

The Role of Indigenous Conflict Resolution Institutions in Boro-Shinasha Society, Ethiopia

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Abstract

In a society where the majority is poor with widespread illiteracy culminating in lack of access to justice and the high cost and scarcity of lawyers, traditional conflict resolution stands out as the best method of conflict resolution. In Ethiopia, many rural and village communities do not refer complaints to the police or prosecuting authorities, but instead deal with them using indigenous tribal processes, Macfarlane (2007) and Gowok (2008). Ethiopia has been practicing various indigenous conflict resolution mechanisms for many centuries. The study on which this article is based was aimed at describing the role of indigenous conflict resolution institutions in peace-building in Boro-Shinasha society. Descriptive qualitative research method was used with semi-structured face-to-face interviews to collect data. Thematic analysis was employed to analyze the data. The findings reveal that indigenous conflict resolution institutions are very vital in peace-building, especially if they are integrated with the formal peace-building institutions. The gap of clear policy direction and development in the application of indigenous conflict resolution mechanisms and institutions has been found to be a problem. The desired end result of indigenous conflict resolution mechanisms and institutions in building peace among the society is clearly recognized and obeyed by the society.

Key words: - Indigenous conflict resolution mechanisms. Indigenous institutions. Conflict. Elder's (*enesho...* "a").

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1. Introduction

Throughout history, individuals and groups used a variety of ways to resolve their disputes, trying to reach a resolution acceptable to all parties. There is a common belief in all cultures that it is best to resolve disputes and to reach an agreed end to them, because conflict is a destructive force, Shamir, Y. (2010).

Societies world-wide have long used indigenous mechanisms to prevent and resolve conflicts. In every community, systems of indigenous conflict resolution often based on community customs, familial relationships, or embedded in institutional practices run alongside the formal state sanctioned processes, Macfarlane (2007).

In a society where the majority is poor with widespread illiteracy culminating in lack of access to justice and the high cost and scarcity of lawyers, traditional conflict resolution stands out as the best method of conflict resolution. In Ethiopia, many rural and village communities do not refer complaints to the police or prosecuting authorities, but instead deal with them using indigenous tribal processes, Macfarlane (2007) and Gowok (2008).

In Ethiopia various indigenous conflict resolution mechanisms has been practiced for many centuries, Gowok, (2008) and Endalew (2014). These indigenous conflict resolution mechanisms are deeply rooted in different ethnic groups of Ethiopia. They are associated with the cultural norms and values of the peoples and gain their legitimacy from the community values instead of the state.

A community process involving the identification of the root cause of the problem, and bringing all parties involved to address the underlying issues.

This usually ends with the guilty accepting wrong doing, leading to reconciliation which may include compensation or just forgiveness, Murthi (2006).

1.1. Statement of the Problem

In Ethiopia, the use indigenous conflict resolution mechanisms have been practiced for centuries. Even today in rural areas, dispute resolution processes are widely practiced and deep rooted with varying degrees among the

different ethnic groups in the country, Kelemework Tafere (2011). However, Indigenous conflict resolution mechanisms are not well recognized by law and not properly organized, Endalew (2014). Furthermore, in Ethiopia, there is lack of proper attention given to protect, develop, and utilize indigenous conflict resolution mechanisms in the peace building as well as development process.

Conflict resolution and peace building mechanisms remain problematic for most societies in Africa including in Ethiopia, as most of them are trying to imitate western modalities rather than using their own indigenous institutions. However, the role this important institutions play in solving the disputes is becoming weak with time.

The indigenous institutions were not integrated with the formal government conflict resolution mechanisms. Hence, this study will contribute to fill this gap and contribute to stimulate debates on how to develop the indigenous knowledge in peace-building.

1.2. Objective of the Study

To assess the role of indigenous conflict resolution institutions in peace-building in Boro-Shinasha Society.

1.2.1. Specific Objectives

1. To assess the roles of indigenous conflict resolution institutions in the Boro-Shinasha society.
2. To assess the interactions of indigenous institutions with formal conflict resolution institutions

1.3. Research Questions

The study answers the following research questions.

1. What are the roles of indigenous conflict resolution institutions in the Boro-Shinasha society.
2. How are the interactions of indigenous institutions with formal conflict resolution institutions?

2. Literature Review

2.1. Concepts of Indigenous Conflict Resolution

Indigenous knowledge systems are a body of knowledge, or bodies of knowledge of the indigenous people of particular geographical areas that they have survived on for a very long time. Local knowledge that is unique to a given culture or society. Indigenous knowledges are forms of knowledge that have originated locally and naturally, Makunike, B., & Mawere, M. (2015).

Indigenous conflict resolution mechanisms focus on the principles of empathy, sharing and cooperation in dealing with common problems which underline the essence of humanity (ubuntu), Murithi (2006). Cultural approaches to resolving and managing disputes play a vital role in promoting peace and social order in communities. Cultural values and attitudes provide the basis for interaction and the norms by which individuals and communities live. These also promote sharing and equitable distribution of resources, thus promoting a climate for peace. African cultural principles relate to the very essence of existence and being human and how all humans are inextricably related.

Therefore, peacebuilding is underscored by the principles of reciprocity, inclusivity and a sense of shared destiny between people. It provides a value system for giving and receiving forgiveness. This is because society places greater emphasis on communal life. Therefore, creating and sustaining positive mutual relations, are shared tasks involving everyone. It is believed that people are linked to each other including disputants as perpetrators or victims, Murithi (2006).

2.2. World Perspectives of Indigenous Conflict Resolution

Indigenous approaches to conflict resolution vary considerably from society to society, from region to region, from community to community. There are as many different indigenous approaches to conflict resolution as there are different societies and communities with a specific history, culture and custom. To date, indigenous approaches to conflict resolution have not been adequately addressed by scholarly research and political practice. For the most part, they are widely ignored although empirical evidence from relatively successful cases of conflict resolution demonstrate their practical relevance, Boege (2006).

2.3. Africa Perspectives of Indigenous Conflict Resolution

Disputes have existed in all cultures, religions, and communities since time immemorial, as long as humans have walked the earth. Philosophies and procedures for dealing with conflicts have been part of the human heritage, differing between cultures and societies. Nations, groups, and individuals have tried throughout history to manage conflicts in order to minimize the negative and undesirable effects that they may pose.

In traditional Yoruba societies of Nigeria disputes are usually managed such that they do not degenerate in to violence and armed conflicts. The early intervention of the agba (elders) in reconciling disputing factions usually saved conflict situation from escalating in to violent situations. Whenever, there is disputes between individuals

and different parties, primacy is given to restoring the relationships, so the hurt feelings and to reach a compromise on improving future relationships, Fayemi Ademola Kazeen (2009).

2.4. Ethiopia Perspectives of Indigenous Conflict Resolution

The Ethiopian society being one of the diverse societies in Africa is rich with different types of indigenous conflict resolution mechanisms. The different nations in Ethiopia have their own way of resolving conflicts, and these indigenous mechanisms and institutions play a significant role in the community's wellbeing, stability and security. Indigenous conflict resolution mechanisms were given little attention by Ethiopian regimes in the past. But, this does not mean that they were never used at the local level. People used them at the local level but the attention given was very minimal. However, the current Federal Democratic Republic of Ethiopia government has provided constitutional recognition to the indigenous dispute resolution mechanisms and institutions in Ethiopia. Ethiopia has for centuries been using traditional methods of dispute resolution. The institutions of Gadaa among the Oromo, the Shimagelle by the Amhara and the other ethnic groups were used, Shipi M.Gowok (2008).

3. Research Methodology

3.1. Research Design

Qualitative research is the means for exploring and understanding the meanings of individuals or groups ascribe to social or human problems, Creswell (2009).

Moreover, qualitative research is preferred to collect data about human life realities, experiences, behavior, emotion and feeling, organizational function, social movement, cultural phenomena and their interaction with nature, Straus and Corbin (1998). Therefore, for this study, the researcher used a qualitative research method.

3.2. Method Data Collection

To obtain the necessary data from concerned bodies, the researcher relied on both primary and secondary sources. The primary sources included informants such as community elders, disputants, court officials (judges), police officers, youth, and local authorities (local administrators). This was done through interview, focus group discussions and participant observations

With regards to the secondary sources, the researcher collected data's from published academic journals and published journals of professional associations and books.

3.3. Research Sampling Technique and Sample Size

Purposive sampling technique used to select the participants from community elders and police officers and others. In terms of sample size, the researcher employed interviews with 8 key informants, i.e. six key informants were community elders and one key informants from court officials (judges), one key informant from police officers. Two FGDs were conducted from different target groups such as elders, youth and local authorities. Each FGD will have eight discussants. Two ritual ceremonies related to the study were observed by the researcher related to the study.

3.4. Data Analysis Technique

Qualitative research method analysis was done. Thematic analysis technique also used to analyze qualitative data.

4. Result and Discussions

According to the community elder's ... "*enesho 'a'*" informants, the processes of conflict resolution are rooted in cultural and traditional mechanisms among Boro-Shinasha community. Each of the clans has the common rules and procedures of dispute resolution. The elders strongly underscore that all Boro-Shinasha community irrespective of their clan affiliation, areas of residence or changes in national politics are governed by the same custom and indigenous dispute resolution mechanism. The Boro- Shinasha's have a strong sense of respect to the legendary traditional rules and guidelines that descended to them from their predecessors.

The Boro-Shinasha's believe that all disputes within their ethnic group should be settled on the basis of the long standing endogenous approach to dispute resolution- "*Nemmo 'a'*" institution consists of specified guidelines and rules on how to handle conflict cases, with different levels.

The main actors in conflict resolution are the "*enesho 'a'*"-literally mean the community elder's. Among Boro-Shinasha's any respectable "*enesho 'a'*" qualifies to settle conflicts.

Indigenous conflict resolution in the community are highly operated by the community elders...enesho; who are experienced and has the knowledge of customary laws, rules and procedures. However, the women do not have a place in dispute resolution as of actor. The majority of disputes among the community are settled, as the fear of social isolation (ostracism). The customary rules and procedures in resolution of the dispute are the same in all clans of the ethnic group, even though they are unwritten and not codified. They pass from generation to generation orally. Particularly, in the conflicts that result human death among the Boro-Shinasha society, elder of the offender's clan promptly bring the case to the elders known as "*Nhinna's'*": literally, ritual-father of

purification; to resolve the dispute amicably before the clan of the victims seeks or takes revenge. For this kind of conflict situations, “*Nhinna’s*”: literally, ritual-father of purification used a very unique indigenous conflict resolution institution with rigorous procedures and decisions to solve the problems. This institution is known as, “*Sh’erraa*”. Such kind of disputes are resolved by conducting the ritual-reparation, like homicide case. The ceremony of dispute resolution ritual is also called *Shrree Amaa/Shrree Kesha*; literally mean the process of purification. It is the ritual-father of purification-*Nhinna’s* that involved in resolution of disputes of such kind. Based on the FGDs, the indigenous conflict resolution mechanism in the community is also conducted by elders selected or elected by the conflicting parties themselves, particularly in civil matters. If the dispute is not resolved through selected elders, the parties have an optional hierarchically established tribunal for civil matters, known as; *Buri Kora; Nemma and Terra-tribunals*. However, in criminal matters the ritual-father’s-of-purification together with respected elders played a vital role in conflict resolution. In criminal related matters, conflicts are resolved through a well-known practices and mechanisms in the community to resolve disputes. They are *Falla, Sherra, Tsalla mechanisms*.

The study finding based on the interactions of indigenous institutions with formal conflict resolution institutions, shows that: The FDRE constitution, under Article 34(5) and 78(5) recognized the application of customary laws in civil and personal matters provided that the parties to the dispute agree to the jurisdiction of the customary courts and law in question, FDRE Constitution, 1995).

That mean, the constitution has provided recognition to the indigenous dispute resolution mechanisms on the civil and personal matters.

Similarly, under Art.37(1) of the FDRE constitution: “Everyone has a right to bring a justifiable matter to and to obtain a decision or a judgment by, a court of law or any other competent body with judicial power”. The intention of this article is to promote’ right of access to justice”. That mean, the constitution recognizes the customary courts with judicial power to adjudicate disputes relating to civil and personal matters.

According to the informants, FGD and observation’s, some of the indigenous conflict resolution rules, are against the basic legal norms. This is because, the mandatory action taken by the ritual-father of purification for the exile of the offender and blood compensation considered as double jeopardy.

In Boro- Shinasha’s indigenous conflict resolution the right to equality, particularly women’s participation as elder or ritual-mother of purification is unexpected. Therefore, the indigenous conflict resolution rules of these society are gender-biased. The horrifying ritual practices used in criminal related dispute resolution has a psychological trauma, that violates the constitutional principle of the “right to liberty”. The absence of clear policy direction in the application of indigenous conflict resolution mechanisms has been found to be a problem. However, the indigenous conflict resolution institutions used among these community are very vital on the basis of peace-building among the communities.

5. Conclusion and Recommendation

5.1. Conclusion

The relevance and application of the indigenous institution’s in dealing with conflicts that may arise as civil as well as criminal related is vital in the Boro-Shinasha society. The main actors in conflict resolution are the “*enesho ‘a’*”-literally mean the community elder’s, who are very respectful and has a due acceptance by the community.

The absence of clear policy direction in the application of indigenous conflict resolution mechanisms has been found to be a problem.

5.2. Recommendation

The communities still prefer indigenous conflict resolution processes as they are based on cultural concepts, values, and procedures that are understood and accepted. Therefore, the concerned bodies, particularly the government should have a policy how the indigenous system to be incorporated into the contemporary conflict resolution system.

The indigenous conflict resolution institutions should be given due attention by the government. It needs to strengthen their effort and recognize the community elders... “*enesho “a”*” contributions in peace-building.

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