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*Full Length Research Paper*

## **Liberia'S TRC: The road to rule of law or a dead end?**

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**After two civil wars Liberia's warring sides signed a peace agreement in 2003 providing for, among other things, the creation of a truth and reconciliation commission (TRC) to help it on the path to reconciliation. After public hearings in all fifteen counties in Liberia and extensive input from Liberians out of the country, Liberia's TRC concluded its proceedings in 2009 with recommendations for improvement of the rule of law by prosecution of war crimes and human rights abuses and lustration of many smaller offenders, including the current president of Liberia. This paper reviews the efforts of the Liberian TRC to improve the rule of law against the backdrop of the bigger question of whether TRCs assist states in making that transition or make it more difficult. Field research from 2011 in Liberia as well as various surveys of Liberian opinion as indexes relating to corruption and rule of law are utilized along with the TRC report and recommendations. This paper concludes that although Liberia has made some improvements in the rule of law since 2003, the TRC has not been instrumental in bringing about an improvement, partially due to a lack of political will in Liberia but also due to its failure to bring about a change in the conflict between the Americo-Liberian elites in Liberia and the indigenous population that led to the civil war and to the lack of accountability caused by the failure to follow the recommendations of the TRC.**

**Key words:** Truth and reconciliation commissions, rule of law, civil wars, Liberia, transitional justice.

### **INTRODUCTION**

As civil wars have dominated the post-World War II period, states have turned to a variety of methods of transitional justice to heal the wounds left after a cease fire or peace accord has been reached. Truth and Reconciliation Commissions (TRC) have become increasingly common in these post-conflict states and are often portrayed to provide for truth, reconciliation and improvement in the rule of law. This study looks at one of those TRCs, the one in Liberia from 2005 to 2009 and assesses the impact of that TRC on improvements in rule of law. This paper

concludes that although Liberia has improved in rule of law since 2005, because of the lack of implementation of the recommendations of the TRC, it has not been effective in fostering the growth of the rule of law.

Liberia was chosen for this study because it experienced two vicious civil wars from 1989 to 1997 and 1997 to 2003 and then undertook a TRC rather than a war crimes tribunal or amnesty to address the reasons that led to the war. Per the United Nations, almost 150,000 people died in the two wars and over 850,000 Liberians were

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displaced, many into surrounding states (un.org/unamil). A large portion of the displaced population fled from the countryside into the capital city of Monrovia, overwhelming the infrastructure there and triggering widespread malnutrition as agricultural output plummeted in the rural communities. The effects of the war continue today as malnutrition, economic deprivation, illiteracy and poor health continues to plague Liberia (<http://confinder.richmond.edu/admin/docs/Liberia.pdf>).

On 18, August, 2003, the Accra Comprehensive Peace Treaty was signed between the warring parties. For Liberia, the problem of how to make the transition from war and human rights abuses to more stable political systems with political rights, civil liberties and human rights protections was a critical question. States like Liberia are hamstrung by the lack of governmental institutions capable of making this transition, can control the violence and provide civil liberties, political and human rights protections to citizens. In the past twenty years, the concept of transitional justice has been increasingly used to explain how this transition can be accomplished and a variety of tools of transitional justice, including war crimes trials, amnesties, memorials, pardons and truth and reconciliation commissions (TRCs) have been utilized. The choice of method of transitional justice is critical for states. The wrong choice will not only impede accountability and redress, but can sometimes also result in the return to violence and human rights abuses. The failure to provide transitional justice can also be as damaging to post-conflict states, leaving them unable to escape the effects of the conflict.

## LITERATURE REVIEW

Much of the original discussion regarding TRCs and transitional justice focused on their relationship to the promotion of democracy. Because there are so many aspects to democracy that may not be addressed using a TRC, the focus of studies on transitional justice has recently turned to another concept, that of the rule of law. Rule of law has the advantage of being an aspect of democracy that is tied to directly to the focus of TRCs, the reduction of conflict by creating an atmosphere of impartiality and fair treatment for all people and particularly for victims of the human rights abuses by the state. Rule of law acts as a constraint on the power of government and on the power of the majority against the minority by making all people be treated equally before the law. The relationship between rule of law and democracy was noted by Finn (2004) as "...the rule of law is a mechanism for democratizing power by disciplining power". He also notes that rule of law can help the process of governing by insuring clear and transparent actions by government and guarding against corruption by government. The rule of law supports the growth of democracy; it is impossible to have a fully consolidated democracy in a state where most the population still fears and distrusts the government,

police and judicial system. The rule of law leads to a growth of trust by making government actions transparent to the public. This leaves transitional justice to find methods to rebuild trust by rebuilding the rule of law, insuring that all citizens are treating equally and fairly (12).

The focus of the literature on the connection between TRCs and improvements in rule of law is whether TRCs help to promote the rule of law and if so how do they promote it. In other words, what is it about TRCs that leads to improvement in the rule of law? The literature, like that of democracy, is split between empiricists and theorists, with the theorists generally arguing there is a relationship between TRCs and rule of law, while the only comprehensive empirical studies, conducted by Olsen, Payne, and Reiter and Wiebelhaus-Brahm arguing there is one, but it is negative.

Mani (2008) notes that context is also critical in establishing the rule of law, including "...the past, the political context, and the society and local culture". Regarding the context, the one most obviously related to TRCs is that of the past. Justice cannot occur if there is not an operational justice system, public trust is needed to obtain public cooperation and support, and accountability shows that everyone is equal before the law and impunity will not be allowed (155). The past actions in each country dictate how the past abuses are dealt with or were not dealt with.

Mani argues that transitional justice methods, if they are going to reinforce the rule of law, need to be within the country, be conducted in domestic institutions and not be internationalized.<sup>1</sup> TRCs typically meet these three criteria: they are always in the country, are conducted domestically and have limited amounts, if any, of international involvement other than funding and occasionally international commissioners. Post-conflict states have tried a variety of transitional justice methods but primarily have utilized war crimes tribunals, amnesties and TRCs.

Many theorists argue that they create a sense of justice in situations where, because of the massive number of victims and offenders, prosecution is not a realistic possibility. This sense of justice is a necessary, although not sufficient, for the rule of law to grow. In some ways, the idea that a TRC, which does not adjudicate guilt or innocence or punish offenders, leads to justice is a challenging concept. Dimitrijević (2006) argues that by presenting all the evidence at a TRC without censoring or limiting the "truth" being discussed, a universal sense of morality and justice can be established. To him a TRC must do two things: clearly delineate the violations of the past regime and secondly, affirm the commitment of the new regime to adhering to values of justice, equality dignity and concern for minority rights and interests (368-382).

Dimitrijević (2006) also argues that dealing with the past in the concept of truth telling mechanisms such as a TRC

<sup>1</sup> Ibid.

is critical to improvement of the rule of law in post-conflict societies. He looks at the dichotomy often established by these societies between forgetting the past and getting on with life versus establishing the truth of the past and summoning up hard feelings and feelings of injustice. Looking at the mass human rights abuses of the twentieth century he argues that the actions of states leave an “ethics of evil” that required a new moral foundation for a state, not just the removal of elites or changing of institutions. Otherwise no change in attitudes about the rights of all people will occur. He argues that the role of TRCs should be less about their ability to bring about reconciliation or forgiveness and more about their ability to foster justice. One of the problems with reconciliation and forgiveness is that they are more functions of individuals than of a country. No study of TRCs to date has been able to show categorically that reconciliation on the individual, family or group level has occurred. But the connection with justice can be shown and the relationship between truth and justice is a justification for the use of TRCs.

The connection between TRCs and the growth of the rule of law is not clear. Authors such as Allen (1999) argue that although TRCs are thought to spur the rule of law by breaking with the past of human rights abuses and impunity, they lack the due process rights of criminal trials and the ability to punish human rights violations. This can, instead of encouraging the rule of law, lead to a lack of accountability and impunity. He notes that this concern is exacerbated when a TRC is simply a substitute for any type of criminal prosecution or is done in private, rather than with public hearings and reports of its activities. According to Allen, some of this conflict is inherent in the role that TRCs play in simultaneously promoting both justice and reconciliation, different concepts that have different effects. Per Allen:

...sensitivity to injustice can perhaps be restored over time by confronting the specific circumstances of injustice. This is one of the reasons that the role of the TRC in producing a detailed record of suffering and of perpetrator’s statements is so significant. Reflection on past injustices is an important basis for a democracy that aims to respect justice and the rule of law...although memory of past injustices does not necessarily enhance a sensitivity to the injustices borne by others, reflecting on the conceptual and psychological import of the evils involved in specific cases may alert us to the presence and likely effect of injustices (315-353).

Allen postulates that TRCs can support the growth of the rule of law bringing past injustices out in the open, making society sensitive to injustice, rather than accepting it. Support for the rule of law can only function when society values individual rights to equal treatment under the law, something that can be supported through educational functions of TRC public hearings and reports.

Orentlicher (1991) is another critic of TRCs and the rule of law. She argues that the failure to prosecute major crimes not only may violate international law, but that “Societies recently scourged by lawlessness need look no farther than their own past to discover the costs of impunity” (2537). The failure to prosecute offenders results in a society that does not trust the judicial system because other methods of transitional justice, including TRCs and amnesties deliver the wrong message, that of no consequences for crime on a massive scale. To Orentlicher, “A complete failure of enforcement vitiates the authority of law itself, sapping its power to deter proscribed conduct” (2542). While prosecution of all offenses may not be necessary, the failure to prosecute the worst offenses provides a justification for the lack of trust by the citizenry and a lack of concern for the consequences of their actions by the police, judiciary and military.

This paper looks at the conflict over the ability of TRCs to lead to reconciliation as opposed to impunity raised by Manni and Dimitrijević on one hand and Allen and Orentlicher on the other in the context of one state, Liberia, and its efforts to improve the rule of law. Because Liberia had a TRC and no amnesty or war crimes trials it is possible to see the impact of a TRC on a state after a major conflict. This paper concludes that in the case of Liberia, the TRC did not affect an improvement in the rule of law.

### **Creation of the TRC**

Liberia is one of the few third world countries which was not directly colonized by a first world country. Prior to the American intervention in Liberia in 1822 Liberia was settled by a variety of ethnic groups from the surrounding areas, including groups from modern day Guinea, Sierra Leone and Côte d’Ivoire. This diverse settlement is reflected in modern day Liberian demographics: there are at least twenty-eight ethnic groups (Vinck et al., 2011). About 2.5% of the population is Americo-Liberian, or descendants of American slaves brought to Liberia from the United States.

The importation of free blacks from the United States set up a two-tiered system of political and social rights within the new country of Liberia that continues today and causes ongoing ethnic conflicts. Immigrants felt themselves superior to the indigenous population and the same segregation methods used against blacks in the United States were used to keep the Liberian indigenous populations as a lower class. This power continued throughout the history of Liberia, with the Americo-Liberians staying in power through their control of the political process, schools and jobs. Only Americo-Liberians were accepted into the True Whig Party, the ruling party of Liberia from 1878 to the coup in 1980. Non Americo-Liberians were not allowed to work in government or in the military until the 1970s and were not



even recognized as citizens until 1904. Education, infrastructure and services were not extended into the non-coastal areas of Liberia, where most indigenous Liberians lived, until well into the twentieth century and there remains today a distinct imbalance between the inland areas and the coastal areas. This continual marginalization of the vast majority of the population by a tiny minority created problems for Liberia that persist today. All Liberian presidents were Americo-Liberian until Samuel K. Doe became president in 1980 after a coup d'état. Moses Blah, who completed Charles Taylor's 2003 presidential term, was the second indigenous president (Dennis and Dennis, 2008).

After the Peace Agreement was signed in 2003, President Johnson-Sirleaf was elected president as the first elected post-war president and the first female African president. She, along with almost all other candidates, was an Americo-Liberian. Although President Johnson-Sirleaf has both Americo-Liberian and indigenous parents, she was part of the ruling Americo-Liberian class, serving as a minister of the True Whig Party and fleeing Liberia in 1980 when Doe took office (Sesay, 2009). This makes it difficult for groups other than Americo-Liberians to develop trust regarding the president's ability to reconcile groups in Liberia. This lack of trust affects the ability of the state to improve rule of law and the continued marginalization of the indigenous population of Liberia. The continued presence of the tiny minority of Americo-Liberians in all parts of Liberian politics and business continues to exacerbate the conflicts that led to two civil wars.

The same problems caused by the inequality between the groups in the nineteenth century continue to this day in Liberia. In the effort to rebuild trust in government and to lessen the effect of ethnic conflicts, 2005 Liberia turned to a Truth and Reconciliation Commission. Countries, like Liberia, that are recovering from a civil war face a variety of constraints on the creation or resumption of the rule of law. If a TRC is chosen as the sole or primary method of transitional justice the conduct of a TRC is critical because it can allow a state to establish a new moral foundation, to move away from the old institutions, and address conflicts in a state in an inclusive, objective way. As noted above, the Comprehensive Peace Agreement called for the establishment of a TRC and the TRC, once established, set out improvements in the rule of law as one of its key goals (TRC Final Report-Liberia-Section 1.1). While the need to establish the rule of law may have been clear to the commissioners of the TRC and the international community, the methods to establish it were less clear. As discussed earlier, there is a disagreement as to whether TRCs promote the rule of law or instead promote impunity by their failure to prosecute perpetrators of human rights abuses. Liberians clearly wanted accountability, whether it was prosecutions, lustration or some other form of accountability but the question is whether the TRC in Liberia helped to improve the rule of

law, had no effect on it or decreased it.

When the Liberian TRC began in 2006 there was cautious optimism that it was the right choice of transitional justice methods, balancing the need for peace against the need for justice by avoiding the return to war that might occur if war crimes trials were held. It was felt that the TRC would succeed in providing the truth of the events of the civil war if the schedule of hearings was met. The final report integrated many different viewpoints and had profound recommendations for justice and reform. The Independent Commission for Human Rights was created and carried out the recommendations of the TRC and it was hoped the government would have the political will and skill to carry out the recommendations.

### **Due process and the TRC**

The TRC appeared to meet the best practices for due process rights and to adhere to Long's requirements: it conducted hearings in all counties and overseas, widely disseminated the final report and did not offer amnesty to perpetrators of human rights. The events of the TRC were published in a website to the world and to Liberians with access to the internet, and the TRC was correctly designed to allow a full discussion of the problems that led to the civil wars and to promote reconciliation of Liberian society. However, there were some warning signs before the TRC ended. Two commissioners refused to sign the final report and several of the commissioners experienced death threats after the release of the final report. One of the commissioners, Pearl Brown Bull, refused to sign the report or to endorse its recommendations because she disagreed that prosecution for war crimes would help Liberia to reconcile and move forward. Pearl Brown Bull was an Americo-Liberian and a member of the dominant True Whig party, while the other dissenter was the only Muslim member of the commission and was accused during commission hearings of being a recruiter for the United Liberation Movement, one of the groups involved in the civil wars. Accusations regarding them and a third commissioner occurred during the hearings and impacted the credibility of the TRC proceedings (Allen, 1999).

A second concern regarding the hearings arose when two lists of names of perpetrators and persons of interest were released while the TRC was proceeding. According to Freeman (2006), the publication of names of individuals who were found to be individually responsible for war crimes or crimes against humanity creates a tension between the rights of the individual being named and the rights of the victims and the public, particularly since a TRC is not a judicial hearing and no due process rights are afforded to the individuals.

There was a third concern regarding the Liberian TRC's final report and due process. Taylor and Dukalskis (2012) identified potential concerns with final reports in TRCs. Although their observations relate to the improvement

of democracy, not rule of law, they are still relevant since the same relationships between TRCs and democracy relate to TRCs and rule of law. There is a need for openness and transparency in TRCs. As noted by Taylor and Dukalskis "Breaking with a past of confidential decisions and inaccessible governance, truth commissions can bring the public into their proceeding" (674-675). For this openness to work a state must have public hearings and a public report that is widely disseminated and accessible. Public hearings encourage democracy, according to Taylor and Dukalskis, in four ways: it exposes the actions of the previous regime who were not aware of them or would not acknowledge them, validates civil society groups campaigning against the previous regime, it allows diverse groups to have a single version of the truth, and it serves as a record for the education of future generations. That same openness and publicness of the report are necessary to increase the trust in and accountability for institutions that is necessary for improvements in rule of law.

Although the Liberian TRC had open, public hearings, the disconnection between those hearings and the recommendations regarding prosecution and lustration reduced its value. The issue of due process was raised, successfully, regarding the lustration issue because offenders were not given notice they would be subject to lustration by the commission and had limited opportunity, due to that lack of notice, to contest the allegations against them.

Also, for the commission's actions to effect change people need to be aware of the findings and recommendations of the TRC. It is impossible to expose actions, validate civil society, have a single version of the truth and educate people if the findings and recommendations are kept from the public. Several observers of the TRC proceedings have commented on the problem with the dissemination of the final report. It can only have an effect if there is knowledge of its existence and at least a general understanding of its findings (Gibson, 2004). In a survey of Liberian citizens conducted by the Human Rights Center (HRC) at the University of California, Berkley School of Law 45% of Liberians surveyed indicated they had no knowledge of the TRC and 46% said they had little knowledge of it. Only 8% said they had an average or higher knowledge of it. This is very disturbing given the fact the TRC concluded two years prior to the survey and a public report was issued and widely disseminated. 73% of those surveyed indicated, however, that they had heard of the TRC, leading to the conclusion that most Liberians had heard about it but 92% of them knew little or nothing about it other than its existence. In comparison to the 92% who knew about the SC-SL trial of Charles Taylor, however, this number seems low. Additionally, although 76% said that truth in general was important to them, only 44% said that truth about the war was now known to them, seven years after the end of the war. 42% said they had heard

about the TRC recommendations but only 39% believed that the TRC helped peace and 38% agreed it helped with unity. The county with the highest percentage of people who knew about the TRC was, not surprisingly, the capital of Liberia, Monrovia, where 90% of the people were aware of it and 74% of the people knew at least a little or an average amount or higher about it, as opposed to 54% in the country generally. They also had a greater belief in the connection between the TRC and peace and unity than the rest of the country (Berkeley Human Rights Center-Talking Peace Liberia, 2011: 20).

Svärd (2013) notes that access to information about the TRC in Liberia was made difficult due to conditions existing in the country. Among other things, there was no legal framework for access to information, a high level of illiteracy in the populace, a lack of access to methods of communication such as the internet, newspapers and television, a lack of archives and libraries, and a lack of knowledge and funding for archiving and preserving documentation. According to Svärd the TRC report was mainly disseminated to the public by non-governmental organizations, not the government. The lack of literacy affects the ability to read the TRC report, but more critically to read the more common method of accessing the report, the newspaper accounts of the TRC. For the rest of the country, radio and word of mouth are the main methods of communication, reducing access to information about the TRC.

This lack of knowledge of and faith in the TRC process is disturbing, particularly the difference between Monrovia and the rest of the country. Hearings for the TRC were held throughout the country in an effort to involve the entire citizenry which was apparently unsuccessful. Video of many of the TRC hearings is available online and a written report was submitted to the National Assembly and publicly released (TRC Final Report, Vol. 1, 1617). Despite these efforts, awareness and understanding of the TRC is still sorely lacking in Liberia.

### **Problems with TRC Recommendations and Implementation**

All TRCs experience difficulty in implementing recommendations, often due to the lack of funds, lack of efficient institutions and the lack of political will to carry out the recommendations. Liberia had, and still has, these problems. However, while the proceedings of the TRC were conventional, some of the recommendations in the final report were anything but conventional. Recommendations regarding lustration, war crimes trials and for an alternative dispute resolution program called *Palava Hut* were the most controversial and problematic.

The most controversial recommendation of the TRC was that one that recommended lustration of 49 people, including the sitting president of Liberia along with other prominent Liberians (TRC Final Report, Vol. 1, 1617).

The lustration provision caused a major backlash against the TRC by people named for lustration, particularly Johnson-Sirleaf who was the sitting president at the time of the release of the report. The TRC has been criticized for not having sufficient due process protections for people recommended for lustration. As noted in an International Transition Justice (ITJ) Report in 2010, only nine of the people recommended for lustration were mentioned any place else in the TRC report, making the basis of the recommendation impossible to determine. The ITJ report notes they had serious concerns with how the recommendation was made and questioned its validity for the future (Allen, 1999, 14). This recommendation was later found to be unconstitutional by the Liberian Supreme Court which found that lustration of the named people violated their due process rights because they were not given notice that lustration would occur, no witnesses were called to testify to the facts to establish the need for lustration and people being recommended for lustration were not given an opportunity to produce their own information on the charges (Raddatz, 2013: 187).

A second controversial recommendation concerned the prosecution of over two hundred people and entities, including a current member of the Liberian Senate, Prince Johnson. The ITJ report notes that over half of this group were not named specifically in the report and there is little evidence to support the recommendation for prosecution. Even where people were named in the report specifically, details regarding the crimes and their participation in them were lacking (Allen, 1999: 16). This recommendation has not been implemented to this date either and a war crimes tribunal like the one in neighboring Sierra Leone was rejected. The only Liberians to be tried for war crimes were Charles Taylor, Martina Johnson and Alieu Kosiah, all of whom were tried in foreign countries (Fortin, 2015). Additionally, Charles Taylor's son, Chucky Taylor, was convicted in the United States under the United States Torture Act for acts committed in Liberia (United States v. Roy Belfast, 2010). Despite the lack of prosecution Liberia has not chosen to issue a blanket amnesty for offenses during the war, however its failure to prosecute offenders equals a *de facto* amnesty at this point.

Some of the recommendations have been followed through on, particularly recommendation 15.0 calling for the creation of the Palava Hut program and recommendation 18.17 calling for the creation of the Independent National Human Rights Commission (INHCR). However, although both were created neither has been effective due to the lack of funding and political will to carry out the programs. Other highly sought after recommendations for economic or educational provisions for victims of the war, such as recommendation 17.1 calling for counseling and health services for victims and 17.3 calling for education for all Liberians but particularly for female survivors of the war have not begun (TRC Final Report, Vol. 2). The failure to carry out most of the recommendations certainly affects trust by the people of

the government's will to reform policies that allowed the civil wars to flourish. It has also left in place the political culture and class differences that were large contributors to the former civil wars.

### Results-Rule of Law Post Civil War

To determine the level of rule of law in Liberia two indices of rule of law are used. The first is the CIRI Human Right Index, which looks at data from 1981 to 2011 regarding rule of law. This index looks at five sets of factors that lead to rule of law-physical integrity rights, empowerment rights, women's economic, women's political rights and the independence of the judiciary (CIRI Short Variable Description). Physical integrity rights receive a possible high score of eight, empowerment rights have a possible high score of fourteen, women's rights have a possible total score of six and independence of the judiciary has a possible high score of two points (CIRI Human Rights Database Project, 2013).

According to CIRI (2013) the rule of law in Liberia has improved since the end of the civil war although most increases occurred before the 2005 election. In 2003, the year the second civil war ended, Liberia had a CIRI score of 12. In 2004 the score increased to 21 out of 30 and it has remained static since then (Figure 1). The biggest change from 2003 to 2004 was in physical integrity rights, which includes torture, extrajudicial killings, political imprisonment and disappearances. This is not surprising since the end of the civil war brought a lessening of many of these problems, particularly given the presence of a huge international force of approximately 15,000. There were also improvements in the empowerment index, which includes respect for civil liberties such as freedom of speech, freedom of association, freedom of movement and freedom of religion. These improvements were more closely related to the actions of the government. Civil liberties have remained relatively high or have increased since 2004 but the physical integrity index has shown a decrease since then from 2004 to 2010. The independence of the judiciary, a critical feature of rule of law, has not improved per CIRI since the civil war. The judiciary remains weak and ineffective as a check on the legislative and executive branches, partially due to infrastructure restraints. Liberia remains a country with very limited ability to provide justice for its citizens due to the lack of attorneys, judges, police officers, training for any of these professions and a basic lack of courts, jails and equipment. All of this has an impact on the rule of law.

As illustrated in Figure 1, a positive change in rule of law occurred before the TRC and is therefore not attributable to the actions of the TRC. In fact, the rule of law scores declined during the period of the TRC, from a high in 2005 of 21 points, to a low in 2009 of 18 points. The reduction occurred in the area of physical integrity and empowerment rights, factors that had improved prior to the

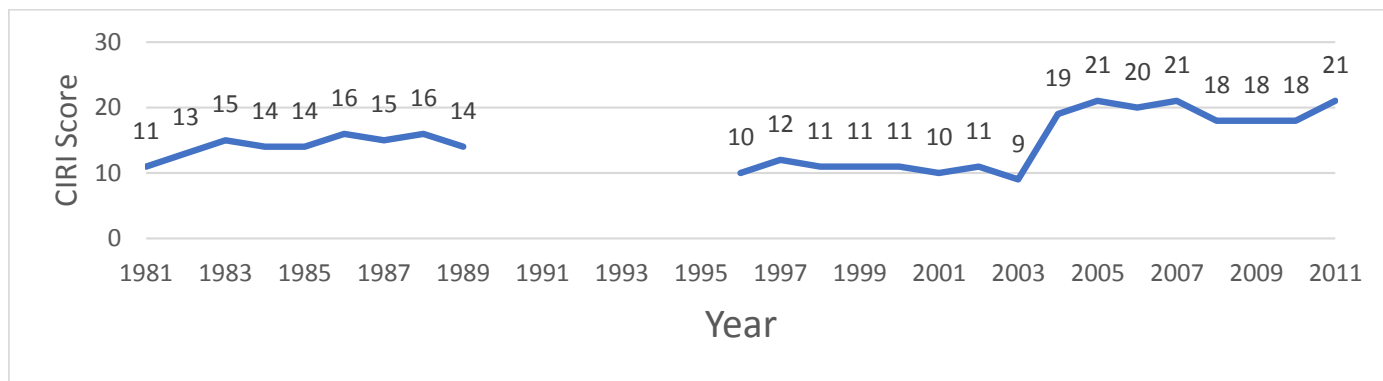


Figure 1. Rule of Law in Liberia-1981-2011. Source: CIRI .

Table 1. World Justice Project 2012-2015 for Liberia

Factor	2012-2013	2014	2015	Change
Constraints on Govt. Powers	0.53	0.53	0.54	0.01
Absence of Corruption	0.31	0.34	0.28	-0.03
Open Government	0.39	0.36	0.48	0.09
Fundamental Rights	0.52	0.57	0.58	0.06
Order and Security	0.56	0.54	0.57	0.01
Regulatory Enf.	0.23	0.33	0.37	0.14
Civil Justice	0.33	0.39	0.44	0.11
Criminal Justice	0.41	0.33	0.32	-0.09

Source: WJP [http://worldjusticeproject.org/historical-data\\_](http://worldjusticeproject.org/historical-data_)

TRC, showing a deterioration in these factors while the TRC was being conducted (CIRI). Both improved in 2010 and 2011 and the scores improved after the TRC to a total of 21 points out of 30.

Because CIRI does not have data after 2011 the World Justice Project database has been used to look at the years from 2012 to 2015. Unfortunately, the two databases are not identical and WJP data is not available before 2012. However, they look at similar thing including constraints on government powers, corruption, order and security, fundamental rights, openness of government, regulatory enforcement, civil justice, criminal justice and informal justice (WJP). Each factor consists of several variables which lead to a possible composite score of 0.0 to 1.0. Below is Table 1 which shows the 2012 to 2015 scores for Liberia for each of the factors.

The WJP data are more hopeful than the CIRI data, showing improvements from 2012-2013 to 2015 in all but two categories: absence of corruption and criminal justice. The biggest improvement was in regulatory enforcement followed by improvements in civil justice. These are hopeful signs, as was the fairly peaceful 2011 re-election of President Johnson-Sirleaf. However, the scores are still

quite low for Liberia, particularly in corruption, regulatory enforcement and criminal justice, all of which were things that targets of the TRC. In 2012-2013 Liberia was ranked 13<sup>th</sup> in the Sub-Saharan Africa region out of 18 countries and 82<sup>nd</sup> out of 97 countries in the world. In 2015 Liberia was ranked 83<sup>rd</sup> out of 102 countries in rule of law, a very low ranking, although it had moved up from 13<sup>th</sup> to 11<sup>th</sup> out of 18 countries in Sub-Saharan Africa. In 2012-2013 Liberia ranked last in all Sub-Saharan African countries in civil justice regulatory enforcement although it improved in both of those factors by 2015 (WJP). The information from the WJP shows Liberia has continuing problems with rule of law, like the information from CIRI, but the improvements in rankings relative to the rest of Sub-Saharan Africa and in the areas of regulatory enforcement and civil justice show the efforts of Liberia since the TRC may be starting to show progress.

A different measure of corruption comes from Transparency International's Corruption Perception Index measures corruption before and after the TRC, with data from 2007 to 2015. Liberia has improved its corruption scores since the civil war. In 2007 before the TRC Liberia was 160<sup>th</sup> in the world in corruption. In 2009, after the

completion of the TRC, Liberia was ranked 97<sup>th</sup> in the world and they continued to improve to 95<sup>th</sup> by 2011. After the 2011 election, they improved to 81<sup>st</sup> in the world and they are 83<sup>rd</sup> in 2015 (Transparency International, 1995). Transparency International's ranking are based on surveys taken of corporations and financial institutions, so while Liberians may believe you must bribe a judge to get a positive result, the financial community has a better opinion of corruption in Liberia. It may be that the belief in corruption is so entrenched with Liberians that it will take longer to change that belief.

## METHODOLOGY

This paper focuses on the Liberian TRC and whether the conduct of that TRC helped and is continuing to foster the growth of the rule of law in Liberia. It consists of a case study of the Liberian TRC from 2005 to 2009.<sup>2</sup> Most countries who conduct TRCs also do other forms of transitional justice including amnesties. Liberia was chosen as a case study because it conducted a comprehensive TRC with extensive due process and procedural protections, including a written report that was widely disseminated, hearings in all fifteen counties in Liberia and hearings overseas of the Diaspora population.<sup>3</sup> Steinberg (2010) Liberia did not issue amnesties for violations of international law and crimes against humanity as part of the Peace Agreement and except for Charles Taylor, who was tried by the Special Court-Sierra Leone (SC-SL), has not conducted war crimes trials. Thus, the TRC was the only major method of transitional justice used.

The Liberian TRC was provided for in the Accra Peace Agreement signed in 2003. That agreement specified that,

A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation (Article XIII, Comprehensive Peace Agreement-Liberia and LURD, MODEL and political parties).

While the Peace Agreement did not specifically link improvements in the rule of law through to the TRC, the TRC itself defined its role in its final report to include the improvement of the rule of law and combatting impunity (see for example Section 1.1, Mandate in the Final Report of the TRC).

The sources of data for this paper are the TRC final report issued in 2011, the Cingranelli, Richards Human Rights Index (CIRI) which shows changes over time in the level of rule in law in a state, information from the Corruption Perception Index regarding corruption, World Justice Project data to provide information regarding the rule of law from 2012 and 2015 (this period is not covered in the CIRI index) and information from the Berkeley Human Rights Center report and surveys regarding citizen views of the TRC and rule of law in Liberia. This author also conducted field research in Liberia in 2011.

There are some limitations to the data; ideally all data would have been available before and after the TRC to obtain a clear vision of Liberia before, during and after the conflict. Unfortunately, only CIRI data are available before and after the TRC. CIRI data are limited to 2011, five years before this paper so WJP data are used to bridge the gap between 2012 and 2015. The two databases are not comparable but cover many of the same issues and the differences and similarities will be discussed.

## RESULTS AND DISCUSSION

For most of its history Liberia was a single party autocracy, ruled by the tiny minority of Americo-Liberians. Since 1980 various groups have rebelled against the rule of this group, with the first non-Americo-Liberian taking office through a coup d'état and staying in power not through democratic means but through a variety of extrajudicial means. Liberia has, since the end of the second civil war, conducted two elections which are generally considered to be fair and free and has elected a president, Ellen Johnson-Sirleaf, who took office through the democratic process and continues to rule democratically after the second election. Their next, and most pivotal election, is in 2017 and with the current president term limited it will be interesting to see if her Unity Party is voted out of office and whether there will be violent protests or the rule of law during the election. Liberia is a multi-party state and the president's party, the Unity Party currently holds only a plurality in the legislature, not a majority (African Election Database). Since the end of the second civil war Liberia has improved its rule of law and at least in terms of freedom from torture, disappearance and the political violence is a much safer, more legal place to live. The ability of the state to conduct two free and fair elections and control the protests and boycott of the runoff election by the losing party in the 2011 election without the resort to significant repression and violence signals the growth of the rule of law.

The Liberian TRC was formed to help to further encourage improvements in the rule of law and to address concerns regarding impunity and the conflict between groups that led to two disastrous civil wars. It did provide a forum for a national discussion of the events of the two wars and its recommendations for lustration and prosecution offered the hope of accountability for the abuses that occurred. The failure of the TRC to follow through on recommendations for war crimes trials and lustration (and in fact the finding by the Liberian Supreme Court that lustration was unconstitutional) has worked against the improvement of the rule of law in Liberia. Despite fairly strong due process protections and the lack of a general amnesty in the TRC, Liberia is currently making little progress. While the TRC is certainly not the only factor in the improvement of the rule of law, it is large one and it has so far been ineffective. Liberians perceive a high level of impunity and lack of accountability in their country but researchers like Transparency International see an improvement in corruption. The fact that Liberia's CPI scores have improved relative to the rest of the world is encouraging but the perception of Liberians is unchanged. This perception is probably exacerbated by the lack of follow through on the TRC recommendations for accountability; Liberians see perpetrators of war crimes not only walking around free but also in a few cases being involved in running the Liberian government.

It will also be difficult to move forward without making changes in the political culture that favors the

<sup>2</sup> Actual proceedings were from 2006 to 2009.

<sup>3</sup> Counties are the equivalent of the states in the United States.

Americo-Liberian class over the rest of Liberians. Less than 50% of Liberians believe in amnesty for human rights violations, but to date there has been a *de facto* amnesty due to the failure to prosecute and only a few officials have been held accountable for the abuses from the war. Most importantly, the power relationship between the Americo-Liberians and the rest of the population in Liberia has not changed; although President Johnson-Sirleaf is of mixed heritage she was a long-time member of the True Whig Party and is identified with the interests of Americo-Liberians, not the rest of the population. Since this power relationship was a major factor in the two civil wars, the inability to address it is concerning for Liberia's future.

There has been an improvement in the rule of law since the end of the second civil war in 2003, but there is no clear improvement in it since the TRC ended in 2009. Information about both CIRI and WJP show reasons to be optimistic about the rule of law in Liberia. The CIRI shows that physical integrity rights, in particular, have improved in Liberia and that overall political rights such as freedom of expression and religion are increasing. It may be simply too early to see the effect of the TRC and Liberia may experience greater chance in the future. It also may be that because the TRC in Liberia was so flawed that the TRC has decreased the chances for improvement by supporting impunity rather than accountability. For a TRC, such as the one in Liberia, to affect real change in a state it may need to have sound recommendations based on due process and widely discussed, that are followed through by the state to make a real difference in democracy and the rule of law.

## CONFLICT OF INTERESTS

The authors has not declared any conflict of interests.

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*Full Length Research Paper*

# **Economic relations of Ethiopia and India: Trade and agricultural investments after 1991**

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**The main objective of this article is to critically examine the Post-1991 bilateral trade relations between the two countries and Indian agricultural investments in Ethiopia. To achieve the objective of this article, the study used qualitative research methodology. Data were collected from both primary and secondary sources. Available literature was also reviewed. For the collection of primary data, in-depth interviews were conducted with officials from Ethiopian Investment Commission, Ministry of Foreign Affairs, Ministry of Trade, and Agricultural Investment and Land Administration Agency. The findings from data analysis show that the economic relationships between the two countries are in favor of India in trade and agricultural investments. The study showed that Ethiopia has chronically run a negative balance in its trade with India. Ethiopia's trade deficit can largely be explained by the unequal terms of trade between agricultural commodities (the country's major exports) and capital goods (the country's major imports). With regard to agricultural investment, Indian agricultural investments have both positive and negative impacts on local peoples where they are operating. Indian Agricultural investments in Ethiopia created permanent and temporary job opportunities for Ethiopians; it has also increased government revenues and brought foreign currency and technology transfer. On the other hand, Indian investments in agriculture have caused the displacement of smallholder farmers and the degradation of natural resources. In response to trade imbalance, Ethiopia needs to focus on diversifying the composition of its exports and improving the business climate through infrastructural development, building strong institutions and reducing bureaucratic problems. Indian agricultural investments in Ethiopia also need encouragement, support and critical follow-up so that the expected benefit would be insured.**

**Key words:** Globalization, economic cooperation, south-south cooperation, Foreign Direct Investment, trade.

## **INTRODUCTION**

Globalization is a common phenomenon that leads to an intensification of worldwide interconnectedness through trade, investment, finance, migration and diffusion of culture (David, 1999). In the 21st century, the world

economy can be considered as a global economic system, which is characterized by international division of labor, internationalization, and integration of production and exchange that operates on the principle of market

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economy (Tbilisi State University, 2014). In the global economic system, there is a mutual interdependence of the various national economies.

This time, it is difficult to find example of a closed economy and all economies of the world have become mostly open (Vijayasri, 2013). Trade has become a decisive issue largely because countries' economies are now more open to flows of imports and exports than ever. This has occurred because of technological changes as well as consequent changes in government policies (Milner, 2013). In today's globalized world, trade is a very crucial activity for states overall development and it has become an important aspect of international relations (Kegley and Wittkopt, 1989)

According to Rourke (1989), "*the expansion of trade increased interrelationships between international economic activities and domestic economic circumstances*". Contacts between India and Africa existed since ancient times when Indian merchants conducted relatively extensive trade activities along the eastern coast of the African continent (Raja, 2006).

According to Runoko (2016), "*close relationships between Africa and early India have existed for more than two thousand years*". India has close relationships with African countries in terms of historical, cultural, geographical, political, economic and commercial aspects (Manoj, 2010).

Following its independence, India has been playing a crucial role with regard to the struggles against colonialism and racism in the international system. However, there were little diplomatic relations between Ethiopia and India until 1948. After its independence, India quickly established diplomatic relations with Ethiopia and its diplomatic mission led by Sardar Sant Singh was sent to Ethiopia. According to Ethiopian Ministry of Foreign Affairs (2015), "*It was in July 1948 that Ethiopia and India first established diplomatic relations at the level of legations. Full Diplomatic Relations were established in 1950 with the assignment of Mr. Amanuel Abraham as the first Ambassador of Ethiopia to India*".

Ethiopia was the first country from Africa which opened its Embassy in India, New Delhi. Ethiopia and India carried close cordial relations during the long reign of Emperor Haile Selassie (Manoj, 2010). The bilateral relations were strong during the Imperial Regime. However, after the overthrow of the Imperial Regime by the military Junta in 1974, the bilateral relations were limited to cooperation in international forums like Non-Alignment Movement.

During the Ethiopian-Somali War, between July 1977 and March 1978, India supported Ethiopia's right to defend itself and told the Somalian government to respect the Organization of African Unity (OAU) charter. After Ethiopian People's Revolutionary Democratic Front (EPRDF) took power in 1991, relations have gradually improved with increasing diplomatic contacts, trade and investment in Ethiopia's economy (Embassy of the Federal Democratic Republic of Ethiopia in India, 2011).

Economic and Diplomatic relations between Ethiopia and India began with a trade agreement in 1997. Today, through South-South cooperation both nations are cooperating in various areas of trade and commerce. The recent visit of higher officials of the two countries to sign bilateral agreements for fastest economic growth has strengthened the linkages between Ethiopia and India in a multi-dimensional sense (Ethiopian Economics Association, 2009).

India is one of the largest foreign investors in Ethiopia and Indian companies have been playing a prominent role in the area of investment. India's investment in Ethiopia has now reached over US \$5 billion. Currently, more than 600 Indian companies have investment licenses and they are engaging in textiles, mining, leather and agricultural activities (such as floriculture, crop farming, vegetables and fruits (Ethiopian investment commission, 2015).

Currently, literatures are fragmented and no comprehensive document is available on assessing the Post-1991 Ethio-India economic relations with particular reference to trade and agricultural investment. Therefore, this paper has attempted to fill the gap in the literature by providing a comprehensive study on the economic ties between Ethiopia and India.

## MATERIALS AND METHODS

To examine the post-1991 Ethio-India economic relations, the study employed qualitative approach. A qualitative approach is concerned with the subjective assessment of attitudes, opinions and behaviors. Such an approach to research generates results either in non-quantitative form or in the form which are not subjected to rigorous quantitative analysis (Kothari, 2004). To carry out this study, the researcher used both secondary and primary sources of data.

Documentary reviews were triangulated with unstructured in-depth interviews with officials from different organizations.

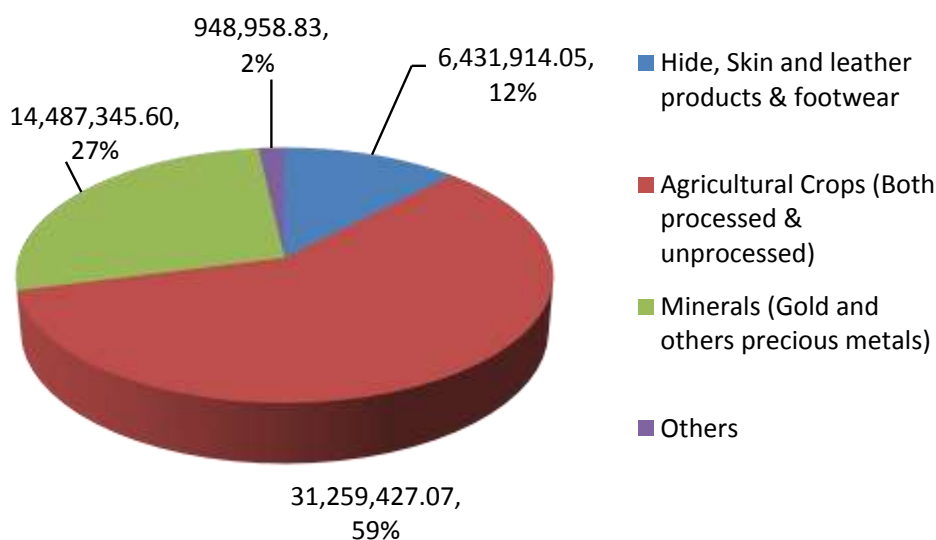
## RESULTS AND DISCUSSION

### The post-1991 Ethio-India trade relations

As a part of Structural Adjustment Programs (SAP) in Ethiopia, comprehensive trade reforms for both exports and imports has been carried out since 1992. Among others, reduction of tariff and non-tariff barriers, harmonization and simplification of tariffs, including tariff lines and dispersions, removal of quotas, reduction and gradual elimination of all controls including those on domestic prices, deregulation and liberalization of investment policies were carried out (Hassen, 2008).

Modern economic and diplomatic relations between Ethiopia and India began with an agreement that was signed on March 6, 1997. That trade agreement laid the framework of cooperation to expand the trade relations between the two countries (Tages, 2016). Following the trade agreement, bilateral Investment Promotion and Protection Agreement (BIPPA) was signed in July 5, 2007,





**Figure 1.** Major exported commodities from Ethiopia to India (2014) (Volume USD).

to strengthen relations in the economic and investment areas. More importantly, during the first India-Africa Forum Summit in April 2008, India had announced the Duty-Free Tariff Preference Scheme (DFTP) for least developing countries (LDCs) and Ethiopia was among the first countries that utilized the DFTP.

Ethiopia and India also signed Double Taxation Avoidance Agreement (DTAA) on May 25, 2011, during the second India-Africa Forum Summit held in Addis Ababa. Mathews (2016) concluded that despite the total volume of the bilateral trade between Ethiopia and India has been increasing from time to time, the trade balance is in India's favor because of lack of export diversification on the Ethiopian side.

### Ethiopian export products to the Indian market

As shown in Figure 1, in 2014, almost all Ethiopia's export earnings were derived from primary products. From these, 59% of the export is covered by Agricultural Crops (both processed and unprocessed), followed by minerals (gold and others precious metals) which covers 27%. Hide, skin and leather products and footwear cover another 12% of Ethiopia's exports to the Indian market. Other export items constitute a mere 2%. The export basket of Ethiopia shows that Ethiopia mainly exports primary goods such as food, live animals, vegetables, leather, coffee, tea and cocoa.

### India's export products to Ethiopia

Table 1 shows the top ten import commodities from India. Ethiopia imports iron, metals, related products, vehicles,

accessories, machinery, electronic equipment and many other manufactured products. The import basket of Ethiopia indicates that Ethiopia mainly imports manufacturing products like chemicals, machinery and transport equipment's, iron and steel, pharmaceutical products, vehicles and accessories. The composition of Ethiopia's imports has been highly dominated by iron, metals and related products.

### Summary of trade balance between Ethiopia and India

Bilateral trade volumes have risen sharply over the last 15 years and in 2015, the bilateral trade reached a peak of \$1.2 billion and India is the second most important source of imports for Ethiopia, contributing 7.4% of all Ethiopia's import next to China. Following recent agreements, trade between the two countries has increased from \$ 74.1 million in 2000 to \$1.1 billion in 2014. This indicates that the trade relation between the two countries is increasing starting from 1992 due to the economic policy adopted by EPRDF government (Tages, 2016). Table 2 shows this reality.

As shown in Table 2, bilateral trade volumes have risen significantly over the last 15 years, from less than US\$ 75 million in 2000 to over US\$ 1.2 billion in 2015. Trade volumes have increased significantly after 2007, when Ethiopia and India signed major agreements, including the Bilateral Investment Promotion and Protection Agreement and Agreement on Establishment of Joint Ministerial Commission (Tages, 2016).

Table 2 shows that the value of imports from India has been growing faster than Ethiopia's export to India, thereby giving rise to widening trade deficit. For instance,

**Table 1.** Major import commodities from India to Ethiopia (2014).

S/N	Items	Volume (USD)	Percentage
1	Iron and Metals and related products	218,619,277.06	23.6
2	Food items	179,213,238.58	19.35
3	Machineries, Electronic equipments and accessories	147,449,319.36	15.9
4	Medical and Pharmaceuticals	142,539,266.35	15.39
5	Vehicles and accessories	73,539,259.88	7.94
6	Polymers and Plastics and related items	37,554,558.24	4.05
7	Chemicals and related items	37,440,322.61	4.04
8	Textile products	36,419,423.36	3.93
9	Rubber products and related items	33,610,579.50	3.62

Source: Ethiopian Ministry of Trade, 2014.

**Table 2.** Summary of trade balance between Ethiopia and India (2000-2015).

Year	Export to India in USD	Import from India in USD	Ethio-India trade balance
2000	8,296,999	65,882,693	-57,585,694
2001	18,007,825	99,106,215	-81,098,390
2002	9,996,833	103,163,051	-93,166,218
2003	8,029,491	175,414,047	-167,384,556
2004	9,579,348	190,519,257	-180,939,909
2005	8,003,268	249,903,429	-241,900,161
2006	9,521,289	314,125,781	-304,604,492
2007	15,569,207	421,298,888	-405,729,681
2008	14,416,051	361,382,539	-346,966,488
2009	18,801,131	634,245,253	-615,444,122
2010	27,509,833	623,608,487	-596,098,654
2011	32,980,239	773,276,100	-740,295,861
2012	42,219,447	1,071,945,594	-1,029,726,146
2013	35,533,787	1,224,650,153	-1,189,116,366
2014	53,127,646	1,056,107,230	-1,002,979,585
2015	64,908,691	1,151,498,728	-1,086,590,037

Source: Ethiopian Ministry of Trade, 2016.

the year 2014 saw the total trade volume of the two Ethiopia accounted for \$1 billion; however, its import from Ethiopia was only \$53.1 million. Ethiopia's exports to India were very minimal throughout the 1990s and their relative share has been very minimal, showing very huge gap between imports and exports, resulting in a trade balance that favors India. Despite the fact that the total trade between Ethiopia and India has been significantly improved, Ethiopia suffers significant trade deficit.

In this trade relation between the two countries, the chronic trade deficit has remained the dominant feature of Ethiopia's external trade with India. Therefore, economic relations between Ethiopia and India are unequal and asymmetrical. The widening deficits in favor of India need the attention of both governments in order to sustain the trade relationships between the two countries. Due to

differences in the availability of natural resources and other inputs required for production, some countries specialize in the production of some goods which they produce more cheaply than other countries. The other countries may likewise produce some other goods relatively cheaply.

Hence, countries specialize in the production of those goods for which they are best suited. This sort of international specialization gives rise to the exchange of goods across geographical boundaries of countries. Thus, Ethio-India trade relations are highly explained by the neo-classical economic theory which was developed to answer the question why do countries trade? They argue that trade between countries takes place because traders benefit from it. They further explained that trade is better than complete isolation. For the neo-classical economic

theorist, free trade would increase the absolute wealth of all parties, foster bonds of independence and peace of states.

Even if trade between countries usually does not benefit participating countries equally, they expect that trade would automatically have a positive effect on all participants. It is also one of the major driving forces for economic development. International trade can be an important vehicle for promoting economic development (Myint and Deepak, 1996). Developing countries are able to initiate economic development by importing machinery and technical know-how from developed countries. The main conclusions of the neoclassical model of free trade that all countries gain from trade and world output is undeniable. In all relationships, the key question is who benefits more? In economic relations, the one who benefits more will be the one who is more powerful in terms of capital accumulation and the one who has a better bargaining power. Due to this fact, economic relations between Ethiopia and India are unequal and asymmetrical.

There are a number of factors responsible for the weak trade performance of Ethiopia. What is immediately clear from observing Ethiopia's export profile is the country's dependence on the export of primary commodities. Ethiopian exports are mainly agricultural products and therefore are prone to price volatility and adverse climate which affects its capacity to export.

Secondly, Tages (2016) stated that even if India's duty-free scheme is crucial for LDCs, Ethiopia is not using the scheme extensively due to the absence of strong institutions in Ethiopia. The third factor that hinders Ethiopia's trade performance is lack of capacity on the Ethiopian side. Ethiopia has weak export capacity in terms of volume. He further stated that poor production capacity is the major cause of trade imbalance. Due to the above factors, Ethiopia has been experiencing weak trade performance and facing many difficulties in order to meet the import demands of India.

Tages (2016) concluded that, in response to the trade imbalance, Ethiopia needed to focus on diversifying the composition of exports and increase the number of value-added products. In line with this, the Ethiopian government shall work on increasing the volume of its exports through the extensive use of the DFTP scheme which is provided by the Indian government, and attracting FDI in the agricultural sector from India and holding exhibition and trade fair between the two countries. Mathews (2016) explained that if Ethiopia effectively implemented the DFTP scheme, the scheme will minimize the trade imbalance currently existing between Ethiopia and India.

In order to avoid the defects for the bilateral trade between the two countries, the government of India has been providing soft loans, focusing on capacity building and encouraging small and medium scale enterprises in Ethiopia.

## **Barriers on Ethio-India trade relations**

Although, Ethio-India trade relations have increased for the last twenty-five years, there are many barriers that need to be addressed in order to further strengthen economic relations. Major constraints are discussed below.

### **Infrastructure bottlenecks**

Inadequate Infrastructure has been considered as a major hindrance for enhancement of trade between Ethiopia and India. Ethiopia and India score very poorly in transport, telecom, power consumption, financial development, etc. Other major problems include, electricity power consumption, internet penetration and quality of port and health sector development. In recent years, Ethiopia has made significant progress in infrastructure and it has developed Ethiopian Airlines and associated regional air transport hubs (IPE Global, 2014). Additionally, it has launched investment program to upgrade its network of trunk roads and is establishing a funding mechanism for road maintenance. Even though, Ethiopia has made significant progress in some infrastructure, in recent years, infrastructure facilitates, particularly, transport and power have remained major problems for Ethiopia, which directly affects the bilateral trade relations between the two countries (*Ibid*).

### **Lower human capital development**

The concept of human capital refers to the abilities and skills of human resources of a country. Human capital is one of the fundamental factors for economic growth. Ethiopia is among low human development group. Ethiopia continues to be considered a least-developed country (LDC) in human capital. The country has traditionally been among the most educationally disadvantaged in the world, and the majority of its population has little access to schooling. Different scholars have argued that human capital development is vital for trade development and in attracting foreign investment.

Human Development Index (2013) ranks Ethiopia and India at 173<sup>rd</sup> and 136<sup>th</sup> out of 187 countries respectively, indicating poor human capital in both countries. Similarly, Human Capital Index of 2013 ranks India and Ethiopia poorly out of 122 countries. Ethiopia scored very poorly in human capital development which directly affects the bilateral trade relations between the two countries (IPE Global, 2014).

### **Transportation costs**

The profitable sale of agricultural products and the import

of finished products depend on an efficient set of integrated transport system. Ethiopia is a landlocked country and relies mainly on Djibouti for access to shipping lines. This coupled with poor infrastructure and long distance from the sea is clearly damaging its trade relations with India; these situations bring additional costs and such costs are a particular burden on Ethiopia. It indicates that transportation and logistics costs are major problems for promoting trade and investment in Ethiopia (IPE Global, 2014).

### Indian agricultural investment in Ethiopia

After EPRDF came to power, a liberal investment context has been enacted and the Ethiopian Investment Commission was established in 1992. The Commission has been making relentless efforts to create an enabling investment environment which increased the role of private sector in the economic development of the country (Investment Office of Ethiopia, 1992).

Since 1993, India has invested more than \$1.5 billion in the primary sector of which approximately 97% has been directed towards the growing of crops, fruits, vegetables, flowers and beverage crops. The next largest destination for Indian investment, a little more than 1%, was animal farming. Mining and quarrying, the third largest location for FDI attracted \$7.3 million. Indian investment has been widely spread over and they have invested about \$ 5 billion in different sectors in Ethiopia. From June 2003 to May 2014, close to 632 Indian firms have been operating in Ethiopia.

Indian firms have been active in sectors such as agriculture, floriculture, cotton and textiles, plastics, leather, I.T., mining and health care. The Ministry of External Affairs, Government of India, in a July 2014 note on India-Ethiopia relations estimates that out of the \$5 billion invested so far, approximately \$ 2 billion is already on the ground or in the pipeline. About 48% of Indian companies are in manufacturing and 21% in agriculture and the rest are in the services sector (IPE Global, 2014).

Tadesse (2016) stated that Indians have good experience in the agricultural sector and they are actively engaged in the cultivation of flowers and other crops in Ethiopia. Indian companies identify Ethiopia as a stable country to invest in with sound macroeconomic policies and attractive incentive packages. In addition, the Indian government has certainly encouraged Indian investment in Ethiopia, as well as in Africa more widely, by providing finance through its Export-Import Bank (EXIM Bank).

According to Ethiopian Investment Commission, Indian agricultural investments are crucial in order to bring rapid and sustainable economic development (Ethiopian Investment Commission, 2015). Among many benefits expected from foreign agro-investment companies, the creation of job opportunity for many people is the major

one. Various Governments, International Financial Institutions (IFIs) and private investors argue that agricultural investment can create new employment opportunities in rural areas. Land investment has the potential to create significant amounts of employment on farms, whether preparing the land, planting, weeding, harvesting crops, managing facilities, or providing security or other services.

Tadesse (2016) argues that Indian agricultural investment in Ethiopia created job opportunities for many Ethiopians. Daniel (2016) also supports the above argument and he concluded that Indian agricultural investments have been crucial in creating employment opportunities in Ethiopia.

So far, Indian companies categorized under the operational phase created 3,447 permanent and 11,186 temporary job opportunities for Ethiopians.

Secondly, Tadesse (2016) stated that technology transfer is often presented as an important potential benefit of the foreign agricultural investment. Indian Companies indeed played a fundamental role in filling knowledge gaps by transferring technology and know-how to Ethiopians. Daniel also argues that Indian firms have brought know-how and new ideas into the country which led to the improvement of production and productivity in the agricultural sector.

Thirdly, as Tadesse (2016) stated, investment in agricultural sector leads to increase in the capital accumulation of the country which in turn helps it to reach the middle-income level. Fourthly, Daniel (2016) argues, Indian agricultural investments can bring foreign currency for Ethiopia and they are crucial to minimizing the shortage of foreign exchange required for realizing development projects in the country. Lastly, the agricultural investments of Indian firms contribute to increasing the government revenue in different ways. For Tadesse (2016), Indian agricultural investment has the potential to generate significant revenue for Ethiopian government from fees and taxes, which can be used to fund national and regional development activities.

### Impacts of Indian agricultural investment in Ethiopia

Henz (1989) described the role of Agriculture in Ethiopian economy as: *Agriculture is an important economic activity for employment generation, raising the living standard of the population. It is also a significant solution for the problem of food insecurity, due to the above mentioned facts; agriculture has been playing paramount roles for the development of a given country.*

Large-scale investment in land is an important part of the Ethiopian government's strategy for the development of the country. Agriculture is at the heart of the country's economy, contributing 50% of GDP, 85% of employment and 85% of exports (Keeley, 2014). Government policy documents suggest that Ethiopia has considerable

potential in the agricultural sector that is currently unfulfilled. Large scale agricultural investment is welcomed by the government of Ethiopia because it is essential in terms of addressing food security and poverty reduction objectives, and it is also a core driver of national economic growth and job creation. Large-scale commercial agriculture has to be promoted in the lowland areas of the country, with horticulture, labour-intensive agriculture than in more densely populated agricultural areas, namely, the highlands.

In recent years, Ethiopia has made development strides despite the regular cycle of droughts in parts of the country. Chronic and acute food insecurity is prevalent, especially among rural populations and smallholder farmers (CARE, 2014). According to the Ethiopian government, this food insecurity problem could be solved through agricultural investment.

The government claims that investment in agriculture is important to minimize the problem of food insecurity: rising productivity increases rural incomes and lowers food prices by making food more accessible to the poor (Daniel, 2016). The government argues that these investments will allow for much-needed foreign currency to enter into the economy, and will contribute to long-term food security through the transfer of technology to small-scale farmers. These are the rationales behind leasing huge lands to both local and foreign investors, particularly for Indian firms (*Ibid*).

Nevertheless, the impact of foreign agricultural investment is still a debatable issue. While agricultural investment plays a crucial role in the economic development, it involves risks and challenges to the host country, Ethiopia. The recent foreign large-scale investments in farmland have been strongly criticized especially by some non-governmental organizations and international development organizations (GRAIN, 2008). Those organizations have mentioned possible negative impacts for the target countries and especially for the local poor. The expropriation of local landholders and the loss of adequate access to land supposedly result in negative consequences for local food supply (food security) and for the environment. Graham (2010), elaborated these challenges and risks as:

*Since foreign land acquisition is profit oriented and largely for exports, agricultural investment will foster the introduction and deepen an industrial agricultural mode of production in the host countries. The corporations involved in agricultural investment are also accused of introducing inappropriate types of technology that hinder indigenous technological developments and of employing capital-intensive productive techniques that thereby cause unemployment and prevent the emergence of domestic technologies. In addition, this mode of production is ecologically destructive and not sustainable.*

Indian agricultural investment in Ethiopia is a manifestation for the above argument. Various Non-Governmental Organizations like Oakland Institute claimed that Indian agricultural investments have a number of negative impacts (2011).

One of the respondents who requested anonymity concluded that expected benefits are often in the form of job opportunities and infrastructure development, but Indian Companies which are operating in Ethiopia show minimum commitment to benefit the local people and to protect the environment. Thus, Large-Scale Commercial agriculture can impact the biodiversity of an area because it tends to heavily rely on industrial modes of agricultural production.

Large-scale acquisition of agricultural land can have adverse impacts on the host country. These negative effects include the displacement of smallholder farmers, the loss of grazing land for pastoralists, the loss of incomes and livelihoods for rural people and the depletion of productive resources. There is also evidence of adverse environmental impacts, in particular, the degradation of natural resources such as land, water, forests and biodiversity (Pascal, 2014).

Based on the above fact, the following are the major challenges of Indian Agricultural Investment in Ethiopia: environmental impact, food insecurity and displacement of local peoples.

### **Environmental impacts**

The ecological sustainability of agricultural production is an important subject in the context of foreign agricultural investment. Applying intensive agricultural production has an impact on biodiversity, carbon stocks, land, soil and water resources (Mustafa, 2011). One of the most significant concerns about the trend of Indian agricultural investment relates to the environmental impact which includes mechanized mono-cropping farms that are dependent on high levels of water usage, involve heavy doses of pesticides and herbicides that can pollute nearby groundwater, and which can rapidly deplete soil quality (Rowden, 2011).

Indian firms have an interest in cultivating cotton, palm oil, rubber, oilseeds and horticulture. Such sort of products needs a heavy mechanized form of farming that involves concentrated chemicals and mono-culture. Monocultures also demand the intensive use of chemical fertilizers and pesticides that destroy biodiversity, pollute soils, rivers, subterranean water sources and springs, and gravely affect the health of plantation workers and communities. According to Worldwatch (2011), "Investors claim that land grabs can help to alleviate the world food crisis by tapping into a country's 'unused' agricultural potential."

However, such investments often do more harm than good, disrupting traditional land-use patterns and leaving small-scale farmers vulnerable to exploitation" (*Ibid*). Some

observers point out that in fact, the global land grab is rather a water land grab due to the fact that agricultural investment is pointless without water and therefore only lands with abundant water supply have been targeted by investors.

In addition, large-scale plantations for agro fuels production may be associated with increased soil and water pollution (from fertilizer and pesticide use), soil erosion and water run-off, with subsequent loss of biodiversity (Graham, 2010). As cited in Elias (2011), Fire states that “these fertile lands will lose their trees, topsoil, natural habitats, and rivers, to be rendered barren as a result of exposition to chemicals latent in the fertilizers, insecticides, and pesticides” and that the rivers and lakes that survive “are likely to be poisoned by toxic materials and become undrinkable and health hazard”. Gambella residents said that when Karaturi came, we lost the benefit from the forest because they took the land and cleared all the land (The Oakland Institute, 2011).

Daniel (2016) argues that there is no Indian investor who is engaging in agricultural investment without giving more emphasis on environmental impact assessment. However, he further explained that there is a major problem with regard to the implementation of environmental protection. He also stated the agency has to prepare a code of conduct for environmental protection and it has been working to incorporate the issue of environmental protection into the agreement with foreign investors in general and Indian investors in particular.

Generally, Indian agricultural investment has a negative impact on the environment: increase in erosion and worsen climate change by displacing forest areas and other land use changes, which result in high carbon stock releases. Especially, if fire cleaning takes place, a loss in water availability and quality may be invoked by large-scale water use and use of pesticides and fertilizer, a reduction of biodiversity may be caused by large-scale monoculture production systems, a loss in soil quality can be caused as well by an unsustainable use of chemicals and disruption of the local ecologic systems by introducing plants or species that are not part of the local biodiversity.

### Food insecurity

Despite Ethiopia’s considerable agricultural resources potentials, the country has been facing persistent food shortages. Even in years of adequate rainfall, the survival of some 4 to 6 million people depends on international food assistance. Even though Ethiopia is doing its level best to curtail the problem of hunger, food insecurity at the household level could still persist despite the growth of food and cash crop production at the national level (Mustafa, 2011).

Besides, the current land deal which is being made by Ethiopian government with foreign agro-investment companies could have its own impact on the food

self-sufficiency of the country. As various writers comment, investment by foreign companies in large-scale farmland could have a devastating impact on the livelihoods of the indigenous local people. Especially, the effect could be significant if the country is not strictly looking after the undertakings of such companies.

FDI in farmland can reduce food security in the target country when food crops are not available for local consumption. This is of outstanding importance in light of the human right to food. As a matter of fact, some of the relevant target developing countries for FDI in farmland are dependent on food aid (The Oakland Institute, 2011).

It is evident that commercial land investment will have an immediate adverse impact on the ability of those already food insecure local populations. There is no clause in any lease agreement that requires investors to improve local food security conditions or to make production available for the local population. Previously, these households were largely self-sufficient with respect to food production, now they will have to rely on assistance from others and will become more dependent on food aid from the government. The Oakland Institute further stated that taking over land and natural resources from rural Ethiopians, is resulting in a massive destruction of livelihoods and making millions of local people dependent on food aids (*Ibid*). Generally, the acquisition of land by Indian companies in Ethiopia poses a threat to its livelihoods and endangers its chances of achieving food security and improved nutrition.

### Displacement of local people

According to Oakland Institute (OI), most of the large-scale land deals were negotiated without the prior and informed consent of the indigenous populations living on the land. In the worst cases, people are forcibly evicted from their land with little or no compensation (The Oakland Institute, 2011). With 85% of the Ethiopian population living in rural areas and being dependent on farming for their livelihood, losing access to arable land, their most crucial asset, will seriously undermine thousands of household’s ability to earn a living produce and purchase sufficient food. According to article 40 of the 1995 Ethiopian Constitution,

*“Ethiopian peasants have rights to obtain land without payment and the protection against eviction from their possession. It also asserts that the Ethiopian pastoralist has the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands”* (Federal Democratic Republic of Ethiopia Constitution, 1995).

On the contrary, many local peoples are displaced from their homeland due to foreign agricultural investment in general and Indian agricultural investment in particular. More land is forcibly taken from indigenous subsistence

farmers for lease to Indian private companies.

Although, Ethiopian officials claim that villagization is a voluntary program, OI investigations reveal that the government had forcibly resettled indigenous communities from land earmarked for commercial agricultural development, rendering them food insecure and fearful for their survival (Ethiopian Investment Proclamation, 2012). The government of Ethiopia failed to secure Free Prior and Informed Consent from displaced indigenous communities, failed to provide affected groups with mechanisms for redress and failed to provide anything approximating fair compensation. According to Fikre (2011),

*“The government of Ethiopia argues that Ethiopia has a plenty of uncultivated lands. However, it is a poor argument. A government that cares for the well-being of its people does not give away its natural resources to foreigners simply because it has plenty of it. Every good government should protect its national reserve bearing in mind future generations”.*

The lands in which investors have targeted to utilize are not uncultivated lands. They want to take over lands that have already been cultivated by the dwellers. If not, why would they dislocate the native farmers from the places they have farmed and lived in from time immemorial (Fikre, 2011). Generally, the large-scale land transfers to Indian companies give rise to the dispossession and displacement of indigenous peoples in different parts of Ethiopia.

Tadesse (2016) stated that agriculture by its nature is a challenging activity; it requires huge capital, time, manpower and machines. Indian companies took huge land in different parts of Ethiopia. However, within the time frame they put, they could not develop what was expected from them and the level of cultivations is below the expectation of the Ethiopian government.

Daniel (2016) stated that the overall performance of some Indian companies is not effective enough and they are not successfully utilizing the land as per their agreement. He mentioned Karaturi Agro products Plc and BHO as examples, both companies failed to utilize the land based on the lease agreement they signed with the agency. Karaturi has utilized only 1,200 ha from its 100,000 hectares, whereas BHO has utilized 1,103 hectares from its 27,000 hectares of land. Additionally, some Indian companies are not successful in fulfilling their social responsibilities in the area they are operating as the government expected. He also stated that agricultural investment has not been effective to create employment opportunities and to transfer technology effectively as expected by the government.

Therefore, due to its poor performance, the agency has discontinued providing lands to domestic and foreign investors for large-scale commercial farms for the time being. He added that foreign agricultural investment in general and Indian agricultural investment in particular needs critical follow-up and the agency is exerting its

ultimate effort in order to solve the above problems.

The researchers suggest that, if the Ethiopian government does not take necessary measures and carefully administer Indian companies which are involved in the agricultural sector in Ethiopia, the above challenges may be intensified.

Responsible decision-making and equally responsible investment are crucial in order to minimize the costs and damages assumed to be inherent in land grabbing.

## Conclusion

This study examines the Post-1991 Ethio-India economic relations with a particular reference to trade and agricultural investments. Trade relations between the two countries have been increased rapidly, particularly after 1991. However, trade balance consistently remained in favor of India. The trade imbalance remains a structural problem in the trade relations between the two countries. Ethio-India trade relations do not show any meaningful departure from Ethiopia's asymmetrical trade relations with the Western developed countries. Thus, it is possible to conclude that trade relations between the two countries have been highly unequal and asymmetrical. On the other hand, Indian agricultural investments have both positive and negative impacts on local peoples where they are operating. Indian agricultural investments in Ethiopia have positive impacts like providing job opportunities for many Ethiopians, technology transfer, generate government revenue and bringing foreign currency. However, Indian agricultural investments have adverse impacts on Ethiopia. These negative impacts include the displacement of local farmers, environmental degradation and food insecurity.

## CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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*Full Length Research Paper*

# The value of indigenous social knowledge\* in managing intra and inter-group conflicts: Experience from South East Tigray, Ethiopia

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This article portrays the importance of home-grown cultural values and institutions in addressing intra and inter-group conflicts in South East Tigray, Ethiopia with particular reference to Wejerat community. The paper draws that indigenous social institutions in the community provide an opportunity to maintain peace, justice, order and security within and outside the community with minimum cost by the application of social knowledge. It promotes social bond, peaceful co-existence and enactment of order at family, intra and inter-communal level. The paper yet examines that the community placed more focus on the cultural system presided over by various sections of the society like a council of elders, clergy men, women, etc; for dispute or conflict settlement and justice dispensation including homicide. It concludes that some social institutions are intact while some are nearly disappearing due to the influence of socio-cultural and political dynamics. The intact indigenous social institutions irrespective of their limitations such as Debarte (institution of women), Demer Ahiwat (at family level up to 7th line), the church and Gereb (usually at inter-group level) that are applied by the Wejerat community offer great prospect for peaceful co-existence and harmonious relationships at intra and inter-group level in pre and post-conflict periods than the modern technique of dispute resolution in law courts, particularly in areas where government oversight is weak and ineffective.

**Key words:** Indigenous social knowledge, Gereb, Debarte, Kanchi system, Demer Wejerat.

## INTRODUCTION

Naturally human beings request secure life. To realize this, they establish strong cultural values that enable them to tone down dilemmas beyond state institutions. Hence, in the political-history of human beings, almost no society has ever lived out of the sphere of social order and admin. The input of cultural values in general and

conflict resolution values in particular for the purpose of keeping collective security, peace, justice and order is highly considerable (Abrha, 2005). In contrary to this, conflict exists in all walks of human kind. If meaningful interaction exists, the conflict occurs in all kinds of human relationships and social settings. Conflict is inherent. We

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\*It is home-grown age-old social ability, skill, attitude, values and beliefs rooted in socio-cultural setting along with social institutions that people have about what is important, what differentiates right from wrong and good from evil, and what principles should govern how they lead their lives

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can't evade it though we can minimize it through the use of various dispute settlement mechanisms like socio-cultural values. Of course, social values could be a challenge and an opportunity to make peace. What matters is the way we apply them in the given context, the right time and the right values (Mayer, 2000). Ethiopia as multicultural and multilingual country has many of these Indigenous essential peace-making values in different societal institutions. In many parts of Ethiopia, various communities have developed their own cultural values and social knowledge to govern their relations and to mitigate conflicts (Ambaye, 2008: 101 to 102; Uthman, 2008:78). Since time immemorial Eldership has been part and parcel of Ethiopian culture where spiritually guided mediation is deep rooted in the Ethiopian history. Even foreign visitors like Alvares and Almeida as cited in the work of Ephraim wrote and gave their witness about this proven high moral status and very sophisticated dispute settlement system in Ethiopia three hundred years ago (Ephraim, 2008: 4 to 5). These social values serve as opportunities to solve issues of national importance even in 21st century Ethiopia beyond communal and family disputes (ibid; Tarekegn 2008:17).<sup>1</sup> When conflicts occur, these social institutions play an imperative role to normalize all these problems.

The Northern and Central highlands of Ethiopia practiced with decentralized administration for many centuries up until the turn of the 20th century. Tigray as part of this region had and persists to have its own *sirit* (laws) and traditional devices for conflict resolution in line with the recognized state institutions. These *sirit* and customary mechanisms operate even in the absence of such formal institutions (Assefa, 2010: 5). The Wejerat people are one of the Ethiopian societies found in South East Tigray who own strong home-grown cultural values with rich social knowledge common among others to manage intra and inter-group conflict (Abrha, 2005 and 2011). The principal socio-cultural and political ideology of the Wejerat people is termed as *Kanchi*<sup>2</sup> (literally means 'equality'). It is used to be the foci of communal life where ethical standards are established to govern the people for centuries prior to the introduction of modern administration to the land of Wejerat (ibid). Some of the principal components of the *Kanchi* system among others responsible and intact to date to address intra and inter-group disputes are *Demer Ahiwat*<sup>3</sup>, *Rikbe kahinat* or

*guba-e likawnt*<sup>4</sup> (priest's institution-church), *Debarte*<sup>5</sup> and *Gereb*<sup>6</sup> (ibid). These institutions have substantial role to play in enhancing peace, justice, order and security in their cultural and institutional perspectives though they lack credit and attention from the side of government. This article is thus intended to give a reader a glimpse into how the Wejerat people are managing social relations to bring about peace at inter and intra group levels by applying aboriginal diverse indigenous cultural values at their disposals. Finally, it analyzes the value of social knowledge in managing intra-communal and inter-communal relations for the sake of communal peaceful co-existence in the focus area.

### Physical settings and demography of Wejerat

Currently, Wejerat is the sub-*Wereda* of *Hintalo-Wejerat Wered*<sup>7</sup> located in South-East Tigray, Ethiopia. Formerly, it was one of the ten *weredas* of *Enderta Awraja*.<sup>8</sup> It used to constitute twenty *embas* (villages) termed as '*Isra-Adi*' (Abrha, 2005; Degafi, 2001 E.C<sup>9</sup>; Hiluf, 2001). Nowadays, the former 20 physical and administrative units (*embas*) of Wejerat are set into eight '*kebeles/tabias*'<sup>10</sup> namely: Sebebera, Gonka, Sen'ale, Genti, Adi-keyh, Tsehafty, Adi-mesno and Bahri –Hatsey (the former *Wereda* and today sub- *Wereda* capital of Wejerat). The land area of Wejerat measures above 46,287 hectares and its elevation ranges from 800 to 3500 m above sea level. In terms of topography, the land lies in three ecological zones: quolla (low land), Woina Dega (intermediate), and Dega (high land). The mean annual rain fall ranges from 700 to 1200 mm (Abrha, 2005; Tarekegn, 2005). The region is characterized by varied topography, much of it rugged terrain intersected by valleys, rivers and ravines (Abrha, 2005; Degafi, 2001; Tarekegn, 2005). Regarding the demographic features of Wejerat, the population projection of 2005 indicates that the total population is 45,377 of which 22,496 are males and 22,881 are females. However, some researches claim that the total population of Wejerat is estimated to be above 70,000 (Abrha, 2005; Degafi 2001).

<sup>1</sup> Ephraim and Tarekegn explain the value of nonpartisan eldership in negotiating national issues with cases related to the release of the former CUD (Council of Democratic Union) party leaders and supporters in 2007 through eldership intervention who were in prison following the 2005 election.

<sup>2</sup> Egalitarian system that rejects hierarchy or social strata and believes everyone is born equal. It argues hierarchy is unfair, discriminatory, unjust and against the very tuition of God on equality. It refers to a convention of open and equal access to political and social office so as to manage and use common resources, maintain peace, security, law and order

<sup>3</sup> Assembly of brothers, relatives or kinship members up to the seventh generation responsible to shape the mind of families to love each other and act ethically and behave in line with the cultural value of the society

<sup>4</sup> An assembly of the clergymen that runs particularly spiritual functions independent of secular institutions and yet engages in resolving social conflicts and disputes

<sup>5</sup> Customary institution of women that function independently and is more responsible to affairs of women though has other social responsibilities.

<sup>6</sup> *Gereb* literally means "river" in the land of Wejerat. It is an indigenous institution that comprises *abo-gerebs* (collection of elders) committed to the overall societal issues as local court of administration.

<sup>7</sup> Administrative structure of governance higher than the kebele administrative unit

<sup>8</sup> Government administrative structure immediately higher than wereda administrative unit

<sup>9</sup> It refers to the Ethiopian calendar which is eight years late to the G.C (here in after referred as 2001)

<sup>10</sup> Administrative structure of governance lower than the wereda administrative unit

### Mode of livelihood

The land of Wejerat is favorable for the growth of various plants and production of livestock. Mixed farming is commonly practiced. Cattle, sheep, goats, donkey, camel etc are the major animals kept by the people. As the case in most parts of Ethiopia, agriculture is the backbone of the economy. About 99% of the population is dependent on agriculture and livestock production as the main sources of employment, revenue, food and the like (Degafi, 2001). The Wejerat people are agro-pastoralist. The people produce a variety of crops. The most important crops that are grown in the area are cereals and pulses. The cactus tree is common in most parts of the area which serve as food for both people and animals in the land of Wejerat including the neighboring Afar communities. Particularly, when there is a serious drought, the Wejerat people share the cactus with their neighboring Afar unselfishly (Abrha, 2005). The cactus tree feeds animals the whole year while it serves as a food for more than six months for human beings. Unfortunately it is destroyed today by an insect termed as Chuchineal which is introduced by irresponsible government bodies without assessment of environmental impact and without the consent and knowledge of the society.

Contemporarily the area is one of the most heavily affected areas of successive drought. Population growth, environmental degradation, lack of adequate land for cultivation, and inadequate grazing land for cattle population are some of the actual factors threatened the life of study people. Consequently, the youth are migrating to Middle East countries without having the necessary skill and knowledge. This in turn brought about tragedy outcomes on the social values of the community as a whole beyond loss of life and the financial crisis of the outgoing individuals. The technology of the production is archaic and simple. It does not encourage the expansion of modern farming. Infrastructure developments and social services like roads, transportations, electricity, communications, health centers, schools and water supply are poorly developed in Wejerat. Pack animals especially, donkeys, mules, camels and the like are the dominant mode of transport. Currently, there is a positive starting point to enhance access to education with the involvement of Wejerat Development Association (WDA) in collaboration with other stakeholders. Yet, the study area lags behind with regard to the expansion of modern infrastructures compared to others areas.

### Historical overview of Wejerat

In the early times, the history of Wejerat is mostly associated with the history of self-governance and self-defense. Raids and campaigns against external powers that tried to intervene in their internal affairs was the

mode of their culture, too. It is not uncommon in the land of Wejerat to chat and revisit nostalgically to a time they were enjoying an independent socio-cultural and self-governance than they do now (Abrha, 2005). Little is known about the history of Wejerat in written form apart from religious books prior to the 16th century. It is believed, however, that the original settlers of the area had settled in the present land of Wejerat long before the introduction of Orthodox Christianity in the 4th century A.D (Abrha, 2005). Wejerat used to live in the relatively secure and densely forested areas for the purpose of self-security from any outside pressure. This appears to have stimulated the development of institutions that solidified the people as a political and cultural community. Most importantly, opposing the feudal exploitative type of socio-political system of the Abyssinian state, the people had established their own independent socio-political system called *Kanchi* based on principle of equality and self-governance (ibid).

To this effect, Wejerat had achieved an extensive political and socio-cultural cohesion in the period between the 16th to 20th centuries. It is from the 16th century onwards that we can find some sort of written documents about the land and people of Wejerat. Prior to this period, Wejerat were closed societies who live creating their own world. Particularly, their relationship with neighboring lowland communities was weak (Hiluf, 2001). Oral traditions and written documents report that since the 16th century, Wejerat have been engaged in a wide range of social interactions with their neighboring lowland communities: the Afar, the *Doba*, and the Oromo in both conditions of peace and conflict (Abrha, 2005). Wejerat is a homogeneous society in terms of religion, language, culture, psychological makeup, and shared historical experiences as well as socio-economic and political background (Abrha, 2005; Degafi, 2001). Arguably, it would seem that cultural homogeneity has enabled them to stand up against outside pressures and to maintain autonomous self-governance for a long period of time. There are Wejerat people living in *Wegaye* and *Ab'ala* (*Shiket*) areas who hold the moral fiber of Wejerat people and identify themselves as *Wejeretot* though the political administration of post-1991 Ethiopia categorized them within the administration of Afar Regional State (Abrha 2005 and 2011). Regarding religion, the total population (100%) of Wejerat follows the Ethiopian Orthodox Church. And this is one of the distinctive and unique features of Wejerat. Today, there are more than forty churches in the region. Linguistically, the Wejerat people are speakers of Semitic language. They speak *Wujirina*, the native tongue of Wejerat which is Tigrigna of Wejerat dialect. They are, thus, simply identified by their language and dressing style from other surrounding areas (ibid, Degafi, 2001).

The commencement of Orthodox Christianity in Wejerat matched with the arrival of the nine Saints to Ethiopia. It is suggested that Orthodox Christianity has been

introduced in the 5<sup>th</sup> to 6<sup>th</sup> centuries in the land of Wejerat by these holy monks to whom the Wejerat people refer as nine saints. Religious written sources state that prior to the introduction of Orthodox Christianity in the land of Wejerat, there were various kinds of traditional beliefs and practices including different types of spirits like Zar (evil spirit), idol cult, and murdering persons, and so on. The Geez version *Gedle*<sup>11</sup> *Abune Yem'ata*, one of the nine saints, found in one of the churches of the 20-*embas* of Wejerat in St. Mary of *Adi-Bati* hysterics with the idea of traditional beliefs and practices that had been long common in Wejerat. Saint Yem'ata<sup>12</sup> succeeded in completely abolishing the idol cult and instantly he chased away the Zars to Zebul, the land of Doba (ibid). It is from then on the Wejerat society remained unbending adherent to Orthodox Christianity. Oral informants, principally high up church leaders affirm that the number of churches in the land of Wejerat increased in an alarming rate during the region of King Amade Tsion (1314 to 1344). There is no other religious institution in the region except Orthodox Christianity to date.

### **Why conflict and what is it? Conceptualization and definition of conflict**

Conflict is often defined as an innate process in life span of human kind. It is a relationship between two or more groups who assume that they have or will have incompatible goals (Simon, 2000). It is commonly illustrated as if it is exclusively negative. This, nevertheless, is not constantly true. It can either be constructive or destructive based on how it is handled (Faleti, n.d). It is claimed that conflict is inevitable due to the existence of various interests and interactions in a given society. It is about "life, pointing straight to contradictions as life-creative and life-destructive" (Galtung, 1996: 71). Galtung went on saying that conflict generates energy but the question is how to channel that energy constructively. This asserts that conflict is one dimension of life in the history of human kind and the problem is not the existence of conflict but the way how we handle it. Though conflict is a mark of life, human beings are loath to admit that they are in the midst of it (Mayer, 2000). There is no single opinion on the nature, causes and impacts of conflict among scholars. Conflict is a fluid and infinitely dynamic concept which can be twisted into different shapes and has become an issue over which scholars find themselves in sharp disagreement with their colleagues (Faleti, n.d). This entails that conflict is a contested concept over which there is theoretical debate how to define or conceptualize it from different perspectives (school of thoughts).

The structural conflict theory argues that conflict is

originated from the specific ways in which societies are structured and organized. The political and economic marginalization, injustice, exploitation, poverty, inequality and so forth are sources of conflict. When the existing structures are tilted in favor of one group at the expense of the other without acknowledging the rights of others to be different, conflict will emerge and escalate (Faleti, n.d). Marginalization includes social division and destruction of internal relations (Jeong, 2000). Hence, the structural inequality (economic and social inequalities and access to political power) is considered one of the central causes of violent conflict (Fearnelly and Chiwandamira, 2006). Frustration–Aggression theory, on the other hand holds the position which is similar to that of human needs theory. Its main assumption is that all humans have basic needs which they seek to fulfill, and that the denial and frustration of these needs by other groups could affect them in the short-run or long-run thereby leading to conflict. Basic human needs refer to the essence of physical, psychological, social and spiritual needs. For instance, recognition, security, and identity are few among others. Since such needs are non-negotiable, failure to attain these needs often leads to intractable conflict (Kriesberg, 2003, Mayer, 2000). Yet, the Community Relations theory argues that conflict is the result of ongoing division, cultural differences, antagonism and distrust between various groups in communities. Sociological, political, economic and historical relationship of such groups is taken as fundamental roots of violent conflict (Faleti, n.d). A past historical legacy is explained as one source of conflict too. This kind of conflict between various groups possibly led to the revitalization of unconstructive stereotypes, cultural intolerance and prejudice. Thus, the history of the past may make it difficult to integrate different ethnic and religious groups to succeed because their past experiences make it difficult for them to trust one another. The fact that 'others' are perceived as different make them feel they are entitled to less or are inferior by reason of conflict values. This hinders the flow of communication between them and to that extent twists perception that they have about each other (Ibid). Thus, the promotion of tolerance, acceptance of diversity and improving communication and understanding between conflicting groups are the possible remedies to maintain the smooth relationships of the community (Simon et al., 2000). The lens of Economic conflict theory tends differently to provide an economic explanation of the conflict. This is largely because people in conflict are assumed to be fighting over, not about, something that is material.

### **Overview of indigenous conflict resolution mechanisms**

The emergence of local governance in traditional society is the result of a lengthy process. It is not an overnight episode. Fine and Rai (1997:11) reveal:

<sup>11</sup> It means chronicle that describes the entire spiritual life history of the saint

<sup>12</sup> One of the nine saints who come from Rome to Ethiopia in the 5<sup>th</sup>-6<sup>th</sup> century and expanded religious education

*Traditional notions of civil society convey an idea of historical depth, in which communities, interpersonal bonds, public institutions and national cultures are created over long period of time and become resistant to even the most oppressive political authorities.*

The pattern of violent conflict is common among the peripheral (borderlands) of pastoral communities in Eastern Africa. This has escalated into security dilemma that governments appear to be incapable to contain it (Mahmoud and Elmi, 2006). This is because either the governments pay less attention to manage it or because these areas are out of government administrative sight. It is here the demand of indigenous social knowledge and social institutions have to be applied. The quest of indigenous or local conflict resolution approaches, thus, involved a wide range of concerned communities. Fisher (2006) suggests Conflict resolution demands both the collaborative process by which disparities are managed and the outcomes that are jointly agreed to by the parties are fair. This in turn, provides significant input to the genuine conflict resolution and reconciliation. The 21st century has witnessed of resource conflict in semi-arid Africa. The major causes of the conflict are growth of human population, land scarcity, while the environmental degradation is mounting up. Conflicts over extensive common potential arable lands, wetlands and grazing have aggravated the mismanagement of resources. Conflicts between pastorals and agro-pastorals arise throughout border areas (Hussein, 1999). The growth of population requires more pasture land, control over fertile and conducive environment by subjugating others. This resulted in clash of interest among/ between societies. In the absence of local conflict resolution institutions that would maintain peace and security, chaos dominated the traditional society. In traditional society "the superior authority has powers overriding those of the lesser authorities" (Fortes and Evans-Pritchard, 1940:63). That is, those who have power exploit and harm the weak. To this effect, to avoid such a problem, people established indigenous traditional institutions. People came into consensus to establish institutions and appoint leaders who would maintain peace and order, and work in the public interest.

Holding indigenous traditional office requires social knowledge that is acquired via experience, the wisdom of handling conflicts and taking a fast decision during a crisis. Personal qualities are at the heart of managing conflicts. At the personal level, mediators (elders) as peace actors require many of the qualities and analytical skills of knowledge of particular customs ,be patient, impartial, and respectful of diversity in handling conflicts on the bases of integrity (Tarekegn, 2008). Substantial self-confidence and passion is necessary to move into the demands of intergroup conflict. A high level of self-awareness is essential in terms of how one is affected by the behaviors of others (like criticism or attack), and how one's own behavior is usually perceived by and affects

others (Fisher, 2006). Impartiality is mandatory in handling conflicts. It must be noted that in the wider fields of social relationships, there are always and everywhere persons with conflicting and competing interests, seeking to have the dispute settled in their favor and to influence the community in accordance with their interests (Mair, 1964). Aging has a positive correlation with an individual's high status. One famous instance of aging cycle in Ethiopia is the Gada system in Oromo society. The system embodies an age grade classes that succeed each other every eight years in assuming economic and socio-political responsibilities. The authority held by the elders is derived from their position in the system. The elders (*Lubas*), thus, settle disputes among groups and individuals and apply the laws dealing with the distribution of resources, criminal fines and punishment, protection of property, theft and the like (Asmerom, 1973).

Likewise the Wejerat communities in South East Tigray, Ethiopia have indigenous institutions to manage socio-political and cultural affairs. When we consider the Wejerat indigenous institutions, *Demer*<sup>13</sup> and *Kanchi*<sup>14</sup> are deep rooted institutions of the community. It is a common assumption that aged people are mature enough to run elements of reconciliation and they can pass wise decisions (Lipson, 1981). For instance, the Wejerat experience shows that "all elders are councilors. Authority is vested in the council of elders representing the twenty villages" (Gebru, 1996). Surprisingly, the Wejerat communities have indigenous institution termed as *Gereb* to solve any sort of inter-ethnic conflict particularly with Afar communities. Traditional conflict resolution mechanisms are commonly linked with socio-political and economic realities of the given society. They are deep-rooted in the culture and history of the people. In one way or another they are unique to each contextual setting. The local courts lie on benevolence of the communities to serve community interests being loyal to its verdict (Abera, 2009). As component of indigenous socio-political patterns, the accustomed conflict resolution mechanisms in Wejerat are rooted- in the cultural and historical values of the community (Abrha, 2005). In traditional political system, holding office is based on primordial relationship. In most cases it is hereditary and patriarchal where women are denied of such status (Fortes and Evans-Pritchard, 1940). In contrary to this, women in Wejerat community have their own indigenous or traditional office where they can run their affairs independently (Abrha, 2005 and 2011).

### ***Kanchi* system: The egalitarian socio-political organization of the society**

Ethiopia is a home of diversified societies. These

<sup>13</sup> It is the highest organ of *Kanchi system* that functioned as legislative, executive and judiciary body to provide social justice since long ago (see, Abera, 1998)

<sup>14</sup> Supra note at 2

diversified societies have developed their own social and indigenous public institutions to maintain peace and order within their territory. *Kanchi* system in the land of Wejerat (Aberra, 1998; Abrha 2005 and 2011), *Mela* in Afar communities (Yayneshet and Kelemework, 2004:10), *Abegar* in Amhara-northern Wollo (Uthman, 2008) and *Gada* system in Oromo society (Asmerom, 1973), and the like are some instances of social organizations in Ethiopia. There are social institutions that hold known structure of justice and reconciliation, some in written form and some are orally transmitted. Some socio-cultural organizations, however, are not adequately investigated, documented and are tend to be disperse (Tarekegn, 2008:13). *Kanchi* system is one instance among others. *Wejerat* people have socio-cultural institutions of administration that enabled them to enhance peace, maintain order, social and environmental security, and justice, and keep their integrity and identity within their territory. The public institutions are common throughout the twenty *embas* of *Wejerat*. The communal interactions and interests of the society realized the existence of these institutions. The public institutions were guided by *Demer Wejerat* in a place called *gra-gerebo*, the center of the twenty *embas*. The institutions are imperative to solve public troubles and work for common goals (Abrha, 2005).

The socio-political philosophy of the Wejerat people is called “ከረዓት ቻንጭን ሓቅን ዓኳይ ወጀራት ዕስራ ዓዲ” *literally* means “the system of management of the common person in the land of *Wejerat Isra-Adi* based on equality, justice and truth”. *Kanchi* system treats the people on equal bases before the law of *Wejerat*. Its core motto is justice and equality for all. The system allows the people to have governor-governed relationships, but strongly condemn the ruler and subject relationships (Abrha, 2005; Assefa, 2010; Degafi, 2001). The system is necessary for the people to use and manage their common resources equally, to maintain their culture, to help each other, to settle dispute and to inculcate their culture in the minds of the young generation (Abrha, 2005 and 2011). The system believes that everyone is born equal and there should not be social strata. Hierarchy or social strata is considered unfair, discriminatory, unjust and against the very tuition of God on equality. In the eyes of *kanchi* system, the ordinary people and people who claims they are from special class or hierarchy including Dynasty are equal. It is common to use the words *ziban higi* (in the name of law) or *ziban nigus* (*in the name of king*) in Tigray and other parts of Ethiopia when one believes his rights are violated and is in dispute with any person. Contrary to this, in *Wejerat* everyone would say amusingly *ziban gereb* (in the name of the river), *ziban defai dinkul* (in the name of the farmer) or *ziban kedahi mai* (in the name of water fetcher). This implies the strong aversion of the people to class or power structure. Besides, it avows the fortitude of the people to be governed under a system where everyone is treated equal (Assefa, 2010: 11 to 15).

*Kanchi* is administered by *Demer* (General Assembly) of *Wejerat*. *Demer Wejerat* is the highest organ of *Kanchi* system and it is accountable to the *Esra Adi/Emba Wejerat*. The function of legislative, executive and judiciary body lies on the shoulder of this General Assembly. The *Demer* discusses all matter of Wejerat-sovereignty, resource management, peace, collective security, patterns of relations with neighboring communities and others. Every adult usually above 20 had the right to universal suffrage in *Demer Wejerat* except clergymen and women. This was not intended to undermine the role of women and clergymen but rather because they have their own organization of social entity. Regardless of wealth, age and gender, everyone have the right to use common resources that are found in the land of *Wejerat*. Unless a person attended the *Demer*, he had never been elected to hold administrative position irrespective of his talent and wisdom. The *Demer* tries to the extent possible to decide its resolution based on consensus, otherwise it applies majority vote. Usually every individual in the region is heard saying “*Arena/Kanchi bena*” which literally means “we are equal”. These principles and mechanisms become active tools on maintaining solidarity, integrity, peace and collective security, cultural value of the society as well (Abrha, 2005).

*Kanchi* system was a republican by its nature, but it had its own limitations. It was only focusing on strong political organization. It lacks strong social services, economic and military organizations (Degafi, 2001:295). The conservative traditions in Wejerat distrust and resist the expansion of education, health centers and infrastructures until recent times in the area. Expansion of these services was considered as a tool for government to infiltrate and weaken the Wejerat *kanchi* system of administration and justice. It is only recently that schools and clinics have started to operate in the area (Abrha, 2005 and 2011; Assefa, 2010: 13). The system was the center of the society, having vital rules and regulations of all sectors of human life, yet its rules and regulations are not written down and organized thoroughly in one place (Abrha, 2005; Degafi 2001) though there are efforts to document and publish them as of late.

### Structure of *Kanchi* system

The administrative system is structured with certain levels. At the top of the system is *Demer Wejerat Esra Adi/Emba* (the General Assembly, sum total of the twenty units). It legislates law what the people call *sirit* which is applicable to the land of *Wejerat* as a whole, and decides all cases and disputes that are beyond the capacity of the lower structures. One step below the *Demer*, there are two *Aserte Adi* (ten villages). In other words the twenty *Embas* (villages) are divided into two sections; each section has ten *Embas* (villages). The *Aserte Adi/Emba* (ten villages) has full right to administer its internal affairs at *Aserte Adi* (ten villages) level. Each ten *Embas* can

choose its representatives as spokes persons to *Demer Wejerat* and vis-à-vis the government when the demands rise to discuss or negotiate cases. One level down to the *Aserte Adi/Emba*, we find the *Emba* administrative structure. Each of the *Esrá Adi* (twenty villages) enjoys full freedom to administer their affairs independently at *Emba* (village) level. The lowest structural unit is *got* which is more responsible for discharging matters of small importance. The church and women have their own autonomous structure as well (Abrha, 2005 and 2011; Assefa, 2010; Degafi, 2001) that should be discussed in the next topic. To put it in a nutshell, the *Esrá Adi* implies that there are twenty *Embás* (villages) in *Wejerat* where each *Emba* enjoys certain autonomy and elects its leaders annually.

### Types of conflicts and indigenous ways of managing them in *Wejerat* community

The conflicts and social disagreements that have been most commonly scrutinized in *Wejerat* can be classified in two major categories. The first category consists of intra-communal and micro-level conflicts within the *Wejerat* community itself involving individuals and groups. The second one includes inter-communal/ethnic conflicts that happen between *Wejerat* and their neighboring communities particularly with *Afar* neighbors. The word intra-communal here is used to analyze internal conflicts that happen within *Wejerat* at family, individual and group levels. Those multifaceted disputes have a variety of indigenous institutions like *Demer Ahiwat*, *Debarte* and *Rikbe Kahinat* to address them via the application of social knowledge. The term inter-communal here is used to examine external conflicts that happen between *Wejerat* and neighboring communities particularly with *Afar* neighbors. Those multifaceted disputes have very well-known indigenous institution termed as *Gereb* to treat them through the use of social knowledge. Hence, the system has cultural conflict resolution methods. The *Wejerat* people have an orientation to apply their own social knowledge to the solution of practical and potential problems through effective indigenous conflict management mechanisms, which will give maximum benefits at family, community and inter-ethnic levels. Under the umbrella of *Kanchi system*, *Debarte* (women assembly), *Rikbe kahinat* (priests' assembly-church), *Demer Ahiwat* (assembly of relatives) and *Gereb institution (mostly at ethnic level)* have its own special functions in managing conflicts today in the land of *Wejerat* (Abrha, 2005 and 2011). The meaning and function of each of these social institutions are treated.

### “Demer Ahiwat”<sup>15</sup> and its function

One of the moral and normative values of *Wejerat* is

having good relationship among family. Everyone is in the bracket of the norm of the society refraining from any act that may have negative impact on others. Culture sets an agenda of rules, rituals, and procedures that teaches you how to relate to others or how to communicate, violating this may have social sanction and warning (Dodd, 1995). More importantly collective action is indispensable in *Wejerat* against the violations of the norms of the community, simply to build collective security (Degafi, 2001). When an individual commit a crime-theft, incest up to the seventh generation, injury or harm to human body, rape etc. and disobey to accept decisions passed by *Demer Ahiwat*, sanctions would be imposed up on him /her and is marginalized from any family social affairs. Social relationship will be cut off, that is he/she would be excluded at the time of sadness and happiness of his/her relatives because of his/her failure to adhere to societal valves. This maintains the social order, mental and physical strengthens of relatives. It avoids unnecessary disputes and revenges at large (Abrha, 2005).

### The church: “Rikbe kahinat”<sup>16</sup> and its function

This institution operates spiritual functions independent of secular institutions to maintain the order and the day-to-day activities of the parish church. The general assembly of priests' institution is locally known as “*Rikbe kahinat*”. They meet regularly at a place called Bahri-Hatsey (*Debub*) once monthly at a particular date 24 (Abrha, 2005). The basic objectives of the forum are: to evaluate the spiritual activities of the region: how the clergymen discharge their duties and responsibilities, how to protect and resolve social conflict, how the laity following the order of the parish church and protect its property at large; to share and exchange experience among church bodies etc. The priest is esteemed for his spiritual leadership and serve as a counselor, sought out as a father to every individual and family. The role of the religious institution is not only limited to church services. Rather it is also involved in resolving social conflicts and disputes.

When murder is committed, the church would actively intervene to solve the problem peacefully. If such a tragic crime is committed, the family of the doer of the wrong action requests the church to help ending the problem via arbitration. As a result, the priests carry the cross and travel to the family of the deceased along with other institution, *Debarte* and elders who rally behind the priests to request for a mercy in the name of the killer. Here, the pastors of both the killer and the deceased play a leading role in the arbitration (Abrha, 2005; Degafi, 2001:329 to 338). In *Wejerat* tradition, if such a grave crime is not ended via traditional arbitration, the wrong doer has no guarantee for his life, no matter how the

<sup>15</sup> Supra note at 3

<sup>16</sup> Supra note at 4

legal court imprisoned him for years. When the priests involve actively in arbitration of social conflicts, reconciliation via the mediation of the 'debarthe' is part and parcel of priests' institution. All in all, the priest's institution has pastoral duty to look after the flock in peace and is also responsible for building up healthy generation physically, mentally and spiritually (Abrha, 2005; Tarekegn, 2005).

### **Debarthe<sup>17</sup>: Customary institution of women and its function**

*Debarthe* has been practiced in the land of Wejerat for centuries. It is communal prayers of females locally known as "Mihila". Leaders and coordinators of the *Debarthe* are elected from among wise women. The *Debarthe* may be divided into units and charged on *Emba* level or *Gereb* basis; at the need time embraces all women of the region as a whole. As societal institution the ritualistic function of the *Debarthe* prayers have been exercised in: the time of both natural and social calamities; arbitration and mediation of social and political conflicts; disseminating information or message via *Awiat* (wailing) and *Elela* (frisky) in the time of sudden accidents and pleasure respectively; and providing moral and material support for male during war time, etc. Prayer is one of the major functions of *Debarthe* during conflict resolution and unpleasant situations (famine, drought, epidemic, war, etc) (Abrha, 2005; Degafi, 2001: 322 to 328). The church and *debarthe* are inseparable entities in peace making process though they have their own autonomous institution. In Wejerat community, priests and women are sent first to settle when an armed group comes to attack the people. When disagreement is occurred between Wejerat and any external force, the Wejerat will send the women and the church (carrying the cross) to negotiate and to reconcile the issue before the outbreak of conflict or war. This is to search a window of opportunity to end the issue via non-violent means so that the war will be prevented. In this course, no adult male is involved. Only when this diplomatic means has failed will the men stride to the battle field. Women are also responsible to take care of war prisoners. The reason is that an angry man may cruelly punish the prisoner. To avoid this they are submitted to the care of women (Abrha, 2005; Assefa, 2010).

### **Gereb<sup>18</sup> and abo-gereb<sup>19</sup>: Priceless role in conflict resolution**

*Gereb* is one of the successful indigenous courts or

institutions in managing inter-ethnic conflict in the land of *Wejerat* beyond intra-communal issues particularly between *Wejerat* and *Afar* (Abrha, 2005 and 2011; Degafi, 2001). *Gereb* has a long history in the land of Wejerat. Its origin is related to a form of public struggle towards democracy and self-rule from time immemorial. However, the exact time about *gereb* expansion to include neighboring communities is not found in literature. Yet, some works suggest that the Wejerat *gereb* is established as a joint institution almost a century ago to embody neighboring communities. The very objective of the *gereb* was to resist the then government suppressions inclusively. The long and deep rooted self-rule of *Wejerat* community became a model for other neighboring communities to follow the same path. It was a symbol of reaction to the existing undemocratic rule and bad governance (Abera, 2009). Thus, different local communities of Wejerat, Enderta, Seharti-Samre and Bora-Slawa met in Hintalo for the first time to develop common agenda on how to run self-rule and challenge the government. Then after, the term "*Gereb Arena*" literally means "we are equal under the umbrella of *gereb* administration" became common stand of the participants by launching common articles.

The following are some of the articles included: Women should have equal rights as men; Don't consider Emperor Haile Selassie and other government officials as God, they are human like us; Stop theft and raid; Every adult citizen of our locality should be ready to struggle against any external enemy; The 20 *embas* of Wejerat should be governed by *gereb* Wejerat as usual; and *gereb* is our identity for our next liberty struggle etc (ibid). Through the passage of time, *gereb* became a joint institution which functions as an indigenous court run by council of elders from Afar and Wejerat. *Gereb* members are elected by the entire adult men population of the locality through voting with the prime responsibility of restoring law and order. The *gereb* develops its own rules and regulations which serve as *Sirit* (traditional law) to its localities. It is not fixed. When necessary, it could be modified with full justification by the *gereb* members. The *gereb* institution maintains mutual benefits of the two ethnic groups. The institution embraces representatives of the two ethnic groups for whom the society refers to "*Abo-gerebs*". The criteria for election of *abo-gerebs* are based on the social acceptance, patience, past experience, and neutral and impartial stand of individuals in making wise decisions (Abrha, 2011). The role of *abo-gerebs* remains a fundamental affair in resolving inter-ethnic conflicts. The *abo-gerebs* serve as an ambassador of the people of Wejerat in their relations with other neighboring communities especially with Afar. The *abo-gerebs* are responsible for maintaining security and peace by negotiating with the Afar elders and clan leaders through *gereb* institution which is a core institution to restore peace. The *abo-gerebs* has and play essential role in dispute resolution of inter-group cases related to cattle raid, use of water, grazing land, theft, robbery etc

<sup>17</sup>Supra note at 5

<sup>18</sup>Supra note at 6

<sup>19</sup> *Abo-gereb* (s) literally stand for father of river(s), a collection of people who run the *gereb* institution as actors of peace to resolve mostly an inter-communal conflict or inter-ethnic conflict.



including homicide between the two groups to date. They developed symbiotic relationship to maintain peace and security. The *Wejerat* used to send their cattle to the common grazing land of *Afar* and *Wejerat* during the rainy season for favorable weather is available for cattle raising. Basically, every highlander sends his cattle to his loyal friend *Afar* traditionally termed as "*fukur*". The *Afar* friend "*fukur*" is responsible to look after the cattle along with full and enjoyable right to consume the milk and milk products from the cows of his partner. Besides, the two communities have close relationships where the *Afar* takes wheat during harvest ("*kaw'e*") time from *Wejerat* and in turn the *Wejerat* takes goats or sheep during Easter or New Year's Day from *Afar* (Abrha, 2005 and 2011).

The *abo-gerebs* have full power to impose sanctions on offenders in resolving conflict. Usually compensation- 'blood price' imposed on the wrongdoers would be decided by the bilateral agreement of the *abo-gerebs* of the conflicting parties. All decisions passed by *abo-gerebs* are practical and binding. In a nutshell, *abo-gerebs* are real representatives of their respective community and are watchdogs upon the values and norms of the society so as to maintain peace and minimize conflict. They are active actors in resolving inter-ethnic conflict timely at least to recover the status quo, with less expense and more products. They expose offenders and let them to punishment via *gereb* institution. In this way, peace is maintained through non-violent means between the two ethnic groups which is a necessary remedy to bring durable peace between the two groups (Abrha, 2005 and 2011). However, it is claimed that the *gereb* is not discharging its responsibilities properly in post-1991 period compared to pre-1991 periods. This is due to structural problems that resulted in the decline of *gereb* power (Abrha, 2011; Degafi, 2001). All these features of *gereb* were observed in the recent peace process to resolve the violent conflict that happened between *Wejerat* (*Sen'ale*) and *Afar* (*Gela'eso*) on August 2010. More importantly, the author observed and followed public reconciliation meetings. A peace process was held to end the recent violent conflict. The peace process had four phases held in four different places in the lands of the parties in conflict. The process in general took about two solid months to come to its peaceful end. Ten neutral *abo-gerebs* from *Wejerat* and *Afar*, five members each (out of the areas in conflict) were elected to solve the problem. Besides, fourteen additional elders were elected from the two groups in conflict seven each in the assembly. The *zonal* and *wereda* government officials, including security officials of the two regions, were observers of the process. The *gereb* members and elected elders elaborated the causes and consequences of the conflict between the two groups.

The *abo-gerebs* decided in that assembly the amount of compensation to be given for victims: for deceased

30,000 Ethiopian birr, disabled or seriously injured 10,000 birr, and simply injured 5,000 birr for both ethnic groups. The burden of compensation lies not on individual offenders but on the respective communities entirely. The end remark of the assembly was completed at the 4th public reconciliation meeting held in *Sen'ale* on October 27/03 E.C. Government officials of both regions were participants in the reconciliation process. Peace dialogues were held to end the conflict at community level under the leadership of *abo-gerebs* in the presence of religious leaders, government and police officials as well as elders of the two communities (Abrha, 2011). The conflict resolution has its own procedures. Usually when an individual commits a crime, for instance, from the *Afar* side, the relatives of the offender send their representatives to the community (*abo-gerebs*) where the victim/s is/are found. This is a way of admitting and notifying the mistake made by the respective communities of the representatives. Thus, the representatives, who act on behalf of the offender, will arrange conflict resolution appointments along with the consent of the victim community. The resolution might be about problems related to homicide, theft, and loss and damage of animals and materials. The reconciliation meetings often will be decided to be held in the area of the victim group. The logic behind is that the offender is the beggar that has to travel to the home of the victim to get mercy. There is a probability that the assembly can be held in the homeland of the offender if the victims are voluntary with a full consent of their respective communities. Nevertheless, if the conflict is communal in the sense that retaliatory action, particularly homicide is committed from both groups; the resolution will be held in both sites of the parties in conflict with the involvement of *abo-gerebs* of the two communities (Abrha, 2011).

The criminal is requested to kneel down on the ground and ask pardon to the victim group, locally known as "*afu*" in *Afar* and "*yitref*" in *Tigrigna* (*Wejerat*). The parties in conflict will greet and kiss each other by shaking hands. Then, the *gereb* asserts to the assembly regarding the advantages of peace and firmly advises the communities to make sure that such similar wrong actions should not be committed in the future. The *abo-gerebs* express their heartfelt gratitude to the conflicting parties for their commitment for peace. Particularly, the victims' relatives are advised by *abo-gerebs* to avoid the ill feelings of revenge completely. The blessing ceremony "*duua*" in *Afar* and "*mireka*" in *Tigrigna* continues after the reconciliation ceremony is completed. Elders and religious leaders of both groups bless both communities for the obedience they have shown for the prevalence of peace. The author of this article observed all the aforementioned activities in the recent peace process held in 2010. The religious leaders of both groups made an oath by calling words from Bible and Quran and their respective group did the same way so as not to repeat the same mistake. The role of religion in enhancing peace and culture of

tolerance to live together brotherly through mutual understanding among communities is essential.

### **Crimes and corresponding sanctions**

In the point-of-view of Wejerat crime is viewed as any kind of act against the moral values and culture of the society. Moral and normative values in Wejerat are used to control social behavior. Social control is maintained and monitored by each individual's adherence to the culture of the society. Some of the moral and normative values of Wejerat include respect for elders and parents, respect for religious festivals and good relationship among families. There are various activities that are publicly condemned in Wejerat community of which the few are the following: homicide, theft, banditry, rape, incest up to the seventh generation, injury or harm to human body, violation of women's rights etc. As a result, when an individual violated the deep rooted norms of the society, he or she would be liable to sanction and would be heal responsibly. Nevertheless, in some cases, if an individual from Wejerat inflicts injuries on an individual from a different ethnic group, usually Afar and vice-versa, it may provoke inter-ethnic conflict where the responsibility for crime committed penalties will be held collectively by *gereb* institution from both sides (Abrha, 2005). The patterns of sanctions or penalties in Wejerat community involve micro and macro levels. Sanctions such as marginalization or ostracism from social life, compensation (fee), condemning and cursing of the wrong doer for his/her breach of norms of the community are considered micro sanction. On the other hand, macro sanctions include blood price, leaving ones home land particularly in the case of homicide at intra-group level. However, there is a possibility in which the offender can live with the family of the victim after he accomplished reconciliation. This has been done via marriage relationship between the conflicting parties (Tarekegn, 2005).

### **Modern approach nexus Indigenous approach peace intervention**

The modern legal approach as conflict resolution mechanism includes modern court and police force. As a wing of government, the police force stresses more on pre-conflict directives to protect conflict infuriating factors through awareness creation on law issues for the public at formal and informal public venues like religious gatherings and political meetings. Besides, it has a sense of duty to relinquish offenders and forward them to the formal court of law so that corrective measures can be taken on the basis of the articles set under the formal court. The modern or formal court, besides, refers to governmental justice organ supported by the national

constitution. It emphasizes on difficult issues that cannot be seen by the local traditional courts and governmental social courts such as killing of human, loss, or theft of goods. Its main function lies on protecting illegal actions to foster peace, order, and security of the communities and the nation at large. But, the modern court has certain limitations to solve inter-communal or group conflict in the focus area (Abrha, 2011).

In the view of modern law, anyone who commits a crime must face justice in front of the court and take individual responsibility and accountability. Nonetheless, the *Gereb* (*Abo-gerebs*) take the lions share in restoring peace including the case of homicide believing that criminal responsibility and accountability is collective, particularly at inter-group conflict case. The role of the formal institutions-the court and police- is thus, consigned to a mediator while the decision mandate remains in the hands of *Abo-gerebs*. The reason behind is, first, the formal approach is not more acceptable by the pastoral areas that are not well-literate. Prison is considered as death among the pastoral communities. Second, the conflict sites are located in the remote areas (out of government site) of the two groups (Wejerat-Afar). It is difficult to follow up closely the movement of the communities due to security problems, lack of transportation and telecommunication services. Third, the action is communal and hence it is very difficult to punish the whole communities. Even if an individual commits a crime, members of the respective communities do not dare to discover the first wrongdoer and hand over him to the modern court. Fourthly, the governments give no attention to the conflict and fail to punish offenders (ibid).

That is why the local Indigenous approaches at community or local level have better acceptance in the public and are more effective in conflict resolution ability than the governments. The intervention of the government in managing inter-group conflict in the areas is not more than providing emergency aid for the victim group in its non-inclusive way of doing activities to restore the status quo after violent conflict occurs. The governments of the two regions (Tigray and Afar) not only lack early warning mechanisms and conflict prevention tools but also fail to address the real causes of the conflict. This was the reality observed in the 2010 conflict which happened between Afar (*Gela'eso*) and Wejerat (*Sen'ale*). There was partial treatment between the two victim groups at the time of state intervention. This in turn has its own impediments in peace intervention and in developing trust between the community and political officials (ibid).

### **Compensation (*kahsa*) as an opportunity of peace intervention**

Compensation has a great value in the Wejerat community as part of conflict resolution. The social institutions usually grant the victim certain amount of

compensation in kind or cash. The concern here is not to impose harsh punishment that would bring yet another encircling conflict and retaliation, it is rather how to make peace possible. The highly valued compensation in the land of Wejerat is not about taking recompense from the wrongdoer. Accepting and believing your fault, telling the truth and asking for pardon with genuine regret is the highest reward of all. In many simple and less serious disputes be it at family level, between individuals, between neighborhoods etc, compensation payment to the victim is merely of nominal amount. What matters here is the appearance of the *abeity-adi* or *abo-gerebs* (negotiators) to the victim on behalf of the wrongdoer. In some cases like simple injury, compensation fee might only cover medical expenses. The culture does not promote taking compensation in such cases. Someone who accepts compensation (*kahsa*) is condemned and insulted as '*belaei kahsa*'<sup>20</sup> and is excluded by the community to the extent of intermarriage exclusion. Thus, once the victim suggests his compensation amount to *abeity-adi*<sup>21</sup> and is decided, taking *kahsa* is an uncommon observable fact unless it involves property or cattle theft which is considered more of restoration than compensation (Abrha, 2005 and 2011; Tarekegn 2005; Assefa, 2010). However, in case of homicide, the *abeity-adi* or *abo-gerebs* will consider the acceptance of compensation locally termed as *gar nebsi* (blood money) as a prerequisite to end the case. The rationale is that unless the family of the victim accepts the *gar nebsi* negotiated by *abeity-adi* or *abo-gerebs*, it is an implication of readiness to retaliate their deceased relative and that is bad clue. When the *abeity-adi* or *abo-gerebs* negotiate, the victim's family should accept the *gar nebsi*, the deceased family may claim high amount in some cases. The *abeity-adi* or *abo-gerebs* will never give immediate response though they think the amount is inflated. Hence, they respect the word of victim's family and they will leave the house fixing the next day to come back. In the next meeting, the *abeity-adi* (elders) negotiates the victim's family to reduce the amount they claim considering the time, energy and resources the elders spent (ibid).

The *abo-gerebs* scrutinize the nature of the offense and identify type. Usually, there are three categories of homicide: intentional (*tsaeda dem*), negligent (*keyih dem*) and accidental (*tselim dem*). The amount of compensation (*gar nebsi*) is high if the homicide is intentional. It is the most challenging case to settle and is more exposed to retaliation and grudge. The amount of compensation is covered by the contribution of the entire family of the perpetrator. However, if it is not enough and is beyond the capacity of the family, the killer has to beg money from the public in public gatherings like church, market places etc by saying '*sile nebsi kasihut me'alti*

*yadihinkum*' roughly translated as "by the name of the dead, may God keep you from misfortune day". In the other cases like accidental and negligent homicide, there is a possibility where the victim's family is not willing to take the compensation. Nevertheless, the dead family may ask via the *abeity-adi* that the wrongdoer to be uprooted from his homeland and reside elsewhere where they do not hear and see about him (usually if the crime is at intra-group level). Yet, the *abeity-adi* or *abo-gerebs* may propose an intermarriage between the two contending family as a means to end any future bloodshed. Finally, the victim's family will not take all the decided amount of compensation. They deduct some amount by the name of the church (cross) and the elders. The actors of peace (the church, women, and *abeity-adi*) are fee-free. The only reward for them is restoration of peace along with enjoyment of local food and drinks prepared by the wrongdoer (most of the time) and the deceased families which marks the end of hostility. The overall objective of the reconciliation process is to restore peace and harmony in the community and prevent any future bloodshed irrespective of the seriousness of the offense (ibid).

When the homicide is at inter-group level particularly with Afar group, women are not direct participants of the reconciliation process though they participate indirectly like preparing and providing food, local drinks and water. It is the *gereb* institution through *abo-gerebs* (*collection of male*) that takes all the responsibility to end the hostility. The *abo-gerebs* from both communities (Wejerat and Afar) play crucial role by reconciling the disputing parties, concluding some rituals and ending the bloodshed. The *abo-gerebs* are thus, responsible for maintaining not only local peace and order in Wejerat but has become a joint institution for inter-regional peace and stability. One conflict was occurred in 2010 between Wejerat and neighboring Afar where homicide and serious injury was happened from both sides. It is the *gereb* (*abo-gerebs*) that restore the peace between the two groups by compensation means. The compensation was covered by the entire respective community of both groups for the nature of the crime was communal (Abrha, 2011). Though the compensation rate depends on the type and severity of the problem at hand, the local compensation law (*sirit*) is not fixed. When necessary it could be modified with full justification by the *abo-gerebs*. In this peace process, victims' families took the already decided money via their representatives from the hand of the chairperson of the *gereb* in the presence of elders and religious leaders. At the end of the arbitration process the offenders were obliged to pay compensation that amounted to 30,000 to 10,000 Ethiopian birr for death and injury respectively (Abrha, 2011). Figure 1 speaks more about the role of compensation in conflict resolution. If victim families take the compensation decided by the *gereb* and reconciliation is accomplished, no one dares to take retaliation and violate the decision of the *gereb*. The *gereb* leaders of the two communities (Wejerat and Afar)

<sup>20</sup> Literally it means coward and collector of booty or ill-gotten gains

<sup>21</sup> It refers to local elders who negotiate to make peace and sometimes can be used interchangeably with *abo-gerebs*



a). Afar Victims' Families Taking Compensation



b). Wejerat Victims' Families Taking Compensation .

**Figure 1.** Victims' family of Afar and Wejerat taking compensation money from the hand of chairperson of the Gereb in the presence of respective communities (Photo by the author 2010).

chaired the assembly. The government officials of both communities conveyed additional messages with the permission of the *gereb* leaders.

The *abo-gerebs* of the two disputant communities also conveyed common message about the importance of peace and effect of conflict by remembering the deep-rooted relations of the two communities had and the common mistake committed between them that has a negative influence on the two communities in particular and the two regions in general. "*Peace is priceless and incomparable, let us develop a sense of tolerance as best solution which was our unique trait for centuries*" was the golden message of the *gereb*. The closing remark of the arbitration was held by preparing a large feast at *emba* Sen'ale involving all pertinent parties and religious figures along with *abo-gerebs*. Two cows were slaughtered and provided for ceremony as dinner one for each group, from Wejerat Sen'ale *Emba*. This is because the host *Emba* is expected to cover all the expenses of the resolution. This food invitation depends on the number of participants during the ceremony and the severity as well as length of the conflict. Besides, locally available drinks commonly "*Sewa*" for the Orthodox and "*Hilwa*" (soft drinks) for the Muslim were also provided. This was to convey their genuine happiness as a signal for the removal of vengeance on each other.

### **Opportunities, challenges and limitations of the indigenous institutions**

All culture is composed of essential and secondary elements, of strengths and weakness of virtues and vices, of positive and negative aspects (O'Brien, 1993:75). Some social institutions of Wejerat community are intact

and some are in vanishing largely due socio-cultural and political dynamics of modernization and partly due to governments' negative attention (considering them as potential threats of modern governance). Through critical analysis, thus, the intact home based social institutions of the Wejerat community have their own strong and weak sides. As regards to their strength, they could play a significant role in preventing and resolving violent conflicts in areas where poor governance and weak law enforcement and justice system exist. In comparison to the formal legal courts, they are less complex, more-time saving, cost-effective- the peace makers (*abo gerebs, demer Ahiwat, church and debarte*) do the reconciliation for job free. Settling conflict is a necessary but not a sufficient condition in the view of these socio-cultural institutions. Thus, unlike modern legal system they do reconciliation as well as conflict resolution mechanisms in line with dispute settlement. As they are culturally fit, the intact social institutions offer opportunity to parties in conflict to keenly participate in solving their problems and managing their affairs in their own cultural settings via the application of social knowledge. Nevertheless, there are weaknesses in these traditional institutions of conflict resolution. For instance, *gereb* the joint institution, most of the time lacks early warning system and conflict prevention mechanisms. It usually intervenes after the conflict has occurred. Besides, the *gereb* institution is a male-oriented institution; women have no direct participation in conflict resolution process between the two ethnic groups (Wejerat-Afar). Above all, the joint institution, *gereb*, is largely dependent on oral tradition than written documents and lacks permanent venue.

Most importantly, the modern and traditional (*gereb*) courts are not in collaboration to manage conflict. The *gereb* plays vital role in restoring peace in conflict

situations via public reconciliation meetings to control inter-communal conflicts, but not willing to hand over individuals who committed serious crimes to the modern court of law instead it letting them pay only compensation and go (Abrha,2011). Though *abo-gerebs* are actors of peace without incentives, the *gereb* institution has faced certain challenges. It lacks recognition on the side of government. The government has poor attention to it. The government calls the *gereb* when the conflict becomes beyond its capacity rather than providing capacity building activities for *abo-gerebs* in advance. Even there is a tendency from the side of government to manipulate the *gereb* to be loyal to it than the public via benefit offering. Besides, the *abo-gerebs* are heavily loaded by personal household duties. Thus, they consider the *gereb* functions as extra roles (ibid). However, in general framework, the strong sides of the cultural institutions mainly conflict resolution mechanisms outweighs their weaknesses in keeping collective security, peace, order, and justice at intra and inter-communal level where weak law enforcement is observed regardless of the limitations they have. Hence, they provide social justice to resolve conflicts via non-violent means and are useful to establish strong social bond within and among communities.

## CONCLUSION

The wejerat society has developed indigenous institutions of self-administration and conflict settlement mechanisms in the course of their history .The *kanchi* system is relevant to what the legal frame work (FDR<sup>22</sup> Constitution) has demanded in order to enhance peace, order, security, justice and equality between themselves and neighboring communities (particularly Afar community). The Wejerat society has been facing changes on many levels in terms of its cultural values. Despite all these ups and downs in different scenarios, some of the indigenous institutions, particularly conflict resolution mechanisms at neighborhood, relatives, neighboring *Afar* ethnic groups are functional to date in the area. The church, *debarate*, *Demer Ahiwat* and *gereb* are intact social institutions in the region to keep collective and individual security. These social institutions are effective, save time, energy and financial related resources and provide effective and fast solution of civic matters with a minimum cost including homicides in areas where the formal state institutions are weak. Above all they avoid unnecessary revenge-the evil feeling of humanity. *Abo-gerebs* are actors of peace without incentives (job-free) at inter-group level. Several arbitrations have been made from 1995 to date to address the violent conflict between Wejerat and Afar groups through *gereb*.

Even in recent times more than three conflicts that occurred between *Afar* environs and *Wejerat* people were solved by *gereb* institution. There is still one conflict case

in process to be addressed by the same institution between the two groups that occurred in August, 2015. Hence, cultural institutions provide social justice to resolve conflicts via non-violent means and are useful to establish strong social bond within and with neighboring communities. The indigenous social knowledge to resolve and manage conflict is valuable in the region. The institutions at family, women, church and *gereb* levels, exert their social knowledge to enhance peace, order, and security in the community. Particularly, the role of *gereb* (*abo-gerebs*) in managing and preventing inter-group conflict is observed to be superlative compared to the modern approach in the region. This witnesses what Lipson (1981) asserts, the accustomed conflict resolution mechanisms are rooted in an indigenous system where aged people are full-fledged to execute element of reconciliation and pass wise decisions. However, from time to time the power of the *gereb* has declined to resolve conflicts to influence the community. This seems partly due to the decline of moral values of both communities to be loyal to the institution (*gereb*) and largely due to the weak and ineffective modern state machinery to deal with the problem. Unfortunately, the deep and long established home-grown democratic institution, *kanchi* system, is currently nearly disappearing in official practice though its wisdom-full philosophy is in the mind of each and every member of the Wejerat community and some of its elements are intact. Hence, I recall that the Wejerat community should restore the system into practice officially using their constitutional right stated under FDRE constitution article 41 (9) "the state has the responsibility to protect and preserve historical and cultural legacies---" and article 91 (1) "Government shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions of the constitutions" in consultation with the concerned government bodies. I hope the government will have also an open ear and mind to refurbish this missed opportunity and to protect from disappearance such golden indigenous values as responsible organ for the execution of good and local governance for public interest.

## Conflict of interest

The author has not declared any conflict of interest.

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A person wearing a dark suit, white shirt, and red tie is holding a globe of the Earth. The background is dark, and the person's hands are visible at the bottom of the globe.

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