Indigenous Democracy: Alternative Conflict Management Mechanisms Among Tigray People, The Experiences of Erob, Community

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ABSTRACT

The objective of this study was to explore how one of the communities in Northern Ethiopia, the Erob, deals with conflict using indigenous mechanism for the management of conflict and for examining how effective the mechanism is. The research design that the researcher employed was a qualitative approach particularly phenomenological. In doing so, I used three data collection tools such as semi-structured interview, focus group discussion and document analysis. The collected data were transcribed, organized, coded and categorized into themes and sub-themes based on the research objectives. Accordingly, the finding of the study revealed that regarding the conception of conflict, the participants of the study have different perceptions. Though most of the participants viewed conflict as inevitable and natural which could prevail in any society, on the contrary, few of them viewed it as bad and destructive. The types of conflicts presented and resolved in the study community are inter-personal, inter-group and inter-ethnic in nature which stemmed from competition over resources, violation of social values, drunkenness and extra sexual relationship with married women and unmarried girls. The findings further show the role and participation of women in the indigenous conflict management mechanism. Thus, the role and participation of women in the system is low and insignificant. The procedures (methods) of conflict management used by the study community vary depending on the nature and types of conflicts. Moreover, the findings of this study revealed that accessibility, restorative capacity, revealing crime committed under cover and acceptability as a major strengths of the system. On the contrary, economic extravagancy, time consuming or prolongation of appointments and exclusion of women from participation in conflict management are identified as the most glaring weaknesses of the system. Based on the above findings, sharing experiences with other communities and ethnic groups, challenging gender inequality, building institutional linkages between the formal court and the indigenous institutions, encouraging reform of the system regardingeconomic extravagancy and prolongation of appointments were forwarded as recommendations.

Key words: Democracy Indigenous Management Conflict

INTRODUCTION

Conflict has been studied by different scholars over the past centuries. However, still now there is no agreement upon the definition of the term. This is because; conflict vary considerably depending on the culture of a given society. As to Fisher (2000) conflict is defined as an incompatibility of goals or values between two or more parties in a relationship, combined with attempts to control each other and antagonistic feelings towards each other. Similarly, Mesfin (1999) stated that, conflict is a practice of disagreement on public issues that affect the lives of groups, essentially about means and ends regarding their mutual relationships, their diverse interests, their different values, their institutions and organizations. Rahim (1992) has also defined conflict as a process of social interaction involving a struggle over claims to resources, power and status, beliefs and other preferences. On the other hand, Chandan (1995) defined conflict as a disagreement between or among two or more nations, individuals, groups and organizations trying to gain acceptance of one's views or objectives over the other.

Generally, based on the above arguments conflict could be conceptualized as contradiction or disagreement between two or more parties arising from misunderstandings, competition for resource, power and prestige. Conflict takes various forms. That is, its nature varies substantially ranging from peaceful expression of grievance to outright use of physical force or violence. More specifically, depending on the prevailing circumstances, the parties involved in the conflict and the means preferred to settle disputes or conflict varies from relatively peaceful institutionalized ethnic conflict to violent struggle, civil war, and ethnic cleansing (Hussein, 2005).In other words, conflict is classified as destructive and constructive.

Constructive conflicts open up an issue in a confronting manner, develop clarification of an issue, improve problem solving equality, increase involvement, and provide more spontaneity in communication, initiate growth and strengthen a relationship and increase productivity (Ratzburg cited in Birhanu, 2010). Moreover, in a constructive conflict resolution, partners focus on current rather than past issues, share both positive and negative feelings, provide information in an open manner, accept mutual blame and search for similarities . Both partners win and as a result intimacy increases and trust grows in the relationship (Olsen &Defrain, 2000).

On the other hand, destructive conflicts divert energy from real task, destroy morale, polarize individuals and groups and deepen differences, obstruct cooperative actions, produce irresponsible behaviors, create suspicious and distrust decrease productivity (Ratzburg cited in Birhanu, 2010). As to Olsen &Defrain (2000), in destructive approaches to conflict resolution, partner bring up old issues, express only negative feelings, reveal selective information, focus on people rather than on issues and emphasize differences all with the goal of minimizing change. There are also some scholars who refrain from generalizing conflict as constructive and destructive .They prefer to take the neutral position. For example, Shellemberg (1996) indicated that we are more likely to be rewarded in our study of conflict if we can approach the subject

with a neutral attitude assuming conflict is neither something inherited good nor bad.

The basic assumption of the social frame of reference is that conflict is natural and inevitable in all human interaction. Because of the wide range of potential differences among people, the absence of conflict usually signals the absence of meaningful interaction. However, the manner in which conflict is handled determines whether it is constructive or destructive (Eshleman& Wilson, 1995).Similarly, as to Predence and Larry (2002), conflict is inevitable in any ongoing relationship, it happens whether we want it or not. Many of us, however, view conflict negatively. Conflict by itself, nevertheless, is not positive or negative. It is how we manage it that can have positive or negative consequences for our relationship.

Generally, from the above arguments on the constructive and destructive nature of conflict, one can understand that conflict is neither always constructive nor destructive. Conflict management is the process of reducing the negative and destructive capacity of conflicts through a number of measures and by working with and through the parties involved in the conflict (Best, 2004). Best added that the term conflict management is perhaps an admission of the reality that conflict is inevitable, but that all conflict can always be resolved; therefore, what practitioners can do is to manage and regulate them. The existing body of literature confirms that the nature and causes of conflicts and

the mechanism for resolving them are deeply rooted in the culture and history of every society. While conflict is universal, the ways in which it is expressed and handled are not. If we are to learn how to deal with conflict effectively (our own and others), it is necessary for us to understand our cultural assumptions about conflict and conflict resolution mechanisms (Kifle, 2007).

Ethiopia is a country in which various ethnic groups live together. Each ethnic group has its own way of resolving conflicts. Different communities have distinct traditional settings and relationships, where a customary mechanism could play a significant role in resolving and preventing violent conflicts (Mellese, 2008). Ambaye (2008) stated that there are customary mechanisms of conflict resolution, which are most often ignored or abandoned with the rise of "modernity". Despite their wide spread use, the customary conflict mechanisms have been received surprisingly little attention by Ethiopian researchers. Traditional approaches of management vary considerably from society to society, from region to region and from community to community. There are many customary approaches to conflict resolution mechanisms, as there are different societies and communities with a specific customs in the world (Yasin, 2010). Thus, this paper will try to investigate the indigenous mechanisms of conflict management in Tigray Regional State, particularly in Erob community.

STATEMENT OF THE PROBLEM

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 in Tarekegn, 2008 reported that throughout Ethiopia, among the ArsiOromo (*Jarsabiyya*), the Amhara (*Yeager-Shimagle*), theGurage(Yejewoka*Shengo*), the Wolayata(*DeiraCimma*) and other linguistic or Ethnic groups looked up to and their role in reconciliation is highly regarded. The issue of conflict and its resolution is further elaborated by referring to practical examples from the different nations and nationalities of Ethiopia. For example, 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.

Similarly, 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. On top this, indigenous conflict management mechanisms are by far a better alternative for conflict management. This is because at national level the formal court structures are often unable to provide access to justice for the disputants timely. In response to these and other related problems, different ethnic groups or communities develop their own systems as a way of handling conflicts. For example, among the Tigrians in general and Erob community in particular, there were and still are indigenous mechanisms of conflict management techniques. The ability to successfully manage conflict within one self and between persons reduces antagonism, disagreement and dislike. How a person manages his inner conflict has a direct impact on how he/she lives and deals with others. Tsegay (2003) in his study on "Ethno-Historical Survey of the ErobAgri-pastoralists'' pointed out that Erob had self-contained conflict management that sustained local inter-communal relations for centuries. He added indigenous dispute settlement among the Erob is a crucial research theme that requires thorough investigation. Yet, no comprehensive research is done about the indigenous conflict management mechanism practiced among the community. Reasonably, in this study, given the aforementioned points, the following objectives will be addressed.

OBJECTIVES OF THE STUDY

The study has the following general and specific objectives:
General Objective
The general objective of this research is to investigate the nature of conflicts and their indigenous management mechanisms among Erob community members.

Specific objectives

➢ To identify the root causes of conflict among Erob community.

➢ To explore the types of conflict mostly arising with in Erob community.

➢ To describe the indigenous conflict management methods that the community members employ in reconciling the disputing individuals, families and groups.

➢ To assess the role of women in managing conflict.

➢ To investigate the relationship between the indigenous mechanisms of conflict management and the formal court system.

➢ To explore the strengths and possible limitations of the indigenous conflict management mechanisms practiced by the community.

RESEARCH METHOD

Design of the Study

The research design that I employed was a qualitative approach particularly phenomenological which aimed at exploring the potential causes of conflict, levels (types) of conflicts, indigenous mechanisms of conflict management styles and their procedures. The main reason that initiated the researcher to use qualitative approach particularly phenomenological was to get in-depth and rich information about Erobs's indigenous conflict management mechanism. As to Creswell (2009) phenomenological approach is a strategy of inquiry in which the researcher identifies the essence of human experiences about a phenomenon as described by participants. Understanding the lived experiences makes phenomenology as a philosophy as well as a method and the procedure involves studding a small number of subjects through extensive and prolonged engagement.

Study Area

This study was conducted in Erob community, which is found in Tigray Regional State, Eastern Zone, ErobWoreda. ErobWoreda is located 947 Kilometers to the North of Addis Ababa or 167 north of Mekelle. It is bordered on the South by Saesi-thaedaemba, on the North and Northeast by Shemezana (Eritrea) and Indeli River, Afar region in the east and GulemekedaWoreda in its southwest.

Population And Sampling Procedures

Although the study area consists of 25,862 people, the population of this study only includes those members of the community aging 18 and above. This is because, it is assumed that the members of the community who are under the prescribed age have no detail knowledge and experience regarding conflict and its indigenous management mechanisms. Furthermore, since it is difficult to include all members of the community aging 18 and above in the study for various reasons, samples were taken purposefully based on the knowledge and experience they have on conflict and its indigenous management.

To get the interviewees and FGD participants having lived experiences and accumulated knowledge on indigenous conflict management mechanisms, the researcher had relied on the workers of ErobWorda Culture and Tourism Agency specially the coordinator of the bureau in

pointing the community elders (Aruha) and government officials who could give genuine information on Erob's indigenous conflict management.

Purposive sampling technique is a sampling strategy that the inquirer selects individuals and sites for study because they can purposefully inform an understanding of the research problem and central phenomenon in the study (Creswell, 2007).

Thus, the following participants were included in this research: The Aruha (community elders) and government officials. Accordingly, nine Aruha (community elders), one public prosecutor, one militia officer, one public lawyer and one police officer were the participants of the study. As mentioned above, the selection of the participants was based on purposive sampling technique. This is because the researcher believes that community elders (Aruha) have detailed knowledge and experience regarding the indigenous conflict management that the community practices. Moreover, the four government officials were included intentionally to see the relationship of the indigenous conflict management and the formal legal system.

Sources of Data

Under this study, both primary and secondary sources of data were included. The primary data was collected through interview and focus group discussion from community elders, public lawyers, Woreda prosecutor's, police and militia officers. On the other hand, secondary source of data which included both published (Books and Journals) and unpublished documents (magazines, newspapers and other documents) found in Erobworedaculture and tourism officepertinent to dispute and its management mechanisms were reviewed by using document analysis.

Tools of Data Gathering

To collect the relevant data for the study three instruments were employed. These were semi- structured interview, focus group discussion and document analysis.

Semi-Structured Interview

In this research, interview was used as primary data collecting tool. Interview is among the tools of data gathering that allows for a person to person discussion. Such discussion provides the opportunity to have a deep understanding of one's beliefs, feelings and behaviors on important issues. In line with this, Flick (1995) stated that advantage of interview is that the consistent use of an interview guide increases the comparability of the data and that their structuration is increased as a result of the questions in the guide. If concrete statements about an issue are the aim of the data collection, interview will have a paramount importance so as to get detailed information at individual level. Thus, employing interview hopefully provide more accurate data as the informants appear to be more to discussion issues during the interview.

In doing so, first I prepared an interview guide in English and then translated into Tigrigna. Since taking notes alone is not sufficient to get full information, responses were tape-recorded. Furthermore, prior to data gathering, I established rapport and smooth relation with the informants. The interview guides were prepared for two groups, one for 9 key informants of the community and the other for judges, prosecutors and administrative security

officials of the Woreda.This method, therefore, enables me to explore the nature of conflict and its management mechanisms.

Focus Group Discussion (Fgd)

In order to get full information from the participants of the study about the overall past and present practices of conflict and its management in the area, focus group discussion was utilized. Focus group discussion could provide information about a wide range of ideas and feelings that participants have about certain issues, there by illuminating the differences in perspectives among participants as well as groups. Besides, since it is a face to face conversation, it makes possible to follow up interesting responses and investigate underling motives in a way that questionnaires cannot (Creswell, 2007).

This tool was used to complement the information obtained through interview from the informants. Focus group discussion (FGD) was conducted with groups of 6 community elders (Aruha).Since the participants of the FGD were from the same background i.e. community elders, this in turn help to facilitate the communication among the discussant themselves. Therefore, focus group discussion (FGD) was employed to cross check and supplement the information that was collected through interview regarding conflict and its management with in the study community.

Document Analysis

Apart from interview and focus group discussion, document analysis was also be used to obtain additional data by reviewing different documents and records. Documents that are relevant to the System and its management mechanisms were consulted and analyzed. These documents were drawn from ErobWoreda Culture and Tourism Agency, newspapers and Erob development association (EDA).

METHODS OF DATA ANALYSIS

During data analysis, the first thing was the writing up of the notes and transcriptions of tapes recorded following the data collection process. Then, in order to attain the specified research objectives, the collected data was organized based on the purpose of the study suitable for analysis and discussion. Since the participants were interviewed in Tigrigna language, the transcribed interviews and FGDs were translated in to English. The next step was reading the transcripts and field notes so as to clutch the themes and patterns of the data. After a thorough reading of the raw data, I categorized or coded the data in to manageable and meaningful sets of themes based on the objectives and research questions to be answered. To this end, the responses were categorized as sources and types of conflicts, conflict handling mechanisms, procedures of conflict management, scales of fines and compensations, the relationship of the "indigenous system" with the formal state law, the status and role of women in indigenous conflict management as well as the observed strengths and weaknesses of the "indigenous system".

RESULTS OF THE STUDY

Erob's View of Conflict

Regarding to the conception of conflict, the participants of this study have different perceptions. Most of the interviewed Aruhas (community elders) viewed conflict as inevitable and natural which prevails in any society. From the dawn of human history individuals, groups, and communities were competing over resources and this will continue forever. Nevertheless, this does not mean that the disputants are evil and stood against the law of the creator. What makes the disputant evil and deviant is when he/she is not willing to solve the problem peacefully. For instance, "Aruha"1 viewed conflict as follows:

Conflict is natural and ubiquitous in all societies. To support this proposition, the "Aruha" further added the following proverb.
"ZeytetsalaekaetnebrEgziabheraykonkan, tetsaliekaetnebrseytanaykonkan". This is to mean that to be free from conflict you must be God; on the contrary, if you refuse to settle the dispute peacefully, you must be Devil. In general, the proverb connotes conflict is regarded as inherent phenomenon. But the key issue here is managing the dispute before it escalates into violent expressions. On the contrary, few interviewed participants of the study conceived conflict as bad and destructive. The respondents revealed that conflict most of the time leads to the destruction of resources and human life. On top of this, they argued that conflict could damage the relationship of individuals, groups and the society at large. For example, "Aruha" 4 outlined like this:

"I do not believe that conflict has any importance. This is because involving into conflict with your relatives, friends and neighbors has no benefit. I, therefore, hate conflict and argue it is unnecessary."

Causes and Types of Conflicts

Causes of Conflicts

In relation to the causes of conflicts, the data gathered from the respondents revealed that conflict is not caused by a single factor. Rather, it is the result of interplay of a number of factors. According to the informants view, the primary causes of conflicts in the study area are resource related factors. In this category, the most common ones are dispute over farm plots, pasture rights and water related factors. The second contributing factor for conflict is drunkenness. In Erob community, intoxication is among the principal causes of most dispute cases especially among the youth. Most youths enter into conflict without any pre-existing differences just because they are intoxicated by local beverages (Malab). The type of conflict emanated from such drunkenness could lead the disputants to physical injury or to lose a body part.

Thirdly, some conflicts in the area are stemmed from the violation of one or more social or cultural values. Insulting an individual or a clan by using specific term is considered as a series offense. For example, insulting a man/woman as "Maleun" (evil eye) is a series offense in Erob custom. Besides, extramarital sexual relationship with married woman, Asabili-Baela (Red enemy which connotes the act

of the offender is very series and can lead the victims' family into revenge) and with unmarried girl, Databeli-baela (Black enemy) are all cultural offenses which result in conflict among the community members. In explaining the causes "Aruha" 2 expressed the following:

The majority of the conflicts which prevail within our community emanate from various factors such as insult, drunkenness, conflict over resource as well as extramarital sexual relationship with married or unmarried woman.

Similarly, "Aruha" 3 expressed the following regarding the major causes of conflicts:

There are many intervening variables that lead the community to conflicts. The variables include dispute over *territory of adjacent plots, pasture lands, theft, drunkenness, insult and abduction are among the principal causes of most dispute cases in our community.*The documents (minutes and previous verdicts given by community elders) revealed the following as the main causes of conflicts:

- Abduction of girls and women
- Insult minute
- Theft
- Conflict over claims of a girl and
- Competition over ownership of land

Moreover, FGD discussants of the study community added the following:

Most of the conflicts observed in Irob community are associated with the question of economic or resource related factors. Violation of social values that is insult and extramarital relationship with married woman and unmarried girls are the sources of conflicts. In addition, drunkenness is also among the potential sources of conflict especially for youth.

In general, despite the theoretical controversies on the causes of conflicts among the scholars, the sources (causes) in Erob community seem to explain worthily through economic, social learning and psycho-cultural theories.

Types of Conflicts in Erob Commnity

The interviewed community elders (Aruha) indicated that one of the most frequently observed type of conflict is inter-personal conflict. Inter-personal conflict could involve conflicts between clans or sub-clans and such conflicts are caused by conflict over grazing land, theft or by insulting an individual or a clan using a socially prohibited word. The other type of conflict reported among the Erob include minor inter-clan conflicts (conflicts with the Erob ethnic group) and conflicts with the neighboring ethnic groups namely, the Afar and Tigrigna speaking neighbors. For example, "Aruha" 5 explained the types of conflicts observed in Erob community as follows:

The majority of the conflicts that have been observed among the community of Erob are interpersonal and enter-ethnic in nature. And these conflicts could be emanated from competition for land, pasture and theft of animals.

Similarly, "Aruha" 3 also stated the following:

The majority of the disputes mostly seen in Erob are inter-personal and enter-group conflicts with the neighboring ethnic groups namely the Afar and Eritrea

people. Both the enter-group and enter-ethnic feuds are caused by cross border claims and due to the competition over farm plots.

FGD discussants of the study community also witnessed that:

The types of conflicts and social tensions mostly observed in Erob community can be categorized into three major types as inter-personal, group (clan) and inter-ethnic conflicts. Inter-personal conflict includes family disputes and neighborhood feuds. Clan (group) conflict refers to the disputes that arise among the clans of the community, while inter-ethnic conflict is the disagreement that prevails between Erob community and its neighboring ethnic groups like Afar and Eritrean communities.

Among the types of offenses, homicide is viewed as a series offense and anti-social act. According to the information obtained from the participants, homicide is rarely occurred as it is a great social tension and sin that is morally reprehensible. The people of Erob consider homicide as the act of terminating some one's life intentionally or accidentally. Consequently, unless the case is not resolved timely, it might plug the disputants into chaos that lead to another death. In general, regardless of the differences of the types and intensities at which conflicts occur, all sorts of conflicts that arise within the study community are resolved through the indigenous system. However, the procedures employed depend on the nature and types of the conflicts.

Procedures of Conflict Management in Erob Community

This section is intended to give the reader a glimpse into how Erob community elders (Aruha) are attempting to bring about peace using the indigenous conflict management mechanisms. The way the Aruha (community elders) handle the conflict involves a series of rules and procedures. In order to have a better grasp of these procedures, one has to differentiate the nature and the type of conflicts to be settled. Hence, the researcher has identified the following procedures depending on the nature and severity of the case under scrutiny.

Criteria For The Selection of The "Aruha" (Community Elders)

Among the Erob, the moot (debate between the two disputants) is composed of victims, offenders and the Aruha (community elders). Moreover, in the case of homicide and other series conflicts, religious leaders and the public at large are also involved in the moot to facilitate the negotiation process. The process of conflict reconciliation among the Erob is headed by a council of elders (Aruha). The community elders (Aruha) are selected mainly after conflicts have broken out. The selection of the community elders is made by the full consent of both the victim and the offender. The community elders are selected on the basis of honesty, impartiality, and ability to influence. Regarding this, "Aruha" 1 disclosed the criteria to be community elder (Aruha) as follows:

The criterion to be "Aruha" is usually based on some unique qualities. The selection of the Aruha is made by the full consent of both the disputants; Aruhas persuasion ability, impartiality and willingness to serve as arbitrator.

Similarly, "Aruha" 4 also added the following:

In relation to the criterion for choosing the "Aruha", hereditary tie, age and wealth (Property possession) are not considered as criterion. Rather, Aruha's are selected based on their impartiality, good knowledge and thoughtfulness in dealing conflicts.

Moreover, regarding the procedures for selecting the "Aruha", the participants revealed that first both parties nominate the "Aruha" whom they think are neutral and would settle their dispute effectively. However, in some cases, an advantage (nominating more elders) could be given for the victim. The council of elders (Aruha) could be three, five or seven. The main reason that determine the number of the community elders (Aruha) to be odd i.e. three, five or seven is to give a majority vote in cases when consensus is not reached among the community elders with regard to the litigation under scrutiny.

Procedures of Conflict Management: The Case of Homicide

The Erob's indigenous conflict management has its own unique procedures which enable the conflicting parties come together and settle their dispute peacefully. The primary task to settle the homicide case is convincing the deceased family to accept offers of negotiation. In cases when the deceased family refused the negotiation process, the slayer's family is obliged to send some amount of money to seven influential relatives of the deceased family. Among the seven relatives four of them are from the victim's father whereas three of them are from the victim's mother family. The money given to the seven relatives of the victim is called Malhina-mangar, which means seven fines or compensations. Usually, after several attempts the deceased family convinces to solve the problem in a peaceful manner. Once a deal is made to settle the dispute peacefully, the Aruha (community elders), Tigdfe-mela (slayer's family), Rabte-mela (deceased family), religious leaders and the assembly at large meets in a place which is a center to both the conflicting parties mainly under a shady of an old tree.

To begin the reconciliation process, the slayer's family ties a cow or an ox (Awr) on a tree which is prepared for the dinner of the disputants, community elders and religious leaders. This process is called Hadalobti, which means a base ground for the reconciliation to be made. Furthermore, the process is very important in heralding the beginning of the reconciliation. Then after, the slayer wear" Koborta'' (Blanket) and gives to the deceased family by his uncle either to kill him or leave him. This time is a time of tension and frustration. Consequently, the slayer's family, religious leaders and the assembly at large pray for their God to forgive the slayer. After a few minutes stay, the deceased family leaves the slayer and asks their fines and compensations. Following the above mentioned procedures, one representative from the deceased family (Mai-negra) stands up and says" Dear religious leaders, gentle men and women, from this time onwards anyone who say Bili-baela (murder) to the slayer will be liable for his/her insult.

Moreover, to strengthen their relationship, the two conflicting parties exchange their daughters for marriage and the girl given to either of the family member is called Bili-badat, to mean the conflict is solved

completely and a new friendship is established. Finally, to wind up the reconciliation process, there are two necessary pre-conditions to be fulfilled. The first pre-requisite is the payment of compensation for the loss of life followed by ceremony purification. The ceremony purification has a special formality and requires shading of an animal's blood (ox). The slaughtered ox is called Kukta which connotes the hostility among the disputants is washed out or resolved. Following this, the community elders, religious leaders and both the disputants' family eat the meat of the slaughtered ox (Kukta). And this herald the killer is pronounced free and ready to mingle with the rest of the society. For more understanding, see the pictures below which depict the procedures of conflict management in case of homicide among Erob community.

Procedures of Conflict Management other than Homicide

Like the homicide case, theft, physical injury, insult and other offenses follow certain procedures and rules. In such conflict settlement process, there are the two disputants and community elders. In the negotiation process, the litigants have an ample opportunity to express their case openly. However, whenever the case is series and possibly sensitive, the community elders employ a strategy of hearing the claim of each litigant in the absence of his/her opponent. Based on the gathered information from the litigants, the Aruha (community elders) would notice the demand of the litigants and each litigant also observes the actual desire of his/her opponent. On top of this, in instances where the disputants refuse to admit their guilty, the elders try to persuade them using different mechanisms. The key method here is persuasion to convince the disputants. In some cases, when the gathered information from the disputants has variation, the community elders (Aruha) could look for witness to testify the issue under litigation.

Once the gathered information from both litigants and rarely from witness is processed and analyzed, community elders (Aruha) would propose a decision that binds the disputants. Further, the mediators would influence the disputants to accept their recommended decisions. Following this, they would reconcile both disputants and make them hug each other. It is common to notice the guilty party would pay the fines and compensations based on the severity of the cases. Finally, the community elders will end the meeting.

Investigating Truth In the Absence of Witness (Emay)

One of the unique features that distinguish the indigenous conflict management from the formal state law is exposing truth in the absence of Emay (witness). In the formal state law, any culprit is punished if and only if it is proved through witnesses (tangible evidences). But, in the case of indigenous system, the Aruha (community elders) employ a very elaborated and systematic mechanism of investigating the truth. In the indigenous system the community elders investigate the truth using different techniques. For example, the information obtained from ErobWoreda Culture and Tourism Agency revealed that:

One of the techniques that the indigenous system uses to investigate a hidden case is

called "Awchach." Awchach refers to the accidental meeting call up on the dwellers of the kebele (kebeles) when homicide or theft is committed where there is no witness.

Here, the victim has suspected individuals or groups, but there is no testimony that proves the case. In such cases, the victim or community elder would present the case to the gathered people and request the public to confess the truth. If no one is willing to confess the truth, the Aruha (Community elders) use different methods to identify the culprit. For example, in case a person is killed where there is no witness, the community elders first measure the footsteps (hoof print) on the surface area in which the accident takes place and then the foot or the shoe of the suspect. This technique helps to detect the suspect by cross checking the measure of the footsteps (hoof print) on the surface area and the foot or shoe of the suspect. Furthermore, the Aruha (community elders) critically observe the area in which the crime has taken place. This is mainly done to check if there is any additional clue that helps to detect the suspect.

The second technique that the "Aruha" use to expose the truth is persuading (influencing) the suspect via his/her clan. The community of Erob believes that relatives of the suspect could effectively investigate the hidden case easily. This basically emanates from the view that any offense is the concern of the relatives (clan). The participants further added, if the truth remains hidden, it may result in supernatural punishments that affect the clan (Mela) in particular and the community in general. The other method of investigating truth in the absence of witness

is probing the culprit using the Aruha's own techniques. In seeking to identify the truth of the case and persuading the suspect to confess; the "Aruha" first ask the suspect and his/her families various probing questions. Whenever the community elders (Aruha) found any clue (contradiction) between the speech of the suspect and the speech of his/her children, father and mother or wife, the mediators (Aruha) report the contradiction they found to the clan of the suspect. This is mainly done to influence the suspect via his/her clan. Moreover, in instances where the suspected refuses to accept his/her guilty using the above mentioned techniques, the community elders (Aruha) restore to the last option. In the indigenous system Oath is taken as the last option to investigate the innocence of the suspect. The ritual oath of innocence deserves certain materials like church, gun and newly dug empty hole.

The first kind of ritual oath takes as follows: by closing and opening the door of the church, the suspect says," if I hide the truth, let God close (hide) my life." Likewise, the second type of oath is jumping over a gun. In this case, the suspect jumps over the gun and says;" if I falsely take the oath, let the bullet take my life.'' The other rarely exhibited method of oath is forcing the suspect and his/her seven relatives enter into the newly dug hole and take the oath. Here, the hole represents grave. In other words, if the suspect and his /her families take the oath falsely, the suspect and his/her families would suffer in supernatural punishments and finally lead the suspect to grave. Thus, the victim would be advised to pray for his/her God and look for bad consequences on the side of the culprit in the near future.

Conflict Management Mechanisms of Erob Community

This section reveals the two main conflict handling mechanisms used by the "indigenous system The two mostly used handling mechanisms among the Erob are negotiation (Yemeten) and Arbitration (Wagare).

The indigenous system uses these mechanisms in both minor and series cases based on their applicability. Thus, this section aims at orienting the readers about the conflict handling mechanisms employed by the indigenous system. The first type of conflict handling mechanism commonly used by the Erob community is Negotiation (Yemeten). The Erob culture allows the litigants to manage their case through Negotition (Yemeten). Among the Erob, this kind of negotiation is called Yemeten. In this method the conflicting parties reach agreement through mutual consensus. Such a negotiation is possible when the litigants have no problem in communicating and managing over the issue under discussion. Furthermore, the settlement through negotiation (Yemeten) could be competitive or collaborative resulted in lose-lose, win-lose or win-win depending on the agreement of the litigants. Negotiation (Yemeten) is applicable when the litigants want to keep their case secret or when the case is minor that did not deserve others to intervene.

The second type of conflict handling mechanism practiced among the Erobis"Wagare" (Arbitration). Wagare requires the submission of the case to a third party (Aruha) for a decision. In the Wagare (arbitration), each litigant names his/her own choice of arbitrators. One of the essential features of the Wagare is the free choice of the judges (community elders). Arbitration (Wagare) is used mostly when the litigants are not willing to engage in dialogue or when the issue under discussion is very series and so sensitive. Moreover, in this conflict handling mechanism, the Aruha (arbitrators) play a vital role in guiding the whole process and finally announcing the verdict.

Indigenous Conflict Management and its Relationship with the Formal State Law

The study has noted that the relationship between formal courts and the indigenous conflict management in Erob community is healthy and smooth which complement to each other.

Currently, the formal justice system and the indigenous conflict management systems operate side by side with full overt support or recognition of each other. The formal state law officially recognizes the existence of the customary dispute resolution systems. For example, 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.''

Accordingly, formal courts in Erob "Woreda" are usually cooperating and give assistance to the elders' council (Aruha) so as to settle the case through the indigenous conflict management mechanisms. This in turn helps to ease the burdens of the formal courts.

As observed in the study area, the community elders (Aruha) are engaged in the indigenous conflict management process so as to manage 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 example, the public prosecutor of the "Woreda" pointed out that:

The relationship of the court and the community elders is good and could be exemplary for other Woredas. Usually, once a criminal case is brought to the attention of the court having jurisdictions, the "Aruha" immediately come to our bureau and ask to settle the dispute through the indigenous system. Based on the consent of disputants, we encourage them to settle their case through the indigenous system. However, the court tends to make distinction between wrongs that injure the entire community and those that injure individuals.

In addition, one police officer of the "Woreda" also added the following:

During my stay in this Woreda, I have observed a good working relationship between the indigenous system and the governmental bureaus especially with formal court and the police forces. 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 indigenous mechanisms. Furthermore, the community elders are required to submit their verdict and the fines and compensations given to the victim.

Similarly, "Aruha" 7 witnessed the following:

We have good relationship with court, police force, and the Woreda culture and Tourism Agency. The Woreda prepares training programs for us on conflict and its indigenous conflict management. However, the training programs are not sufficient and continual.

Moreover, FGD discussants of the study community pointed out that:

The governmental judiciary system and the indigenous conflict management mechanism have a strong relationship which complement to each other. Usually, both systems encourage reconciliation using the indigenous system whenever there is consent of the disputants. Moreover, the governmental organs give moral and material support to enhance the capacity of the indigenous system. Customary dispute resolution (CDR) operates with full regard to the claims of the formal system to jurisdiction of the legitimacy. This is to mean that once a criminal case is brought to the attention of the formal court having a hidden agenda that affects the entire community, the perpetrators are usually held responsible for their wrongdoing.

The Role and Status Of Women's in Indegenous Conflict Management

When we see the role and status of women in managing conflicts, different communities have different experiences. In Erob custom, women do not directly serve as community elders (Aruha). Rather, the indigenous system has designed a mechanism for women to participate in the dispute resolution process. Erob women

exercise power 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 little room to play leadership roles (representing as Aruha) in resolving communal conflicts. For example, "Aruha"6 explained the role of women as follows:

In indigenous system women play an indirect role. This is because we inherited a similar trendfrom our ancestors. Despitethe 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, "Aruha" 3 added the following:

In our community, it is not common for women to be Aruha (community leader). But in the case of trivial conflicts, women have the right to resolve the feuds arising among themselves without restoring to the male elders council. Moreover, in the indigenous system women are treated equally as men.

"Aruha" 7 also stated:

The indigenous system usually includes men members of the community to lead the reconciliation process. Women are only present if they have conflict to resolve and identified as a suspect for a crime. This is because being an Aruha (Arbitrator) is a challenging task that demands skill and higher commitment. But since women have a burden of task so as to lead the domestic work at home; the community believes women would be incapable to handle such challenges.

Strengths and Weaknesses of The Indigenous Conflict Management System

Strengths

The information obtained from the respondents revealed that indigenous conflict management among the Erob has several advantages over the state law. Some of the advantages are restorative capacity, accessibility, revealing crime committed under cover (crime without witness) and its acceptability. The primary merit of indigenous conflict management among the Erob is its accessibility. In Erob 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 pursing a

dispute through formal court system with buying sheets of paper and getting the case written. Furthermore, the proximity of customary institutions to the litigants saves the disputants energy that would be lost in tiresome and frequent travels from their locality to Woreda, zone and federal courts.

Secondly, the indigenous system has the capacity to restore harmony within the community when dispute has arisen. This is to mean that indigenous conflict management resolves 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 indigenous conflict management among the Erob is revealing crime committed under cover (revealing crime 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 indigenous system. As indicated earlier, in the indigenous system a hidden case is investigated through four interrelated mechanisms. These mechanisms are "Awchach" (accidental meeting call up on the dwellers of the kebele/s), influencing the suspect via his clan, probing the suspect using the community elders own technique and through ritual oath. But, though the defendant could try to resist his clan and the community elders, taking oath while denying something wrong is a taboo in Erob 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 indigenous system is powerful than the state law to reveal the crime committed without witness.

Finally, acceptability of the Aruha's (community elders) decision could also be considered as a merit. The one mostly noticed reason for the preference of indigenous conflict management among the Erob is the acceptability of the decision passed by the Aruha (community elders). Since the decisions passed by the "Aruha" 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 EIrob.

Weaknesses

According to the information obtained from the community elders (Aruha), police officers and public prosecutors, indigenous conflict management among Erob's has its own limitations. One of the glaring weaknesses that the participants reported is the exclusion of women in the system. In Erob 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 (Aruha). They lack representation and this could be taken as a primary limitation of the system.

The second deficiency of the indigenous system is its economical extravagancy. Though the indigenous conflict management among the Erob does not demand cost of transportation or to hire experts, but in the resolution process of homicide case, the slayer's family (clan) are forced to provide food and locally prepared drinks. Furthermore, animals are slaughtered during the time of reconciliation. The point here is that this practice has its own economic effect on the side of the slayer's family. Therefore, from economic point of view, this practice can be considered as a limitation of the institution (indigenous system). The other limitation that the researcher observed in the system is that its time consuming nature or prolongation of appointments and meetings. Though different research findings in many Ethiopian ethnic groups show indigenous conflict management mechanisms are timeliness which respond immediately or very quickly, the reverse is true in the indigenous system.

In general, the study has shown that indigenous conflict management among Erob has some weaknesses that ought to be transformed.

SUMMARY, CONCLUSIONS AND SUGGESTIONS

Summary

The principal aim of this study was to explore the nature of conflict and its indigenous management practices of Erob community, which is found in Tigray Regional State, Eastern zone, ErobWoreda. To achieve the objectives of the study, the researcher employed qualitative approach particularly phenomenological. Moreover, to obtain in-depth information regarding the issue under scrutiny, various instruments (tools) were used. The data gathering instruments employed in the course of the study were in-depth interview, document analysis and focus group discussions conducted with the key informants of the community. In the case of Erob community, the main cause of conflict seems to be in the area of economic interests, drunkenness and violation of social values (Insult). Moreover, extramarital sexual relationship with married woman and unmarried girl is also a contributing factor for conflict. The major types of conflicts observed in the study area could be divided in to three categories as inter-personal, inter-clan (group) and inter-ethnic conflicts.

Regardless of the theoretical controversies on the causes and types of conflicts, consensus seems to exist among scholars on how individuals, groups, communities or nations handle their differences. Scholars divided peaceful mechanisms of conflict management in to various categories as negotiation, mediation, arbitration and adjudication (discussed under 2.4.1). But concerning the Erob community, one may came to the conclusion that these dispute handling modes are not equally important. Instead, negotiation and arbitration are the major ones that mostly practiced by the study community. Currently, there are two forms of administration of justice operating among the Erob: the indigenous mechanism and the formal court system. However, most of the dispute cases are settled by the indigenous mechanism. In Erob, indigenous system is the most widely used institution for conflict management. The institution is run by three, five or seven voluntary community elders who manage the conflict either on their own initiative or when solicited by the litigants. Erob community has a high regard for their culture and their elders. Consequently, the community elders are entrusted with the responsibility of searching the truth, mediating and resolving all kinds of conflicts.

Regarding the procedures of conflict management, the findings of the study showed that the Aruha (community elders) largely depend on the type and nature of the conflicts to be solved. In the indigenous system, conflict management procedures are classified into three categories. These are procedures of conflict management in the case of homicide, procedures of conflict management other than homicide (trivial offences) and the procedures used to settle conflicts without witness (hidden conflicts). Erob's believe that all conflicts with in their community should be solved peacefully according to the long-standing indigenous mechanism. The system consists of specified guidelines and rules regarding the fine and compensation payments that correspond to the severity of the offenses. Accordingly, the compensation payments (kasha) ranging from 30,000 birr for murder to 165 birr for insulting someone as "maleun" (evil eye).

The smooth relationship between the indigenous system and the formal state law is also confirmed in this study. The public prosecutors, judges, police and militia

security officers are supportive and appreciative of the indigenous mechanism roles in conflict management. The support of the Woreda administrative and security office is mainly giving training program that could create awareness among the public in general and the community elders in particular. Moreover, it is important to mention that the judges and public prosecutors help the indigenous system by registering the verdicts given by community elders (Aruha).

Besides, this research attempted to find out the status and roles of women in indigenous conflict management. It can be concluded that women do not directly serve as arbitrators rather they exercise their power indirectly and informally by advising their husbands, brothers and their clan.

The findings of this research also showed that indigenous mechanisms for conflict management have different advantages over the formal court systems as follows:

- They give access to the litigants to settle their case with in their locality. This in turn helps the disputants avoid the need to pay for transport and other related expenses.
- They contribute to the restoration of peace and order among the disputants.

Formal courts apply the already developed law to the case at hand regardless of the future consequences. On the contrary, indigenous conflict management resolves the cause of the conflict from its grass root level.

- They reveal crime committed under cover (revealing crime without witness). In the case of formal courts the allegation is proved only through witness. However, this is not the case in the indigenous system. In the indigenous system, a hidden case is investigated through four interrelated mechanisms that is through "Awchach", influencing the suspect via his/her clan, probing the suspect using the community elders own technique and through ritual oath.
- Fourthly, acceptability of the Aruha's (community elders) verdict could also be seen as the other merit of the indigenous system. On the other hand, the findings of this study also exhibited some weaknesses of the system. The limitations of indigenous system such as exclusion of women, economic extravagancy, time consuming or prolongation of appointments and meetings were mentioned by most of the participants.

CONCLUSIONS

From the above findings, the following conclusions were drawn.

- ✓ Indigenous institutions can provide a solid framework for building a community's conflict resilience through strengthening indigenous conflict management institutions.
- ✓ The System ("Sugsa System") is deeply intertwined with the cultural and spiritual practices of the

community. Furthermore, the system utilizes a great variety of handling modes and approaches for the management of communal conflicts.
- ✓ Indigenous conflict management mechanism ("Sugsa System") is more preferred to legal system in managing conflicts occurred among the study community.

- ✓ Forgiveness, which is often the outcome of conflict resolution, is superior to the results of modern law not only because the latter emphasizes punishment but also because through forgiveness the seed of resolving possible future conflict according to the Irobtradition is sown.
- ✓ Respect for and loyalty to these values facilitates the role of community leaders ("Aruha") to prevent, manage and resolve conflicts.

Suggestions

Based on the findings of the study, the following recommendations were made regarding effective prevention and conflict management mechanisms in the study area.

1. *Sharing experiences with other communities and ethnic groups on indigenous conflict management systems*

The protracted and complex nature of conflicts made the ways of reconciling communal and ethnic groups different. For example, the Abegar system (divine father) in south Wollo, Gada System in Oromia, "YejewokaSengo" in the Gurage Zone and the "Mad'aa" (Customary law) in Afar have their own experiences with regard to the handling mechanisms, advantages and risks. Hence, sharing experiences among these ethnic groups could give a greater chance to promote the efficacy and efficiency of the system. Therefore, the researcher recommends to the governmental and non-governmental organs should provide these ethnic groups or communities with workshops, exchange visits that help them and update their customary law so as to compute with the state law.

2. Gender inequality must be challenged through public education

While the" Sugsa System" is very useful and have much comparative strengths, one should also note some limitations. One of the major weaknesses observed and reported is exclusion of women. Thus, gender equality and participation must be attained through persistent public education.

3. *Allowing the indigenous systems to have their own financial source (budget)*

Conflicts in Erob community are preferably handled by the indigenous conflict management mechanisms (Sugsa system). This is because the "Sugsa system" has a greater role than the court in maintaining social order. Despite this the system has no permanent financial source (budget) that could cover expenses of training programs, meetings and transportation costs of the peace makers (Aruha). Allowing the systems to have its own financial source could be a solution to cover the expenses of local peace makers (community elders).Therefore, establishing conflict management fund (budget) that can be used to cover the cost of the activities of local arbitrators is very crucial.

4. *Encouraging reform of the system regarding economic extravagancy and prolongation of appointments and meetings*

Despite the already mentioned strengths, the study has shown that the indigenous conflict management among Erob's has some limitations that ought to be transformed. Accordingly, economic extravagancy and time consuming or prolongation of appointments and meetings are the main ones. Hence, the researcher suggested that the community should be encouraged reforming these limitations.

5. Building institutional linkages between the formal court and the indigenous Institutions

A linkage between the formal court and the indigenous conflict management systems is vital to facilitate the cooperation between the systems. Linkages can be built from

sharing information, through sharing jurisdiction and responsibility. By doing so, the legal system can take advantage of the benefits of indigenous system while ensuring that they respect the concern of international and national human rights and those of women and children**.**

6. Strengthening the system through further research

Though the researcher attempted to understand the nature of the conflicts that arise among the community of Erob as well as the conflict handling mechanisms, but it is hardly possible to say the study is comprehensive enough. Therefore, the researcher would like to underscore the need for further research.

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