

**PROTECTING HUMAN RIGHTS THROUGH CONFLICT PREVENTION AND
RESOLUTION PROGRAMMES IN SOUTHERN NATIONS
NATIONALITIES AND PEOPLES STATE**

**BY
YOHANNES NEGA**

**FACULTY OF LAW
ADDIS ABABA UNIVERSITY**

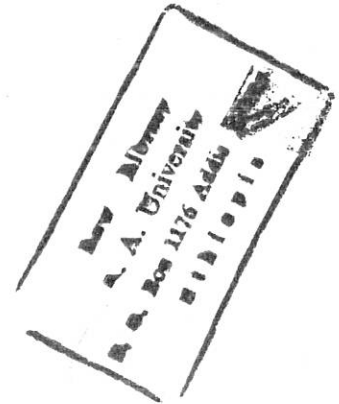


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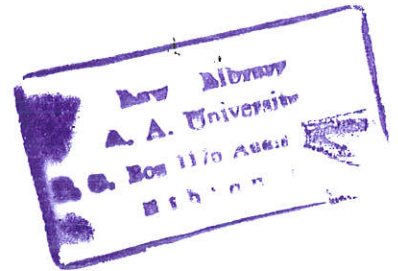
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A Research Project Report Submitted in Partial Fulfillment of
the Requirements for the award of the Degree of LL.M

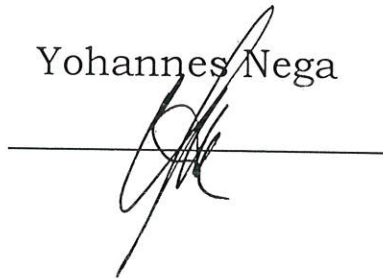
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March 2009

DECLARATION

I here by declare that this thesis is my personal work, it has not been presented for a degree in any other university and all the sources of material used for the thesis have been duly acknowledged.

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Protecting Human Rights through Conflict Prevention and Resolution

Programs in Southern Nations Nationalities and Peoples State

BY:

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	Examiner	Signature	Date

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Abstract

Conflict prevention and human rights protection are programs with the same objective from different perspective by different practitioners. Conflict is one of the situations in which human rights violation happen. So, protecting conflict means mitigating rights violation that would happen.

The SNNPR is one of the regions confronted with the challenges of prevalent conflict. For better protection of human rights the strength of conflict prevention and resolution programs is very helpful. Accordingly, the writer assesses the regional conflict prevention and resolution programs both by the government and non governmental bodies, the structure, legal frameworks and the challenges encountered will be discussed in this very paper briefly.

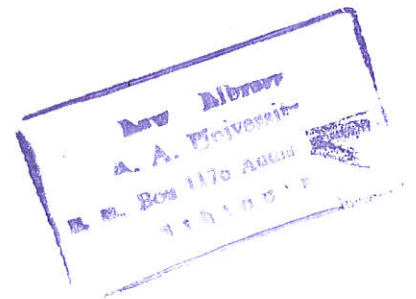


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CHAPTER ONE

INTRODUCTORY REMARK



1.1. Introduction

Have you ever taught about the relation between human rights protection and conflict prevention? I have tried to assess the views of students, work colleagues and others to whom I came across in meetings trainings and workshops. Most of them replied what is conflict prevention at all and others asked me do we have such kinds of program in Ethiopia at all. Surprisingly you have got good opportunity to see the correlation between the two programs of human rights protection and conflict prevention, and how it is working in the SNNPR context.

Conflict is one of the situations in which massive violation of human rights happen. During conflict people will be displaced, tortured, killed, traumatized and all social infrastructures can be destructed exposing all members of the community in general and vulnerable groups in particular like women, children and the elderly to socio-economic problems. So don't you think that preventing all these messes through strong conflict prevention mechanism amounts to protecting those human rights of the community?

It is the above assumption which encouraged me to frame my thesis on the topic of; *"Protecting Human Rights through Conflict Prevention and Resolution programs in SNNPR"*. Southern Nations Nationalities Peoples Region is among the nine states of Ethiopia. It encompasses around 56 diverse ethnic groups. Since its establishment as an independent state the region has faced challenges in the efforts of systematic handling of conflicts so far.

To draw a clear picture of the correlation between the above two programs this paper has organized itself in to four chapters. The first chapter contains points like introduction, background, scope, limitation, significance, and the methods used to realize data collection for the paper. The second chapter devotes it self for creating clear understanding about the programs. It discusses principles, methods, and goals (both short and long) of the programs. Besides it discusses the recurrent tension between the two.

The third chapter has the purpose of disclosing the prevalence and effects of conflict in the south context. The region has diversity in the cause, aggravating factors, and natures of conflict. The fourth chapter which I consider as the core of the paper is very crucial, because it assesses the two major programs of conflict prevention and resolution. In brief you will see the efforts of both government and non governmental organizations in the area. The last part focused on conclusion and plausible recommendations for the major problems identified by the researcher.

1.2. Background

An interdisciplinary research of this type requires understanding of two disciplines simultaneously or the involvement of team of people who come from the different professions. My personal experience in the area of conflict prevention and resolution with in the SNNPR coupled by my study in the field of international human rights law class created a good opportunity to have this perspective.

Since its establishment as an independent government the SNNPR had encountered conflicts of different magnitude and nature. The region as a home of 56 different ethnic groups diverse in culture, language, lifestyle and other factors had been suffering from the effects of conflict .During conflict the regional communities those found in the conflict area had been displaced, harassed, killed, humiliated and in general exposed for massive human rights violations in different incidents of conflict.

In those days the regional government do not have particular accountable body assigned to deal with conflict management supported by legal basis instead the regional government as a whole was doing all its best with little coordination with other stake holders.

Latter on considering the impacts of those conflicts the regional government in consultation with the federal one took the initiative to establish a body accountable for handling conflict. The Regional Council of the Nationality is the one established to materialize this objective. Even after its establishment the expected attitudinal, skill and knowledge change did not came to the expected level. Still one can look the weakness of the conflict prevention and resolution programs in the region.

To fill the above gap or to strengthen Regional Council of Nationality effort on conflict prevention and resolution program different efforts have been made by non governmental bodies for the last few years focusing on capacity building areas. However in contradiction to the above effort the government issued new society and charity law which prohibited the involvement of international non governmental bodies in the field of conflict prevention and resolution areas.

As I said at the beginning, conflict is one of the situations in which human rights violation happen. At least to prevent those human rights violation due to the conflict we need a well established and functional conflict handling programs in the region.

Now it is time to reconsider the efforts made so far. The government has to give more attention for the program, has to allocate more budgets, train people in the area, and has to establish different necessary infrastructures which help to manage conflict before it takes the lives of many innocents.

That is why I am inviting the strengthening of conflict prevention and resolution programs for better protection of human rights violation that come as a result of conflict.

1.3. Objectives of the Study

1.3.1. General Objectives

- ❖ Show how conflict prevention and human rights protection are inter-related each other.
- ❖ Assessing the prevalence of conflict and its effect on human rights violation in SNNPR.
- ❖ Analyzing conflict prevention and resolution programs in SNNPR.

1.3.2. Specific Objectives

- ❖ Identifying governing rules of both human rights and conflict handling mechanisms.
- ❖ Identifying methods to be employed both by human rights and conflict prevention programs at different stages of conflict: before violence arises, during violence and after the violence periods.
- ❖ Observing the shared dilemmas between the two programs.

- ❖ Identifying the nature, causes, aggravating factors of conflict and the effect it brought on the community living near to the conflict.
- ❖ Evaluating the legal framework for conflict prevention and resolution programs.
- ❖ Analyzing Challenges encountered in the efforts of conflict prevention and human rights protection and forwarding possible solutions to the problems identified.

1.4. Research Methodology

For this research purpose I used both primary and secondary data .One of the tactic I used to collect primary data is involving in focus group discussion. Through that the writer has got the opportunity to hear the prevalence, cause, and aggravating factors of conflict in a particular community like the menjas. While working as senior trainer with GTZ Ethiopia have got also the opportunity to travel through out the region thereby interviewing government officials from kebele up to regional level about the nature, cause and its effect. Besides, literature reviews to collect secondary data on the theoretical aspects of the paper. To this effect I referred books, reports, magazines, newspapers, articles and senior theses written on the subject matter.

1.5. Significance of the Paper

This paper will have its own contribution to the academic community and practitioners involved in the areas. Primarily it will encourage students who come from human rights stream and from conflict prevention and resolution streams to see the inter-relation and how they can feed and support each other. In simple language it will encourage interdisciplinary research.

This paper can also serve as a data for those who want to know the nature, cause, prevalence and aggravating factors of conflict in the south context. At the same time getting information on the efforts made so far on conflict prevention and resolution efforts in the region is also possible through this paper.

This paper can also be an input for those who are working in the area of conflict prevention and resolution programs and its valuable recommendations can help for program improvement.

1.6. Scope of the Study

Since the paper is on protection of human rights through conflict prevention and resolution programs in SNNPR. Geographically it takes in to account the southern region among the nine states in Ethiopia. The other thing the paper takes in to account is, it focuses on programs. This covers both governmental and non governmental programs. The governmental one means the one run by the Regional Council of Nationality and the non governmental one is the program run by different international and local non governmental bodies.

With in these programs I will focus on the structures, legal basis and on the challenges encountered by both programs.

1.7. Organization of the Thesis

This paper is composed of five chapters. The first chapter focuses on introductory remarks. Points like research objectives, methodology, background, limitation and significances of the research are discussed.

In the second chapter basic concepts of conflict prevention and human rights protections are discussed in detail. The governing norms of both programs are discussed, the methods and the recurrent tensions between the two. Underling assumptions, goals, values are also points considered here.

The third chapter focuses on the prevalence and effects of conflict in SNNPR. Because showing this will encourage us to evaluate the program we have at hand. In this part I have discussed conflict in to three major groups, Pastoralist community conflict, conflicts due to boundary issue and conflicts due to marginalization.

And the fourth chapter focuses on the conflict prevention and resolution programs of both government and non governmental organizations. Here, structures, legal frameworks and the challenges each encountered are discussed in detail. Last but not least chapter five gives brief conclusion and possible recommendations to its audiences.

1.8. Limitations

I have encountered different challenges while doing this research. One of the challenges I encountered is scarcity of resource. Since the scope of the paper focus on the SNNPR region in general, so traveling and collecting data which indicates the prevalence and effects of conflict is very helpful for the paper. However doing this required huge amount of money. Lack of sufficient money to this effect enforced me to focus on data collected by other entities.

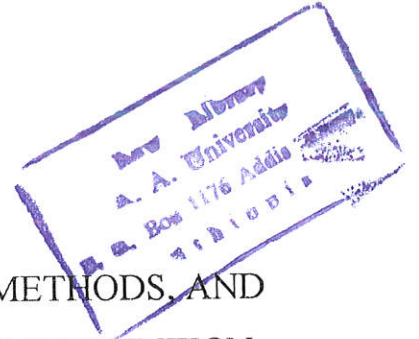
The other point in this regard is the sensitivity of the issue. Mostly people to whom I was taking were unwilling to give information in the area. They feel that it is political and giving information may bring accountability.

The third related problem is lack of sufficient material which connects conflict with human rights in the Ethiopian context.



CHAPTER TWO

PRINCIPLES, GOALS, ASSUMPTIONS, METHODS, AND RECURRENT TENSIONS OF CONFLICT PREVENTION AND HUMAN RIGHTS PROTECTION PROGRAMS



2. General Remark.

Human rights protection programs and conflict resolution programs share similar purposes. In the long run both sets of programs try to assist societies in taking steps to ensure that the violence doesn't recur and that the rights of every human being are respected.¹ In the short run, both sets of programs seek to end violence, limit loss of life and minimize other sufferings as quickly as possible² However to achieve these goals each of the programs apply different methods based on different underlying assumptions. As a result, both groups occasionally adopt contradictory or even mutually exclusive approaches to the same problem.³ For example, conflict prevention program, eager to achieve a negotiated settlement to a conflict with minimum loss of life, may fail to give sufficient weight to the relevance of human rights to the long term success of their work.⁴ Human rights program, on the other hand, may undervalue the pressure under which mediators operate to bring about an immediate end to loss of life. If they limit their activities to shaming, negative publicity and judicial condemnation of criminals, human rights activists may miss opportunities for improvements in human rights situation that could be achieved through the use of conflict resolution programs.⁵

Preventing conflict and massive human rights violation, and rebuilding societies in their aftermath, requires an approach that incorporates the perspective of both human rights and conflict resolution programs.

-
1. ELLEN L.LUTZ, EILEEN F.BABVITT, and HANNUM;
Human Rights and Conflict Resolution from the practitioners' Perspective, (2003); (Vol. 27); P. 173
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. Ibid.

Universal Declaration of Human rights (UDHR) to give further details about the human rights expressed in the charter. The preamble declares that human rights are foundations of justice, and peace.⁸ Its opening articles provide that every individual is entitled to all rights and freedoms set forth with out distinction with respect to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁹ It then enumerates a list of fundamental rights to security of the person,¹⁰ equality before the law,¹¹ nationality,¹² the means to escape from state abuse, political rights and the right to food, healthcare, education, work, family, ownership of property and participation in cultural life.¹⁴

Since 1948, Intergovernmental Organizations have codified most of the norms in the UDHR in international treaties, including two by the UN General Assembly itself: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These two fundamental treaties have been ratified by over 140 states.¹⁵

While reaching agreement on international human rights law was not so easy, enforcement has proven more problematic. It is one thing for the state to promise to advocate human rights and another for it to tolerate monitoring of its compliance. Effective formal international enforcement mechanisms have been non existent for much of the last half of the twentieth century.¹⁶ Partially in response to this enforcement vacuum, international human rights advocates, many of them lawyers, formed organizations to promote human rights and develop a range of strategies for pressuring government to conform their behavior to international human rights law.¹⁷

8. UDHR; Preamble 1st paragraph

9. UDHR; Art 1,

10. Id. Art.3

11. Id. Art. 6

12. Id. Art.8

13. Id. Art. 14

14. Id. Art 21-25

15. Roberta Faggina, The Basics of Peace Education of World Citizens (2008) P.39

16. Ibid.

17. Id. P.40

International human rights investigators seek out the facts wherever rights abuses are alleged and publish their finding,¹⁸ whether countries are at war, suffering from varying degrees of political tension or subjugation, or are peaceful and generally rights respecting. International human rights organizations hope that their report will bring about change in the behavior of government or other entity whose abuses they spot light, but their principal targets are the policy makers who are in a position to put pressure on rights violators.

2.1.1 The Role of NGOs in Human Rights Protection

International human rights NGOs see themselves as advocates for victims and supportive partners of their domestic human rights NGO counterparts. International human rights organizations lobby other governments to take human rights in to account in their foreign aid appropriations and press the UN and other intergovernmental organizations to put pressure on right abusers.¹⁹ In addition, they demand that government establish domestic enforcement mechanisms such as independent judiciaries.²⁰ To ensure accountability when national courts do not exist or can not act, international human rights NGO support institutions like International Criminal Court.

International human rights NGOs try to adopt their advocacy to ensure that it has the greatest possible impact. For example, organizations such as Human Rights Watch (HRW) devoted minimal resource to lobbying the United Nations during the Cold War, when the UN Security Council was frequently deadlocked and other human rights mechanisms were used by states primarily as stages to purely express political views. Following the collapse of the Berlin Wall, the United Nations has become more creative and interventionist in seeking solutions to human rights problems and has thus become a higher priority in Human Rights Watch (HRW) advocacy.

Domestic human rights NGO activists operate in a different milieu. They serve as the sense of right and wrong of their societies and speak out to press their government to

18. Id. P. 184

19. African Union, *The Roles of NGOs*; (2007); P. 97

20. Id. P. 102

protect the human rights of their citizens.²¹ In exploitive societies or those seized by conflict, domestic human rights groups are invariably squeezed in to a narrow operating space or are shut down by those in power.²² Any activity they do carry out, such as collecting information about on going abuses and passing it on to their international counterparts or aiding displaced persons are undertaken at great risk.

2.2 Fundamental Principles of Conflict Prevention and Resolution

Programs

Unlike human rights there are no codified sets of norms that govern the field and bind conflict resolution programs together. However, there are inherent set of principles that frame their practice. These are participation, inclusiveness, empowerment, cultural sensitivity and equity.

The first principle is participation.²³ The most effective negotiation and decision making processes are those in which the parties who have direct stake in the outcome are actively engaged.²⁴ The most basic goal of conflict resolution is to bring stakeholders into some kind of institutional forum and assure them of an opportunity for meaning full input.²⁵

The second principle is inclusion. This differs from participation in that it addresses not the manner of participating, but who participates.²⁶ In the conflict resolution field, the preferred approach is to include as many stakeholders as possible; even those that might be potentially destructive, on the ground that those left on the side lines will have a greater incentive to undermine any agreement that is reached.²⁷

The third principle is empowerment.²⁸ The effectiveness of multiparty dialogue can be compromised by one or more party's lack of experience, lack of resource or both.²⁹ To help balance the sides, conflict resolvers may incorporate teaching of all the parties, training and coaching in to the process to maximize the effectiveness and provide stronger base on which genuine negotiations can proceed.³⁰

21. Id. P. 103

22. Ibid.

23. Eileen F. Babbitt, Ethnic Conflict, Human Rights, and Conflict Resolution, (2001)P.16-18

24. Ibid.

25. Ibid.

26. Id.P.17

27. Ibid

28. Ibid

29. Id P.18

30. Ibid

The fourth principle is cultural sensitivity.³¹ Most cultures have existing methods for handling conflict. Culturally familiar and appropriate practices and solutions will be sustainable long after an outside intervener has departed.³² Thus, it is very important to know what those practices are and in so far as possible, to build up on and enhance indigenous methods.³³

The fifth principle is equity.³⁴ Equity as opposed to equality is the notion that a mediator should treat all parties at the table with equal respect, giving each equal time and attention, even though there are differences in power. This respect and acknowledgment contribute to making the forum more suitable to constructive discussion and problem solving.³⁵

2.2.1. Levels and Functions of Conflict Resolvers

Conflict resolvers operate on multiple levels. At the first level, official interveners representing government or intergovernmental body such as United Nations work with designated representatives or decision makers of the parties to a conflict to assist them in reaching resolution.³⁶ Some times these interveners are neutral facilitators, but often they use the influence or power vested in them by the government or organizations they represent to press the parties to reach agreement.³⁷

At the second level, non officials' interveners such as NGOs, religious leaders, scholars, or internationally respected political figures meet together with or shuttle between, official representatives of parties to the conflict to find a solution. While, these interveners may have little to offer in the way of incentives or sanctions to compel the parties to reach agreement, their personal qualities, mediation skills, or reputation for neutrality and high ethical standards may be enough to move the parties to peaceful resolution.³⁸ A good instance at this point is the intervention made by professor Ephraim to mediate a conflict between EPRDF and CUD during the 2005 election of Ethiopia.

Interveners at the third level, non official interveners facilitate dialogue among non officials but influence members of each of the community that are in conflict.

31. ECA, African Principles of conflict Resolution & R

32. Duke Fisher ; Conflict Resolution; (2008); p.58

33. Ibid.

34. Ibid

35. Duke Fisher, Mediation as a means of Conflict Resolution. (2008) P.58

36. Ibid

37. Mark Rogers, Types and Level of Conflict Resolvers, (2000) P. 28

38. Ibid

The theory behind level three processes is that influential individuals, operating in an official capacity, have fewer constraints than their official counterparts to engage in dialogue with their opponents and explore creative ideas for conflict resolution or transformation. At the same time, because level three participants are influential, they have the ear of decision makers or may themselves someday serve in official decision making positions.

2.2.2 Roles of NGOs in Conflict Resolution Programs

International conflict resolution NGOs have emerged over the past two decades to complement the work of level one, governmental or intergovernmental interveners. These groups have developed a well stocked toolbox of techniques that they adapt to the phase of conflict, the cultural and political context, and the role the conflict resolvers is invited to play.³⁹ International conflict resolution NGOs are involved in many traditional conflict resolution activities such as shuttle diplomacy, negotiations between disputing parties, and level three type dialogue activities among key actors.⁴⁰ Many also engage in educational activities, including teaching conflict resolution skills and providing capacity building and conflict resolution training to disputants and other stakeholders.⁴¹

Some international conflict resolution NGOs work independently, while others prefer to collaborate with other types of international NGOs or intergovernmental organizations, or with domestic conflict resolution NGOs that better understand the cultural shade that need to be incorporated into an effective process.⁴²

However, the conflict resolution field is so young; there is often no established domestic NGO with which international NGOs can collaborate. In such circumstances, international NGOs sometimes turn their attention to developing post conflict domestic NGOs capacity. In doing so, they may encounter obstacles such as lack of training and education, inefficiency, bureaucracy and corruption.⁴³ These obstacles mirror the larger problems the post conflict society faces in developing a strong and healthy civil society.

39. Id. 29

40. Ibid.

41. Ibid.

42. Mercy corps Ethiopia, Annual Report, (2006) P.9

43. Ibid.

2.3 Long and short term Goals of both Programs

Human rights and conflict resolution programs have both short and long term goals. In the short term, human rights advocates aim to pressure governments and other responsible party to end human rights violations and ensure that those individuals responsible for abuses are held accountable.⁴⁴ In the long term, human rights NGOs programs seek to generate world wide culture of human rights protection.⁴⁵ They do so by working to expand international human rights law and enforcement procedures.⁴⁶

While simultaneously pressing states⁴⁷ to ensure that their domestic law, law enforcement mechanisms and judiciary are sufficiently robust, to prevent right abuses and provide adequate redress to victims.

In the short term, conflict resolvers try to help the parties to a conflict move towards or reach settlement that satisfies their interest, while also attempting to decrease the over all level of violence.⁴⁸ In essence, this involves helping the parties to re evaluate their strategies and adopt more constructive negotiating behaviors. Over the long term, conflict resolvers facilitate improved relations between parties to achieve greater interpersonal and institutional capacity to resolve or deescalate future conflict and prevent it from becoming violent.⁴⁹ This involves assisting the parties in examining, and possibly changing, their underlying assumptions and attitudes towards their adversaries.⁵⁰

2.3.1. Values and Assumptions of both programs

To be in a better position to accomplish these goals, programmers in each field adhere to core values that enhance their credibility and professionalism. Though many values are shared by both human rights advocates and conflict resolution resolvers their respective rationales for holding those values may be quite different.

Conflict resolvers understand that conflict is normal and often healthy, yet they hate the violence, loss of life, and sadness associated with it.⁵¹

44. Larry Minear, *the Humanitarian enterprise, Dilemmas and Discoveries* (2002) P.60

45. Ibid.

46. Ibid.

47. Id P.63

48. Ibid

49. Ibid.

50. Id.P.67

51. Ibid

They believe that there are both constructive and destructive ways of dealing with them. And they promote constructive approach over destructive one.⁵²

Human rights advocates, because their work is grounded in international law, are more accepting than conflict resolvers of violent conflict as such. International law doesn't ban war, although it does attempt to regulate it by excluding conduct during war that targets civilians or other non combatants.⁵³ Consequently, human rights groups typically take no position on the legality of a conflict. This non partisan approach is justified on the ground that taking position could jeopardize the organizations neutrality in analyzing the extent to which each parties conduct during the war conforms to international human rights and humanitarian law.⁵⁴

On the other hand, human rights advocates are inflexible, that human rights violations must stop. Since international law obligates states to prevent human rights abuses,⁵⁵ this traditionally has meant mobilizing shame against states in which right violations are occurring. In recent years, international human rights programs have expanded their willingness to criticize right violations by all parties and in some cases, to condemn private actors, such as terrorist groups, criminal enterprises, and transnational corporations for their complicity in rights abuses.⁵⁶

2.3.2 Shared Dilemmas

2.3.2.1 Impartiality and Independence for Human Rights Programs.

For human rights programmers, impartiality means independence from all governments and from partisan political or religious perspectives.⁵⁷ Typically, human rights programs neither support nor oppose any government or political system, nor do they support nor oppose the views of victims whose rights they seek to protect. In situations of armed conflict, they seek to protect the rights of civilians from abuses by the governments and rebel groups.

52. Ibid.

53. Report of the secretary General on the protection of civilians in Armed Conflicts (2002) P.10

54. Ibid.

55. Ibid

56. Ibid.

57. Supra note 45, P.58

Both actual impartiality⁵⁸ and appearance of impartiality⁵⁹ are crucial for human rights investigators engaged in fact finding. Failure to be perceived as impartial can seriously undermine an access to information, especially in situation where the parties are highly suspicious to one another. The credibility and impact of human rights reports similarly depends on the author's perceived impartiality.⁶⁰ Published reports must convince the target audience that the allegations they contain are most likely true.

Obviously, human rights investigators can not always uncover all the facts related to a particular rights violation, since governments (or other human rights abusers) usually know much more about such events than fact finders can discover. Nonetheless, the fact finder needs to present enough proof from a sufficient sources to be credible.

Similarly, the organization for which the fact finder works must demonstrate institutional impartiality.⁶¹ Human rights investigators do this by focusing on human rights violations suffered by all parties to a conflict, giving equal attention on rights abuses in all parts of the world and reporting on abuses by governments of all political persuasions.⁶² Many international human rights programs refuse to accept funding from any government or other potential target of their work.⁶³ Many of those based in the United States attempt to demonstrate their impartiality by directing heightened attention to rights violation occurring in the United States.⁶⁴

The appearance of impartiality and independence may also be compromised by the fact that almost all international human rights programs are dependent on external funding. Despite carefully crafted institutional rules to prevent any single donor from controlling the organizations agenda, biases arise. One bias is simply that most international programs are based in developed countries and have access to a vast full of funding sources. As a result, they can afford highly trained, well paid professional staff.

58. Alert International; Shared Dilemmas Between Human Rights & Conflict Resolution; (Unpublished) (ded, documentation) P.35

59. Ibid.

60. Ibid.

61. Ibid.

62. Id. P. 36

63. Id. P. 37

64. Ibid.

This may create the appearance of bias in favor of Western values' and interests that may be perceived with hostility by those whose behavior they are trying to influence, and some times even by those on whose behalf they are working.⁶⁵

Human rights programs are highly controlled by donors.⁶⁶ Donors provide funds for programs they like and withhold funds when they disagree with the approach they take. Large programs with diversified funding base can remain impartial if one or even a few donors drop their support, but this can cause real problems for smaller groups that do not have alternative source of funding. But even large groups are responsive to donor interests and will add programs that a donor is willing to fund, even if that means withdrawing sources from other programs.

2.3.2.2 Impartiality and Independence for Conflict Prevention and Resolution Programs,

For conflict resolvers actual and perceived impartiality are equally important. Impartiality is typically defined as the interveners ability to be evenhanded while maintaining an unbiased relation ship with each of the disputants.⁶⁷ Preserving the appearance of impartiality can be particularly difficult in the context of international dispute resolution. In such cases imbalances of power may occur not only between the disputing party and those who are negotiating a resolution to the conflict, but they also may arise between those participating in the process and those who are not privy to it.⁶⁸

Even as mediators struggle to avoid becoming advocates for the weaker party, they frequently work with both parties to ensure that each is equally able to be its own advocate⁶¹. In this way they strive to balance the table –a delicate process that, even if done well, can look like taking sides.⁶⁹

On the other hand, failure to achieve a degree of equality between the parties may leave them with a resolution to their dispute that the weaker party is offended and the stronger party uses to further consolidate its power.⁷⁰

65. Id.P.40

66. Ibid.

67. Herbert C. Kelman, "Coalitions Across Conflict lines

68. Ibid.

69. Ibid

70.Id P.158

Notwithstanding the high value conflict resolvers place on impartiality, it is not always easy to be evenhanded in international conflicts where the stakes are life or death. In circumstance where achieving some degree of power equivalence between parties is highly unlikely, conflict resolvers may find themselves in an ethical dilemma in which their short term goal to end violence may be counter to their long term purpose of assisting society to put in place the conditions necessary for sustainable peace.⁷¹ Similarly, their desire to ensure a fair bargaining context may compete with their commitment to strengthening the capacity of local actors and organizations to contribute to peace making and peace building within their societies.⁷²

2.3.2.3 Cultural Consideration

Both human rights advocates and conflict resolvers recognize the importance of cultural sensitivity towards the people whose rights they are working to protect or whose conflict they are assisting to resolve. For human rights programs cultural sensitivity begins by ensuring that fact finders are cognizant of and comfortable with the cultural norms of the place they investigate.⁷³ Because they are victim oriented, human rights investigators tend to be patient and compassionate towards their informants; particularly those who have suffered. At a more pragmatic level, investigators understand that cultural sensitivity will undermine their research and advocacy objectives.

Conflict resolvers also recognize that, while conflict may be universal, each culture devises its own process for dealing with it. Successful intervention often depends on knowing and responding to the culture of the people the conflict resolver is working with,⁷⁴ and wherever possible, supporting and enhancing indigenous cultural conflict resolution processes.⁷⁵ In practice, particularly at the first level, cultural sensitivity often yields to pragmatism, particularly in urgent situations in which there is great loss of life or other high stakes. At the second and third level, concern about cultural relevance often propels conflict resolvers to establish partnership with local organizations in order to ensure that the process is grounded in appropriate local customs.⁷⁶

71. Id. P.160

72. Ibid

73. Larry Susskind, Environmental Mediation and the Accountability Problem; (1998); Vol. 6; p. 63

74. Ibid

75. Id. P.65

76. Ibid



2.3.2.4 Participation in a Process

The most effective negotiation and decision making processes are those in which the parties with direct stakes in the outcome participate. Genuine participation empowers stakeholders, and this empowerment is in itself an important positive outcome of the conflict resolution process.⁷⁷ One difference between international conflict resolution process and other types of dispute resolution efforts is that not all those affected by the outcome of an international conflict resolution can be present at the table.⁷⁸ Just as the most vulnerable people in a society (children, women, elderly and disabled) are most likely to be casualties of conflict, they also are most likely to be left out of negotiations to resolve it, especially at the first level.⁷⁹

One way conflict resolvers lessen this problem is by ensuring as broad inclusion in the process as is strategically and logistically possible. In cases where vulnerable groups are not well organized, public policy mediators in the United States have adopted a model whereby the conflict resolvers remind those parties who are present that some important interests are not being represented.⁸⁰ The mediator thus raises the question as to the legitimacy or sustainability of any agreement that leaves this voice out, and encourages participants to develop ways to include the unrepresented interests.⁸¹ While parties retain control over the outcome, any result that doesn't guarantee protection of the fundamental interests of those not represented may not be considered legitimate by the mediator.⁸²

77. (15)

78. Ibid.

79. Id.449

80. Ibid.

81. Ibid.

82. Ibid.

2.4. Methods to be Employed at Different Stages of Conflict by Both Programs

2.4.1. General

Violent conflict and other circumstances in which massive violations of human rights are occurring can be divided roughly in to three stages: the period before violence breaks out when prevention is possible: the violent conflict period; and the period after conflict ends or the human rights violation cease.⁸³ These phases often mix-up in to one another. For example in post violence setting in which democracy, a vibrant civil society, and its attendant institutions are not well established, the before stage and the after stage may coincide. What constitutes the during stage is also difficult to describe. Not all violent conflicts involve full blown war, nor do they all involve two or more armed opponents. Both human rights and conflict resolution programmers are active during each stages of conflict.

2.4.2. Conflict Prevention Stage

Both conflict prevention and human rights protection programs believe that prevention is the best approach to violent conflict or widespread human rights abuses.⁸⁴ Societies in which ethnic, religious or political tensions run high ; where there is a history of past conflict or right abuses ;where the institutions of civil society designed to provide alternatives to violence are weak ,corrupt, or non existent ;or that are wracked with political or economic instability ,are fertile ground to the out break of violence or repressive right abuses.⁸⁵ Both vigilance and preventive steps are needed to lessen this risk. Yet despite their commitment to prevention, practitioners in both fields often are hampered from acting either because the parties are not prepared to recognize or confront the problem., or because the practitioners face resource constraints (such as lack of funding or insufficient staff) that prevent them from dealing with all but with the most immediate crises.⁸⁶

83 Lederach ,J.P Preparing for peace: conflict Transformation across cultures. (1995)P.13

84 Mary B. Anderson; Options For Aid in Conflict Lessons form Fiedled Experience;
(2000) P. 39

85. Ibid

86.Supra note 85.P.15

For NGOs, intergovernmental bodies, and governments concerned with human rights, the central activity in the prevention stage is fact finding.⁸⁷ When they perceive violence or a worsening human rights climate on the horizon, both domestic and international programs try to document government wrong doing and other conditions that are contributing to the escalation.⁸⁸ This process is governed by rigorous fact finding and assessment that includes seeking corroboration from independent sources. At the same time .it is delicate process in which the safety and well being of their informants is the fact finders paramount concern. What fact finders learn from the basis of initiatives designed to put pressure on the government .The fact finding and advocacy work of human rights programs tend to emphasis human security right, although attention also may be paid to combating censorship ,pressing for free and fair election s and publishing infringements of the economic and sqcial rights.⁸⁹

In the preventing stage, conflict resolvers (especially level three actors) encourage dialogue among likely parties to violent conflict and engage in a different sort of fact finding than their human rights counterparts. Conflict resolution emphasizes identifying the people whose participation is most likely to lead to a successfull dialogue or negotiation process and the issue to be discussed.⁹⁰ This assessment often involves confidential conversations with the stake holders .It may also include designing a dialogue or mediation process that include suggested ground rules, a time table an agenda and joint information gathering procedures.⁹¹

87. Supra note 19 P.99

88.Larry Susskind and Jeffrey Cruickshank; Breaking the impasse; Consensual Approach of Resolving public Dispute; (1987) P. 107

89. Ibid.

90. Ibid.

91. Ibid.

2.4.3 Conflict Management Stage

During violent conflict, international human rights programmers and conflict resolvers often intensify the activities they engaged in before violence broke out, even though doing so is much more difficult. International human rights investigators often find that their mobility or access to informants is severely restricted.⁹² They may attempt to cultivate relationships with international humanitarian or development workers to obtain information informally,⁹³ without compromising the programs impartiality or neutrality.

Domestic human rights programs also are prevented from operating in their usual mode during periods of violence.⁹⁴ Where their prior activities are barred or become too dangerous, these groups may look for new roles to play, including helping to mediate an end to the violence. Unfortunately, many types of conflict resolution activities, particularly level three dialogue process, become more difficult once violence breaks out.⁹⁵ As Andy Loomis, search for common grounds project manager in Macedonia, put it, people are simply less willing to enter across ethnic lines during moments of heightened tensions. Furthermore as the divide between people widens, moderators, who remain at the center become targets for those expressing more extreme views.⁹⁶

On the other hand, it is during conflict that first and second level mediation efforts are most likely to happen. A mediator representing United Nations or a powerful government may find it necessary to determine how much pressure should be placed on warring parties.⁹⁷ Mediating with muscle is a radical departure from what mediators do in other settings, yet where violence and death are widespread, mediators may not be willing to stick to less interventionist strategies. Such situations have ramifications for the skills that international mediators need to successfully mediate violent conflicts.

92. Christopher Moor, the Mediation Process: Practical Strategies for Resolving Conflict; (1996); P. 43

93. Ibid.

94. Ibid.

95. Id.P.60

96. Id.P.61

97. Ibid.

2.4.4. Peace-Building Stage

Human rights programs working in post conflict or newly established democracies emphasize dealing openly with the past and the people responsible for abuses⁹⁸. They focus on uncovering and recording the truth of what occurred, pressing for the prosecution and punishment of those responsible, identifying and documenting backsliding that could lead to the renewal of past abuses or conflict, and monitoring new types of abuses that are more likely to arise in a post conflict environment.⁹⁹ In some post conflict settings, international human rights programs have been involved in specialized tasks such as election monitoring or forensic investigation work.¹⁰⁰ They also lend their expertise to aspects of rebuilding civil society, such as curbing improper police practices and developing an independent judiciary.¹⁰¹

Domestic human rights groups often find themselves in a very complex position after settlement. The issue they worked on before the conflict may no longer be the dominant rights issues; indeed many of their original objectives may have been achieved. If democratic civilian rule has been put in place, the new government may be able to dismantle the apparatus that caused many of the human rights abuses of the past. But if the civilian government is not consolidated, those who benefited from the former repression or conflict may be unwilling to relinquish their former privileges. Thus, instead of starting from a level playing field, the new government may be undermined from within by corrupt military officers, civil service officials, police or local officials. Any perception of a power vacuum encourages those who would seek power to assert themselves. This in turn, increases the pressure on the new government and undermines it even more. To strengthen its authority the government may turn to those voices of integrity who contributed to establish democracy, including major figures in the domestic human rights movement.

98. Andy Loomis: Bridging Human Rights and Conflict Prevention; (2001) P. 23

99. Ibid.

100. Ibid.

101. Id. P.25

Unfortunately, human rights activists often do not have the experience or skills required for this type of governing. Like soldiers with out war, they have to develop new goals and new ways of operating. Instead of working to expose government abuses, they have to work cooperatively with in it. This poses an enormous challenge that can not be met overnight.

While domestic human rights groups that want to retain their traditional roles may see little use for conflict resolution activities, those prepared to embrace new roles are drawn to them. The latter may receive encouragement from international donors, who also encourage the emergence of new domestic groups whose interest lie exclusively in the peace building and conflict prevention domain.

After settlement, conflict resolution programs tend to focus on encouraging dialogue among former warring parties who now work together. They also promote reconciliation; provide training in conflict resolution techniques to a range of societal actors from school children to senior government officials, and encourage the development or strengthening of civil society.¹⁰²

Their primary goal ,however, is to support those who are interested in promoting a sustainable peace through capacity building and other techniques designed to ensure they have skills to do so.¹⁰³ The activities of conflict resolvers in this stage mirror many of the things they do during the prevention stage, including strengthening the coalitions across conflict lines and creating institutions and structures that can prevent conflict from escalating.¹⁰⁴

2.5. Recurrent Tensions between Human Rights and Conflict

Prevention Programs

2.5.1. Protection Vs Assistance

During conflict, human rights programs use their fact finding and advocacy skills to protect the lives and other rights of civilians. By contrast, conflict resolution programs assist key stakeholders to engage in a process directing at ending the violence.

102. Ibid.

103. Sarah Broughton; Bridging Human Right and Conflict Prevention; (2001) P. 11

104. Ibid.

This difference can create tensions between practitioners in the two disciplines. For example, one concern when sensitive conflict resolution initiatives are contemplated or ongoing is the impact human rights abuse reports have on efforts to bring parties to or keep them at the negotiating table. Human rights watch researcher Jemera Rone recalls, "I worked on a report on abductions and killings, and I released it at the moment they were going in to negotiations; they accused me of being biased and trying to harm their cause."¹⁰⁵ The truth is I wasn't even aware they were going to negotiation." According to Rone, the release date was chosen with only internal HRW editing and publication concerns in mind. Alvaro de Soto, the UN mediator in El Salvador, admitted that while at first human rights reports like the one written by Rone were a hindrance, he later developed channels that enabled him to anticipate and use the pending release of such reports to urge the parties toward an accord that included significant human rights protections.¹⁰⁶

Even where peace negotiations are not in progress, human rights reporting can have unintended effects. Human rights reports may be used by one side of the conflict or the other to promote support for their position.¹⁰⁷ Conversely, accusations of abuses are likely to provoke anger or hostility in those against whom they are directed.¹⁰⁸ For example Sara Broughton, deputy director of search for common ground in Macedonia, asserts that international human rights reporters, while morally necessary...have in some ways negatively impacted the situation in Macedonia. Reporting of human rights abuses by the security forces inflames emotions in the Albanian community, while reports of abuse by the NLA (the Albanian fighters) have the same effect on Macedonia.¹⁰⁹

These are risks that international human rights groups are aware of and seek to minimize by maintaining a reputation for accuracy, even handed reporting, and measuring abuses against widely accepted international human norms. In their views disseminating accurate reports so that influential external actors know what is happening and can take reports to lesson the suffering of innocent civilian outweighs the danger that the parties to the

105. Supra note 103 P.22

106. Ibid

107. Id. 23

108. Ibid

109. Ibid.

conflict will use the report for propaganda purpose.¹¹⁰ Conflict resolvers ,who are trying to persuade the parties to come to the table, may be frustrated when human rights reporting seem to contribute to the parties unwillingness to engage in dialogue or hardens their demands ones negotiation begin.

To reduce this tension, practitioners in both fields need to follow the lead of Ambassador De Soto and his human rights counter parts in El Salvador. With greater communication about what each is doing or planning to do. And about what challenges each faces, human rights advocates and mediators not only can do their jobs but can also enhance the work of the other.

2.5.2. Neutrality with Respect to Human Rights Vs Expressing Human Rights Values

Although not direct participants in conflict, human rights programs see themselves and are seen by conflict resolvers as parties in that during conflict they adopt an explicit stance against human rights abuses and war crimes.¹¹¹ Conflict resolvers often keep their distance from human rights practitioners during conflicts, because they want to be able to talk with every one involved in the conflict. They are concerned that, if they associate with human rights advocates, their neutrality will be compromised.¹¹²

This doesn't mean that international conflict resolvers are neutral about human rights. While most take the view that reaching an agreement that stops violence is the first priority, many also question whether it is acceptable to focus only on achieving settlement when massive human rights abuses are occurring.

The latter group would support raising human rights issues with the participants during the negotiation process and making explicit the belief that sustainable peace and the protection of human rights are intertwined.¹¹³ Some conflict resolution NGOs include human rights training in their post conflict education or institution building activities. For example

110. Report of the Secretary General on the Protection of Civilians in Armed Conflict, S/2003331, Para 10, March 30, 200.

111. Ibid.

112. Ibid

International Alert was founded on the premise that human rights abuses often stem from violent conflict, and it thus believes that concern with human rights must be part of any resolution of such conflicts.¹¹⁴ Another group the South African based center for conflict Resolution, has evolved in to educational organization that teaches both human rights norms and conflict resolution techniques to local NGOs in Africa.

2.5.3. Justice Vs Reconciliation

The greatest tension in the two programs lies between human rights advocates post conflict focus on justice for past crimes and conflict resolvers' post-conflict desire to promote reconciliation, or at least peace full co existence, among previously warring parties.¹¹⁵ Some times the tension is so pointed that it is manipulated by the parties to the conflict in a way that undermines the post settlement aims of both programs. According to Hizkias Assefa of the Nairobi Peace Initiative, issues of justice and reconciliation in Rwanda became polarized as a result of ethnic group distortion of NGOs priorities. Because the primary victims of the genocide were Tutsis, justice came to be viewed as a Tutsi issue.¹¹⁶ Hutus found they had more in common with international NGOs working on conflict resolution concerns, since these groups were prone to emphasize reconciliation or coexistence is resulted in Hutus becoming identified with the latter issue. Similarly, Nudubisi Obiorah, senior legal officer with the human rights Law service in Nigeria, reported that the conflict resolver in Nigeria" tends to think that the human rights communities no peace with out justice sloganeering just messes things up....the conflict resolution community appears to approach questions of impunity for human rights violations from the stand point that dealing with the bad guys is critical to resolving conflicts.¹¹⁷

113. Ibid

114. Ibid

115. Ibid.

116. Ibid

117. Ibid

While both sides are convinced that their focus is the right one, almost no interdisciplinary research has been done on the impact of justice or reconciliations efforts on the shared long term goal of building peace sustaining and rights respecting society. More research is needed on what contributes to peace building have been made by truth commissions ,trials ,and other domestic processes aimed at coming to terms with past abuses: whether such process adequately address the grievances of those who suffered sever human rights violations under previous regimes: where they strengthen civil society and encourage democratic participation: whether they help to inoculate a country against future experiences with rights violating governments or factions: and whether they contribute to reconciliation and trust building between previously warring parties.

A more forward looking agenda that addresses the full range of post settlement societal needs (including political restructuring, economic development, institution building, physical reconstruction, education and health care, as well as truth, justice, and reconciliation) can enable both human rights and conflict resolution programs to contribute synergistically to the nation building process. At the same time, the adoption of a shred forward looking approach diminishes the potential for either programs to become identified with an issue that gives succor to only one party to the conflict and as a consequence, reduce the possibility of feeding in to societal divisions that could flair in to violence..

and water for their cattle.⁶ It should be noted here that about 5-10% of Surma community practice in agriculture.⁷ In the Surma –Dizi case, conflicts are often triggered by individual incidents, which scale up later in to community level. For instance, if a Dizi person kills one Surma, this interpersonal incident will escalate in to an ethnic conflict and retaliation on community level may elevate.⁸

Where as Topposas (pastoral community from South Sudan) are dependent on pastoralist lifestyle. Similarly to Surmas, they are mobile in search for grazing land and water. Their land is arid and less conducive for cattle herding, especially during dry season. Where as the Surmas have a land which is conducive for cattle herding during dry season.

Topossas who own a large number of cattle, during dry seasons used to feed their cattle by temporarily moving them in to Surmas land. This interaction formerly perceived by both communities as normal and later on has been sources of conflict.⁹

3.2.3.2 Causes and triggering factors of Conflict in Bench Maji.

In many places and among different peoples scarcity of resources invites competition leading to violent conflicts. Accordingly the main cause of conflict among the Bench Maji people is due to competition over land resource like grazing and water, which became evident by the Toposa invasion in to the Surma's land.¹⁰ The Toposa Surma conflict has long history. Topossas have used to move in to Surmas land and escape their dry season trouble time there. They exercised this trend for more than three decades. Since there original lands are less fertile and hotter than the Surma highlands, the Topossas consider Surma land as a safe haven that saves their livestock from death.¹¹

The spoiling of Surma –Toposa relation and worsening of peace situation of the Surma areas mainly began from 1970s and early 1980s. These were the periods when the Topossas ,who exploited suitable conditions and inclined to reside in Surma land.¹²

6. Interview with Ato Zenebe Beyene, the head of conflict prevention and Resolution Department of Council of Nationalities, Awassa Dec. 2008.

7. Ibid.

8. Ibid.

9. Ibid.

10. Interview with Ato Asseffa Nanna, Senior project officer of Mary Corps Ethiopia, Awassa, Dec. 2008.

11. Ibid.

12. Mexy cops, conflict Assessment Report of Bench Maji Zone (2008) P.9



CHAPTER THREE

THE PREVALENCE AND EFFECTS OF CONFLICT IN SNNPR

3.1 General Remark about SNNPR

The Southern Nations, Nationalities and Peoples State is the home of more than 56 nationalities administratively it is organized in to 13 zones, 8 special Woredas, 125 Woredas and 22 reform towns.¹ In like manner to the people of other regions in the country, the livelihood of the community basically depends on agricultural activities. Concerning the geographical settlement, there is high density of population both in the highland and semi highland areas and relatively less dense population in the pastoralist and semi-pastoralist areas.

The region is internationally bordered by Kenya in the South, the Sudan in the South West and internally it is bordered by Gambella partially in the North West and basically Oromia in the East and North.²

Concerning population number and area coverage the 2007 census of the Regional Statistics and Population office estimate shows, the region covers an area of 110, 931.9 square kilometer. And the number of population reached 15.1 million, which amounts 21% of the total population of the country.³

In the 2001 revised Constitution of the regional government body includes: the Legislative, Executive and Judicial organs.⁴ The administration is organized in to zones, special woredas, woredas, and in to kebeles both in rural areas and towns. It also states whenever necessary the Regional Council has the mandate to add new more administrative structure and can determine their duties and responsibilities. Based on this it has organized new woredas and kebeles in the 2006 budget year and facilitated its implementation.

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1. Interview with Ato Zenebe Beyene Head of Conflict Prevention and Resolution Department of the Regional Council of Nationalities.
 2. The map showing SNNPRS Administrative Units.
 3. Regional Statistics report
 4. Art.50, 64 and 72 of the revised constitution of 2001.

3.2 Prevalence and Effects of Conflict in SNNPR

3.2.1 Introduction

According to information I have collected from different sources conflicts of different nature and magnitude happened in SNNPR for the last 18 years in four directions of the region due to different and very common causes of conflict. If one moves from North to the Southern parts of the region he or she will find a conflict which is different in nature and its cause because the communities residing in the two directions of the region are totally different in their life style. The Southern and South West part of the region is dominantly inhabited by pastoralist communities and the Northern part is occupied by non pastoralist communities. Thus due to the difference in life style the nature and causes of conflict in the two areas are mostly different.

Similarly, if one crosses the region from east to west the reason and sources of conflict in the region is almost different. In the North West, part of the region like in Keffa and Sheka the main type of conflict is due to marginalization and stigmatization where as in the Eastern and North East part since most of the zones and Woredas are dominantly occupied by subsistence farmers besides being bordered by Oromia regional state, as a result, conflict due to unclear demarcation and resource competitions among the communities of the two regions have been very common.

Whatever the nature and causes of conflict in the region all types of conflict have their own effects on the habitants of the region. During conflict, depending on the level of the conflict people residing the area will face different problems including massive human rights violation. The conflict may cost lives of both combatants and civilians. Destruction of natural (like forests) and man made properties might be the major effects of the incident in addition to displacement of civilians from their permanent residences.

Therefore to give a clear picture of the nature of conflicts in SNNPR and the effects they brought up on the community and the surrounding environments discussing about them is unquestionable.

In this chapter, I have categorized the SNNPR conflict in to three major categories: Conflicts of the pastoralist communities, which is found in South Omo and Bench Maji zones, conflicts due to boundary demarcation, both external and internal.

The former one is conflicts of SNNPR zones and Woredas with the counter parts in Oromia region. And the latter one is about conflicts with in SNNPR only. The third type focuses on conflicts due to marginalization.

3.2.2 Conflicts in Pastoralist Communities

3.2.2.1 General

The situation of conflict in general and the nature, causes, aggravating factors and the effects it has on pastoralist communities is almost the same through out the region. Bench Maji and South Omo are the two vast Zones considered as pastoralist areas in SNNPR. The former shares boundary with Keffa and Sheka zones in the North East, South Omo zone in South East and Sudan in the South West, Gambella regional government in the North West, Konta and Basketo special woredas in the east. Whereas the latter shares boundary with Keffa zone, Konta and Basketo special woredas in the North, Bench Magi zone in the North West and Kenya in the south.⁵

In the pastoralist areas conflicts happen among Surma, Dizi, Minit, Anguak, Nyangatom, and the Sudanese Toposa in the Bench Magi zone and among the different ethnic groups in the South Omo zone.

While disclosing the nature of dispute in these communities, at one time it erupts in to violence which results in destruction of property, massive violations of human rights including loss of life and freezes at another time. Though data was not available on the causality happened in the area specifically almost all of the nationalities involved were affected by the conflicts.

3.2.3 Conflicts in Bench Maji Area

3.2.3.1 General

Conflicts in Bench Maji areas usually happen among the Surma, Dizi and Toposa communities. The conflicts between the Surma and Dizi is largely a result of differing life style between the agro-pastoral Dizi and mostly pastoral Surma, with the Dizi practicing settled agriculture while the Surma practice mobility to search for grazing land

5. Supra note 2.

Surma who hardly tolerate Topossas temporary entertainment in their lands, get their whole time accommodation very unbearable. Especially the Surma clans, who were denied access to their land became angry. Thus, though they couldn't totally evict the Topossas from their lands made several clashes against them.¹³ The Topossas who were encouraged by their control of more lands with relatively better resource have continued on their pressure on Surma, in 1990s. With the aim of exploiting more resources and weakening the economic and fighting capacities of the Surma, the Topossas intensified their invasion.¹⁴ By occupying the Southern and central parts of the Surma woreda, the Toposa forced the Surmas to retreat to Kibishis and to some kebeles of Bero and Maji woredas.¹⁵

These days about 20,000-30,000 Topossas inhabit the former Surma land in Ethiopia. Some Surmas consider that our land has been taken by foreign forces, and our government is not protecting us from their encroachment. In fact the government has made us border keepers.¹⁶

One main reason among others that made Topossas incursion possible was, the removal of the Ethiopian border police and military posts from places in 1991. Before the removal, during the Imperial and Dergue regime, those forces controlled the securities of the areas. But the regime change, the Dergue substitution by the EPRDF, and the subsequent security gap which is not filled by EPRDF, gave opportunity for Topossas an opportunity to push their incursion.¹⁷

The other triggering factor for the conflict in the area is access to small arms. The desire to arm one self with fire arms is a common character among pastoral communities. In addition bartering guns to cattle is a long time custom between both communities. Previously both communities access to backward rifles like Dimotfore, Belgig, Mortar, etc. Later on, especially after the presence of SPLA (the Southern Sudan Liberation Army) in Southern Sudan, modern automatic weapons became accessible.

13. Ibid.
14. Id. P.11
15. Ibid
16. Ibid
17. Id.P.12

Topossas are in much privileged position for accessing such armaments. Many Topossas are armed by bartering cattle with guns at black market. Those who joined SPLM and latter failed to follow it have modern fire arms and military training.¹⁸

Some perceive that Topossas incursion, made possible by the support it gained from its blood relative, Niyangatom. Both Toposa and Niangatom people speak the same language. For Surmas these two peoples have strong alliance against them. They count the appointment of some Niangatom individuals at high government offices in South Sudan recently is one good example that show their bond.¹⁹

Besides that the communities do not only want to keep the cattle they already have. They desire to increase their cattle possession, even by engaging in risky armed rustlings.²⁰ Since cattle serve as dowry to the brides family, Surma men also eagerly participate in cattle raiding.

Moreover, the break down to the traditional socio-cultural norms and the reluctance shown by Surma youngsters in obeying the norms and their custodians, the elders aggravated the situation.²¹ These resulted mainly due to the Surma eviction from their traditional lands, and their family and clan bond fragmentation. As a result they give less attention to the sayings of their elders.

Like in the case of Surma-Toposa conflict the conflict between Surma and Dizi is very common and interlinked to each other As such the conflict between the Dizi and the Surma can be instigated by the conflict between the Surma and Topossa.

3.2.4 Causes and Triggering Factors of Conflict in South Omo Area.

Like in the area of Bench Maji zone conflicts in South Omo zone have some kind of similarity.

The South Omo zone is inhabited by 16 ethnic groups, which is four times the number of ethnic groups residing in the vast areas of Bench Maji, there has been recurrent conflicts happened in the area both with neighboring zones and neighboring countries.

18. In SNNPR Bench Maji Zone, The Surma-Diz,surma-Toposa and Surma-Minit Conflict Assessment Report (2005)

19. Supra note 12 P.12

20. Ibid.

21. Supra note 18 P.10

As a pastoralist community the main cause of conflict in the area is due to competition over grazing land and water or ambition to possess large stock of animals.²² Similar to the case of Bench Maji zone communities, the communities or ethnic groups residing in the South Omo areas value livestock as part of their life. Livestock or herd animals particularly cattle serve as a means to pay dowry, which is required to be paid to the families of the bride during marriage.

Moreover the number of cattle one has among the community is used as a means to stratify the society.²³ The one that possesses more cows has been given more status or his possession is considered as a sign of bravery. To secure such status within the society mostly the males decide to raid cattle from the surrounding groups or neighboring countries involving in bloody clashes. Thus incidents of cattle raiding to have more number of livestock and subsequent violence clashes and killing of each other are the major problems persisting in the area.

The other cause of conflict in the area is discrimination or less valuing of one ethnic group from the other.²⁴ For example the Murssi ethnic group undermines the others like Arris and the Body undermines the Demas. The base of discrimination is basically on the possession of fire arms and livestock. The Arris and Demas are, since they are farmers don't possess fire arms and livestock's like the pastoralists, thus mostly discriminated by others.

While elaborating the discrimination in one incident members of body ethnic group take a bell tied on the neck of Murssi cow. This was taken as a sign of disrespect to the Murssi escalating finally in to ethnic conflict between the two groups costing the lives of many people.

The Body discriminates the Murssi by labeling them as Bacha, or fish eaters. Bachas are ethnic minorities who have no live stock and fire arms and depend on fishing for their livelihoods. Any one can simply assault them since they are powerless to protect themselves.²⁵

22. Conflict Assessment Conducted by Meray corps Ethiopia in south Omo Zone, 2004. p. 12
(Mercy, corps documentation)

23. Ibid.

24. Ibid.

25. Id. P. 14

The other conflict in the area is between Hamer and Dasenech ethnic groups. Mostly Hamers resided in dry land areas in comparison with relatively wet land of Dasnechs. During dry season the Hamers, move to the land of Dasenech for search of grazing land. In this case Dasneche's prepare themselves to grab the livestock of Hamers, which leads in to violence conflict coasting many lives.²⁶

The other related factor which aggravates conflict in the area is theft or looting of animals or other relevant materials for their survival. For instance in one incident between Karo and Niangatom ethnic groups,²⁷ a boat belonging to the former group was stolen by the later. As a result different measures were taken coasting loss of life and destruction of valuable properties.

The other cause and factor which aggravates conflict in the area is superstition or false beliefs with in the different ethnic groups, in which if one kills the other the killer becomes richer. Led by such assumption there was a continuous killing of each other among the ethnic groups in the area.

The most important factor which allowed the persistence of conflict in the area is the culture of retaliation or revenge.²⁸ At one time in the past the Hamers invaded the Dasenech and killed a number of people since then every child of Dasenech is told that Hamers are their enemies who killed their fathers even when their fathers are died from natural illness. Hence a child from Dasenech has always intention to have fire arms and take revenge action against Hamers.

Access to fire arms is the other thing which invites violent conflict among the pastoralist groups.²⁹ Even the type and modernity of fire arms varied from time to time. During the ancient time they used very traditional types of fire arms and used very limited number of arms .However, since 2001 they used very modern types of arms and increased their number. The possession of such fire arms by each individual initiates them specially youngsters for looting and killing. Similarly, culture of drinking local alcohols is another factor which intensifies conflict among the pastoralist community.³⁰

26.Id P.15

27.Ibid.

28.Id. P.16

29. Ibid

30.Abbinik, J.Violence and the crisis of conciliation suri, Dizi and the state in South west Ethiopia in Africa (2000) P.527

While drinking, individuals are killing each other for simple insult between them in pastoralist community clan leaders have great role either in escalating or de-escalating conflicts with in or between communities. Because they have equal acceptance both by the government and the community.³¹ And also they are aware of what is going on in their localities. The looters do their activity with the consent of their clan leaders. They often bless and send them for looting.³² So the positive contribution of clan leaders is very important for peaceful co existence of the community.³³

The traditional roles of women are another factor which escalates conflict among the pastoralist community. They encourage youngsters to go and kill others. They praise others who already killed. The community gives special respect for the wife of a killer.

3.3.1 Conflicts due to Boundary Demarcation.

3.3.1.1 General.

As stated elsewhere in the paper, conflicts have occurred in SNNPR due to unclear demarcation of boundary or absence of clear demarcation. These can be External or Internal. External conflicts are, conflicts happening between zones, woredas and special woredas of SNNPR with Oromia Region and vice versa .Internal conflicts are, conflicts between or among zones, woredas and special woredas within SNNPR (one region).

While looking at the heterogeneity of ethnic groups living in SNNPR besides the absence of clear demarcation of boundaries one can estimate the challenge the region encounters within itself and with the surrounding region.

The absence of clear demarcation among different zones, woredas and special woredas within the region and with the Oromia regional state counterparts has been serving as a cause of conflict in addition to other factors in the SNNPR context, resulting serious violation of human rights, including loss of life and destruction of properties on the communities living near the borders. In the following section we will see the details of each type.

31. Ibid.

32. Ibid.

33. World Bank, The Roles of women in Resolving Conflict in Africa, (2001) P.33

3.3.2. External Conflicts in SNNPR

Incidents of violent external conflict due to boundary demarcation in SNNPR has happened with the Oromia region at different times specifically with Hadiya, Sidama, Silte and Guraghe zones and Yem, Alaba, Burji and Amaro special woredas, because all these zones and Woredas share boundary with the Oromia region in the North East part of SNNPR.

3.3.2.1 Conflicts of Guraghea zone With Oromia Region

Guraghea zone is located in the Northern upper part of the SNNPR.³⁴ It is bordered by Yem special woreda in the West, Hadiya and Silte zones in the South while the remaining most part of it shares boundary with the Oromia Regional State³⁵ The present Guraghea zone formerly was under the then Chabo and Guraghea Awraja and later on it was structured as Guraghea zone including Siltea.³⁶ However, following the identify issue raised by the Silte ethnic groups, Silte and Guraghea are independently organized at zonal level.

The total area of Guraghea zone is 5,932Km².³⁷ According to the data from the regional population and Statistics Office, the total population of the zone as of 2005 is estimated at 1,577,000. The zone is inhabited by the three ethnic groups, namely Guraghea, Kebena and Marako each speaking their own distinct language. The Guraghea zone is divided into 12 woredas. The Guraghea ethnic groups inhabits all Woredas of the zone while Kebena and Mareko ethnic groups are found in Kebena and Mareko Woredas respectively.³⁸ Christianity and Islam are the dominant religion practiced in the zone.

The major causes of conflict in Guraghea zone is primarily political mainly emanating from boundary issues. Internal boundary disputes often arise with neighboring zones of Hadiya and Siltea in the region and external boundary dispute with the Oromia Regional State.

34. Supra note 1

35. Ibid.

36. በደ/በ/በ/ህ/ክ ብሔረሰቦች ምክር ቤት በጉራቤ ሆን የተሰበሰበ የግጭት ትንተና መረጃ (1996 ዓ.ም) ገጽ 6

37. Ibid.

38. Ibid.

The boundary dispute with the Oromia Regional State is one of the major problem areas in the zone. As a case in point Guraghea Nationalities residing the area from Kure Meda up to Gor including Meskan. Beon were made to be part of the Oromia administration Similarly residents of Darge and Warghe areas in Oromia Region were demanding to be delineated to Sodo Woreda of the Guraghe zone.³⁹

The other instance with the Oromia Regional State especially in the localities of Beбата up to Assela Elo. In 2005 resident of Oromia entered into the Guraghe zone and ploughed 17 hectares of land with teff at these localities.

Similarly in June 2005, there was a resettlement activity in Oromia by moving people from Harar to West Shoa zone. As a result houses of the residents (Guraghe) who used to live in the area for long time were put to fire. When the victims went to Ambo (zone capital of West Shoa) for appeal, they were put in prison.⁴⁰ Moreover, the informant added, 13 hectares of land in Dalge town which belongs to the Guraghe zone was confiscated by Oromia. There was also major incidence of clash in 1994 between residents of the zone and Oromia. The problem was severe and the people of Guraghe were highly dissatisfied with the existing situation of boundary issue with the Oromia Regional State.

3.3.2.2 Conflicts of Hadiya Zone with Oromia Region

Hadiya is one of the zones found in the SNNPR. It share boundary with the Guraghe zone in the North, Yem special woreda in North-West, Siltea zone in North-East, Kembata-Tembaro zone in the South, Alaba Special woreda and Siraro woreda of the Oromia Regional Government in the South-East.⁴¹

The Hadiya zone is administratively divided into seven woredas, namely Misha, Beda-Wacho, Limu, Soro, Gibe, Shashago and Duna all of which are mainly inhabited by the Hadiya nationality.⁴² According to the Regional population and Statistics office data of 2007, the total population of the zone is 1,298,736 and its total area is 3,850.2km² which shows population density of 337 people per km².

39. Supra note 36 .8

40. Ibid

41. Map of SNNPR attached at the back

42. በደ/ብ/ብ/ህ/ብ/ኤ.ረ.ሰ.ሮች ምክር ቤት በሀዲያ ሆን የተሰበሰበ የግጥም ትንተና መረጃ /1996ዓ.ም/ ገጽ 3

One of the major causes of conflict in the zone is related to demarcation of boundary. There was a long standing boundary dispute with Oromia in the adjacent Badawacho woreda while the Hadiya nationality in Siraro woreda of Oromia have been demanding to be delineated with the Hadiya zone. However the problem remained pending for the last 17 years which had gradually damaged the feeling of the people.⁴³ Although 30 kebeles in Siraro woreda had requested to transfer to the Hadiya zone since 1998, the effort commenced to address the issue was paused as a result of the Ethio-Eariterian war and since then further efforts were not made. Similarly although meeting was scheduled to discuss over the boundary issue with Oromia and Alaba special woreda by gathering the concerned community members, the effort was not successful owing to the reluctance on the part of Oromia.⁴⁴

The Hadiya nationalities in the disputable area of Siraro woreda were facing a number of problems for the reason of demanding their legitimate right. In this area the right to use mother tongue as medium of education was violated contrary to the constitution of the country.⁴⁵

The other problem in the area was the movement of criminals in the disputable areas. Criminals who committed offense on one side move to the other side to look for shelter.

The Hadiya nationalities demarcated to Oromia had demanded their constitutional rights and appealed to the regional and federal governments. Rather than responding to this legitimate demand, the people were labeled as OLF and faced a number of troubles.⁴⁶

In the area there were many factors which account for aggravation of conflict. The present demarcation of the boundary was made based on linguistic affiliation as per the constitution of the country. In the past, however, the boundary was demarcated through an oath concluded between the people in whom a black bull was slaughtered as a testimony for their commitment to the oath. It was the violation of this oath that aggravated conflict.⁴⁷

43. Supra note 42 P.7

44. Ibid.

45. Ibid

46. Id P.9

47. Ibid

Accordingly, the problem mainly emanated from the demarcation activity conducted without consulting the elders, analyzing the root cause of the conflict and involving the concerned people. Since the demarcation was simply made by gathering the people to vote for joining one or other woreda/zone, a number of problems had emerged. For instance, the Hadiya ethnic groups who voted to be delineated with the other zone are raising problems of education and traveling long distances for administrative matters.

3.3.2.3 Conflicts of Sidama Zone with Oromia Region

The Sidama zone is located in the Eastern part of the SNNPR. The zone shares boundary with the Oromia Regional Government in the North-East, South-East and South-West Wolayita zone in the Northwest, Lake Abaya in the South-West and Gedio zone in the South.⁴⁸ The total area of the zone is 6,972.1 km² while its total population according to the 2007 data of the Regional Population and Statistics Office is 2,855,000.

The present Sidama zone in the past was known as the Sidama Awraja. Presently the zone is structured into twenty one woredas with the regional Capital-Awassa also serving as capital of the zone.⁴⁹

The zone is mainly inhabited by the Sidama nationality. In term's of religion, majority of the population are followers of the protestant, Catholic, Orthodox and Muslim religion and others exercise the traditional worship practice.⁵⁰

The Sidama zone mainly shares boundary with the Oromia Regional Government through Bore, Adola, Lansanbo, Kokosa, Kofole, Shashemene, Wondogenet and Siraro Woredas. Similarly it shares boundary with the adjacent zones of Wolayita and Gedio.⁵¹ The causes of conflict in the zone can be categorized in to the following four groups.

The Sidama nationalities are serious on issues of land and maintaining the boundary intact is considered to be the major concern among others; The Zone possesses large resources of livestock as a result of which conflict arises over pasture land and grazing; there is sense of bravery inherited from ancestors. Hence an individual wants to prove that he is exceptionally brave by killing somebody else.⁵²

48.Supra note 41

49. በደ/ባ/ባ/ወ/ክ/ባ.ኤ.ረሰቦች ምክር ቤት ሲዳማ ዞን የተሰበሰበ የግጥት ትንተና መረጃ /1996ዓ.ም/ ገጽ 7

50.Ibid

51.Ibid.

52.Ibid.

In fact, the attitude is backward and not acceptable to God. The revenge may include destroying the properties of those who are made target of the revenge and other violent acts.⁵³

For the last 17 years, according to the informants, there have been a continuous dispute and violence with the adjacent Siraro woreda of Oromia in Awassa town vicinity. Similarly a serious conflict happened between Sidama zone and Oromia regional state at Wondogenet woreda in December 2008. In this incident of conflict many people are killed from both sides of the community, properties are also destroyed, houses are burned and people are killed. This is among the recurrent conflicts in the area. In Feb.2008 referendum has been carried out to delineate some kebeles to Oromia and others to SNNPR, as a result 4 kebeles delineated to Oromia and 9 to SNNPR.⁵⁴

The major reason for sustaining of the problem was related to different factors. One of the major aggravating factors is the tendency to replace the principle of self-administration by narrow nationalism.⁵⁵

The existence of forest land that is not used for farming on either side is the other factor which sustained the conflict. Whenever cattle's belonging to one of the parties enter into this forest, the other party takes it to its side. Moreover the existence of salty water called Ora between the borders that are highly demanded for livestock is also another factor of conflict.⁵⁶

movement of fire arms such as guns and pistils in the area, absence of adherence to the rule of law, failure to hand over murderers and other criminals to law by the kebele administrative structures on both sides were mentioned to be the major problems.⁵⁷

3.3.2.4 Conflicts of Siltea Zone with Oromia Region

The Siltea zone is one of the zones found in the North-western part of the SNNPR. As per the data obtained from the regional population and Statistics office, the total area of the

53. Id., p. 6

54. Interview with Ato Temesgen, Conflict officer of Oromia Region (January.2008)

55. supra note 49 P.8

56. Ibid

57. Ibid

zone is estimated at 2,537.5 km² while its total population as of 2007 was 774,559.⁵⁵ For a long period of time the present Siltea zone was part of the then Chabo and Guraghe Awraja and latter on it was structured as part of the Guraghe zone.⁵⁸ However following the identify issue raised by the people in 2001 and the referendum subsequently held, Siltea has been organized as separate zone from that of Guraghe.⁵⁹

The Siltea zone is organized in six woreda all of which are entirely inhabited by the Siltea ethnic groups. About 90% of the Siltea people are followers of the Muslim religion.⁶⁰

Following the change of government, conflict over a boundary arose in the year 1992/93 on the borders with Oromia in Lanfaro and Siltea woredas and a total of 86 people died and 100 houses were burnt as a result of the violence that followed the conflict.⁶¹ The situation, however, gradually put under control as a result of the intervention by the federal government. Yet, however, the existence of fire arms illegally possessed by some individuals, acts of robbery and shortage of land are factors that contribute to the prevalence of violence in the zone.⁶²

With respect to the boundary dispute with Oromia, the informant generally highlighted the essences of the problem in the manner outlined below:-

1. Dispute arises following the attempt to expand territories and hence the boundary dispute between Siltea zone and Oromia Region needed the attention of the Federal government.;⁶³
2. The boundary dispute arises as a result of improper delineation and implementation in which case conflict arises over the use of land in between that is not clearly demarcated to either sides;⁶⁴
3. There were some acts of looting the properties of Siltes by the Oromos, and a known rich man was died in such act.⁶⁵

58 በደ/ብ/ብ/ህ/ብ.ኤ.ረ.ሰ.ሮች ምክር ቤት ስልጠ. ዞን የተሰበሰበ የግጭት ትንተና መረጃ /1996ዓ.ም/ ገጽ 3

59.Ibid.

60.Id. P.4

61.Ibid.

62.Ibid.

63.Interview with Ato Zenebe Belaye ,head of Conflict Prevention and Resolution Department of Council of Nationalities

64.Ibid.

65.Ibid.

Even in Jan.2008 there is violent conflict between Alaba and Oromia regional state in which destruction of property and loss of life happened as usual. While identifying the causes of the conflict, it was an individual conflict which finally escalated into inter group conflict .As a result houses of Alaba residents are burned people are killed .from both sides and many civilians are displaced following the incident, the regional governments of both are trying to solve the problem in collaboration with the federal government.⁷¹

Like other conflicts in the region, the conflict between Alaba and Oromia is aggravated by many factors. One of the triggering factors is the urge of Oromos on Alaba ethnic groups to convert their identity, into Oromo. They threaten the Alabas to evacuate the land unless converted since the land according to them belongs to Oromos.⁷²

The other factor which aggravates the boundary conflict is the act of cattle raids at the border areas which often lead to violence.⁷³

3.3.2.6 Conflicts of Yem Special Woreda with Oromia Region

Yem is one of the special woredas found in the SNNPR. It shares boundary with the Guraghe zone in the North East and Hadiya zone in South East, and Jimma zone of the Oromia Regional State in the Northwest.⁷⁴

According to the Regional Population and Statistics Office data of 2007, the total population of the special woreda is 181,508 and its total area is 2,234.3 which show population density of 85 people per km².

The people of Yem and Oromo have long history of relationship and inter-marriage. However since 1991 conflict has arisen following the demand of the Yem people to be delineated to the SNNPR. Although issue of demarcation has been on the agenda since 1992, no solution is given to the problem as a result of which it became the cause of conflict in the area.⁷⁵

71. Ibid.

72. Id. P.4

73. Ibid.

74. Supra note 69

74. በደ/ብ/ብ/ሀ/ክ/ብ.ሌ.ረ.ሰ.ቸ ምክር ቤት የፆ ልዩ ወረዳ የተሰበሰበ የግጥት ትንተና መረጃ /1996ዓ.ም/ ገጽ 7

During the demarcation of boundary made between Oromia Regional State and Yem woreda in 1993, among a number of kebeles that requested to be delineated to the SNNPR, 15 kebeles were delineated as part of the Yem special woreda while the case of other kebeles was decided to be settled through referendum.⁷⁶ However since the referendum process was terminated, three kebeles, namely Sokoru, Gadelkelta and Wangengna continued with their request strongly demanding to be delineated to SNNPR.⁷⁷

Similarly on October 25/1992 the people of Sokoru decided to be part of the SNNPR. The decision was also endorsed by the two regional states. However for some unknown reason the decision has not been implemented as a result of which the people were exposed to various types of problem. The people are not allowed to collect firewood and graze their livestock and also there were cases in which individuals were stabbed to death.⁷⁵ When the victims try to appeal, they do not accept the application claiming that it should be written in Latin (alphabet used for writing the Oromo language). Moreover the applicants will be imprisoned at Agaro which is far away from Jimma.⁷⁸

While elaborating the problem, Residents of Chaka area could not go to Deneba market and similarly those in Wangesho area who identified themselves as Yem are assaulted and every night individuals are harassed at their home.⁷⁹

Forest in the area that can worth around Birr 80,000 was cleared and the land had been given to individuals. On the other hand, ethnic Yems are not allowed to buy or construct residential houses. Some are deprived of their farm lands and their livestock are blocked from grazing on the land. Teachers and Development Agents working for the Yem people were not allowed to move and undertake their activities. Some of them were bitten while they are on the way to their duty.⁸⁰



76. Ibid
77. Id.P.4
78. Ibid
79. Ibid.
80. Ibid

During the 1995 and 2000 national elections armed policemen from Oromia destabilized the election process in the area and the situation was put under control through intervention of the federal armed forces. Similarly in 1996 election documents sent for the Sokoru woreda was forcibly taken by policemen from Oromia, and the informant similar problem could occur in 2005 election process.⁸¹

The absence of supremacy of law and the subsequent violation of human rights, and searching individual houses without permission from court are the other problem encountered. Though the constitution allows the rights to use mother tongue as medium of education, this is not implemented in the area. Some derogatory terms are also attached to the Yem people. On the occasion of public holidays the people were insulted and bullets were fired to frustrate them. They say “you should be under our administration; otherwise you should leave the area”.⁸²

3.3.3 Internal Conflicts in SNNPR

General.

As discussed hereinbefore conflicts of different nature and magnitude happened in SNNPR with the Oromia Region. Similarly internal conflicts had happened in SNNPR among the different Zones and Woredas of the region.

Depending on the lifestyle and geographical settlement of communities causes and aggravating factors of conflict varies. If we take two Woredas in the lowland areas like Surma and Dizi the major cause is due to competition over pasture and grazing land to feed their cattle. This also might be a cause for conflict in other parts of the region though it may not be as such prevalent. If one goes to Northwest part of the region discrimination against certain groups might be the root causes of the conflict in the area. This doesn't indicate the absence of conflict due to grazing land and pasture but it is not as prevalent as to the pastoralist community.

81. Id.P.6

82.Ibid.

So from this it is possible to look at the variety of causes and aggravating factors of conflict through out the region. Thus what ever the causes of conflict in the region, internal conflicts happened among zones and woredas in SNNPR. In the following part internal conflicts between Wolyita and Sidama, Gurage and Silte Woredas will be presented to show the prevalence and its effects.

3.3.3.1 Internal conflicts among Sidama, Wolyita, Siltea, Guraghea and Hadiya zones

Boundary dispute between Wolyita and Sidama Woredas revealed itself during transition period in 1998. At the time Abaya kebele was under the administration of dale woreda of Sidama Zone where as Chakere kebele was under the administration of Wolayita zone Howmbo woreda.⁸⁴

However nationality of Sidama were under the administration of Wolayita zone Whombo Woreda due to the fact that they were living on the lands of Wolayita, similarly Wolayita nationality were under the administration of Sidama for the same reason.⁸⁵

The major causes of conflict in these areas were associated with demand for possession of more land. The conflict in the area was aggravated when investors entered the locality from both sides. According to the informants the land given to investors licensed on both sides lies within the administration of the Sidama zone. The situation was intensified by the fact that both groups consider each other as opponent and one suppresses the other. Even in administrative position at regional level the president was from Sidama and the vice-president was from Wolayita. This power tension between the two dominant ethnic groups served as a catalyst to intensify the tension between the two.

Then the issue was discussed by the administrators of the two zones in 2000 following which the regional administration passes decision that left Chakere kebele to Whombo and those community under the Abaya kebele to be delineated with Dale woreda.

84. Ibid

85. Ibid

Ultimately, however the then administrator of the Wolayita zone resisted the decision claiming that the land in Abaya area belongs to Wolayita. He then proposed that only areas of the Abaya locality inhabited by Sidamas should go to Dale woreda of the Sidama zone while the rest should be delineated with the Wolayita zone.⁸⁶

Sidamas on the other hand claim that their boundary extends up to Bilate River while Wolayita insists that since majority of workers on the state farm in the area are nationality of Wolayita, the administration of the locality should be given to the Wolayita zone. Ultimately, however, the land was delineated with the Sidama zone. The informants also highlighted some factors that led to violence in the area. They mentioned that investors engaged in the area tend to push farmers on both sides. Although the boundary was delineated, the Wolayita zone settled a number of retired soldiers on the holding of the Sidama farmers at the locality of Abaya. This move on the side of the Wolayita zone was strongly opposed by the Sidama. While this dispute was pending, change of officials in the regional administration took place. This was followed by malicious propaganda in the Awassa town that Wolayita is to administer the Sidamas and Sidamas expelled Wolayita. The propagandas gradually took root down to the community level resulting in severe violence of May 21, 2001 that claimed the life of a number of people from both sides. On third day of the violence, illegal demonstration was staged at the Awassa town in which again a number of people were killed.⁸⁷

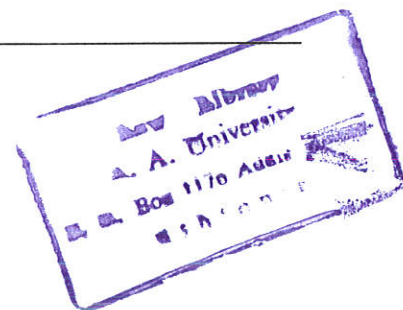
Negotiations were made to amicably solve the problem through the regional administration. During the forum created to discuss on the issue both parties presented the seriousness of casualties sustained on their side.

The other issue raised as cause of conflict was related to administrative structure of zone. In this regard the demand for restructuring the zone into Regional administration and the subsequent violence occurred on May 24, 2002. According to the informants one of the reasons behind the demand was interest of individuals who want to benefit from the situation. One of the major factors which intensify the situation in the area was lack of adequate awareness on the essence of self-administration.⁸⁸

86.Ibid .P.5

87.Ibid

88 Ibid.



Another violence happened in Awassa town was based on an idea entertained on the administrative status of the town. Paper was presented in relation to urban reform program. However the paper presented the problems encountered by Awassa town for ten consecutive years from 1991-2000. This paper was discussed by the officials of the Sidama zone administration and endorsed by participants of the discussion. Some groups, however, tried to distort the essence of the paper and disseminated wrong information.⁸⁹

In fact, the issue discussed was related to the advantage and disadvantage of raising the zone administration of the town to regional government level. However, due to tensions between the Sidama ethnic group and other community living in the region to administer the town, considering it as a regional town, helped others to disseminate biased information to the communities.

The other issue discussed was conflict associated with religion. There was a wide case of religious conflict in the zone. The prevalence of dispute between followers of the Mekane Yesus and Church of Apostles, conflict between Orthodox and Catholic as well as Muslims and Protestants in localities of Awassa, Aroresa, Bensa and Hagere Selam.

Lack of knowledge and skill in the area of conflict resolution, the absence of justice and delays in solving certain problems, Failure to handover criminals to law and absence of fairness and non-partiality in attitude, beginning from kebele administrators up to top government officials were considered as major factors in intensifying conflicts in the area.⁹⁰

The major causes of conflict in the Guraghea, Siltea and Hadiya zones are primarily political mainly emanating from boundary issues. Internal Boundary disputes often arise with neighboring zones of Hadiya and Siltea in the region. A case in point mentioned by the informant was the dispute over large tract of land found in Alichu and Gumer area. The dispute arose following the identify issue raised by Siltea ethnic groups claiming that they are not Guraghea. As a result the Siltea are organized as a separate zone from Guraghe.⁹¹

89. Id. P.6

90. Ibid.

91. Supra note 36

The informants underscored that conflict in the zone usually arises as a result of some deliberate action by the government authorities. A case in point is the clash between Kebena and Guraghe ethnic groups over the Wolkite town. Dispute arose in 2001 by the kebona and Guraghe ethnic groups. But the dispute was deliberately instigated by the government officials. The essence of the dispute was stated to be the demand by the Guraghea that the kebona ethnic groups do not belong to the area and they should move to Aboshange kebele. But the people were totally unaware of such claim. As a result of the clashes three men from the kebona ethnic groups died in 2001.⁹⁶

Similarly, there was dispute between residents of Meskan and Mareko Woredas in the zone. They explained that the Guraghe zone comprises of three ethnic groups, namely Guraghea, Mareko and Meskan. Siltea was also part of the zone before seven years, until it was structured as separate zone as a result of the so called the right to self-administration. However, the Siltea ethnic group members are found in Meskan and Guraghe woredas. Although such problems occur in Guraghe and other zones leading to conflicts, the absence of established systems and guidelines for transforming the conflicts is another factor which intensifies the situation.⁹⁷

3.3.4. Conflicts due to Marginalization

Based on information personally collected in SNNPR on conflicts due to marginalization, such conflicts have occurred through out the region with different extent from place to place. Specifically it happened in Keffa, Sheka, Bench Maji, Sidama, South Omo and others. However among these the most devastating incident happened in the Southwest part of the region, Keffa-Sheka in 1994. E.C. Keffa zone is one of the 13 zones found in the South West part of SNNPR .It shares boundary with Sheka zone, Bench Magi zone, Konta special woreda and Oromia Regional Government.⁹⁸ Structurally it has 10 Woredas and 192 kebeles out of which 173 are rural and 19 are urban kebeles.⁹⁹

96. Ibid.

97. Ibid.

98. Map of SNNPR attached at the back of the paper

99. በደ/ብ/ሀ/ክ/ብ.ሐ.ረ.ሰ.ቸ ምክር ቤት ከፋ. ሆን የተሰበሰበ የግጭት ትንተና መረጃ /1996ዓ.ም/ ገጽ 2

The total areas of the zone is estimated to be 111,206 hectare inhabiting 800,000 people, out of whom 91% reside in rural areas.¹⁰⁰ The indigenous inhabitants of the zone are Keffa, Nao, Chara, and the Menja clan which ethnically belongs to the keffa Nationality. Amhara, Kambata, Tigrea, Bench and other Nationalities are among the people who live together with the indigenous community.¹⁰¹

According to the research, the major conflict in this zone is in one way or the other related to the Menja people. The Menjas are highly neglected and were not beneficiaries of any political and socio economic developments. The research further states that there are also other clans called Faki who have been neglected in like manner.¹⁰²

The study confirms that cases of serious violence happened in 2002 at Washiro kebele of Bitta woreda was related to an act of discrimination targeted to the Menja community. While elaborating the point “Representative of the Menja people from Washiro kebele mentioned the reason behind the above violence at the locality, the main cause of the violence was discrimination against the Menja people. He further elaborated the people consider us, as slave or speaking tool, and we are not allowed to use common facilities for food and drinks and to enter some bodies house while even our dogs have such rights. He explained that they have been told to evacuate their birth place...it is this situation which led us to enter in to conflict.”¹⁰³

Another interviewee from Chana locality while explaining the discrimination: he said that we are not allowed to enter bars and restaurants or any body houses .Similarly; we are not allowed to get urban lands in Sheshenda town to construct houses in which our children can have access to education.¹⁰⁴

The Menja communities also are discriminated from religious perspective; they complain that they are not allowed to worship with Orthodox people in the same church. Similarly the Muslim community put the same pressure denying the constitutional right of the Menja community. This attitude has prevailed from the time of Emperor Haileeseelassea to present with keffa community.¹⁰⁵

100. Ibid

101. Ibid

102. Ibid

103. Id.P.5

104. Ibid

105. supra note 100

According to one informant from Menja community, the Menjas are required to stop eating pork and be baptized because he who baptized will be saved. He also proposes the keffa community has to recognize Menja as its part.¹⁰⁶

While looking the evolution of the conflict some improvements are made in the zone. One religious representative from Orthodox Church stated that, the church believes in salvation through baptism, hence teaches them to be baptized. He further states that, Gimbo district Orthodox Church up to now baptized 288 Menja people and have a strong vision to strengthen the beginning. The informant denied the accusation that priests hold two separate crosses one for the Menja and another for the Keffa community.¹⁰⁷ In like manner the Muslims indicated the fact that no discrimination is made among its followers.

The improvement also has continued in academic areas as well. One student explaining the situation stated that the discrimination has decreased in academic environment in comparison with social areas. The contribution of teachers is very significant; they encourage students from Menja community, provide educational materials, and also request others to assist them. If such assistances are given, large number of students from Menja community will be motivated to attend schools.¹⁰⁸

Different measures are taken by governmental and non governmental organizations in collaboration to avert the situation. To strengthen the economic situation of the Menja community and to make them beneficiaries of political and, social development, a project has been prepared. Conference has been held by the Ministry of justice at different level of administration involving government leaders and community representatives of Menja people.¹⁰⁹

The other important measure taken is participating Menja people in social services. For instance 11 students from the minority group has got the opportunity to involve in teachers training institute in two consecutive years. Similarly, 18 members joined the police, land is given to those who have no their won holding, campaign has also being made to allow them to enter restaurants and bars to be served equally with others.

106.Id. P.7

107.Ibid

108.Ibid.

109 Id.p.8

To this effect the contribution of Action Aid Ethiopia is paramount; it brought its experience in Daowro zone on awareness creation. As a result the people of Menja have got the opportunity to involve in social, political and economic activities of the zone.¹¹⁰

In general to mitigate the violent conflict in the Keffa zone the government has to strengthen its effort on conflict prevention and human rights protection. Specifically, the work of the local administration in building capacity of the Menja people and measures of Action Aid Ethiopia on awareness creation, human rights protection and good governance has to be strengthened.

3.3.5 Conflicts due to Marginalization in Sidama zone

The other important case of conflict due to marginalization relates to the Sidama Hadicho ethnic group. The informants from the representatives of the community asserted that Sidama is one nationality. However there are three classes of clan known as upper, middle and lower classes. Sidamas, according to the informants, have their own established system that ensures peace and reconciliation. However owing to the impacts of the past regimes, a caste system that despises those engaged in handicrafts occupation such as clay making, blacksmith, etc, begun to develop as in other parts of the country. The Hadicho ethnic group were made the target of such caste system by limited group of the community.¹¹¹

As a result they are considered as inferior and claim to be oppressed. The tendency of conflict, according to the informants, was observed during the period 2001-2002 following the publication of books on the ethnic group by two individuals. Although there were improvements observed as a result of efforts made on the part of the government, there is still problem of attitudinal change.¹¹²

The informant from the zonal administration also mentioned the identity issue raised by the Sidama Hadicho ethnic group and establishment of the so called Sidama Hadicho Organization during 2000-2001 to the effect.

110.Ibid.

111.Supra note 84. p. 6

112.Ibid

According to the informants, the problem was not genuine case of the Sidama people but rather a program instigated by some officials to divide the Sidama people.

They further asserted that Hadicho is one of the clans in the Sidama nationality having the same history, culture and speaking the same language with the remaining clans of the Sidama people. However, according to the informants, there are cultural problems related to superiority or inferiority complexes. Although in the past the culture did not allow inter marriage with the Hadicho clans, the situation is improving especially with the coming of Christianity. The situation, according to the informants, is now in a better shape. ¹¹³

The informants from representatives of the community further indicated that some officials at federal and regional levels played key roles in exaggerating the cases of Hadicho just for the sake of creating jobs for individuals. They claim that the Hadicho ethnic group is oppressed by the Sidama People's Democratic Organization (SPDO). Although this was not the case, the former officials were deliberately creating problem while the case was not that of the people. Although not influential they also established a party called Hadicho Democratic Organization (HDO). ¹¹⁴

113.Ibid.

114. Id. P.7

CHAPTER FOUR

COLLABORATIVE EFFORTS OF CONFLICT PREVENTION AND RESOLUTION PROGRAMS IN SNNPR BOTH BY GOVERNMENT AND NON-GOVERNMENTAL BODIES

General:

Conflict management and human rights protection to bring about peace and development in the Regional state can be realized through collaborative efforts of both Governmental and Non-governmental bodies. It requires coordination and collaboration among all bodies.

One of the traditional responsibilities of the government is to maintain peace and order and to protect the citizens against foreign aggression.¹ The world is dynamic and changing from time to time. Along with change and development of human society a lot is required from the Government. The endeavor to maintain peace and order among the citizens is the most important and demanding function of the government at all levels. This is mainly because of the fact that peace and order is the basis for all things. The sole effort of neither the government nor the non governmental bodies may not bring about peace and order to the desired level. It always requires cooperation and coordination among government bodies and non government bodies, and society. The SNNPR state could not be out of this reality².

The collaboration between the state organs and non state organs in the regional state is inevitable for several reasons .Both of these bodies strive for the satisfaction of needs and interests of the society to the best possible level .As they are running towards achievement of common objectives ,it is proper that they coordinate and cooperate so that there would be no duplication and overlapping of activities contradictions between them .Moreover ,cooperation and coordination between these bodies would minimize or if possible avoid wastage of scarce resource ,which otherwise could have contributed towards development ends.³

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1. Alfred Stepten, *Rethinking Military Politics*; (1988) P. 3
 2. Ibid.
 3. Id. P. 4

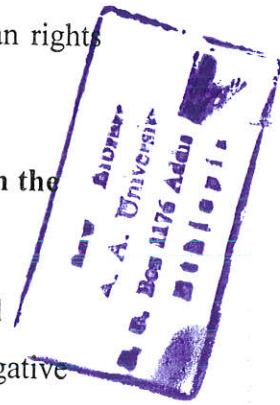
As far as the state of affairs in the regional state in relation to collaborative efforts between the above bodies is concerned, generally it has been encouraging. There was an enabling environment for non governmental bodies to flourish in unlimited proportion. However, when it comes to human rights protection and conflict prevention things are changing especially after the initiation of the draft legislation on civil society organizations by the Ethiopian government since February 2008.

Thus, in this part of the paper I would like to discuss the existence of government structures supported by legal framework, methods employed and major challenges encountered in the programs of conflict prevention and resolution in SNNPR and its effect on human rights protection.

4.1. The Interplay between Human Rights and Conflict Prevention Programs in the Southern Nations Nationalities and Peoples state Context

As discussed in detail in chapter two conflicts Prevention, Resolution Programs, and Human Rights Programs have interacted intensively. One can make a positive or negative influence on the other. Conflict resolvers may reduce the value for protecting human rights and give more attention for resolving the dispute and stopping the conflict. On the other hand human rights programmers may give more emphasis on condemning human rights violations, or on monitoring and reporting of human rights abuses than resolving the conflict between the parties. These extreme positions between the two programs have created a conducive environment to affect each other. Especially the reporting of human rights abuse had a great impact on the mediation or negotiation processes of the conflicting parties. One of the parties may use as a propaganda the information disseminated by the other.

When we come to the south context in this perspective, the Southern Nations Nationalities and Peoples state situation is different from the conflict at the international context. International conflicts are by nature intensive, persistent and they are very complicated. As a result both conflict prevention/resolution programs and human rights programs have to work their intensively and persistently. It is through this situation we can observe the impact one has over the other. However in the south context conflict are not as such intensive and persistent so we cannot expect such interaction between the above



programs. Moreover, I have tried to communicate non-governmental organizations working in the area on conflict prevention and resolution programs whether they encountered any problem or impact by other programs like human rights protection. First, it is not easy to find those organizations in the south context. One organization is Ethiopian Human Rights Council, which is working in the region. Even this organization is working on human rights monitoring and reporting through out the country as a whole. It has conducted monitoring and reporting on conflict prone areas but at that time even conflict prevention programs may not be there let alone to create some kind of impact on the others work.

Therefore, due to the difference in the nature of conflict at the international and local context it has been very difficult to find the interplay discussed in the theoretical part of this paper. This situation has encouraged me to give more emphasis on the strengthening of conflict prevention and resolution programs by both the government and non-governmental organizations in the south context.

4.1.1. Part one:

Conflict Prevention and Resolution programs by the SNNPR Government

General:

Since its establishment as an independent government the SNNPR has faced challenges due to conflicts prevailing through out the region and with the neighboring regions. As discussed in chapter three in detail conflicts of different nature and magnitude have happened in the region for the last 18 years due to the reasons discussed so far. While looking at the conflict prevention and resolution programs of the SNNPR government one can observe the clear demarcation between the efforts made so far before and after the establishment of the Regional Council of Nationality.

Before its establishment there was no clear idea about conflict prevention and resolution as a responsibility and discipline. There was no ~~one~~ single body assigned to undertake the responsibility instead the regional government as a whole was trying its best in the absence of sufficient coordination among stakeholders.⁴

Where as after its establishment at least there have been possibilities to identify the responsible structure supported by legal frameworks / basis. Therefore I took the establishment the regional Council of Nationality as a bench mark in the efforts of conflict

4. Interview with Ato Zenabe Beyene head of Council of Nationality Dec. (2008)

4.1.1 Structures, Legal framework, and methods

While comparing the period before the establishment of Council of Nationality and after its establishment one can observe relative difference on the whole process of the program. In the period before conflicts were totally recognized when they attain their climax.⁵ At that time most of the practitioners do not have the positive perspective about conflict, meaning conflict is an important element for future development if properly managed.⁶ In contrast conflict was considered as a crime and conflicting parties were criminals.⁷ This negative attitude about conflict invited practitioners and community to resort to legal and administrative measures as a solution for the problem.

At that time constructive dealing of conflict, which brings the society in to the desired development was, unthinkable, conflicts were in general handled while attaining its climax. The several actors were acting with little coordination.

Conflict management has been done to a so called firebirgged approach.⁸ This means conflicts are suppressed by force when houses are already burning, lives are lost, and properties are destroyed.⁹

Even the immediate period after the establishment of Nationalities Council in the Region, did not bring the expected knowledge, skill and attitudinal change in the regional communities. Conflicts were mostly recognizing when violence occurs like the period before. As a result in setting, where, traditional conflict solving mechanisms were very weak, the administration has no sufficient means to address or respond to conflicts as early as possible.¹⁰

5. Alfred Stepten, *Rethinking Military Politics*; (1988) P. 3

6. Ibid.

7. Id. P. 4

8. Getachew Kenfeshe, *The Roles of Council of the Nationalities of the Southern Nations Nationalities and peoples Regional State in The Accommodation of Diversity and Conflict Resolution:- Challenges and Prospects*; (2007); (unpublished) Masters Thesis) P. 34

9. Ibid.

10. Ibid.

As experiences indicated in the region no systematic knowledge about conflicts was available, there were often no proper reports at hand, the role of responsible bodies were unclear, and nearly no body sees a connection between the knowledge and the handling of conflicts, because of the lack of sufficient awareness on the part of practitioners and the regional communities in general.¹¹

As the result, there was no comprehensive approach to collect and analyze data in a systematic manner and therefore, no proper analysis to find ways and visions out of the conflict were possible.¹² On the other hand, there were no people trained to handle with proper knowledge and skill.

In general I can say it was a period of darkness for conflict prevention and resolution efforts in the region. No one gets clear answer both from practitioners and community members about the roles of different stakeholders, about coordination roles, and what measures should be taken at what level, by whom at least at theoretical level.

The aftermath of the establishment of Council of Nationality has been a period of relative change in the SNNPR context. Now it is not as such difficult to identify which is the responsible organ, what are the mandates of the organ, and what methods are employed? This is also a period we can see relative attitudinal, Knowledge and skill changes at least at official level though it is not at its expected level.

The Council of Nationalities has been established by the regional constitution and its duties and responsibilities are determined by subsequent proclamations issued by the regional Council in addition to this constitution.¹³ The council of Nationality, which is not found in other regional Government, is deemed necessary by the regional Council by considering the reality in the region as a home of 56 ethnic groups with difference in culture including language, representing each Nation Nationality and People in the region by one member in the Nationality Council.¹⁴

11. Alfred Stepten, *Rethinking Military Politics*; (1988) P. 3

12. *Ibid.*

13. *Id.* P. 4

14. Getachew Kenfeshe, *The Roles of Council of the Nationalities of the Southern Nations Mortalities and peoples Regional State in The Accommodation of Diversity and Conflict Resolution:- Challenges and Prospects*; (2007); (unpublished) Masters Thesis) P. 34.

Among the mandates provided for the Council of Nationality the following are the most important for the points under consideration. The council shall strive to find solutions to disputes or a misunderstanding that may arise between administrative unites in the region.¹⁵ It shall also study disputes or misunderstandings and boundary demarcations issues with neighboring regional governments and submit to the House of Federation and follow up its implementation.¹⁶

The Nationality Council has been empowered to apply both coercive and non coercive methods while trying to achieve its constitutional efforts of handling conflict through out the region.¹⁷

Considering the nature of these conflict handling mechanisms and how they are manifested in our legal systems are the points to be treated beforehand.

While looking in to the contents of the methods “the coercive methods of conflict¹⁸ management are those in which the conflicting parties have little or no autonomy to decide the matter by them or failed to reach agreement by their own will. In such situation the involvement of third parties is the only solution to avert the bad situation in to good. This can fit in Judiciary, Arbitration or some times use of military force can be part of it depending on the type of violence and the level of the conflict.

Whereas the non coercive methods includes such as Negotiation, Mediation, and¹⁹ Conciliation. Negotiation is as the name indicates the conflicting parties will try to solve their problem by themselves without the need of intervention by third party. The parties can set rules of discussion which governs their discussion. This method is mostly used by well educated communities, and communities who have internalized democratic cultures, communities who have understood the benefits of peace for development.

Where as mediation and reconciliation requires the involvement of third parties unlike negotiation

15. Alfred Stepten, *Rethinking Military Politics*; (1988) P. 3

16. Ibid.

17. Id. P. 4

18. Getachew Kenfeshe, *The Roles of Council of the Nationalities of the Southern Nations Mortalities and peoples Regional State in The Accommodation of Diversity and Conflict Resolution:- Challenges and Prospects*; (2007); (unpublished) Masters Thesis) P. 34

19. Ibid

Diplomatic means of settlement and ^{Akehert} judicial means of settlements are terms¹⁷ interchangeably used for non coercive and coercive means respectively by scholars.

Diplomatic means as to Akehert includes Negotiation, good offices mediation, inquiry and conciliation; and where as legal means includes Arbitration and Adjudication.¹⁸ The main difference between the two lays on the enforceability of the decision in front of the court. The decision given through legal means are legally binding at the court of law while a decision prearranged through diplomatic method is not legally binding, it demands the good will of the parties for implementation.

The Nationalities Council is allowed to study the traditional as well as a modern ways of conflict prevention and resolving mechanisms.¹⁹ It is also empowered to study the working procedures and institutionalize traditional as well as modern conflict prevention & resolving method. Because, these will help practitioners and communities to learn from past experiences and to develop their own context based conflict resolution methods.

While reading the relevant provisions of the revised constitution and the regional proclamation which determines the mandates in general and the methods employed in particular, the Council of Nationality has to try all its best to settle the difference in non coercive manner beforehand, and, has to resort to coercive methods subsequently.²⁰

The legal basis also acknowledges the importance of both traditional and modern ways of conflict prevention and resolving methods. The modern way of conflict preventing and resolving methods do not only mean the judiciary or court system, but it also includes alternative dispute resolution methods/ mechanisms.

17. Id. P.36

18. Ibid

19. Art 39 of proc. 60/2003 of SNNPR

20. Cumulative reading of articles 3, 27,28,29,31, and Art. 59 of the Revised Constitution of SNNPR

Therefore, the writer recommends that alternative dispute resolving mechanism that were sought by the law maker while issuing this proclamation so that it could be institutionalized and be used by Council of Nationalities as mechanism to conflict resolving in the region to maintain constitutional order which is the basis of unity and strength of Nations Nationalities and peoples of the region.

As discussed in chapter two, methods employed for conflict prevention and resolution programs are different depending on the level and nature of conflict. As the nature of conflict indicates, conflict is dynamic. It passes through processes. It starts with difference in idea, or disagreements and may ends with destruction of property and loss of life depending on the situation. Thus depending on the level and nature of the conflict the measures that have to be taken varies. This means methods employed at earliest stages of a conflict is different from methods at violence and after the violence. Thus besides the above the regional Council of Nationality has to clearly put in the legal frame work what methods are more appropriate at what stage of the conflict for better protection of human rights and establishment of sustainable peace in the region.

4.2. Challenges Encountered in Conflict Handling Efforts in SNNPR.

4.2.1. General

As discussed in the previous section, the challenges of the efforts in the past 18 years will be discussed. Where and when should conflict resolution activities be started? What should be the outcome of the conflict resolution activities? Lack of clear answers to these and similar questions was the major problem in the process of conflict resolution effort. Because of this, most of the time, conflict resolution activities have been started after the conflict reached its peak in crisis and resulted in many damages. Such types of conflict resolution approach neither helps people to handle their differences nor does it instructs others to learn a lesson to manage conflict if it occurs in the future.

In general the following three points are the major limitations observed in the conflict resolution efforts of the region.

Firstly, the efforts to resolve the conflicts were not targeted to address the root causes of the conflict. Although it results in reducing tensions for a short period of time, did not provide assurance to avoid recurrence of the conflict.²¹

Secondly, decisions were reached in conflict resolution scenarios without the participation of all concerned stakeholders of the conflict, consequently inviting implementation problems.²²

Thirdly, there were difficulties in clearly identifying the ownership of the processes of conflict resolution. This is mainly due to lack of coordination and identifying appropriate peace actors in the region.²³

The following section addresses some of the specific challenges the regional conflict prevention programs faced.

4.2.2 Failing to Consider Conflict as Normal Phenomena

Peace practitioners and scholars who devoted their time for conflict resolution argue that many people perceive conflict as a problem and parties to the conflict as problem makers. This perception has also been attributes of the SNNPR communities, strangulating the conflict resolution processes in the region so far. They also add it should be clear conflict is different from crime and the interests of parties from the interests of criminals who try to make profit out of the offence. Criminals are punished as per the rule of law of the state for the peace of the society; nevertheless, there should also be a room for parties to let out their differences and grievances without violence in a peaceful way in conflict resolution programs.²⁴

The miss perception of conflict as a crime has its own disadvantage, diverting the attention of the communities to focus on to take administrative and legal measures creating strangulations in peaceful conflict resolution processes. That measure serves only as a temporary solution, obstructing sustainable peace among the parties. In such approach it

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23. Ibid

24. Ibid

25. Id. P. 9

may be possible to achieve negative peace, reducing violence without allowing the community let out their feelings. It doesn't provide positive peace that remains for long within the community.²⁶

The miss perception limits the communities' opportunity to seek their own peaceful solution for their own conflicts, resulting forced solution. Such forced peace does not encourage the communities to work together for their common development since they did not take part in the process.

The legal and administrative measures taken to suppress the conflict from escalation, besides frustrating the parties, it encourages them to veil the truth regarding the conflict. It further prohibits the conflicting parties from identifying root causes and searching proper solution to the problem. The repetition of such veil results in cumulative negative feelings among the communities, inviting the people to get into recurrent violent conflicts.²⁷

There are many evidences that substantiate the argument, suppressing the conflicting parties by legal and administrative measures are a hindrance to peaceful conflict resolution and its sustainability. Therefore, any response mechanisms to peaceful conflict resolution have to help the communities to differentiate between conflict and crime and parties from criminals thereby encouraging them to apply different measure accordingly. In heterogeneous communities like in SNNPR the difference in views and perceptions accompanied by scarcity of resources makes conflict inevitable in the region. So expecting absolute peace in such society is unrealistic, instead the regional community has to focus on how to handle it instead of incriminating the parties.

26. Id. P.10

27. Ibid.

4.2.3 Failing to Consider Conflict as Opportunity:

Conflict by itself is neither positive nor negative. Its positive and negative aspect is determined by how people perceive it; the way they handle it and the attitude they exhibit to the conflicting parties.³³ As mentioned earlier, if a given conflict is not properly handled it might end up in destructive results. But, if it is correctly managed, results in a positive end benefiting the conflicting parties and other stakeholders.²⁸

Conflict emerges as a result of incompatible interests and different perceptions towards a given goal. Understanding such differences in-depth and seeking appropriate solution is very helpful. It is necessary to conduct detailed conflict analysis that informs stakeholders about the conflict and a proper solution to the identified problem. This approach brings drastic change to the community in question and the conflict can serve as a transformative instrument.³⁰

A change which comes out of a peaceful conflict resolution can be considered as a development in itself and the basis for further development endeavors.³¹

However due to lack of systematic conflict resolution program in SNNPR and failure on the part of the community to perceive conflict as an opportunity in the region created its own obstacle in the peaceful conflict resolution effort.

4.2.4 Unwillingness to Participate in Conflict Issues:

When conflicts materialize every individual or group responds to it differently. Each of them takes its own measure. Some respond to the conflict by escaping while others respond by becoming a part to the conflict.³²

When a conflict occurs in the region mostly people are not willing to be part of the process. Somewhat they endeavor to escape and become observers. This is one of the usual challenges in the process of conflict resolution effort.

28. Id. P 11

29. Ibid.

30. Ibid

31. Id. P 12

32. Ibid

For example, a given community solicits for alteration in its administrative hierarchy or raises question on boundary demarcation.

The question might be raised with out having enough justification. There are possibilities to clear out such ambiguities of the community timely by creating an open discussion forum with all concerned parties in the processes. Nevertheless, by ignoring minor erroneous perceptions of the society, it can add up and over time lead to drastic crisis that may result in a huge loss of life and property.³²

In some other communities community elders/respected members of the community are directly or indirectly concerned to respond to the issues of the people. Despite the effort, they overlook the demands of the people being afraid of dealing with it which can lead to unintended direction. This in itself is an erroneous view and rather than solving the problem, it may sophisticate the problem.³³

Therefore if communities of the region have to contribute for the efforts of peaceful conflict resolution program, they have to bring attitudinal change. Or any conflict resolution has to make its own effort to encourage the participation of all stakeholders, equip them with the necessary conflict analysis skill which enables them to identify root causes, aggravating factors and parties to the conflict.

4.2.5 Failing to Focus on the Improvement of Socio Economic Relation Ships:

It is evident that, unmet human needs lead people into conflict. It is believed that incompatible unmet human interests are the causes of conflict. These human needs are beyond identity, equality and participation in decision making processes in common issues. They include economic and social rights, and equal access to basic human needs like food shelter and clothing.³⁴

Access to such human needs is the major target of the communities. When different segments of society live together in one place, human needs are either met or not depending on the quality of relationship the communities

32. Ibid

33. Ibid

34. Id P.11



In case where there is no just relationship among communities it is difficult to see the human needs are equally convened.³⁵ For example, in Kefa Sheka zones, it is impossible to say that the Menjas and Kefas have equal access to and control over resources, participate in decision making equally and have just representation. In such an environment human needs are always not met, which leads into conflict of the communities. When such marginalization occurs it is necessary to address it carefully and establish a just relationship of the given communities. If this does not happen and focus is only given to address the effects of the conflict, it aggravates the conflict and hampers a peaceful coexistence of the communities and conflict resolution processes.³⁶

The efforts of the region so far has focused on addressing effects of the conflict rather than focusing on a holistic approach to solve the problem, in other words the efforts of the region did not give attention in improving the socio economic relation of the communities as expected. So the effectiveness of the attempt on conflict resolution has been questioned. Off course I am not denying the measures taken by government and non governmental bodies like Action Aid Ethiopia but still it needs more effort on both parts.

4.2.6. Failing to identify Parties and Stakeholders

In any conflict, there are parties who participate directly or indirectly. Thus, all of them should participate in the process of conflict resolution. Identifying concerned parties and bring them on board to the process is an important step in conflict resolution endeavors.³⁷ If the appropriate parties are not identified and participate in peace making process, they can be spoilers and an obstacle to the implementation of decisions made in the course of action on the one hand. On the other hand, we lose the contribution to the conflict resolution process that could be made by the right parties.³⁸ In this regard, it is difficult to say that conflicts in the region are resolved and addressed after deeply analyzing the parties to the conflict.

35. Ibid

36. Ibid.

37. Ibid

38. Ibid

In different places, we can observe problems in the implementation process that substantiate the aforementioned argument. These neglected parties claim that the decisions made in their absence do not belong to them and they do not care about its implementation, which resulted in pending of many conflicts in the region.³⁹

4.2.7. Failing to Build Capacities of Communities

As we have seen, conflicts can occur in the real day-to-day interaction of societies for different reasons. These conflicts can be resolved by interested neutral third party intervention. The resolution process can be determined based on the context and level of their relationship. After the resolution, the parties also continue to live within the same system of relationship, norms and standards of interaction of the society.⁴⁰

Conflicts can emerge from the difficulties of communication and relationship. In such scenario, the communities should not always await the intervention of the third party. Rather, they have to learn a lesson from the previous conflict resolution mechanism and apply the principles to the existing conflict situation. In this way, they should build their capacity of conflict resolution and resolve their own problems by themselves. This is to say that the processes and the knowledge gained at one time should be established and become part of the longer systems and institutions.⁴¹

For the communities conflict elasticity and resolution capacity is not build to the level where they do not require any kind of third party's intervention. Thus this is to invite third party intervention whenever conflict occurs. Thus it needs consideration.

4.2.8. Failing to identify and use Traditional Conflict Resolution Methods and Institutions

Every community has its own way of conflict resolution mechanisms and institutions that best suits the interest of each community. Although there are some gaps and weaknesses in these traditional tribal modalities, (conflict resolution mechanisms and institutions) are very effective in resolving the communities' conflicts in their respective constituencies.⁴²

39. Ibid

40. Id. P.12

41. Ibid

42. Ibid

These organizations have come in to existence with the establishment of the Council of Nationality with the intent of supporting its capacity on the effort of conflict prevention and resolution.

As discussed earlier, before the establishment of Council of Nationality we do have a problem of identifying the responsible organ and lack of coordination among peace actors with in the region. While avoiding the above ambiguity via its establishment the regional Council of Nationality has faced the following challenges like lack of trained man power in the field, sufficient budget to run the program, and other infrastructures necessary to fulfill the purpose of the organization for which it is organized.

To effect its constitutional obligation and to support or strengthen the governmental effort on conflict prevention and resolution programs, for better protection of human rights, peace and development non governmental organizations are invited to play role in the area. As a result organizations like GTZ, PACT, MERCY CORPS, Agree Service Ethiopia and others have involved in the regional program.

Depending on the availability of resources, the seriousness and urgency of the situation some organizations made their attention at the regional level supporting the regional council of nationality. And others focused both at regional and local level and some others purely focused on supporting the capacity of local communities.

Therefore, in the following section efforts of the non governmental organizations, challenges they encountered, the overall objectives, and the strategies they employed and the legal basis for the effort will be discussed in detail.

4.3.1. Legal Framework/basis

While looking the legal frame work/basis for the intervention of non governmental organizations on conflict handling effort in SNNPR one can not find clear legal provisions like in the case of Council of Nationality. Instead searching indirect constitutional provisions both in federal and revised constitution of the region is paramount.

With in the jurisdictional limits of SNNPR, the supreme legal document is the regional constitution.⁴⁶ This is subject to the supremacy of the FDRE constitution. As it is an expression of the sovereignty of the Nation's Nationalities and Peoples through out the country, the FDRE constitution over rides the regional constitution, in case of discrepancy. Therefore, supremacy of the constitution of SNNPR is with out prejudice to the supremacy of the FDRE constitution.

Almost all of the fundamental principles of constitution of SNNPR are similar to those of the FDRE constitution. The major difference is in relation to the scope of application to be determined by the jurisdiction. While the FDRE constitutions basic principle apply through out the federation that of SNNPR apply with in the jurisdictional limits of the regional state.

The revised constitution 2001 of SNNPR, in its preamble emphasizes the need for consolidating peace and prospect of democratic order in the regional state. It also emphasizes other objectives and principles sought by the Nations Nationalities and peoples in the regional state. These objectives and principles could not be achieved by the sole efforts of government and their structure in the regional state. Collaboration with other non governmental bodies is inevitable.

As the regional state consists of heterogeneous community with diverse interest, the role of non-governmental actors, in the effort to achieve the important objectives and principles enshrined in the preamble of the constitution is very much considerable.

The peoples in the regional state are vested with all powers of the state. The Nations Nationalities and Peoples in the regional state can exercise this ultimate power through their elected representatives or through their direct participation.⁴⁷

The democratic participation of the peoples in the regional state could take individual or collective form.

The collective participation may be in the form of Non-governmental organization and such participation could be in the prevention and resolution of conflict in the regional state.

46. Art. 9 of the Revised Constitution of SNNPR

47. Id. Art. 8

Alike the FDRE constitution, the SNNPR state constitution emphasizes the supremacy of the constitution. With out prejudice to the supremacy of the FDRE constitution, the SNNPR constitution is the supreme law of the regional state.⁴⁸ All the dwellers of the Regional State, government bodies, political parties and other associations are expected to abide by the constitution.⁴⁹ They are also responsible for the observance of the constitution. The regional constitution, like the FDRE constitution, is the expression of the common interest and agreement of the peoples of the regional state. The will of the people in the regional state is peaceful co existence and peaceful environment that could contribute towards development. It is the duty of all dwellers to in the regional state, individually as well as collectively, to observe the constitution. It there fore follows that Non-governmental organization in the regional state are equally responsible to that end and shall refrain from being a cause to conflict and participate in the conflict prevention and resolution programs. Article 31 of the regional constitution provides that every person has the right to freedom of association for any cause or purpose, so long as the organization is formed not in violation of appropriate laws or the constitutional order. Dwellers of the regional state can form associations, including Non-governmental organizations with the objective of conflict prevention and resolution. In such case, non-governmental organizations stand in support of governmental bodies in the endeavor to bring sustainable peace and order in the regional state.

The courts and other governmental bodies entrusted with judicial power with in the regional state serve towards rendering of fair justice .Fair justice is the basis for peace and human rights protection and there by for sustainable development.

Where non governmental organizations involve in conflict prevention and resolution, in some instances they may need the services of judicial bodies. In that case the regional constitution recognized the right of access to justice.⁵⁰

48. Supra note 47

49. Id sub (2) of Art 9

50. Art. 37 of the Revised constitution of SNNPR

Participation of the peoples in the development endeavors of the regional state starting from formulation of policies and programs up to implementation is ideal and appropriate. Such participation could be either at individual or group levels. One possibility of participation in groups could be that of non governmental organization. On the one hand, such participation could have the effect of minimizing and preventing potential conflict.

Apart from the above mentioned constitutional provision, by-laws in the regional state like proclamations based on the constitution, and bilateral agreements between the different non governmental organizations with different levels of government bodies in the regional state are legal basis on which non governmental organizations play role in the prevention and resolution of conflict.

4.3.2. Program Goal, Objectives and Strategies:

4.3.2.1 Goals and Objectives:

Internationally recognized non governmental organizations with extensive experience on conflict prevention and resolution programs in over dozen countries around the world and some local organizations with limited experience in the area have involved for mechanisms of conflict prevention and resolution improved in Southern Nation Nationalities and Peoples Region.

The organizations started their work by participating on an in-depth conflict analyses/assessments program through out the region. They have contributed teams of persons that included experts in conflict prevention, peace building and pastoralist issues.

Through field visit, interviews, community meetings and focus group discussions with a wide range of stakeholders a total of 33 conflicts were mapped and analyzed by their great contribution.⁵¹

The programs have been intending to increase peace and stability in the conflict areas under their consideration at the end of the program by strengthening existing capacity of key stake holders to analyze, report, manage and prevent conflict. Moreover, the involvement of civil society and increasing collaboration of civil society with governmental bodies and capacitating both formal and informal/ non formal conflict handling mechanisms have been the major measures to materialize the program.⁵²

51. Mercy Corps Ethiopia, The southern Nations, Nationalities and peoples Region, Conflict prevention an Resolution program, (Dec, 2004-Nov. 2006) P.2

52. Ibid.

To attain the above goal and to accomplish the objectives the programmers pursued the following strategies or approaches: Local actors are the most appropriate change agents⁵³ for preventing and resolving conflicts, the program approach also structured to provide comprehensive skill building,⁵⁴ to enhance the capacity of existing structures ;to ensure the full, meaningful and synergistic engagement of all stakeholders;⁵⁵ to support locally tailored interventions ;⁵⁶ and to actively collaborate , coordinate with other agencies.⁵⁷

4.3.2.2 Strategies/Approaches

4.3.2.2.1 Appreciating Local Actors:

As mentioned earlier, Local actors are the most appropriate and effective agents for preventing and resolving conflicts in SNNPR. Therefore, the program approach is not to intervene directly but, rather, to equip these local actors with the updated skills, tools and support they require being more effective in this role.

This principle is not only considered to be a best practice within the field of conflict resolution but, even more importantly it was repeatedly underscored as the preferred modality by potential program participants at all levels.⁵⁸

For example, one participant in focus group discussion expressed his confidence in the ability of the local administration, leaders, police and militia to appropriately address conflicts if provide with much- needed capacity building.⁵⁹

The experiences of non- governmental organization in other countries with similar conflict programs in other countries also underscore the imperative for having local actors take the lead.

53. Id. P. 3

54. Ibid

55..Ibid

56. Ibid

57. Ibid

58. GTZ- Ethiopia, Conflict Prevention and Transformation Program (0 2004-2005) Master tool box P.6

59. Supra note 52. P.3

4.3.2.2.2 Comprehensive Skill Building is needed for Addressing Conflict.

The other most important strategy used by non governmental organizations for supporting the efforts of the regional government on conflict prevention and resolution system is the need for comprehensive skill building.⁶⁰ This means increasing the awareness or introducing the concept conflict, and the different methods of handling conflict to the practitioners and the community, by itself is not an end.⁶¹ Practitioners also acknowledge that the approaches and skills they possess are inadequate for addressing the existing complex situation. For these reasons, they placed an extremely high premium on gaining new skills for addressing conflict and repeatedly underscored their willingness to invest significant amounts of time and resources in doing so.

Here the experiences of GTZ can be mentioned as a good example. While using this strategy in its country wide capacity building in Governance, the organization after training 18 individuals who came from four regions of Afar, SNNPR, Somali and Addis Ababa tried to make it comprehensive by allowing the participants to Observe practical conflict incidents and apply what they have acquired in class rooms. The program encouraged them to contextualize what they have learned with what they already have.

Additionally, Mercy Corps' Experience from implementing similar programs in other areas in conflict such as Liberia and Indonesia demonstrates that simply disseminating information is insufficient in changing behavior and practices. Skills building must be followed; by "hands- on" learning opportunities in order for new approaches to take root.⁶² Moreover, success in bridging gulfs between communities is increased when such learning opportunities not only bring stakeholders together but also guide them through a process to address specific conflict issues of relevance to them. Most programs in the region have been creating such opportunity.

60. This is the common guiding Principle for all non-governmental organizations involved in the Region. So all of them applied it.

61. Ibid

4.3.2.2.3 Enhance the Capacity of Existing Structure, Rather than Create Parallel Systems

According to the information of non governmental organizations it is believed that, non governmental organizations are not here to create a new conflict prevention and resolution structures rather to strengthen, backup the already existing both formal and non formal structures.⁶³

Although they have been slowly undermined in some areas, informal community/ tribal institutions represent a valuable and resilient resource of addressing and solving conflict. The programs have been equipping these informal institutions, such as tribal elders, with updated skills (e.g. mediation) and mechanisms (e.g. gathering process for engaging marginalized groups such as women and youth).⁶⁴

Another important target of non governmental organization has been the Council of Nationalities, the Regional level entity that is specifically mandated with handling conflict issues.

Ato Tekle Didu, the speaker of the Council of Nationalities while informing the non governmental organizations, although they have formed a 20 plus person conflict resolution department within the council, this group has little to no technical skills to carry out their work.⁶⁵ They are seeking- and the programs have been providing-enhanced capacity to analyze and design strategic interventions for conflicts in partnership with local stakeholders.⁶⁶ Furthermore they have been providing technical assistance and guidance for the application of these skills, from conflict analysis through resolution.

62. Supra note 59

63. Ibid.

64. Ibid]

65. An interview Conducted y Mercy Corps Ethiopia with the Former speaker of Council of Nationalities in (2004)

66. Ibid

4.3.2.2.4 Ensure the Full, Meaningful and Synergistic Engagement of all Stakeholders

As experience indicated and supported by the discipline of peaceful conflict handling mechanism the comprehensive involvement of all stake holders is very important. In order to effectively address conflict and achieve lasting peace and stability meaningful and synergistic engagement of all stakeholders is very crucial. This includes both primary and secondary stakeholders.⁶⁷ To date, efforts to address conflict in SNNPR have generally lacked the engagement of a broad base of civil society actors and, therefore, attaining sustainable solution to problems has been unthinkable.

The programs have been instituting improved mechanisms for engaging the broad participation of civil society and also ensuring that these actors can and do take the lead in preventing and resolving conflict in their own communities.⁶⁸ A related challenge is that various stakeholders are not working together in a synergistic manner to address conflict issues. There is a disconnection between informal groups and formal structures.

At the same time, different levels of governments do not necessarily collaborate closely with one another. The programs have intended to address this disconnect by providing the various levels and types of stakeholders with a common vocabulary, a shared set of tools and mechanisms, and forums for engaging with one another to apply these skills in a constructive manner.⁶⁹

67. Ibid.

68. If you go through the Conflict Prevention and Resolution Programs of the Different Not governmental organizations working in SNNPR the aforementioned strategies are there in one form or the other.

4.3.2.2.5 Support locally- tailored Intervention

Taking in to account the diversity of southern community in culture, language, and the methods they employ in conflict prevention and resolution systems and appreciating the informal system the programs in the region have been supporting locally tailored intervention. Tools provided to program participants have focused on practical, not theoretical, approaches. Program participants have been supported in applying newly-gained skills in a manner that is applicable to the particular situation they wish to address.⁷⁰ Thus, while the principles and mechanisms for addressing conflict will be the same, the actual actors, activities, and approaches from one focus area and community to another will vary. While substantiating this idea one project officer working in mercy corps anticipates that tailored interventions supporting “cementing the peace” between the Zeyise and Gidole will differ significantly from those required to build trust and engage conflicting groups in Hamar wereda in a successful and sustainable conflict resolution process.⁷¹

4.3.2.2.6 Actively Collaborate and Coordinate with other Agencies

As discussed else where conflict has many dimensions. The causes of conflict are very diverse in the SNNPR context. Thus effectively to resolve conflict the collaboration of all stake holders is unquestionable. So these non governmental organizations have used collaborating and coordinating with other development agencies as one strategy.⁷²

With the aim of supporting and building on complementary programs, the programs in built around the principle that the efforts of development actors should be aligned in their efforts to reduce conflict.

The programs have been working with other programs to avoid duplication and influence complementary activities, as well as support others in their efforts to design and implement activities that support peaceful change.⁷³ This includes close collaboration among actors in the conflict sector such as GTZ and the Conflict Early Warning and Response Mechanism (CEWARN), as well as development actors such as World Vision.

69-72. If you go through the Conflict Prevention and Resolution Programs of the Different Not governmental organizations working in SNNPR the aforementioned strategies are there in one form or the other

73. Ibid

4.4 Challenges Encountered by Non Governmental Bodies:

General

Since non governmental bodies are not direct participants or implementers of conflict prevention and resolution programs in SNNPR like the council of Nationality. The challenges they face may not necessarily be similar to the government organs. Off course there might exist some common challenges of the two organs. At this part I will not repeat what is discussed in the previous part as a challenge. In general corruption on the part of stake holders, lack of motivation on the parts of partners, turnover of officials and the new legislations are the major challenges that will be discussed here after in detail.

4.4.1 Corruption

My personal experience as a project officer and legal advisor in the efforts of non governmental organizations on conflict handling, thought me that non governmental organizations are highly embezzled by irresponsible stakeholders. As discussed earlier one of the objectives of non governmental organizations is to increase the involvement of civil society organizations for better and community based conflict resolution strategies rather than making it an imposed one. To this effect non governmental organizations will not find well established community based organizations with in the conflict affected community. But conflicts mainly happen in rural areas in which even one can not imagine community based organizations. In some places the organizations will take the initiative to establish new ones .And mostly these newly established community based organizations are not self motivated and they do not have their own vision instead they are imposed with the organizations vision.

As a result these locally established civil society organizations will use the money for programs for which the fund is not allocated. For instance in one case in which I was representing, a local NGO Sechem in awassa zuria was entered in to partner ship agreement with Mercy corps Ethiopia to implement a small project for the establishment of peace center in Dale Humbo conflict areas for around 80 thousands Ethiopian birr. Finally the organization has brought a report which indicates the use of the money for consultancy service. This was totally out of purpose of the fund.

Therefore non governmental organizations even though has an intent of participatory approach needs to reconsider their financial utilization strategies especially with an experienced, prone to corruption local NGOs like the above one, if they have to use the fund properly for its real purpose.

4.4.2 Turnover of Officials and Lack of Motive

This is the most common and fundamental obstacle for facilitated work of non governmental organizations in the region. Mostly top officials who are responsible for conflict handling either at regional, zonal and even woreda level officials are politicians, who take the position for simple reason of representing its National group with out giving due attention for personal skill, knowledge and behavior. Moreover, for unknown reason this appoints are highly turned over. If some one was a president of one administrative zone or woreda you may not find that same person after six months. However you had given a lot of trainings for that person while he was in his previous pistons .You need to train another person for your purpose. Some times the turn over can be with in 2 or 3 months. These lacks of sufficient understanding on the part of newly assigned official de motivates him to give timely response for any stake holder who have an interest in it.

4.4.3 The effects of Charity and Society Legislation:

The other most serious challenge which cripples the establishment of democratic system in the Ethiopian territory is the promulgation of the new charities and society proclamation by the FDRE government.

This proclamation categorizes organizations in to International and National. In the words of the proclamation Ethiopian Charities and Societies are those organizations which gets funding not more than 10 % from foreign aid.⁷⁴ And Foreign Charities and Societies are those organizations established according to foreign law, are working in the Ethiopian territory registering by Ethiopian law.⁷⁵ Besides, these organizations are those getting funds more than 10 % from foreign aid.

74. Interview with Ato kussia Bekele,Head of Civil Society Organizations Association in SNNPRS(cot.2008)

75.Ibid

This difference becomes significant under Art. 16.6, which states that foreign charities and societies shall not take part in activities in the areas of: citizenship and community development; human and democratic rights; conflict resolution or reconciliation; equality and diversity among national nationalities and peoples or different religious groups; sustainable development of the nations, nationalities and peoples of Ethiopia; Justice and law enforcement services.

Observers have protested the development of this proclamation, saying the funding clause was unrealistic for a country dependent on high amount of foreign aid.⁷⁶ Most NGOs depend on foreign aid, and local financing is negligible. Western diplomats and donor groups had requested Prime Minister, Meles Zenawi, one of the architects and chairman of African Peer Review Mechanism (APRM) forum, to reconsider this move which they believe is another attempt at crippling the country's democracy.⁷⁷ The government has alleged some NGOs affiliated to international organizations operating in Ethiopia have a hidden agenda. Last year, the government expelled the International Red Cross Society from eastern Ethiopia claiming it was involved in "illegal" activities.⁷⁸

The charity dismissed the allegations. In the attempts to have the law reviewed, local and international NGOs had appealed to the government for further discussions. However the government moved a head in his position and realized the law.

Therefore according to this legislation most international NGOs working with SNNPR Government in the areas of Human rights protection and Conflict Protection and Resolution are left with one year grace period provided by the law. After a year they have to dissolve or have to change their focus from those restricted or prohibited subjects like human rights and conflict prevention.

76. Ibid

77. Ibid

78. Ibid

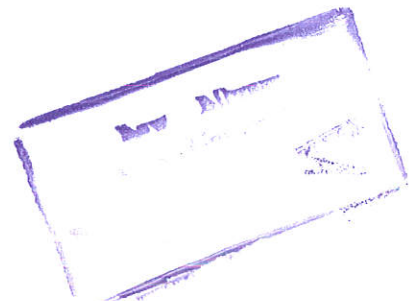
CHAPTER FIVE

5. Conclusion and Recommendations

Conflict prevention and human rights protection are two faces of the same coin. Conflict is one of the situations in which gross human rights violation happen. During conflict people might be killed, tortured, displaced from their permanent resident places at least temporarily. Especially those vulnerable groups like women and children are highly exposed to more violations of human rights. The southern nation's nationalities people region will not be out of this reality because of the prevalence of conflicts observed in the region.

The Southern Nations Nationalities and Peoples Region have suffered from conflicts since its establishment as an independent government. As discussed in detail in chapter three, if one moves from one corner to the other within the region he or she will see different types of conflict depending on the lifestyle and geographical settlements of each community. For instance if we take the case of pastoralists communities like Bench magi and South Omo communities and compare them with the non pastoralist community living in the north east part of the region you will see the differences between the two communities in light of the cause and nature of conflict. What ever differences are observed throughout the region in light of the above standards, the regional communities especially those living near to conflict areas have suffered from the situation.

However until 2001, in the SNNPR, we don't have a separate government structure which was accountable for conflict handling mechanism. Instead the regional government was trying its best as a whole with little coordination and cooperation in the regional territory. The absence of the appropriate structure supported by legal frameworks in the region made the situation worse. Even the establishment of the regional Council of Nationality as a conflict handling structure did not bring the expected attitudinal, skill and knowledge change within the region. To fill the loopholes of the regional government different international and local organizations have been supporting the government structure for the last five to six years in the areas of capacity building on governance. Despite these the Ethiopian government currently took initiative to promulgate new charity and society legislation which bans the efforts of those organizations.



As I said at the top conflict is one of the situation in which human rights of a particular community is violated: So, having well established or organized conflict prevention and resolution program and its implementation accordingly will enable us for better protection of human rights. At least, violations resulting from the conflicts.

Therefore for better protection of human rights violation strengthening conflict prevention and resolution programs and its proper implementation is very important and helpful for communities suffering from the problem. This holds also true for SNNPR state. To this end I will forward the following recommendations.

1, As discussed in detail in the paper preventing conflict systematically and comprehensively is a means of protecting human rights. Experience indicated that regional governments do not have sufficient resource and infrastructure to realize this. Therefore seeking the help and cooperation of societies is very important. One way society can participate is through forming an association or NGO. So the Ethiopian government has to create conducive environment to this effect. In simple language the restriction imposed by the new legislation has to be lifted.

2, The other important thing to raise is, in order to strengthen the already existing conflict handling mechanism in the region .Any program, either by government or non governmental body, has to work to bring the necessary attitudinal, skill and knowledge change with in the community. Different researches in SNNPR indicated that the regional community including people working in the area couldn't sufficiently differentiate conflict from crime and conflicting parties from criminals. As a result they resort to legal and administrative measures instead of resorting to peaceful means.

Identifying and using traditional conflict resolution mechanisms is also the other problem the regional community has encountered, Due to lack of conflict analysis skill the regional community couldn't exhaustively differentiate parties and stake holders.

Attitudinally also the regional community fails to consider conflict as a normal phenomena. As an opportunity for change and some times show unwillingness to participate in conflicts rather want to escape the situation and to be observers but this doesn't include the efforts of some community elders. The absence of early warning and early response system is the other fundamental problem observed in the regional effort.

Thus the conflict prevention and resolution programs have to focus on the above problems. To this effect intensive awareness creation campaign has to be started again. These programs have to initiate the incorporation of conflict in to the educational curriculum. Even one can evaluate the existence of conflict in the Ethiopian educational system at higher educational institution. In this area the ministry of education has to make its effort to facilitate situations for commencing programs at degree and diploma level because these will enhance our effort for strengthening conflict prevention and resolution programs for better protection of human rights.

The establishment of Competency Center under Council of Nationalities by the help of GTZ-Ethiopia is a good beginning. However my personal assessment on the contribution and function of this center revealed that it needs reconsideration. Since it serves as a center for experience sharing, and resource center for researchers and students who want to collect information in the area of conflict, its reconsideration is paramount. In other words though the competency center is opened so far but no one knows its operation plus it is not as such well equipped with material and human power. Therefore, the council of nationality has to promote the competency center and fulfills the necessary infrastructures.

3, Conflict is dynamic by nature. It passes through different steps from its conception up to birth. It has different levels. Accordingly the measure to be taken varies from one level to the other. Scholars who study conflict classify those measures in to-Prevention, conflict management, and peace building.

My personal experience in those programs taught that mostly both practitioners intervene at the peace building stage. This level is a scenario in which the conflict has ceased by itself. So I recommend to focus the on the prevention stage because this is best for preventing human rights violation to.

4. Though currently the interplay between conflict prevention and human rights programs is non existent. But it is difficult to guarantee on the fact that this will not happen in the future in the southern nations nationalities and peoples state scenario. So, international and local organizations have to learn from the experiences of others, Briefly both programs have to work supporting each other, for instance if a human rights program works on monitoring and reporting it has to take care of its impact on the reconciliation process underway at the time.

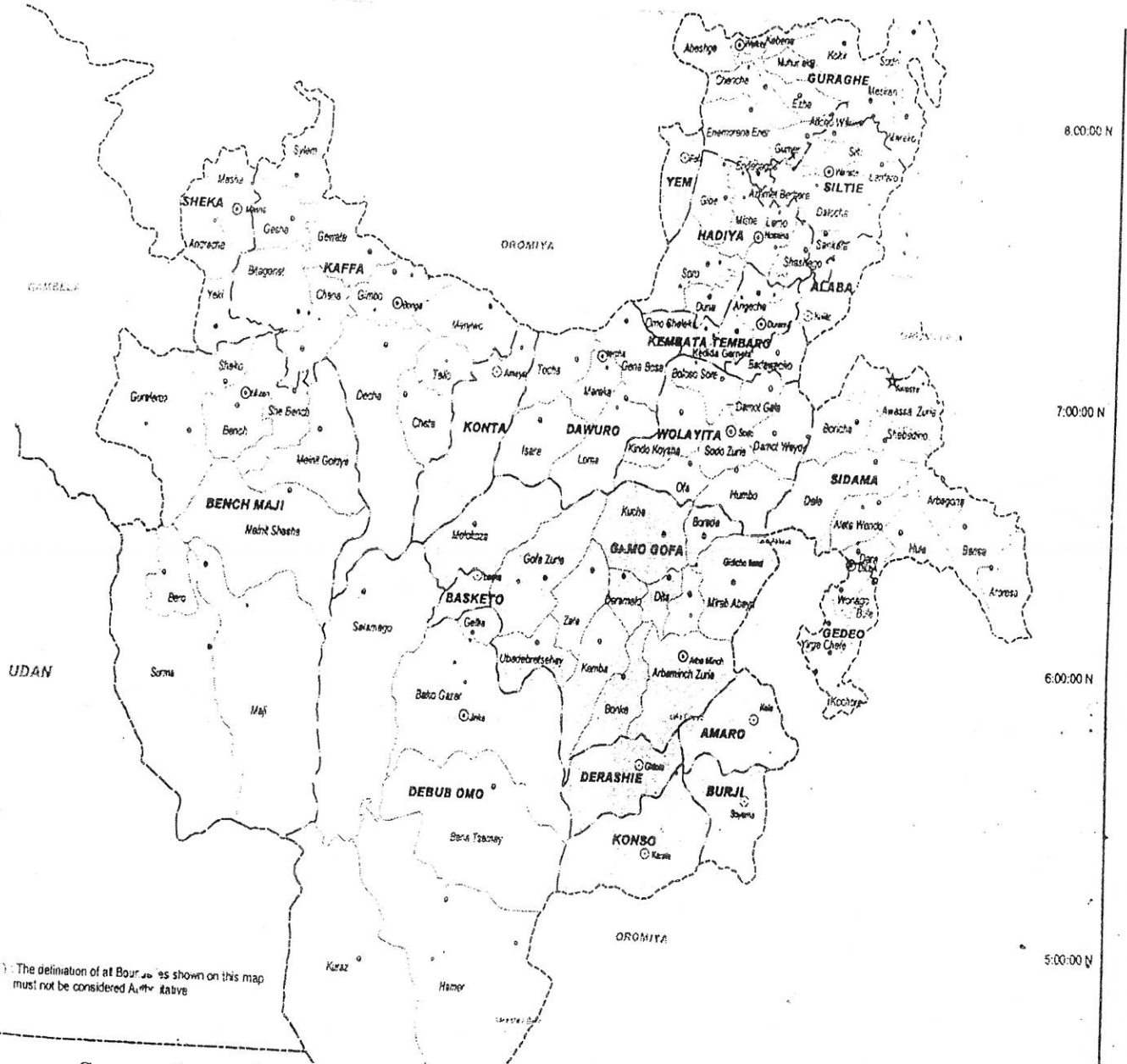
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The map showing SNNPRS Administrative units



Source: from offices of nationalities council of SNNPRS