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**Cooperation and Conflict Management Mechanisms Among the People  
of Kalu, North Eastern Ethiopia**

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## Abstract

The study area, Kalu, is found in North central highland massif of Ethiopia and on the upper part of the rift valley depression. The *Kalu* are Amharic speaking people whom they share common boundary with **Oromo, Argoba** and **Afar** ethnic groups.

The study area selected based on its location is on the main road from Addis Abeba northern Ethiopia **Dessie, Mekele** and the Afar depression in which the movement of people is too high. The Woreda shares common boundaries with the *Argoba, Oromo* and Afar Ethnic groups where ethnic interaction has its own effect in the traditional conflict management. Furthermore, most of the population in the Woreda is Muslim where the Islamic religion is believed to have its own contribution to the development of the indigenous institutions of conflict resolutions. In this regard, the Woreda is one of the centers of Islam in the country.

I conducted the field work in the *Woreda* with an objective of examining traditional cooperation and customary conflict management mechanisms within the community. The people have age old tradition of cooperation and customary conflict management mechanisms.

In the descriptive study of cooperation and customary conflict management of the *Woreda* and social, economic and political structure of the people is assessed. The traditional cooperation aspects reflect the mutual support and self help mechanisms while the customary conflict management institutions are the legal system mechanisms out of the court.

Furthermore, the study focuses on the major mechanisms of traditional cooperation such as *Debo, Azmach, Ertiban, Elf* and other major institutions of cooperation. In addition, family, **Shimglina** and traditional mediators are adequately assessed as institutions of conflict management out of the court system.

Finally, the customary conflict management mechanism among the people of Kalu is based on the public opinion, cultural consensus and religious beliefs.

In other words, the conflict management mechanisms are basically interrelated with the social, economic and political conditions of the rural agricultural community. The customary conflict management mechanisms of the people of *Kalu* consider other conflict resolution mechanisms of the horn and Ethiopia studied by other Anthropologists.

# Glossary

Abagar	-	Spiritual leader who plays significant role in the peace Making Process
Adbar	-	Place for spiritual worship
Afu	-	Arabic word used for mercy in the name of Allah
Ante	-	Elder among relatives
Awchachign	-	Public gathering in investigating evidences
Azmach	-	Food and drink support to families who arrange marriage
Belle	-	Oath
Debo	-	Traditional labor cooperation for agricultural purpose
Duberti	-	A woman who prays for others and involve in a village Keeping
Dulet	-	Public gathering to identify and seek alternative solution
Egid	-	Sanction
Elf	-	Support to elders in their difficulties
Ertiban	-	Social support against accidents
Fida	-	Sacrifices
Gebere Mahiber	-	Farmers association
Gobeden	-	Place of public gathering believed to be sacred
Gobez Dagna	-	Community elected judge who can even enforce culprit
Gomi	-	Hate
Guma	-	Blood money for the survivors
Haram	-	Arabic word for taboo
Injera	-	Soft bread made of cereals
Kirie	-	Voluntary association for funeral ceremonies
Mahberawi Fird Bet	-	Social court
Mesal	-	Center where a person accuses an offender
Meskerem	-	September
Nekash	-	Evidence

Nuzaze	-	Will of a person in the distribution of his property
Quadi	-	Religious leader for the Muslim
Rekebot	-	Traditional tribune where mediation is undertaken
Sedequa	-	Food and drink service in the memory of the dead person
Shengo	-	Council of elders
Shimagle	-	Elder
Shimglina	-	Mediation process by elders
Wass	-	Guarantor
Wodaja	-	Group of people praying for a person or elders who mediate between disputants
Wouliy	-	Spiritual Person who is believed to have spiritual power in identifying and telling an offender
Yetim	-	Orphan children
Zemed Dagna	-	Individual independent and non-partisan to disputants who mediate differences between blood relatives.
Zemed	-	Blood relative
Zemed Dagna	-	Judge mediating within relatives

## Chapter I Introduction

The present Kalu district of Amhara Region is under South **Wolo** administrative region both at the time of the Emperor and the Military regime. Kalu was one of the twelve Provinces of former **Wolo** Administrative Region with its capital **Kombolcha**. At the time of the Military regime, Kalu was divided into two provinces, namely, north Kalu and south Kalu. **Kombolcha** was located for the seat of North **Kalu** while **Kemissie** was for the South. The **Woreda, Kalu** is located on the upper part of the North Eastern part of the rift Valley and on the main road to Asab and Djibouti ports. Due to its location, the area is the major route to the Afar depression through which the interaction of the **Amhara, Oromo,** and **Afar** and **Argoba** ethnic groups is high.

In the course of human interaction and in a world of reciprocity, disputes like other parts of the country are common among the people of Kalu. Conflicts, moreover, grow and lead over to other conflicts. These conflicts arise and exist between/among individuals and affect the relationships and mutual benefits of partners in general the community in particular. Because of this, the people of Kalu use different mechanisms of conflict management mechanism both to mitigate and avert conflicts. As a result, the people in Kalu have their indigenous institutions of conflict management institutions.

Therefore, managing conflicts through a peaceful means is not a new phenomenon to the people of **Kalu**. Peace making has been applied to manage conflicts arising between/among individuals and groups.

The study, in this respect, is an attempt to make a descriptive analysis of cooperation and conflict management among the people of **Kalu**. The study, therefore, contains seven major chapters in which the first chapter presents the methodology of the study. In this part of the study, the statement of the problem, objectives of the study and the data collection methods are presented.

The second chapter focuses on literature review in which operational definition, theoretical framework, conflict resolution practices in the horn and Ethiopia is discussed.

In the third chapter, an overview of **Amhara** region and the study area is discussed. The chapter gives due emphasis on the kinship and marriage, social relationship within the community, impact of the new administrative structure, and famine and its impact within the study area.

Cooperation mechanisms among the people of Kalu are discussed in the fourth chapter of the paper. In this regard, the traditional working group, social services at emergencies, social services to the

aged and orphan children, economic support during marriage ceremonies and support at the time of death.

The fifth chapter deals with various sources of conflict, conflict prevention mechanisms and mechanisms of identification of culprits. Furthermore, indigenous conflict management institutions under which family, religious and other community institutions are discussed under the sixth chapter. The chapter, in addition, deals with the case history of the traditional mediator. Finally, the last chapter deals with the conclusion of the research.

## **1.1 Statement of the problem**

Conflict arises when the interests of two or more parties clash and at least one of the parties seeks to assert its interests at the expense of another party's interests. Conflict has also been described as 'a social phenomenon that can result from instantaneous or gradual changes that create diverging interests and needs. As conflict continues, it is likely that it will increase in intensity and the relationship between the parties will become more confrontational. In this respect, conflict costs human life, time, and money and so on. Conflict, therefore is an issue that needs an immediate attention before affecting the well being of people.

Conflict as its nature dismay between/among people needs different modalities of resolution. The conflict management mechanisms have different historical background. The mechanisms, in the present Ethiopian context, are two types, i.e., traditional and modern judicial system. The traditional conflict management mechanisms in Ethiopia are based on the traditions and values of the society while the modern judicial system depends on the court system. Furthermore, the traditional conflict management mechanisms differ from one part of the country to the other. Available information indicates that the settlement of dispute in present judicial system involves with prolonged time, money and energy. Because of this, the conflict management is believed to be more disintegrative than integrative one.

Sometimes people question the due process of law. Citizens are also apprehensive of the neutrality of the judicial system. As a result, people prefer the indigenous institutions of conflict management due to their effectiveness and transparency. As indicated in most literatures of conflict management most communities in the country are utilizing their age-old alternative dispute resolution mechanisms. The government also shares the concerns of the citizens and tries to enhance customary conflict

management by providing training to the traditional mediators in view to integrating the customary mechanisms with the modern judicial system. Nevertheless, the decision of the customary conflict management is not free from challenge when the judgement is related to implementations. The reason, according to traditional mediators is that the power of executing their decisions depends upon the will of the disputants.

Furthermore, interactions within the community and its influence in the prevention and settlement of disputes are not adequately assessed. In this context, the continuity of traditional system of dispute management in the state system is both interesting and important. The research, therefore, focuses the extent to which the mechanisms are focused with some vitality and strength for the maintenance of peace within the community.

Due to the extension of the modern judicial system, the traditional conflict management system is believed to be marginalized. However, information indicates that the customary conflict management mechanism is more preferred to the modern judicial system. In addition, the available literature on the specific community and more specifically the mechanisms of traditional means of dispute settlement is limited. In this respect, the research contributes to fill the gap of information on the process of customary conflict management system

Therefore, in conducting the research the following guiding questions are formulated. Do mechanisms of traditional cooperation contribute in the prevention and management of conflict? Instead of using the judiciary system, are people intended to use the customary conflict management system. Why? What are the secrets behind the preference of people to use traditional mediation systems? Is it because of efficiency, sustainability and cost effectiveness? To what extent does the customary conflict management is confidential? What are the mechanisms of implementations?

## **1.2 Objectives of the study**

The purpose of this study is to conduct a research and in-depth analysis of traditional cooperation and customary conflict management mechanisms among the people of **Kalu**. This was conceptualized because of under-utilized value of traditional institutions in conflict management. Therefore, the study is designed to address the following specific objectives:

- 1 To examine economical, political and social factors of cooperation and conflict management among the community;
- 2 To assess the strengths and limitations of the customary dispute resolution mechanisms;
- 3 To look into the organization of traditional mechanisms of dispute settlement;

- 4 To assess the extent to which these organizations and mechanisms help to prevent the disputes in the traditional societies;
- 5 To assess the relationship of traditional dispute settlement vis-à-vis modern law of the state.

### **1.3. Significance of the study**

The traditional mechanisms of dispute settlement are gradually vanishing. The proper documentation of these people along with institutions will help in comparative assessment of the said mechanisms and generate interest in further research. Moreover, this will provide with an opportunity to understand the challenges the traditional organizations face and the adjustment they make with the state laws of the land in the changing context.

### **1.4 Methodology**

The methodology applied is examining the existing traditional cooperation and indigenous conflict resolution mechanisms, interviews with community' elders, government officials, women, and focus group discussion by peace committees within the study community.

Both field interviews as well as focused group discussions along with in depth analysis of relevant secondary data, sources such as published and unpublished materials were put to use.

The primary methodology of the study involved interviews and discussions with community elders in the community. The elders were selected based on leadership experience in the community, command of knowledge of the community's folktale and way of life, and proven longstanding participation in forums to settle disputes in the community. The elders are believed to have knowledge of community values, practices and philosophy of life.

The researcher also used audiences such as community gathering and workshops undertaken at the Woreda level. Moreover, ritual ceremonies such as funeral, wedding and prayer services are also utilized in observing the process of cooperation and conflict management within the community.

#### **1.4.1 Data**

##### **1.4.1.1 Primary**

Field data are collected from selected areas of Kalu district of Amhara region. Elders and leaders in the community, people who facilitate customary dispute settlements, individuals/groups whose cases

are under process, local Kebele authorities and government officials are used as primary sources of the data through interview. In addition, the cases which have been settled as a consequence of dispute settlement and those cases referred to court level are also used as primary data.

#### **1.4.1.2 Secondary**

Information from relevant literatures were sought to construct a theoretical framework for the research. Furthermore, related literatures on history and tradition of the study area, conflict, and alternative dispute resolutions and archives of courts are assessed. Above all, different documents of the Regional, Zonal and Woreda judicial systems are utilized as secondary resources.

### **1.4.2 Data collection Methods**

The field data was collected during the three month field work starting March, 2005. The data collection methods include interview, observation, case study and focus group discussion.

#### **1.4.2.1 Interview**

People in the study area consisting of elders, mediators, disputants, government officials were interviewed to reconstruct the background of the interaction within the community. The interview included informants based on age, gender and status in the community to see their interaction in economic, social and political aspects. Furthermore, government authorities at zone, district and Kebele authorities whose duties and responsibilities are directly or indirectly related to objectives of the study are interviewed. Note taking, taping and photographing are also used during the interview.

#### **1.4.2.2 Observation**

The researcher was available as observer both at formal and informal dispute settlement processes. Furthermore, meetings and ritual ceremonies were used as the main areas of knowledge to the researcher. Mediation process, funeral ceremonies, wedding events and public gatherings were used to observe the traditional activities of cooperation of the local people.

#### **1.4.2.3 Case study**

Cases produced to the community elders, **Zemed Dagna** and the traditional mediator are assessed. In this regard, seven cases are produced in the research paper.

#### **1.4.2.4 Focus Group Discussion**

Focus group discussion comprising of elders, traditional mediators, local government officials and Woreda experts is used so as to gather information and ideas of traditional cooperation and customary conflict management within the community.

### **1.4.3 Coverage**

The research covered the community in Kalu district **Soli Ager, Gende Kori, Addis Alem, Suruntu, Feto Koma and Adame** Kebeles

### **1.4.4 Limitations**

The study has the following limitations. In the fieldwork, different officials were not available because of continual meetings and fieldwork that made it difficult to communicate with key informants. Another problem, which required the researcher's high tolerance, was poor transportation of the site area.

The people of **Kalu** have their own traditional way of cooperation and conflict management mechanisms. This age old traditions of the people have direct or indirect relation with practices of other people. In this regard, the literature review shades light about the concept of cooperation and conflict management. Above all, the literature review enables the reader to compare and contrast the difference between indigenous institutions of cooperation and conflict management of the people of **Kalu** with other communities.

### 2.1 Cooperation

Cooperation, according to the black well dictionary of sociology, is a coordinated effort to reach mutual goals [Allan G. 1995]. Thus, cooperation is a joint or collaborative behaviour that is directed towards some goal and in which there is common interest or hope of reward.

Cooperation, as a form of interaction in which people strive for a common goal, requires people to share a definition of the situation and to depend on each other. It can be a spontaneous response to a situation that requires people to act together, or it can be based on long established customs. Cooperation, according to Nesbetand Perrin, is often an efficient way to accomplish tasks, because it allows for greater effort than individuals could act by their own, and because it provides intrinsic rewards such as gratification from other parties to the interactions. In this regard, cooperation may be voluntary, direct or in direct, formal or informal, but always there is a combination of efforts towards a specific end in which all participants have a stake, real or imagined[Nesbetand. P, 1968].

People who have grown up under similar conditions, to be sure, are likely to show less difference in their personal sentiments than are persons of dissimilar backgrounds. People of such background, according to Goodenough have developed their value orientations with respect to a common range of objects and events [Goodenough. H, 1963].

For any community or social class, then, there will be some value orientations that are common to the personal sentiments of virtually everyone within it. They allow for the development of recreational, aesthetic, and ethical traditions that have wide appeal. These traditions, according to Goodenough, help to promote awareness of common sentiments, which in turn help to give people the sense of mutual identity without which, there is no social group.

The members of social groups, moreover, seek to promote this feeling by adopting customs that differ from those of other groups, and prohibiting participation in those activities in which people in rival groups experience mutual identifications.

In agricultural community, cooperation is used to members for the purpose of cultivation, harvesting and other agricultural practices. In this regard, cooperation is one of the values binding upon the participants as any other part of the morality.

From Anthropological, point of view early modern theories of society may be seen as falling within either a cooperation or conflict orientation. On the one hand, there were those who like Thomas Hobbes, saw the natural state of man as characterized by conflict and war of all against all, with the life of man left "solitary, poor nasty, brutish and short"; the absolute state was seen as man's only refuge from this conflict. In conclusion most Anthropological literatures confirm that friendship and cooperation were basic in the human species and that the social ties of family, community, and associations had long preceded the rise of the state[Hobbes.T,1985].

## 2.2 Conflict

For the purposes of this study, conflict refers to disagreements between two or more people, groups or communities. It can be a disagreement over the use of natural resources such as water, pasture and grazing land or disputes over ownership of livestock, land or even domestic quarrels [Cosser, 1956].

Conflict situations appear with frequency in daily, public, and private life. These conflicts may be on a small or large scale; they may occur within and among groups, communities, or nations; and, they may be triggered by ethnic, racial, religious, or economic differences, or arise from differences in values, beliefs, and attitudes regarding issues.

According to Dahrendorf [1959] conditions necessary for conflict are sets of individuals exhibiting some level of organization (voluntary groups, religious groups, families, communities, nations, or some other collections of individuals), interaction among group members, different levels of positions to be occupied by group members, a scarcity of needed or desired resources and a general dissatisfaction among members about how these resources are being distributed.

He also argues that conflict centres primarily on power, on the division between those who control others and those who are controlled, especially in the context of organizations such as bureaucracies and corporations (Ibid)

Conflict Prevention is used to refer to the act of inhibiting the occurrence of conflicts as well as mitigating conflicts. Thus, even though the phrase suggests that the effort only takes place before violence breaks out, conflict prevention takes place throughout the cycle. Conflict Prevention, in the context of the study, focuses on measures aimed at reducing the intensity of violent conflict. The phrase also includes pre and post-conflict prevention measures. This phrase is favored because it refers to the mitigation process.

According to Barker, conflict is present when two or more parties perceive that their interests are incompatible, express hostile attitudes, or pursue their interests through actions that damage the other parties. These parties may be individuals, small or large groups, and countries. As people are organized into groups to seek a common goal, the probability of conflict greatly increases. Since only the most serious conflicts make headlines, conflict has a negative connotation for many people. Nevertheless, not all conflicts are the same. Barker further expressed that conflict is manifested at all levels (Barker: 1987).

Individuals may dislike certain people with whom they come into frequent contact, but may tolerate their behavior on a day-to-day basis until a situation arises where strong feelings are at issue. Such situations almost inevitably turn up, eventually, within any long-term community project or program. Conflict can occur within groups (intra-group conflict) or among groups (inter-group conflict).

Conflict perspectives assume that groups and individuals struggle or compete with one another over various resources and rewards, resulting in particular distributions of wealth, power, and prestige in society and other social system. These shape not only the patterns of everyday life and interaction, but also larger patterns such as racial, ethnic, and class inequality and relations among nations and regions of the world.

Social conflict, according to Marx, on the other hand, is based on many different aspects of social life. He argues that most conflicts are economic and rests on the unequal ownership and control of property, especially the means of productions [Marx.K, 1869].

Similarly but with slight difference, Max Weber argues for a broader view encompassing economic relations as well as factors such as race, ethnicity, and religion. (Weber, 1992)

Other scholars have also recognized the role that culture plays in conflict and peacemaking, and have affirmed the potential contributions of diverse religious institutions and principles to conflict resolution within divided societies (Augsburger, 1992; Avruch, 1998)

However, the dimensions, level, and intensity of conflict vary greatly. Conflicts over natural resources can take place at a variety of levels, from within the household to local, regional, societal, and global scales. Furthermore, conflict may cut across these levels through multiple points of contact. The intensity of conflict may also vary enormously from confusion and frustration among members of a community over poorly communicated development policies to violent clashes between groups over resource ownership rights and responsibilities. With reduced government power in many regions, the resource users, who include pastoral, marginal farmers and agro-pastoral, increasingly influence natural resource management decisions.

Social Identity Theory is one of the significant theories that introduce concepts that bridge the gap between individual and group behavior. It also sheds light on majority-minority group relations. The debate over nature (genetics) and nurture (environment) is still contentious. The Seville scientists concluded that it was primarily the environment; thus humans can control and change their social systems and relationships. This bodes well for finding solutions to endemic conflicts. Consequently, the socialization process, group comparisons, perceptions and positive identities are important concepts for conflict resolution [Cash. J, 1996].

Game theories have their origins in the 20th century model of the rational actor. The rational actor model was developed by economists to explain human economic behavior. It presupposes that people make choices and decisions on a rational basis based on informed choices and weighing of opportunities. Game theory is a tool that can help explain and address social problems. Since games often reflect or share characteristics with real situations -- especially competitive or cooperative situations -- they can suggest strategies for dealing with such circumstances. Just as we may be able to understand the strategy of players in a particular game, we may also be able to predict how people, political factions, or states will behave in a given situation [Zagara.F.C1984].

Thomas Schelling takes this model little further. Schilling's game model includes communication, negotiation, information, and introduces the importance of irrationality into strategic thought. One of the most important contributions of Schilling is his hypothesis of the interdependency of conflict, competition and cooperation among actors. In each incident of conflict, there are elements of

cooperation; cooperative engagements often endanger an element of conflict. This notion has become an important element in our understanding of conflict. Schilling uses game theory as an attempt to break down the complexities of inter group relationships by using game playing to illustrate analogous situations. He uses three types of games: chance, skill, and strategic, to illustrate the corollaries to international relations.

Identification with these ethnic or national groups largely determines how we relate to people within our in groups and with those of our out- groups. How the masses within each group perceive themselves and their relationships with groups that they are associated with, helps to determine whether their relationship will be based on cooperation, competition, or conflict.

Human Needs Theory (HNT) was developed in the 1970s and 1980s as a generic or holistic theory of human behavior. It is based on the hypothesis that humans have basic needs that have to be met in order to maintain stable societies. As John Burton describes that the human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs - needs such as security, identity, recognition, and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. This struggle cannot be curbed; it is primordial [John.B, 1993].

This struggle for primordial needs is theoretically related to the Frustration-Aggression theory, which is based on the stimulus-response hypothesis. The frustration of not satisfying these needs leads to aggression and subsequently, conflict. What distinguishes Human Needs theory from the Frustration-Aggression theory is that the former is concerned only with absolute requirements (needs) while the later is also concerned with wants and desires. Burton, further, states that there are fundamental universal values or human needs that must be met if societies are to be stable. That this is so thereby provides a no ideological basis for the establishment of institutions and policies. Unless identity needs are met in multi-ethnic societies, unless in every social system there is distributive justice, a sense of control and prospects for the pursuit of all other human societal developmental needs, instability and conflict are inevitable.

The needs of both conflicting parties must be met, not the needs of one at the expense of the other. This helps to move the conflict from zero-sum to win-win. The abstraction of 'human needs' helps to eliminate the sense of mutually exclusive goals. These needs are not satisfied at the expense of the

other community, but are realized along with the other community's needs. These needs are not mutually exclusive or gained at the expense of another; they are universal.

There are bold assumptions in this theory. According to the theory struggle cannot be curbed as well as instability and conflict are inevitable. These are contentious statements with far reaching implications. If the hypotheses of this theory are correct, if there are certain human needs that are required for human development and social stability, than the solution to conflict must be the ability to create an environment in which these needs can be met by all segments of societies.

### **2.3 Conflict Management**

Conflict management, in the context of the study, is the practice of identifying and handling conflict in a sensible, fair, and efficient manner. Developing and using skills such as effective communicating, problem solving, and negotiating with a focus on "interests" can manage conflict.

Various social scientific perspectives have different views of the incidence of conflict and its value in social systems, and accordingly offer different approaches to conflict management.

Before discussing the meaning of conflict resolution, it is useful to consider the broader term 'conflict management' which has been described as a kind of proactive-reactive continuum: 'The proactive end of the spectrum involves fostering productive communication and collaboration among diverse interests, addressing the underlying causes of conflicts in order to prevent conflicts from recurring, developing trust and understanding and using participatory and collaborative planning in order to prevent conflicts which result from policies. The reactive end of the spectrum includes approaches to managing conflicts that involve negotiation, mediation, conciliation and consensus building.

However, suitable modern Western techniques may be in their original cultural milieu – especially when harmonized with religious or humanistic values – their applications in more traditional or non-Western contexts are circumscribed. John Paul Lederach (1995), for example, has observed substantial differences between contemporary Western conflict resolution approaches and traditional Latin American approaches that are derived from indigenous culture and embedded in communal realities. On the basis of his work in the region, Lederach (1995) concludes that 'insider partial' mediators – who are by definition well versed in local cultural meanings and expectations, and often have vested interests in conflict outcomes – have better chances of making important contributions than mediators who play the North American role of the disinterested, impartial outsider

Customary conflict Management refers to a variety of dispute resolution techniques that involve the introduction of a neutral third party into a dispute. The "neutral" can play a variety of roles, including facilitating discussions, providing parties with a "reality check" on the merits and value of their claims, and assisting with creative problem solving mechanisms.

There are a number of ways of dealing with a conflict, ranging from violence at one extreme to ignoring the conflict at the other, with a variety of approaches in between. Towards the more hostile end of the spectrum is litigation, in which parties take their grievances to a court or tribunal that applies predetermined legal rules to the conflict and issues a decision that is binding upon the parties, producing a winner and a loser. However, parties are turning increasingly to Alternative Dispute Resolution [ADR] techniques to settle their disputes. These include negotiation, mediation and conciliation, which are more flexible and produce results that are more acceptable to the parties as well as more sustainable in the longer term. Alternative Dispute Resolution is being used increasingly in conflicts over the environment and natural resources and has considerable advantages over traditional contentious methods. Conflict management, hence, is the practice of identifying and handling conflict in a sensible, fair, and efficient manner.

Conflict management, like the associated term "conflict regulation", is often confusingly used as generic term to cover the entire spectrum of positive efforts to affect conflicts in non-violent ways, including settlement and resolution. It is also used to refer to the limitation, mitigation and containment of conflict, rather than the durable elimination of the causes of conflict.

Many terms are frequently, and almost interchangeably, used in the field of conflict management to describe the activities and processes, which end conflict. However, several of these terminological approaches have implication for the outcome of a conflict situation.

In the conflict management system, there are many anthropological, sociological, political, psychological and legal theories. Each theoretical framework encompasses its own background on the causes and mechanisms of settlement.

Professor Burton distinguishes among conflict resolution, management and settlement. Management is 'by alternative dispute resolution skills' and can confine or limit conflict; settlement is 'by authoritative and legal processes' and can be imposed by elites. Burton suggests by contrast that Conflict resolution means terminating conflict by methods that are analytical and that get to the root of the problem. Conflict resolution, as opposed to mere management or 'settlement', points to an outcome that, in the view of the parties involved, is a permanent solution to a problem.

By accepting the assumptions and hypotheses of the Human Needs Theory, Burton suggests that there is a need for a paradigm shift away from power politics towards the 'reality of individual power'. In other words, individuals, as members of their identity groups, will strive for their needs within their environment. If elites, other identity groups, institutions and other forms of authority, prevent them from this pursuit conflict will be inevitable. The only solution, in that case, for the groups is to work out their problems in an analytical way, supported by third parties who act as facilitators and not authorities. This is particularly relevant when the conflict is over needs, which cannot be bargained, and not material interests, which can be negotiated and compromised.

One of the problems with the internal conflict school was that while there was some agreement on an explanation of the conflict, there was little consensus on solutions. However, there is a real need to step away from the specifics of the conflict and take a holistic approach. This abstraction will accomplish the goal of being more objective in the search for an adequate explanation. As Burton states whatever the definition we have of conflict, wherever we draw the line, right down to family violence, we are referring to situations in which there is a breakdown in relationships and a challenge to norms and to authorities. ... [Conflict] is due to an assertion of individualism. It is a frustration-based protest against lack of opportunities for development and against lack of recognition and identity. Whether the tension, conflict, or violence has origins in class, status, ethnicity, sex, religion, or nationalism, we are dealing with the same fundamental issues.

If the participants in the conflict can begin to recognize their conflict as a breakdown of relationships, and that are fundamental similarities between the antagonists, then the process of abstraction will enhance their objectivity. The purpose of this process is to enable the participants to come to the understanding that all the participants have legitimate needs that must be satisfied in order to resolve the conflict. The other key issue here is to develop an analytical process to facilitate the changes required to create a political and social system in which these needs can be met. Burton further notes that conflict resolution is, in the long term, a process of change in political, social, and economic systems. It is an analytical and problem solving process that takes into account such individual and group needs as identity and recognition, as well as institutional changes that are required to satisfy these needs.

Traditional approaches to conflict management or regulation have largely been based on mediation and negotiated 'settlements'. These approaches will only work when the conflicting parties are amenable to negotiation and have something tangible they are able to bargain. However, the

recognition of primordial needs eliminates the possibility of traditional negotiations. Consequently, we are left with Burton's requirement for a process of change in order to accomplish resolution.

Understanding the nature and parameters of a conflict is useful, but the objective is to use this analysis to resolve the conflict. By applying the assumptions of John Burton's Conflict Resolution Theory, we can map a way forward. There are practical methods and processes that can be used in our move from theory to practice. These processes are what are known as Track Two Diplomacy. Track two diplomacy is an unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict. It must be understood that track two diplomacy is in no way a substitute for official and formal government-to-government or leader-to-leader relationships.

At present, a fusion of the Enemy System Theory and Human Needs Theory offer the most comprehensive and objective explanations of the conflict. However, explanation is not enough. Burton's Conflict Resolution Theory provides a holistic approach to conflict resolution. As a relatively new and pioneering theoretical development, it remains outside the mainstream of the literature. It challenges the assumptions of Western political thought that power is based and exercised through elites who establish norms of behavior. However, it remains to be seen whether this approach will be accepted by the participants in the conflict, and used to their benefit to resolve it.

In the conflict management mechanisms, the community relation theory also assumes that conflict is caused by on going polarization, mistrust and hostility between different groups within the community. The dispute settlement mechanism, according to the community relation, is based on the promotion of greater tolerance and acceptance of diversity.

The principled relation theory also assumes that conflict is caused by incompatible positions and "zero-sum view of conflict being adopted by the conflicting parties [Thurrow, Lester.C1980]. The theory refers to a social situation in which one person's success come at the expense of others.

Human needs theory assumes that conflict is caused by unmet human needs, i.e., physical and social. Under such approach, differences can be settled through assisting conflicting parties to identify and share their unmet needs, and generate options for meeting those needs.

Social Identity Theory introduces important concepts that bridge the gap between individual and group behavior. It also sheds light on majority-minority group relations. The debate over nature (genetics) and nurture (environment) is still contentious. The Seville scientists concluded that it was

primarily the environment; thus humans can control and change their social systems and relationships. This bodes well for finding solutions to endemic conflicts. Consequently, the socialization process, group comparisons, perceptions and positive identities are important concepts for conflict resolution.

Identity theory assumes that conflict is caused by feelings of threatened identity. The theory consists of ideas about a person ought to be, rather than who actually he is. In this regard, agreement in conflict settlement can be reached by recognizing the core identity needs of all parties.

Conflict transformation theory assumes that conflict is caused by real problems of inequality and injustice expressed by competing social, cultural and economic framework. According to the conflict transformation theory, changing structures and frameworks that cause inequality and injustice, including economic redistribution is sought as mechanisms of dispute settlement.

From these perspectives, people are viewed as social beings, and as interacting members of social, transactional collectives. The social environment consists of collective and emergent life situations, involving families, small groups, organizations and local neighbourhood (Max: 1972}. Within these situations, people interact symbolically and reciprocally in terms of conscious selves, roles and norms.

In the problem solving orientation, man is as problem solving creature, and all of human life as a continuous problem solving process. Man, furthermore, develops a problem solving capacity, or task competence, as a basic feature of personality, and of optimal social functioning patterns (Ibid :).

The rational choice approach explains patterns of social behaviour not in terms of individual psychology but rather in terms of the underlying context of "rules" and contingencies in which rational choices are made (George Ritzer: 2000).

It argues that choice is always the form of rational, systematic problem solving that occurs in several stages; gathering information about past, present, and conditions.

The Enemy System Theory introduces the human need to dichotomies and thus creates enemies and allies. Both the Enemy System and Social Identity theories stress the importance of self-esteem and positive identity particularly with regard to relations between in-groups (allies) and out groups (enemies). Human needs theory hypothesizes that there are certain irreducible human needs, which must be met in order that societies can function without maladaptive conflict. Burrton's conflict resolution theory recognizes these needs and suggests ways to accommodate them analytically and

non-coercively. Track two diplomacy offers a process that can be used to achieve the results envisaged by Burrton's Conflict Resolution theory.

Furthermore, various social and scientific perspectives have different views of the incidence of conflict and its value in social systems, and accordingly offer different approaches to conflict management. Unitary models (also referred to as "monolithic" and "integration" models) seek and often find system-wide consensus, wherein values, meanings, goals, interests, rules and the like are shared and internally consistent. Individuals have clear understandings of what things mean and how to behave. They pursue the aims of the system because in so doing they address their own interests (McGregor, 1957). This integrated world is one of "harmony and homogeneity" (Martin, 1992). Many researchers and managers with this perspective see conflict as rare, disruptive to social integration, and symptomatic of system pathology. It is often attributed to deviants and provocateurs that can be controlled or eliminated by appropriate system design and action (Morgan, 1986; p. 188). The aim of conflict management under this perspective is resolution and prevention for greater system unity.

The radical model also sees conflict as differentiation and conflict, too, but takes a positive view of conflict. Trade union leaders, for instance, induce conflict with management as a way to strengthen their position vis-à-vis management (Tannenbaum: 1965). Such conflict develops consensus within the subsystem while increasing separation from the other, thus polarizing the system and creating disunity. Ultimately, of course, radicals see conflict as a means to structural change through a process of dialectics. Thus, the opposing parties, one struggling to maintain the existing order, the other to reverse it, destabilize the system and co-produce change (Morgan. 1986). Whether such conflict is thought good or bad depends on one's moral opinion of the system being destroyed. Certainly, conflict that undermines an existing system is dysfunctional to that system, but it is good if the system is evil.

Not all views depend on moral judgment to find positive aspects of conflict. George Simmel (1956) saw human relations characterized by ambiguity rather than clarity. The way this plays out in terms of conflict is that social systems are seen always to involve both harmony and dissonance. To him, a completely peaceful social system simply cannot exist because of its incapacity for change and development. Harmony and consensus are not, therefore, per se good nor is conflict per se bad. Rather, both are positive, being necessary for system survival. For example, conflict structures a system, strengthening existing bonds and forming new ones as participants become polarized into blocs that persist beyond the conflict. Small conflicts also allow parties to ventilate, reducing the

likelihood of larger, destructive conflict. In these and other ways, conflict promotes system endurance and viability (Coser: 1956).

By this line of reasoning, conflict management aimed at eliminating discord is not only an impossible task, but off the mark. Indeed, even some writers outside the radical school argue for and describe techniques of conflict stimulation (Peck, 1987; Robbins, 1974). Brown (1983), for instance, explicitly recognizes and integrates both functional and dysfunctional conflict outcomes into a unified model, hypothesizing a curvilinear relationship between conflict intensity and its outcomes. Too little conflict is said to produce a false sense of well being and low levels of energy, creativity and adaptation. Too much conflict produces antagonism, restricted information flow, low-quality decisions and diversion of effort away from other tasks to deal with the struggle. Either condition may cause system failure. Positive outcomes of conflict and, therefore, system effectiveness are realized in the middle range of conflict intensity, where there is neither too little nor too much. Effective conflict management, then, becomes a matter of either reduction or stimulation as called for by the situation (Brown, 1995).

Another property of social systems that is thought to affect their effectiveness is diversity of population in terms of perspectives, skills, knowledge, abilities and the like. One way unitary systems achieve integration is through homo social reproduction, selecting, socializing and promoting to positions of power similar others. While social similarity produces what Durkheim calls "mechanical solidarity," the stability and inertia can prove fatal when the environment changes and the system lacks the knowledge, skills and abilities necessary to adapt. Pluralistic systems, on the other hand, because they contain a broad variety of perspectives, skills, etc., are more likely to contain the necessary qualities for the new demands of the environment. If granted expression, differences can also generate a multitude of ideas for improving system performance, and greater capacity for their evaluation. Potential benefits of diversity, then, are high quality decision-making, creativity and innovation, and adaptation (Peck, 1987; Cox, 1991).

However, diversity of values, perspectives, beliefs, interests, knowledge and expectations is also a source of conflict. Pluralistic systems, which are more complex, more elaborately structured than those of the radical model, which focuses on dichotomy and opposition, have a vulnerability of their own. As loose networks of people with multiple goals and diverse interests, whose alliances shift over time and across issues, achieving consensus on anything may become insurmountable. A system of extreme heterogeneity, while it may contain the raw material for creativity, flexibility and adaptability, is vulnerable to anarchy and anomie. Social systems operating in environments demanding creativity

and innovation thus face an apparent dilemma. If they for tranquility either by denying expression of their diversity or by choosing homogeneity, they deny themselves precisely what they need to survive. Nevertheless, if they admit diversity and allow it expression, they may experience too much conflict to be productive and thrive.

The unitarist answer is avoidance of conflict through homogeneity. As argued above, this contains the seed of system failure. So, too, does the radical answer, coercion, which is conflict seeking in its effects if not intent. The pluralist response is the Aristotelian ideal of politics wherein diversity is neither silenced nor avoided, but given expression through constructive conflict management. In the political model of social systems, order is created from diversity by bargaining and consultation that reconciles divergent interests and creates shared understandings (Morgan, 1986; Pfeffer, 1981). In sum, a social system may be more or less effective depending on its degree of diversity and its strategy for and skill at managing conflict.

According to Clark (1968) two conditions help control community conflict and keep it from turning violent: the degree to which people are similar (for example, age, ethnic background, religion, length of residence, organizational ties); and, the degree to which community members have internalized community values, norms, and traditions, resulting from participation in voluntary organizations and involvement in community life

The search for the parameters of conflict theory has led us to a number of conclusions. First, there remains a lack of cohesion or consensus among theorists that prevents us from crossing the threshold into grand theory. In the past, the paths of micro and macro approaches seldom crossed. The evolution of conflict theory indicates that these two approaches will converge in the future. For example, one cannot adequately explain conflict in Northern Ireland or the Middle East without examining both the classical and behavioral approaches.

## **2.4 Conflict and Conflict management practices in the Horn of Africa**

The countries of the Horn inherited a political challenge from the colonial authorities, which first fixed and demarcated the delimitation of each state. For many groups such as the Afar (Ethiopia, Djibouti, Eritrea), the Kunama (Eritrea, Ethiopia, Sudan), and the Somali clans spanning Somalia, Ethiopia, Djibouti and Kenya, the claims of states interfere with time honored migration patterns.

The close relationship of ethnic and religious groups between bordering populations, across multiple national borders, inevitably implicates neighbors in one another's internal affairs. Policies affecting Somali groups in Kenya or Ethiopia for example are of concern to Somalia.

A function of the states whose territories they demarcate, the borders dividing the countries of the Horn, are weakly defined, contested and porous. Yet these borders are essential for the self-preservation of the state. Continuously transgressed by people, animals, political movements and ideas, they are wide-open lines of communication implicating neighboring states in a web of mutual dependence, wherein nobody can escape the predicament of a close neighbor. It also allows conflict to spread readily, with warriors and weapons moving from flashpoint to flashpoint unimpeded.

Agricultural peoples have also been dispersed, and the rapid rate of urbanization, has spread ethnic groups across regions within each state, and across the different countries of the region. These processes have made ethnic homogeneity and cultural uniformity features of a mythologized past.

One of the consequences of this population mobility has been the feedback loop, whereby the experiences of migrant communities in distant cities impact upon their relatives back home. As people travel and disperse, they involve their corporate groups in new sets of relationships.

A number of classifications of different conflict types have emerged over recent years, in an attempt to accurately describe the different character of the diverse conflicts in the Horn. In common with conflicts elsewhere in the world since the end of the Second World War, and particularly since the end of the Cold War, most violent confrontation has taken place within rather than between states. At the same time, the Horn has been exceptional in Africa for the rate of occurrence and the scale of inter state conflicts, and the complex relationships of mutual destabilization practiced between neighboring governments.

The importance of traditional structures was first recognized in Northern Somalia in 1991. This region, inhabited by the **Isaq** clan, had suffered some of the worst violence at the hand of government forces, culminating in the bombing of Hargesa in 1989. In the forefront of national resistance, the **Isaq** organized them politically into the **Somali National Front (SNM)**. By 1991, when the southern part of the country descended into unfettered civil war and a massive famine, they were ready to declare independence.

Building on the memory of this independent spirit, the **SNM** turned a political chapter by setting up a traditional clan meeting, known as **Shir**, in the town of **Borama**. Clan elders came together to debate their future, sitting for months on end, and listening to an endless stream of delegates. By 1993, they

had agreed upon a transitional president, an assembly and a constitution. In the meantime, Somaliland enjoys a mild prosperity, and has upheld peace and stability within its borders.

The Intra-state Conflict is the most common form of conflict found in the Horn, and almost each of the core countries is currently embroiled in some form of intra state conflict. There are different variations to this. Some conflicts are of a secessionist nature.

In Somalia, the different clan based factions and warlords have been fighting for control of parts of the country, usually their historical clan territories. Control over the resources, particularly the ports or the agriculturally rich areas around the **Shebele** River have also been the objects of intense fighting. In this regard, the conflict in Somalia is resource based.

Djibouti has been ravaged by internal conflict from 1991-1998. The fighting has been mainly along ethnic lines between the Afar who are organized into the Front for the Restoration of Unity and Democracy (FRUD), and the government, dominated by **Somali Issa**. Backed by, France the government prevailed, and signed a peace accord in 1998. In this regard, ethnicity accounts the major causes of conflict.

While overt interstate wars have been rare, there are deep-seated rivalries between neighboring states. There has been considerable tension between Kenya and Sudan, Kenya and Somalia, Kenya and Uganda, Uganda and Sudan, Sudan and Ethiopia and Sudan and Eritrea in the 1990s. Presently, the confrontation between Ethiopia and Eritrea is the continuation of destabilization against each other. Supporting a neighboring rebel movement is becoming an indispensable strategy, which governments can use as a bargaining chip. It also creates a buffer against incursions by domestic rebel groups, domiciled in adjacent countries. Therefore, destabilization between Neighboring States is one of the major causes of conflict in the Horn of Africa.

It is widely recognized among scholars of nomadic groups (Fukui; Abbinks 2001) that the access to and distribution of rights over pasture and water holes is often determined by force.

Among the Afar, the Issa and the **Oromo**, and to a lesser degree among the Amhara, the use of violence to further group interests was not only sanctioned but also encouraged. The historic description of the **Afar** famed and feared among travelers and neighboring groups.

Furthermore, the studies of conflict among the **Dizi** and **Suri** peoples in Southern Ethiopia on the issue of culture (Abbink 2001) helps to realize the traditional conflict management system in the country. In both societies violence as a goal-oriented phenomenon has been culturally honored and ritualized. Stock raiding was highly acknowledged, in fights over waterholes and pasture, and evident

in the ritualized forms of stick dueling, which determined rights to sexual access and therefore a reproductive career. To kill an enemy or blood feud, or break an opponent's bones in a stick fight was not a culturally sanctioned form of violence. These were based on cultural metaphors, and uncontested exercises of force.

A number of factors have influenced this breakdown of cultural values and mores. Though the penetration of the money economy has been comparatively low level, it has overturned existing habits of production, consumption and exchange. It has also upset existing ways of reckoning material differentiation. Money in the hands of the young has undermined the authority of the elders, and the system of checks and balances traditionally in place. It has enabled people to free themselves from the web of social ties based on mutual dependence and obligation. Instead, monetary payment can secure the goods and services that had hitherto been conditional upon favorable social relations. Therefore, the modernity is contributing in lessening the role of elders in the process of peace *making*.

The arrival of modern weaponry has fundamentally altered the nature of raiding and feuding. In the past casualties were limited, and women, children and elders were spared from violence. It was unlikely that bystanders would suffer injury in the crossfire. Moreover, traditional weaponry also maintained a balance of power between groups. Over the past twenty years, however, the odds have been grossly tipped in favor of those groups with access to small arms.

Violence, while woven densely into the fabric of everyday life, was also controlled by custom. Conflict could break out suddenly and was difficult to predict, yet the course of such violence remained highly regulated. In Ethiopia, for example, informants from both the Oromo and the Afar confirmed that neither group killed women intentionally. Reports from inter-ethnic conflicts in Southern Sudan also report the taboo on the killing of women, elders, and the existence of sanctuaries.

Furthermore, there are mechanisms of conflict resolution based on the payment of blood money, which show a remarkable degree of similarity across the region. We find it described as '**joudiyaa**' in western **Darfur**, and as '**xeer**' in the **Awash** valley. What this institution, which sets a fixed penalty for each slaying, suggests is a cultural perception of "equality and reciprocity as natural and specifically human." (Abbink 2001:132). Among pastoral and agro-pastoral, social relations are a balancing act, in which violence is readily resorted to redress any imbalance.

We find then, that while violence is culturally sanctioned, there are prescribed situations, as well as mechanisms for ending disputes. Culture, therefore, is not a satisfactory explanation in the analysis

of causes of conflict. Indeed, the material we have documents the dramatic escalation of violence, both in terms of casualty levels, and in the prolonging have inter group conflict and suggests something quite different. . It is not the violence, which account for the degeneration of large parts of the Horn into hotbeds of conflict. It is in fact the decline of traditional cultures exposed to the forces of modernization, such as the market, the state, and modern weaponry, which accounts for the deep insecurity.

In conclusion, these findings have serious implications for future approaches to conflict resolution and regional development. It must, therefore, be recognized that traditional structures of social and political organizations are not a factor of instability, but to the contrary, a pillar of peaceful relations and development. The skill in future negotiations will revolve largely around how different institutions can be integrated into the process.

In the light of these considerations, we return to the question of causes of conflict. We have identified culture, ethnicity and religion as secondary causes, which are of low importance in triggering conflict - though they are important in perpetuating it, the root causes may well be of a material nature. In view of the low level of economic development of the greater part of the Horn, resource conflict is plausibly represented as conflict over renewable natural resources.

This is particularly true in Somalia and partly Sudan, where indigenous mechanisms, some ad hoc, others traditional and long established, provide order where the outsider's eye sees only chaos. In many areas of Somalia including parts of Mogadishu, **Sharia** courts are enforcing law and order, a welcome novelty for residents who have been deprived of a functioning judicial system for years.

The argument over resource conflict is an old one in the Horn. The topography of the region has been described as a 'harsh environment', where life-sustaining resources are scarce, and competition for them is high. What the above discussion termed the culture of violence among different ethnic groups, clans, nations and communities is believed to have evolved in response to these unfavorable conditions.

In the twentieth century, a number of factors have accentuated these hostile conditions. Human and domesticated animal populations have expanded well beyond the carrying capacity of the land. At the same time, the material expectations of people have risen tremendously. There are now more mouths to feed than ever with each individual dependent upon the resource base, which in turn requires a higher, yield. Yet precisely this yield is dropping. Among highland farmers in Ethiopia, for instance the fallow periods are contracting. This gives the soil time to recover its fertility, which in turn

translates into lower harvests. Equally pastoral in the Sudan, spend ever-shorter periods in their dry season pastures. Their extended stay in the most abundant wet season pastures places a heavy burden on the eco-system, until its ultimate collapse.

Thus one of the major sources of tension is migration, in regions with limited resources. The unequal distribution of weaponry then goes to tempt some groups into asserting their interest with violence. According to local peoples it does appear that much of the conflict revolves around stock raids, water holes, and fields or pastureland.

One way of testing the proposition developed above, that the cause of inter group conflict is to be found in the scarcity of development benefits, and the constraints within the non-traditional economy, is with reference to the impact of peace processes.

Up until now we have followed a simplistic approach, distinguishing formal, modern methods of conflict resolution, with traditional mechanisms.

Traditional organizations and groups exercise a strong claim on the loyalty of individuals, but there are no private sector corporations, or civil society associations to rival the state in gaining control over technical resources and knowledge.

The success, particularly in Somaliland, rested entirely upon this application of indigenous principles to a contemporary situating, without interference. It allowed for a political process with a degree of democratic participation and genuine self-determination that is, possibly, unprecedented in the Horn. In principle, then the co-operation of government working with traditional forms of organizations is the most promising way of reconciling regional conflicts and addressing underlying problems.

Co-operation between state and tradition, offers the ultimate opportunity for the far more explosive question of dividing the spoils of the state in a systematic and negotiated manner. Moreover, the development of these peace conferences may also provide an opportunity for the development of instruments fitting for governing Horn countries in the contemporary era.

## **2.5 Ethiopian experiences in Customary Conflict Management**

Ethiopian history is a record of conflict. The nature of conflict differs from area to area and from one anthropological setting to another, and at some cases being similar in terms of essence, basic characteristic features and consequences.

In Ethiopia, conflict occurs in nearly all cases among parties with different ethnic and clan identities. However, whether such differences in themselves are sufficient causes of conflict is debatable, and to define the conflict mainly as ethnic is questionable. As Zartman (1995) noted distributional disparities in resource, distribution may remain unfocused without the identity element and it may be natural for a group of people to organize themselves within ethnic lines in order to mobilize support.

Conflict in the pastoral and agro-pastoral ethnic communities in the marginal lowlands particularly among the pastoral communities also easily gets an ethnic undertone. The other major characteristics of conflict in these areas include, killings, retaliatory raids and counter raids. Consequently, the limited opportunities that these areas are capable of offering have not been exploited because of the widespread insecurity.

Resource scarcity is the other major cause of conflict in Ethiopian pastoral areas. Fighting over scarce resource such as grazing and water points is a common phenomenon in almost all the pastoral communities. It is caused by the insecurity of the physical environment, loss of stock and the search for social honor. The **Isaq-Ogaden** conflict over the valuable **Haud** pastures, and the 1975 **Awash** valley clash between the **Afar** and the highlanders of the north Ethiopian plateau, are some instances to be mentioned in this respect. (Markakis, 1994)

Alongside with the conflict there has been also a handful of peace making efforts that took place in the different ecological zones of the country at different times. Peace making has also its own qualities, uniformities and in the different ecological zones of the country. Most of them are similar in that they make traditional conflict resolution institutions as a point of departure for their peace making attempts.

Conflict resolution mechanisms also take different forms in the various parts of Ethiopia. In areas where religion is common, it is used for prevention, management and resolution of conflict. Predominantly Muslim inhabited regions of Afar and Somali, for instance, are known for using their **Sharia** (Islamic laws) as mechanisms to solve conflicts. In areas where Christianity and Islam could not reach or penetrate, traditional mechanisms of peace making are still the dominant factors of disputes settlement among different ethnic groups. In some cultures like the **Ghurage** for instance traditionally institutionalized political administration organs commonly known as the **Hager Shimagle** committee settle inter-tribal disputes. (Giday, 2000 :)

In the past, the majority ethnic groups of Ethiopia have exercised the above-mentioned mechanisms to prevent, manage and resolve conflicts that occurred amongst them. Negotiation of parties in the

dispute and third party involvement are significant parts of these conflict mitigation methods. It has been noted that third party involvement is essential in situations where the groups in the conflict do not share a language and other common ritual links to perform peace-making ceremonies or negotiations.

However, in societies where mechanisms of Customary Conflict Management prevail, their successfulness is subjected to the presence or absence of commonality of clan, inter-marriage and bond links. Among groups with such connections, conflict when it crops up is susceptible to resolution.

Some modern conflict resolution mechanisms were also exercised in the past in the pacification of some inter-ethnic rivalries. Government's delegation of arbitration personnel, the development of infrastructure, strengthening police force in logistics and personnel and preventing illicit arms trafficking to achieve relative peace in the recent ethnic conflict history of Ethiopia. Local government representatives involve in peace making and cooperate with traditional peacemakers.

Intervention between rivalries that do not share a common language, in order to solve their argument using traditional means like in the case of the **Borena** and the **Hammer**, government's intervention with its personnel has been invaluable.

Among different ethnic groups of Ethiopia, elders play significant role in settling disputes both within and outside their communities. For instance, the **Mable** and **Gereb** assemblies of **Afar** at **Abala** (Kelemework: 2000), the **Shimiglina** among the **Hadiya**, **Kembatta** and **Sidama** (Ayele and Getacherw, 2001), **Shimiglina** among the Amhara of **Chihra** [Yohanis, 1998] involve in the activities of customary conflict management.

The traditional and clan leaders in most parts of the country also have the role of mediation and negotiation among their respective communities. These clan and traditional leaders in cooperation with the government settle conflicts among and between clans in their respective areas. The role of clan leaders, for instance, in the Somali region of Bah Gerri uses the customary laws to settle disputes over water wells and mishandling of pastoral lands (Ibid).

Furthermore, traditional laws of people are highly used as mechanisms of conflict management. For instance, **Oromo** communities of **Wombera** use **Luba Harma Hodato** settle disputes among the communities ((Tsega, 2001:47)

As people are organized into groups to seek a common goal, the probability of conflict increases. Even though institutions of cooperation and customary conflict management differ from one

community to the other, they exist in any society in different forms. In this regard, the researcher assumes that the community in Kalu may not be different from other communities.

Thus, this is an indication that the conflicts in Ethiopia have various causes in different ethnic groups. These conflicts are managed within the framework of religious background by the traditional council of elders.

## Chapter III The study area

The chapter focuses on the regional administration and the study area, **Kalu**. The structure of the Woreda, the impact of the new administration and the kinship and marriage system in the Woreda are assessed.

### 3.1. Amhara Region-an overview

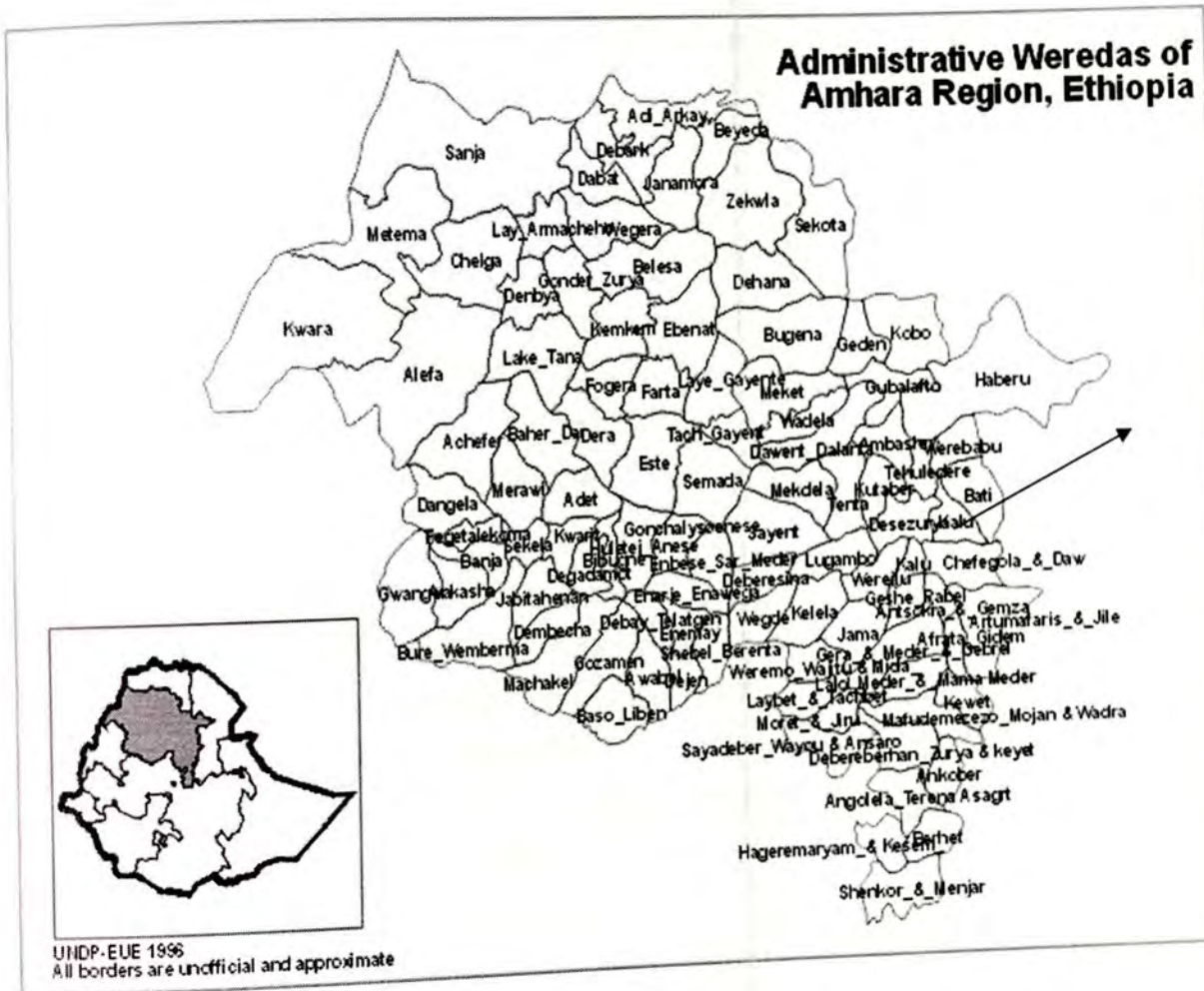
The geographical location of this study is the Amhara Regional State, which is located in northern and northwestern parts of Ethiopia, and borders with the Sudan Oromia, Afar, Benishangul, and Tigray Regional states. Its area is 161,828 square kilometers with a population of 17,205,000. The region comprises eleven zones of which three are special zones, namely **Aw**, **Wag Himra**, and **Oromia** zones, where **Agaw** and **Oromipha** are spoken, respectively. With regard to the specific area of the study, **Kalu** Woreda, is located in South **Wolo** Administrative Zone. The study area is at a distance of 360 km on the Addis Ababa road.

### 3.2 Kalu

Kalu is located on the upper part of the North Eastern Rift Valley and on the main road to Asab and Djibouti ports. Because of its strategic location, the area is the major route to the Afar depression through which the interaction of the **Amhara, Oromo, Afar, Argoba** and other ethnic groups is high. According to the Woreda rural development office, the population of Kalu Woreda is 311,831 of which 157,622 are female. Moreover, the information from the Woreda Community Mobilization and Organization office, all the people in present Kalu Woreda are Amharic is spoken as the mother tongue.

The **Woreda** is located 375 kilometers north of Addis Ababa, in South **Wolo** Administrative zone in the Central Highland region of Amhara. As rural agro-economy, the Woreda is divided into two distinct geographic, agricultural and ethno-cultural areas. The highland area characterized by steep slopes and lying 1600-2600 meters above sea level, is predominantly mixed farming. Lying below the highlands is an extensive plain, rich in alluvial soil and typically used for arable farming.

The people, who live in the highlands, depend on mixed farming and livestock production for their livelihoods. By contrast, those who live in the lowlands and valleys are traditionally pastoral, although in recent years, population growth has forced them to turn to crop cultivation



Kalu is a land rich in history. Situated within what was the imperial Ethiopian State, it is believed to have been governed by a succession of historic kings who were part of the Solomonic dynasty. A feudal system prevailed during this time, under which a complex hierarchy of administrators governed the land and people. Under the rule of the feudal systems, the people suffered exploitation and oppression by the property owners, and so organized their own institutions as a form of self-protection. These institutions, called **Gobez Dagna** [Community elected local judge] and **Kire** [community association for funeral ceremonies], acted as arbitrators between the people and the State, provided judicial services for conflicts within the community, and mobilized the community in times of war.

Most of these institutions continued to operate for hundreds of years, even during the period of Haile Selassie, despite the major administrative reforms introduced. It was not until the communist military regime emerged in 1974 that supposed community-based political institutions, such as Kebele **Gebere Mahiber** [*Farmers Association*], forcibly replaced them. Intended to be 'revolutionary' committees, the later institutions were largely formed by the regime as a system to control and repress the population. However, the present regime utilizes these groups as a tool for local community organization.

Patterns of land ownership also radically shifted in 1975 with the Land Proclamation Act. All land was nationalized and distributed to former tenants. The fall of the military regime in 1991 has not altered land ownership too. Land remains in the hands of the government. Public agencies regulate and manage land leases, both in rural and urban environments.

### 3.3 Kinship and Marriage

#### 3.3.1 Kinship

Kinship among the people of Kalu is cognatic. In this regard, kins of each of the ego's parents at every level occupy equivalent and analogous relationship to ego in a cultural and jural sense. For instance, mothers' sister, father's brothers' sister's sons or mothers' brother's sons have equivalent kinship status in relation to ego. Consanguine kins are supposed to share common ancestor, i.e. related in blood. However, the people in Kalu recognize two groups of relatives, close kins and relatives kinsmen extending from both the father' and mothers' side beyond the immediate family is known as **Zemed** [blood relative] which is also divided into two, i.e., nearest and distant kins.

As all rural families in Amhara region, the family in Kalu is divided into two parts. These are nuclear families, which include parents and children, and the extended family, which rates children, parents and grand parents. In addition, relatives both from father and mother's side are considered as relatives irrespective of their distance.

According to the culture of the people, marriage among blood kins is restricted. All are Zemed [blood relatives]. Such marriage, therefore, is a taboo both for paternal and maternal lines in the community.

### 3.3.2 Marriage

Among the people of Kalu, marriage is an institution which creates the union of a certain man with woman with a view to confer on them the status of husband and wife. According to the tradition, the relationship between the husband and the wife, their capacity, consent and the consent of their family are the essential conditions to be satisfied for instituting a legally valid marriage.

There are two types of relationships which makes the conclusion of marriage between relatives either absolutely permissible or relatively impermissible. Conclusion of marriage between relatives by consanguinity is absolutely impermissible. In other words, relationship by consanguinity has a broad degree in that it prohibits conclusion of marriage of one person to any member of his blood relative.

Conclusion of marriage between relatives by affinity is not prohibited in all cases but only in certain cases. For instance, one has the right to marry widow of his elder brother. However, he can not conclude marriage with ex-wife of his brother while his brother is alive. Furthermore, no one can conclude marriage with the ex-wife of his father, uncle, and grand father even after their death.

Under the customary law, the consent of the would be spouses is not required, particularly the girl has no any right to refuse to the conclusion of the marriage with person whom she does not like. The dominating consent is that of the family. Nevertheless, information in the study area indicates that the expansion of education, the intervention of Community Based Organization [CBOs] and the introduction of the new family law contributed to the girl in expressing her consent.

The institution of marriage has undergone changes in both social and economic terms. Once married, husband and wife are on an equal basis and most men seem to approve of their wives' enhanced status as well as the fact that technological improvements have reduced women's domestic burden. Yet economic hardship places more strain on the marriage and can be a cause of conflict. In the past, many women tacitly tolerated their husbands keeping concubines in the town so long as there were no noticeable financial resources from the family. And previously, if the marital relationship had broken, divorce appears to have been an acceptable course of action since relative prosperity allowed an adequate financial settlement and ensured that a divorced woman would not become impoverished: " when the spouses divorced, they divided into two and each took away their share of whatever property they were given by their respective parents when they were first married"

(An elder at Harbu)

Now, financial strain not only leads to more quarrels between spouses, thereby increasing the incidence of marital breakdown, but also makes divorce settlements far more difficult. Some informants mention that disharmony and quarrelling are more prevalent both in the extended and the nuclear family: "It is a time of barbarians. In-laws fight each other; mothers and children lack a harmonious relationship between them" (An Elder at **Harbu**).

According to informants both men and women now openly take lovers, although a Muslim **Quadi** (Muslim religious leader) says there is no concubine among Muslims as the practice is forbidden by their religion. On the other hand, informants have contrary ideas to the religious leader on equal relations between men and women. According to informants, the treatment of spouses is not at equal footing in the court of the religious leaders.

### **3.4 Social relationships among the community**

Economic change has been accompanied by changes in social relations, some apparently for the better and some not. The majority of respondents speak of closer relations between Christians (mostly living in the highlands) and Muslims (mostly in the lowlands), who now own land on an equal basis. In the highlands, they can grow barley and in the lowlands spices, so there is reciprocity between the two groups in order to access both foodstuffs.

There is also a gradual lessening of superstitious and hostile attitudes towards artisans of most kinds, and particularly blacksmiths who were formerly believed to be "evil-eyed". Nevertheless, such attitudes have not been eradicated altogether and some of the artisans speak of the discrimination they still experience. Intermarriage between members of different groups is still generally frowned upon.

Several claim that tensions, and incidents of theft, have increased with the growing population and pressure on scarce resources. "[When domestic animals...stray into somebody's territory, quarrels erupt and people kill each other nowadays" (A Peasant at **Gende Kore** kebele).

### **3.5 Impact of the new administrative structure**

At present, Kalu is under South Wolo administrative zone both at the time of the Emperor and the Military regime. At the time of the Military regime, Kalu was divided into two provinces, namely, north

Kalu and south Kalu where Kombolcha was located for the seat of North Kalu while Kemissie was for the South.

After the federal structure, the former Kalu province is divided into four districts, namely, **Kalu**, **Bati**, **Dewoy Rahmedo** and **Artuma Jille**. The last three districts formed the present Oromia administrative zone of Amhara region while Kalu remained under south Wolo administrative region. Amharic language is spoken as a mother tongue and the dominant religion in the Woreda (70.3%) is Muslim [CSA: 1994].

With the start of the fiscal year 1995 (Ethiopian calendar), the Amhara Region initiated the decentralisation and restructuring of government institutions, for which plans had been under way for about a year. The objective of the reform, according to official of the *Woreda*, has been to enhance the coordination and efficiency of government institutions in the strive for economic development. The *Woreda* Council is the highest authority in the *Woreda* and meets twice a year. The Cabinet, on the other hand, is the executive body of the Council, which has the overall responsibility for decision-making on *Woreda's* budget and development plans.

According to officials of the *Woreda* administration, violence and conflict were greatly reduced. The culture of violence, revenge and retribution that was characteristic of the peoples who live in the *Woreda* had been transformed into the culture of tolerance, respect for life and for one another and co-operation.

The *Woreda* official expressed that the living standards significantly improved for the majority of the peoples who now enjoy reliable and sustainable livelihoods because of improvements in agriculture, health, education and employment that the new structure has brought.

Furthermore, officials and elders in the community told to the researcher that guns, which used to be the pride and joy of every male, are no longer respected. Instead, farming tools and schooling have become the objects of achievement and honors by the community. As the value of life has increased, so has the value of human beings; this in turn has had a direct impact on the use of guns.

It is difficult to be conclusive about the degree to which these factors influenced change without further in-depth research. What is clear is that these factors worked together to have a synergetic effect on the community. The existence of each one strengthened and consolidated the impact of the others. Together they altered behaviors and attitudes, and reduced the cause or triggers for conflict – alcohol abuse, socio-economic disparities, grinding poverty, lack of state controls, a culture of revenge, availability of guns and negative traditional cultural practices.

### **3.6 Famine and its impact upon the people**

Despite the harsh existence and difficult circumstances, the people of Kalu experienced relative stability and sufficient agricultural production for years. However, rapid population growth coupled with the economic and political upheaval of the past few decades seriously de-stabilized agricultural production.

Population growth placed enormous pressure on the land, causing rapid de-forestation and consequent land erosion, which went unchecked by local authorities. Within three decades, serious damage had been inflicted on the eco-system causing agricultural production to fall below consumption needs of the people.

In 1984, the situation reached a crisis point. According to elders in the community, the civil war in the Northern Ethiopia had inflated agricultural prices, caused massive displacement and worsened the effect of a serious drought, which triggered a nation-wide famine causing starvation on an unprecedented scale. The world responded with a major relief effort throughout the country, including Kalu, which was badly hit.

Apart from death, the people were destabilized and some families left their villages. Most of the inhabitants were also taken to settlement areas. Furthermore, the rural urban migration increased. The destabilizations, rural urban migration and forced settlement schemes have contributed in eroding the tradition of the people in adhering to customary conflict management.

Furthermore, the famine was followed by the intervention of Government and Non Government Organizations. Such interventions, according to elders, also introduced new technique of production which in turn contributed in lessening the traditional labor cooperative mechanisms.

On the whole, the famine had an impact on the modifications of the traditional cooperation and customary conflict management system among the people of Kalu.

### **3.7 The Judicial system in the Woreda**

The judicial system in the Woreda includes police, public prosecutor and court. The three offices are organized under the office of Woreda Justice and Security. The three offices, according to Woreda officials, are undertaking their duties and responsibilities independently. On the other hand, their

duties are integrated in which the activity of one party directly or indirectly affects the other. For instance, the police identify and examine cases and produce to the public prosecutor so as to open files against the culprit. When the public prosecutor confirms that the evidences are adequate to charge the culprit, officially accuses in the court. As indicated in the annual report of the *Woreda* court, 2275 cases were reported in the year 1997[2004/5]. The report verifies that 1237 of the cases were related to crimes. All the cases, according to the president of the *Woreda* court are reported identified through the police and produced through the *Woreda* attorney. The president also disclosed that the number of cases would have been increased unless the elders and the traditional mediators participated in the mediation. Hence, the three offices are formally organized and share integrated responsibilities of conflict management in the court.

## **Chapter IV Cooperation mechanisms among the people of Kalu**

The rural community of Ethiopia is mainly dependent upon agriculture. The agricultural community also has different forms of cooperation in its development, rehabilitation and prevention aspects. Most of the traditional cooperation mechanisms, according to elders in the study area, are Debo [cooperative working group], services at emergencies, Ertiban [rehabilitation services], Azmach [social support in marriage], and Elf [social support for the aged] support for orphan and support at the time of death.

### **4.1 Cooperative working group [Debo]**

The labour cooperative [Debo] system, according to the tradition of the people of Kalu is an organized contribution of labor for individual member in the village during ploughing, weeding, harvesting and other construction activities.

At the time of the field data collection, there were not activities demanding Debo labour. Thus, information mainly focused on the tradition. As a result, the question was focusing on whether the tradition is similar of the ancient time.

According to elders in the study area, neighbors organize themselves based on their residence, capacity and interest. The group formulates their own rules and regulations to enhance their activities, control deviant members and determine the type of feast to be served during the working days.

According to informants, a person who needs the support of others or needs the labour force, request members to cooperate with him. While requesting the labour support, he also proposes the date. If the date is occupied, the individuals negotiate with the members and the date will be fixed upon full consent of the group.

Once the date is fixed, members arrange their instruments and start working on time. All are expected to be punctual and contribute their labour. Absentees are required to report and verify their reasons ahead of the fixed date or they should declare ahead that ahead they would not be available. Otherwise, they could face sanctions. In addition, to be late or to send incompetent participant is not allowed.

During the time of work, the labour group elects chairperson whose duty is to control absentees, supervises the invitations, select comedians among the working group. The chairman, according to informants, who motivate the group and direct the entire activities of the day. The chairperson also supervises the quantity and the quality of the feast and undertakes measures if the feast is not accordingly.

According to the elders in the study area, working group in the form of Debo is diminished. The major reasons according to respondents are the land fragmentation, environmental degradation and population growth and the capacity of individuals to host Debo. Respondents also added that due to the land fragmentation and its low productivity of the land, the agricultural activity does not need full engagement of individuals.

Nevertheless, people who have better plots and who need more labour hire laborers instead of organizing **Debo**. Overall, the Debo working group is becoming a history for the young generation due to the fragmented share of the peasant and its replacement with market labour.

#### **4.2. Services at emergencies**

As in other parts of the country, the people of Kalu also experience accidents and natural calamities such as flood, landslide, arson, attacks by enemies against member of the community etc. Under such circumstances, the population is organized to tackle the situation. For instance, if there is fire against the properties of an individual, all able-bodied members of the community are intended to control the fire. Similarly, if individuals face an accident or needs an immediate support he/she shouts loudly, passes message that he/she is in trouble. For instance, if a person dies, the members of the family loudly cry both to express their grief and request of support from the community. According to respondents, if the accident like arson occurs at night, people gather to control the fire. As per the tradition, people are obliged to participate in controlling accidents. After controlling the fire, the people sit together and discuss the possibilities of identifying the offender and providing support to the victims.

In rehabilitating the victims, people contribute wood, grass, labour and finance to replace the damage and enable the household to construct a new house and maintaining normal life.

### 4.3. Rehabilitation services [*Ertiban*]

Rehabilitation service [*Ertiban*], according to the tradition of the people of Kalu, is financial and material support for individual whose properties are burned, destroyed, stolen or confiscated. People in the locality in general and the close relatives of individuals in particular; contribute whatever amount they have to rehabilitate the person. In other words, *Ertiban* is only directed to rehabilitate the person whose properties are damaged by either man made or natural calamities

According to elders in the study area, *Ertiban* is free, in which people offer voluntarily and the recipient is entitled not to pay back According to informants, Some times oxen may die and the agricultural activities may be affected, because of this, the death of an ox is considered as the death of the peasant himself. The death of oxen affects peasants in continuing the agricultural activities. The community knows that the loss of an ox is the disruption of family income. The elders discuss the magnitude of the damage and decide as to how the household should be supported. According to discussants, they share the damage either fully or partially to rehabilitate the family. For instance, if an ox dies and its meat is edible, people share its meat and compensate to the owner. Sharing the meat and compensating, according elders, enable the owner to replace his ox. Such cooperation is only applicable in replacing farm animals.

In this regard, *Ertiban*, among the people of Kalu helps continuing normal life, strengthening unity and prevents the family from further disappointment.

### 4.4 Social support in marriage [*Azmach*]

Social Support in marriage [*Azmach*] is the system of cooperation among the people during wedding ceremony. In such system, people prepare food and drink to support the families who organize wedding for their children.

According to the elders in the community, parents who organize marriage for their children are expected to invite food and drink for guests at the marriage ceremony. The feast, according to the culture, depends upon the status and the wealth of individuals. The number of guests depends upon friends and relatives of the organizers.

The family, who prepares *Azmach* to assist the family who organizes wedding ceremony, covers either lunch or dinner for all guests invited to the ceremony. At the time of the invitation, an elder will

be assigned to supervise the quality and quantity of the food and the drink. The elder also counts the number of tables and assigns to invited guests. In other words, the organizer of the **Azmach** is responsible to provide food and drink for number of people whose number is determined by the elders. In this respect, the responsibility of the organizer of the **Azmach**, is to host the fixed number of invited guests.. In other words, providing food and drink beyond the fixed number depends upon the will of the organizer.

The **Azmach** system, according to elders, is reciprocal and its objective is to lessen or share the burden of families in organizing marriage for their children. In other words, the family who organizes wedding ceremony knows the number of its contribution to others and register other who would prepare **Azmach** to the ceremony. After, calculating the contribution of other in the form of **Azmach**, the family decides the actual expenses of the wedding ceremony. Because of this, the organizers of the wedding ceremony do not worry of foods and drinks.

The family focuses only on other expenses such as decoration and presentations to the bridegroom. Subsequently, the family who organizes the wedding ceremony invites the neighbors and organizers of the **Azmach** as a token of obligation and respect at the end of the ceremony.

In addition, people also provide financial and material support to the newly weds to construct a new house and with a household article. In conclusion, the cooperation in the form of **Azmach** as well as financial material support to the new weds enables to share the burden of individuals who arrange marriage for their children.

#### 4.5 Social support for the aged [Elf]

Elf is a **Geez** word, which means thousand .**Elf**, according to elders, was a big, number, which an ordinary person could not count easily. Traditionally, the system of elf [social support to the elderly], related to help old persons who have no family members to take care of them. These poor and old persons were taken care of by the community. According to the tradition, every household is morally responsible to host such person for a day. In other words, the old person spends the night with one family where breakfast, lunch and dinner are served. In the next morning, the family leads the old person to others and the support continues until he/she passes away.

The question was that what would happen if the old person was sick while at the house of a family. At such circumstances, the community organizes a committee that undertakes responsibility until the person dies. The old person can stay in a house where he/she may have better treatment.

Almost all informants speak with regret of the decline in hospitality and social welfare. In the past the people were mainly to look after the elderly and disabled, on rotation basis. Such arrangements would continue until they die and when the person dies, the community or individuals would cover the cost of burial expenses. This practice has now ceased and families are no longer able even to support their own elderly or vulnerable relatives. The informants further mentioned that old persons who have descendents have acute problem let alone who have no one to take care of them.

According to respondents, the social support in the form of Elf as compared to past times is diminished, due to poverty in the locality and the ever-changing economic and social system. The expansion of urbanization, the emergence of money economy and the substitution of the extended family system by nuclear are believed to be the major reasons in weakening the Elf [social support to the elderly]. Because of the reasons mentioned above the Elf as a traditional social support system is not practiced among the people.

According to elders in the study area, the traditional social support [Elf] system to the elderly is highly eroded and its services to the needy are limited to older persons who have only either descendents or property to be transferred.

On the whole, change in the economic system has contributed in eroding the tradition of the social support to the aged. In other words, the substitution of the extended family system with the nuclear, the rural urban migration and poverty are believed to contribute in diminishing the elf system.

#### **4.6. Social support for Orphans [Yetim]**

Orphan children in the area are known as Yetim. Orphan [Yetim] children in the Ethiopian context are Children under Difficult Circumstances. These children are vulnerable and need an immediate support from the community. In this regard, the tradition among the people of Kalu urges close relatives of the deceased to undertake full responsibility of the Yetim [orphan and vulnerable children].

According to the tradition, no property, finance and material will be used even for ancestral worship until the children become self-supporting members in the community. In other words, taking or

utilizing properties of **Yetim** [orphan Children] is strictly forbidden and considered as **Haram** [taboo] within the community. The reason according to elders is to save the wealth for the future of children. Above all, the patron from the close relatives is responsible to report the progress of the children and recommend what their fate should be in the future. Nonetheless, such possibilities were/are prominent only for children whose parents left behind adequate property with strong relatives. On the contrary, informants indicate that children from poor families, have no such opportunity but to be employed either as shepherd or to beg in the street.

The community in general, the close relatives or parents in particular inspects the assigned individual. The tradition of the community gives due considerations for children whose parents have died early.

#### 4.7 Social support in death [Kire]

Social support in death [Kire], according to the tradition of **Kalu**, is the strongest of all institution of cooperation among the people which is reflected at the time of funeral ceremonies. The regulation of the **Kire** according to the elders serves as center of cooperation, mutual support and forum upon which people met and discuss several issues.

At the time of the funeral ceremonies, the community contributes labor and cover ritual expenses. For instance, men prepare the burial place and accomplish all the rituals. Women, on the other hand prepare food and drink to the survivors and guests from distant places. In other words, people have division of labour where men undertake the burial ceremony women accomplish domestic activities. For instance, women fetch water, prepare and serve food. Men on the other hand, collect firewood and collect materials for burial.

Moreover, women contribute **Injera**, coffee and roasted cereal and other food item. In this regard, families of the deceased do not worry in hosting guests. All expenses are covered by the community. In other words, family members of the deceased only mourn and accomplish other rituals for the deceased. The length of the mourning ceremony takes a week in which different rituals are conducted. Among the ceremonies, sacrifices [**Sedequa**] to dead person on the third and seventh date of the burial are undertaken. According to elders, food, drink [mostly coffee] and **Chat** are served to spiritual leaders in order to facilitate heaven to the deceased. During these days, members of the **Kire** provide services to the mourning family.

Above all, if a person dies during the harvest time, members in the Kire provide a daylong labor service to the survivors. In this respect, families of the deceased will be free to mourn for a week. Moreover, no food and drink will be served to members while contributing labour to the families of the deceased.

The *Kire* system has its own chairperson and secretary who are responsible in controlling what members contribute during a burial ceremony. The chairperson and the secretary also register who contributed what. In addition, the leaders of the Kire assign individuals to accomplish different tasks during and after the burial ceremony.

As respondents expressed the rules and regulations of the **Kire** are so strong that members are to adhere and obliged to implement. Otherwise, deviants will face ostracization and sanctions. For instance, members are obliged to notify if they may not be available during burial ceremony and leave for their own affairs only when permitted by the leaders of the **Kire**.

**Kire**, according to elders apart from organizing and cooperating in death rituals, also serves as forum for prevention and resolution of conflicts locally. They conduct meetings after burial ceremonies and use the forums for exchanging information. Such forums, according to elders, are also used to revise or formulate customary rules and regulations.

According to information from the **Woreda** administration, forums in the **Kire** are used for different purposes. For instance, the development agents at a **Woreda** level utilize forums in the Kire to disseminate information and mobilize the community in different development endeavors. In addition Non Governmental Organizations [NGOs] such as anti AIDs clubs use the Kire for Information, Education and Communication [IEC] for the prevention of the pandemic. In this regard, Kire is under transformation from burial to welfare endeavors.

On the whole, the Kire system as compared to other social institutions is very strong. The customary rules and regulations are respected and applied without any pressure. People contribute labor and material voluntarily and adhere to its regulation.

### 5.1 Various sources of conflict

Like other parts of the country, there are various sources of conflict within the people of Kalu. According to the reports of the Woreda Police, 504 cases of crime were reported in 1997[2004/2005] to the police. These crimes were arson, crop destruction, burning forest, sabotages against economy, murder, banditry, illegal abortion, theft, cheating, rape, handling illegal arms, crimes against the welfare of people and others. The police report discloses that most of the crimes have direct relation with the economic and social welfare of people. In this regard, the major types of causes are stated as follow.

#### 5.1.1 Domestic Conflicts

Like any other community, domestic quarrels do exist among the people of Kalu. At the family level, disputes do occur between/among the family members. A man and his wife or wives might quarrel over issues such as delay in discharging duties, selfishness, and disobedience or general laziness. If a man fails to cover the required expenses for his wife or wives, disputes arise. In polygamous homes, a husband might be accused of spending too much time with certain wife resulting to quarrel. The wives might also pick quarrels among themselves and so also the children. Inheritance is another prominent cause of domestic conflict among the People. It is a customary principle that male children are entitled to their father's property especially when they are about to break-off from the family to start their own homes. In such cases, some children might claim that the property was unevenly distributed. In polygamous families, a woman might incite her male children to demand certain things from their father to match her co-wife's children. In isolated cases, a man might refuse to hand over part or all of his property to his children. Inheritance disputes also arise after the death of the head of the family. According to respondents, how to share or manage the deceased man's property normally generates disputes whenever there are no written wills. Some of the Muslims in Kalu practice polygamy which is a source of dispute so far as inheritance of property is concerned. In some cases, the practices of levirate develops to polygamous family become the center of family dispute.

### Case study No. 1: The Case of levirate

Beshir Hussein married Zeineba Seid, the widow of his elder brother and assumed the total responsibility of her husband. He had also a wife named Ansha. After marriage, Beshir spent more time with his levirate for which the previous wife Ansha was not happy. Being ignored, Ansha appealed to Sheik Jamal, the traditional mediator about the negligence of her husband towards the children and her self. Not only this, she also complained about the ruthless behaviors of her husband even to the extent of beating.

Sheik Jamal, after hearing her case, directed her husband to respond to the allegations. Beshir on his part replied, that the present marriage was organized with the consent of Ansha and other relatives to maintain the broken family which resulted due to the death of his elder brother.

Moreover, he suspects the fidelity of his wife for which she is beaten. Sheik Jamal after hearing both sides, called upon both of them to take the '*Bele*' oath and bring their Antes [close relative of each] in two days time. While they left to their village, the spouse undertook the '*Bele*' so as not to attack each other. The '*Bele*' oath according to the traditional mediator, is not to quarrel and attack each other until the findings are produced and final decision is proclaimed against the wrong doer.

On the third day, both of them came with their respective '*Antes*' close relatives. The '*Antes*' presented their findings to the traditional mediator. According to the '*Antes*' the close relatives of both sides, the husband was identified as wrong doer, in neglecting his wife and children. At the end, Beshir Hussein accepted his wrong acts against his family in general and his wife in particular. Then, the elders requested the opinion of the wife as to how the problem should be settled. Then, the wife proposed divorce as solution. The elders also asked Beshir for his opinion on the proposal. He said to the elders "It is my fault. She had nothing against me.

I dare to join my in law only to safe guards the children of my brother. Now, I realize that I am victimizing my children at home. So, Please you '*Shimagles*' elders do whatever you can to settle the issue. I have a problem at both. Now I can pay compensation. What shall I do for the survivors of my deceased brother." The elders, ordered the spouses to take caucus and discuss the difference amicably with both '*Antes*' of both sides. The problem for the elders was to see how both families should be maintained together. They discussed the issue at length with Ansha and tried to convince her to refrain from divorce and accept the request of her husband. Finally, she accepted

what the 'Antes' proposed whereby the husband should undertake responsibilities in supporting the family. Her husband also admitted that suspecting the character of Ansha is baseless and fabricated one.

As indicated in the case study, the levirate system is traditionally and spiritually as a legal union between a widow and her younger brother in law. The objective of levirate, according to the culture is to take care of the survivors. However, the system is one of the causes of conflict in the study area. Hence, the levirate system is not only used as mechanism to take care of the survivors but as one of significant causes of instability within a family.

### 5.1.2 Murder

At the time of the field study, there were not murder cases reported either to the 'Shimagle' council of elders or to the traditional mediator, Sheik Jamal Mohammed. Because of this, cases studies on this particular issue were not undertaken as method of the study. However, I used to discuss with elders, mediators and people in the judicial system why cases of murder are limited

According to elders in the community, murder is the act of terminating somebody's life intentionally or accidentally. Killing a person, according to the tradition, is an atrocious crime that leads to the punishment of the whole family of the culprit. Murderers are ostracized from the community and are not allowed to join with others until and unless a traditional ritual for settlement is performed. However, it is not a big deal for the community to murder the murderer. In such a case, the family of the deceased can do so for revenging against a person, if the community cannot resolve the conflict. In murder case, the accused may not deny if he or she has committed. The crime at such condition, according to elders, is due the immediate response of the families of the deceased person against the culprit.

As indicated in the group discussion, the circulation of illicit arms is aggravating the problem in the locality. During the times of the feudal era, people had rights to have firearms with license and were obliged to be registered. The firearms were also considered as prestige and sign of status in the community. The firearms at that time were also regular and people used them only for self-defense and to safeguard the locality from outlaws.

The history of firearms, according to elders, has been changed since the time of the military regime both in quantity and in quality. Modern small fire arms are introduced since the out break of the revolution, 1974. At that time such firearms were limited to squads of the government, other people with out the to permission to have fire arms were considered as anti revolutionary. In other words to

have fire arms without the permission of the government were considered not only as illegal but also as being a traitor. The same is true of the existing regime too. However, small firearms with high destruction power are in the hands of the community and aggravated the conflict issue between feuding parties.

### **5.1.3 Thefts**

This is a crime punishable by a range of fines including compensation to the other party, fines to both the community and the government. The community regards stealing from a fellow as a serious crime. According to the annual report [1997 E.C] of the Woreda police, Livestock (cattle, goats, sheep, cow and oxen) are among the most stolen properties of the study area. Theft cases are normally arbitrated at the council of the Shimagle/elders. When an individual or family loses something, the first thing that is done is to make the loss publicly known.

### **5.1.4 Premarital and extra marital relations**

Adultery is another cause of conflict within the community. According to the tradition of the people of Kalu, an adulterer is considered unclean and is subjected to strenuous rituals of cleansing the moment he/she to be proved guilty or caught red handed. Fornication also attracts a harsh penalty against both sexes. In such situation, the bride price of such a girl is drastically reduced. In other words, among the People of Kalu, high importance is attached to a girl's virginity and is used to determine the bride price. Adultery, according to respondents, is one of the serious causes of conflicts among the adult population of the study area. Most actors of such conflict are the young generation within the community. As indicated by the key informants, the severity of the crime varies based on the marital status of the woman. For instance, if a woman is unmarried, divorcee, or widow, the fight amongst her clients may not be harsh. On the other hand, adultery with a married woman is severe. Adultery, may lead to murder. Nonetheless, the elders expressed that such condition is non-existent because of the pandemic, HIV/AIDs and the possibility of marriage among different groups irrespective of religious and social background.

Rape, as compared to adultery, is relatively new phenomenon among the people of Kalu. Rape is so blurred that one cannot openly talk of it. According to informants, rape is not tolerated if disclosed to the community. The first party, who takes an immediate measure against the rapist, is relatives of the woman. However, such wrong act is not adequately disclosed to the public due to the stigma against

the victim. In other words, disclosing such wrong acts is not familiar to the public. Because of this, conducting case studies was not possible during the field study.

Virginity, according to the traditions of the people of Kalu, is highly valued and no girl is expected to lose her virginity prior to her first marriage. In other words, if a girl is betrothed to a boy, her partner should disclose her virginity to the families of her in laws. Traditionally, the husband of the girl in his first sexual intercourse with her expects the virginity of the girl. Above all, the family of the boy expects the first intercourse with spot of a blood to express their joy too. Presence of her virginity, according to elder is strengthen not only brings prospects of the new households, but also strengthen the unity of both families. On the other hand, losing virginity prior to first marriage is an insult to the spouse, his family and the family of the girl.

If the girl loses her virginity prior to her marriage, the consequences becomes harsh to the girl, she would be whipped and obliged to confess with whom she lost her virginity. She may lose marriage and the unity of the two families will be affected. Such incidence initiates the husband to become revengeful.

This has posed a serious challenge for the society, which is growing now days and is a matter of concern from perspectives of HIV/AIDs and other sexually transmitted disease.

### **5.1.5 Arson**

Arson is burning and destroying properties of individuals with fires. At the time of the research, more cases were reported to the spiritual leader, Sheik Jemal Mohamed Awol who is the spiritual leader and peacemaker of the locality. Arson, according to respondents is the beginning of dispute that heralds severe casualties unless timely and properly managed.

The act is so secret that community members do not know the exact wrong doer. However, the owner of the property may suspect the perpetrator. According to the tradition and the law of the land, suspecting alone does not help to identify the culprit unless the act is verified either legally or traditionally through the spiritual leader.

### 5.1.6 Land Disputes

The land tenure system unlike the feudal era is under the hands of the government and people have no right to claim as personal property. Land ownership as cause of conflict is vanished since February, 1975. According to elders from the community, land was the main causes of various conflicts during the time of Emperor Haile Silassie. In other words, at present, people have no right to own land as property. However, the people used to cultivate land without ownership. If conflict may arise, it would be upon the demarcation, the properties over the land, grazing and breaching of leasing contracts. This kind of conflict is more pronounced in agriculturally productive, settled places and also along riverside areas where crop farming/ irrigation is practiced. Grazing land within is a communal property and is administered by elders for the benefit of the whole.

Land and other minor disputes in the community are dealt with at different levels. Land disputes between family members are solved by the family, extended family, and the immediate neighbors and through the **Shimglina**. According to elders in the community, agreements and verdicts are based on consensus.

At present, the council of elders has changed the modus operandi in dealing with these cases. According to elders, land is under the hands of the government. As a result, any dispute over the ownership of land is managed by the local authority. In other words, any grievance caused due to land is administered by the **Gebere Mahiber** [Kebele Farmers Association]

On the whole, the field data indicate that domestic conflict within families, homicide, theft, arson, premarital and extra marital sexual relations are the major sources of conflict among the people of Kalu.

## 5.2 Conflict prevention mechanisms

### 5.2.1 Prayer service [Duaa]

People in Kalu strongly believe that prayers services through their traditional leaders are among the mechanisms of averting conflicts in their localities. For the purpose of **Duaa** [prayer services] people select both special places [locally known as **Gobeden**] and individuals who can lead the prayer service. During the **Duaa**, some individuals also volunteer to serve food and drink. According to respondents during the field study, prior to the process of the **Duaa**, the leader of the ceremony invites participants to withdraw their **Gomi** against each other. The process of **Duaa** never

takes place unless participants officially disclose that they have withdrawn their antagonism against their enemies. Traditionally, people believe that God will not accept their prayer service unless participants withdraw their resentment against their enemies. In this regard, people have local sayings that "Praying with resentment and stealing while under cough is impossible **Quim Yizo Tselot Sal Yizo Sirquat Ayichalim...**" Therefore, the people believe that the **Duaa** helps to prevent and mitigate conflict as well as to bring conflicting people to peace.

The elders advise the community to sacrifice cattle [Fida] of a specific color to the super naturals to protect the community from external attacks. The elders also believe that the conflict is due to the evil eye of spirits and in order to negotiate with spirits, cattle of special color are to be sacrificed so that antagonism among the people will not prevail.

### **5.2.2. Nuzaze [Will of the person for property distribution]**

The owners of the property while in death bed declare about the suitable distribution of their property after their death in order to avoid future conflict among the inheritors. The will can be of oral or written. In the oral form, this is made before the spiritual leaders or the elders of the community, where as, in written form, a person signs in a court paper to declare the distribution of the property. In a discussion with elders in the community, the researcher realized that the will of the person for property distribution is the major mechanism in order to avert dispute among the survivors. Hence, the will of the person for the property distribution, according to the people of Kalu, enables survivors to take their share peacefully as per the words of the person who passes away and also taken as a matter of respect.

### **5.2.3. Separating blood feuds to in residence**

After reconciling between the murderer and a family of the victim, the mediators enforce the culprit to leave the area as soon as possible. According to the traditional mediator Sheik **Jemal Mohammed**, the two parties never fetch water from the same spring; graze their cattle within common grazing land and market in the same place. Such mechanism is believed to prevent retaliation and further conflict between the two blood feuds.

After some time of prevalence of moral situation the **Shimagle** arrange marriage between the two contradicted disputant families. The marital engagement between the two families averts further confrontation and promotes the cooperation and mutual trust in the future.

#### 5.2.4. Avoidance of marriage for a divorced wife in the same locality

According to the tradition, the remarriage of a woman who is a divorcee in the village of her husband is strictly forbidden with a view of preventing feuds between her former and present husband's family. In fact, this is the condition where a woman agrees to get a divorce. However, the tradition does not enforce the husband to remarry out of the village. In other words, the divorcee husband has the right either to have a new wife from the same village or the surrounding localities.

#### 5.2.5 Socializations

Traditionally, parents are responsible in training and socializing the younger generation. In addition to the family, the community also plays significant role in tutoring the young generation in peace making and conflict management. As a result children follow the footsteps of their parents and the community at large.

According to elders from the community, parents are responsible in orienting the young as to how they could manage their future. Parents, moreover allot properties to each child, which could not lead to confrontation after their death. In other words, parents are responsible not only in orienting the values of the community but also train on traditional leadership upon which the children could benefit in their future. Such role of the family is known, as **Abat Yabejew Le Lij Yibejew** which is literally whatever the father constructs/makes benefits the child.

On the other hand, children who were neglected by parents or from broken families are prone to conflict as compared to other children who are under the control of their parents. Respondents also confirm that the role of parents in orienting and tutoring their children greatly contributes for the prevention of conflict within the community.

According to the key informants, people in Kalu socialize their children to be law-abiding citizens. The community has to teach children the values and customary regulations of the area. For instance,

religious leaders preach spirituality and the words of God to make children obedient and faithful members of their community.

On the contrary, families who do not teach the customary law of the area, orient the values of the community and monitor the activities of their children are considered as outlaws. Such parents, according to the tradition, are cursed whenever the child commits certain offences. Hence, socialization is one of the traditional mechanisms among the people of Kalu in preventing conflict situation in their localities.

#### **5.2.6. Imposing heavy fine**

Imposing heavy fines and severe punishment have proved to be effective methods of preventing conflicts within the community. In some cases, the entire family is punished for the wrong act of their members. As a result, the members of that family become alert on the behavior of their members so as to prevent crimes in the future. The culprit, in addition, is ridiculed in public and may be excommunicated from the community.

Sanction is another measure to correct individuals when they do not accept the values of the community. According to elders, in the locality they advise the wrong doer not to repeat the same mistake. If the person does not act in accordance with the orders and regulation of the community, the community impose heavy fine. In addition, if the person neglects the commandments of the community, they impose sanctions. The sanctions include ex-communication, ignoring the individual at the time of his difficulties and exposing for his wrong acts.

Because of the sanction, wrong doers accept their faulty acts and implement whatever the decisions imposed against them. Otherwise, the sanction have adverse effect at the time of their difficulties.

In conclusion, the people of Kalu utilize prayer services, the will of person in the distribution of properties among the survivors, separating the residence of blood feuds, preventing remarriage of a divorced wife in the same locality, socializing children according to the culture of the people and imposing heavy fine against wrong doers so as to enable them mitigate and prevent conflict in their localities.

### 5.3. Mechanism for identification of culprits

Most crimes, as revealed during the focus group discussion, are committed at night where no one is able to see, hear, verify and understand the situation. For instance, one may suspect his enemy but has little evidences to prove it. On the other hand, the culprit is to be identified and exposed to the public for prosecution and punishment. Therefore, the people of Kalu use different mechanisms of identifying culprits.

#### 5.3.1 Oath [*Bele*]

Oath [*Bele*] is the practice where the person makes some declaration to the supernatural force that what he says is true as he is innocent. People believe that if individuals, who have committed the crime, undertake the **Bele** they die or their property may be destroyed. On the other hand, the community believes that the **Bele** does not affect the innocent who has never committed a crime. Therefore, individuals who are clean dare to take the **Bele** while the criminal does not.

According to elders in the study area, the process begins with a ritual. Only specific elders have capabilities to perform the ritual. These elders are authorized by the community and are believed to take measures against individuals who do not declare their wrong acts in public. They also use different instruments, which have different meanings to the community.



community members undertaking Oath[Bele] through the Abagar

Community members waiting to under take *Bele*

The elders give a spear to the suspect and order him to pierce the land and take away the spear. Such act, according to the tradition, indicates that if a person lies, a spear would pierce him. The other way of Bele process is that the suspect is directed to pour water over a hot iron. Such process of Bele, according to the elders, implies that if a wrong doer pours water wrongly, it is believed that he would be destroyed as the water makes the iron off. The other mechanism is to direct the suspect to cut grass and throw it in the air. This ritual, according to the tradition, implies that the person, who denies his wrong acts, will not have healthy and productive cattle through out his life.

Due to the long tradition of **Bele** and its effect upon wrong doers, the people believe that wrong doers die soon one by one for their false statement. As indicated by respondents, if a suspect dies and his family members believe that the oath [Bele] as a cause of the death, they, then, immediately convene and promise to pay back the damage so as to reverse the curse and save other members of the family.

Bele, hence, is believed that a person, who does not declare his guilt officially or asks for excuses for his wrong acts, will face fatal death, destruction of property and suffer from debilitating disease. Because of this, oath [Bele] is a means of determining guilt by submitting the suspected person into a dangerous test.

Due to the short span of time in the field research, the researcher had no the opportunity to observe the effect of **Bele** against culprits. However, a thorough discussion was conducted with the traditional mediator, Sheik Jemal Mohammed and Ato Tesfaye Kibret whose cases were settled through the traditional mediator. The central theme of the discussion was to know to what extent the Bele system was effective in affecting people who undertake oath [Bele] wrongly.

According to Sheik Jemal Mohammed, people who undertook the oath [Bele] wrongly and deny what they had done or seen were victims of their words. He said

“Once upon a time a person had stolen a public property and sold it to other person. Both of them were called upon for **Bele**. In the mean time, the brother of the thief who was a police man advised his brother that Bele is in effective and meaningless. In other words, he urged him to undertake the

**Bele**. On the contrary, the thief, opposed his brother, the police man. Nevertheless, the thief could not resist the pressure of the police man and undertook the Bele.

Then I realized the wrong act of the police and prayed for the implementation of the Bele against the police. Then, the police was killed while he was committing theft. His brother who was volunteer to speak the truth and forced to undertake

the **Bele** is still alive within the community.”

Ato Tesfaye Kibret is a private contractor who is living in **Kombolcha** town. According to him, **Hussein Ali** suspected him of committing adultery with his wife. As he told to the researcher, he could not discuss the issue and declare his innocent to the public. Then, both Tesfaye and Hussein agreed to undertake the **Bele** in front of the traditional mediator, Sheik **Jemal Mohammed**. Then, both of the disputants undertook the Bele denoting that Tesfaye is innocent while Hussein is confirming that Tesfaye is guilty.

In conclusion, because of its spiritual background, **Bele** serves among the people of **Kalu** to verify culprits, investigating hidden crimes, preventing further conflict and ensuring peace between/among the conflicting parties.

### 5.3.2. Curse (Rigman)

The **Rigman** is used in the community to identify wrong doers. People assemble in a specific place, which is locally known as **Gobeden** or **Adbar** [special places over a plateau or under the shed of a tree]. They select elders [**Shimagle**] and spiritual leaders who are supposed to have powers in mediating with the supernatural. They pray for God and ask his help to identify the criminal and punish him for his wrong acts.

According to elders in the study area, all people under the leadership of elders pray day long and sing ritually saying, "**Arkebas Yemaibejachin Kebru Yimas** (Let a grave be dug for the criminal) and others follow with a word Amen [be it happen as you said]. During the event of **Rigman** ritual, families affected by wrong acts serve food and drink to the elders.

At such condition, according to elders, the suspect either declares himself and asks for forgiveness or faces the fatal death. In such situation, elders talk softly and initiate participants to give information of the wrong acts and advise parents to investigate the activities of their children before the curse of words **Rigman** thrown towards wrong doers.

According to elders, wrong doers never neglect the public gatherings for **Rigman** and accept the offer of elders in revealing their wrong acts. If wrong doers expose themselves to the public gathering, the public undertake responsibilities of mediations.

### 5.3.3 Traditional cross checking (Awchachign)

In the case of theft, robbery and arson **Awchachign** [gathering of villagers to investigate wrong doers] used to be held, and no one is allowed to leave until the offender is exposed.

According to the traditional practice, any one who has committed the crime is directed to expose himself before the elders and asked about the reasons for committed the crime. If the wrong doer exposed himself voluntarily, the elders will take full responsibilities both in mediating with the other party and the government is allowing the elders to settle the dispute at the community level.

On the other hand, if the individual does not expose himself for his wrong acts, elders invite witness who either have seen or heard about the criminal acts and to inform the elders confidentially. When the elders hear the individuals, they examine the issue from different angles and verify before directing the suspect to clarify his position. In the tradition of **Awchachign** system, issues remain confidential till evidences are verified and guilt is accepted by the offender. At this situation, if the suspect accepts the guilt the elders immediately initiate the mediation process.

On the contrary, if there is no one to admit himself as wrong doer or people who have no information on the suspect of the criminal, the case will be sent to the traditional mediator and all people in the community are obliged to participate in the **Bele** and make free themselves from the crime.

Furthermore, the community organizes fact finding committees with special responsibilities. Once, they organized, the committees formulate their own rules and regulations as to how they proceed in examining proper evidences. These committees, according to elders in the study area, keep the confidentiality of their findings. Traditionally, they declare their findings to the council of elders who are responsible in managing the conflict at community level. Then, the elders verify the credibility of the findings prior to disclose to the community. In other words, only evidences with out any reasonable doubt are used as a source of conflict management among the people of Kalu.

At the end, elders discuss the issue, verify the reliability of the evidences, and formulate rules and regulations of proceeding conflict management mechanisms.

## Chapter VI Indigenous Conflict Management Institutions

The people of Kalu like other rural population of Ethiopia, has its own indigenous mechanisms of conflict management. The mechanisms, according to elders, have their own standards both in managing and implementing conflicts. In addition, the indigenous mechanisms are accepted both by the community and the local government. In this regard, the chapter deals on the role of the family such as parents, elder siblings and close relatives as well as religious and community institutions and their role of managing conflicts in the study area..

### 6.1 Family

Domestic conflicts among the people of Kalu are resolved at the family level. Traditionally, the head of the family is responsible in managing such cases. Nevertheless, when he involves as a disputant, extended family members can be called to mediate the dispute. According to informants, other relatives also participate in the dispute resolution when the case becomes sever and needs the involvement of the large group. Neighbors can also arbitrate domestic quarrels, if they are called upon to do so. Issues that cannot be conclusively or adequately resolved at the family level are referred to the council of elders (*Shimagle*). There is no prescribed form of punishment for any given kind of crime committed at the domestic level. In this respect, it varies from household to household and solely determined by family members.

The community, in **Kalu**, is governed through a series of age set organization. Group membership is determined by the age at which one undergoes initiation. For young men, this occurs between ages fifteen and twenty, while for young women it usually occurs around age twelve at the commencement of marriage. After initiation, young people are allowed to marry and are permitted to begin participating in local economic, social and political activities.

Young men and women form close bonds with other members of their initiation groups, and these bonds serve for future political ties. When a man or woman reaches old age, he or she is accorded a certain degree of status and respect. Responsibilities of elder family members include presiding over important community decisions, festivals, and religious ceremonies. As indicated by respondents, members of a family have considerable role in conflict management. As described below, the role differs in accordance with the status of the member within the family.

### **6.1.1 Parents**

According to the culture of the people of Kalu, parents are responsible in mediating conflicts between/among siblings. Most of all, they are also responsible in mediating disputes between their children and other people.

Information during the field research indicates that parents are the sole responsible ones in settling disputes, paying compensations for what their children have committed and managing the implementations of decisions of other organs at all levels. However, the role of parents decrease when the child become adult. At older age, the children are supposed to be capable to undertake responsibilities by their own.

According to the tradition of the people of Kalu, parents are responsible in orienting their children and correct the wrong acts. Otherwise, they will be insulted by the community. Above all, such irresponsible families will be denounced even after their death for the wrong acts of their decedents. Secondly, the tradition urges that parents are expected to control, impose sanctions and punishments against the wrong acts of their children.

On the whole, according to the tradition of the people of Kalu, parents are responsible not only in orienting the values and norms of the community to their children but also to accept compliant against their children, negotiate on behalf of their children and compensate for wrong acts the children committed.

### **6.1.2 Elder Siblings**

Elder siblings among the people of Kalu are considered as surrogate and assume responsibilities after the parents passed away. Elder siblings, according to the tradition are responsible not only in orienting and tutoring the values of the people but also in protecting the younger siblings from any difficult circumstances. In addition, they are responsible in undertaking measures for their wrong acts and compensate for what they committed.

According to elders in the community, elder siblings analyze the severity of the issue and its impact of the wrong acts against the other party. Tradition of the people urges elder siblings both to manage the behavior of their younger and manage conflicts between the younger siblings and other parties. The elder siblings, after assessing the issue devise the mechanism as to how the dispute should be

settled. Therefore, the role of elder siblings in conflict management is highly appreciated and recognized by the community.

### 6.1.3 Ante[Elder among relatives]

The Ante, among the people of Kalu, is a close relative who is supposed to be an elder and respected person for the family. The **Ante**, moreover, is considered as peacemaker within the family, distant and close relatives with a role of representing his relatives at the time of dispute settlement.

As representative of the close relatives, he negotiates, mediates and conciliates differences between/ among members of the relatives and protects their interest. In other words, he listens complains from individuals against the family members and uses his traditional authority for the settlement of the issue.

According to respondents, complaints present their case to the Ante [close relative of the offender] before taking any measure against the culprit. The reason, according to respondents, is that whatever measure may be undertaken as revenge will affect the **Ante** too. For instance, if it is a murder case, the families of the deceased may attack the **Ante** himself. The **Ante**, at such condition, either suppresses and influences the offender or invites other elders to mediate the issue

### Case study No.2 Dispute over financial transactions

Yesuf Kemal and Endris Muhie were friends and Muslim by religion since their childhood. They were trading with sheep, and goat from **Harbu** to **Kombolcha** and **Dessie**. Endris Muhie had good expertise on the trade regarding the urban market centers. Yesuf Kemal on the other hand, has better seed money to finance the business. At the beginning of the business, they had made agreements as to how they should share the profit. They go to rural markets to buy cattle and transport to **Kombolcha** and **Dessie**. After working together for months, Yesuf Kemal wanted to terminate the contract and involve in the agriculture. Endris Muhie, on the other hand, wanted to continue the business and requested his friend, Yesuf Kemale, to give him his share from what they have profited. Yesuf told him that what they gained is already used for accommodation and nothing is left in his hands.

At this end, the two friends were not able to understand each other and agreed to present their case to elders in the community. Nevertheless, Endris preferred to present his case to, Sheik Omer Hussein who is the uncle of Yesuf. Sheik Omer is a highly respected person in the community

and Endris believed that he would settle the difference through him. He, then, approached Sheik Omer for the settlement. Sheik Omer requested Yesuf Kemal to respond to the complain. In the discussion with both disputants, Sheik Omer realized the due respect of Endris Muhie to him and the misbehavior of his nephew. The elder, then called upon both parties and requested them to produce their cases. At the end, his nephew was not able to verify the reasons why he denied the share for his friend. Finally, he realized that what Endris Muhie had produced is with concrete evidences while his nephew had no reasons of denying the fact. He also understood that the consequences would be bad unless the dispute is settled through him. Sheik Omer, then, directed Yesuf to give Birr 300 as the share of profit.

After the agreement, Sheik Omer called upon both friends, blessed them in the name of Allah for their respect and their obedience to him, and advised them to remain friends. In this respect, the case indicates that **Antes** have a big role in managing disputes among the people of Kalu.

#### 6.1.4 **Zemed Dagna[Elder within a family]**

The person nominated as **Zemed Dagna**, is a close relative of both sides who is supposed to be an elder member in the family. The **Zemed Dagna** differs from the Ante because his role is limited in managing conflicts within blood relatives alone. The **Zemed Dagna** is nominated by either one or both of the disputants to mediate differences within or between close families who have blood ties. The **Zemed Dagna** hears complain one by one and verifies evidences to identify the culprit. The number of participants in the process depends upon the severity of cases. For instance, if the issue is severe, the **Zemed Dagna** calls other close relatives of disputants and refers the case for further discussion. Then, participants in such process elect a facilitator and verify the differences of the disputants.

The committee discusses the issue with the disputants either in caucus or in-group and narrows the gap of the differences. In this regard, all close relatives of the disputants play significant role in bridging the gap between/among disputants.

According to the key informants, Ato Ayele Shifaw, if a **Zemed Dagna**, siding one of the disputants affects his credibility and acceptance both within his relatives and the community will be diminished. On the other hand, the community widely believes that siding one of the disputants not only endangers the **Zemed Dagna** but also his descendents and the generation to come. Therefore, the **Zemed Dagna** is believed to be neutral and highly respected by all disputant parties.

The process of **Zemed Dagna** differs from elder [**Shimagle**] that People in **Zemed Dagna** are close relatives for both disputants while person nominated for **Shimglina** may not be relative. **Shimagles** as compared to **Zemed Dagnas** are nominated on the basis of their long experience, credibility and knowledge of traditional mediation process.

Therefore, close relatives of disputants, among the people of **Kalu**, have significant role in settling differences between/among relatives. Their main objectives are to strengthen the unity between/among disputants so as to continue strong mutual bond and integration of the society.

In sum, the **Zemed Dagna** is responsible both in supervising the activities of his close relatives and ensuring their unity. The **Zemed Dagna** unlike the Ante involves only in disputes within the close relatives. He is also a symbol of unity and strength within close relatives.

## 6.2. Religious institutions

The religious composition of the people in the study area shows that 70% (CSA 1994) of the population is Muslim. **Kalu**, as compared to other parts of Amhara Region, is an area where Islamic traditions prevailed for a long period. The Christian population of Kalu constitutes about 30% of the total population. According to elders in the study area, the relation of the Christian and Muslim community is so unique that both Christian and Muslim population lives in harmony. The elders added that religion had never been as a cause of conflict among the people of **Kalu**.

The elders also informed to the researcher that a person has no problem of changing his religion. In other words, any Christian can be a Muslim and a Muslim also can be converted to Christianity. The conversion of individuals from one religion to the other never creates dismay both in their family and the community. The elders also added that integration between the two religious groups is so strong that the young are free for inter marriage.

According to the key informants, Sheik Jemal Mohammed and Ato Asefa Getahun, the Christian people in the Woreda also use the traditional Muslim mediator as an alternative, when ever necessary. However, I had no opportunity to witness dispute settlement neither between a Muslim and Christian disputants nor a Christian appeared in the traditional tribune of Sheik Jemal Mohammed during the field study.

The information in the field research also indicates that the Muslim community in the locality uses the Islamic Sharia law to settle family and property disputes. According to respondents, the **Sharia** law is only applicable to those who accept and agree to be mediated or judged under the Sharia law.

## 6.2 Community institutions

Community institutions are voluntarily organized whose primary purpose is to serve the interest of its members. The community institutions directly or indirectly influence the members and enforce them to be abiding by the customary law of the locality.

### 6.3.1 Shimglina [Council of elders]

Ato Degu Endris is one of the Shimagle [elders] who is highly respected in the community for his lofty contribution in the peace making endeavor in the study area. He accepts individuals with grievance either through the traditional mediator or the community. Sometimes, individuals appear with their dismay with the other party. He presides over cases with his friends who are also well known for their mediation in the area.



The key informants Sheik Omer Hussein (85) and Abagar Abdu Yimer (60) at Gend Kore

**Shimglina**, according to Ato Sheik Omer Hussein and **Abagar** Abdu Yimer, is the institution for mediation, investigation and has the authority to verdict. The process is undertaken by group of individuals who are non-aligned to either of the parties. Traditionally, **Shimagle** are people who are recognized as nobles, on partisan and highly respected in the locality.

According to the customary conflict management mechanism among the people of Kalu, the elders form a **Shengo**. The council of **Shengo** consists of five members nominated by both sides of the disputants. These members also nominate their chair person in order to have smooth discussion of the case. In other words, no elder joins the council unless both sides approve his neutrality.

According to the informants, the process of **Shimglina** has various modalities in managing conflicts. All the modalities, according to elders, are transparent and each member in the **Shengo** is accountable to the community.

#### 6.3.1.1 **Shimglina** upon the request of either of the parties

Such process of **Shimglina** is practiced when one of the parties appeal to the elders in the community to settle his/her difference with the other party. The individual can initiate *Shimglina* may be due to the guilt consciousness for his wrong acts or being affected by wrong deeds of the other party.

According to the key informants, such **Shimgilna** is the process where the difference of the parties is not aggravated. Under such situation, the case may not be serious. Probably both sides may be interested to settle their differences. For instance, if one of the spouses may have claims over the other partner goes to the **Shimagle** [elder] and disclosed the problem. At such condition, the **Shimagle** [elders] are expected to call upon the other party verify the difference as soon as the case is reported.

In this respect, the **Shimagle** calls upon the other party, discusses the issue individually, and investigates the difference between the disputants. The final settlement at this stage depends upon the nature of the grievance, evidences at hand, consent of the parties upon the proposal of the **Shimagle** [elders]. In this respect, if the difference is simple, the **Shimagle** [elders] criticize the offender, advise both parties and bless them for mutual cooperation in their future.

On the other hand, if the offence is serious in nature, the **Shimagle** [elders] direct the offender to compensate the innocent party. After settling the difference and ensuring the mutual understanding of both parties, they request the innocent to be merciful to the guilty party

At the end, both the culprit and the innocent are urged to kiss each other as a symbol of renewing their friendship. The disputant, after the mediation invite food and drink to the **Shimagle**. Inviting the **Shimagle**, according to the respondents, is believed to unite the disputants. Here, the important aspect is that no punishment either in cash or in kind is imposed on the deviant party except payment of some compensation to the innocent.

### 6.3.1.2. Shimglina upon the request of well wishers

Under such condition, the severity of the offence appears to be severe which may lead to retaliation against each other. In this regard, well wishers in the community call upon the disputants and discuss their difference separately. After assessing the causes of difference, the well wishers call upon close relatives of both parties and discuss the problem and possible solutions, as to how the difference should be settled.

The settlement of the difference, at this stage, depends upon the seriousness and the will of the parties. According to the key informants, disputants are called upon in front of the **Shimagle** [elder] and advised to elect chairperson among the elders who can identify the difference and produce possible solutions to the community. At this condition, either of the parties or both of them recommend the facilitator. According to elders in the study area, the facilitator never assumes the role of the leadership unless his role is approved by both parties. In other words, the facilitator is believed to be neutral to identify the causes of the conflict, propose possible solutions and recommend as to how the difference should be settled.

After the election of the chairperson, each party is requested to elect two individuals from each side. The community verifies the background and neutrality of the members of the **Shimagle**. In other words, people who are non neutrals are not allowed to sit for **Shimglina** [elderly mediation process]. According to the tradition, the number of the **Shimagle** will be five. Such number of **Shimagle**, according to the key informants, enables the forum to conduct democratic decisions. In other words, the decision of the **Shimagle** [elders] will be based on democratic vote. In such condition, both parties will be requested to express their consent upon the membership of each **Shimagle** [elder].

The consent of the parties upon the **Shimagle**, according to the tradition, enables both the mediators and the disputants to create mutual understanding. In other words, the due process of the customary conflict management is believed to be undertaken without any reasonable doubt.

After being elected by the community, the community calls upon them to undertake **Bele** [Oath] to examine the issue independently. The parties also call upon **Waas** and show their commitments to accept and adhere to the words of the **Shimagle** [elders] in the name of God. This process, according to the informants, creates fertile ground to the implementation of decisions in the future.

Once elected by the community and approved by the parties, the **Shimagle** elect the facilitator, formulate rules and procedures of the mediation process and notify to the parties. Even at this stage, the two parties have the right to comment the procedures [rule of the game]. Their comment, in turn, supports the activities of the **Shimagle** [elder] in delineating their responsibilities.

The **Shimagle** [elders], after they organized and formulated the rules, they call upon the two parties to produce their cases. Upon hearing from each side, the chairperson opens the floor for discussion and invites both the **Shimagle** [elders] and the parties to raise questions for clarity. Once the **Shimagle** [elders] hear the cases from each side, the chairperson advises the disputants to stay separately. Such process, according to the informants, enable the **Shimagle** [elders] to discuss the thematic issue of the disputes and evaluate the formulated rules and regulations.

The next process is to call upon the parties separately and discuss the issues about the causes and effects of the conflict, the evidences the individual assume, and the possibilities of settlement of the difference from each individual's point of view. After collecting the necessary information from one of the parties, the chairperson requests the individual and calls upon the other party and collects the same data. In the process, the **Shimagle** [elders] never reveal information of one party to the other. In other words, confidentiality is compulsory. The process enables the **Shimagle** [elders] to keep the secret of individuals and collect adequate information to verify the truth and formulate final proposal of settlement. After having full information from both sides, the **Shimagle** [elders] reformulate their mechanisms of approach of settling the difference.

The **Shimglina** [elderly practices of mediation] depends on the severity of the issue, the concrete evidences and the willingness of both parties. In other words, if the **Shimagle** [mediation process] is based adequate information and the two parties agree upon the proposal, the difference will be settled in a day. On the other hand, the seriousness of the issue, the inadequacy of evidences and the gap between the disputants takes long time to settle the difference.

When the issue is severe and mediation takes longer time, the **Shimagle** [elders] have no prison or mechanisms of detaining the offender to avert further retaliation between the parties. The **Shimagle** [elders], therefore, use two kinds of traditional measures. The first mechanism, according to key informants is to convince both parties to bring **Waas** (guarantor) in order to avoid the undertaking of extra measures before the final settlement of the difference is reached. In such system, the **Waas** [guarantor] is responsible to monitor the activities of each disputant respectively. The second mechanism is **Bele** [Oath] which assures the prevention of revenge.

At the process of such *Shimglina* [mediation process], the **Shimagle** investigate the truth, identify the wrong doer, and propose the possible measures against the wrongdoer to the general assembly in the locality. At this stage, the **Shimagle** do not take measures by their own. Their responsibility is limited to propose what measures should be taken by the general assembly.

The chairperson of the public after hearing the reports from the selected **Shimagle** request the public opinion upon the findings of the **Shimagle** before passing any decision upon the wrong doer. This approach according to the **Shimagle** allow the public both to learn from what had been committed and prevent wrong decision that may affect either of the parties.

At the end, the chairperson of the locality passes the final decision and notify to the disputants. At such stage, the chairperson requests the opinion of both parties on the decision and allow them to express both their reservation and gratification. The tradition enforces the implementation of the decision upon full consent of both parties.

At the end of the mediation and reconciling the difference between disputants, the floor will be open to spiritual leaders to advise both parties to leave in peace and fraternity.

⇒ The **Shimagle**, in conclusion, are confidential, depend upon the consent of both parties, sustainable, cost effective and efficient as compared to the judicial system in the area.

The elders have broad and flexible powers to interpret evidence, impose judgments, and manage the process of reconciliation. The mediator leads and channels discussion of the problem. Parties typically do not address each other which enable to eliminate direct confrontation. Interruptions are not allowed while parties state their case. Statements are followed by open deliberation which may integrate listening to and cross examining witnesses. The free expression of grievances,caucusing with both groups, reliance on circumstantial evidence, visiting dispute scene, seeking opinions and views of neighbours,reviewing past cases, holding private consultations, and considering solutions are the major features of **Shimglina**.

The process may be time consuming .However, it encourage broad discussion of aspects that may lead to the central problem and probable solutions. As the mediator formulates reference, this enables to decide on an appropriate style and form of intervention.

In this regard, the 1997[2004/2005] report of the Woreda police office indicate that 209 cases were settled traditional mediation, Such cases, according to the police report, are settled through mediation, conciliation and arbitration

In sum, the strong cooperation between the elders and the judicial system helps the people of **Kalu** in preventing, mitigating, and managing conflicts and ensures stability in the locality.

## **6.4 Case history of the traditional mediator, Sheik Jemal Mohammed**

### **6.4.1 Background**

"I am still the traditional mediator of my locality. In this capacity, I reconcile women who have quarreled with their husbands, oversee new marriages, divorces, inheritances, blood feuds, etc. I succeeded my father and have been serving as a traditional mediator since 1973" Sheik Jemal Mohammed, Age 60, traditional mediator and peacemaker in the in Kalu Woreda, Addis Alem Kebele.

Sheik Jemal Mohammed is the renowned mediator who is highly respected in the local community. He is also an educated Muslim whose knowledge of the holy Koran is deep and known for his services by community members of the surrounding areas of Addis **Alem, Suruntu, Adame, Gende Kore, Soli Ager** and **Amedo Kebeles of Kalu** Woreda. According to elders in the community, Sheik Jemal inherited the knowledge, power of mediation and spiritual leadership from his father who was also the leader of traditional mediators in the then **Wolo** Administrative region.

The local government officially acknowledged his role as a traditional mediator through the official letter to the public residing in Keble 03 and 04 dated **Meskerem** 10/1997[20th September, 2004] stating that Sheik Jemal Mohammed is a traditional mediator and peace maker in the area and all people in the locality should cooperate with him while he mediates people. Above all, the government provided him a mule for his transport from one Kebele to the other, to discharge his duties.



Sheik Jemal Mohammed, the traditional mediator while inspecting the process of *Bele* [oath]

As a traditional and spiritual leader among the people, Sheik Jemal is respected and honored for his priceless contribution in managing severe cases among the people of Kalu. According to elders in the community, his role as a traditional leader includes:

- Acting as head of the traditional authority;
- Presiding over customary legal bodies helping to maintain law and order;
- Consulting with traditional communities through discussion and prayer services;
- Assisting members of the community in their activities with the local government;
- Advising government on traditional affairs;
- Protecting cultural values and instilling a sense of unity in their areas;
- Lobbying with government and other agencies for the development of the locality.

Sheik Jemal, furthermore, represent the local community to the local government. He also coordinates the activities of the people for development endeavors. In addition to his role as a traditional mediator, Sheik Jemal participates in the prevention of HIV within the community. As he told to the researcher, he advises new weds to have medical check up before marriage. In sum, the traditional mediator is highly respected both by the local community and the government for his contribution in mediating dispute and ensuring peace in the study area.

#### 6.4.2. Number of Cases referred to Sheik Jemal during last 5 years

[2001-2005]

Year	No. of case received	No. of cases Settled	No. of case Transferred to judiciary	No. of case unsettled
2001	27	24	3	-
2002	18	18	-	-
2003	21	21	-	-
2004	24	21		3
2005	15	14	-	1
Total	105	98	3	4

**Source:** Documents written from Kebele administrations

As indicated in the table there was 105 cases were officially referred to the traditional mediator from different Kebele Administrations. Apart from this, there are also other cases presented by individuals for the settlement whose number is not available accurately.

On the other hand, out of 105 cases, 98 of them are settled while 4 are unsettled due to the disappearance of probable culprits. Only 3 cases are referred to the judiciary as it is reported to the police prior to traditional mediator.

#### 6.4.3 Identifying deceitful disputants

The major problem both in the judicial system and customary conflict management system in the study area is the identification of culprits. The police have problems of capacity in identifying crimes which are secretly committed. In this regard, the community prefers the customary conflict management system so as to identify the culprits as timely as possible.

### Case study No. 3 Conflict over property

Ato Seid Ibrahim and Ato Mohammed Ahmed had dispute over property and both produced their case to the **Mahberwi Fird bet** [Social court] and agreed to settle their difference. At the time of their agreement, Seid Ibrahim Muhie had been guilty and agreed to compensate to Mohammed Ahmed after they agreed in front of the elders. During the settlement of the dispute, both of them accept the words of the elders. A decision of the elders was not in a written form. In other words, they accepted the decision. Because of this, final settlement was not reached to settle the difference.

Mohammed Ahmed requested Seid Ibrahim to compensate in accordance to the decision of the elders. However, Seid Ibrahim refused to implement the decision of the elders. Then, Mohammed Ahmed applied to the Kebele. The social court called upon Seid Ibrahim asked him why he is not implementing the decisions of the elders. Then, Mohammed Ahmed denied the decisions of the elders. Then, the Kebele requested Seid Ibrahim to produce his evidences accordingly. Mohammed Ahmed replied that he has no written evidences. The elders, according to him, are not in the locality. So, he requested the Kebele to send him to the traditional mediator.

The Kebele, then, referred the case to Sheik Jemal Mohammed. Sheik Jemal called upon both disputants and requested them to reply accordingly. According to Mohammed Ahmed, Ibrahim denied what he promised to the elders. Ibrahim on his turn, replied that he had no promise to Mohammed. Above all, he requested him to produce evidences. Ibrahim, on the other hand, declared that he has no neither written nor human evidences. He finally, requested the traditional mediator to intervene.

At the hearing the two sides, Sheiks Jemal requested them to undertake **Bele**. Mohammed accepted the Bele and undertakes according to the ritual ceremonies. Seid Ibrahim, on the other hand, accepted his faulty acts against Mohammed and agreed to pay the compensation. Sheik Jemal, then, criticized Ibrahim for breaching the order of the elders and ordered him to pay back the compensation and a fine for his wrong acts. Finally, Ibrahim accepted the words of the traditional mediator and begged a week to settle accordingly. Shek Jemal also requested Mohammed to produce his opinion on the final settlement of the dispute. Mohammed agreed to do so and thanked the traditional mediator.

Sheik Jemal, then, called upon Ibrahim to give a guarantor for the implementation of his decision. An elder volunteered to be a guarantor to Ibrahim in order to facilitate the compensation in a week time. The guarantor according to Sheik Jemal is responsible in the implementation of the decision. For instance, if the Seid Ibrahim may not pay the compensation, the guarantor will pay by himself. At the end, the guarantor has the right to claim from Seid Ibrahim.

However, as indicated in the discussion with Sheik Jemal, after reaching on consensus denying implementation is rare. In the discussion with Sheik Jemal, Ibrahim afraid of the Oath and accepted his faults. **Bele**, among the people of Kalu, is serious that people never dare to take while doing wrong. People, in the study locality believe that undertaking oath wrongly has fatal destruction against the wrong doer. Hence, Seid Ibrahim knows the out come of Bele and accepted his wrong acts prior to the Bele ritual.

In sum, people believe that deceitfulness is not only breaching the traditional law but also departing from the words of the supernatural. They fear that undertaking Bele wrongly is be dishonest to God that creates sever punishment both on earth and in heaven. As indicated in the case mentioned above, people accept the Bele ritual as a means of finding the truth.

#### **6.4.4 Identifying and resolving acute issue**

The Kebele Administration and Mahberawi Fird Bet [social court] are authorized by the government to settle disputes between/among people in the locality. Their responsibility ranges from investigation of cases, mediation, making decision to implementations. However, the leaders of both kebele administration and **Mahiberawi** Fird bet [Social court] can only be effective and efficient, if they are supplied with adequate evidences about the disputants. Other wise, they cannot function properly. As a result, they seek the support of the traditional leader to investigate the case, collect evidences and settle the difference in line with the tradition. In other words, the modern judicial system as compared to the traditional conflict management mechanism has limited efficiency in identifying culprits due to absence of religious background.

#### **Case study No.4: Dispute over grazing land**

Muhie Yesuf and Mohammed Hussein had dispute over a fodder in the neighborhood and their case was produced to the Kebele Administration. Both of the disputants did not accept the mediation of the Kebele and leaving them under such condition was assumed to encourage revenge against each other. According to respondents, the Kebele administration has neither technical know how nor traditional way of banning the aggravated dispute and prevent further retaliation.

According to elders, Muhie Yesuf blames Mohammed Hussein that he always let his cattle to his lawn. He lost good harvest for two successive years. His request to avert the confrontation even became useless. Then he took his own measure and killed a sheep. Finally, the two neighbors always take counter measures that aggravated their difference continually. The problem, according to elders, is that none of them applied to the local government. Rather, they prepare themselves to avenge against each other. Because of this, the Kebele administration referred the case to the traditional mediator.

At this situation, Sheik Jemal requested both disputants to bring **Antes** [senior members from each side] and assigned elders who would mediate their differences. The assigned elders are neutral and accepted by both parties. After he assigned the elders, he called upon the Antes from both sides to control the activities of each disputant and gave the *Bele* [Oath] in order to prevent each side from causing further damage ahead of the settlement of the issue.

Finally, the elders investigated the center of their difference and its consequence upon their respective family members. Muhie cultivated the common grazing land. As a result, Mohammed Yesuf had no out let for his cattle. Because of this, hatred between the two neighbors become acute. Then elders recommended reconciliation through the traditional mediator.

The traditional mediator, after assessing the recommendations of the elders and views from the disputants, advise them to drop hatred and remain friends. Finally, the traditional mediator, referred them to the local administration.

Here, the traditional mediator, do not intervene in land related affairs. The reason is that land and land related issues are settled through the government alone.

#### 6.4.5 Mediation upon the consent of disputants

In such a case, both of the disputants understand their limitations and are interested for mediation process and conciliations. In other words, both parties accepted the reality and agreed to settle their disputes. But the problem is with the amount of the compensation and the final settlement of the incident.

##### Case Study No.5: Dispute over dowry

The case of Endris Musa and Hussein Nuriye was reported to Sheik Jemal Mohamed from Kebele 04 on **Tahisas** 6/1996[16<sup>th</sup> December, 2003] with Ref.No.ME/30/96.The case according to the official letter was that Hussein Nuriye contracted the daughter of Endris Musa for his son and marriage was concluded.

After the marriage, it was revealed that the girl has lost her virginity before marriage which is intolerable for her partner and his family. As soon as the family identified the incident, Hussein Nuriye applied to the Kebele administration that Endris Seid should return what he has paid as bride price and compensate for what has happened. Endris in his turn replied to the kebele that he incurred expenses for the wedding and can compensate only the differential amount.

At this juncture, the Kebele Administration could not narrow the difference and felt the mediation was cumbersome. Finally, the Kebele officials, upon the consent of both parties, transferred the case to Sheik Jemal Mohammed, the traditional mediator.Seik Jemal, after hearing both sides, advised them to elect elders from the community. The elders, then, assessed the evidences from both parties and produced their conclusion to Sheik Jemal.They recommended that Endris Seid should be fined for not monitoring his daughter and return at least half of the bride price to Hussein Nuriye. At the end, Sheik Jemal discussed with both the parties and young spouses regarding the continuation of the marriage. Finally,

both fathers and the spouse agreed to settle their differences and continue with present marriage.

In this regard, the local administration felt the mediation of Sheik Jemal is more important and hence transferred the case. In this regard, Sheik Jemal not only identified differences and narrowed the gap but also tried to reconcile disputants to live in peace. Hence, people have a great respect and confidence upon the traditional mediators in producing their difference for settlement.

#### 6.4.6 Identification of the offender

In the Focus Group Discussion with community elders, police, **Woreda** and Kebele officials, it was revealed that the identification of offenders is one of the major problems in the locality. The criminals commit the offence secretly in which no one would witness. The inability of the police in identifying and verifying the offender also aggravates the conditions. Such conditions compel people to undertake counter measures against persons whom they suspect as offender. According to the **Woreda** police duty officer, Sagin Mohammed Yimer, the capacity of the police in identifying the culprit is limited. The main reasons, for this is due to, lack of skilled personnel and equipment. For instance, laboratory for identifying finger print, blood spots and firearms are limited only at the Federal level. In this regard, conflict management in a court takes a long time and people loose patience. As a result, they take counter measure may be against the innocent people. Thus, identification of the offender is the serious problem in the study area.

Because of the problem of identifying the offender, both the community elders and the local government officials prefer to produce the case to Sheik Jemal Mohammed who investigates the case and identifies offender/offenders through the traditional mechanism. For instance, the letter dated Megabit, 3/1996[12 March 2004] with REF.No.79/96 from Kebele 04 Administration certifies the contribution of Sheik Jemal in identifying the criminal.

Based on the recommendation of the local government and the community elders, a sheik Jemal Mohammed calls upon the surrounding community and openly discusses the problem with community members. He assured that if the offender declares voluntarily, his words would be confidential and he would be mediated with the other party regarding compensation and probable punishment.

If there is no one who either declares himself as culprit or as witness, Sheik Jemal and other elders motivates the community not to take the **Bele** wrongly. They advise people so as not to undertake the **Bele** wrongly. At the end, if there is no one either to expose himself or disclose the secret, the community undertakes the Bele one by one.

Finally, the community as whole takes the **Bele** to ensure that neither they committed the damage nor heard information of the offender. In this situation, people believe that responses against the culprit will be soon unless he/she declares on time. Traditionally, the **Bele** is the last solution when either the suspects declare himself or people may disclose the guilty person.

### **Case study No.6: Arson against the property of Seid Kebie**

While conducting the field research, arson was committed against the house of Ato Seid Kebe and his properties were damaged. In this case, no one was detected as offender. The Police was not able to identify the offender too. The community was called upon and the information was disseminated that Ato Sied Kebe, his wife and son were the first to undertake the Bele. According to informants, the community suspects the son of Seid Kebe that he spends his time with vagrant They also told to the traditional mediator that Seid Kebe's son is a friend of hooligans. Then, they suspect his son in committing certain offences.

The traditional mediator advised Seid Kebe to discuss the reality with his son prior to the **Bele**. Then, Seid Kebe discussed with his son and his wife on the issue. His response was confirmed that none of his family members had committed the crime. Then, Seid and members of his family undertook the Bele to ensure that what they have applied is true and none of the family committed the crime.

Finally, the people who were in the meeting confirmed their innocence through oath saying "**Aladerghumm Alayehumm-Hasete Bihon Ke Shehoch Seif Laay Yitalegn**—I have never done –I have never seen. If what I have said is untrue, let me fall down on the sword of the sheik"

After completing the Bele, all people were called upon and advise to inform whatever information they get. In addition, people who did not come and undertake the oath [Bele] are expected to come and undertake the Bele. Otherwise, they will be suspected as culprits.

According to the traditional mediator and other elders, people who committed and take the oath [Bele] are expected to be affected within less than a month. Therefore, the effect of the oath [Bele] is expected to respond very soon. Unfortunately, my stay in the field was completed before the result was observed.

In sum, the Bele system enforces people who applied for the traditional mediator to undertake the Bele prior to the community. Such system deters individuals from wrong and unfounded application.

#### **6.4.7 Creating peace among conflicting parties**

Conflicts have various causes in the study area. According to the traditional mediator, one conflict is followed by an other conflict unless mediation and reconciliation is undertaken. Adultery is one of the major offences reported to the traditional mediator. For instance, if an individual commits adultery, the counter measure of the other party is improbable.

#### **Case study No.7 The case of premarital sex**

The researcher had the privilege to observe the case in the field study that a younger boy committed adultery with the fiancé of another youth. The would be husband expected his partner to be virgin at the time of honeymoon. However, the bride lost her virginity and disclosed the name of the person. The husband and his friends, therefore, decided to take revenge as soon as possible. In the mean time, the elder brother of the wrong doer heard the issue and confirmed that his younger brother is a culprit.

As information indicates, the husband and his friends were ready to undertake action against the wrong doer. As soon as the information

reached to the elder brother of the culprit, he applied to Sheik Jemal Mohammed to settle the dispute before being aggravated.

Sheik Jemal Mohammed then called upon the offender and the husband of the girl to his traditional mediation **Rekebot** [traditional tribune] and reconciled them after verifying the issue. He asked the husband of the girl to produce his reservation. Then, he said:

“I already had a marriage contract with the girl. Our families arranged the wedding ceremony. Prior to the wedding date, my fiancée and I checked ourselves that we were free from HIV. Then, we got married. She had lost her virginity before marriage. Now, I realized that the boy committed the offence



Sheik Jemal, while discussing the dispute between the two young boys

Then, sheik Jemal asked the offender whether what he heard is true. The offender replied and declared his wrong acts as follow:

"Yes, I have done the mistake. I am guilty. The Satan enforced me to commit the mistake. Now, I accept whatever punishment to be imposed."

After hearing both sides, Sheik Jemal assigned five elders to reconcile the two young boys. He also asked the disputants to comment upon the assignment of the elders. Both of them, finally, expressed their consent upon the elders.

The five elders after nominating their chairperson discussed the issue separately and formulated their rule of managing the conciliation process. They also used caucus and gathered opinions of both sides. Finally, they call upon both sides and told them about their opinion. Fortunately, both sides agreed upon the opinion of the elders.

The elders produced their final findings to the traditional mediator, in which they recommended the guilt should compensate to the husband of the girl and also pay fine to the council of elders. Sheik Jemal, finally, accepted the recommendation and passed a decision to pay Birr 1000 as compensation to the husband of the girl and an ox as a fine to the elders. Then, he asked the culprit, "Do you agree?"

"Yes" the culprit replied

The traditional mediator again asked the husband of the girl on the decisions of the elders saying:

"Do you agree with what is decided?"

The boy accepted but proposed the culprit should pay the compensation in front of the elders immediately. At this end, the wrong doer mentioned that he has no the amount of compensation and fine immediately and requested to give him a two weeks time. Then, the traditional mediator called upon the elder brother of the wrong doer to undertake full responsibility of paying the compensation and the fine in the two-week time.

The traditional mediator directed the wrong doer to officially apologize for his wrong acts and the husband of the girl to pardon him for the wrong

acts as against him. Finally, he ordered the husband of the girl to take **Bele** so as not to take counter measures and remain friends in the future. The girl was also called upon to take the *Bele* in order to be faithful to her husband.



Hand shaking of the two boys in order to avoid further conflict.

In this respect, *Bele* serves not only to prevent conflicts between disputants but also strengthen unities and fraternities. In sum, the traditional mediator has a big role in managing conflicts among the youth. According to the observation of the researcher, the retribution would have been continued not only between the two young boys but also their families if the problem was not settled through the traditional mediator.

### **6.5 Traditional mediator, council of elders and the government**

All activities of mediation are done with full knowledge and cooperation of the local government. The local government considers the traditional mediator as an ally and better means of community participation in good governance, legal awareness, local peace building and ensuring security among the population. For instance, Sheik Jemal Mohammed and council of elders are mediating and delineating their traditional leadership with full cooperation and assistance of the local government. In addition, all the mediation process is transferred to the spiritual leader in a written form. Otherwise, Sheik **Jemal** does not accept litigants. Such process according to Sheik Jemal and the Woreda police

officer, Sagin Mohammed Yimer, enable both sides to exchange information and cooperate in preventing and mitigating crimes in the area. In other words, the local government in **Kalu** is utilizing the knowledge and capability of the traditional leaders and council of elders along with spiritual leaders to sustain peace in the area.

In the focus group discussion with the Woreda Administrator [Ato Abadi Shami], Police Commander [Major Sagin Mohammed Yimer], Court president [Ato Mohammed Tium Adem], Cultural Desk expert [Ato Nigusu Aboset] and Head, cooperation Desk [Asefa Getahun] Head, mobilization [Ato Mesfin Reda] the researcher realized that Sheik Jemal Mohammed is contributing a lot to enhance the strength of good governance.

The major contributions of the sheik focuses on identification of criminals, negotiating feuds, stabilizing peace and security as well as creating mutual understanding within the community. For his lofty contributions, the local government recognizes and coordinates the cooperation of the community in his endeavors.

The difference between the traditional mediator and the judicial system lies in their mechanisms of conflict management. The traditional mediator opens mediation between/among disputants and creates place while the judicial system only stress the formal way of conflict management.

According to Sheik Jemal, the criminals come to his **Rekebot** [the traditional forum] exposing themselves and request mediation with the other party. If they may be apprehended and arrested by the police they will be prisoned. As a result, the criminals will not appear to Sheik Jemal Mohammed unless he confirmed and assured them that the police would not arrest them. Therefore, wrong doers appear to the traditional mediator if and only if they become certain that they would not to be arrested.

On the other hand, the judicial system does not allow the person to set free based on the results of the traditional mediation. The wrong doer, according to the police is arrested and properly tried by the law of the land. Because of these reasons, the culprit ignores both the traditional mediation and the judicial system. As a result, the culprits either leave the area or undertake further attack against their enemies.

On the whole, officials of the Woreda acknowledge the contribution of the traditional mediator in preventing conflict, examining secretly committed crimes, mediating disputes and making peace in the locality. However, the management of offenders once they hand over themselves to the traditional mediator is the serious problem in both the traditional conflict management and due

process of law. In sum, the role of the traditional mediator is recognized not only by the community but also by the Woreda administration and the judicial system.

## 6.6 The participation of women in conflict Management

The total population of Kalu is 311831 among which 157622 are women [Woreda Agriculture office-2005]. In this case, the data show that the number of women exceeds the number of men in the Woreda. The question was focused to see their contribution in local conflict management system. In this respect, the role of women in dispute settlement in comparison to men is minimal and limited to domestic activities only.

The tradition gives low priorities for women in decision-making. Above all, the oral literature in the area reveals "Minm Sett Bitawk Bewond yalk-Eventhough women have adequate knowledge of issues, final decisions are through men". In this respect, the community acknowledges and accepts decisions made by men. In other words, eventhough women have the capacity and the knowledge to make decisions, implementations are practiced only if it is made through their patrons, men. Elders, in this regard, mention practical examples on the participation of women even in their own affairs. For instance, at the time of dispute settlement between spouses, a woman cannot discuss, negotiate and mediate her difference with her husband unless she is called upon and supported by her close relative. According to respondents, the community believes that women traditionally are believed to be inconsistent and suspicious in decision-making. Because of these reasons, women are not accepted either to participate in conflict management or to make decisions by their own. The information in the field study discloses that the community in Kalu is male dominated. In terms of gender consideration, therefore, the whole process is grossly flawed. There is a serious gender imbalance as women are largely excluded from important community decision-making processes.

## 6.7 Implementation Mechanisms

### 6.7.1 Afu [Mercy]

According to Sheik Jemal Mohamed, **Afu** is an Arabic word, which is one of the commandments of the Holy Quran that enforces Muslims to excuse their enemies. Such process enables disputants to recreate mutual understanding and good friendship in the future

Among the Muslim communities of **Kalu**, disputants themselves discuss their differences and identify problem that led them to misunderstanding. If one of the disputant realizes his/her guilty, officially disclose his/her sorrow and request the opponent to excuse. In this situation, the opponent is influenced by his consciousness and spiritual obligation and declares that he/she does not consider the fault any more and continues the friendship.

In many serious conflicts, one or more parties may have committed horrible crimes or atrocities. In less serious cases, the parties are likely to have done things which opponents find extremely hurtful. In these cases, an integrative approach, which focuses upon the acknowledgment of past guilt, the payment of appropriate compensation, and the granting of forgiveness, can much help the parties to strengthen their relationship. Formalized structures to apologies and forgiveness can refrain communities from torn apart by violent confrontations recover from the crimes and atrocities. This, mechanism according to respondents in the study area is very helpful in the overall peace building process, allowing reconciliation between previously disputants.

### 6.7.2 Facilitating forgiveness [Wodaja]

The **Wodaja** process, according to the tradition, is undertaken when one of the disputant understands that his wrong acts have affected the other person. In this respect, person/persons who is/are respected by both parties is elected and sent to request for mercy on behalf of the wrong doer. The person/persons who is/are selected to conduct the **Wodaja** discusses the issue with the wrong doer at first how he committed the guilt, then, the consequences and the compensations if the other party may agrees upon his/their request. Further more, the members of the Wodaja discuss approach and elect the spokes person on their behalf.

After reaching on conclusion, they go to the other party at dawn of the day and present themselves in front of his gate till he/she wakes up and leave his home for his daily activities. As soon as they get the person, they exchange greetings and request him/her willingness to accept them as **Wodaja**.

Before getting the approval of the person, they do not disclose why they have come too early, on whose behalf they are sent and the purpose of their mission. Then, the leader of the group blesses the host and raises crosscut issues before disclosing their mission. The group observes the gesture and facial expression of the person and plans the strategy of the approach.

After observing the situation of the host, the group stands from their seat and say "**Ye Fera Marilign** - please give mercy for a person who already fears you".

The group never takes a seat before getting the response of the host. The host probably may raise certain issue for not accepting their mission. However, other members of the family also encourage accepting the facilitators of mercy and honoring them as guests of God. According to the traditional mediator, it is believed that neglecting the **Wodaja** is cursing not only against the person but also for the whole family.

Once, they get the acceptance, members of the group sit and bless the host, his house and the family and discuss the would be compensation. After accepting the **Wodaja**, the host raises the effect of the damage, the problems encountered and the magnitude of the compensation. He/she negotiates with the group and decides the date to meet the guilty person. At the end of discussion, the person assures the group that neither revenge nor application to the judicial system will be made unless the wrong doer responds to the demands agreed upon between the group and the host.

Finally, the group accepts the entertainment and leaves for the house of the wrong doer. They discuss as to how the demand of the other party can be met. Moreover, they advise the person and his family to meet the compensation and arrange appointments to have the final meeting.

Lastly, they bring the disputants simultaneously and discuss the effects of their differences, appreciate their willingness to consider them as notables and advise them to be good friends in the future. Both parties after an entertainment to the elders and enjoy together. They also invite each other to please the group and other members of the two families.

## 6.7.3 Compensation and Punishment

### 6.7.3.1 Compensation

The type of compensation according to Sheik **Jemal Mohammed** varies in accordance with the type of damage. The compensation is various types depending on the gravity of the offence. For instance, if it is damage against property, the culprit substitutes the property to the other person. In such condition, the compensation can be either in cash or in kind.

The traditional mediator, Sheik Jemal Mohammed is one of the prominent conciliator between blood feuds. In his long experience, he observed the growth of blood money unexpectedly. For instance, he observed the growth of **Guma** is from 100 Birr in 1973 to 20000 Birr at present.

The blood money, according to the traditional mediator, is transacted for at least four purposes. One punishment to the offender, second prevention of crime by other people, third prevention of retaliation by families of the victim, and fourthly to rehabilitate the survivors. This amount is so high that the culprit pays through his nose.

If the victim's family does not accept the blood money, it is understood that they are planning for revenge. At this condition, the culprit's family takes the necessary precautions to avert the possible attack.

Therefore, compensation according to the tradition, is a mechanism not only to rehabilitate the person/family affected by the other party but also to avert further confrontation between the two persons/families.

### 6.7.3.2 Punishment

Under the customary law, a person deserves punishment where he performs a faulty act against not only an individual but also against the community at large. These faulty acts which are regarded as crime committed against the interest of the community include breach of the peace, arson, theft, robbery.

The people of Kalu, like other people in the country, have their own traditional law aimed at regulating the social relationship of the community with view to preserve peace and order. In this respect, peace

and order are preserved where the binding force of the customary law is coercion in exchange of the violation of the legal rule.

Naturally, failure to comply with the law amounts to breach of the peace. Nevertheless, the customary law of the people does not regard all acts to be the breaking of the law and as violation of peace. Violation of peace is a failure to execute the decision of the Shimagle. Hence, any person against whom the elders settled dispute has to execute it in accordance with the terms of the decision. Furthermore, any one whose interest is infringed should not resort to avenge an injury and do any thing perilous to the culprit.

Moreover, breaking of the peace under the customary law of the people is the performance of an act or acts which cause civil disorder, rioting and the like. Such acts include disobeying the decision of the elders, failure to respect the honored person of the public figure.

The guilty person upon his agreement pays certain amount of fines to the mediators for his wrong acts. The fine can be either in cash or in kind. In other words he is obliged to invite the mediators for their contribution in settling his differences with the other party. The fines, according to elders, have two objectives. The first is to make the person understand his wrong acts and the second is to acknowledge the elders for what they contributed.

According to respondents, the collective nature of some of the punishments makes indigenous management methods preventive and highly respected. Hence, it has put the social fabric among the people of Kalu.

#### **6.6.4. Erq [Reconciliation]**

**Erq**, according to the tradition of the people of Kalu is negotiation, adjudication and mediation between disputants. Erq is undertaken so as to create lasting peace between/among conflicting parties. At the time of Erq, different traditions are undertaken according to the tradition of the people. For instance, both parties are obliged to serve food and drink to the elders and other mediators.

#### **6.7.5 Stigma**

If wrong doers do not accept the peace offer and abide by the rules and regulation of the community or disobey to the words of the elders, the community imposes sanctions. The sanctions, according to

elders, are exclusion, miscommunications and neglecting whatever the deviant may request from individuals and the community.

According to elders, unless the wrong doer accept the demand of the community, abide by the traditional rules and regulations and officially request an excuse, people never respond to his words, provide support when ever needed, support in the time of property damage cooperate in sharing loses and collaborate at the time of production such as **Debo**. For instance, in a place where safety match is not available at house hold level, the wife of the deviant never get piece of fire for use.

On the other hand, as the community identifies the type of sanctions, elders determine the types of supports to be provided to the person even though he remains deviant to the regulations of the community. For instance, if the family member of the deviant dies, the community digs the grave, transports the dead to the burial place, left and returns the dead at the top of the tomb. After providing these services, the individual is expected to undertake the burial tasks. Such task, according to the elders, is an imaginable to an individual. Unless the person understands the contribution of the community and officially request excuse, he is obliged to burry the dead alone. According to elders, no one including his relatives allowed to support the individual at such condition. In this respect, the stigmatization of culprits enforces individuals to refrain both from crime and be law abiding citizens.

#### **6.7.6 Cooperating with the judicial system**

Criminals are always wanted by the police and face trial. Once police arrests these criminals, keeps in custody and takes much time to present them in court. Moreover, the due process of law also takes longer time. They used to remain in jail till the judgment is provided or if bail is not allowed. Because of this, the criminal prefers to settle his difference through traditional dispute settlement mechanisms. Other wise he is forced to leave the area or hand over himself to the police. This leads the criminal to frustration and mental instability. Hence, the criminal prefer to settle their issue with traditional dispute resolution mechanisms. Otherwise, they will be forced to leave the area. In this situation, if the person does not accept the decisions of the community he becomes more threat to the community, then, community ally with the judicial system in hunting.

## Chapter V II Conclusion

The traditional cooperation mechanisms of the people of Kalu contribute in strengthening the unity of the people and providing support to those, who are under difficult circumstances. Nevertheless, the change in the economic system, the rapid population growth and the rural urban migration weakened the social ties among the community. For instance, the labor cooperative system [Debo] is replaced with market labour. In addition, the social services to the aged ceased to function while services for orphan children are limited to rich families. Furthermore, more over, the extended family is eroded and its contribution as a social welfare system is gradually diminished. Furthermore; information indicates that the role of indigenous institutions as change agent is increasing. For instance, **Kire** plays a significant role in the prevention of HIV pandemic and rehabilitating People living with HIV/AIDs.

The followers of the two dominant religions, Islam and Christian leave in harmony. The study indicates that the unity and cooperation of the Christian and Muslim population mutual cooperation and fraternity.

The traditional conflict management mechanisms among the people of **Kalu** use local actors. The local negotiations lead to ad hoc practical agreements which keep broader inter communal relations positive, creating environments where community members can live in harmony.

The Customary conflict Management mechanism enable people with diverse interests to work together and mutual satisfaction. Interests, among the study community, what one cares about, or wants, in the dispute. The elders and the traditional mediator engage in problem solving and consensus building based on the interest of the disputants. In this regard, the study indicates that disputants have mutual understanding while producing their cases either to the elders or the traditional mediators. Therefore, the customary conflict management mechanism among the people of Kalu is based on the win /wins approach even though the theory is not known to the traditional mediators. In addition, collaboration is the feature of the conflict management mechanisms within the community, i.e., decisions are made by consensus. In other words, consensus is reached when each disputant feels that his/her interest has been addressed.

The local mediation typically incorporates consensus building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face

and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict.

In the study area, one or both parties of a dispute request intervention by an elder, the elder council, or other community members. Occasionally, elders unite and take the initiative in forming a local council to represent the community's interest.

The study revealed that transformation is underway, i.e., indigenous conflict resolutions mechanisms are operating with an official acknowledgement of the government. This is due to their efficiency and effectiveness in comparison to the modern judicial system.

The land tenure system as compared to the era of the Emperor diverted causes of disputes over land ownership. The study indicates that disputes over land are minimal. This is not to say that land disputes are non-existent. Because of the land ownership system, land related cases are only settled through the local administration.

Criminal investigation capacity of the police both in skilled man power and material is not strong in the study area. As a result, the police detain people for a long period of time. On the other hand, the traditional mediators use the traditions of the people and religious affairs in identifying culprits. Hence, people prefer the indigenous institutions both to identify their enemies and settle their differences in a short period of time.

Settling disputes in the court system requires lawyers, materials and finance until the settlement of the disputes.

The indigenous institutions of conflict management mechanisms among the people, as compared to the court system, are less expensive. Whatever to be paid as punishment or compensation matches with the extent of the damage and the capacity of the culprit.

Family, among the people of Kalu, is the major institution settling disputes both within the family and the out side community. Parents, elder siblings and Antes [elder members in the family] have significant role in preventing, mitigating and managing conflicts.

The elders among the people Kalu form a dominant component of the customary mechanisms of conflict management. The authority held by the elders is believed to be derived from their position in society. They also are believed to hold and control supernatural powers reinforced by spirituality. This is perhaps the basis of the legitimacy of customary conflict management mechanisms amongst the people of Kalu.

Traditional conflict resolution mechanisms are free of corruption and graft related incidences that have spoiled the integrity of modern judicial system. The traditional system is also accessible, culturally acceptable and morally binding. The rule of natural justice is observed and nobody is condemned unheard. Above all, the system is regarded as community owned as it is backed and based on customary law, norms and culture.

Traditional mediation speeds up the administration of justice since the localities under study, don't have access to formal police and courts which are located far away in **Kombolcha, Dessie and Bahir Dar**. For instance traveling from **Kalu to Bahir Dar** [500km] away, to attend court proceedings is too expensive. The study indicates that indigenous institutions are bridging and mitigating the inaccessibility of modern judicial system.

In the study community, traditional conflict mitigation efforts have been weakened by gender bias. Women have been completely excluded from conflict management processes. For instance among the people of Kalu, women act as reference resource but not to challenge or influence decisions adopted by male-dominated **Shimglina**. Above all, furthermore the women in Kalu are supposed to convey their suggestions through their male relatives alone.

Above all, remarriage of a woman in the same Kebele does not allowed. This to avert conflict between her former and present husband. However, such sanction is not applicable to the husband. In other words, the husband has even the right to even remarry from the same village.

Resolutions are generally accepted and respected by all concerned parties. However, information in the study area has shown that customary conflict management institutions often bring important social influence but lack the power and the means to enforce the decisions adopted. Advice is only accepted when both parties agree to it.

Indigenous conflict management mechanisms aim to resolve conflicts locally, replacing external dispute resolution and thereby, reducing reliance on external structures. Traditional mediation helps the community keep control over the outcome of the dispute. In other words, implementing this approach does not require sophisticated structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short time frame.

Most of the traditional cooperation and customary conflict management mechanisms among the people of Kalu are synonym to most of the indigenous conflict resolution mechanisms practiced in the Horn in general and in other parts of the country at large.

Conflict resolution efforts, among the people of Kalu, are directed towards the maintenance of communal or inter communal harmony. They favor recognition of mutual rights and obligations, and uphold shared values by calling for public apology, compensation for losses and forgiveness.

Local mediation typically incorporates consensus building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups.

The local peace process is generally low-cost. Local efforts are financed through community sources, mainly from the conflicting individuals and their relatives.

Lastly, a number of strengths of the system can be pointed out. Traditional conflict management methods, among the people of Kalu, have preventive and deterrent measures of conflicts. This has been reinforced by cultural and religious beliefs, taboos and norms that further make the mechanisms binding and adhered to. Over all, customary conflict management mechanisms are free of corruption and graft related incidences. The traditional system is also accessible, culturally acceptable and morally binding. The rule of natural justice is observed and nobody is condemned unheard.

The role and efficiency of the Kalu customary conflict management mechanism has been greatly eroded, marginalized, and diminished by modern civilization and development thinking. The emergence and institutionalization of modern judicial system is marginalizing the role of indigenous institutions of conflict management mechanisms.

Lack of proper and efficient enforcement instruments and mechanisms has reduced the relevance of customary methods of dispute administration. Apart from curses, there is no prescribed system of enforcing rulings either by council of elders or traditional mediator.

In conclusion, the traditional cooperation and customary conflict mechanisms among the people of Kalu have a big role in promoting unity and fraternity in ensuring the well being of the community and prevent, mitigate and settle disputes upon the consent of the people.

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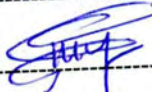
**Appendix 1****List of Key informants**

<u>Sr</u>	Name	Sex	Age	Occupation
1	Ato Abadi Shami	M	40	Chief administrator, Kalu Woreda
2	Ato Mohammed Tium	M	43	Judge, Kalu Woreda administration
3	Sagin Mohammed Yimer	M	39	Duty officer, Kalu Woreda Police
4	Ato Asefa Getahun	M	45	Head, Kalu Woreda cooperative office
5	Ato Mesfin Reda	M	36	Head, Kalu Woreda mobilization and organization
6	Ato Nigusu Aboset	M	30	Expert, cultural affairs
7	Ato Asmare Belay	M	44	Ex-head, Workers Party of Ethiopia, former Kalu Province
8	Sheik Jemal Mohammed	60	M	Traditional mediator among the people K
9	Ato Abdu Omer	M	60	Abagar, Gende Kore kebele
10	Sheik Omer Hussein	85	M	Elder, Addis Alem Kebele
11	Ato Mohammed Amede Gabi	63	M	Elder who served with the Abagar
12	Ato Beshier Hussein	30	M	Husband
13	Woizero Zeineba Seid	34	F	Wife of Beshier Hussein
14	Woizero Ansha Kedir	32	F	Co-wife of Beshier Hussein
15	Ato Taye Wolde Medhin	70	M	Former head of culture and sport, Wolde administrative region
16	Ato Desalegn Kasahun	56	M	Attorney, Amhara Regional state
17	Woizero Zemzem Nuriye	76	F	Duberty and prayer Harbu area

## DECLARATIONS

I, the Undersigned, declare that this thesis is my work and that all sources of material used for this thesis have been duly acknowledged.

Name Demekie Arqaw

Signature 

Place Addis Ababa

Date of Submission Nov. 2005