Abstract:

The study examines the role of Enashma traditional conflict resolution mechanism in handling conflict to maintain peace and stability. To realize the intended objectives, the study utilized case-study research approach with qualitative research method and the data were collected using observation, interview, focused-group discussion and document analysis. The data collected were analyzed and interpreted through word description and narration. According to the data obtained from the interview and focus group discussion, Enashma traditional conflict resolution mechanism has several advantages over the state law. Some of the advantages are restorative capacity, accessibility, revealing crime committed without witness and its acceptability. Paradoxically, the exclusion of women in the system, no standardized mechanism to fix payment of compensation for different conflicts, lack of supportive and strengthening measures from the government and lack of office for local elders are the major weakness of the institution as the information obtained from key informants. Therefore, the study recommended that all the stakeholders should be responsible to solve the weakness of Enashma traditional conflict resolution mechanism in the study area.

Keywords:
Enashma; conflict; resolution; customary laws

I. Introduction

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

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

Conflict can be prevented and managed by adhering to the values and principles of the constitution and other laws, and identifying the common shared values interest and goals and working together on common problems. There are two ways of conflict resolution methods, i.e. the formal and informal. The formal method is conducted in the court through litigation with official recognition of the government and tends to be more strictly examined and
monitored whether there are signs of impartiality, entrenched inequities and lack of due process. Informal method or sometimes called indigenous conflict resolution method is the ancient set of practices in almost all the societies in the world with an ultimate application of third party arbitration and mediation (Abraham and Yasin, 2000). Ethiopia is a country in which various ethnic groups live together for long period of time. Each group has its own indigenous mechanisms for solving conflicts. Accordingly, Benišangul-Gumuz Regional State is the home of many multilingual and multicultural societies who have their own varieties of customary practices which referred among some scholars as ‘museum of culture’ (Abebe, 2002).

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

II. Research Methods

This study is conducted in Bullen woreda, Benishangule- Gumuz Regional State. This section gives a brief description of the study area. The information provided in this section include: background information on the geographical setting and climatic conditions of the study area; brief historical background of the Boro-Shinasha; major livelihood strategies; some background on socio – cultural systems of Boro-Shinasha community.
Researcher identify three different approaches to the social science research: qualitative, quantitative and mixed method. In order to attain the intended objectives of the study, the researcher employed qualitative method particularly a case study approach for its appropriateness to explore the role of Enashmainstitutions in resolution of conflicts among the Boro-Shinasha community in the study area. Qualitative approach is selected because of its very helpful contribution to gather firsthand and rich ethnographic information, and to understand the social, economic, political and religious life of the society. Beside, qualitative research is preferable in order to collect data about human life realities, experiences, behavior, emotion and feeling, organizational function, social movement and cultural phenomena. The data for the study were collected purposively at Bullen, woreda of Metkel zone, Benišangul-Gumuz Regional State.

III. Results and Discussion

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

3.1 Types and Sources of Conflict in the Study Area

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

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

According to the information collected from Bullen Woreda court and police annual reports of the last two years, land related, marital related, physical violence, theft, inheritance and breach of agreement are the major conflicts that occurred frequently in the area. The following table shows the causes and the magnitudes of conflicts that are presented to the police and court in the last two years.
The above table shows the various causes of conflicts and its prevalence. These could be categorized into civil and criminal cases. According to informants, most civil cases are usually handled at Enashma traditional conflict resolution institution and majority of these types of conflict do not present before the court. Therefore, the magnitude of civil cases reported to the court might not show the real occurrences of such types of cases.

The data gained from the woreda court and police reports indicate that the primary cause of conflict in the study area is in the area of economic interest, especially land related conflicts. The economic causes of conflict include conflict over land ownership right, claiming tracts of adjacent farm land, grazing land, inheritance, theft and marital conflict involving right to property. Other causes of conflict like physical violence, breach of agreement, false witnesses, committing adultery and raping which are associated with other socio-cultural or economic factors are also prevalent. These types of conflicts are usually taken to Enashma traditional conflict resolution institution to be settled.

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

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

3.2 Enashama Traditional Conflict Resolution Mechanisms in Boro-Shinasha People

Enashama traditional conflict resolution system is the widely used institution of conflict resolution of Boro-Shinasha in the study area. The term Enashama refers to the process of conflict resolution through the use of Eneshas (elders). Eneshas are those elderly individuals of the society who mediate and solve conflict cases. Although the term ‘Enesha’ literally mean ‘elderly’ refers to old age, in the context of conflict resolution one should not necessarily be of old age to be recruited as Enesha. Instead, the term Enesha is used more as a symbol here. In connection with this informants stated that among the Boro-Shinasha, elderly members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace and reconciliation. As informants further argued, it is because of this symbolic significance of the elderly that any person who is involved in conflict resolution and reconciliation process is called Enesha regardless of his actual age. Therefore, a young adult man could be considered by the society as Enesha as there is no restriction of age to be an Enesha. What is crucial to assume the position of Enesha is his knowledge on how to resolve conflicts, for instance, his rhetorical ability in the search for aro (truth), his ability to articulate and politeness and carefulness not to provoke the parties in conflict. The Eneshas know the norms of the society, they are impartial and have a wealth of experience. They also hold fair public hearing and make decision.

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

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

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

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

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

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

a. The Process of Enashma Traditional Conflict Resolution Mechanism

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

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

The elders have certain procedure of hearing cases. The plaintiff and the defendant come in front of the Eneshas (Elders) and present their case by standing there. The plaintiff stands on the right side, and presents his/her case first. While one party is speaking the other party is expected to listen carefully for which he/she responds later and not to speak against. The defendant, who stands on the left side, is the second to present his/her case. After hearing the cases, the Eneshas may ask both parties turn by turn for clarification. Besides, if the case needs further investigation and one or the two parties obscure the truth, the Eneshas try to convince one party by sending the other away. In this process, they use their personal skills and knowledge of cultural norms, values and custom and warn the party by referring to customary laws. As they identified the basic cause of the conflict, Eneshas require both parties to stay away from them for a moment. During this time, they discuss what they have observed, including what they knew before, and propose the possible solution. Then, the parties are called and the proposed decision is presented to them, with detail explanation and advice. If the parties are satisfied with the decision, the reconciliation process would take place. The settlement process often involves oath-taking rituals, making of pledges to honor agreement reached and payment of compensation by the wrong-doer. Finally, the culmination of the reconciliation ceremony the Eneshas let the two parties to shake hands with each other and kiss one another. Then, the conflict parties swear oaths as a sign of joint commitment to peace and reconciliation.
b. Actors Involved in Enashma Traditional Conflict Resolution Institution

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

1. The Eneshas (The Elders)

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

2. The Nihinna (The Blood Father)

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

3. The Iq’ Nihas (Religious Elders)

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

4. The Women

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

c. Customary Laws Used in Enashma Traditional Conflict Resolution Institution

Actors in Enashma traditional conflict resolution institution are guided by specific rules and procedures rooted in the history and culture of the society referred to as Nemma (custom) and Terra (laws) as the data obtained from interview. Nemma is a general term to refer to way of life or culture in general and Terra is the specific concept that related with rules and regulation. These laws have legal characteristics that govern the activities of individuals. Though they do not exist in printed copy, the specific rules and procedures governs and manages the activities of individuals. The Boro-Shinasha community resolves conflicts, identify and penalize wrong doer, enforce decision, make reconciliation and, thereby ensure the peaceful and harmonies of the society by using Nemma and Terra (customary law). These customs and laws
(Nemma and Terra) are put in to practice by the Enashma traditional institution of conflict resolution among the Boro-Shinasha people. Most of the time, actors are guided by customary laws in dealing with conflicts.

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

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

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

IV. Conclusion

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

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

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

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

References

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

Brad Evans, Types of Conflict—Four Classification, 2013.


Endalew Lijalem, Ethiopian Customary Dispute Resolution Mechanisms, 2014.


Shail Arora, Formal and Informal Dispute Resolution, 2015.


