶች ፤በጎሳ መሪዎች እንዲሁም ታዋቂ በሆኑ የአካባቢው ነዋሪዎች እንደሚከናወን ከጥናቱ የተገኘው መረጃ ያሳያል።

ከእነዚህም ባህላዊ የግጭት አፈታት ዘዴዎች ውስጥ በስፋት ተግባራዊ እየሆነ የመጣውና አሁንም ያለው ሽምግልና ሲሆን ሌሎችም የባህላዊ የግጭት አፈታት ዘዴዎች እንዳሉም የተገለፁ ቢሆንም ተግባራዊ ሲደረጉ ግን እንደማይስተዋሉ በጥናቱ ወቅት ለማረጋገጥ ተችሏል።

በአጠቃላይ በአጣዬ ከተማና አካባቢዋ እንዲሁም በሌሎችም አገራባች የዞኑ ወረዳዎች የባህላዊ የግጭት አፈታት ዘዴዎች ዓይነታቸው ቢለያይም ስለመኖራቸውና በስፋት ሽምግልና ጎልቶ የሚታይ ቢሆንም አሁን ካለው ተጨባጭ ሁኔታ ብሎም ይህ አሁን ያለው በብልፅግና ፓርቲ የሚመራው የለውጥ መንግስት ከመጣ ጀምሮ በሚታዩ ግጭቶች ላይ አሉ የተባሉትም የባህላዊ የግጭት አፈታት ዘዴዎች ሲተገበሩ አይታይም። እንደውም በመንግስት በኩል የሚወሰደው እርምጃ ጎልቶ መታየቱን ከጥናቱ ከተገኘው መረጃ ለመረዳት ተችሏል።

ሌላው እነዚህ የቆዩ የባህላዊ የግጭት አፈታት ዘዴዎች አሁን ካለው መንግስት በፊት ሲተገበሩ ከሞላ ጎደል ውጤታማ እንደነበሩና አሁን ላይ ግን የመንግስት ጣልቃ ገብነት በማየሉ የእነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ህልውና አደጋ ላይ እየወደቀ መሆኑን ከጥናቱ ለመረዳት ተችሏል። በሌላ በኩል ደግሞ ያሉትም የባህላዊ የግጭት አፈታት ዘዴዎች ግጭቶች ከተፈጠሩ በኋላ የሚንቀሳቀሱ እንጂ ግጭቶች እንዳይከሰቱ በተደራጀ ሁኔታ ቅድመ መከላከል ስራዎች የማይሰሩና የግንዛቤም ማስጨበጥ ስራዎች አለመኖራቸው በጥናቱ ከተገኘው መረጃ ተመላክቷል። የጥናቱ መረጃ እንደሚያመለክተው እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ያላቸውን ጠቀሜታ አስመልክቶም እንደሚገልፀው ያሉት ዘዴዎች በአግባቡ ቢተገበሩ በሃገሪቱ ካሉት ህጎች በተሻለ መልኩ ህዝቡ የራሱን ባህላዊ የዳኝነት ሂደት እንዲከተል ያስችል እንደነበር ጥናቱ ያመለክታል።

በመሆኑም የእነዚህ ተቋማት መሻሻል የሚለካው በመንግስት ጣልቃ ገብነት መጠን በመሆኑ የፖለቲካ ጣልቃ ገብነትና የመንግስት ስውር እጅ በሰፈነበት ሁኔታ ይብስኑ እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች በህዝቡ ዘንድ ተአማኒ እንዳይሆኑ እያደረጋቸው እንደሚገኝና በአግባቡ ቢተገበሩ ከመደበኛው የግጭት አፈታት ዘዴዎች በተሻለ ዘላቂ ሰላምና ማህበራዊ ትስስርነትን ለመፍጠር የሚያስችል ጠቀሜታ እንዳላቸው በጥናቱ ለማመላከት ተችሏል።

ሌላው በጥናቱ የተመለከተው ግጭቶችና ሰብአዊ መብት ያላቸውን ቁርኝት የተመለከተበት ሁኔታ ሲሆን እንደ ጥናቱ አረዳድ ለብዙ የሰብአዊ መብቶች መጣስ ዋነኛ ምክንያቶች ናቸው ተብሎ ከሚገመቱት ውስጥ የተለያዩ ግጭቶች መከሰታቸው ሲሆኑ እነዚህ ግጭቶች ዓይነታቸው ቢለያይም ግጭት ባለበት ቦታ ሁሉ መጠኑ በዛው መጠን በሆነ መልኩ ሰብአዊ መብቶችም የሚጣሱበት ሁኔታ መፈጠሩ የማይቀር እንደሆነ በጥናቱ ለማመላከት ተችሏል። በዚህም ጥናት ለማየት እንደተቻለው በወቅቱ በተፈጠረው ግጭትና ለጠፋውም ህይወት እንዲሁም መጠነ ሰፊ የንብረት ውድመት መንስኤ ናቸው ብለው አስተያየት ሰጪዎች ያስቀመጡት በቀዳሚነት ራሱ አሁን ያለው መንግስት እንደሆነና እንዲሁም ለጥፋቱ ሁሉ መንግስት ሃላፊነቱን ሊወስድ እንደሚገባ ከጥናቱ ለመገንዘብ ተችሏል።

በአጠቃላይ ከዚህ ጥናት ለመረዳት እንደሚቻለው ለሰብአዊ መብት መጣስ በተለይ ከአካባቢው ተጨባጭ ሁኔታ አኳያ ዋነኛው ምክንያት በየጊዜው የሚከሰቱት ግጭቶች ሲሆኑ ለዚህም መንስኤው የፖለቲካ አጀንዳ በሚያራምዱ አካላት ማለትም በመንግስት ጭምር የሚደገፉ አካላት ሲሆን በተለይ በአካባቢው ቀድሞ የነበረው የባህላዊ የግጭት አፈታት ዘዴዎች በአግባቡ እንዳይተገበሩ የመንግስት ጣልቃ ገብነት ጎልቶ የሚታይ ሲሆን ለፖለቲካ ፍጆታ ብቻ በሚውል መልኩና ለመንግስት አፈጻጸም በሚመች ሁኔታ እነዚህ ተቋማት እንዲደራጁ የሚደረግበት አካሄድ ሌላው ችግር ሲሆን እነዚህ ተቋማት በተጨማሪ ለነበረው ችግር መባባስም ከፍተኛ ሚና እንደተጫወቱ ጥናቱ ካገኘው መረጃ ለመረዳት ተችሏል።

ሌላው አጥፊዎችንም ተጠያቂ ለማድረግ የሚኬድበት መንገድ ከባህላዊው የግጭት አፈታት ዘዴዎች ይልቅ በመንግስት በኩል በመደበኛው የህግ አፈጻጸም የሚደረገው ሂደት የጎላ ሲሆን ይህ ደግሞ መንግስት ፖለቲካዊ ይዘቱን በጠበቀ መልኩ እንዲሁም የመንግስትን ህልውና በማይሸረሸር ሁኔታ ተፈጻሚ እንዲሆኑ ስለሚደረግ በድርጊቱ በቀጥታ ተሳታፊ የነበሩትን አካላት ተጠያቂ የማድረጉ አካሄድ መደረግ በሚገባው መንገድ እንዳይኬድ ያለው ቀጥተኛ የመንግስት የተለያዩ አካላት ጣልቃ ገብነት ትልቁ እንቅፋት መሆኑን ጥናቱ ያመለክታል። በተጨማሪም በከተማዋ በነበረው ግጭት ተሳታፊ የነበሩትን አካላት በተመለከተ ጥናቱ እንደሚያመለክተው ድርጊቱ ለአካባቢው ሰላም መስፈን በማይሹ አካላት እንዲሁም የራሳቸውን የፖለቲካ አጀንዳ ለማራመድ በሚታትሩ ሃይሎች ፤ ሌሎች ከሁለቱ ብሄሮች ማለትም ከአማራው እና ከአሮሞው ብሄሮች ውጭ በመጡ አካላት የሚፈጸም መሆኑ እንዲሁም በተለይ ይህ መንግስት ከመጣ በኋላ በራሱ በመንግስት በሚደገፉ አካላት የሚፈጸምም ስለመሆኑ በከተማዋና አካባቢዋ ለበርካታ ዓመታት የቆዩ የከተማዋ ነዋሪዎች አስተያየታቸውን ሰጥተዋል።

በመሆኑም እነዚህ የጥፋት ቡድኖች ተጠያቂ ለማድረግ አሁንላይም ሆነ ግጭቱ እንዲበርድ እርምጃዎች በተወሰደበት ወቅት ለመገንዘብ እንደተቻለው አጥፊዎችን መንግስት ራሱ ለይቶ የሚያውቃቸውና አንዳንዶቹም በመንግስት በኩል ልዩ ድጋፍ ሲደረግላቸው የነበሩ እንደሆኑ፤ በአካባቢው ያለው የባህላዊ የግጭት አፈታት ዘዴም በመንግስት በኩል የሚደራጅ ስለመሆኑ፤ የፍትህ ሂደቱም ያለውን መንግስት በማይነካ መልኩ እንዲካሄድ በመደረጉ፤ አጥፊውም ፍትህ ሰጪውም አንድ አካል ማለትም መንግስት ራሱ እየሆነበት የመጣበት አካሄድ በመፈጠሩ አጥፊዎችን ለህግ ተጠያቂ ለማድረግ አለመቻሉንና የፍትህ ስርዓቱ ሊጓተት ስለመቻሉ በጥናቱ የተገኘው መረጃ ያመለክታል።

ስለሆነም የሚወሰዱት የህግ ስርዓት የማስከበሩ ሂደት በመንግስት አካላት ብቻ የሚከናወኑ እንደሆነና ይህን የባህላዊ የግጭት አፈታት ዘዴዎች ሆን ተብሎ እንዲዳከም የተደረገበት አግባብ አንዱ ማሳያ የሆነበትና መንግስት ባሻው ጊዜ ፍትህ እንዲሰፍን ለማስቻል የመከላከያ ሰራዊት፤የክልሉን ልዩ ሃይል ፤እንዲሁም በህዝብ አደረጃጀት ውስጥ ከቅርብ ጊዜ ጀምሮ ብቅ ማለት የጀመረው በወጣት የታጣቂ ቡድን የሚመራውንና በተቀሩትም በአማራ ክልላዊ መንግስት ባሉ ዞኖች የሚታወቀው “ፋኖ” በሚል ስያሜ በሚጠራው ቡድን አማካኝነት ግጭቱን ለማስቆም እርምጃዎች እንዲወሰዱ እንደሚደረግ ከጥናቱ የተገኘው መረጃ ያመለክታል።

በሌላ በኩል ደግሞ መንግስት እንደ መንግስትነቱ የሃገሪቱን ሉዋላዊነት የማስከበርና የህዝቡን ሰላም የማስጠበቅ ሃላፊነት ያለው እንደመሆኑ በመንግስት በኩል ሊወሰዱ የሚገባቸው የቅድመ ጥንቃቄና ችግሮች ከተፈጠሩም በኋላ በአፋጣኝ ተገቢውን እርምጃ ያለመውሰድ ተደጋጋሚ ክስተቶች ምክንያት በህዝቡ ዘንድ መንግስት ራሱ ስለመኖሩ እንኳን አጠራጣሪ ሁኔታዎች የተመለከተበትና ግጭቶች ሊፈፀሙ ሲሉ የመንግስት ታጣቂዎች አካባቢውን ጥለው የሚወጡበትና እንደወጡም ግጭት ፈጣሪዎች አካባቢውን የመቆጣጠር ሂደት ለግጭቱ ተደጋጋሚ መከሰት አይነተኛ ምክንያት እንደሆኑ፤ ይህ ሁኔታም የመንግስት እጅ ጭምር ያለበትና ሃላፊነቱንም መውሰድ ያለበት ብቸኛው አካል ቢኖር ራሱ አሁን ያለው መንግስት መሆን እንደሚገባው ከጥናቱ የተገኘው መረጃ ያስገነዝባል።

2. በአጣዩ ከተማና አካባቢዋ የተፈጠረውን ግጭት ከማስቆም አኳያ ባህላዊ የግጭት አፈታት ዘዴዎች የነበራቸው ሚናን በተመለከተ

To identify the role of indigenous conflict resolution mechanisms in handling conflict in the study area.

ጥናቱ እንደሚያመለክተው ለከተማዋ መውደም ምክንያት ናቸው ከተባሉት ውስጥ የአካባቢውን ህዝብ ሰላም የማይሹ ሃይሎች፤ የመንግስት ያልተገባ የፖለቲካ ጣልቃ ጉብኝት፤ የጦር መሳሪያ ዝውውር ፤ የመንግስት የፀጥታ አካላትና የአካባቢው ባለስልጣናት የተቀናጀ አሰራር ያለመኖር ወዘተ የፈጠረው ችግር ከአካባቢውም ውጭ በመጡ የታጠቁ ሃይሎች ተደጋጋሚ ግጭትና ዘረፋ ብሎም የንብረትና የሰው ህይወት መጥፋት እንዲከሰት እንደ መንስኤ የሚጠቀሱ ሲሆን በሌላ በኩል ደግሞ በወቅቱ በተነሱ የሃይማኖት ግጭቶች ሳቢያ ታዋቂ የእምነት አባቶች መገደል ባስከተለው ግጭት ከተማዋ ለከፍተኛ ውድመት እንድትዳረግ ምክንያት ስለመሆኑ ከጥናቱ የተገኘው መረጃ ያስገነዝባል።

በተለይ እነዚህ ግጭቶች በየጊዜው የሚከሰቱና ዓይነታቸውና ይዘታቸው ቢለያይም ጊዜያዊነት ባህሪያ ያላቸው የአንድ ወቅት ችግሮች የሚመስሉ እንደሆኑ፤ በወቅቱ የተፈጠረው ግጭት ግን በተለይ አዲሱ አሁን ያለው መንግስት ወደ ስልጣን ከመጣ በኋላ የሚከሰቱት ግጭቶች ከዚህ በፊት ከነበሩት የተለዩና ያልነበሩ በተደጋጋሚ የመከሰት ባህሪያ ፖለቲካዊ ይዘት ያላቸው ስለመሆኑ ጥናቱ ያመለክታል።

ሆኖም ግን አሁን ካለው ሁኔታ አኳያ ጋር ሲነጻጸር በየጊዜው የግጭቶቹ ዓይነትና ይዘት እንደመለያየቱ ወጥነት ያለው ዘላቂ ግጭት ነበር የሚያስብል ደረጃ ላይ አለመደረሱን ጥናቱ አመለክቷል። ይህ በእንዲህ እንዳለ የነበረው ግጭት በአካባቢው ባሉ የባህላዊ የግጭት አፈታት ዘዴዎች ለመፍታት የሚደረጉትን እንቅስቃሴዎች አስመልክቶ በከተማዋ ያሉትን ነዋሪዎች፤ ባለሙያዎች፤ ወዘተ በጥናቱ ወቅት በሰጡት አስተያየት ለመረዳት እንደተቻለው ፤ ገሚሶቹ የመንግስት የፖለቲካ ጣልቃ ጉብኝት አይሎ በመገኘቱ ሳቢያ ባህላዊ የግጭት አፈታት ዘዴዎችን በመጠቀም ችግሮችን ለመፍታት አለመቻሉና እነዚህ የግጭት አፈታት ዘዴዎች በመንግስት በኩል ትኩረት ያልተሰጣቸውና ተቀባይነትም ያልነበራቸው በመሆኑ ቢኖራቸውም ለገዢው መንግስት የፖለቲካ አጀንዳ ማስፈጸሚያ የሚውሉ እንደሆነ ፤ ልክ ግጭቶች ሲከሰቱ ብቻ እንቅስቃሴ የሚደረግ እንጂ አስቀድሞ ግጭት እንዳይከሰት የሚሰራበት አባባብ አለመኖሩን ጥናቱ ያመለክታል።

በሌላ በኩል ደግሞ በተለይ ከመንግስት አስፈጻሚው አካል የተገኘው መረጃ እንደሚያመለክተው በዞን ደረጃ ሳይቀር ሰፊ እንቅስቃሴ በመደረግ ላይ የሚገኝ ሲሆን ግጭቱም በተለይ ፖለቲካዊ ይዘት ያለውና አንዳንድ ሃይሎች ለፖለቲካ አጀንዳዎቻቸው ማስፈጸሚያ ሲሉ የሚያስነሱት ግጭት እንደሆነ በመንግስትም በኩል የተደረሰበት ሁኔታ ያለ ስለመሆኑ፤ ችግሩንም ለመቅረፍ እንደ መንግስት ብቸኛው አማራጭ በአካባቢው ያሉትን የባህላዊ የግጭት አፈታት ዘዴዎችን በመጠቀምና የሚመለከታቸውን አካላት በማወያየት ዘላቂ ሰላምና መፍትሄ በዞኑ ለማምጣት ሰፊ እንቅስቃሴ መጀመሩን ጥናቱ ካገኘው መረጃ ለመገንዘብ ተችሏል። በተጨማሪም እንደ መንግስት በድርጊቱ ተሳታፊ የሆኑ አካላትን ወደ ሰላም ለማምጣት የሁለቱንም ብሄሮች ማለትም የአማራ እና የኦሮሞ ብሄር ሽማግሌዎች ፤ የሃይማኖትና የጎሳ መሪዎችን በማወያየት ለችግሩ ዘላቂ መፍትሄ እየተፈለገ እንደሚገኝ በተጨማሪ ጥናቱ ካገኘው መረጃ ለመረዳት ተችሏል።

3. የሰብአዊ መብት ጥሰቶችን ከመቅረፍ አኳያ ባህላዊ የግጭት አፈታት ዘዴዎች ያላቸውን ጠቀሜታ በተመለከተ

To discuss the possible advantages of indigenous conflict resolution mechanisms for resolving human rights violations.

ጥናቱ እንደሚያመለክተው ከጥንት ጀምሮ አሁንም ድረስ ከክልል ጀምሮ በዞኑ እንዲሁም በተለያዩ አካላትና ከተሞች ሳይቀር እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ተግባራዊ የሚደረጉበትና ቀጣይነት ያለው ስራ እየተሰራ ያለ ቢሆንም ቀደም ሲል የነበራቸው ጠቀሜታ እንዳለ ሆኖ አሁን ላይ ግን በተለይ አዲሱ መንግስት ከመጣ ወዲህ ያለው የመንግስት ጣልቃ ገብነት አካሄድ በማየሉ ጠቀሜታቸው እየቀነሰ ስለመምጣቱ ጥናቱ ካገኘው መረጃ ለመዋቅ ተችሏል።

እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ዘላቂ ሰላም ለማስፈንና ለግጭቶቹ አፋጣኝ ውሳኔ ለመስጠት እንዲሁም ህዝቡ በራሱ የመደራጀት መብት እንዲኖረው ከማስቻል አኳያ ጠቀሜታ ያላቸው ቢሆኑም መንግስት ጣልቃ በሚገባበትና ራሱ መንግስት ለግጭቱ መከሰት መሪ ተዋናይ በሆነበት በእነዚህ ተቋማት የሚደረገው የግጭት አፈታት ሂደት ጠቀሜታው ጎልቶ እንዲታይ አለማድረጉን ጥናቱ ያስረዳል።

ሆኖም ግን አጥፊዎች በህዝቡ ውስጥ ያሉና የሚኖሩም እንደመሆናቸው ህዝቡ ለራሱ ሰላም ሲል እነኚህን የባህላዊ የግጭት አፈታት ዘዴዎች መጠቀሙ ዘላቂ መፍትሄ ይኖረዋል ተብሎ ስለሚገመት እንዲሁም የትኛውም መንግስት ተለዋዋጭ እንደመሆኑ ከህዝቡ ጋር በዘላቂነት የሚኖረው ይኸው ስርዓት በመሆኑ መሰል የባህላዊ የግጭት አፈታት ዘዴዎች ጠቀሜታቸው በዚህም ረገድም ጎልቶ እንዲወጣ እንደሚያደርጋቸው፡ በተጨማሪም ለሰብአዊ መብት መከበር ጎልህ ሚና የሚጫወቱ እንደሚሆኑ ዘላቂና ቀጣይነት ያለው የህብረተሰብ ትስስርን ለመፍጠር አመቺ ስለመሆናቸው ከጥናቱ የተገኘው መረጃ ያመለክታል።

ባህላዊ የግጭት አፈታት ዘዴዎች ከመደበኛው ግጭትን ከመቅረፍ በዘለለ ሰብአዊ መብቶች መከበራቸውን ለማረጋገጥ በሚደረጉ እርብርቦች በተለይ ተደጋጋሚ የሆኑ ግጭቶች እንዳይከሰቱ ተከስተውም ሲገኝ አፋጣኝ እርምጃ ለማድረግ ፤አጥፊዎችን ባሉበት ማህበረሰብ ውስጥ ባለው ባህላዊ የግጭት አፈታት ዘዴ እንዲዳኙ ስለሚያስችል ከግጭት አፈታት ጋር ሰብአዊ መብቶች እንዲከበሩና እንዲጠበቁ ለማስቻል ቀጥተኛ ትስስር ያለው እንደሆነና ቁልፍ የሆነው የሰው ልጅ ሰላም ጭምር የሚረጋገጥበት መንገድን ለመፍጠር እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች የሚጫወቱት ሚና ከፍተኛ በመሆኑ ጠቀሜታቸው ከዚህ ረገድም መታየት እንዳለበት ከጥናቱ የተገኘው መረጃ ያመለክታል።

በመሆኑም ጥናቱ እንደሚያመለክተው አሁን ባለው ሁኔታ የመንግስት የፖለቲካ ጣልቃ ገብነት መብዛት በእነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ላይ ከባድ ተፅእኖ ያለው በመሆኑ አነስተኛ የቤተሰብ ግጭቶችን ለመፍታት እንኳን የአካባቢው ሽማግሌዎች፣ የሃይማኖት መሪዎች፣ ወዘተ አሁን ላይ ማግኘት አስቸጋሪ የሆነበት ደረጃ ላይ ስለመደረሱ ጥናቱ ካገኘው መረጃዎች ለመረዳት ተችሏል።

ሌላውና ዋናው ደግሞ ከሰብአዊ መብት መርሆዎችና ዓለማዊ አሰራሮች አኳያ ሲታይ በአካባቢው የሚከሰቱ ግጭቶች በባህላዊ የግጭት አፈታት ዘዴዎች እንዲቀረፉ ከማስቻል አኳያ በመንግስት በኩል በተለያዩ የፀጥታ አካላት የሚደረገው የህግ ማስከበር ሂደትን ተከትሎ ያልተገባ የሃይል ሚዛን /excessive power / እንዳይኖርና የተመጣጠነ እርምጃዎችን ለመውሰድ የሚያስችል ጠቀሜታም እንዳላቸው ከተገኘው የጥናቱ መረጃዎች ለመረዳት ተችሏል።

4. ከሰብአዊ መብት አንጻር በአጣዬ ከተማ ያሉት የህብረተሰቡ ክፍሎች እና መንግስት በባህላዊ የግጭት አፈታት ዘዴዎች ዙሪያ ስለጠቀሜታቸው ያላቸውን አስተሳሰብ በተመለከተ

To assess the view of the society and the government bodies towards the use of traditional institutions from a human rights perspective.

እንደ ጥናቱ የመረጃ ግኝት መሰረት ህዝቡ አሁንም በእነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ለመዳኘት የሚፈልግና አዋጪም እንደሆነ እንደሚያምን ፤ ተበዳይ ለተበደለበት ካሳ ሳይቀር በቀጥታ የሚያገኝበት አሰራርም ስላለው ይህ ዘዴ በመሰረታዊነትም ከጥንትም ጀምሮ ሲወርድ ሲዋረድ የመጣ ዘዴ በመሆኑ ጭምር ይዘቱ በየጊዜው ቢለዋወጥም ህዝቡ ለዘመናት ሲጠቀምበት የነበረ በመሆኑ አሁንም ይህንን ዘዴ መጠቀም እንደ ዋነኛ የመፍትሄ ሰጪ ተደርጎ እንደሚወሰድ ጥናቱ ያመለክታል።

ሌላው እነዚህን ባህላዊ የግጭት አፈታት ዘዴዎች በተመለከተ መንግስት ራሱ ለፖለቲካ አጀንዳው ማስፈጸሚያ እያዋላቸው እንደሆነና ለይስሙላ እንዲሁም ለፕሮፓጋንዳ ስራ እየተጠቀመባቸው እንደሆነ ለዚህም ደግሞ መንግስት የራሱን የፖለቲካ አደረጃጀት አካል በህዝቡ ውስጥ በመዘርጋት ሽማግሌዎች፣ የሃይማኖት አባቶች ሳይቀሩ የፖለቲካ ካድሬ የሆኑበት ሁኔታ እየተፈጠረ እነዚህን የባህላዊ የግጭት አፈታት ዘዴዎች በእጅ አዙር መንገድ ለፖለቲካ ፍጆታ እንዲውሉ እየተደረጉ እንዳሉና በመንግስትም በኩል የተመረጡ አካላት እነኚህን የባህላዊ የግጭት አፈታት ዘዴዎችን እንዲመሩ የሚደረግበት አሰራር መፈጠሩን ከጥናቱ በተገኘው መረጃ ለመረዳት ተችሏል።

እነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች ጠቀሜታቸውም በመንግስት በኩል በግልፅ የሚታወቁ ቢሆንም ለገዢው መንግስት በሚጠቅም ሁኔታ ካልተደራጁ በቀር ለመንግስት አስጊ እንደሚሆኑ በመንግስት በኩል እንደሚታመንና በአወቃቀር ደረጃ በመንግስት ይዞታ ስር እንዲቆዩ የሚደረግበት አሰራር መኖሩን ጥናቱ ካገኘው መረጃ ለመገንዘብ ተችሏል።

በሌላ በኩል ደግሞ ከጥናቱ ለመረዳት እንደተቻለው አሁን ላይ ባለው መንግስት የተያዘው አቅጣጫ እንደሚያመለክተው ህዝቡ የራሱን ባህል ፤ እምነት፤ እንዲሁም ታሪካዊ እሴቶችን እንዲጠብቅና እንዲያከበር ለማስቻል በህገመንግስቱ የተሰጠውን መብት የማስከበር ግዴታ በመንግስት በኩል የተጣለ ሃላፊነት በመኖሩ በህዝቡ ዘንድ የሚከሰቱትን ማናቸውንም የግጭት ዓይነቶች በራሱ ባህልና የአኗኗር ዘይቤ በሰላማዊ መንገድ ለመፍታት በአካባቢው ያለው የባህላዊ የግጭት አፈታት ዘዴዎች እንዲጠቀም የሚያስችሉ አስራሮችና አደረጃጀቶች መዘርጋት መጀመሩን ከጥናቱ ለመረዳት ተችሏል።

በመሆኑም በቀጥታም ባይሆንም ህብረተሰቡ የሚያጋጥሙትን ችግሮች በአካባቢው የባህላዊ የግጭት አፈታት ዘዴዎች ለመዳኘት እየተሞከረ ስለመሆኑ፤ እነዚህ ግጭቶች በቀነሱ ቁጥር ህዝቡ በውል ባይረዳውም ከሚኖረው ሰላም በተጨማሪ የሰብአዊ መብት መከበርንም የሚያረጋግጥ በመሆኑ ምንም እንኳን በተማረው የአካባቢው ህብረተሰብ ዘንድ አልፎ አልፎ ስለ ሰብአዊ መብት አረዳዱ ያለ ቢሆንም በቀረው የህብረተሰብ ክፍሎች ግን ገና ስለ ሰብአዊ መብት ምንነትና አስፈላጊነት ወዘተ ያለው ግንዛቤ አነስተኛ እና በአንዳንድ የዞኑም ወረዳዎችና ከተሞች በጭራሽ ግንዛቤው እንደሌላቸው ከጥናቱ ከተገኘው መረጃ ለማወቅ ተችሏል።

በሌላ በኩል ደግሞ ጥናቱ ካገኘው መረጃ ለማወቅ እንደተቻለው የሰብአዊ መብቶች እየተጣሱ ያሉት በራሱ በመንግስት በኩል እንደሆነና እነዚህም የባህላዊ የግጭት አፈታት ዘዴዎችን ለመጠቀም ከማን ጋር መስራት እንደሚቻል አዳጋች የሆነበትና በምክንያትም ሲገልፁ እራሱ መንግስት የችግሩ ሁሉ ምክንያት በሆነበት ሃገር ህብረተሰቡ በአካባቢው ያሉትን የባህላዊ የግጭት አፈታት ዘዴዎች ለጊዜያዊ ችግሮቹ ለመፍታት በሚያስችል ሁኔታ እንጂ ሌሎች ችግሮቹን በተለይ ከሰብአዊ መብት ጋር የተያያዙ ጉዳዮችን ለመፍታት አዳጋች እንደሆኑበት፤ እንዲሁም ብቻ ! ራሱን ከግጭቱ እና ተያይዞ ከሚመጣው ችግር ለመታደግ እነዚህን ባህላዊ የግጭት አፈታት ዘዴዎች አልፎ አልፎ ለመጠቀም እንደሚገደድ ከጥናቱ ከተገኘው መረጃ ለመገንዘብ ተችሏል።

ሌላው የህብረተሰቡ የግንዛቤ ደረጃ ገና ከመሆኑ ጋር ተያይዞ የባህላዊ የግጭት አፈታት ዘዴዎች ከእለት ተእለት ወቅታዊ ከሆኑ ችግሮችን ከመፍታት በዘለለ በቀጥታ የህዝቡን ሰብአዊ መብት ጭምር ለማስከበር በእነዚህ የባህላዊ የግጭት አፈታት ዘዴዎች እየተሰራ ያለ ስራ አለመኖሩን ጥናቱ በተጨማሪ ያመለክታል።

በሌላ በኩል ደግሞ በመንግስት ደረጃ በተለይ አሁን ላይ ይህ መንግስት እነዚህን የባህላዊ የግጭት አፈታት ዘዴዎች መጠቀሙ አዋጪ መሆኑን በመረዳት ከመንግስት የፖለቲካ ማስፈጸም ተግባር ጋር በተያያዘ በህዝቡ ዘንድ ፀንቶ የቆየውን የባህላዊ የግጭት አፈታት ዘዴዎችን መጠቀሙ ግድ ቢሆንም መንግስት ራሱ ተጠቃሚ እየሆነ እንደሚገኝና ለመንግስትም በሚጠቅም መልኩ ህዝቡን በተለያዩ አደረጃጀቶች በማደራጀት ለፖለቲካ ማስፈጸሚያ በመንግስት በኩል እየተደረጉ ስለመሆናቸው ከጥናቱ የተገኘ መረጃ ያመለክታል።

በመሆኑም ይህ የመንግስት አሰራር ለዘመናት ሰፍኖ የቆየውን የህዝቦች አንድነት የሚሸረሸርና መንግስት ራሱ በሚያደራጃቸው ተቋማት በኩል የሃገር ሽማግሌዎች፤ የሃይማኖት መሪዎች ወዘተ ወደ ፖለቲካው እንዲገቡ እየተደረገ ሽምግልናው ፖለቲካዊ ይዘት እንዲኖረውና ከህዝቡ ባህልና ነባራዊ እሴቶች ውጭ በፖለቲካ ውሳኔ እንዲዳኝ የሚያደርግ በመሆኑ ለተግባራዊነቱም ላለው መንግስት ፖለቲካዊ ይዘቱን በጠበቀ መልኩ ብቻ እንዲሆን እየተደረገ ስለመሆኑ ከጥናቱ የተገኘው መረጃ ያስገነዝባል።

መንግስትም በበኩሉ አሁን ላይ በዞን ደረጃ የተለያዩ የሃይማኖት አባቶች ሽማግሌዎች እንዲሁም ሌሎች ይመለከታቸዋል የተባሉ የህብረተሰቡ ክፍሎችን ያሳተፈ ውይይት በተለያዩ ጊዜ ሲደረግ የቆየ እንደነበርና አሁንም በቅርቡ በዞን ደረጃ በዞኑ ዘላቂ ሰላም እንዲሰፍን ለማድረግ ከእነዚህ አካላት ጋር በግልፅ እየተሰራ ስለመሆኑ፤ በተጨማሪም እነኚህ የባህላዊ የግጭት አፈታት ዘዴዎችን በሰፋት እንደ ሃገር ለመጠቀም ጭምር የተጀመረ እንቅስቃሴ ያለ ስለመሆኑ፤ ያለ ህዝብ ንቁ ተሳትፎ ግጭቶችን ለመቀነስ አዳጋች መሆኑ በመጠንግስት በኩል በመታመኑ፤ በጥናት በተመሰረተ መንገድ ከግጭት አፈታት ሂደቱ ባሻገር ተያያዥነት ባላቸው ሰብዓዊ መብቶችን የማስከበር ስራን ለመስራት ህብረተሰቡ ሰላሙን በአንድ ወገን መብቱንም በሌላ ወገን በአንድ አሰራር ዘዴ እንዲያገኝ የሚያስችል አሰራር ለመዘርጋት እንቅስቃሴ ስለመጀመሩ ከጥናቱ ከተገኘው መረጃ ለማወቅ ተችሏል።

በአጠቃላይ እነዚህ ለጥናቱ ማሟያ ይሆናሉ ተብሎ ጥናቱ ከተደረገበት ቦታ ከሰሜን ሸዋ ዞን ከአጣዬ ከተማ ከተለያዩ አካላት እንዲሁም ግጭቱ በተከሰተ ወቅት በተለይ ወደ ዞኑ ዋና ከተማ ደብረብርሃን ጊዜያዊ መጠለያ ከገቡት የአጣዬ ከተማ ነዋሪዎች፤ በዞኑ ከሚገኘው ከደብረብርሃን ዩኒቨርሲቲ መምህራን ጋር በነበረው የቃለ ምልልስ ወቅት የተገኘውን primary data እንዳለ የቀረበ ሲሆን በቀጣይ የጥናቱ ማጠቃለያ በሚሆነው ከጥናቱ በተገኘው መረጃ መሰረት የተገኘውን ግኝት (Findings) በማቅረብ አጠቃላይ የጥናቱን ስራ በማጠናቀቅ ለዩኒቨርሲቲው ጥናቱ ያገኛቸውን ግኝቶች (Findings) እና የሰጣቸውን ዝክረ-ሃሳቦች recommendations በማመላከት ጥናቱ በዚህ መንገድ መጠናቀቁን ጥናት አጥኝው የሚያሳውቅ ይሆናል ማለት ነው።

ከሰላምታ ጋር

Appendix D: Time Schedule and Budget allocation for the study

To: _ Center for Human Rights, Addis Ababa University

Subject: _ Applying for sponsorship opportunity, graduating student researchers

First of all, I want to proceed my thanks to our school for center for human rights and the hosting institution for this **sponsorship opportunity, The Ethiopian CSO 'Lawyers for Human Rights' in collaboration with the National Endowment for Democracy**, for their consideration and kindly undertaking initiatives to support us to accomplish our thesis works.

Thus, I am pleased to address the following budget proposal lays out on cost associated with the research study under the title ***“The role of indigenous conflict resolution mechanisms in the development of human rights. A case study of conflicts between the Amhara- Oromo people in Atay City ,Eferatana Gidim Wereda, Northern Shewa (2018-2022).”*** Hence, costs for this research have been listed in the proposed budget below with an indication for providing justification for each cost elements.

with all regards

Part One

General introduction about the research study

The researcher has intended to work on a research topic under the title: ***The role of indigenous conflict resolution mechanisms in the development of human rights. A case study of conflicts between the Amhara-Oromo people in Atay City ,Eferatana Gidim Wereda, Northern Shewa (2018-2022).*** Hence, from its general objectives point of view, the study will assess the impacts of indigenous conflict resolution mechanisms in the development of human rights in Ethiopia. And also from its significance aspects, too, the study will show the relevance of indigenous conflict resolution mechanisms in settlement of conflicts especially between ethnic groups across regions.

Moreover, the study will demonstrate the potential of such conflict mechanisms in the development of human rights in addition to resolving the immediate conflicts and disputes. This study is also significantly expected to serve as a reference for other researchers to conduct research on a similar topic either region-wide or nation-wide. The findings of the study may be used by the concerned bodies such as the government organs i.e. the legislatives, executives as well as judiciary, to consider and preserve indigenous knowledge and to value the rationale behind it.

In general, since modern conflict resolution mechanisms have a big gap on the utilization of excessive forces during conflict arises, an indigenous conflict resolution mechanism on the other hand, are more preferable with respect to quick responses without any external forces in resolving the existed problems or any sorts of precautionary acts. Moreover, such institutions play a significant role in local and grassroots communities in relation to socio-cultural and economic development, and the administration of justice in the modern political system, by promoting social cohesion, peace, harmony and co-existence in resolving disputes which have already occurred (the Department of Justice and Constitutional Development (2008:26–27)).

The research basically considers those displaced people from Atay, which have been victimized due to the out breaking of the conflict between the Oromo and Amhara people . This study will also try to include IDPs who are now living in showarobit and Debreberehan (the capital city for North Shewa). Regarding Sampling technics to be used in this study, the researcher will be going to use non- probability sampling techniques such as Judgmental sampling, Snowball (Network) sampling – chain sampling as an instruments of data collection.

In addition, the study will use both primary and secondary sources of data collection, where regarding Primary Data sources, mainly observation and Key informant interviews as a data collection method. On the other hand, with respect to the method for Secondary Data sources, both published and unpublished materials such as books, magazines, Journals and unpublished reliable reports from government and nongovernmental organizations will be used.

However, nowadays, the study area (Atay City) is considered , in addition to the previous conflicts between the Amhara and Oromo people , to be as a ‘’danger zone’’ due to the recent war between the government military and peace keeping forces and the nearby the Oromo Liberation Front(OLF) known by the name ‘‘Shene’’ , where there is a threat to follow the stated method for data collection as it was intended to do. .

However, the researcher rather designs to make an observation and possible key informant interviews (KII) at where the IDPs are found in the nearby cities, in Showarobit and Deberberehan. But if the area is favorable for any research activities, both methods will be applicable in Atay city, as well. Unfortunately, based on concrete information at recent time, few days before, the conflict has begun again and it needs additional technical and to some extent financial support have required in addition to use possible sources for the ongoing research expected in usual ways.

Thus, as per the request from the research needs to utilize all sorts of financial or basic recent information about the study area, specific technical assistance shall also get into consideration for the study. Although the researcher has already intended to use that expertise found in Ethiopian human rights commission who had been participating in the investigation process during the outbreak of the conflict in the study area, since the conflict is still going on , additional technical and financial support have required , and of course, this opportunity provided by The Ethiopian CSO 'Lawyers for Human Rights' in collaboration with the National Endowment for Democracy will pursue my dream to accomplish my research accordingly supporting additional costs to be incurred and technical assistance as well.



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Part Two

Budget and Time allocation for the research

1. Budget allocation

Facilities and administrative costs' Distribution	Basic areas coverage for the study				
	North Shoa, Amhara regional state			Addis Ababa & Oromia regional state	
	Deberberehan city	Shewarobit City	Atay city	Addis Ababa and Adamma (Oromia administration)	
1. Major Materials and Supplies needed	Flash disk, Evideo, Voice Recorder & camera (on rent basis) mobile cards.	Flash disk, Evideo, Voice Recorder & camera (on rent basis) mobile cards.	Flashdisk, Evideo, Voice Recorder & camera (on rent basis) mobile cards.	Flash disk, Evideo, Voice Recorder & camera (on rent basis) mobile cards.	



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1.1.Budget justification	Since the study area, now a days, is still facing the same challenges with different conflicts , even changing its directions, it requires a day to day communication with a relevant key informant groups and recording voices and documenting datas collected in a soft copy, etc, these indicated materials will be mandatory ,and hence it shall consider it from the nature of the study areas at present time.			
2. Travel Cost	Estimated distance from Addis Ababa to different parts of the study area using road Transport			
2.1. Kilometer from Addis Ababa	130km(Debereberahan)	216.19km(Showarobit)	281.11km(Ataye)	100km(Adama)
2.2. Type of transport	Public Bus, Contract Transport	Public Bus, Contract Transport	Public Bus, Contract Transport	Public Bus, Contract Transport
2.3. Budget justification	Regarding Travel cost, especially transportation, there is no any means of transportation except road transport usually the community have used public transport to communicate with others, hence in all circumstances the researcher will used only this type, either.			



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3. Estimating costs	Debereberehan City	Showarobit City	Atay City	Addis Ababa and Adama	
3.1.Transport& Accommodation Cost minimum for 20 days	1000birr/day for 5 days	1000birr/day for 5 days	1000birr/day for 5 days	1000birr/day for 5 days	
3.2.Other direct costs for assistant for the researcher from the community	500birr/day for 5 days	500birr/day for 5 days	500birr/day for 5 days	=====	
3.3.Cost for Major Materials and Supplies needed	Evideo:-1500.00, Flash Disk:-300.00, Mobile Card :- 1000.00 , Voice Record and camera on rent basis :- Birr 2000 used for until the research work has been completed.				
Total Expected costs to be incurred	Birr 32300.00				

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2. Expected Time Allocation 2021/2022G.C.

No.	Activity	Jan	Feb	Mar	Apr.	May	Jun	July	Aug.	Sep	Oct.	Nov.	Dec.
1	Topic Selection											2021g.c	
2	Preparation of proposal		2022g.c										
3	Collection of useful material & Data Collection					2022g.c							
4	Data Analysis and writing of final research						2022g.c						
5	Submission of 1st draft research							2022g.c					
6	Presentation of final research								2022g.c				

