Conflict and alternative dispute resolution among the Afar pastoralists of Ethiopia

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A study was conducted on institutions of conflict resolution in the Northern Afar administration. The main objective was to examine alternative mechanisms of peace-making with a prime focus on informal indigenous structures. An attempt was made to assess such institutions vis-à-vis changing circumstances in the political and socio-economic arena. The paper found out that, following disputes, people seem keen not to prolong hostilities that may eventually divide community members in blood feuds. Thus, elders and community leaders converge to discuss matters pertinent to stability thereby allowing disputes to subside. The Afar have local assemblies through which inter-clan conflicts are sorted out and thoroughly addressed. The local assemblies function as indigenous courts whose rules emanate from shared norms and mutually binding value systems. The traditional institutions maintain symbiotic relations with modern administrative and legal machineries. The prevalence of a complementary rather than competitive relations between the state and traditional system has contributed to the resilience and continued influence of the latter. The paper concludes that while the indigenous system is an efficient means of dealing with conflicts in the study area, an integration of the traditional and modern systems is needed for sustainable peace in the future.

Key words: Conflict, peacemaking, indigenous knowledge, Afar pastoralism, Ethiopia.

INTRODUCTION

Violent conflict among pastoral communities in the borderlands of Eastern Africa has become rampant to an extent that governments seem to be incapable to control inter-group warfare. More is needed than efforts by states to re-establish peace in the region. Effective handling of such conflicts necessitates more efforts than western methods of conflict resolution (Osamba, 2001)

In recent times, researchers have focused on the prevention resolution and management of conflict in Africa and elsewhere around the globe. A substantial body of literature has been added to our academic libraries - predominantly by scholars from the Western societies. For quite some time the assumption seems to have been made that the Western techniques of conflict prevention, management and resolution will also apply to Third World nations. Today, however, a number of scholars from developing countries have a different point of view. Variations in culture do not only shape our perception of conflicts but also determine techniques to be employed in handling them (Mohamed, 2001).

After a close look at the various methods and procedures used in many case studies, Osaghae (2000) argues that integration of traditional approaches with modern negotiation and diplomacy strategy is feasible. In federal Ethiopia, the context of decentralization and devolution of power to the regions provide ample opportunity for co-existence between community justice and the formal government institutions that promote individual human rights. While customary institutions help ease the burden of modern structures in dealing with conflict situations, the latter provide frameworks for national and international norms in contemporary world (Pankhurst and Assefa, 2008). According to Hagmann and Mulguta (2008) a policy of co-option and partial incorporation of the customary authorities and their procedures into modern institutional setups has been adopted by the successive governments of Ethiopia.

This paper is aimed at describing and discussing the types of informal institutions and the specific mechanisms adopted in the process of resolving violent conflict within the context of intra-Afar and intercommunity relations. The account on intra-Afar conflicts was pursued at the inter-
clan level (Figure 1).

MATERIALS AND METHODS

This study was conducted in zone 2 administration of the Afar Regional State, Ethiopia. The data for this paper was collected using qualitative methods. Ethnography was the major data collection method used. Specific tools for data collection include participant observations, Focus Group discussions, Key informant interviews and Case studies. Microcassette recorders were used in the process of gathering appropriate data for the study.

RESULTS AND DISCUSSION

The customary laws (Mad’aa)

Afar elders strongly underscore that all Afar are governed by the same custom (Ada) irrespective of their clan affiliation, area of residence or changes in national politics. This, of course, may be a reflection of the new afar ethnic identity formation implying that differences in clan identity and residential features within the Afar are no longer important. Indeed, the new federal system of administration in Ethiopia has given ethnicity a new impetus as a result of which the Afar now see themselves as a national group. Apart from that, it also indicates the persisting influence of culture and the rule of tradition across time.

The Afar people have a strong sense of respect to the legendary traditional rules and guidelines that descended to them from their predecessors. When a breach of conduct or misbehavior is detected reference is quickly made to such unwritten customary laws the basis of which is the normative framework and values systems entrenched in their culture from time immemorial. One such fundamental norm is the fear of and respect for elderly personalities in the respective villages. Elders are believed to have the wisdom and insightful thought accumulated over long period of time. They are considered instrumental for the transfer of traditional knowledge and custom to successive generations. Elders provide
informal education and teach younger generations on preventing violent conflicts. The Elderly are also believed to have a spiritual link to supernatural forces in the conviction that living longer on earth is a gift from God signifying some purpose. Gerontocracy is there fore at the center of traditional patterns of behavior and social action.

The Afar believe that all disputes within their ethnic group should be settled peacefully and according to the long standing customary laws (Mad’aa). Mad’aa consists of specified guidelines and rules on how to handle dispute cases. This is a tradition followed from the time of Hamadu Sirat, whom informants identified as their apical ancestor and the father of all Afar in the area. Once a conflict case is in the hands of elders, there can be very little room for an individual to further his interests by force. This seems to be the norm no matter how long it takes the elders to process the dispute and reach a settlement. In this regard the modern legal principle that ‘justice delayed is justice denied’ does not hold true among the Afar. On several occasions, conflict processing takes a reasonably long time before mutually acceptable outcomes are proposed and a settlement is finally reached. In one instance in the past, I witnessed a group of elders gathered behind the small houses near Ab’ala market. An old man explained to me that the meeting was just part of an episode in a five-year old inter-clan dispute processing drama. The incident occurred in a place called Teru where members of the Damohita and Hadarmo clans clashed over territorial rights.

It is astonishing to observe the type of decency and good manner people exhibit in the assemblies as the “big men” try to resolve the conflicts in a ritualistic manner following specific orderly procedures. Turns are made almost automatically and an outsider would be caught by surprise with the complete absence of chaotic and haphazard conditions. The type of rhetoric used and the extent of humility exhibited by conflicting parties are important factors that shape what comes out of the conflict resolution process. In hearing a dispute case, no one is allowed to show contempt to the judges (Mekabon). Failure to have patience and tolerance will lead to an immediate fine. The Afar demonstrate the need for patience and perseverance in one of their proverbs that reads: “Amo Ara’ba yot Ane Wana’ya Agi’rauk manani’yo Enta Eyan (All trouble comes from the tongue).” “If the tongue was not in me”, the head said, “I would not have been cut off”. It is required that proceedings take place in good order with persons talking only when their turn arrives.

Offence against another member of the Afar community is usually resolved upon the payment of some compensation both in livestock and cash. In this regard, an entire clan or sub-clan is said to be responsible for a crime committed by one or some of its members. The money and livestock to be paid in compensation is thus usually contributed by clan members regardless of their place of residence.

According to Afar customary law, the amount of compensation depends on the type of the offence and its context. In case of a minor wound, there are special steps to follow before reconciliation can be achieved through the involvement of clan leaders. A wound is considered minor by a traditional healer if the bones are not exposed. In such a case, the person who caused the injury has to give the wounded a goat in order to “wash his blood.” Then after a day or two he again offers another to “heal the wound”. This payment is called Maldino. Finally, there will be a compensation payment (Morrusso) ranging from 12 Birr to a camel depending on the seriousness of the injury.

The fine and compensation payment related to bodily injury depend on which part of the body was harmed. In finger injuries, for example, the Afar consider a damage caused to the little finger, pointing finger, and ring finger as serious. This is because the first is considered the most peaceful, the second viewed as important for indicating locations, and the third regarded essential for marriage. The front and back parts of the body are also never given the same value. For example, a damage caused to the forehead is considered grave because it is easily exposed to onlookers whereby the victim may be liable to constant humiliation.

The laws regarding compensation payment are elaborate and detailed. Virtually every offence has a corresponding compensation payment. Even nail injury has its specified compensation. An exhaustive list of all the provisions of Afar customary law concerning compensation is virtually untenable.

In principle, the Afar claims that all compensation payments are fixed by customary law. In practice, however, payments are negotiable. For example, according to the law, the payment for murder is 100 heads of camel; but following bargaining less than half may actually be paid.

Furthermore, Afar customary laws are said to be dynamic. They not only undergo some changes over time, but also vary from place to place. The Afar claim that payments have shown significant decline over time and cash is gradually replacing compensation in kind (mainly livestock). In addition, in areas where nomadic life is still preserved, payments are believed to be much higher.

The conflict resolution ritual

Inter clan conflict resolution

In any dispute, an Afar has two main options for resolution of violent conflict: resort to the modern system of state courts or recourse to the indigenous Afar institutions of conflict resolution that work on the basis of customary laws. Most Afar, seem to opt for the latter option. Though resort to court to settle disputes is, in principle, open to
Afar, most cases of intra-Afar conflicts are resolved outside courts. The Afar People generally tend to channel disputes to local mediation where conflicts are addressed in a less rigid manner, compared to the modern court where adjudication is based on largely standardised and uncontested rules.

Resolutions by local mediators may take the form of negotiation or arbitration and are generally reached with reference to Afar norms and values and proceedings of mediation may, in principle, be subject to manipulation by the different parties, including the arbitrators. Generally, however, such manipulation seems severely constrained by the elaborate and meticulous provisions of Afar customary law (Ma’ada) at the inter-clan level. As soon as guilt is proven (murder, injury or theft), the customary law provides guidelines for the amount of compensation or fine to be paid. Nevertheless, negotiations between the involved clans may result in payments lower than what is stipulated by the Afar law. Rhetoric speech and mass support play a significant role in shaping the outcomes of dispute processing.

As stated in the foregoing presentations indigenous ways of resolving conflicts are guided by specific rules and procedures. In an inter-clan context, the procedures to follow are well established. An example of how inter-clan disputes are settled at the community level is given below:

In cases of inter-clan homicide, the judges (Mekabon) summon the leaders of the concerned clans as soon as the identities of both the murderer and the deceased are identified. The judges (Mekabon) are often drawn from clans other than those involved in the conflict. Traditionally, the Mekabons are composed of leaders of the Damohita and Seka Clans. As the meeting is convened, a cow or camel is sacrificed. This is said to be an important step and a pre-condition for the commencement of the conflict resolution procedures. The Afar claim that the victim would not be buried before sacrificing an animal (Waida).

Once sacrifice and burial are carried out, further investigation proceeds. The final verdict depends on the nature of the murder, that is, how the incident took place, the type of weapon used, and whether or not it was intentional. A period of forty days (Morotem) is given to finalise investigation of the murder case. In the mean time, clan and family members of the deceased remain under oath that they will not attempt to retaliate. Following Morotem, people congregate for the ultimate judgement. The family of the victim is asked whether it seeks capital punishment to be meted on the assassin. Its response is usually negative so that the community won’t break up in blood feud. There is always a tendency for institutional forgiveness. Once the offender is forgiven, a specified time is fixed for the transfer of compensation or blood money. Wealthy clan members contribute the blood money. When the time comes, about 40 heads of camel are transferred to the family and clan members of the deceased. It is vital that all livestock be healthy and in good physical shape. Disatisfactions over the condition of animals is believed to lead to further complication of the conflict as offering unhealthy animals may be considered a gesture of contempt. The clan leader of the deceased receives one camel (Loinalah).

The final procedure in the attainment of reconciliation involves slaughtering a sheep in the presence of the judges who, as stated earlier, are composed mainly of elders from the Damohita and Seka clans. The Damohita elders recite verses from the Quaran (Fatihah) to signify the conclusion of reconciliation, whereas the Seka elders give their blessings (Doa). This final sacrifice (Sola) usually takes place along trodden roads so that passers-by may draw lessons in forgiveness and thereby contribute to the persistence of the tradition. The animal is roasted on fire lit on a collection of black stones, which are not supposed to be removed from the area for years after the ritual. In one incident, the sola was deliberately arranged near a government elementary school which, according to informants, was chosen in order to enable school children to internalise the Afar tradition of forgiveness (Afu) in addition to their formal education.

Nearly all cases of inter-clan homicide end up in reconciliation. In some cases, relatives of victim may decline to offer forgiveness at the inception of procedures, refuse mediation and threaten to take revenge. Upon such intransigence, some members of the murderer's clan killer may go and assemble at the house of the leader of victim's clan (Loina, which literally means sheepherd) to exercise further begging (Dubarti). The clan leader would then normally seek to exert pressure to influence the person(s) threatening to take revenge. A person who resorts to retaliation in spite of all these cultural procedures is doomed to denial of clan membership and recognition. He would be an outcast. This ostracism is reflected in many social and economic activities.

In very rare instances, some murder cases may obstinately lead to reprisal killings and close agnates of the murderer may come under attack. The potential victims of retaliation may extend up to the 7 generations in the genealogical order. In principle, only a few members of the patrilineage should be affected but, in practice, the clan leader or any other person with high respect and prestige in the clan may also be targeted.

It is evident disputing parties never blow up their cases by exposing particulars to everybody. They are rather expected to have a reasonable degree of confidentiality. On the other hand, although private consultations among the judges are usually carried out before a final decision on the case is reached, the initial investigations are conducted openly in the presence of all persons wishing to attend. Even clan members not directly affected by the conflict can participate in the thorough discussions and share opinion.

Over the decades, the Afar have experienced
progressive incorporation into the Ethiopian state administrative system, including the establishment of peasant associations and modern courts. Nevertheless, their indigenous institutions for the resolution of intra-Afar conflict have demonstrated resilience. Several factors, both internal and external to Afar, seem to contribute to that resilience. The most important internal factor is that the indigenous institutions acquire their status of authority and power from Afar normative frameworks. The indigenous institutions do not seek mere restitution and lifting of injustice. They simultaneously strive to avert ruptures in social relations and to create conditions conducive to peace in future. Another internal factor is that the persons intervening to resolve disputes (clan leaders, elders and local mediators) are generally well known to, and respected by, the disputants. The disputants thus know both the procedures and the involved personnel beforehand. In other words, the system seems quite transparent and at the grassroots in particular offers a high degree of local participation. These features contribute to the consolidation of confidence and trust in its resolutions and, by implication, to its persistence. Last but not least, social sanctions by the wider society on individuals rejecting resort to the indigenous system, or disagreeing to its resolutions, also play a role in the apparent resilience and persistence of the system.

The external factors contributing to the persistence of Afar institutions of conflict may be analysed at two levels: the general attitude of the Woreda Court officials (implying a de facto state policy) towards intra-Afar conflicts and certain features of state institutions, particularly of the judiciary.

At the first level of the external factors, earlier it was explained that the state does not seem keen to intervene in intra-Afar disputes. Two factors seem to contribute to that effect. Firstly, intra-Afar disputes seem numerous, albeit often trivial to jurists, and may demand greater resources on the part of state courts to handle them. Afar customary law in this respect provides the state, represented in Woreda Court, with virtually a free mechanism to maintain law and order. Secondly, and perhaps more importantly, experience has demonstrated that decisions by state courts were not generally successful or effective in resolving conflicts or restoring peace in the manner achieved by the Afar indigenous system. In recognition of this fact, the state seems to adopt a de facto policy of encouraging Afar to settle disputes on their own. These two considerations seem sufficiently credible. For the first consideration, corroboration may be sought in the consistent tendency of Woreda Court officials to refer minor cases to local mediation. For the second, evidence is indicated in instances of serious inter-clan conflicts prompting intervention by regular forces but only to restore relative peace. The resolution of the escalated conflict is invariably left for clan leaders and elders.

The second level of the external factors pertains to characteristics of the procedures, the standards and the personnel of the Woreda Court. Unlike the case in the indigenous system, both the procedures and the standards of the court are not readily comprehensible to the Afar. The laws and regulations are promulgated by a higher central body that could not be sensitive to Afar customary law and values (not least due to the multinational composition of Ethiopia itself). The modern court is thus far from transparent to ordinary Afar, and this may entice lack of confidence in its resolutions. Additionally, court verdicts do not normally take into account the extra-judicial context where concern over stable and amicable social relations is often paramount. Lastly, as the court personnel itself is largely composed of outsiders, it is often the case that Afar decline to disclose to "strangers" sensitive matters pertaining to their families or property.

Through the interplay of internal and external factors, Afar indigenous institutions for the settlement of intra-Afar conflict seem to persist. However it is also important to underline the fact that this persistence is not in a context of competition with state courts. As adequately demonstrated, the indigenous system and the state institutions seem to work on complimentary and often symbiotic bases. The indigenous system provides subsidies to the state, by handling minor cases. It also avails an effective mechanism for the peaceful resolution of serious inter-clan conflicts. The state, on its turn, supports the indigenous system in addressing serious conflicts by creating conditions favourable to local mediation.

**Inter-community conflict resolution**

Inter-community conflicts has coloured the interaction between the Afar and Tigrayans through their long mutual history. When the Afar were nomadic, such conflicts were mostly related to competition over resources such as land, cattle and water points. Competition often induced series of raids and counter raids.

With the institution of effective government administration in Ethiopia, conflicts involving large groups of Tigrayans and Afar have become very few and far between. At present, most conflicts take the form of individual incidents of theft, murder and rape. The desire to take revenge is often propelled not only by such incidents occurring at particular times but also by the collective enmity resulting from past history.

In the past the Afar used movement as one of the strategies of dealing with conflict with highlanders. Now, movement is no longer an effective response to disputes. This is because, following the shift to sedentary life, the degree of the Afar-Tigrayan interaction has been increasing. The frequency of inter-community conflict, at individual level, is thus likely to increase as economic interdependence (particularly in share-cropping) deepens involving more Tigrayans and Afar.

Conflicts between the Afar and Tigrayans thus continue
to arise. But whether in the distant past when conflict involved large groups, or at present where conflict is confined to individuals, both Afar and Tigrayans seem keen not to prolong hostilities to the point of blowing up all sorts of inter-community relationships and peaceful co-existence. It is in this regard that the long standing Gereb has from time immemorial served to contain inter-ethnic conflict.

Gereb differs from the Afar institutions for the resolution of intra-clan conflict in that from time immemorial it is based on rules written in Tigrigna. These rules are drafted with the mutual consent of elders from both Afar and Wajirat groups and are under constant revision to accommodate new realities.

The Gereb consists of councils composed of representatives of both cultural groups. There are two such councils: one for Afar disputes with Tigrayans along the border with Didiba-Dergajen, the other for Afar-Wajirat conflict. It is generally claimed that the former council always managed to resolve conflicts speedily and easily. In contrast, the Afar-Wajirat Gereb said to face numerous difficulties in resolving disputes.

The mandate of Gereb is confined to serious cases. There are some minor inter-community conflicts in which the Gereb does not intervene. Minor cases often relate to disputes over the shares between Tigrayan farmers and their Afar partners who own the land. In such circumstances, elders related to the disputants may suffice to settle the dispute. Only when such a dispute leads to physical offence does the Gereb intervene.

Gereb council members (Abo Gereb) are elected by their respective groups on the basis of their proven abilities in sound decision making, impartiality and honesty. They hold regular monthly meetings to review conditions in their joint territories. Under emergencies they assemble twice a month. The gathering is held at varying places. When an offence is committed by a Tigrayan, the Tigrayans have to send their representatives (Abo Gereb) to Ab'ala for the meeting. If the crime is committed by an Afar, the meeting will be held in a Tigrayan locality.

The Gereb, like other local institutions of conflict resolution, functions according to well established guidelines, rules (Sirit) and procedures. In an offence involving murder, the procedures are typically as follows: the family and relatives of the victim appeal to the Gereb of their group. The entire Gereb council would then be called for an assembly in the locality of the victim. At the assembly the accused murderer is brought before the council wearing a thick black apron (Gula in Afar and Woch in Tigrigna). A sharp sickle with its blades pointed at the throat of the accused is tied round his neck. The piece of black cloth symbolises humiliation for what the person has done. Since this type of clothing is common among women only, a male individual appearing in it is considered feminine. It is one mechanism to punish individuals for their wrongdoing. In fact it is claimed that it is also a mechanism by which the criminal is allowed to appeal for forgiveness since by wearing female clothes he would be considered feminine (ostensibly weak and helpless). On the other hand the sickle round his neck symbolises that the criminal has now fallen into the hands of the law. It also denotes that he has submitted himself to justice and will accept any verdict including death. The criminal is requested to lie on the ground and the family of the victim is asked whether they wanted him dead right away. The family normally replies negatively, saving the victim’s life. A typical response by the family is to state that “we do have children who might in the future do the same by mistake. We don't wish a death sentence to our blood and flesh in case that happens.” All relatives of the victim at the assembly would then queue up and say, one after the other, “we forgive you for God's sake”. A previously selected Abo Gereb would then stand and address the family by saying “It is good for us to learn that you [the family of the deceased] are God's people. From now on, let the bygones be bygones. Let what is of the past be taken away by the winds in the highlands and the floods in the lowlands”. To avert reprisal killings before the conclusion of Gereb proceedings, all relatives of the victim are required by the council to remain under an oath not to attempt retaliation. The oath is taken by touching the Bible (for Christians) or the Koran or Kitab (for Moslems). Where either the Bible or the Kitab are inaccessible, the oath is performed by touching the ground or grass.

As the initial preliminary procedures are conducted, including oath-taking, a feast is arranged. Often two cows are slaughtered: one for the Christian highlanders and the other for the Muslim Afar. Sometimes up to five goats may be brought along with a cow. Local residents bring bread, injera, sewa (a local alcoholic drink for Tigrayans) and Hilwa (an alcohol free beverage for Afar). All these are consumed together to signify that peace has prevailed in the end. A compensation date is then fixed and payment effected accordingly. Unlike the situation within the Afar themselves, all compensations in an inter-community context are currently paid in cash. The following table gives some of the agreed upon guidelines or rules (Sirit) of the Gereb regarding compensation payment.

Restoration of peace conditions through Gereb or compensation is not a recent phenomenon. What is rather new, however, is the increased involvement of the state in recent decades in support of the institution. The effectiveness of compensation in the remoter past is described by Hailemichael (1966: 132):

When Dejazmach Tedla Aba Guben was ruling the province of Atsbi, a Danakil [Afar] village by the name of Gahai Mala was raided by a horde of salt miners. Many Danakil [Afar] were killed and much property was looted and destroyed. All the Shum Bahri [coastal chiefs] were summoned and were obliged to compensate for the raid... Each miner who claimed trophies of Danakils [Afar] paid 120 M.T.(Maria Theresa) dollars. Those who plundered but didn't kill any Danakil [Afar] had to pay half this sum. This sum didn't come only from the Enderta miners but
also from those of Wajirat, Bora and Selawa. It is important that each Abo Gereb behaves in an acceptable manner. Any council member who disturbs or interrupts the settlement process is liable to a fine of one Birr. If he repeats disturbance, he will be fined 5 Birr. Misbehaviour for the third time will result in dismissal from membership. A member of the Gereb who fails to keep a secret is liable to a fine amounting to 50 Birr. If he repeats the same mistake, the fine rises to 100 Birr. A further incident of this type will result in dismissal from Gereb council and a fine of 150 Birr.

Informants contend that the Gereb does not only punish individuals but also the entire residents of a settlement. Group punishments relate to offences supposedly perpetrated by the entire population, such as giving refuge to a fugitive thief or murderer. The population of the suspected locality may be requested to pay a fine of up to 500 Birr. Failure to pay the fine may result in social and economic sanctions of a higher level. One severe sanction is ban on coming to markets. A group of armed men are often deployed at the outskirts of market towns to enforce Gereb resolutions. In recent years, the resolutions have come to be enforced by government bodies as well.

The apparent effectiveness of Gereb stems from the fact that it is based on, and invokes principles and values shared by both Afar and Tigrayans: fair treatment of bond friends, prioritisation of offences (for example, compensation for victims not immediately involved in a conflict first) notions of justice and reason, etc. The resolutions by Gereb are thus generally accepted by disputants from both groups. In cases where non-compliance with resolutions occur, social sanctions, traditionally enforced by armed villagers and pastoralists, serve to ensure implementation.

The role of the state

At the inter-clan level, there seems to be very weak links between the modern woreda court and the indigenous council of conflict resolution. Generally, the council makes no appeal to the court. Rarely, individual disputants may, on their own accord, take their cases to the court. However, they are usually told by the court officials (almost to the point of forcing them) to go to their respective clan heads in order to allow intervention by the indigenous council. It has now become an established fact in Afar that this is the only solution as far as inter-clan disputes are concerned. Past experience shows that the modern court is not effective in handling such disputes; and resolutions made at this level have generally failed to bring long lasting peace to the community. In this connection Cossins (1972: 32ff) has reported that, in general, government involvement in inter-clan conflicts was confined to returning raided animals from other groups and bringing murderers to justice when the victims are non-Afar. Beyond such government involvement the Afar were quite free to settle their internal affairs without much government intervention.

Only in incidents inducing chaos and feud would the government administrative and military organs intervene to prevent further escalation of conflict and avoid destruction to property and human lives. Once relative peace is restored, however, the government police and military units hand over the case to the council and prepare the necessary ground for resolution of the conflict according to custom.

It is conspicuous in inter-clan conflicts that once the proceedings for conflict resolution by the indigenous system commence, possibilities for referring the case to the state court become minimal. In general, the state itself does not seem eager to be involved in intra-Afar disputes. The only instances of state intervention thus are confined to situations of escalated inter-clan disputes involving reprisal killing and counter-raiding of herds. Even in such intervention, the state seems to target restoration of relative peace in order to enable Afar clan leaders and elders to resolve the dispute through customary law. Thus only when an Afar disagrees to the decision of local elders in a family or intra-clan dispute and takes the case to the modern court that the state apparatus may find it imperative to intervene. Such cases of disagreement are rather uncommon, and even when appeals to the modern court are made court officials often tend to encourage recourse to the indigenous system.

A similar line of argument holds true for formal-informal relationship at the intercommunity level apart from the fact that state support is more vivid here. In recent years, enforcement of Gereb resolutions is also undertaken by the state. However the role of the state is multifaceted. At present, it may be observed at three stages:

1. At the pre-Gereb phase, particularly when inter-ethnic conflict escalates and leads to reprisal killings and general chaos. At this phase the state seeks to restore relative order to create an enabling environment for Gereb proceedings.
2. At the Gereb proceedings phase, during which the state provides logistical support to Abo Gereb to convene their assembly
3. After the Gereb arbitration, when resolution are made and have to be enforced. The state often assists in enforcing resolutions.

The active state intervention in the inter-community Gereb stands in marked contrast to its reluctance to become involved in intra-Afar conflicts. The Woreda court often refers cases of intra-Afar disputes for local arbitration. The state does not, however, provide either logistical support or regular forces to enforce resolutions passed by the indigenous system.

Gender roles in conflict resolution

In typical Afar households, men are heads of respective
families. Men are generally accepted as an authority figures and have the greatest share of rights over property and children. Household heads also decide on such matters as mobility and sale of livestock. Although household decision-making is often based on subsequent negotiations with women, men have the ultimate say.

Women generally occupy a lower social status in Afar society. During divorce, the woman is allowed to take only that which she brought from her family. When the head of the family dies, moreover, daughters do not inherit property on an equal basis with sons. Should the children of the deceased father be females only, the father's close agnatic kins (especially the father's-brother) will have a share in the inheritance.

Women's lower status is also reflected in the area of conflict resolution. With regard to conflict disputes arising at the local community level, women are not authorized to play a part in the negotiations (Mablo) and decision making process. The rationale given for such exclusion is that according to the Quran women were not created evenly with men. Nevertheless, on the cultural ground, it seems obvious that women are thought of as weaker than men, as they cannot retaliate for their dead. Mohammed Nurisa explained this to me by making reference to an old legend:

"Once upon a time there were forty hungry women who happened to meet in the desert as they exercised their traditional role of fetching resources for domestic use at home. As they were far from home they felt hungry to the point of starvation but could not get anything to eat. and was already a long way back home. A man who was claimed to have had several heads of cattle passed by and provided them with a single cow for free for immediate consumption. The legend has it that the forty women were unable to put their energy together to slaughter the cow and get through the meat.

Even when people are summoned to the assemblies to give eye witness records, the account gained from male and female clients are never given the same credence. In fact, two women are equated with a single man as witnesses in settling conflict. In a similar fashion, the blood wealth for a deceased woman is said to be half that of a man while male children are equally treated with adults as far as compensation is concerned.

It is commonly believed among the Afar that women persuade men to take revenge. For instance, a man whose brother died in a fight may decide not to retaliate. Later, however, he may feel morally indebted to take forceful action following pressures from his sisters-in-law. Widows who lost their husbands in violent conflicts often voices bitter grievances that entice male kins to go to confrontations mainly for cultural reasons as an adult male is expected to demonstrate his manliness and maintain his social value thereof.

Exactly the same line of arguments hold true with regard to inter-community conflict resolution involving neighbouring cultural groups. Just as in the case of the Afar Mablo assemblies, inter-community conflict resolution is a male affair; and of course not all men are entitled do it. Women particularly do not participate in the actual settlement process except in the preparations and supply of food and drinks to be jointly consumed at the end of the conflict resolution ritual. Sharing signifies the end of conflict and guarantees a better future: An important step without which settlements cannot be binding.

The foregoing arguments should not however imply that women are not in any way useful in conflict Management. It is claimed that women sometimes influence the decision making process behind the curtain. This is often revealed in domestic conversations at home where women shape the outcomes of conflict resolution by arguing pro or against specific personalities or groups. Women also influence younger generations at the household level through informal peace education with emphasis on cultivation of the culture of tolerance and effective handling of conflict. As women are the primary victims of violent conflict, it is in their best interest to teach successive generations how to prevent and resolve conflict in order to avoid possible displacement, loss of income and social crisis.

**Strengths and weaknesses of indigenous institutions**

As has been amply demonstrated thus far, violent conflicts are better addressed by informal institutions. This is because notions of what is right and wrong i.e. the norms and customs are better known to the ordinary people. Elders are bestowed with life-tested experience and wisdom to handle cases in a more friendly way whereas the court operates on the bases of uncontested rules that are not even well-known to the grassroots. Such legal institutions are costly and largely inaccessible and are hence far from being the best option for conflict resolution. The wereda state courts, for example do not have tentacles at the PA level and resort to informal institutions is never a matter of wilful choice.

According to existing literature, one of the most important difference between western and African mechanisms of conflict resolution is the way in which the social relationships between the parties involved in the respective processes are treated. Nader and Todd, referring to the analysis adopted by Gluckman, state that these relationships are either simplex or multiplex. The type of relationship affects the procedures involved in the settlement of conflicts and hence determines the result (Nader and Todd, 1978). Accordingly, complex interactions go along with methods of negotiation or mediation yielding in compromises, while simplex relationships are linked to adjudication or arbitration culminating in win or lose decisions (Nader and Todd, 1978).

State litigations base themselves on a fixed code of law and are hence unlikely to consider long standing social
and economic relations among community members. Besides, government legal set ups often culminate in a zero sum outcome because the main purpose is to serve justice through imposed agreements. They never target reconciliation and peaceful coexistence. Local dispute settlement involving negotiation, on the contrary lead to a win-win situations as it takes into account the interest of every party. The disputants acknowledge that they have something to gain and something to lose in the end. Especially in inter-clan conflict cases, government legal institutions are regarded auxiliaries to the local mediation involving elders. Malan (1997) also notes that, in African societies potential and actual conflicts are understood in their social context so much so that the norms, values and beliefs, fears and suspicions, interests and needs, attitudes and actions, relationships and networks are properly taken into account.

It must, however, be noted that the indigenous institutions, though very effective, work within a set of limitations. Some of their limitations include:

1. Gender insensitivity: Women are totally excluded from community decision making because of their lower social status.
2. Representational problem. There is neglect of the main actors in conflict. The indigenous institution is run by a council of elders. The younger generation, which apparently is the core group in initiating and escalating conflict, is not properly represented in the assembly.
3. Failure to take pre-emptive measures on conflicts before they turn into violent conflict. There is a tendency to act on consequences of disputes rather than on the inherent causes.
4. It seems that the Afar informal institutions are better adapted to highly localized conflicts. Such institutions seem to have been largely constrained when conflicts involved large group of people organized along seemingly ethnic lines. From an international perspective also, the Somalia experience gives the lesson that traditional conflict resolution institutions are better adapted to local and regional context and have had weaker records of effectiveness at the national level. In Somalia, neither informal nor formal institutions brought solutions to Somalia’s inter-clan violence following the fall of the Mogadishu government in 1991 (Menkhaus, 2000).
5. From an outside’s perspective it is often a challenge to determine the place of effectiveness and efficiency within the context of conflict resolution. While maintaining a good degree of effectiveness, it is still questionable if the Afar informal institutions of conflict resolution are efficient enough in terms of the duration of conflict processing and reaching a settlement.

**Conclusion**

With in the context of the Afar conflict and conflict resolution are not easily dissociable from the socio-cultural contexts within which they occur. The social fabric of the Afar is such that members of a clan involve in profound economic, political and social interdependence. The extended family system, also typical of the African kinship system, and the intricate clan support structure shape the manner in which Conflict and conflict resolution are channeled. In small scale societies like the Afar conflicts are, therefore, far from being an affair of discrete individuals. So also is the resolution. Hence, Indigenous conflict resolution efforts take place in a way that address the intricate web of economic, social and political support networks and avoid total societal disintegration in the aftermath of hard and fast verdicts.

Besides, informal and formal institutions of conflict resolution are not necessarily incompatible. The Afar case clearly demonstrates how modern and indigenous mechanism can operate complimentarily and coexist peacefully. In Africa, where economic social and political interdependence among kinship groups is a norm, one cannot ignore local conflict processing institutions in complete reliance on modern litigation. The focus of all conflict resolution efforts must be reconciliation in a way that guarantees sustainable peaceful community relations in the post conflict period. More enduring outcomes can be achieved through an effective integration of the formal and informal institutions and an adequate recognition of the latter. The areas of state assistance and cooperation (including possible capacity building endeavors) can further be meticulously sorted out following an assessment of local people’s priorities through dialogue and mutual understanding between the formal and informal sectors.

In a fast changing world, the challenge ahead is whether customary practices will continue to effectively address conflicts in the (post) modern era. This will have to depend on a multitude of factors including the ability of traditional structures to contest old norms and values systems that constitute the statuesque; and the extent of openness in local tradition to engage in reforms to accommodate new realities. Urbanization and gaps in the transfer of indigenous knowledge into successive generations will result in the dilution of the importance of traditional approaches. The declining importance of gerontocracy and the diffusions of modern values of democracy and human rights in the era of social media will undoubtedly affect the way customary institutions of conflict resolution operate in the years ahead.

**REFERENCES**


