Indigenous Conflict Resolution Mechanisms among the Kembata Society

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Abstract The major goal of this study was to assess the role of indigenous institutions in handling/ settling conflicts in the Kembata people in Kembata–Tembaro Zone in the Southern Nations, Nationalities and Peoples Regional State (SNNPRS).The research was conducted in Kedida Gamelo woreda and it was purposively selected. This selection was based on the following reasons. The first reason was that, it is the seat of the zonal administration, so it would be easy to consult the zonal culture and tourism department frequently. On the other hand, since it is the zone's centre, it is thought to be relatively better secured than other woredas. Similarly, as casual visit of the research team to the study area indicate that resourceful informants can easily be found in the selected woreda. Kedida Gamella woreda has 17 rural kebeles. Bezenabenara, one of them is selected as the setting of the study because it is believed that the kebele is easily accessible from Durame town, which is the seat of the zonal administration. To achieve this goal, an attempt was made to collect the data in the study area by using different mechanisms. Qualitative research methodology was employed in the study for its appropriateness to assess the role of indigenous institutions in handling/ settling conflicts in the study area and data was collected through the use of interview, key informant interview, focus group discussion, personal observation and document review. In terms of sample size, the researchers have done interviews with 10 key informants, i.e. eight (8) key informants was with elders and two(2) key informants from court officials (judges) and three(3) FGDs were conducted from different target groups such as elders, youth and local authorities. Each FGD has eight (8) discussants classified based on sex. The results obtained from the study suggest that Conflicts in Kambata, as in anywhere else, may vary from trivial interpersonal disagreements to a serious dispute which might eventually lead to homicide. The most common conflict issues in Kambata are grazing land, water, farmland and borderland. There are many deeds and accounts in the daily activities of the society which are considered to be crimes vis-à-vis the norms and traditions of the Kembata community. However, the most serious ones are: **beating a man with a slump and/or thin stick**, **Beating elderly, raping, murder**, **Physical damage**, **Adultery.** There are different traditional institutions to solve the conflicts among Kembata societies. These are Reeda, Gudagambela tradition. The local communities prefer customary laws than courts due to the following reasons: First customary laws are flexible; they develop as the communities go forward and provide communities with a sense of ownership contrast to formal legal systems that are perceived as alien to a considerable number of people in developing countries in general and Ethiopia in particular. Secondary, customary law provides a fundamental and central role to maintain order in many communities. This owing to the fact that it is developed and maintained by local peoples as a result of which are suits local circumstances. In fact, the extent of the role of customary laws in maintaining order varies from community to community depending on many factors. In addition it plays an important cultural role in the lives of many people and beliefs. Thirdly, the law itself is more immediate and meaningful to all people concerned; as it is developed and imposed by the community itself that is by their own community major role in that process, yet having the appropriate limitations that should be imposed on the recognition of customary laws. Therefore, to sum up, the local systems of conflict resolution among the Kembata are the most preferable one even though the local community have already begun to use government courts as an opinion.

Keywords: *indigenous, kembata society, conflict*

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1. Introduction

1.1. Description of the Study

There is no single definition for the term conflict. (Coser, 1968) defines conflict as a struggle over values or

claims to status and scarce resources, in which the aim of the conflicting parties is not only the desired values but also neutralizes, injures or eliminate their rivals. Conflict is an inevitable phenomenon 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 interests (Nader, 1968). Conflict can be understood as "Encasement in a fight or possible confrontation between two or more parties aspiring towards incompatible or competitive means or ends. In the other hand as to the definition availed by (Montagu, 1968) conflict is a condition of disharmony in an interaction process and usually occurs as a result of clash of interest between the parties involved in some form of relationship. Clash of interest could occur because either they are perusing their incompatible goals to peruse their chosen goal. Fisher on his part defines conflict as "a relationship between two or more parties who have or think they have incompatible goals (Schellenberg, 1996).

With Regard to conflict management Fortman has indicated that conflict can be managed through strategies and through institutions. The conflict management process through strategies encompasses reconciliation, adjudication and alimentation; these strategies demand the conflicting parties' commitment to reconcile with one another and their commitment to accept the decision of the third parties. The ultimate objectives of these strategies are to handle and minimize conflict among parties who have different demands (Roberchek, 1990).

Almost all societies, regardless of their location in time and space, have laws for handling disputes and achieving resolution of differences. Gulliver (1979) states that every society has its own mechanisms of handling disputes/conflicts.

Ethiopia is a country in which various ethnic groups live together for long period of time. As conflict is inevitable, these ethnic groups have experienced conflicts of various types at different times. Each ethnic group has its own mechanisms for solving conflicts.

The southern Ethiopia is the home of many multilingual and multicultural societies which referred among some scholars as "museum of culture". Kambata nationality group lives in the highland area of the Hambaricho massif, in kambata-Tembaro zone, of the SNNPR in Ethiopia. Kambata is specifically located in 119 kilometers west of Hawassa. The ethnic group is mainly settled between Omo River to the west and the Billate River to the east. The neighboring zones are Hadiya to the North and Southeast, Dawuro to the West, Wolayita to the South and Hallaba special woreda to the east. The homeland of Kembata people is one of the most densely populated areas in Ethiopia. The majority of the people are farmers. Enset plant constitutes the base of their subsistence economy. They also cultivate many crops such as barely, wheat, maize, teff, sorghum, peas, beans and vegetables like cabbage, avocado. Similarly, cash crops like coffee and ginger are produced and presented to central markets.

The Kembata are heterogeneous in terms of kin-ship. According to some informants who are close to the researchers assert kamabata estimated to have more than 200 racial groups. However, cooperation and mutual help among them is astonishing (Tries, 2008).

Because of the fact that the people are being densely populated (estimated to be more than 300 people per km2) there is more likely competition for insufficient resources available. From this it could be logical to think about frequent occurrence of various types of conflicts. The kambata people have its own traditional conflict resolution institution and mechanism which is the main aim of this study.

We all deal with conflict in our daily lives-at home, work and school, in personal and business relations. In today's complex society, it is common to see when communications break down, differences increase and conflicts arise. What is important is how to settle our differences. The conflicts in the Kembata areas include dispute over land, conflict over marital issues, conflict over property, and conflict arise due to homicide cases. Issues like cattle theft, abduction, physical violence and adultery are also common.

There are options available in Kembata land for resolving conflicts arise between individuals or groups by peaceful means. These are generally divided in two: formal state structures such as court and informal institutions. But the researchers' selected traditional institutions since they are the most widely and commonly used form of conflict resolution in the study area. The study has further more attempted to assess the interactions of Gogotta/Kokatta (traditional institutions) with other customary and formal conflict resolution institutions.

1.2. Objectives of the Study

The proposed research has the following general and specific objectives.

1.2.1. General Objective

The general objective of this research will be
- To assess the role of indigenous institutions in handling/ settling conflicts in the Kembata people: In the case of Kedida Gamelo woreda

1.2.2. Specific Objectives

The specific objectives of this research will be
- To identify the role of indigenous institution in handling conflict/disputes in the study area.
- To explore the processes and procedures followed by these indigenous institutions
- To discuss the advantage and limitation of these traditional conflict resolution mechanisms
- To assess the challenges facing these indigenous conflict resolution mechanisms
- To assess the attitude of the society towards interaction between indigenous conflict resolution institution and other settlement institutions in the study area.
- To identify the way in which customary institutions of conflict resolution can be strengthened and /or integrated with the formal modern state judicial framework.
- To assess the view of the society towards these traditional institutions.
- To identify the role of the government and non-government organizations in supporting these traditional institutions.

1.3. Scope of the Study

This study, therefore, attempted to address the following research questions:

✓ What role is the role of these indigenous institutions in handling conflict/disputes?

✓ What are the processes and procedures followed by these Institutions?

✓ What are the pros and cons of indigenous institutions in conflict resolution process?

✓ What challenges are these institutions currently facing?

✓ How do people of the study area view the role and procedures of conflict resolution institutions? Which group of the society often uses the institutions and why?

✓ What is the role the government and the Non-government organizations in supporting these institutions?

The study will be significant from the following perspectives. First, it will provide valuable information about the role of indigenous conflict settlement mechanism plays among Kembata people. Second, it will reveal the preference of people related to conflict settlement mechanisms and the rationale behind it. Third, the finding of the study may be used by the concerned bodies (e.g. legislative) to consider and preserve indigenous knowledge and values. Further, the result of the study will contribute to the limited literature on traditional conflict resolution mechanisms among the nations and nationalities of SNNPR.

Shortage of time, finance and other constraints bear limitation on the geographical coverage and extent of the study. As to the study area, although it would have been better to include other ethnic groups of Kembata-Tembaro Zone people, only Kembata people will be covered by the study. The study is also limited to focus on the role of traditional conflict resolutions institution in resolving conflicts. Due to the nature of the topic, the researchers will use mainly qualitative method. Therefore, it is with this delimitation that the study is designed.

2. Literature Review

2.1. The Concept of Conflict

Conflict happens to appear when individuals or groups have incompatible interests and/or goals. When one has become really an obstacle or shows a tendency to become so for another to meet his/her needs, conflict is, then, more likely to breakout. Conflict could also be a result of human greedy. For the reason that scarcity of any resource is always a fact of life, there would always be a persistent competition to have a greedy control over these resources. Indeed, this fierce competition would lead to a sort of collusion, and at times even to an intense conflict. Thus, a competition for resources, among others, is a major cause for conflicts that may arise between/among individuals and nations at large. (Barash and Webel,2002) in a more or less similar way put it as:

… The word conflict derives from the Latin confligere, which means literary "to strike together." It is impossible for two physical objects, such as two billiard balls, to occupy the same space. They conflict, and if either is in motion, the conflict will be resolved by a new position for both of them. Within the human realm, conflict occurs when different social groups are rivals or otherwise in competition. Such conflicts can have many different outcomes: one side changed, one side eliminated, both sides changed, neither side changed, or(rarely) both sides eliminated (Ibid)

In fact, we argue by saying that it is worthy of noticing not to have a misconception on the very essence and meaning of conflict and competition. They are basically different such that competition does not necessarily end up in confrontations nor does it involve the act of harming and/or destroying among/between the competitors. While conflict, more often than not, on the other hand, is used to refer to a context which appears to be that there is the act of removing one another. Thus, competition is always positive and should be understood in its constructive sense. Although conflict is also not always bad, this is not, however, the same as saying that it has always a positive impact. Conflict has sometimes a devastating effect when it is particularly violent. It is undeniable fact that violent conflict kills quite a mass of people arbitrarily. It also consumes such great deal of other material resources that they would have been used in such returnable investments. (Alexander, 2005), in this regard, writes:

In any society, conflict is one of the major factors negatively affecting development. It diverts resources that could have otherwise been used productively (Ibid: 30).

Furthermore, this same author once again adds that:

Conflict is regarded as undesirable in many societies. In its violent form, it claims the lives of many people, destroy property, and diverts human as well as financial resources away from development (Ibid:44).

Conflict exists in different forms; mainly of two forms. There are direct and indirect types of violence depending on their magnitude and manifestation. Direct violence is the most outward, visible and easily identifiable sort of conflict. It is just like a direct physical confrontations or clashes between individuals. It could also be manifested in a form of war between nations or groups of different interests. On the other hand, indirect violence, which is synonymously referred to as structural violence, appears to be in a form of invisible and relatively unidentifiable societal structures. Such violence is built deep in to the social, economic and political structures. These structures deliberately prohibit every people from having enjoyed equal social status and equal access to economic opportunities as well as involvement in one's own political matters. It is all about discrimination and marginalization, suppression and exploitative world order. And all these in turn would result in human suffering and life misery in general as the consequence of impoverishment to overwhelmingly majority of the people.

For clearer conceptualization of the two types of violence, and their distinctions, it is important to quote HO-Won Jeong.s explanation on this issue. He, for instance, states direct violence as: Direct violence, the popularly understood meaning of violence, is referred to physical injuries and the infliction of pain that is caused by specific person. Thus killing and beating, whether they happen in war or interpersonal situations represent direct violence.… In direct violence, clear subject-action-object relationships are established, as we observe someone who hurts other people by a violent act. Direct violence generally works fast and grammatically. It is personal, visible, manifest and non-structural (Jeong, 2007).

On the other hand, (Jeong,2007) also explains how structural violence gradually reveals to be a serious violence in such away as:

Poverty, hunger, repression and social alienation constitute another way to characterize situations causing human misery. Quality of life is reduced by denial of education opportunities, free speech and freedom of association. Conditions are associated with uneven life chances, inequitable distribution resources and unequal decision-making power. Given its indirect and insidious nature, structural violence most often works slowly in eroding human values and shortening life spans. It is typically built into the very structure of society and cultural institutions …. Structural violence is apparent in social systems maintaining exploitative means (eg, slavery) throughout human history (Ibid: 20-21).

2.2. Sources of Conflicts

Throughout the history of the study of conflict, whether the aggressive behavior is an inborn human quality or a reaction to social, political and economic factors is where lay the controversy among the scholars (Nader, 1968, Collier, 1975, Tadesse, 1988, 1994).

Some scholars have agreed that the causes of conflict are deep rooted in our biology. (Schellernberg, 1996) describes such an approach as individual characteristic theory that focuses on the individual and his acts, rather than the context of the act. This view of conflict has its root in the work of Freud, who believed that violence is rooted in our basic nature as animals. Human conflict is inevitable not because it is part of social life, but for it is a biological fact lying within us all.

Later writers have used Freud's assertion, too. Nineteenth century social Darwinists stressed the role of competition and conflict in all human societies. Taking the idea of the "survival of the fittest" as a basis, they analyzed conflict as part of a universal struggle urged by inborn aggressive tendencies. The new theoretical perspective under the name of ethnology also supports Fereud's view. This approach, according to Schellenberg (1996) emphasizes the genetic instance of social behaviors. Ardrey (1961, 1966) and Lorenz (1963, 1966) cited in Tadesse (1988) and McCauley (1990), who argue and popularize that human violent behavior is inherited, were representatives of this approach. For them, according to (Nader, 1968), man inherits the biology of aggression that is natural and universal to vertebrates.

The idea that aggression and conflict is an inborn human quality has faded and received heavy criticisms from other writers. Gibson (1990), Roberchek (1990) and Gregor (1990) presented ethnographies of what they called peaceful societies, the Buid, the Semai and the Xingu respectively. Montagu (1968, 1978), Plibeam (1972), cited in Tadessse (1988) reported several hunter-gatherers societies of Africa, which are said to be relatively peaceful. Tadesse (1988) further illustrated that a given society or individual persons could be peaceful and/or violent across time and circumstances. Anthropologists have effectively used these ethnographic works to refute the biologically based explanation of the sources of conflict and show its inadequacy.

Even those who have challenged the innate nature of human aggression have taken different paths to treat the sources of conflict. Whether or not material ends are the final causes is another point of debate. According to Roberchek (1990), ecological functionalists (for instance, Harris, 1972, Gross, 1975, Ross, 1978, Ferguson, 1984) assert that material causes are the final arbiter of human behavior. Opposing this view, Gibson (1990) argues that the materialistic and deterministic final cause argument is inadequate to explain the causal dynamics of particular conflicts. It is unable to link material cause with cultural elements, and it leaves no room for consideration of human decision-making. Roberchek (1990) says that the understanding of dispute "requires putting the brute material facts into cultural and social contexts attempting first of all to comprehend how the situation was conceptualized and defined by the people involved"

Other scholars have attempted to explain why the local groups of some cultures are internally more peaceful than the others in relation to social structure with a special emphasis on residential pattern, descent system and marriage rules. Velzen and Wetering (1960, cited in Otterbein, 1994) first developed the fraternal interest group theory. Fraternal interest group is power group that constitutes related males residing close together. They contend that such a group responds aggressively whenever the interest of one of their members is threatened. The authors concluded that in societies with power groups, conflicts are more often, and peaceful conflict resolution is less probable for the disputants have group ready to support them through thick and thin.

Confrontation theorists, who argue that the entire structure rather than mere residence are responsible for conflict, opposed this assumption. For instance, Dillon (1980, cited in Otterbein, 1994) has come up with different research result. Despite the presence of fraternal interest groups, the Meta of western Cameroon stigmatized the act of retaliation.

The structural functional theory is one of the major theoretical approaches to the study of conflict. Nader (1968) shows that this theory emphasizes both the structural sources and the structural functions of conflict. Lewellen (1983) states that the structural functionalists view society as an equilibrium system whose component parts play a role in the maintenance of the whole. Hence, as part of social life, conflicts too work towards the maintenance of the ongoing social structure. The works of Evans-Pritchard (1940) 'The Nuer' and Gluck man's 'Custom and Conflict in Africa' (1956) are typical examples of such an approach, which dominated the period between 1940s and 1950s in legal anthropology (Lewellen, 1983,) The 1960, according to Lewellen (1983), marked a shift to a more process-oriented, more dynamic form of analysis. This was signaled in 1954 by the work of Leach entitled" Political

Systems of Highland Burma," in which he asks what accounts for conflicts in a society rather than what holds society together as functionalists did. Similarly, Gulliver's works on conflict and its resolution have been ground breaking for the shift from system- oriented approach toward actor-oriented approaches which take into consideration the new roles and choices in the face of the changing world (Caplan, 1995).

2.3. African Traditional Institutions of Conflict Resolution

Africa is a continent which has blindly and wrongly been, and still is continuing to be, considered horribly as a "dark" and hopeless" place with connotatively "primitive" societies. Primitive in this sense obviously implies to mean uncivilized. However, this is not only a mere mistake but it is also an ethnocentrically biased view. Such an unbalanced judgment emanates from the point of view which believes that there is only one perfect, absolute and standard culture, norm or value. As to the notion of absolutism, cultures and/or world outlooks other than the perceived standard one are inferior, savage and barbaric. Proponents of this notion do not recognize, or are reluctant to accept the very idea /principle of cultural relativism. The whole concept of cultural relativism is such that every society has their own norms and values peculiar to them. it is all about the proposition which advocates that any society needs to be judged in its own term. Accordingly, right or wrong and good or bad depends on one's own cultural measurements. This view does not put all cultures in to the same basket and measure them with similar standards. All in all, it denounces the assertion that reiterates the principle' one size fits all'.

To this end, African societies unanimously have their own cultures of civilizations. It is believed that Africa is the cradle of mankind. As it might also be witnessed in many archeological excavations, there is now a days a tendency to believe that the first men had probably lived in Africa. Indeed, Africans, at least like any other people elsewhere, certainly have for long time developed their own unique system of administration and governance. As part of their strong and viable system, they had also, and still remain to have, effective and practically workable conflict resolution mechanisms which sustained and solidified them together within their respective communities. Francis (2006) also has to say in this relation that:

According to archeological evidence, Africa is the cradle of humanity. It therefore stands to reason that Africa had, from time immemorial, evolved its own mechanisms and institutions for managing and resolving disputes and conflicts in ways that preserved the fabric of society and encouraged peaceful co-existence. The argument is that the concept and practice of peace and conflict resolution is not new in Africa, but rather it is the institutionalization of peace and conflict studies at African Universities and schools and civil society organizations, that is the new phenomenon (Francis, 2006).

This is particularly true of Africa before colonialism ravaged it along with the destruction and erosion of its norms and precious inner most values all over the continent. Western colonizers have not only exploited the African rich natural and human resources but they have also corrupted and poisoned its long time and deep-rooted systems of self governance. It is a common knowledge that Africa had existed with its unique civilization and thereby philosophy long before the intrusion of colonialism to generally disrupt the indigenous knowledge systems. Singleton and Shingler (1967), in this regard, add as:

Long before the coming of white men, African peoples had organized national governments to protect their citizens from foreign invasions and crime. All African communities have had rules to ensure that individuals lived in harmony with one another and that justice was done when conflict broke out. Africa religions have seen man as part of the universe and have provided a moral code on which man could rely (Singleton and Shingler, 1967).

Thus, it is rational to argue that Africa, as a civilized continent, had the conception of state and state formation as anciently as others. History tells us that there had been miraculous and until this day mysterious level of civilizations in Africa. These civilizations had existed as equally parallel as the world's renowned Middle East and Greek civilizations. This fact could be witnessed by the physically tangible remaining artifacts which are believed to be unique up to this date. To this end, it would be suffice to mention the great Axumite and Egyptian ancient civilizations, to just remind only few. By and large, Africa had also witnessed to have such great and enlightened philosophers of its sons like Zeracob of the Axum who originally had critical thoughts regarding gender equality. Africa is, therefore, a home of wisdom and art in varieties of field of areas. In fact, the indigenous knowledge system in the area of conflict management, prevention and resolution is no exception, if not best. Francis (2006) also confirms this argument as:

It is … reasonable to assume that ancient and pre-colonial

Africa must have developed its own „practical and rational wisdom. And approaches …. According to pre-colonial historical evidence, Africa had developed rudimentary and in most cases, sophisticated political, socio-economic and political institutions, and with developed approaches to conflict management, resolution and peace building (Francis, 2006).

In spite of the fact that traditional societies in Africa are reputed to settle conflicts long lastingly and for that matter to handle their administrative cases in their own, the European colonial powers rhetorically justify colonialism to have a civilizing mission. In fact, colonialism did not only downgrade the traditional methods of peacemaking but it also had virtually destroyed the democratic institutions in many African societies (Bahru, 2002). Colonizers did this as part of their purpose to homogenize the world in such away as their values and perspectives would be dominantly flourishing at the expense of vanishing others. In doing so, they replaced the African customary practices and institutions which for centuries had upheld the societies by their own imported customs of rule. It is because this would ultimately serve their colonial interests. Fred-Mensah (2000) has rightly pointed out how colonialism had influenced the local systems as shown among the Buem people. He has put it as:

The colonial experience brought to Buem-Kator significant alternations in political, judicial, economic and socio-cultural structures …. As should be expected, these changes have had significant impacts on the traditional conflict management of the area …. Buems say that the presence of national government's judicial and security officials in the area and the alternatives that they offer in conflict management have undermined their traditional conflict mediation system, including their reliance on supernatural sanctions for determining truth in court and enforcing court decisions (Fred-Mensah, 2000).

In a similar assertion, Wilson-Fall (2000) has also written about how effective the traditional institutions to

manage conflicts were in the pre-colonial Africa. According to him and other authors, however, these were intentionally degraded and paralyzed. To exactly put the words of Wilson-Fall (2000): Prior to and during the early part of the colonial era in West Africa, indigenous peoples practiced traditional methods of conflict management characterized by a concern for long – term rather than short-term solutions. Many of these methods were also preventive or meant to minimize conflict. When the Colonial regime replaced the power base of local political Structures, the use of traditional methods of conflict management dwindled. Especially in terms of land use and access to other natural resources, the colonial governments made it clear that they were the ultimate authority (Ibid:49).

Withstanding all the influences and attempts of destruction, there are still traditional institutions in Africa many of which are co-optingly working with the imported modern institutions. In spite of the effect of modernization, the existing traditional institutions are yet serving to keep harmonies (Zartman, 2000) and solidarities among people of a certain society. Although sufficient attention is not given to the traditional institutions even in the post-independence era, however, there are to a little extent tendencies to incline to use them applying in the contemporary issues. An exemplary step to be mentioned in this regard is the application of gacaca to resolve "modern" conflicts in Rwanda. The Rwandan societies have been using gacaca traditionally for so long years at a grass root level to handle any sort of conflicts and/or disputes. The Rwandan government has also recently been able to apply it in dealing with the most deadly and worst crisis of 1994 which had eventually led to genocide reportedly claimed near to a million people. Tongeren et al. (2005) states gacaca and how it functions as:

Gacaca refers to a traditional Rwandan method of conflict resolution at a village level. In cases of conflict in a Community, such as dispute over land, property damage, material issues, or inheritance rights, meetings were convened between aggrieved parties, and presided over by community leaders. The meetings not only were meant to sanction the violators of the village norms, but also ensure that those accused, and found guilty, were again fully accepted as members of the community. Reconciliation between violators and their communities was at the core of the traditional Gacaca system (Ibid:466).

Another African traditional institution of this kind, to add, is ubuntu which is also an effective conception of peace making institution. The role of ubuntu in conflict resolution and its very notion in general, as in Ibeanu (2006), is stated as: As an indigenous conflict-prevention and peace-building concept, it embraces the notion of acknowledgement of guilt, showing of remorse and forgiveness, and paying compensation or reparation as a prelude for reconciliation and peaceful co-existence …. The essence of ubuntu is to promote a culture of peace, tolerance, peaceful co-existence and mutual development. As a conflict prevention and peace building strategy, ubuntu is based on the principle of reciprocity, inclusivity and a sense of shared destiny between peoples and communities. The ubuntu tradition, in practical terms, is about reconciliation and building peace in divided societies, and about democratic participation (Ibeanu, 2006).

Even with the presence of such local institutions, it is an open secret, however, that news about the prevalence of conflicts in Africa has become cliché. Conflicts are aggravated and intensified in the post-independent Africa more than ever. The reason may, among others, be because of the fact that Africans are unable to handle their own matters through their customary institutions. The issue of conflict management and resolution is, therefore, no exception in this regard. The interferences of governments and concerned international organizations to calm the conflicts are negligent of the culturally built grass root institutions to take into account. Instead, a prescriptive approach is being applied to pacify the violence. However, this approach is bearing no fruit. Scholars along this line argue that conflict resolution needs to be based on a specific context of the society where the conflict has already erupted. John Paul Lederach, as in Francis (2006), for instance has argued that the process of conflict resolution ought to be "elective" as opposed to the universally and dominantly accepted "prescriptive" way of resolving conflicts. Francis (2006) contrastingly further elaborates the elective and prescriptive processes as: The elective process of conflict resolution is based on building and creating appropriate models from the cultural resources and implicit knowledge available in a given setting. The Prescriptive process on the other hand, is based on transferring conflict resolution techniques from one setting to another, the transfer of Western methods to non-Western conflict environment (Francis, 2006). There is, therefore, a need to promptly revitalize the African traditional conflict resolution institutions so that conflicts for a long-term be resolved.

2.4. Traditional Conflict Resolution Institutions in Ethiopia

Ethiopia is believed to be the "museum of peoples" with more than 80 ethnic groups constituting and forming one nation state. It is a country of diversity harboring varieties of languages, different religions and faiths as well as quite many nations and nationalities with their own philosophical perspectives and unique cultural practices. History also tells us that Ethiopia is as ancient as 3000 years back. It is, therefore, definitely true that it had experienced strong and cohesive systems of administration with its world top leading civilization, namely Axumite civilization. Indeed, every Ethiopian ethnic groups as their African counterparts have traditionally age-old and time-tested administrative and conflict resolution institutions at the grass root levels. In fact, exhaustive and thorough studies about these institutions are not bulky enough and so are limited literatures in this area. Be this as it may, however, there are some literatures on only few cases elaborating the importance and strength of these multipurpose institutions. For instance, Bahru Zewde (2002) has written about the traditional political and judicial institutions in Gurage. He pointed out the Yajoba Qicha and Gordanna sera practiced in the society. He has stated these institutions as:

The Yajoka and Gordanna assemblies seem to combine legislative and judiciary functions. Representatives of

the Constituent units of the Sebat Bet and Kestane, respectively, were assembled to agree on the fundamental rules governing their community. Periodic meetings were also held to revise the laws when such revisions were deemed necessary. At the same time the assemblies serve as courts of final recourse …. Individuals who felt dissatisfied with ruling of their territorial assembly could invoke their right of appeal with set expressions: Äjoka ("let the Yajoka rule on this case") or Gefacha ("I appeal") …, confirmation (or otherwise) of a lower verdict by the supreme court was mandatory in all cases, irrespective of appeals being made or not (Bahru, 2002).

To add one more traditional institution of Ethiopia, there is also another such similar multipurpose institution of the Kambata, South nations, nationalities and peoples region. This tradition institution as to Yacob Arsano (2002) is known as seera. Seera is everything to the kambata society. It is everything such that it serves as a basis for the political administration, social interaction and means of conflict resolution within the territory of the society. Yacob (2002) explains it more comprehensively as: … Seera refers to the code of conduct practiced and internalized among the Kambata. Relations between individuals, tribes and territorial units are regulated by seera. It is alternatively known as Marietta, which means commitment to truth. Seera is broadly neither conceived nor mative realm within which individuals and groups are expected to behave. The territorial or tribal councilors function according to their respective seera. Love affairs, marriage and family relations, peer group association, work and entertainment parties, games and sports, hunting bands, etc. Are all bound by seera relevant to the specific activity. Childcare, socialization of the young, circumcision, initiation and rites of passage are handled as seera requires. Seera prescribes the way farmers relate to the environment, young to old, women to men …. Seera administration aims at pacification, conciliation, correction and reintegration (Ibid: 48-49).

Elders in this regard, according to the rule of seera, are considered to have the most esteemed and graceful status. It is believed that it is with the lifelong experiences and accumulated knowledge of the elders which seera would appropriately function (Yacob, 2002).

Gada is also the most known political, social and judicial traditional institution widely practiced among the Oromo people. Much is said and written in different sources about the democratic nature of the Gada system. Hamdesa (2000) and Assefa (2005) also have written that it is an effective institutional system to manage any source of conflicts among the Oromo so that harmony, peaceful co-existence and smooth relations would be maintained in the society. As to Hamdesa (2000), there are thirteen steps on the way to the whole process of conflict resolution through the use of the Gada system to finally arrive at reconciliation.

There are also many other traditional conflict resolution institutions in each and every nations, nationalities and ethnic groups of Ethiopia. These, among others, may include, to list at least some, as Gereb in Wajerat (Tigray) and Mablo in Ab.ala of Afar (Kelemework, 2000); Abagar in Southern Wollo (Netsanet, 2006), Michu in Metekel (Tsega, 2002), Awassia in Walyta (Mellesse 2008), Afocha in Harar (Biruk and Jira, 2008), Jarsumma and Haffi Hamee in Oromo (Assefa, 2005), Guma in Waliso Oromo (Dejene, 2007) and so on and so forth.

2.5. Background of the Study Area

2.5.1. Location

2.5.1.1 Description of the Study Area

Kambata is located in the southern region of Ethiopia, and consists of six main woreda (districts) with a population of above half a million. A sizable portion of the population lives outside Kambata territory, including in resettlement areas. The Kambatas are one of the ethnic groups who located on the leap of the rift valley, 350 miles south of Addis Ababa. This ethnic group bordered with Alaba to the east, Hadiya to the west, Wolayta and Dawro to the south and to the south west, respectively. The livelihood of the population is based mainly on mixed farming while off-farm labor, commerce and craftsmanship are supplementary activities. A growing number of the younger generation has entered the career employment structure as school teachers, health workers, etc. Enset constitutes the staple crop, supplemented by a variety of cereal and root crops. Livestock, comprising cattle, small ruminants and equines, are raised on a small scale. (Yacob Arsano, 2002)

2.5.1.2. Selection of the Research Site

This study was conducted in Kembata-Tembaro Zone of Kembata district with special focus of Kedida Gamela woreda. There are 6 Kembata woredas in the zone. The present researchers intentionally selected kedida Gamella woreda because of some convincing reasons. In the first place it is the seat of the zonal administration, so it would be easy to consult the zonal culture and tourism department frequently. On the other hand, since it is the zone's centre, it is thought to be relatively better secured than other woredas. Similarly, as casual visit of the research team to the study area indicate that resourceful informants can easily be found in the selected woreda. Kedida Gamella woreda has 17 rural kebeles. Bezenabenara, one of them is selected as the setting of the study because it is believed that the kebele is easily accessible from Durame town, which is the seat of the zonal administration.

2.5.2. Origin and the History of Kembata People

The Kambata community has a long history and consists of more than one hundred and twenty tribes. It is believed that almost all the tribes migrated to the region at different times, a process that lasted until the end of the 19th century. The settlement has been accompanied by the intermingling of tribes. (Yacob, 2002).

The biggest traditional unit of territorial organization of Kambata is kokata while the smallest is heera. There is also an intermediate level known as gotcho. The leaders of secular institutions are recruited in the process of socialization from among non-hereditary candidates. Kokata is an assembly-like structure covering the territories of several gotcho and heera. Kokata, gotcho and heera are not strictly hierarchical although they are functionally symbiotic. Their modus operandi is more of a cooperative as opposed to a command relationship. Seera

is the totality of code of conduct operational throughout Kambata. It is an unwritten body of rules and procedures binding on the community members with regard to all patterns of relationships.

After the incorporation of Kambata into the Ethiopian empire in the late 19thcentury, the imperial regime destroyed some of the traditional institutions and modified others with a view to using them as entry points for administrative control. The institutions of woma, gotchidana and muricho were modified to balabata, sanghidana and chikashooma. Heera and its adjunct structures, however, survived the state intervention mainly because they were less political as their main function was self-help and community welfare. The 1974 Revolution abolished the balabat and chikashum institutions and replaced them by peasant associations. The public functions of heera were then reduced to rudimentary activities, mainly related to funerals.After the overthrow of the Derg the new EPRDF regime was not immediately able to ensure the necessary level of peace and security at community level. This circumstance contributed to the rejuvenation of the seera and the reemergence of kokata. Presently, not only are their structures pervasive throughout Kambata but their functions have also become increasingly binding. (Ibid).

2.5.3 Settlement Pattern of Kembata

The original site of Kambata settlement is believed to be at Mount Hambaricho, the most important mountain in Kambata. Most informants agree that the first settlers of Mount Hambaricho were people who might have migrated from present day of Amhara, Oromia, Wolayta, Sidama and Gedeo. Mount Hambaricho is described as having a flat top and gentle slopes. Informants assert that the mountain was covered with forest which served as the habitat for a variety of wild animals. It is believed that the mountain provided an attraction to the first migrants, who had initially intended to stop over for a while and hunt and gather food. Then they apparently decided to settle down for good.

The term "Kambata" originated from the expression "kambat" which according to oral tradition means "this is the place", i.e. an "ideal" place where the first mi-grants wanted to settle. The term "kambat" has essentially the same meaning even today. How and when the expression "kambat" was transformed to Kambata could not be determined. However, one may speculate that the suffix "a" might have been added to form the noun, because most singular names of masculine gender in the Kambata language end with an "a", as in manna, laga, saa, saanna, buulaa, or with an'o', as in Hambaricho, Digibamo, Daato.

According to Kambata oral tradition the first settlers comprised seven houses which were believed to have evolved eventually into the original seven tribes of Kam-bata which settled on Mount Hambaricho: Ebejena, Efeghena, Fuga, Goroma, Hin-iera, Saga and Tazo. All informants agree on the story of seven nucleus tribes. But there is no consensus on the list of tribes. While Ebejena, Efegena, Fuga, Hiniera, and Tazo are accepted by all informants as five of the seven founding tribes, Goroma and Sagaa are replaced by any two of Baza, Gadenna, Oyyeta, Gulba and Hessesee in the recollection of other informants.

Nor is there clarity on the nature of the human population prior to the migration described above. Some informants maintain that hunters and gatherers had lived and worked on and around Mount Hambaricho. They further assert that the Fuga community might be taken as one of the indigenous inhabitants. They explain that although Fuga are included in the list of the seven founding tribes of Kambata, they might not have necessarily have migrated from outside like the rest of the other tribes.

According to the standard version of the story, the seven tribes settled together in a small area of Mount Hambaricho and roamed the entire mountain hunting and gathering. They needed to stick together for mutual protection and collaborative hunting. The need to work together ultimately took a permanent character of inter-tribal solidarity which, in turn, gave rise to a formal council type organization. In-formants unanimously attribute the origin of the present kokata to this process. The inter-tribal council ensured internal harmony and unity against outside intruders. As the new settlement provided abundant resources for their livelihood, it seemed there was no longer internal conflict arising from competition for essential resources. In-stead, the community's main concern now became protecting the small colony of set-tlers from outside intruders as well as from wild animals.

The inter-tribal council established the seera (code of conduct), which obliged everyone to respect the rules and mores of the seven tribes. One of the rules set from the very beginning was that every settler had to place seven bundles of straw on the outer apex of his thatched conical house (locally known as Kambata). The council and the members of the tribes were to enforce the tradition on all newcomers. The tradition is observed even today by every Kambata who puts up a Kambata without being conscious of its origin or the circumstances of its emergence. However, the conduct signifies the symbolic authority of the founding fathers and the stability of that tradition worthy of mention here is the phallic symbol of the outer apex of the Kambata. The 'old fashioned' thatched in Kambata have the phallic curving on their outer top to this day. None of the informants, however, could explain the origin and the symbolic significance of this detail. In other traditions the phallus symbolizes fertility, present or desired. It can be presumed that the original immigrants of Kambata were few in number and would have desired to multiply by leaps and bounds.

The original settlers adopted hoe cultivation and livestock raising only gradually. This may be attributed to the influence and contribution of the immigrants' who trickled in during the subsequent decades and centuries. It is claimed that two of the seven tribes, namely Fuga and Sagaa, chose to remain hunters and gatherers and that they adopted the trades of pottery and tanning. The two tribes also maintained the old belief system known as Fandannan for a much longer period than the other five tribes, who seem to have been more receptive of change with respect to work and beliefs brought in by new settlers.

As more settlers trickled to the hilly land of Kambata from neighboring Enarya and Damot, presumably during the 11th and 12th centuries, they settled on and around Hambaricho, intermingling with the members of the seven tribes. Their settlement sites were given to them by the

council of the seven tribes. Informants explain that various factors pushed the newcomers from their original locations. Some came to escape famine, slavery or persecution. Others came in search of hunting ad-ventures. Still others came with invading bands for opportunistic gains of some sort including conquest, plunder or resettlement.

Many informants mentioned that a good number of new settlers came to Kambata during the reigns of Zarako (Zara Yacob) and Amde Tsion in the 14th and 15th centuries, respectively. Orthodox Christians and religious teachers were among those who came and settled in Kambata during that time. It was said that Emperor Zara Yacob was particularly keen to expand the frontiers of Christianity, and for that reason he encouraged settlers from the north (Gondar, Bulga, Menz, Beta Am-ara, Angot, Gayint, Agaw Midr, Tigray, Jirru). That might be one reason for describing Kambata as one of the Christian outposts in the south. For instance, LapisoDilebo (1982:168) writes that Kambata located south of Guragae and west of Bilate River, was an integral part of the medieval Ethiopian state.

Another wave of settlers came to Kambata from the south, east and west during the 16th and 17th centuries. Informants explain that the numbers were massive and the process was probably precipitated by Ahmed Gragn's Jihad and the Oromo wars of conquest. Ulrich Braukämper observes that "Kambata served as a refuge for political refugees and economically threatened groups from northern and southern Ethiopia", and that "the immigrants... often became the founders of new clans, whose numbers rose in the course of time..." (Braukämper, 1983: 296). Thus, Kambata received immigrants from Arsi, Bale, Gimma, Wolayta, Borana, Alaba, Gamo, Sidama, Kafa, Ziway, Gurage, Enariya, Gadab, Dawaro, Hararge, Guji, Bonga, and Tambaro. All of these presently constitute an integral part of Kambata community while keeping their place of origin as their tribal names. Each tribal entity is a corporate group with an independent structure based on patriarchal lineage. (Braukämper, 1983: 296).

3. Methodologies (Theoretical Consideration)

3.1. Research Methodology

Research methodology refers to a coherent set of rules and procedures that are used to investigate a problem within the framework of philosophical approaches (Kitchen and Tate 2000). In the same vein, a research methodology includes the tools and techniques of data gathering and analysis (Mikkelson 2005)

3.2. Study Design

The study is proposed to be carried out in three phases. The first phase was library work. Literature related to the topic has already reviewed. Instrument of data collection has prepared. Submission of the first draft proposal was included under this stage. Securing of logistics such as money was also the last activity during this phase. The second phase was the time of actual field work. Data has already gathered using different methods of data collection. During this phase, the researchers were also further reviewed related literature and collected secondary data from relevant institutions. During the last phase, the collected data has organized and interpreted. The final draft has already prepared and submitted to Dilla University RDO.

3.3. Research Approach

In general, in any research there are two types of research approaches: qualitative and quantitative. However, in this study, we used totally qualitative research approach.

Why Qualitative Method for this study? According to (Straus and Corbin 1998), qualitative methodology is a typical research approach which enables to come up with data that cannot easily produced by statistical procedures or other means of quantification. It is also the means for exploring and understanding the meanings of individuals or groups ascribe to social or human problems (Creswell 2009).

Moreover, qualitative research is preferred to collect data about human life realities, experiences, behavior, emotion and feeling, organizational function, social movement, cultural phenomena and their interaction with nature (Straus and Corbin 1998). But, quantitative approach focuses on generating statistical and measurable facts.

The issues, we focused by this research i.e. to assess the role of indigenous institutions in handling/ settling conflicts in the study area. To do so, as shown explicitly above, it is the qualitative approach that helped most.

3.3.1. Sources of Data

In trying to obtain the necessary data from concerned parties we employed both primary and secondary sources. The primary sources includes informants such elders, disputes, court officials (judges), youth, and local authorities (local administrators). With regards to the secondary sources they includes both published and un published materials such as books, magazines, journals and unpublished reports from government and nongovernmental organizations.

3.3.2. Method of Data Collection

To get the required data for successful completion of this study the following methods of data collection has been used:

Interview: Data was collected mainly through semi-structured interviews. The interviews were conducted by taking into consideration criteria such as age, sex, occupation and residence.

Observation: To get authentic data, observation was another major method of data gathering valuable information. Because what peoples say and do may sometimes contradict with each other. Thus, direct observation was the best solution. Through this, the researchers have observed the role, the processes and procedures of conflict settling among the target society.

Key informant interview: in order to get data on past events and scenarios and even on the current reality, it was better to conduct key informant interview with few knowledgeable individuals. Hence, this study employed this method to supplement the findings obtained through other means.

Focus Group Discussion (FGD): 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 researchers used FGD as one method of collecting data. The purpose of this study is to gather diverse information on the merits, demerits, feature and procedure of traditional conflict mechanism.

3.3.3. Sample Procedures

Selection of appropriate samples was depended on the sampling procedures followed. To this end, the researchers have used purposive sampling techniques. This technique is meant to give as appropriate response for the questions mentioned earlier.

In terms of sample size, the researchers have done interviews with 10 key informants, i.e. eight (8) key informants was with elders and two(2) key informants from court officials (judges).And three(3) FGDs were conducted from different target groups such as elders, youth and local authorities. Each FGD has eight (8) discussants classified based on sex. In the case of case studies, we have documented and analyzed two (2) actual conflict cases.

3.4. Method of Data Analysis

It is apparent that in a given research, data collection is indispensible. However, a research should go beyond data collection. Any researcher has the responsibility of analyzing data to meet his/her objectives as well as to make the findings ready for scholarly consumption. Therefore, based on this certainty, in this research, we have analyzed and interpreted the raw data collected through literature review, observations and focus group discussion and case study to answer the research questions and to achieve the stated objectives. In this analysis, we used descriptive and qualitative approach in interpreting the data.

3.5. Ethical Consideration

It is true that ethical consideration is as crucial as other aspects in the process of conducting a research for it significantly affects the success of the study. In this regard, a researcher needs to consider ethical values of the host community on which the research will be conducted. Therefore, we considered the socio-cultural norms of the host community on whom the research was carried out.

4. Analytical Results and Discussions (Discussion& Analysis)

4.1. Indigenous Institutions of Dispute Settlement in Kembata

Over the centuries, the number of tribes in Kambata has grown by leaps and bounds, i.e. more than 17 fold of the original seven. Each incoming group settled down on available space, intermingling with previously settled communities. As the population increased and immigration continued, the settlement extended to the foothills of Mount Hambaricho and to the far-flung plains.

The initial council form of organization of the seven tribes was further transformed through the participation of the newcomers. Each incoming group, irrespective of its origin and language, adopted *Kizoma*. Kizoma is a way of life characterized by permanent settlement, self-restraint, cooperation and solidarity with other fellow inhabitants. The informants' ex-plain that every settling tribe melted in Kizoma, the effect of which can easily be ob-served even today. Kizoma remained as the integral feature of Pax Kambata, maintained through the system of multiple strands of organizations which include: *kokata, Reda, gotcho, gogata, and ilammo*

Kokata

Kokata is, a variant names gogota and reda, the general assembly of all Kambata including the *Woma* and the representatives of territorial units known as *gotcho*. It is a deliberative assembly where *Seera* (rules) were laid down and sanctions given through *lallaba* (oratory). A series of orations on political, military, security and social affairs of the community are made by representatives of territorial and tribal units. *Lallaba* is a system of relay speech. A speaker calls upon the next speaker of his choice for particular attention and then proceeds to make his points. The next speaker will be the one whose attention was drawn by the previous speaker. All speakers do the same thing until the issue at hand is exhausted or put off to another meeting. *Lallaba* continues until a decision is taken by consensus. The decision of the *Kokata* is binding and respected because it is believed that the eyes and the spirit of Kambata are behind it as a hidden force. There is a belief that the *gada* (grace) and the *ayana* (blessing) of Kambata are in it. Defiance or breach of a *kokata* decision is believed to attract the "black" eyes and unpronounced curse of Kambata on those who go against it.

Gotcho

Gotcho is a territorial organization of Kambata. When the initial settlement of Kambata expanded, radiating out from Mount Hambaricho, territorial sub-division was necessary in order to keep the peace of Kambata and the style of Kizoma internally and to protect the community from external dangers. Thus, the territory was divided into thirty asymmetrical units known as *gotcho*. The literal meaning of *gotcho* is 'gate'. All thirty territorial units have their *gotcho* (gates) at Mount Hambaricho. Hambaricho is the cradle of Kambata and the mythical source of *gada* (grace) and *ayana* (blessings). The most powerful spirit known as *Abba-maganancho* (grand spirit) resides at Hambaricho in the person of *Abba-mancho* (the man with Abba, i.e., the man with grand spirit). Although the spirit Abba belongs to one tribe it has been accepted by all other tribes, in addition to their respective tribal spirits. The greatness of Abba (the grand spirit) is associated with the grandness of Hambaricho.

The *kokata* assemblies were held near Hambaricho. For cultural, historical, spiritual and political reasons Hambaricho is the epicenter of Kambata. Every year in the month of September, during the festivity of Meskel, young men of Kambata from all thirty territorial units used to make a ritual trip to Hambaricho. On their way there and back they use to perform *gifaata* songs and chants in honor of the unity of Kambata and the greatness of the *Abba-mancho* (grand spirit). The converging place for the young men was at the shrine of the grand spirit. They went back to their respective places with symbolic

branches of the homa tree from the shrine of *Abba-mancho*. On their return, they were received with enthusiasm and songs of praise by those who had not gone to Hambaricho.

Hambaricho was shared by all members of Kambata, as all thirty territorial units touch on it. The territorial units had their traditional leaders known as *gotchidanna.* They were permanent members of *kokata.* They used to sit in council together with *woma*, clan heads, and other notables of *the* community. Historically they were selected by the territorial communities. When the *woma* became increasingly influential they became his appointees. After the incorporation of Kambata into Menilek's empire in the early 1890's, the *gotchi-danna* were transformed into *sanga-koro*.They were made responsible to the new authority with the main function of tax-collecting and assisting with the administration of the *gotcho.*

Muricho

Gotcho had sections and sectional leaders traditionally appointed by gotchi-yaa (the assembly of gotcho). This was the *muricho*. The yaa selected its muricho and presented him to *kokata* and *woma*. The *muricho*, a non hereditary appointment election was highly competitive. The office rotated every few years among energetic personalities. The minimum criterion was that the candidate for muricho must be good at lallaba (oratory). In the oral society of Kambata it was and still is expected that the leader should be able to articulate in presenting his community's case and debating with others. *Muricho* was expected to be the advocate of his people. Although he naturally belonged to one of the tribes he was expected to be impartial to all tribes within his jurisdiction. He functioned as judge and administrator. His activities were checked horizontally by the community elders including his own tribes men and vertically by the *gotchi dana* and *woma*. The institution of *muricho* was transformed to *chikashum* after the incorporation and was abolished by the 'Derg' or military revolution.

Gogota

Gogota was a traditional army consisting of males' between18 and 50 years of age. Every family, community and tribe trained its young men in socialization and physical development. Young men were expected to prove that they were physically developed and duly initiated to manhood. From childhood onwards men were engaged in competitive sports including a traditional ball game (torbo), athletics, and varieties of free wrestling, horse racing, swimming and hunting. The pivotal moment of physical development is immediately following circumcision which usually takes place at the age of 18 to 20. Circumcision was a group performance which takes place during the month of *Kakumie* (Pagume), which comes at the end of the rainy season. The season is chosen for two reasons: (1) *Kakumie* is believed to be the blessed month of the year and; (2) it is followed by the Meskel festival (towards the end of September) and the harvest season. Those circumcised in the same season were known as *misso*. They were well fed not only to heal the circumcision wound on the genital skin but also to build the body to be fit enough for the tough physical competitions during the subsequent season.

Ilamo

Ilamo is a collective membership of a tribal group often of patriarchal lineage. Day-to-day activities and community functions take place in inter-tribal settings and on a territorial basis. But matters that particularly concern the members of a tribe are dealt with by the *ilamo* (tribal) council. There are several activities specifically handled within the bounds of *seera,* including marriage, inheritance and blood settlement.

The council ensures that marriage is strictly exogamous. No person of the tribe marries internally from his/her paternal line. On the maternal line, marriage is permissible after seven generations have elapsed. In exceptional situations, however, permission can be obtained from the tribal council for arranging marriage if the blood relationship is more than four generations. In traditional marriage arrangement the consent and mutual selection of the spouses are respected. However, elders see to it that marital age for the female is not below seventeen and for the male not less than twenty. They make sure that there is an acceptable level of tribal compatibility between the potential couple.

All matters of inheritance among the members of a tribe are settled by the tribal council. If one of the parties or all involved are not satisfied with the decision of the tribal council at all levels, they may wish to take the case to the *kokata*, or even to a civil court. Blood-related matters are of top importance within a tribal set-up. Bloodies sacrosanct because it is considered as the living link with the ancestors. Elders and the tribal council take a great deal of care so that the blood of their members will not be spilt, and that their members do not spill the blood of others.

When an outsider is killed at the hands of a tribesman, the council organizes negotiations with the tribal council of the killed person for a peace settlement. The council coordinates material contributions towards *guma* (blood settlement). When their own member is killed by an outsider the council takes the responsibility for peace negotiations and *guma* settlement on behalf of the bereaved family. The tribal council gives special attention to maintaining peace in the community in accordance with the requirements of *seera*, peace and *kizoma*.

Overall tribal affairs were coordinated by the *woshaaba*, who was appointed by the tribal council for life. His functions were not limited territorially as tribes in Kambata were not settled territorially. He was the coordinator of his tribal affairs and represents the tribe in external relations where and when that is required. He was closely assisted by lineage heads and counseled by elders consisting of the most experienced, knowledgeable and influential personalities of the tribe. The *woshaaba's* function was not limited within Kambata. He used to attend to the concerns even if tribal members residing in the neighboring territories of Alaba, Wolayta, Hadiya, or elsewhere in the country.

4.1.1. The Role of Elders in Dispute Resolution

As in any traditional societies of Africa, elders in Kembata are respectful for their tremendous functions and balanced, fair and critical decisions in the society. They are of such a prestigious status that their deeds and decisions are not easily and simply refutable. Elders play an important role in the society to properly administer and harmonize the people.

Every matters of the society are managed by these elders. These could synonymously be referred to as

council of elders. Members of this council of elders are elected in a seemingly free, but partial, democracy by their respective clans. It is partial because women are not allowed to participate in the process of election both to elect and to be elected. Indeed, they are given delegations and such a full-fledged power to settle every kind of problems that might arise in the community.

In fact, the council of elders does not have an absolute power over the society. They are rather primarily accountable to their public which elected them. If in case, the public at large loses trust on any of the members or all members of the council, it would have then the right of recalling.

When any sort of conflict, trivial or serious in nature, occurs in the community, the council of elders keenly strives to help them resolve it in a peaceful mechanism without harming or inclining to any of the conflicting parties. The council of elders requests the disputants to handle their problems in a set of expression as saying: "*Magganitta*". This is the same as saying let's try to resolve the problem under a help of Almighty. *Magganitta* literally means complain made by one of the disputant parties to the council of elders.

As to many of the interviewees, the council of elders does not, however, have the authority to mediate the disputants to bring about reconciliation. Instead, it only facilitates the situation to get calmed through the involvement of a third party. It is, therefore, up to the will of the disputants to elect mediators of their choice to reconcile them. In fact, when electing mediators, they could also include from among the council of elders up on agreement. Some informants stated that elders who are elected to get involved in the process of mediation the elders must not be closest relatives of the disputants and the knowledge in handling conflict matters. This is done basically because of the conviction that the process of the mediation and the final result of the verdict ought to be free of bias and any tendency of nepotism. Here one can easily speculate that Kambata's deep rooted and age respect culture of the society, could be regarded as one of the basis for the establishment of the modern court system.

4.1.2. Sources/causes/ of Conflict among the Kembata

Conflicts in Kambata, as in anywhere else, may vary from trivial interpersonal disagreements to a serious dispute which might eventually lead to homicide. The most common conflict issues in Kambata are grazing land, water, farmland and borderland. Majority of the Kambata are farmers cultivating different crops for their living. Thus, they need areas for their cultivation and animals grazing purpose. Such type of life usually by its nature animals move from one area to another in search of grazing land and water for their animals, they would encounter a sort of resistance from the people who stayed there. Indeed, this search of grazing land usually causes conflicts among the people.

There are also agriculture activities recently introduced being practiced only at a small scale level. Plot of lands for cultivation in Kembata are however so limited for the reason that the landscape of the areas are mostly cliffy and rugged mountains and the high density of population. This shortage, therefore, escalates rivalries among the people to exclusively control the resource. By implication social conflicts happen to appear. Water is also another conflicting

resource. The area is arid with insufficient rainfall receiving only once during the summer of the year. Thus, this resource is so scarce in Kembata once again creating tensions and hostilities among themselves or with bordering society. The Kambatas have also been experiencing border conflicts among themselves and with their neighbors. Border conflicts among themselves are significantly manifested between villages of each other. There are many deeds and accounts in the daily activities of the society which are considered to be crimes vis-à-vis the norms and traditions of the Kembata community. However, the most serious ones are:

beating a man with a slump and/or thin stick – this is worst crime because it is considered as a despise and so is done intentionally. But if a person uses any other heavy material to beat a man, he might have done it for self-defense purpose and that is relatively light and simple crime.

Beating elderly – elderly people in Kembata tradition are very much prestigious. Elders play an important role in keeping the society peaceful and harmonious in so much as a strong government can do for its people.

raping – this is especially very serious when the abducted girl is engaged to anybody else. Raping of such a girl would be as equally serious crime as murder.

murder – murder could be of two types; intentional and accidental. Although murders of any kind are undesirable, an intentional murder would account to be the most severe crime.

Physical damage- interpersonal strikes resulting in physical wounds or loss of any part of the body.

Adultery- an unofficial sexual relationship without marriage and/or having sexual partner other than one's own spouse.

Thus, when there is a situation that one perpetuates to commit any of these crimes, elders intervene to solve it through different hierarchical institution before it spreads out to other members of the clan.

4.2. Homicide Dispute Resolution

As might also be true in any other societies, conflicts in Kambata are of varied in nature and multifaceted types. The conflicts could broadly be classified in to cases, such as, murder, which is a serious crime and others out of it. These others may include ranging from ordinary offences, physical wounds, to a loss of a part of physical organs. Thus, these types of conflicts need to be locally resolved before escalating to a serious violence among clans. In fact, the procedures that are undergone to manage these sorts of conflicts and the final compensations given to the victim are different from handling a conflict related to a murder case.

4.2.1. The Immediate Consequences Of Killing

Like other Macha groups (Bartels, 1983), and African societies such as the Nuer (Evans - Pritchard, 1940), the Aba'la Afar (Kelemework, 2000), the Gurage (Shack, 1963, 1969) and the Arusha (Gulliver, 1963) a murder among the Kambata concerns not only the man who has committed it but it involves at least three different parties: the slayer, the slayer's agnates and the victim's agnates.
The Slayer
A person who slays another person has to abscond himself under the assumption that he is in imminent

danger from the retaliation of the slain's relatives. The injured party is supposed to embark on revenge. Hence, in seeking protection from the vengeance he has incurred, the killer takes refuge with his relatives far from the victim's relatives where the latter could not get at him. The whole family members of the slayer also run away. During this time of seclusion, the slayer's premise is abandoned. It implies the condition in which somebody's premise is totally abandoned, and weeds grow, home remains closed, farmlands around stay uncultivated. This is the first devastating effect the slayer may suffer in the context of Kambata 's culture that attributes great value to premise . To the contrary, it psychologically recompenses the bereaved relatives. It is a form of satisfaction for the pain caused by the slayer, for it means that the slayer loses his premise as they lose the slain. Theoretically, the Kambata believe that the slayer stays in refuge only until the negotiations for settlement are finally concluded. However, the duration of the seclusion varies from few months to lifelong exile. Many factors seem to contribute to the effect. It could be for relatively longer time under the fear of government intervention, i.e. the threat of detention and fear of retaliation even after reconciliation. Geographical proximity and social interaction between the two groups under which conflict could easily revive and when the killing is an intentional also elongates the seclusion time.

The Lineage

Among the Kambata, lineage is responsible for the deliberations and jurial processes concerning homicide. The role of lineage in homicide case is corporately liable for the act of killing and responsible to compensate. In other words, they are responsible to pay blood price to the lineage of the slain and to take initiative of ritual of purification. The payment is at the center of jurial responsibility of homicide. It intends to appease the feelings of the injured through compensation. It helps to achieve a rapprochement between the parties at feud and avoid the sense of vendetta that would in turn lead to another vendetta. Fear of retaliation is, therefore, one of the principal motives for payment. Secondly, it has the meaning that vengeance is the most binding obligation of agnates of the slain person. They may be on the lookout to avenge, for it is humiliating to neglect such an offense against their member. Theoretically, the Kambata believe that it is not necessary to take revenge on the person of the killer himself; rather vengeance could have been executed upon any one of his kinsmen. Especially, on the male line, those who are related to the slayer up to the seventh generation are said to be potential targets. Irrespective of the killer the Kambata consider his lineage or/ and his clan as slayer. They often call the killer by his clan or/and lineage name.

There is neither institutionalized feud nor practice in which a vengeance killing has been made and the matter is considered settled and terminates further retaliation. They never encourage self-help and force mobilization to avenge homicide. Meanwhile, our Kambata informants attest that they have never experienced such a killing for vengeance. Instead, avengers often retaliate by molesting huts, destroying premises, setting fire to house and grain in the field, slaughtering cattle, etc. of the assailant.

If the dispute has occurred between two clansmen, save in some situation, it is usually thought that the dispute would be disposed of at the clan level. As a result, the party who has killed one member of his clan immediately goes to the '*Ilami daanna*' pleading that he has transgressed both the 'sera' and the party on the side of the deceased and begging that the *Daana* rescues him from the revenge that follows the death that took place on the hands of him.

On the other hand, if the dispute has occurred between outsiders of the clan, the family of the offender immediately goes to elderly men who can go between the clans of the decease and that of him, in such case, the family of the offender usually resorts to voluntarily set institutions (*Reeda, Gogotaor Kookaata*, whichever is found their locality). In this study it is Reeda takes in charge of solving conflicts issues. So as these institutions can intervene and calm the situation created between the two parties by finding ways as to how the people from the side of the deceased stop their revenge. This is because such institutions are usually considered as being neutral, as they are the make ups of different clans of Kambata, as a result of which they would not favor one party over the other.

4.2.2. Investigation Procedures of the Homicide Dispute

The investigation procedures of the homicide disputes in Kambata are not that much different from those practiced by other ethnic groups following customary resolution of disputes, in the Kambata traditional practice, when a person is killed, and there is no information as to who did the crime, elderly persons from the aggrieved party take the case to the elders in the village, the clan leaders and those participating in the institution of '*Kookaata*' fully presenting what has happened and begging them that the investigation procedure should forth with be started.

Once the elderly persons are told about the matter, they meet together and exchange information about the specifies of the case, and as to how the investigation procedure should go, the first responsibility the elderly persons carry is to convene the whole village in which the homicides is committed, man or woman, child or old, to meet on a plane which is normally used for cattle grazing. In addition to this, if the elderly persons have the information that some people are suspected to the homicide that took of place (because they had grievances against the murdered in the past) they invite them to come the meeting telling them the specific place and time

Each person convened comes with his bare stomach early in the morning to discuss about the matter that happened in the village, expressing his wish that the one who did the crime be caught. The others who prevail have come to the meeting express their consent to those best washes. Then, if it is through that a good number of people convened have come in order to start the meeting, one elderly person from among the panel begins the meeting by blessing the community and the panel, there by inviting the aggrieved party to present their or its case before the panel so that everyone understands the issues of the case well.

After that, the elderly men begin their investigation procedure there and then at the meeting. They ask the panel if there is anyone who has done or heard the crime done usually, if happens that there will be nobody who reports that he has done or has heard about the crime at once. Therefore after the panel discussed the wickedness

of the criminal, they agree to have another appointment, in which day, every member of the panel promises that he will report the crime if he hears anything related to the crime. In the panel, if is warned that non-participation is the meeting of the next day might cause the elderly persons to suspect the non-participant as being the doer of the crime. This is done with a view to initiating the members of the panel to come for the meeting of the next day.

In the appointed date, the people convened meet again, and the some kinds of procedures that is, blessings, the curses, the prayers and so, i.e. are followed as in the first date, except that there is no need that the aggrieved part, presents its case again, then, an elderly person from among the panel presents oratories saying "he, (the quality) might hide his crimes from the living, but not from the dead" very obviously, these kinds of oratories do have very significant roles in investigating the homicide, because the people fear the "Ayaana" (spirit) of the dead elderly persons more than the living ones. After they finish the oratories, the elderly person asks the panel about the fact as to who is being suspected of who did the crime or that the criminal has not admitted himself, the elderly person's stress that it is not good for a person, his family and even for his kin group to do a crime. The panel discusses the matter again and also takes another date to give a chance for the suspect or hearsays from the numbers if the panel. The rules of this oratories and curses by the elderly persons should not be under emphasized in the traditional lives of the Kambatas, because every member in the Kambata community believes that what the elderly person say will never fall on the ground in vain.

The third appointment is a little bit different from the previous two in that when everybody fails in finding out the perpetrator of the crime or that the criminal cannot admit it, one elderly person from among the panel stands and warns to the person who has done the crime or heard the crime being done, telling him that he is going to perish together with his kinsmen for not exposing himself or anybody else as being the perpetrator of the crime to the elderly persons so that the latter can resolve it. That elderly person emotionally continues his oratory saying that the elderly persons would not be responsible for any outcomes of the curses from the elderly men. He further details the consequences of his evil acts among the Kambata community in doing the crime. By doing so, the elderly person is in a way making initiations so that the perpetrator of the crime exposes himself.

4.2.3. The Ritual Consequence of Homicide

For the Kambata in general and Kadidagamela in particular, homicide has a special ritual consequence. This chapter is devoted to the treatment of these rituals as the supernatural requirements of homicide.

The Gudagambela Tradition

"Gudagambela" is a common term both in Kambata language with the same meaning. Literally it implies declaring or concluding something or an event not to happen again. The tradition has complex ritual procedures and strong symbolic representation of purification of the 'curse' and reconciliation of conflicting individuals/groups. The Gudagambela tradition is performed not only as a mechanism of purifying the 'curse' from the guilty but also as a method of conflict resolution. Through the ritual processes, the guilty and his clans would be reconciled with the relatives and clan of the offended. The tradition works both in resolution of inter-personal as well as inter-group conflicts.

Procedures: in the case of homicide committed by one or some individuals on one ormore member(s) of the other group, the transgressor with – Kembat – seeks shelter with *Ilamidana*. Beginning from the day of the crime up until the *Ilamidana*, officials arrange for reconciliation with the family and clan of the deceased, which may range from few months to a year, the transgressor lives at *Ilamidana*.. There would be a series of prohibitions on his day-to-day activities, as he would be excommunicated from his groups, not allowed to get his hair cut, limited contact with family or relatives etc.

Ilamidana officials send delegations to the clan leaders, selected elders and other *Ilamidana*, officials belonging to the deceased. *Ilamidana* arranges a specific day and place for the tradition where families and relatives of the guilty and the deceased appear, on their part accompanied by their respective *Ilamidana*. leaders and local elders. For the ritual ceremony of the tradition, the transgressor provides a black sheep while the family of deceased provides local wine made from honey called *daaxa*. Before the process of slaughtering sacrificial sheep is started, the guilty appears in front of the public getting his hair shaved and his face decorated in black and fingers cut. After wards the transgressor accompanied by the elders and the relatives of deceased march to the river side where the transgressor cross the rivers stand in the river bank while the slayer family stand just opposite to the transgressor. At this stage the slaughtering the black sheep begins with oath guided by the blessing and 'cursing' procedures performed by Ilamidana, leaders or member elected; elders pour the blood of the sheep on both parties' faces. Pouring the two parties with blood symbolizes the purification of the 'curse' from the guilty and his family. Another symbolic process is breaking a bone of the sacrificial animal. The two parties hold each end of the meat by the blunt edge of the knife through its opposite side to its sharp edge. Meat cutting symbolizes removing (breaking) the hostility between the groups. The meat of the sheep is not edible instead given to caste group which are mainly potters are called *Fuga*.

The transgressor .and the slayer family moves to the family of the former where white or grey sheep is being scarified for making them to eat and drink together, which represents reconciliation and restoration of friendship. The transgressor .and the slayer sit together and closed their face using cotton made cloth known as *Shema*. The house is expected to be dim light and ladies pour honey made drink in the face of the transgressor .and the slayer by saying *let the peace comes among you and avoid conflict* Finally, the *Ilamidan* concludes the ceremony by blessing the peace to be durable and at the same time cursing any attempt of retaliation/avenge. There is no compensation in money for the crime but excommunicating the transgressor from social life until the time of the reconciliation is regarded as punishment. A strong punishment would be elongating the time of the Gudagambela ceremony as there is a belief that some misfortunes then would happen to the family of the guilty or to the transgressor Similar ceremonies will be undertaken for encompassing the larger groups but it differs in that the first step is ending the conflict before the reconciliation or purification process.

The Mystical Basis of Gudagambela Ritual

Murder, the Kembata believes, is not only heinous act against the value of the society but also an offense against the law of the creator (Magganitta) that demands ritual reparation. Homicide is sin that is morally reprehensible and mystically dangerous. A man who has shed human blood is in a state of ritual impurity.

For the Kembata human blood deserves great respect and has the power to penetrate deep into the soul of the slayer. It cannot be washed out by water as simple dirt, but by blood of the slayer, which is, of course, could be replaced by blood of the ram through guma ritual. It is believed that the ritually impure would suffer similar death or repeatedly commit a crime to the same kind. In addition, the creator would withdraw from him in every respect in response of the sin he has committed. As Bartels (1983:229) rightly puts it "killing a man is a violation of the world-order as given by the creator. Hence, regardless of the circumstances of killing, any act of spilling human blood involves rites of expiation as supernatural requirements. Even a killing, which might not demand restitution, requires ritual of such uncleansed ritual impurity and often resort to Gudagambela ritual as a means. The following purification as the only means of avoiding the grave danger that otherwise follows homicide. Any neglect of this ritual is believed to harm the killer and would extend to his descendants Kembata view of homicide takes the slayer to confess culprit. The confession is believed to favor the slayer and his lineage, because an unconfessed homicide lets the lineage of a slayer break a taboo on certain social contact with the victim's side. The two parties should never eat and drink together. They should refrain from any social contact and never marry one another until the ritual of purification is performed. Should these laws be breached, the spiritual contamination would be exacerbated. The Kembata also think that the neglect of the ritual of purification equally affects the agnates of the slain. The blood of the dead is said to resent the neglect by his agnates who are supposed either to avenge or to accept compensation and perform the rites of expiation. Abba Paulos (1968:239, cited in Ibrahim, 1990:30) says that in traditional Ethiopian penal system, the death penalty was imposed on a murderer to expiate him from the sin he has incurred and to assist him to obtain salvation in the world to come. In favor of this view, Graven (1964 quoted in Ibrahim, 1990:30) states that The destruction of life, the highest achievement of the creator, can only be paid for by the sacrifice of the life of the guilty person. As in the Christian European system of the Middle Ages, death is always the necessary condition for the pardon and salvation of the sinner, and also for expiation of the evil, which he has committed, it is accepted and approved by all. Nevertheless, this is not true for the Kembata who have highly symbolized rites of expiation. The Kembata, of course, have the principle of a blood for a blood; meanwhile, they believe that a blood of a ram could do instead of the blood of the slayer. One of the principal motives for guma ritual is therefore the fear for the creator. The Kembata often attribute their misfortune arise from disobedience of the creator.

Scale of Compensation

Blood price payment among the Kambata varies across time and space in both its nature and amount. Moreover, there is differentiated based on whether the homicide is cold-blooded murder or an accidental one. Until recently, the Kambata have paid redemption for the loss of life in cattle. But there is no agreement among our informants regarding the number of animals. Despite this disagreement, however, among the Kambata in general, blood price in cattle has been changed into cash sometime in the first half of the nineteenth century. The diminishing number of animals, contact with other people and the introduction of currency as standard for monetary transactions were some of the factors that induced the change.

The Kambata consider the circumstances under which killing occurred to categorize homicide as an intentional or accidental. A killing is intentional homicide when the doer commits an offense with a view to producing it. In other words, homicide is said to be intentional when a man has cold-bloodedly planned in advance to kill his opponent based on previous ill feeling. Currently such a killing is compensated with thousands Ethiopian Birr. On the other hand, an unintentional homicide implies a killing committed without intent to produce it. It is also not premeditated when a person commits the killing in the context of self-defense of any kind or committed on a sudden impulse. This is compensated is reduced in scale or range. Hence, the motive for the act underlying homicide deserves entire consideration in deliberation and judgment. The jurial distinction between kinds of homicide is more profoundly expressed in the amount of blood price.

4.3. The Status and Role of Women

Family is one of the central institutions among the Kembata. Sexual stratification is apparent within this basic social organization. The Kembata call the father as abbaa (father of the house) and the mother as ammaa (mother of the house). Male as abbaa is the head of the household who is an authority figure and plays a key managerial role. At a clan level, according to Kuwee (1997), women are considered outsiders and are not members of both the clan into which they were born and into which they were married. As opposed to this, in principle, the Kembata women are given full lineage membership. They have the right to claim help and the duties to assist in time of hardship on an equal basis with male members of their lineage. However, the Kembata attach greater value to sons than daughters. This mainly stems from two assumptions: firstly, the continuity of patrilineal descent line, which deserves high value, is possible only through sons. Secondly, daughters are married and they become outsiders as opposed to sons who look after their parents and their belongings, especially in the latter age. It is commonly said that women are restricted to domestic work and are excluded from public activities, including conflict resolution. In this regard, the Kembata women in play a key role in averting an escalating conflict by say *ele ele ele* and put their scarf on the ground. As a result, the ongoing conflict immediately cease up by conflicting parties. There is a great consistency in the belief that curse made by women leads to misfortune among the Kembata. They often ascribe the reason of their misfortune to the act of the spirit (ayyaana). Curse is one way of invoking the spirit to harm a person in all aspects of his life. It is also believed that a curse hurts the descendants of the cursed

up to seven generations. However, the Kembata believe that curse harms if and only if it is morally justified. It does not hurt the innocent person. The verdict whether or not the cursed person is innocent in the hands of the spirit or/ and *Magana* in the name of which the curse is pronounced. In general, curse is the ultimate power that deserves social value that the Kembata use to enforce the value and law of the society.

4.4. Challenges and Critiques of Customary Systems: Relevancies of Customary Laws

Often times, people assume that customary laws are the quintessence of super station and archaic ritual. Because of this, the recognition of customary laws in the formal legal system is challenged on the view that most of the rules on customary laws lay punishments that are in humane and that many other a sects of customary laws do not go with the modern aspects of legal systems in the sense of westerners. In addition customary laws are criticized in the some of their rules are incompatible with economic, social and civil rights accepted as dominant notions of justice in western societies. This is in the sense for example that the power structure in the customary law systems works in such a way as to give power to the whole members of the community only there by discriminating women, and giving them no right to inherit land. Another criticism that can be posed against customary system of laws is that the rulings customary law institutions can be inconsistent, unpredictable and discriminatory related to this critic is that there is in sufficient monitoring and supervision of the operations of customary laws, as decisions are often not recorded, and appeals from decisions may be difficult.

5. Conclusions and Recommendations

5.1. Conclusions

While some aspects of traditional law do involve some practices that do not go with the modern statutory and constitutional norms of a state to avoid discussion of customary law because of these issues is to ignore the vast bulk of traditional values and laws of the people. Customary laws, a state is very much complex and can and does exist in forms that are consistent with basic human rights and the under laying principle of western law. Therefore one should cast not doubt on the significances of customary laws to a community in which they prevail, because of which we will try to consider some of the basic relevance's of customary laws below.

First customary laws are flexible; they develop as the communities go forward and provide communities with a sense of ownership contrast to formal legal systems that are perceived as alien to a considerable number of people in developing countries in general and Ethiopia in particular.

Secondary, customary law provides a fundamental and central role to maintain order in many communities. This owing to the fact that it is developed and maintained by local peoples as a result of which are suits local circumstances. In fact, the extent of the role of customary laws in maintaining order varies from community to community depending on many factors. In addition it

plays an important cultural role in the lives of many people and beliefs.

Thirdly, the law itself is more immediate and meaningful to all people concerned; as it is developed and imposed by the community itself that is by their own community major role in that process, yet having the appropriate limitations that should be imposed on the recognition of customary laws.

Despite the theoretical controversy, whether conflict is sociation or disjunctive, scholars have agreed that in all human societies life does not move along in peace and harmony at all times. As it is indicated in the literature review, writers have attributed the causes of conflict to different sources. In the case of the Kembata, the primary cause of conflict seems to be in the area of economic interests. But it is not easy to make a valid exclusive motive of disputes regarding the area. Our ethnographic data clearly reveals that the understanding of the causes of conflict demands the consideration of how various factors interplay within the social milieu. Consequently, this is my contention that, both Freudian assertion, which simply places violent behavior in biology nor ecological functionalists' materialistic and deterministic cause approach confirm the case of the Kembata. Regardless of the controversy on the causes of conflict, consensus seems to exist that every society has its own mechanism of handling dispute. In line with this, in this thesis, an attempt is made to present some aspects of peaceful modes of conflict resolution. The study addresses only peaceful modes, since the Kembata do not have those violent mechanisms. Neither institutionalized duel nor self -help is part of their culture. In this sense, we agree with Gulliver (1975: 379) who argues that sedentrism never tolerates violent modes of dealing with conflict. The fact that the Kembata are sedentrists fits peaceful dispute handling. Anthropological literature divides peaceful mechanisms of conflict resolution into various categories. Negotiation, mediation and arbitration are among the major ones.

Concerning the Kembata, one may come to the conclusion that these modes are not so exclusive in their nature. Instead, they are simultaneously employed in a single proceeding. Hence, the ethnographic data from the Kembata confirms Schellenberg (1996) and Gulliver (1979) view of the possibility of employing simultaneously various modes of handling dispute. On the other hand, currently there are two different forms of administration of justice operating among the Kembata: the indigenous mechanisms and the government court. However, majorities of the dispute cases are dealt with by the indigenous mechanisms. Various factors contribute to this effect. Time consuming government court process is one of these factors. Cases are relatively settled at local level within a short period of time. The government court lacks necessary facilities and manpower to implement effective and efficient administration of justice.

In addition, both the plaintiff and defendant are exposed to high financial cost in the government court. Apart from the high possibility of corruption, there are expenses such as court fee, transportation cost, per diem and the like, which are unaffordable for the peasants. Thus, the treat of expensive court action pushes the Kembata to traditional means in which there are no expenses of these sorts. The need for face-saving outcome is also another important

factor that provides impetus for the Kembata to resort to local mechanisms. Government court intends to apply the already guiding principle in traditional mechanism is compromise and restoration of peace. At the end of the reconciliation, the disputants hardly feel the sense of winner/ loser relationship. In addition, the cross cutting social ties, which Gluckman termed as multiplex relations or conflicting loyalties also push the Kembata to peaceful conflict resolution. The multiplex social ties partly provide an explanation as to why the Kembata insist on their traditional mechanism of handling cases, especially the case of homicide. There is some sort of uncertainty among them about the end result of resolutions made at government court. They consider the government court as foreign to their culture in both its rules and objectives. It simply targets the punishment of the offender and disregards the corporate responsibilities of the lineages in feud with each other. Thus, it is not effective in bringing long lasting peace to the community. To the contrary, the Kembata handle the feud on traditional line and do not let hostility persist until it ends in vengeance.

On top of that, as opposed to government court, traditional mechanisms are value oriented and native elders and peers of the disputants hold the proceedings. The government court proceedings are held only according to the formally set regularity in which the disputants do not have full chance to interact. Disputants are not as free as they are before elders at local level. They are neither allowed to probe into the past grudges nor narrate their past good relations. A moot by its very nature administers law with a much wider tolerance than a court, because the agreed settlement that a moot intends to achieve requires some compromise within the existing social context. A person may appear a winner or loser regardless of the fact underlying the case. This could happen due to corruption or sometimes due to lack of knowledge of the law. Hence, fear of corruption and its resultant - unfavorable outcome; restrain the Kembata from taking their case to the court. Lastly, in court proceedings, the allegation is proved only through witness. The accused is guilty of the charge if and only if the truth of the case is testified. Failure to testify guarantees the innocence of the defendant regardless of what the truth may be. However, this is not the case in traditional mechanisms. In some cases defendants are supposed to prove their innocence through ritual oath . Consequently, plaintiffs' failure to prove the truth of their claim in government court also favors the return to local mechanisms of conflict resolution. However, in modern legal sense, the local agents of conflict resolution do not have codified body of law by which they have to administer their decisions.

Hence, their decisions are not mere arbitrary. On the other hand, despite the presence of this law, we cannot understand the outcome from the rule as Gluckman (1967) has suggested. Gluckman has argued in favor of normative determinism. As opposed to this, my study reveals that various factors seem to have hand in the course of events pertaining to the resolution of conflict. Factors such as social ties between the parties in dispute, the social context and the relative power of the disputants all have roles to play. Hence, in this regard, the processual approach has real relevance to my study of the dispute among the Kembata. Similarly, anthropologists have

argued that traditional institutions lack coercive means of enforcing their decisions. Likewise, among the Kembata those who act as agents of conflict resolution do not have police and prison at their disposal. They have also no legal support from the government. Nevertheless, they are able to maintain social order. Their ability mainly stems from public opinion, the moral ideas held by the community and the power of compulsion vested in elders. They also resort to ritual sanctions under the condition when normal means of healing the ruptured relations or punishments fail to bear fruit. In this regard, the Kembata value system, which is embedded in their belief system, is very strong. Cursing which is believed to harm not only the offender but also the descendants is therefore, expedient as an ultimate resort to supreme deity. Hence, the Kembata case is quiet relevant and fits into the works of Red Field (1967), Posipisil (1967), Shack (1966, 1969) Bassi (1992) and Evans- Pritchard (1940) all of who have presented different ethnographies of traditional societies in which sacred sanctions such as cursing, ostricization, denial of favors are so effective. Finally, the theoretical issues concerning the role of rituals in peace making is worth remembering in relation to the *Gudagambele* ritual addressed in the thesis. Anthropologists have viewed such a ritual as a social drama that plays the role of enhancing oneness and restoring social order (Turner 1957). Rituals also express the superiority of the groups over the individual. *Gudagambele* among the Kembata is dramatized and symbolically signifies the resolution of conflict and the advantages of restoration of peace and harmony. It also passes through different steps that confirm Turner's (1957) view, which has been discussed in chapter two. However, anthropologists such as Bartels (1983) and Colson (1995) argue that rituals often fall short of what they purport to be. And these writers doubt the very healing power attributed to rituals. For instance, Colson reports that the Gwembe Tonga society performs rituals after homicide in seeking for mercy from the supernatural calamity or sickness that otherwise would be released against them. My data is, of course, in partial conformity with the view that rituals do not guarantee resolution and harmony. Among the Kembata latent enmity continues even after *Gudagambele* ritual, but ritual impurity does not. Consequently, the role of *Gudagambele* ritual seems more of purification than reconciliation. As Bartels (1983:35) rightly puts it, rites do not show the actual practice, instead show what it ought to be. We partly disagree with Colson who totally relegated such rituals to supernatural requirement with no jurial meanings. *Gudagambele* among the Kembata also has the role in controlling the escalation of conflict by appeasing the feeling of the injured. In other words, the payment of *Gudagambele* that goes hand in hand with the ritual has an important social role in healing the injuries sustained by the relatives of the slain. On the other hand, the data from the study indicates that progressively, an increasing number, of the Kembata go to the government court. However, at this juncture it is worth mentioning the paradox behind their intention to look to government court for legal redress. The Kembata effectively manipulate the government courts to enforce their own culture and value. In other words, the court serves as one of the mechanisms through which a plaintiff coerces or forces his opponent to demand the intervention of indigenous mechanisms. Fear

of state intervention is, in fact, one of the most important factors that push the Kembata towards their local modes of dispute settlement. In the mean time, the Kembata appreciate the presence of the court as one of the options that they have at their disposal to get their case heard. They also resort to this court as an appeal against disapproved decision of indigenous mechanisms, when it seems to offer advantage to them. At this point it seems reasonable to compare the Kembata case with the processual approach of Gulliver (1979) and Schellenberg (1996). Gulliver (1979:21-24) says that whenever there are options the choice to which mode a person resorts is highly determined by its contexts and the opportunities it offers. Lower costs, relative ease, secrecy, desire for face-saving outcomes, hatred towards alien courts push disputants towards local negotiation. Meanwhile, people make use of different options to strengthen their own position vis-à-vis their opponents. The Kembata who have two major options- the traditional and the government justice systems- therefore, use both systems to secure the most favorable outcome each offers in different contexts. To sum up, the local systems of conflict resolution among the Kembata are among the best resources that demand due consideration. In the mean time, We submit that it is far from reality to assume the present work to be a final material on the subject. The fact that the issues of conflict and its resolutions are so delicate demands careful and an exhaustive interpretation, which is bound to take much more time and space. In addition, such issues are complex areas of anthropological studies. We, therefore, suggest an in-depth further investigation.

5.2. Recommendations

Based on the our research findings, we recommended that the responsible bodies or the local government should preserve indigenous conflict resolution mechanisms in the study area and should give enough attention and support for other researchers who want to study indigenous conflict resolution mechanisms as their research topic.

References

[1]   Augsburger, David W.1992.*Conflict Mediation across cultures*: Pathways and Patterns. London: Westminster John Knox press.

[2]   Awel Ebrahim. 2005. "*Traditional Means of conflict Resolution Jaarsaa among the Oromo*, *the case of Disho*." B.A Thesis, Addis Ababa University.

[3]   Ayalew gebre. 2001. "*Conflict Management, resolution and institutions among the Karayu and their Neighbours,*" In Mohamed Salih, ton Dietz and Abdel Ghaffar Mohamed Ahmed (eds) African pastoralist: Conflict, Institutions and Government.

[4]   Bohannan. P. 1967. *Law and warfare*: Studies in the Anthropology of conflict. Austin: University of Texas press.

[5]   Coser, Lewis A. 1968. "*Conflict, Social Aspect*" *In international Encyclopedia of the Social Science.* V.3. the Macmilian Company and Free press.

[6]   Dejene Aredo and Abdurahman Ame. 2005. *Indigenous resolution in pastoral Areas of Ethiopia: The case of the well council and Arara of Borena*. Research report, Organization for social Science research in Eastern and southern Africa. Addis Ababa.

[7]   Demissie Gudisa. 2005. "*Social Networks, Conflict and indigenous conflict Resolution Mechanisms among the Derba Oromo of Noth Shewa.*" M.A. thesis, Addis Ababa University.

[8]   Dunn, T. 1975. *Foundations of Peace and Freedom.* Swansea: Davies press.

[9]   Eskedar girum. 2008. "*Traditional Conflict Management Institutions among the Aleltu Oromo community of Northern Shewa, Ethiopia.*" M.A. thesis, Addis Ababa University.

[10]   Gemetchu Megerssa. 1993. "*Identity, Knowledge system and the colonizing structure.*" Ph.D. thesis; School of Oriental and African Studies, University of London

[11]   Girma Gelaye. 1980."*Liability for wrongs under the Kottu-Oromo Customary Law*." LLB. Thesis, Addis Ababa University.

[12]   Gulliver, P.H. 1979. *Disputes and Negotiations: A Cross cultural Perspective.* London: Academic press.

[13]   Kestner, Prudence B.and ray, Larry. 2002. *The Conflict resolution Training program.* SanFrancisco: Jossey Bass.

[14]   Kit chin, R. & Tate, J.N. (2000). *Conducting Research into Human Geography; Theory, Methodology and practice,* Pearson Education Limited, England

[15]   Mamo Hebo. 2006. *Land, Local custom and State policies: Land Tenure, Land Disputes and Disputes settlement among the Arsii Oromo of southern Ethiopia.* Kyofo shoukadan book Sellers.

[16]   Melaku. Abera. 2009. "*Land disputes and dispute Settlement Mechanisms among the Tulama Oromo of Suluta district*" MA thesis, Addis Ababa University.

[17]   Miall. H. and et al. 1999. *Contemporary Conflict Resolution: the prevention. Management and Transformation of Deadly Conflicts.* Polity press

[18]   Mikkelesen, B. (2005). *Methods for Development Work and Research: A new Guide for participation*, 2[nd]ed, sage publication, New Delhi.

[19]   Nader, Laura. 1968. "*Conflict: Anthropological Aspect.*" *In International encyclopedia of the social Science:* vol.3, pp.230-241. New York: Macmillan Company and Free press.

[20]   Otterbein. Keith F. 1994. *Feuding and Warfare:* Selected Works of Keith F. Ot Amsterdam: Gordon and Breach.

[21]   Roberehek. Clayton. 1990. "*Motivation and Material Causes: an Explanation on conflict and War*" in Jonathan Haas (ed.) the anthropology of war. New York: Cambridge University press.

[22]   Singer, Linda R. 1990. S*ettling Disputes: Conflict Resolution in Business, Families, and the Legal System.* London: West view press.

[23]   Taddesse Berisso. 1988. "*Traditional Warfare among the Guji of Southern Ethiopia.*" M.A. Thesis, Michigan State University.

[24]   2008. *The role of Elders in conflict resolution: The Case of Arsi Oromo with special Reference to Dodolla district and its Environments*: In Tarekegn Adebo & Hannah Tsadik (eds.) *Making Peace in Ethiopia*: Five Cases of Traditional Mechanisms for Conflict Resolution. Addis Ababa: Peace and Development Committee.PP.48-77.