

Traditional Conflict Resolution Mechanism in Ethiopia: (The case of Enashma of the Boro- Shinasha Community, Benisahnkul- Gumuz Regional State)

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ABSTRACT

This study deals with traditional conflict resolution mechanisms in Boro-Shinasha community in BGRS with particular emphasis on Metekel Zone, Bullen Woreda. The study examines the role of Enashma traditional conflict resolution mechanism in handling conflict to maintain peace and stability. To realize the intended objectives, the study utilized case-study research approach with qualitative research method and the data were collected using observation, interview, focused-group discussion and document analysis. The data collected were analyzed and interpreted through word description and narration. The study finding reveals economic and socio-cultural factors were the major causes of conflict. Land related and marital conflicts were the main causes of conflict related with economic interests and socio-cultural factors. The study demonstrated different types of conflicts ranging from simple insult to homicide get resolved through a well established traditional court-like system known as Enashma. The study further have found the interaction of Enashma institution with the formal court structures. The working relationship between the Enashma traditional conflict institution and formal court institution is attractive. The formal court structures refer the case to elders or the Enashma institution and needs the result back in both civil and minor criminal cases. But, they do not have formal interaction, they do have informal recognition that each understands and respects the works and decisions of the other without having official contact. According to the data obtained from the interview and focus group discussion, Enashma traditional conflict resolution mechanism has several advantages over the state law. Some of the advantages are restorative capacity, accessibility, revealing crime committed without witness and its acceptability. Paradoxically, the exclusion of women in the system, no standardized mechanism to fix payment of compensation for different conflicts, lack of supportive and strengthening measures from the government and lack of office for local elders are the major weakness of the institution as the information obtained from key informants. Therefore, the study recommended that all the stakeholders should be responsible to solve the weakness of Enashma traditional conflict resolution mechanism in the study area.

Key Words: Enashma, Conflict, Resolution, Customary laws

CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

Conflict is not a new phenomenon in the history of human beings. It always exists as long as human beings live together, and it is an inescapable human experience. Conflict can be understood as engagement in a fight or possible confrontation between two or more parties as aspiring towards incompatible or competitive means or ends. Conflict may be either manifest, recognizable through actions or behaviors, or latent, in which case it remains dormant for some time, as incompatibilities are unarticulated or are built into systems or such institutional arrangements as governments, corporations, or even civil society (Miller, 2005)

Conflict is part and parcel of the nature of human beings. It is a fact of life. There is only one human being which is free of conflict that is a dead human being. Conflict is an inevitable phenomenon that cannot be avoided in human society's sphere of life since the entire life of humankind is manipulated by the prevalence of conflict within the society when people set opinion against opinion, run interest against interest. Wherever people interact, there is a potential for conflict. That is not bad news because good things can rise, and relationships can be improved through conflict (Galtung and Jacobsen, 2002).

Conflict can be prevented and managed by adhering to the values and principles of the constitution and other laws, and identifying the common shared values interest and goals and working together on common problems. There are two ways of conflict resolution methods, i.e. the formal and informal. The formal method is conducted in the court through litigation with official recognition of the government and tends to be more strictly examined and monitored whether there are signs of impartiality, entrenched inequities and lack of due process. Informal method or sometimes called indigenous conflict resolution method is the ancient set of practices in almost all the societies in the world with an ultimate application of third party arbitration and mediation (Abraham and Yasin, 2000).

Ethiopia is a country in which various ethnic groups live together for long period of time. Each group has its own indigenous mechanisms for solving conflicts. Accordingly, Benišangul-Gumuz

Regional State is the home of many multilingual and multicultural societies who have their own varieties of customary practices which referred among some scholars as ‘museum of culture’ (Abebe, 2002).

The Boro-Shinasha community is one of the communities in Benišangul-Gumuz Regiona State, which has its own varieties of customary practices. Among these practices they have traditional conflict resolution mechanisms which are more than helping people to build solidarity and peaceful coexistence among them. It has a gap filling role for the state made laws. In Boro-Shinasha community, traditional conflict resolution mechanisms are known by variety of names, but they do have common goal i.e. resolving the conflicts especially personal and family peacefully through mediation, conciliation, and arbitration mechanisms. Enashma is the most known and practiced traditional mechanisms with local jurisdiction.

Thus, this study is intended to explore the role of Enashma as traditional conflict resolution mechanism in Boro-Shinasha community in handling any sort of conflict in BGRS with particular emphasis on Metkel Zone, Bullen Woreda.

1.2. Statement of the Problem

Diverse Ethiopian societies have their respective indigenous conflict resolution institutions. They use their traditional mechanisms to deal with conflict which are both inter-ethnic and intra-ethnic in nature. In this regards, in Ethiopia, researches have been done by different researchers. They generally examined the various types of disputes and number of cases handled by indigenous conflict resolution institutions. The indigenous wisdoms employed to manage the various types of conflicts and the interface within indigenous institutions and between formal have been researched by different scholars that explored diverse causes of conflict and mechanisms of conflict resolutions based on the socio-economic and environmental settings of their study societies. Some of these are:

A research carried out by Uthman (2008) on the role of the Abegar (Divine father) in conflict resolution the case of Northern Wollo indicated that the Abegar institutions utilize a great variety of schemes and approaches for inter-personal or inter-group compromise for sustainable solutions to conflicts as it is not a top down approach but rather bottom up.

The cause of conflict among the Derba Oromo of Northern Shewa is economic implies right to land and other forms of property and social relations includes quarreling between marital partners because of jealousy, adultery, insult and the like,(Demissie, 2005).

Similarly, a study conducted by Zigale (2016) on an alternative Conflict Resolution Mechanism in Eastern Ethiopia: the Case of the Ittu Oromo and Issa Somali Clans. The researcher predominantly focused on the process, role of the elders, as well as actors in the conflict resolution.

Further, Tsega (2005) conducted his study on Luba- Basa and Harama- Hodha: Traditional Mechanisms for conflict Resolution in Metekel, west Gojam. The word Luba-Basa is translated as liberating or making free while the word Harma-Hodha refers to sucking at the breast. The writer in his finding showed that, if refurbished, these institutions can be of a paramount importance to policy makers and practitioners. He further added these institutions are intra as well as inter-ethnic conflict resolution principles and are widely applied in many parts of Ethiopia and can even meet demands outside Africa.

Moreover, Ethiopian societies apply different customary mechanisms to resolve or manage the diverse forms of conflict that arise within their ethnic groups or nearby communities. Supporting this idea,Ephraim inSolomon, 2014 reported that throughout Ethiopia, among the ArsiOromo (Jarsa-Biyya), the Amhara (Yeager-Shimagle), theGurage(Yejewoka-Shengo), the Wolayata(Deira-Cimma) and other ethnic groups looked up to and their role in reconciliation is highly regarded.

However, the mechanism of the Enashma conflict resolution of the Boro-Shinasha community has not been studied by scholars. Therefore, the study was intended to search the issues dealing with the role of Enashmatraditional institutions of Boro-Shinasha communities in handling conflict/disputes.This issue prompted the desire of the researcher to make inquiries in order to assess the role of Enashma indigenous conflict resolutions in settling disputes and identify the strengths and weakness. Therefore, the general purpose of this study was probe the Enashmatraditional conflict resolution mechanism of Boro-Shinasha community in handling any sort of conflict in the study area and the strengths and weakness of the institution.

1.3. Objectives of the Study

This research has the following general and specific objectives.

1.3.1. General Objective

The general objective of this study is to explore the “Enashma” traditional conflict resolution mechanism in handling conflicts in the Boro-Shinasha communities: in the case of Bullen Woreda, Metkel Zone, Benišangul-Gumuz Regional State, Ethiopia.

1.3.2. Specific Objectives

The specific objectives of this research are:-

- ✓ To find out the types and causes of conflict and Enashma traditional institutions of conflict resolution in the study area.
- ✓ To examine the strengths and weakness of Enashma traditional conflict resolution mechanism.
- ✓ To identify the norms and principles applied in the process and procedure of conflict resolution and reconciliation mechanism at Enashma institution.
- ✓ To explore the interaction between Enashma traditional conflict resolution and formal institutions of conflict resolution.
- ✓ To investigate role and place of women in the conflict management practices.

1.4. Research Questions

This research is supposed to address the following research questions:-

- ✚ For which types and causes of conflict is Enashma used as a means of conflict resolution in the study area?
- ✚ What are the strengths and weakness of Enashma traditional conflict resolution mechanisms?
- ✚ What are the norms and principles applied in the process of Enashma conflict resolution mechanisms?

- ✚ How do the Enashmatraditional conflict resolution and formal institutions of conflict resolution interact?
- ✚ Do women have contributions in Enashma traditional mechanism of resolving conflict?

1.5. Significance of the Study

The findings of the study are intended to provide a brief, reliable and up-to-date account on the role of Enashma traditional conflict resolution mechanism in Bullen Woreda in handling conflicts among the Boro-Shinasha communities. Since there is no professional writings on the role of Enashma traditional conflict resolution mechanism in handling conflicts among the Boro-Shinasha communities, the study is contribute to the limited literature on traditional conflict resolution mechanisms and it will serve as stepping stone for those interested researchers to carry out in-depth studies on similar topic in region-wide or in nation-wide. It is also assumed to serve as a relevant and reliable ground for policy makers, development partners (government bodies, civil society groups, community based organizations, etc.) in their endeavors towards initiating, implementing, managing and supporting the holistic and sustainable development of the study area and other similar localities of the state. Further, the study shows the relevance of Enashma traditional conflict resolution methods in settlement of conflict especially as household, inter-ethnic, land disputes etc across the study area.

1.6. The Scope of the Study

The study is limited to explore the role of Enashma traditional conflict resolution mechanism in handling conflicts in the Boro-Shinasha communities with particular emphasis on Metkel Zone, Benishangul- Gumuz Regional State on the main route to the Great Renaissance Dam of Ethiopia. This study was delimited only to Bullen woreda. The main reason behind selecting this woreda is as per the information gathered and from researcher familiarity about the area; is that it is the place where Enashma traditional conflict resolution institution is highly practiced and also according to 2007 Ethiopian census report, the total population of this woreda is 45, 523 among this the majority (48 %) of the populations were Boro-Shinasha peoples. Due to the nature of the topic the researcher used qualitative method.

1.7. Limitations of the Study

To start with issue of language, I am native speaker and I had no language constraint with the studied community. But this does not mean that my research is free from any problem. During this research process, there had been a number of constraints and limitations. There were infrastructure and time limitations. Due to shortage of time, I was unable to observe the formal procedure of Enashma in resolving conflict particularly Fala (Shir Damiya), which is the final or highest 'judicial' organ in Enashma traditional conflict resolution mechanism; and it is the only court which handles homicide cases and cases of sexual intercourse between relatives. The other limitation was, most of my informants are very busy and engaged in many activities, it was very difficult to meet and make conversation with them for a longer period of time. So, I tried my best to get as much of their time as possible by joining them, in which I fairly succeeded. Moreover, sometimes there was a problem of reluctance from some informants because of lack of awareness about the issue. But after I made the issue clear, respondents become volunteer and work cooperatively.

1.8. Organization of the study

The research is organized into five chapters. The abstract outlines, the overall findings and summary of the research so that readers can grasp the core premise of the thesis. The first chapter introduces the readers to the background of the study, statement of the problem and objectives of the study. This chapter also outlines the scope and significance of the study, ethical consideration and limitation of the study. The second chapter is concerned with the review of related literature in the area of the research topic. It discusses the definition of terms and concepts of conflict, various approaches and methods of conflict resolution. The third chapter was about the description of the study area and the people and research methodology. The fourth chapter contains analysis and interpretation of data where as the last chapter is devoted to summary of major findings, conclusions and recommendation.

CHAPTER TWO

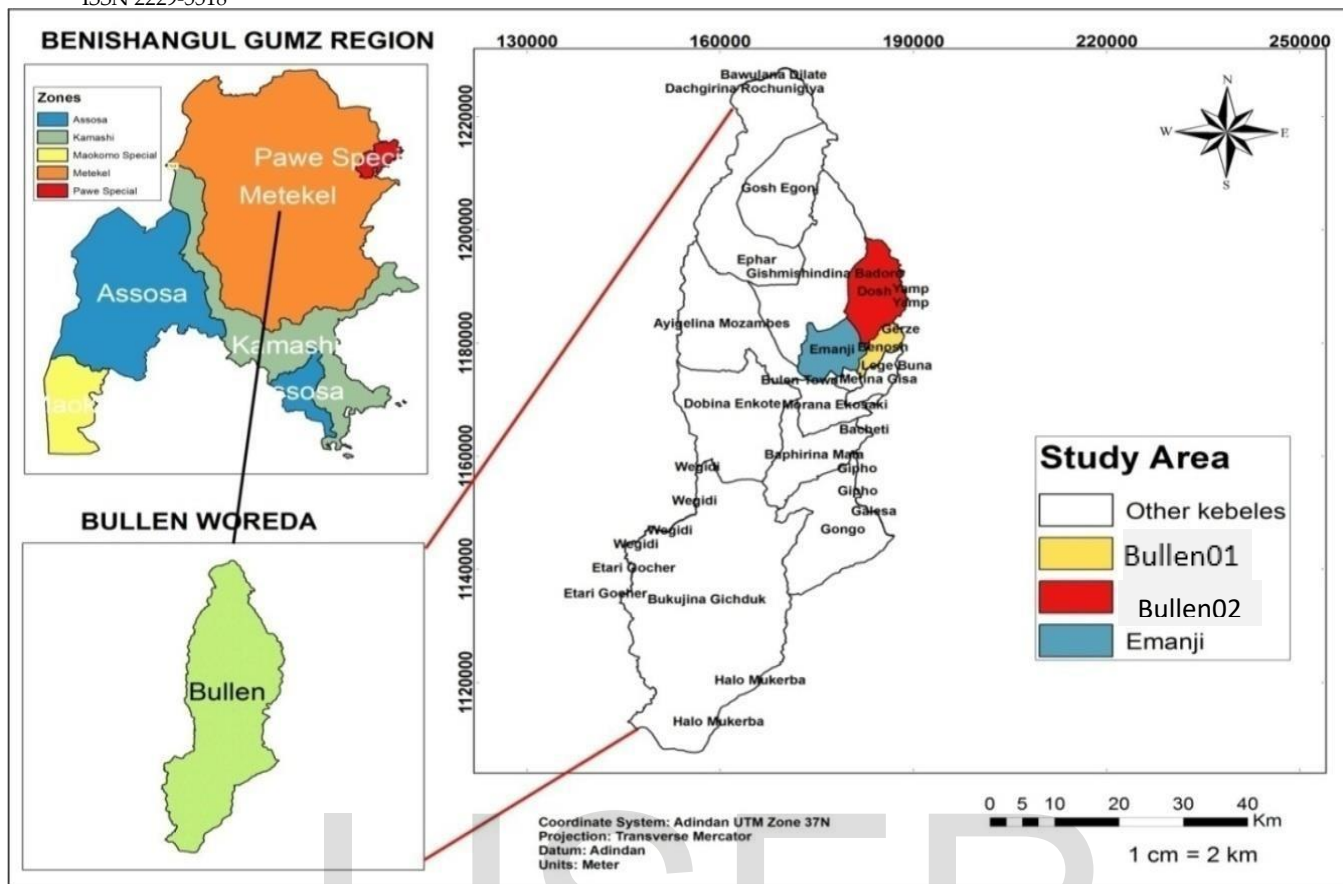
2. RESEARCH METHODOLOGY

2.1. Description of the Study Area

This study is conducted in Bullen woreda, Benishangule- Gumuz Regional State. This section gives a brief description of the study area. The information provided in this section include:- background information on the geographical setting and climatic conditions of the study area; brief historical background of the Boro-Shinasha; major livelihood strategies; some background on socio – cultural systems of Boro-Shinasha community.

2.1.1. Geographical Setting and Climatic Condition

Benishangul Gumuz Regional State is one of the four regional states of the Federal Democratic Republic of Ethiopia, (FDRE) referred to as ‘emerging states’. The region is located in the northwestern part of the country bordering Amhara regional state in the north and north east; with Oromia regional state in east and southeast; Gambela regional state in the south and with Sudan and south Sudan in the west and southeast (BGRS Communication Bureau). Geographically, the region is estimated to cover a total area of 50,380 km². It is located between 8.90 N and 12.010 N latitude and 34.100 E and 37.040 E longitudes. The region accounts to about 4.48% of the total land area of the country.



Source: Ethiopia Central Statistical Agency, 2007

The mean annual temperature of the region ranges between 23-33°C in the low land and 10-15°C in the highland with a slight variation of temperature by months. The months from February to May are the hottest months of the year while the time between June up to January tends to be the coldest months. The rainy season of the region starts in May and runs up to end of October with the highest rain concentration being in June-August, (Ibid).

According to the national census result of the population projection figures in July 2012, there are 982,004 people residing in the region. Of this total number, 499,004 are male and 483,000 are female (CSA, 2012). There are different ethnic groups residing in the regional state. Notwithstanding the recognition of other peoples living in the region, the BGRS constitution at article (2) proclaimed that the indigenous nation nationalities of the Region are Berta, Gumuz, Shinasha, Mao and Komo.

Administratively; the region has three administrative zones namely; Metekel, Assosa and kamasshi zones. These zones are sub structured into nineteen (19) woredas, one special woreda (Mao-Komo), one city administration and four hundreds seventyfive kebeles. The capital city of the region; Assosa is located West of Addis Ababa at a distance of 752 kilometers.

According to the information obtained from Magazine entitled “Keleliachen” prepared by BGRS, December 7/2014), Metekel zone is located in northwestern part of the country. The zonal capital city is Gilgel Beles located at a distance of 547 km to west of Addis Ababa and 378 km to the East of the regional capital city, Assosa. The total size of the zone is 26, 303.07 Square kilometers. The climatic conditions of the zone include Dega, Qola, and Weyna Dega climatic conditions. It is structured into seven woredas; namely Bullen, Dibate, Wonbera, Guba, Dangur, Pawi and Mandura and one hundred sixty seven kebeles, It is bordered Amhara regional state north and north east; Kamasha zone in south; north Sudan and Blue Nile in west and Oromia regional state in southeast and east.

The total population of Metekel zone is 346,112. Of this, there are 174,105 males and 172,007 Females, (CSA, 2012). The recognized native ethnic groups of Metekel zone are Shinasha and Gumuz ethnic groups. However there are large numbers of other ethnic groups residing in the zone for long time Bullen woreda is one of the woredas found in Metekel zone where the study is carried out. The woreda is located to east of Gilgel Beles, Northwest of Addis Ababa at a distance of 590 kilometers, East of Assosa at a distance of 469 km. Bullen woreda is mostly mountainous and the average elevation ranges from 900 to 2300 meters above sea level. Its climatic condition is comprised of 85% Qola, 10% Weyna dega and 5% Dega. Bullen woreda is structured into 19 kebeles and the total number of its population is 57,122 (Male 29,300 and Female 27,822), (CSA, 2012). Names of kebeles of Bullen woreda are Dosh, Banosh, Emanji, Epar, Addis Alem, Saga, Baruda, Dobi, Mora, Ayegalli, Chelanqo, Bullen Quter Ande, and Bullen Quter Hulet, Meti ena Gisa, Bakuji, Gongo, Dora Qela, Dora Jelja and Mata.

Among these kebeles of Bullen woreda Bullen Zero And, and Bullen Zero Hult, Dobe, Meti ena Gisa, and Emanji are locations where the study was specifically carried out. The two largest ethnic groups residing in the study kebeles are Boro-Shinasha and the Gumuz.

2.1.2. Brief Overview of History of the Boro-Shinasha

Every community has its own origins, traditions and settlements patterns. The Gonga peoples relate their traditions of origin mainly to the Middle East. The word Gonga is familiar to the Boro-Shinasha. Gonga is commonly used for many centuries by the Shinasha people from various localities of the Shinasha settlement area. However, different historical documents described that the term Gonga was used by the people of Ennarya as far as Kafa to the south, (Abebe, 2012). Therefore, Gonga seems to be a common term representing Kafa, Sheka, Boshasha and Hinnaro dialects of the southwestern region as well as the Anfillo and Shinasha Languages, (Ibid). This further reaffirms that the people to people relation or the forum of Gonga people which was conducted among Boro-Shinasha, Kaffa and Sheka in 2008 to strengthen the economic, social, and cultural relation which was interpreted relation among them by various factors for more than four thousands of years.

On the other hand, there is a place name Gongoin the districts of Bullen and in close proximity to Galasa area and also there is a name of Shinasha clan known as Gonga. Thus, these accounts suggest the long use of the term Gonga in the Shinasha localities based on one of their clan named Gonga.

The Shinasha claim their original homeland to be Biblical Canaan, (Tsega, 2005). According to oral and historical accounts of the Shinasha, they were led by one of their ancestral fathers called Hamati who was believed to be one of the sons of Canaan, (Ibid). According to Tsega, Hamati was instrumental in leading the Shinasha to cross a river known as Walel which they associate with the Red Sea. Similar to the Israelites who crossed the Red Sea after it was divided and laid open by God during the Exodus led by Moses, the Shinasha crossed the Walel (Red Sea) led by Hamati and entered Egypt, (Ibid). They are said to have left their country in search of pastureland and moved first to Egypt where they lived for a time and moved on to Ethiopia until they reached and settled in Shawa, (Ibid).

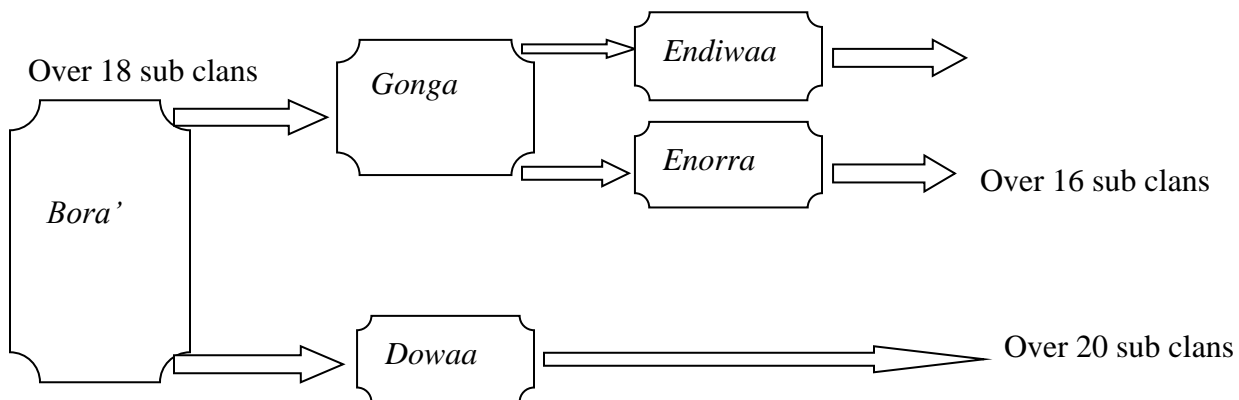
Before these names were given to the community, the native name for Shinasha according to local narratives was 'Boro' as they are called nowadays Boro-Shinasha, (Addisu, 1992). Perhaps, various scholars explained that Shinasha people originally inhabited the Ethiopian Highlands and were alien to Benishangul-Gumuz until recently due to population pressure and military expeditions of Christian highland kingdoms in 16th c and search of pastureland are still the driving forces behind the move into Gojjam and adjacent territories on both sides of the Abbay, (Alfredo and Víctor, 2014).

According to Addisu, 1992 and Elders of Boro-Shinasha people stated that even if they could not protect and preserve socio-cultural practices (language, custom, tradition and beliefs) due to various influences, the Shinasha are still residing in large numbers in places located in Wollega around Amuru, Nejo and Horro Guduru, Gondar, and Kaffa.

The Boro-Shinasha people moved into Benishangule Gumuz regional state in Metekel zone due to forced military expeditions from the Christian kingdom in 16th c and Oromo population expansion. These historical developments in Ethiopia have a profound effect on their socio-cultural system and identity as well as decreasing of their population number in Ethiopia. As the result of these historical events a majority of the Boro-Shinasha was assimilated in northern Wallaga and southern Gojjam. They were subsumed into the Amharic, Agaw and Oromo speaking groups, (Tsega, 2002).

Now days the people are widely settled in Metekel Zone mainly in Bullen, Dibate, Wonbera and Dangur woredas. Mostly, there are also Gumuz, Amhara, Oromo and Agaw people living with them. There is high flow of internal migrants from neighboring regional states, particularly; majorities of them from the Amhara regional state to the study area due to several economic and socio-cultural factors. Most of the factors that attract migrants included land availability in the destination areas, the need to control lucrative land; peer and kin relation, the need for better life; geographical proximity of the migrants and scarcity and degradation of the land at the migrant's localities (Wodisha and Taye, 2009).

2.1.3. Clans classifications in Boro-Shinasha



Source: Elder informants' of the study area (Bullen wordea *Kebele Zero And and Kebele Zero Hult*), March, 2017.

Accordingly, marriage in the society is understood as social systems which consolidate cohesion; it is also perceived as a bond that firmly fixed and makes the interplay more cheerful. Therefore, it is considered as a means to an end (peace), though, peace is also the means and end to cheerful interplay in the community. In effect, it encourages smooth communication and interplay among the groups. In addition, the society perceived the benefits of marriage to not only to the marriage couples but also to the society, (Wodisha, 2010). Beyond the aforementioned advantages of clan based social organization another benefit is related to the ritual leadership. The clan leaders give their blessings in various social occasions including marriage, conflict resolution and to preserve and transfer their culture for next generation.

The Boro- Shinasha uses their clan pattern as a mechanism of conflict resolution among the clan in order to create peace and security in the surrounding environments. Even though, the clan classifications exist in Boro-Shinasha community, there is no hierarchy defining the different clan groups as being superior and/or inferior hence the existing social organization system offer equal voice and peaceful co-existence.

In addition to clan based social- organization, the people have their own traditional self-help social grouping around their surrounding communities. As informants explained, the major traditional self- help social groupings found in the area include *Dawaa*, *A'rra*

and *Dada/Tula*. “*Dawaa*” is a community level voluntary self-help association consisting of 15-30 people who come together to assist each other in different agricultural related or house construction activities (roof thatching, fencing) for one full day. “*A’rra*” is also the same as “*Dawaa*” the only difference is in the number of membership which is limited to a total number of up to five (5) individuals. “*Dada*” is a self-help social institution in which only women’s come together to assist each other in cotton spin.

2.1.4. Brief Overview of Marriage Systems among the Boro-Shinasha

In socio-cultural practices of the Boro-Shinasha community, intra-clan marriage is not allowed and is defined as an incest marriage. When marriage is proposed, as a way of avoiding such intra-clan marriages they have to count the blood trees up to seven bloodlines. Unless the marriage proposal could not be approved by *Tss’tsa’ Neheyya*; the ritual fathers for the expected couples, (Wodisha, 2010). The informants also revealed the reasons for banning intra-clan marriage among Boro-Shinasha community. First it is banned to avoid chances of giving birth to child with disability. Secondly intra-clan marriage is believed to cause unwanted death within the family, and thirdly divorce is not recognized in the socio-cultural system of Boro-Shinasha. This establishing marriage within intra-clan is considered as taboo; ‘*Nuwaa*’ in community. The informants expressed the results of intra-clan marriage as follows:

Children born among related couples cannot grow properly. Even, the couples are physically inflicted and they give birth to children child who has biological defects as lacking bone, being physically impaired and disabled. Even if they give birth to abnormal child, it will die at a very infant stage or later in his/her life.

In case related people end up in marriage, they face extreme social ostracisation and the family and relatives of the two couples could no longer eat, live and drink together as usual unless they get divorced through *Tss’tsa’ Neheyya* by performing the ritual of *Fala*. *Fala* is the ritual which the Boro-Shinasha conduct for the purification or cleaning of the couples from their taboo; ‘*Nuwaa*’. Hence, in the tradition of Boro-Shinasha community to purify marriage and to avoid the potential of harms that results from incest marriage, the community counts the bloodline of the couples up to seven generation before establishing marriage.

Hence, the marriage institution among the Boro-Shinasha is mostly conducted and protected by their socio-cultural system. The traditional value of the Boro-Shinasha defines marriage to be exogamous and not to be conducted among the same clan members. The Boro-Shinasha has five traditional ways of marriages. These are *Wi'rra*; Betrothal, '*Ts'tsa*' (elopement); *Naata* marriage; widow inheritance, *Puriyya* (Abduction) and '*Ji'yya*'; summary procedure marriages. (Addisu, 1992).

2.2. Research Methodology

This section deals with the research approaches, design of the study, sources of data, methods of data collection, procedures of data collection, data analysis and ethical consideration.

2.2.1. Research Approach

Researchers identify three different approaches to the social science research: qualitative, quantitative and mixed method. In order to attain the intended objectives of the study, the researcher employed qualitative method particularly a case study approach for its appropriateness to explore the role of Enashmainstitutions in resolution of conflicts among the Boro-Shinasha community in the study area. Qualitative approach is selected because of its very helpful contribution to gather firsthand and rich ethnographic information, and to understand the social, economic, political and religious life of the society. Beside, qualitative research is preferable in order to collect data about human life realities, experiences, behavior, emotion and feeling, organizational function, social movement and cultural phenomena. The data for the study were collected purposively at Bullen, woreda of Metkel zone, Benišangul-Gumuz Regional State.

2.2.2. Design of the Study

This study is designed to be case study research. Reason for using such case study design is that the objectives, research questions and nature of the problem under investigation needs making case studies of Enasham traditional conflict resolution experiences of the Boro-Shinasha community. In line with this, Kothari (2004:36) argue that to investigate practical knowledge from people who have had practical experience with problem to be studied, case study research is useful to obtain insight into the relationship between variables and new ideas relating to the

research problem. Thus, case study design enabled me to examine the role of Enashma traditional conflict resolution mechanism of the Boro-Shinasha community in handling contemporary conflicts in the study area.

2.2.3. Sources of Data

Important data for this research were collected from both primary and secondary sources. The primary sources include informants from Boro-Shinasha community such elders, court officials (judges), police officials, culture and tourism officials, communication officials, Boro-shinasha development association officials, militia officials youth, land and environmental conservation officials and local authorities (local administrators). With regards to the secondary sources both published and unpublished materials such as books, articles, magazines, journals, senior essays, thesis, dissertations and unpublished reports from government and nongovernmental organizations. The information gathered from these sources helped me build conceptual and theoretical frameworks of the study as well as review of related empirical literature to substantiate data with first hand information.

2.2.4. Method of Data Collection

To get the required data for successful completion of the study, important data were gathered by using various types of qualitative data collection techniques which include; observation, key informant interview and focus group discussion.

2.2.4.1. Observation

To get authentic data, observation is one of method of data gathering valuable information. Since what peoples say and do may sometimes contradict with each other. Thus, direct observation is the best solution to observe the role and the norms, and principles of Enashma institution in conflict settlement or resolution among the target society.

According to Stringer (2007), observation in ethnographic research enable an observer to build a picture of life world of the societies being observed and an understanding of the way the ordinary go about their everyday activities. Therefore, the kind of partial participant observations have been made to the three research sites and the natural settings of actual conflict resolution proceedings have been attended repeatedly. This significantly helped me collect valuable

information concerning the types and magnitude of conflict handled at Enashma institution. Beside, major rituals of conflict resolution were attended. This method was employed side by side with examining, recording, photographing case studies of conflicts and the ritual practices taking place at Enashama institution. However, I was a passive participant in such conflict resolution proceedings. Although, my presence might have made some difference I did not have a role to play in any way.

2.2.4.2. Interview

Interview is the major method of data collection techniques in qualitative research. It is very helpful to elicit firsthand information from informants. Interview leads to more extensive process that enable participants to construct more sophisticated and detailed account of their situation, enabling them to see interactions and activities within which problematic events are played out (Stringer, 2007). Therefore, in this research, both informal and key informant interview in-depth interview were employed.

Informal Interview-as Bernand (1994) argued, informal or unstructured interview is an important method of data collection technique on the sensitive issue like conflict. Using this type of interview essential information were collected from different categories of the society (old, and young as well as men and women) who are familiar with the culture of the society under consideration. In this context, informal conversation was made with randomly selected informants at different settings such as work place, market center, and church yard. By using this type of interview valuable information regarding people's perception or attitude toward conflict resolution at *Enashma institution* were gathered. In addition, this method helped me identify or select the resourceful and knowledgeable key informants from the society for in-depth interview.

In-depth Interview- In ethnographic research key informant interview is an important method. It helps the researcher gather sufficient information concerning issues under study (ibid). Therefore, in this study, in-depth interview was conducted with key informants. Key informants were selected purposively, on the basis of their level of understanding and knowledge about the *Enashma* institution. Key informants were selected from different category of population and they were diverse in terms of their social status and authority (see appendix three).

Generally, Six (6) key informants were selected from knowledgeable residents (three from elders of reconciliation, one from church elders and two from youth), fourteen (14) from government officials (two from court judges, two from justice officials, two from police, one from culture and tourism expert, one from communication expert, one from Boro-Shinasha development association officials, one from militia officials, one from land and environmental conservation officials and three from local officials who administered the districts of the region). Accordingly, a total of 20 key informants.

The interview with court, police and militia officials helped me to understand the types, causes and magnitude of conflicts in the study area. It also enabled me to understand the interaction between the formal and Enashma traditional institutions of conflict resolution. Similarly, the outlooks of government officials towards the role of *Enashma* institution in conflict resolution were understood.

In this method, semi-structured interview guides were prepared before going to the field (see appendix one and two). They were set with the intention of guiding the informants, rather than restricting them to answer what were just asked. Thus, through this method valuable information beyond the scope of the specific questionnaires were collected. So, the interview guides were prepared in a manner that they give higher opportunity for the informants to provide what they have without limiting themselves to specific question.

2.2.4.3. Focus Group Discussion (FGD)

According to Bloor and Fiona (2006), focus group discussion is a series of audio recorded group discussion held with differently composed group of individuals and facilitated by the researcher. They also point out that the aim of FGD is to provide data (via the capture of intra-group interaction) on group belief, and group norms in respect to a particular topic or issues. On some specific issues different people may have different concerns. Thus, to look at concerns of different individuals and even to assess their level of understanding on some issue, the researcher used FGD as one method of collecting data.

Therefore, focus group discussion was employed in this study as a major technique of data collection. Accordingly, I conducted two different target groups such as elders and local

authorities, and youth and government officials. Each FGD has five (5) discussants. This is because together diverse information on the types and sources of conflicts addressed by the Enashma institution, the strengths and weakness, and norms and principles of Enashma traditional conflict mechanism. Accordingly, a total of 10 discussants were participated in FGD. During the entire discussion, my role was limited to facilitating the discussion and posing questions when needed.

2.2.5. Procedures of Data Collection

In the process of testing the instruments and collecting data the following procedures were followed. To avoid language barriers, the interview questionnaire was translated into Shinashgna and Amharic language. The questionnaire was administered by researcher in a face to face situation in order to clarify any vague points (if any) there and if additional explanations are there regarding on how to respond is required. In the focused group discussion different groups were formed to incorporate representative, to make the group manageable, and so as to get more information. This is to manage the discussion easily and to control disparity in the issues raised by the members of research.

The focused group-discussions leaders were facilitated and encouraged all group members to discuss freely about any strengths and weakness of Enashma traditional conflict resolution. The focused group-discussions was arranged in the morning in such a way that the group did not get tired and then reasonable time was considered, not too long for fear of exhaustion.

2.2.6. Data Analysis

Bernard (1994) argued that qualitative data analysis heavily depends on the presentation of selected anecdotes and comments from informants- quotes that lead the reader to understand quickly what it took the researcher months or years to figure out. Therefore, based on this certainty, the data that were generated through observation, interview, focused-group discussion and document analysis about Enashma traditional conflict resolution were analyzed and interpreted through word description and narration. Finally, conclusion and recommendation were drawn based on the major findings of the study to show the far reaching implication of the undertaken research both in bringing to light fresh perspective on the study of conflict resolution at Enashma institution among the Boro-Shinasha community.

2.2.7. Ethical Consideration

The study was conducted by considering the ethics of the research. Accordingly, in the courses of primary data collection, every informant was informed about the purpose of the study. I interviewed them and arranged FGD as well as conducted observation only based on their informed consent. Besides, I kept the confidentiality of those informants involved in the casestudies. The full names of conflicting parties involved in the case studies were revealed. Rather, I used pseudonyms.

IJSER

CHAPTER THREE

3. RESULTS AND DISCUSSION

As noted in the literature part, the understanding of conflict differs from society to society depending on the values, customs, traditions, history and geographical location, economic and political situations. Although conflict is a common phenomenon in every human interactions, its types as well as its causes may vary from one society to the other. In some societies, economic factors are the major sources of conflict and in others socio-cultural and political factors are the dominant causes. Regardless of how the society perceives a conflict and whatever the causes of conflict; every society has its own institutions of conflict resolution mechanism which is rooted in the socio-cultural, political and religious life of the society.

3.1. The Perception of Conflict in Boro-Shinasha Community

Based on the information I gathered from my FGD participant, the perception of conflict in Boro-Shinasha community seen in two ways. Some perceived conflict as a misunderstanding and disagreement on issues by parties that directly leads to violence, disturbance of livelihood and destruction of properties. Some other described that conflict is a situation where two or more parties perceive that their interests are incompatible and express hostile attitude towards each other. Accordingly, the community uses two different local terms. For the first category, they say 'Gaweya'; means 'clash'. The second category is represented by the local term 'Man-Tuta' which literally means disagreement. The first view 'Gawya' refers to the actual conflict or fighting that arises between people whom contradiction, attitude and behaviors are observed, explicated and empirical. The second view 'Man-tuta' represents disagreement or conflict that occurs at the level of attitude and contradiction without physical fighting. However, while there is slight difference between the two terms, the society uses them interchangeable to refer to conflict.

In addition, my informants noted that the Boro-Shinasha people perceive conflicts as natural phenomenon in everyday life of human interaction. Hence, they believe that the occurrence of conflicts between or among community members is normal. They use different sayings to show

the natural existence of conflicts between people who interact or come into contact with each other. For example, they say ‘Ashonat Ashon kaye bokone Alberonat Gashone wokine Tuf geto gawefe’ literally means ‘let alone the human each other, the man’s tongue and teeth clash together or the two legs of a man clash each other’. The man’s tongue and teeth or two legs are collide in the processes of performing their function. The analogy is people run here and there to win the challenges of everyday life which is impossible without interaction. They recognize that each individual is different, think differently, and has needs and wants that sometimes do not match but that needs to be fulfilled. This common and inevitable human interaction accompanied by divergent interests and needs leads to the conflict.

3.2. Types and Sources of Conflict in the Study Area

Conflict is natural and cannot be avoided but it is possible to minimize it. The type of Conflict is varying from place to place, from society to society and it is also different based on the type of socio-economic activity of a given society. The cause of conflict in one area may not become a cause for other area. But there are common issues that become causes of conflict elsewhere. This includes political, social and economic issues (Bamlak, 2003).

The data gained from interview and the focus group discussion participants indicates that, the common types and causes of conflict observed among the Boro- Shinasha communities are land and land related, marital related, physical violence, inheritance related, theft, robbery, breach of agreement and trust, insulting and evil-eye. Similarly, conflict occur in North West parts of Ethiopia along Boro-Shinasha communities due to dispute over land, conflict over martial issues, conflict over property, cattle theft, abduction, physical violence, belief in an evil-eye and adultery (Abebe, 2012). Hence, the common types of conflict observed in the study are includes; interpersonal, intra-family, inter-family, intra-ethnic and inter-ethnic conflict.

According to the information collected from Bullen Woreda court and police annual reports of the last two years, land related, marital related, physical violence, theft, inheritance and breach of agreement are the major conflicts that occurred frequently in the area. The following table shows the causes and the magnitudes of conflicts that are presented to the police and court in the last two years.

Table 3.1 Civil and Criminal Cases Taken to the Bullen Woreda Court and Police in the Last Two Years

No	Types and Cause of conflict	Years		
		2008	2009	Remark
1	Land related	458	449	
2	Marital	358	325	
3	Physical violence	30	29	
4	Inheritance related	248	181	
5	Theft	42	39	
6	Homicide	10	7	
7	Attempted to homicide	9	15	
8	Breach of agreement and trust	26	23	
9	Robbery	10	6	
10	Illegal trade	9	13	
11	Corruption	2	1	
12	Insulting	15	18	
13	Rape and Abduction	5	2	
14	Early Marriage	8	8	
15	Widow Marriage	3	4	
16	Others	36	29	
Total		1259	1149	

(Source: Bullen woreda court and police reports of 2016 and 2017.)

The above table shows the various causes of conflicts and its prevalence. These could be categorized into civil and criminal cases. According to informants, most civil cases are usually handled at Enashma traditional conflict resolution institution and majority of these types of conflict do not present before the court. Therefore, the magnitude of civil cases reported to the court might not show the real occurrences of such types of cases.

The data gained from the woreda court and police reports indicate that the primary cause of conflict in the study area is in the area of economic interest, especially land related conflicts. The economic causes of conflict include conflict over land ownership right, claiming tracts of

adjacent farm land, grazing land, inheritance, theft and marital conflict involving right to property. Other causes of conflict like physical violence, breach of agreement, false witnesses, committing adultery and raping which are associated with other socio-cultural or economic factors are also prevalent. These types of conflicts are usually taken to Enashma traditional conflict resolution institution to be settled.

3.2.1. Land-Related Conflicts

Like other ethnic groups of Ethiopia, the Boro-Shinasha people are agrarian society where land deserves a high value. They give high value to land; this can be understood based on the comparison they are making bread and land. That is to say, they are comparing land with the question of bread. In this regard, almost all of my informants argue that, according to their conception, as human being could not be able to survive without bread/ food, the Boro-Shinasha people could not be able to survive without the generosity of their land. To explain more their relationship, they are usually uttering their proverb which says: '*Datso aliyale Tusho/ Misho ali*' meaning no land, no bread/food.

According to the information obtained from informants and official documents, land related causes of conflict are typically complex in the study area. Some degree of conflict usually characterizes a situation involving competing claims to the ownership or use of the same piece of land. This situation significantly increases the possibility of violent conflict between individuals. Others are linked to farmland boundary, grazing land, livestock and human's road, and the like.

Similarly as the data gained from Bullen woreda land administration and rural development office (2017) reveals, land based conflicts include farmland boundary, the use of other's grazing land dishonestly, dispute over the use of communal grazing and forest land, displacement and remove of boundary marks, claim of land ownership, undue land measurement and registration, that pushed land related conflicts to take the front position.

In the following, attempts have been made to highlight how the most prevalent land related conflicts such as ownership right, grazing land and claims of farmland boundary give rise to interpersonal and intra-family conflict in the context of Bullen woreda.

3.2.1.1. Ownership Right of Particular Farmland

The need for acquiring ownership right of new parcel of farmland typically results in increased competition between the people. This can be seen from two different perspectives in the context of Boro-Shinasha society. On one hand, those people who occupied considerable amount of farmland during the past regimes are involving in active competition to have extra ownership right over another plot of land. This is because of the reason that; first, the productivity as well as the fertility of previously used lands are decreased due to repeatedly farming and overgrazing. This necessitates the farmers to use the required amount of various chemical fertilizers. In the past, of all kinds of crops which are produced in the area does not need fertilizers. However, at present, all types of crops need fertilizers. Without chemical fertilizers, households cannot ensure food self-sufficiency, let alone surplus production that can cover the various costs of household expenditure. Second, compared to the older days, the cost of chemical fertilizer has increased at unexpected rate. Therefore, the diminishing fertility of land and the even increasing cost of fertilizer forced the 'land owners' to look for virgin lands (Baza) and obtain its ownership right. This creates a competition over access to ownership right of particular farmland in lowland which inevitably causes a conflict between people.

On the other hand, young generations who did not get the opportunity to obtain a piece of land are struggling to get some. In the study area, only the old generation obtained land ownership right during the past regimes. There is no recent or new land distribution in rural region. As a result, newly married couples and jobless people who returned back from school and who want to participate in agricultural activities are landless. Therefore, they also compete to obtain some ownership right of particular farmland moving to lowland where land is relatively unoccupied, fertile and productive, and in fact they formally appeal to the concerned body to be allocated land.

According to the information obtained from court officials, about seventy-five percent of land-related cases presented to the court are related to the access to ownership right of land. These same informants relate the reason behind the severity of conflict over access to ownership of farmlands in the area with the poor land management system of the district. For example, the woreda judicial president stated that:

The district land is not legally registered. The land and environmental conservation office of the district does not have any land use plan that shows which one is government land, communal land, grazing land, free (unoccupied) land, privately owned land and road of livestock's or human's.

In connection with this, the abuse of power by *kebele* officials in allocation of farmland is another problem that leads to inter-personal and inter-family conflict. All categories of people I have interviewed including the youngsters and the court officials raised the seriousness of the issue. While allocating the virgin land, the *kebele* officials give legal right of the same parcel of farmland for different individuals at different times. This creates a conflict between individuals who have the legal right signed by *kebele* officials. This type of conflict is evident especially in Dobi, Adis Alem, Bakuji, Mata and Aper *kebeles*.

3.2.1.2. Daarasi Faya (Conflict over Farmland Boundary)

Conflict over farmland boundary is another serious land related cause of conflict between farmers who share common territory. The common means of demarcating boundary of farmland in the area is using mechanisms like putting stones, planting stick and leaving a piece of land on the boundary. However, those instruments are easily removable and/or easily destroyed. This creates conducive opportunity for those farmers who want to expand their own farmland at the expense of their neighbors and this could inevitably leads to conflict.

Conflicts over farmland boundary are rarely resolved through the formal court. Because of the fact that the act of trespassing one's territory is a gradual practice and lack of tangible boundary demarcation, it is difficult to get clear and real evidence. Most of the time, the neighbors of the conflicting parties and *kebele* officials who distributed that land in the past regimes were called for to give their witness. But, it is difficult for them to provide the exact evidence, since it happened many years ago. Therefore, most of the time, farmers would prefer to take this type of conflict to Enashma traditional conflict institution to get decisions as the case is related with issues of hiding the truth.

3.2.1.3. Grazing Land

Conflict over grazing land is a typical problem in the study area, where land is scarce. Among Boro-Shinasha society the conflict over grazing land is a recent phenomenon. Until very recently, the society had been enjoying free grazing land. Land not covered by crop has been communally used by anybody for grazing purpose. Even when there is no sufficient grazing land which is considered as communal land and government land in the area, the society has been used forest land which is not convenient for farming purpose. Currently, however, with the increasing scarcity of land and introduction of land measurement and approval of land use right, the conflict over grazing land is becoming complex issue.

Land enclosures are also the major cause of conflict in recent years. Enclosures are often built around plots of farmlands under the guise of protecting crops from damages, but practically it is intended to enclose pasture lands. This is due to the reason that most of the people who hold land ownership right certificate are not willing to share their land with others for grazing purpose. As a result, if some one's livestock graze over their land, the conflict arises between the owners of the land and the owners of livestock. As the information obtained from interview and focus group discussion reveal, conflict over grazing land can take different forms. On one hand, it can occur either when the land owners beat some one's livestock or when they sue the owner of the livestock at the formal court by extremely exaggerating the number of livestock grazed over their land and the destruction they caused. The second form of conflict over grazing land happens in the situation when those who suffer from shortage of grazing land intentionally graze their livestock over someone's land. This usually takes place in secret, in the absence of evidence. The favorable events people use are on the occasion such as market days, wedding days, burial days and the like. The conflict caused through such types of act cannot be taken to the formal institution, as the case has no evidence. Therefore, if the land owner suspects a particular person or a group of individuals, he/she usually take the case to *Enasham* institution to confirm the suspicion through *tara* (oath taking) ritual.

3.2.2. Marital Conflicts

Marital conflict in the study area could be seen from two directions. On one hand, it refers to conflict arises between husband and wife. On the other hand, it refers to conflict which

results from the practice of abduction, early marriage, rape and getting unmarried girl pregnant and denying the fatherhood of a born child. Marital conflict happens when the need, desires, wants of either of the spouses remains unfulfilled and when the understanding of the partner's capabilities, goals and state of mind are being ignored. Regarding the sources of conflict between spouses, Habtamu (1998) stated that sexual incompatibility, misbehavior of either a husband or a wife, resource like land and animal, and polygamy are usually the common causes of marital conflict in different ethnic groups of Ethiopia.

The above explanation also holds true in the case of Boro-Shinasha. During focus group discussion, the participant elders and court officials agree that more than half of marital conflict cases taken to the court and the Enashma institution are conflicts between husband and wife. This type of conflict takes place not only between newly married couples but also between those spouses who lived with each other for many years. The participants asserted misbehavior of either a husband or a wife and polygamy are the most common causes for husband and wife conflict. Other cause of marital conflict between husband and wife is related with adultery, which happens when either the husband or wife have a sexual intercourse with another individual. That is, having sexual relation outside the legal marriage. Economic factors and resource administration is still another source of marital conflict. It can occur either when husbands sell resources such as livestock and land without the consent of the wife or when the wives do the same thing, especially, cereal crops without the consent of the husbands. When such acts take place, conflict could arise between the husband and the wife. In connection with the above ideas, marriage related disputes also usually arise in the Boro-Shinasha peoples due to the abduction of a girl.

Bayisa and Lemessa (2004), acknowledged that there are five forms of marriage in Boro-Shinasha society. These are: 1) Widhaa: The most common form of marriage made with the consent of bride and bridegroom and their families; 2) Tsitsa: Marriage entered into by the consent of only the bride and bridegroom; 3) Juua (Ourgessa): This is the fastest way of concluding a marriage with an engaged (betrothed) girl. It happens when the girl's family unduly extends the date of the marriage beyond a reasonable time against the wishes of the prospective bridegroom. 4) Natta: Marriage made by inheritance, and 5) Biqaa (Butta): Abduction of a girl, is

said to occur due to an extended marriage date by the family of an engaged girl, suspicion that another person is trying to take (marry) her, or if the girl or her parents refuse the marriage.

Buta is considered to be a normal means of concluding a marriage in the society. However, a forcible biqaa that is, an abduction of a girl when there is a clear refusal to marry, often results in inter-group conflicts based on the data obtained from informant elders. If the abduction is consensual the family of the man will send respected elders to her family and the dispute will be resolved through them. The abductor will be required to pay a great deal of money as a penalty and bridewealth and will be forced to cover part of the cost of the wedding, which should occur in the near future. Forcible abductions are not so easily resolved. A reconciliation process will be initiated, not by the disputants, but by people from other clans, who first go to the family of the abducted girl and request them in the name of I'qo (God) to accept an apology and reconciliation. After they secure their consent, they will do the same with the parents of the abductor. Then, both sets of parents will select elders of their choice. Usually each selects no less than seven, the eldest of whom will be the chairperson. The compensation awarded will be more severe than if the abduction is consensual. However, in the end, the amount which is paid will be returned to the bride and bridegroom in the form of marriage donations.

3.2.3. Inheritance Related Conflicts

According to key informants, the most complex and prevalent conflicts over inheritance usually happen among family members, especially when father dies without handing over his land to any of the family members. This type of conflict becomes multifarious if the father is polygamous. In this case, conflict may take place between the widows, the widows and their husband's brother/s, children and their stepmother, or between stepbrothers. According to informants, it is difficult to resolve this type of conflict in the formal court and, usually Enashma institutions are preferred as they are concerned with later relationship of the members.

As most informants indicate conflicts over resource inheritance can take place between brothers when the elder and younger brothers are not satisfied with fair distribution of land and other properties handed over to them by their family. It can also arise between children and stepmothers, especially, when the step-mothers are denied the right over the resource they inherited from their husbands.

In connection with the above ideas, focus group discussants clarify that when a father is near to death, he gathers all his descendants for blessings and makes a will. In the absence of the will, that is, if he dies without making his will, the elders in the family distribute his property. The farmland, the gun, the spear and the shield will be given to the eldest son. The remaining property will be equally divided among the remaining family members. However, the property is not distributed and the will is not executed until the widow dies or marries another person. Then, if a dispute arises on the execution of the will, or partition of the estate, a claim can be made before the assembly of the deceased's clan. The assembly is chaired by the eldest member of the clan. The decision of the assembly is final and breaking it may result in isolation from family membership.

3.2.4. Breach of Agreement/Trust

In the processes of living with each other people usually make informal agreement on different things. These sorts of agreement include agreement on land rent, land sell and land exchange and agreements on share crops. The main intention of this practice is to help each other in the time of difficulties, as it gives timely solution to the person in difficulty and when it is difficult or impossible to get relief through other means. Culturally, the practice is considered as normal, acceptable and valued. Most of the time people make informal agreement and lend money or materials to be returned on specified date. However, sometimes, individuals may show a delay or may not return what they have borrowed and even breach the agreement. When either parties breach the agreement conflict may arise. This type of conflict cannot be resolved at a formal court as it lacks formal agreement or evidence.

One of my informant elders explicate that, when a person loans his goods, materials or money to someone on some conditions for instance to be returned at an agreed time, then, the failure to respect the agreement may result in conflicts. In Boro-Shinasha such disputes are settled by elders. The disputants agree on a person to resolve the dispute. The Boro-Shinasha believes that those who have sworn an oath do not lie. Consequently, if the debtor denies the claim, he will be sent, at the complainant's expense, to a group of elders temporarily organized for such purpose or to a person capable of doing so called Iqessa, at the expense of the plaintiff, for the purpose of gravely affirming his denial. On the other hand, if he admits the existence of the debt, but is unable to pay, his nearest blood relatives will be asked to settle the debt and they try to recover

the amount from him after discharging the debt. In Boro-Shinasha society, the debt is transferable the mere fact of kinship. The relatives decide the amount to be borne by each of them in the family assembly taking into account their financial condition and the degree of kinship. If the disputants are dissatisfied, the interested party can take his/her case to one of the three hierarchical structures of Enashma traditional conflict resolution institution.

3.2.5. False Witnesses (Koti Gawa)

The information collected from key informants and focus group discussants, in the study area, sometimes, conflicts arise between individuals following the decision made by the formal court. In order to give decision on particular case, the court follows a set of rigid and formal principle and procedure. It sees the causes of conflict through the punitive lens created from the existing rigid legal framework. Ultimately, the decision will depend on information gathered from the witness and on other incidental evidences. However, reliance on witnesses and evidence involve the possibility of false accusation and testimony. Because, the witnesses may sometimes fail to present the genuine information due to various reasons. Consequently, the biased or distorted information that the witness provide leads to unjust/biased decision. This creates conflict between a person who gives his witness and either a plaintiff or a defendant who lacks just as well as between the conflicting parties.

One of my key informants, the president of the woreda court, states that the judges in the court are aware of the existence of false witness which eventually leads to biased decision. According to him, even the court sometimes relay on the logic of arguments instead of witnesses. As the information collected from FGD shows people present false witness before formal court because of either to do favor to their relatives or bribed. This act may escalate the conflict and even expands the nature of conflict from interpersonal to inter-family or inter group. The participants agree that, in the study area, the crucial solution that helps to bring these kinds of persons to justice is the *Enashma* institution.

3.2.6. Homicide, Incest and Adultery

Homicide is one of inter-personal conflicts that professed in the study area. As I have already discussed throughout this chapter, large number of the causes which I have described could

provoke individuals to commit murder, which, in turn, become the cause for homicide type of conflict. For instance, breach of agreements after selling land, inheriting large proportion of property by the elders and little by the juniors, rude insult, theft and the like could be the main provoking factors that resulted in murder. However, according to informants, murder is usually experienced among this society when there are farmland boundary disagreements among the farmers who have adjacent farmlands.

As I have discussed under land related causes of conflict, for the Boro-Shinasha society, land is the question of bread. So, for them pushing or disrupting the farmland boundary considers as inability to feed oneself or ones family and hence no tolerance. Therefore, as they could die for their survival, they could also commit crime (murder) if they faced challenges from their neighbors because of their farmland. The other serious provoking factor that resulted in murder, which, in turn, caused homicide type of conflict, is consumption of alcoholic beverage. In this regard, individuals would kill each other after they have drunk too much and got intoxicated. As long as they could not control themselves and adhere to the custom of their society, they usually kill each other. In other way round, peoples may use alcohol to take revenge on somebody else or their enemy. That is, after inviting alcohol and intoxicating someone, individuals would kill their enemy. This is the case which I have identified in the woreda court. Therefore, alcohol is one of the causes that resulted in the homicide conflict.

The video record information gained from Bullen woreda information and communication core process office indicates that, the common method of resolving homicides is termed Sherra/Falla. It is the exile of the killer to a place where neither his relatives nor the relatives of the deceased may see him. The process of sending into exile is called Sher-damea. The case will be initiated by the offender. Accompanied by his/her father or near relative she/he will go to the local chief called Nihinaa. When a murderer approaches the Nihinaa he will tell them unequivocally how, why, and when he committed the crime. After hearing him, the Nihinaa will send a summons, usually oral, to both families, to appear before them on a set date. Since the Nihinaa is seen as the blood fathers of Shinasha, his command is respected unconditionally.

On the appointed day, the Nihinaa, supported by elders outside the group, will conduct a ceremony to reconcile the two families. The murderer does not participate and is not seen at the ceremony. The family of the murderer brings an ox which is slaughtered. The two families shake

hands immersed in the blood of the ox and victim's family makes an oath not take revenge. This is followed by a ceremony condemning the murderer by saying Ginas key 'Let you be pierced by a spear', Shikas key 'let you be pierced by a knife', Teshas key 'Let the gun kill you', Neametwoke neshdokaya 'Let every evil not miss you'. Then a period of exile is determined. The exile can be from six months up to seven years depending on the circumstances of the crime. Blood compensation worth up to 2000 birr will also be ordered.

The offender collects this compensation by begging from anyone he finds on the road, or going to the home of any one and begging by telling the story. He will hold a gourd full of blood with which he shakes the hands of those from whom he begs. Once the period of exile is complete the offender returns to the community. He will send elders through the Nihinaas to the family of the deceased. Then, both families and the elders appear before the Nihinaas and a blessing ceremony is conducted. From this time onwards, everything is resolved and the offender rejoins the community to lead his usual life

Incest is another cause of conflict among the Boro-Shinasha society. Actually, incest could not directly cause conflict among the Boro-Shinasha; rather it serves as the base for other factors that could cause conflict. For the Boro-Shinasha people having sexual intercourse with a woman descended from a single ancestor on father line and less than the seventh generations on the mother line is prohibited. Similarly, the Nihinaas are also involved in the resolution of disputes that arise when someone commits sexual intercourse with a relative. In these cases, both parties will be exiled; however, the length of the exile is generally not as long and the condemnation less serious than in cases of homicide.

Adultery is the other serious transgression among the Boro-Shinasha. Having an extra marital sexual relationship with any married women is a disgraceful act. The Boro-Shinasha assumes that the offence of adultery is not brought trouble on the victim alone but also on the entire society.. For instance, as the data collected from informants, a man may come into conflict with a woman's husband if he is caught while sharing bed with somebody's wife or because of suspect. This may lead to serious causes of conflict like murder. The data from the police office of Bullen worda indicates adultery as one of a serious cause of conflict in the study area.

Case 1: The following case shows conflict over adultery and get resolved at Enshma institution particularly at Sher Dameya.

As key informant elders asserted, Mr AD caught his wife committing adultery with BD. In the emotion of the moment, he immediately picked up his knife and killed Mr. BD. Then, he went to the police and reported the case. The police investigated the death and arrested AD. He was sent to detention center for about fiveyear while the police completed their investigation and the court check evidence to prove his guilt beyond reasonable doubt. Finally, he was released after seven years from the prison. However, after he had been released, he went to the Nihinaa and told him the truth. Then, the Nihinaa gave AD an interruption and sent letters inviting two other elders from the Endibo and Enoro clans to participate in resolving the conflict. He also requested the relatives of both of the dead to participate. The dispute was dealt with according to the customary practice. After considering the facts of the case thoroughly; even if, he should be exile for seven up to eight years according to the norms and principles of the community AD was sent into exile for 1 year. After completing this period of exile, he returned to the community. In making this decision the values and norms in that specific society were considered. Adultery is seriously condemned. Therefore, the period of exile was not for the purpose of punishing AD, but rather to reconcile him and his relatives with the relatives of the deceased.

3.3. Enashama Traditional Conflict Resolution Mechanisms in Boro-Shinasha People

Enashma traditional conflict resolution system is the widely used institution of conflict resolution of Boro-Shinasha in the study area. The term Enashma refers to the process of conflict resolution through the use of Eneshas (elders). Eneshas are those elderly individuals of the society who mediate and solve conflict cases. Although the term 'Enesha' literally means 'elderly' refers to old age, in the context of conflict resolution one should not necessarily be of old age to be recruited as Enesha. Instead, the term Enesha is used more as a symbol here. In connection with this informants stated that among the Boro-Shinasha, elderly members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace

and reconciliation. As informants further argued, it is because of this symbolic significance of the elderly that any person who is involved in conflict resolution and reconciliation process is called Enesha regardless of his actual age. Therefore, a young adult man could be considered by the society as Enesha as there is no restriction of age to be Enesa. What is crucial to assume the position of Enesha is his knowledge on how to resolve conflicts, for instance, his rhetorical ability in the search for aro (truth), his ability to articulate and politeness and carefulness not to provoke the parties in conflict. The Enesha know the norms of the society, they are impartial and have a wealth of experience. They also hold fair public hearing and make decision.

Focus group participants and one of the Boro-Shinasha development association high expert explained that the Boro-Shinasha people primarily use traditional mechanism to resolve any types and causes of conflicts among themselves. They have a well established traditional court-like system known as Enashma. This system has four hierarchical structures. These are:

Burra: This is conducted by three elders. When the disputant(s) is dissatisfied with the decisions of the Burra, they are allowed to make an appeal to the Nemma.

Nemma: This is composed of three elders. Nemma has the power to ratify or denounce or amend decisions made by the Burra. If either of the disputants is still dissatisfied after the decisions of the Nemma, they may bring the case to the Terra/Tsera.

Terra/Tsera: This is composed of one elder. The elder examines the decisions made by the Burra and Nemma and speaks to each of the disputants separately before making their decision. The decision made by the terra is final and binding.

Falla/ Shire Dameya: This is the only court which handles homicide cases and cases of sexual intercourse between relatives. It is the final or highest 'judicial' organ in Shinasha. A single person from the 'tribal' clan, called Nihinaa, holds the position of Falla. When considering a dispute, the Nihinaa is assisted by two neutral persons who are not decision makers. The decision made by the Nihinaa is final and binding.

3.4. The Process of Enashma Traditional Conflict Resolution Mechanism and the Major Actors

In this section attempts have been made to discuss the process, enforcement and actors in Enashma conflict resolution process and customary laws actors used.

3.4.1. The Process of Enashma Traditional Conflict Resolution Mechanism

The conflict resolution of the Boro-Shinasha community involved elders and blood fathers to solve minor disputes in the context of traditional law; in case of the Boro-Shinasha ethnic groups, this system is called Enashma which is governed by an unwritten law that is transmitted from generation to generation orally. The institution leads by elders whose number varies between one and three without the participation of women as elders but male youths. And elders, in this institution, would be elected with the consent of the contestants. After selection of elders, elders would move to deal with the conflicting cases (dispute arise over issues like land ownership, maternal issues, insult, quarrel over boundaries, denial of contracts, causing bodily injures, evil-eye and murder).

However, among this society, not all conflicts need the involvement of third party like elders; rather sometimes individuals would try to resolve their conflicting issues using the mechanism of negotiation. For instance, conflicts between spouses and families could be resolved through negotiation without inviting third party. Besides, if the conflict is caused by property destruction, the conflicting parties may negotiate. That is, the one who committed crime may agree to compensate the victim. However, sometimes conflicting cases may not be resolved using negotiation mechanism. Then, when facing such problems of failing to resolve using negotiations, conflicting parties refer their case to elders. That is, if the conflicting parties failed to resolve their conflicting case, they would select their own elders (Eneshas) who could help them resolve their differences.

The elders have certain procedure of hearing cases. The plaintiff and the defendant come in front of the Eneshas (Elders) and present their case by standing there. The plaintiff stands on the right side, and presents his/her case first. While one party is speaking the other party is expected to listen carefully for which he/she responds later and not to speak against. The defendant, who

stands on the left side, is the second to presents his/her case. After hearing the cases, the Eneshas may ask both parties turn by turn for clarification. Besides, if the case needs further investigation and one or the two parties obscure the truth, the Eneshas try to convince one party by sending the other away. In this process, they use their personal skills and knowledge of cultural norms, values and custom and warn the party by referring to customary laws. As they identified the basic cause of the conflict, Eneshas require both parties to stay away from them for a moment. During this time, they discuss what they have observed, including what they knew before, and propose the possible solution. Then, the parties are called and the proposed decision is presented to them, with detail explanation and advice. If the parties are satisfied with the decision, the reconciliation process would take place. The settlement process often involves oath-taking rituals, making of pledges to honor agreement reached and payment of compensation by the wrong-doer. Finally, the culmination of the reconciliation ceremony the Eneshas let the two parties to shake hands with each other and kiss one another. Then, the conflict parties swear oaths as a sign of joint commitment to peace and reconciliation.

3.4.2. Actors Involved in Enashma Traditional Conflict Resolution Institution

Actors who involved in Enashma traditional conflict resolution institution of Boro-Shinasha community includes: Eneshas (community elders), Nihinaa (Blood Father), Iq Niha (Religious leader) and women.

3.4.2.1. *The Eneshas (The Elders)*

Based on the data obtained by interviews, when the dispute raised over the matters such as land and land related, maternal related, theft, abduction and evil-eye; the Boro-Shinasha community are solved through Eneshas (elders). The Eneshas emphasizes on the interest of the conflicting parties in their decision making process. Eneshas monitor and influence grass root opinions of the disputants and they act as mediators operating in open assembly not secretly. They work on the basis of enlightened conflicting parties interest to produce necessary and crucial results through customary laws of Enashma institution and the customary laws bound to bring behavioral and social change there by maintaining their relations and managing the conflict.

3.4.2.2. *The Nihinna (The Blood Father)*

According to the information obtained from key informants, the Niihinnas is visible as other actor that is involved in resolving conflict through Enasham traditional conflict resolution institution. He is the great descendent of the king line. Thus, he is highly respected and feared by the community. He participate as a mediator for the high level of conflict cases like life losses or killing a person and cases of sexual intercourse with relatives.

3.4.2.3. *The Iq' Nihias (Religious Elders)*

As per the information obtained from focus group discussion, religious leaders are other actors that are participating as a third party in Enashma traditional conflict resolution system. The community considers the Iq' Nihias as those who can act on behalf of the will of God and who could argue for truth. No one expects them to speak false because they are God envoys who are respected, trusted and have got high position by the society. Leaders of religious institution thought the society about the disadvantage of conflict. That means they thought their followers as conflict is bad and that killing or wishing to kill a person were strictly forbidden in the eyes of God and this isolates them from heaven. Finally, the Iq' Nihias bring the conflicting parties into agreement to reconcile their antagonistic idea.

3.4.2.4. *The Women*

According to the information acquired from focus group discussion, women have an indirect but important role in conflict resolution process of Enasham institution. The informant said that, women must be respected as they have pivotal role in Enashma traditional conflict resolution process; and further argue that they should involve peace promotion and peacemaking in Boro-Shinasha community.

3.4.3. Customary Laws Used in Enashma Traditional Conflict Resolution Institution

Actors in Enashma traditional conflict resolution institution are guided by specific rules and procedures rooted in the history and culture of the society referred to as Nemma (custom) and Terra (laws) as the data obtained from interview. Nemma is a general term to refer to way of life or culture in general and Terra is the specific concept that related with rules and regulation.

These laws have legal characteristics that govern the activities of individuals. Though they do not exist in printed copy, the specific rules and procedures governs and manages the activities of individuals. The Boro-Shinasha community resolves conflicts, identify and penalize wrong doer, enforce decision, make reconciliation and, thereby ensure the peaceful and harmonies of the society by using Nemma and Terra (customary law). These customs and laws (Nemna and Terra) are put in to practice by the Enashma traditional institution of conflict resolution among the Boro-Shinasha people. Most of the time, actors are guided by customary laws in dealing with conflicts.

3.4.4. The Enforcement of Decisions Made by Enasham Traditional Conflict Resolution Institution

Unlike in modern justice systems, Enashma traditional conflict resolution usually lacks the machinery to enforce judgments unless the disputant voluntarily accepts the penalty imposed. In Boro-Shinasha society the disputants guarantee that the decision of the *Eneshas or Nihnnaw* will be carried out. The community ostracizes a member who refuses to respect the decision of the *elders and Nihinna*. Thus, Social sanction is at the centre of the decision-enforcement mechanism, and ostracism is very common.

The data obtained from the interview also demonstrated that; when a person refuses to accept the final decision of the elders, they will be subjected to Tsala (ostracism or stigmatization). This includes the following: the roof of the house which the person lives will be uncovered by the society in order to penalize him by sunshine and rainfall. The wife and children of the refusing person will not be allowed to socialize/communicate with the neighbors and the society in their daily life. The person will be prohibited from participating in the traditional collaborative system of agriculture, Dawa (Debbo). If the refusing person migrates to other areas to live, delegates will be sent to the area by the elders to inform the elders of that area about the disobedience. So the person will be obliged to return to his original place and ask the elders for mercy. The person is expected to ask forgiveness by holding a bone in his mouth and saying to the elders 'I will be subject to you like a dog.' After this, elders will give mercy to him and he will again be allowed to socialize with community and the roof of his house will be covered and returned to its initial place. He is expected to tolerate the penalties and pay the compensation decided by elders.

Case 2: A case which was entertained by the Falla in 2003 at Bullen illustrates how the practice works:

Mr. GA caught his wife committing adultery with EW. In the emotion of the moment he immediately picked up his gun and killed both of them. Then, he went to the police and reported the case, that he was the killer. The police investigated the deaths and arrested GA. He was sent to jail and held in remand for about one year while the police completed their investigation. Finally, he was release, from the jail by the court since there was no evidence to prove his guilt beyond reasonable doubt. However, after he had been released he went to the Nihinaa and told him the truth. Then, the Nihinaa gave GA an adjournment and sent letters inviting two other elders from the Indibo and Inoro clans to participate in resolving the conflict. He also requested the relatives of both of the deceased to participate. The dispute was dealt with according to the customary practice. After considering the facts of the case thoroughly, GA was sent into exile for six months. After completing this period of exile he returned to the community. In making this decision the values and norms in that specific society were considered. Adultery is seriously condemned. Therefore, the period of exile was not for the purpose of punishing GA, but rather to reconcile him and his relatives with the relatives of the deceased (Bayesa and Lemessa, 2004).

3.5. The Interaction of Enashama Traditional Institution of Conflict Resolution and Formal Court

In Ethiopia, indigenous conflict resolution institutions are playing a great role in conflict resolution and peace building among the various ethnic groups (Assefa, 2011). Traditionally the Boro-Shinasha used Enashama institutions as an effective means of conflict resolution and peace building. However, currently the formal justice system and Enashama traditional conflict resolution mechanisms operate side by side with full overt support or recognition of each other in settling conflicts at the study area. In relation with this, my informants told me that the relationship between formal courts and Enashama traditional conflict resolution in Bori-Shinasha community is healthy and smooth which complement to each other.

The formal state law officially recognizes the existence of the traditional dispute resolution systems. The following constitutional articles directly address the authority of customary laws:

Article 34(5) of the Federal Democratic Republic of Ethiopia (FDRE) constitution states that "this constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws with the consent of the parties to the dispute."

Article 78 (5) Pursuant to Sub Article 5 of Article 34 the House of People's Representatives and State Councils can establish or give official recognition to the religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adaptation of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

Accordingly, formal courts in Bullen Woreda is usually cooperating and give assistance to the Enashma institution so as to settle the case through the traditional conflict resolution mechanisms. During the interview with the court officials, they unequivocally appreciate the role that Enashma institution play in conflict resolution and reducing the regular case load of the court. Besides, they admittedly addressed that the conflict resolution at Enashma institution is effective both in providing justice and ensuring long-lasting peace and harmony in the society.

As observed in the study area, the community elders (Enashas) are engaged in the traditional conflict resolution process so as to settle cases out of courts. In such practice, the community elders secure the cooperation of religious leaders, public prosecutors, police force and the public at large. For instance, during focus group discussion one of the public prosecutors of the woreda owner pointed out that:

The relationship of the court and the community elders is good. Usually, once a criminal case is brought to the attention of the court having jurisdictions, the elders (Eneshas) immediately come to our bureau and ask to settle the dispute through the traditional system. Based on the consent of disputants, we encourage them to settle their case through the traditional system. However, in any case, courts handle cases which, for various reasons, could not be settled through traditional conflict resolution mechanisms. If conflicts have to do with issues in which the government has a vested interest such as land, politics, they go through the formal legal system.

Solomon (2014) in his research recognized that, there is a good working relationship between the traditional system and the governmental bureaus especially with formal court and the police forces in Erob community. When two individuals enter into conflict and submit their case to the court, it is usual to ask the community elders to the plaintiff to withdraw his/her charge formally whenever possible before the police prove the allegation through witness.

Similarly, one of my key informant police officer in Bullen woreda also affirms the above case. He witnessed that:

During my stay in this woreda, I have observed a good working relationship between the Enasham traditional system with formal court and the police force. When two individuals enter into conflict and submit their case to the court, it is usual to ask the community elders to the plaintiff to withdraw his/her charge formally whenever possible before the police prove the allegation through witness. Based on the Ethiopian penal code, the court frames the charge and allows them to resort to their traditional mechanisms. Furthermore, the community elders are required to submit their verdict and the fines and compensations given to the victim.

In addition, elders informed the following:

We have good relationship with court, police force, the woreda culture and tourism office and the woreda milita office of traditional conflict resolution core process. However, these woreda offices did not give sufficient and continues training programs for us on conflict and its traditional conflict resolution.

Similarly FGD discussants of the study community pointed out that:

Although, the governmental judiciary system and the traditional conflict management mechanism have a strong relationship which complement to each other; the government organs are inactive to give moral and material support to enhance the capacity of the customary dispute resolution (CDR) to operate with full regard to the claims of the formal system to jurisdiction of the legitimacy.

Moreover, Lauth as cited by Gonfa (2014) identified four different possible ways through which and formal structures interact: complementary, accommodating, competing, and substitutive (Lauth, 2000). The interaction between customary institutions and formal structures in the study area could be categorized under complementary. Because, the customary institutions co-exist with the formal structures and actors expect that the formal rules that exist on paper will at least respect, if not enforce the decision of the customary conflict resolution institutions. Lauth also declared that complementary customary institutions “fill in the gaps left by formal institutions-addressing problems or contingencies that are not explicitly dealt with in the formal rules-without violating the overarching formal rules” (Ibid). In this regard, my FGD data partly confirm Lauth’s statement. In the study area, different cases that lack evidences, false witnesses and breach of informal agreement are exclusively handled by Enashma institutions. Hence, Enashma institution contributes to the resolution of conflicts that cannot be effectively handled through the formal court.

On the other hand, in addition to filling the gaps left by the formal structures Enashma institution also handle cases that can also be treated by the formal court. Sometimes, the court writes a letter to the elders (Eneshas) to resolve the conflict and report back the result with the consent of the conflicting parties. Besides, in all simple criminal cases the court, police office, and the persecutors encourage the conflicting parties to resolve their conflict through Eneshama system and formally refer the case to elders (Eneshas). Even if the Eneshas reconciled criminal cases by their own initiatives, the court closes the allegation charge if the two parties bring their reconciliation agreement to it. Similarly, if the offended and the offender reconcile in criminal case, the public prosecutor uses the reconciliation agreement as an explanatory condition for the reason that the offender has already apologized for his/her wrongdoing and compensated the offended.

Conversely, Enashma institution and the formal structures at a district level have no formal interaction. But, they do have informal recognition that each understands and respects the works and decisions of the other without having official contact. Actors of conflict resolution at Enashma institution, who are guided by the customary laws and the laws of I’qo, usually take care of not to break the formal laws. When they notify the parties about the seriousness of the case at hand, the actors also refer specific government laws that match with the same, though

they do not put into effect the formal laws. Similarly, the court is aware that Enashma institutions handle criminal cases, despite the mandate provided by the state law to handle only civil cases. However, the court does not demolish any decision Enashma institutions make including criminal cases.

3.6. Strengths and Weaknesses of Enashma Traditional Conflict Resolution Institution

The information obtained from the respondents revealed that the Boro-Shinasha Enashma traditional conflict resolution mechanism has several advantages over the state law. Some of the advantages are restorative capacity, accessibility, revealing crime committed without witness and its acceptability. The primary strength of Enashma traditional conflict resolution among the Boro-Shinasha is its accessibility. In Boro-Shinasha community reconciliation process is conducted in a central place for the disputants, community elders and the population at large.

Usually, working at local level through the community mediators avoid the need for litigants to pay for transportation and the cost of pursuing a dispute through formal court system with buying sheets of paper and getting the case written. Furthermore, the proximity of Enashma institutions to the litigants saves the disputants energy that would be lost in annoying and frequent travels from their locality to woreda, zone and federal courts.

Secondly, the Enashma traditional system has the capacity to restore harmony within the community when dispute has arisen. This is to mean that Enashma traditional conflict resolution settles the cause of the conflicts from its grass root level so that no more conflict will re-emerge on the same issue. Consequently, disputants can live in peace and cooperation and recognize the harm done to the community.

The third advantage of Enashma traditional conflict resolution among the Boro-Shinasha is revealing crime committed without witness. In the formal state law, any crime is proved only through tangible evidences (witness). Unfair decisions might be made and one party might be punished for the crime he/she had not committed. However, this is not happening in the Enashma traditional system. As indicated earlier, in the Enashma system a hidden case is investigated through *tara* (ritual oath) mechanisms. But, though the defendant could try to resist his clan and

the community elders, taking oath while denying something wrong is a prohibited in Boro-Shinasha custom. This is because the community believes that something bad would happen to the wrongdoer, his family, his clan and to the community at large. This in turn shows how the Enashma traditional system is powerful than the state law to reveal the crime committed without witness in the study area.

Finally, acceptability of the community elders (Enashas) decision could also be considered as a merit. The one mostly noticed reason for the preference of Enashma traditional conflict resolution among the Boro-Shinasha is the acceptability of the decision passed by the community elders. Since the decisions passed by the “Enashas” are trustworthy in their local contexts, failure to comply can result in social ostracism and being left alone in good and bad times. As a result, every decision is respected among the Boro-Shinasha community.

The *Enashma* institution has also some weak spots in relation to conflict resolution. To begin with, the gender factor is one important case where there is limitation. One of the glaring weaknesses that the key informants reported is the exclusion of women in the system. In Boro-Shinasha custom, though women are the right advisors of their husbands, brothers and their clan, still they are not allowed to be members of the council of elders (Enasha). They lack representation and this could be taken as a primary limitation of the system.

The second deficiency of Enashma institution is; there is no standardized mechanism to fix payment of compensation for different crimes at the *Enashma* institution. The Elders in the institution propose different amounts of compensation and finally reach on consensus. Cases failed to be resolved at a secular level are appealed to *Nihinna* through rituals of curse vow and swearing an oath. Although this mechanism play significant role in discovering one’s truth and identifying the guilty and innocent through spiritual sanction, it has also some weaknesses. That is, the sanction of *Nihinna* is believed to go beyond a person who commits a certain wrongful act, but extends to his relatives, descendants or the succeeding generations, usually up to seven generation. In such case, for the crime someone committed many innocent people appeared to be punished.

Furthermore, in relation with the weakness of Boro-Shinasha Enashma institution; interview with key informants demonstrate the following major weakness:-

Absence of a right to appeal: - Very serious disputes or conflicts are resolved by the traditional means in this society. However, there is no chance to revise the decisions rendered by the Nihinaas, who have absolute jurisdiction on matters like homicide, except refusal and going to the formal courts. But, refusal would result in another social consequence i.e. ostracization and isolation from the community.

Lack of supportive and strengthening measures from the government: - The ways of resolving and mitigating some disputes may result in human rights violations, for example the abduction of girls to force a marriage.

Weak methods of investigation: - A major means of 'proof' in the practice in the Shinasha society is swearing an oath. Generally, no evidence or witnesses are produced. Rather it is usual to ask the accused or the defendant to prove his or her innocence by swearing an oath. This violates the presumption of guilt and may provide an opportunity for those who feel no moral obligation to escape liability.

In general, the study has shown that Enashama Traditional conflict resolution mechanism of Boro-Shinasha community has some weaknesses that ought to be transformed.

3.7. **The Role of Women in Enashama Conflict Resolution Institution**

As it is argued by Amani (1999), in his study of Traditional Mechanisms of Peace Making of the Jagga Tribe in Tanzania, women have a paramount role in bringing peace among the Jagga. In order to avoid bloodshed, women bravely wonder between the conflicting parties that are preparing to fight each other. Similarly, among the Oromo as sorted out by (Mamo, 2008) and among the Sidama as argued by (Frendergast, 1997), women play an overriding role in conflict management. Conversely, as conflict researchers like (Emebet, 2005), in spite of their part in conflict management process both formal peace negotiation and traditional institutions marginalized women from direct involvement in the reconciliation process, (cited by Gonfa, 2014).

When we see the role of women's in resolution of conflicts in the study area. According to the norm and principles of Boro-Shinasha, women do not directly serve as elders (Enashas). Rather, they are participated in the dispute resolution process indirectly and informally as sisters, mothers and wives within their community. And these shows though women have the right to assist (advise) male members of their lineage in times of hardship, they have no room to play leadership roles (representing as Enashama) in resolving communal conflicts.

For example, elders explained the role of women as follows:

In traditional system women play an indirect role. This is because we inherited a similar trend from our ancestors. Despite the fact that women are indirectly participated in the reconciliation process, there is a parallel role of women i.e. providing ideas and views. Furthermore, in case of homicide reconciliation, women have a special duty in the ritual process so as to prepare food and local drinks for the reconciliation process.

Similarly, according to FGD discussants, it is not common for women to be Enesha. Women play prevailing role in conflict resolution. For instance, in the investigation process of wrongdoers women have been given equal chance to expose the suspect or be exposed when they do wrongs. In the 'tara' or oath taking procedure they neither represented by their husband nor their brother but they themselves accuse directly when they have been wronged and act as chief in cases which directly involve them. In addition, women's are neither represented by their fathers nor brothers nor husbands to present their case to elders. Rather they would directly represent in Enashma institution to present their case and to get compensation. Additionally, women are given equal chance to accuse others when they have been wronged and be accused if they did wrong as their men counterparts.

CHAPTER FOUR

4. SUMMARY, CONCLUSION AND RECOMONDATION

Conflict is a common and inevitable phenomenon in human interactions. People experience conflict in their day-to-day actual life. Conflict can occur between individuals, groups or nations. Social, economic, religious and political issues are agreed to be at the heart of the source of human conflict. That is, differences in interest on these issues can cause conflict of various natures. Different society can also experience different nature of conflict depending on their socio-economic and cultural based context. Conflict occurs everywhere and at every level. It may continue living at the level of inter- personal, inter-group, intra-group, inter-ethnic and intra-ethnic, national and intra-continental and intercontinental. Whatever the causes and sources of conflict, all societies have their own ways of resolving conflict. This holds true for the Boro-Shinasha of Ethiopia where this research has been conducted.

The study explored and examined the types and causes of conflicts as well as Enashma traditional institution of conflict resolution among Boro-Shinasha of Bullen woreda. My finding reveals that, the common types of conflicts that usually take place and resolved through Enshama traditional conflict resolution mechanism in the study area are inter-personal, intra-group and inter-group in nature. My finding also exposes source of conflicts in the study area is generated by economic and socio-cultural matters which are based on human interaction. As the data obtained through interview, observation and focus group discussion conflict is activated by different sources in study site. Of the major cause of conflict among the Boro-Shinasha, the lion share is taken by land and marital related issues. Conflict over farmland boundary, the use of other's grazing land dishonestly, dispute over the use of communal grazing and forest land, displacement and remove of boundary marks, claim of land ownership are the common causes of land related conflicts. On the other hand, Conflict between married couples over resource administration and polygamy are the common causes of marital conflict in the study area. Theft, physical violence, breach of agreement, false witnesses, evil-eye, committing adultery and raping are also causes of conflict in the study area.

The working relationship between the *Enashma* traditional conflict institution and formal court institution is attractive. The formal court structures refer the case to *Enashma* institution and needs the result back in both civil and minor criminal cases. But, they do not have direct relation with *Enashma* institution. Even, the striking finding of the study is that the woreda formal court adapted the mechanism of searching for truth through oath taking ritual that helped them to minimize the potential occurrences of false witness. To this end, the oath taking materials that have been used in *Enashma* institution for centuries were recently taken to court and are now serving there.

Enashma institution has many advantages over the formal court system. These include; its usefulness in revealing truth that enhance enduring resolution and reconciliation, its strength in identifying guilty and innocent, and its spiritual sanction on the wrongdoers who offend people secretly. The study demonstrated that these advantages contribute to the persistence use of *Enashma* institution for conflict resolution in the area. *Enashma* institution has also some weaknesses such as limited participation of women/gender biased and lack of standardized rule to fix amount of compensation.

To Sum up, *Enashma* traditional conflict resolution institution of Boro-Shinasha people played a pivotal role to maintain peace and security in the study area. Therefore, the *Enashma* institution of Boro-Shinasha in Bullen woreda is still widely exist and respected within the community. The institution has different levels such as Bura, Nemma, Terra and Falla. The institution is cost and time effective in addition to many other benefits provide for the community when we compare with the formal court system. Thus, at this time woreda court encourages *Enashma* institutions to promote peace and to solve conflicts at the grass root level.

Based on the research findings, regarding to *Enashma* institution, here are the possible recommendations:-

- A comprehensive assessment and review of *Enashma* mechanism of conflict resolution should be done to identify the limitations and potentials so as to improve ways of dispute resolution through *Enashma* institution. .
- To maintain the sustainability of *Enashma* traditional conflict resolution mechanism of Boro- Shinasha, the system should be introduced in education

curriculum, so as to educate youth. And youth should be encouraged and trained to practice the system.

- The local government should preserve Enashma traditional conflict resolution mechanism and should give enough attention and support for other researchers who wanted to study on Enashma tradition conflict institution as their reach topics. The local government should also provide sufficient and continuous training programs for elders on conflict and conflict resolution approaches to enhance their capacity.
- The land and environmental conservation office should use plan that shows which is government land, communal land, grazing land, free land, privately owned land, road livestock's and humans.
- The customary laws of Enashma traditional conflict resolution system should be codified that are orally memorized and maintained. Unless these customary laws are codified, it is liable to be misinterpreted or misused due to lack of proper knowledge. Without proper documentation, laws that are not in regular use, cannot be transferred to the next generation.
- Enashma traditional conflict resolution has played a great role in solving conflicts with the Boro-Shinasha community equally like that of modern institution. Therefore, responsible bodies such as government, non-government organizations, researchers/ academicians should play a significant role to empower and preserve Enashma traditional conflict resolution.

5. References

Abebe Ano, *The Luba Basa Institution: The Challenge on Shinasha Identity*. Department of History and Heritage Management, College of Social Sciences, Wollega University Ethiopia, 2012.

Abebe Ano, *The Shinasha Relation with other Gonga People*. Department of History and Heritage Management, College of Social Sciences, Wollega University Ethiopia, 2012.

Abebe Anno and Adisu Adame, *Boro-Shinasha Short Story and Cultural Values*. A book Published in Tigi Printing press in Amharic, Assossa, 200.

Abebe Domewoz, *The role of Sidama Indigenous Institution in Conflict Resolution: In the Case of Dalle Wored*. Southern Ethiopia, Dilla University, Ethiopia, 2016.

Abebe D. Samson S. and Tessema G, *Indigenous Conflict Resolution Mechanisms among the Kembata Society*; Department of Anthropology, Dilla University, Dilla, Ethiopia, 2015

Abraham M and Yasin M, *Vision: Preparatory Civic and Ethical Education for grade 11 and 12*. Berekti Prenting Press, Addis Ababa, Ethiopia, 2007.

Abu Ibrahim, *Indigenous Mechanisms of Dispute Resolution Among the People of Adaboya Traditional Area*. University for Development Studies WA Campus, 2014.

Adisu Adame, *History and Culture of Shinasha Society 1992*, in Amharic, Bullen, Unplished, 200.

Alemu Amar, *Conflict Resolution and Management Skill*. Published Book, 2009.

Aseffa A, *Indigneous Mechanisms for the Prevention and Resolution of Conflict: The Experience of Oromo in Ethiopia*. A Report of Ethiopian National Work Shop, Addis Ababa, Ethiopia, 2001.

Bamlak Yideg, *Assessment of Indigenous Conflict Resolution Systems and Practices: Implication for Socio-Economic Development: A Survey of Simada Woreda*. Amhara Region, Ethiopia, Mekelle University, 2013.

Bayisa B. and Lemessa D, *Coustomary Dispute Resolution in Benishangul Gumuz with Empasis on Shinasha Society*. Center Francias des e'tudes e'thionnnes, 2008.

Berihun Mebrate, *"Spontaneous Settlement and inter-Ethnic Relations in Metekel, North West Ethiopia."* M.A. Thesis, Department of Social Anthropology, Addis Ababa University, 1996.

Brad Evans, *Types of Conflict-Four Classification*, 2013.

Charles Webel and Dvid Barash, *Hand books of peace and conflict studies*, 2002.

- Coser Lewis, “*Conflict, Social Aspect*” in International Encyclopedia of the Social Science, V.3. The Macmillan Company and Free Press, 1968.
- Dejene A. and A. Abdurahman, *The Root Causes of Conflict among the Southern Pastoral Communities of Ethiopia: A Case Study of Borana and Degodia*. Report of Ethiopia National Workshop. Addis Ababa OSSREA, 2002.
- Dereje Seyom, “*The Role of Local Government in conflict Management: The case of MESo Woreda.*” Institute for peace and security Studies in Collaboration with Friedrich Stiftung Addis Ababa, Ethiopia, 2010.
- Dejene Gemehu, “*Some aspects of Conflict and Conflict Resolution among Waliso Oromo of Eastern Macha, With Particular emphasis on the Guma.*” M.A. Thesis, Department of Social Anthropology, AddisAbaba University, Addis Ababa Ethiopia, 2002.
- Dejene Gemechu, *Some Aspects of Conflict and Conflict Resolution Among Waliso Oromo of Eastern Macha, With Particular Emphasis on the Guma*. Addis Ababa University, Addis Ababa, Ethiopia, 2002.
- Demissie Gudisa, “*Social Networks, Conflict and Indigenous Conflict Resolution Mechanisms Among the Derba Oromo of North Shewa.*” M.A Thesis, Addis Ababa University, Addis Ababa, Ethiopia, 2005.
- Esayas Awash (2015) *Indigenous Conflict Resolution Institutions: A Study among the Gofa People of the Demba Gofa District, SNNPR*. Addis Ababa University, Addis Ababa, Ethiopia, 2015
- Endalew Lijalem, *Ethiopian Customary Dispute Resolution Mechanisms*, 2014.
- Evans Pritchard, *The Nuer: A Description of the Mode of Livelihood and Political Institutions of Nilotic People*. New York: Oxford University Press, 1940.
- Gebreyesus Teklu, *Popular Dispute Resolution Mechanisms in Ethiopia: Trends, Opportunities, Challenges and Prospects*, 2014.
- Jemila Adem, *Women and Indigenous Conflict Resolution Institution in Oromia: Experience from Siinqee of the Wayyu Shanan Arsi Oromo in Adami Tullu Jiddu Kombolcha District of the Oromia National Regional State*: A Thesis Submitted to School of Graduate Studies, Addis Ababa, Ethiopia, 2014
- Johan Gultung, *Peace by peaceful means: Peace and conflict, development and civilization*, 2002.
- Peter Wallestineen, *Understanding of conflict resolution: war, peace and the global system*

Ruibas G. and Martinez F. (2014). *“Exhibiting Cultures of Contract: A Museum for Benishangul Gumuz, Ethiopia”* Department of Pre historic, Universal Complutense de Madrid, StanfordJournal of Archaeology, 2014.

Shail Arora,*Formal and Informal Dispute Resolution, 2015.*

Tessema Ta’a,*The Oromo of Wollega: A History.* M.A. Thesis. Department of History, Addis Ababa University, Ethiopia, 2002.

Tsega Endalew,*Conflict Resolution Through Cultural Tolerance: Analysis of the Michu: Institution in Metekel Region, Ethiopia”.* Social Science Research Report Series, Wollega University, Post Box No: 44, Gimbi, Ethiopia, 2002.

Tsega Endalew: *Luba Basa And Hrma Hodha. Traditional Mechanisms of Conflict Resolution in Metekel.* Ethiopia, 2008.

Tilahun Seyoum,*Wido Inheritance and Women’s Rights: The Case of the Boro-Shinasha in Bullen woreda, Benishangul Gumuz Regional State.* Addis Ababa University, Addis Ababa, Ethiopia, 2015.

Uthman Hassen, *“ The Role of the Abegar (Devine Father) in Conflict Resolution: The Case of Northern Wollo.”* In Tarekegn Adebo and Hanna Tsadik. Making Peace in Ethiopia: Five Cases of Traditional Mechanisms for Conflict Resolution. Addis Ababa, Peace and development Committee, 2008.

White, Leslie, 2008. ‘The Reemergence of Evolutionary Thought: Energy and the Evolution of Culture’. In, Jon R. McGee and Richard L. Warms. *Anthropological Theory: Anintroductory.* (4th edition). New York: Frank Mortimer.

Wodisha Habite, *Neema Traditional Conflict Resolution Mechanism of Boro- Shinasha people North West Ethiopia: Challenges and Prospects.* Addis Ababa Unversity, Addis Ababa, Ethiopia, 210.

Pr. Yalew Endawok,*Basic Research Principles and Implementation,* A Book Published by Tefera Seyoum Printing Press in Amharic, Addis Ababa, Ethiopia, 2017.

Yonas Berhe,*An assessment of indigenous conflict resolution mechanisms of Mezard in rural Almata woreda:* Tigray National Regional State, Ethiopia, 2012.

Zegale Tamir,*Indignous Institutions as an Alternative Conflict Resolution Mechanisms in Eastern Ethiopia: The Case of the Ittu Oromo and Issa Somalia Clans.* Ethiopia, 2016.

Data sources



Photo 1: Conflict Reconciling Process through Shir-Damya/Falla Enashma Traditional Conflict Resolution System.



Photo 2: Elders during Focus Group Discussion



Photo 3: Elders Reconciling Conflicts between Couples.