Abstract

The research assessed the natures and procedure of Keerta Indigenous Conflict Resolution mechanism of Kestanee Gurage Community, southern Ethiopia. Cross-sectional qualitative research method was used and interviews, focus group discussions and personal observation were employed to gather the required data. The results of the study reveal that, the community believed that, Kertta means peace for all which came from the earlier people when they made crime like murder, burglary, and other sin, it is a means to forgiving the God. And this customary law is the best and remain the most effective mechanisms of handling interpersonal and communal conflict in the area. It plays a vital role in the maintenance of peace and harmony in the area. The traditional process of dispute settlement allows parties to participate and cooperate in the resolution process as well as deciding appropriate compensation and this often creates mutual responsibility and building a mutual respect. In addition to these, Kertaa traditional mechanisms of dispute settlement are inexpensive and flexible. The responsible bodies or the local government should preserve indigenous conflict resolution mechanisms in the study area and the government should give enough attention and support this traditional conflict resolution mechanism. The concerned bodies should preserve the necessary information in related to indigenous conflict resolution mechanisms for other researchers who want to study indigenous conflict resolution mechanisms as their research topic.

Key words: Kertta, Kestanee Gurage Community, Southern Ethiopia, Indigenous institution

1. Introduction

Conflict is an inevitable phenomenon in human society’s sphere of life since the entire life of humankind is manipulated by the prevalence of conflict within the society when people set opinion against opinion, run interest against interests (Kelemework, T.R. 2011).

In a society where the majority of the populace is poor with widespread illiteracy culminating in lack of access to justice and the high cost and scarcity of lawyers, traditional conflict resolution stands out as the best method of conflict resolution. Hence in Ethiopia, many rural and village communities do not refer complaints to the police or prosecuting authorities instead deal with various indigenous conflict resolution processes for many centuries (Gowok, 2008).

Indigenous conflict resolution mechanisms are deeply rooted in different ethnic groups of Ethiopia. They are associated with the cultural norms and values of the peoples and gain their legitimacy from the community values instead of the state. Besides, due to the multi-ethnic composition of the country, indigenous conflict resolution mechanisms of Ethiopia are different from ethnic group to ethnic group. As a result, they do not have uniform application all over the country (Endalew, 2013).

Southern Ethiopia is the home of many multilingual and multicultural societies which referred among some scholars as “museum of culture”. Gurage one of the nationality group lives in the southern parts of the country, who originated from three different places, namely, Eritra, south Arebia, and around Harerge (Dejene, G.C. 2002).

Keerta is a traditional disputing institution that attempt to solve the conflict between the two party or the killer and the dead family among Kestanee community in Gurage Zone. As in any traditional societies of Ethiopia, elders in Kestanee community are respectful for their tremendous functions and balanced, fair and critical decisions in the society. They are of such a prestigious status.
that their deeds and decisions are not easily and simply refutable and play an important role in the society to properly administer and harmonize the people.

2. Statement of the Problem

African countries today face greater challenges to peace and stability than ever. The country of sub-Saharan African including ivory coast, Liberia and the democratic republic of Congo are volatile mix insecurity, instability, corrupt political institutions and poverty, alarming, most of those country lack the political will to maintain previous peace agreements and thus have fallen prey to continuous armed ethnic conflict (mortem, 2003). It is widely known that a large number of community and community leaders clash with each other as conflict is an inevitable phenomena of life (Brock-Utne, B. (2001).

In Ethiopia, regardless of their wider popular acceptance throughout the country, indigenous conflict resolution mechanisms have been marginalized since the 1950s and 1960s when the imperial regime was engaged in the extensive codification and overhaul of the existing laws with the aim of unifying and modernizing the laws. In the enactments codified at that time, indigenous conflict resolution mechanisms related to family relations and interpretations of contracts were incorporated as long as these practices did not contradict the Codes (Bahta, 2014).

Indigenous conflict resolution mechanisms are not recognized by law and not properly organized. Furthermore, in Ethiopia, there is lack of proper attention given to protect, develop, and utilize indigenous conflict resolution mechanisms in the development process. Moreover, even after passing through the procedures and penalties in the criminal court, some indigenous Ethiopians tend to use the indigenous conflict resolution mechanism for reconciliation and in order to control acts of revenge (Endalew, 2014).

Southern Ethiopia is a place where various ethnic groups live together for long period of time. As conflict is inevitable, these ethnic groups have experienced conflicts of various types at different times. Each ethnic group has its own traditional mechanisms for solving conflicts. But, still, no study was conducted that looked the natures of Keerta indigenous conflict resolution mechanisms of kestanee Gurage community. Thus, this study will fill the gap by examining this issue and is confined to bridge the aforementioned gaps by investigating The Natures and procedure of Keerta Indigenous Conflict Resolution mechanism among Kestanee Gurage Community, Southern Province, Ethiopia.

3. Objective of the study

The general objective of this research is to assess the natures and procedure of Keerta Indigenous Conflict Resolution Mechanism among Kestanee Gurage Community, Southern Province, Ethiopia.

Specific Objectives of this study are:
A. To investigate the features and selection criteria of members for Kertaa indigenous institutions in kestsnee Gurage community.
B. To explore the procedures of keertaa indigenous conflict resolution mechanisms of kestanee Gurage community.
C. To identify the role of keerta indigenous institutions for maintaining social solidarity among kestanee Gurage community.
D. To investigate the challenges that facing keerta indigenous institutions among kestane Gurage community.
E. To examine the view of the society towards keerta indigenous institution resolution among kestanee Gurage community.

4. Literature Review
The Concept of Conflict

The term conflict refers to a situation of hostility between individual, groups or states resulting from competition over resources, power or opposing interests in other areas (Francies, 2006).

Conflict could also be a result of human greedy. For the reason that scarcity of any resource is always a fact of life, there would always be a persistent competition to have a greedy control over these resources. Indeed, this fierce competition would lead to a sort of collusion, and at times even to an intense conflict. Thus, a competition for resources, among others, is a major cause for conflicts that may arise between/among individuals and nations at large (Ron fisher 2002).

Global perspectives on indigenous conflict resolution

Indigenous approaches to conflict resolution vary considerably from society to society, from region to region, from community to community. There are as many different indigenous approaches to conflict resolution as there are different societies and communities with a specific history, culture and custom (Sinha, 2011).

To date, indigenous approaches to conflict resolution have not been adequately addressed by scholarly research and political practice. For the most part, they are widely ignored although empirical evidence from relatively successful cases of conflict resolution demonstrates their practical relevance (Boege, 2006).

Throughout history, societies across the world have used different forms of indigenous conflict resolution mechanisms specific to their cultural contexts. For instance, at least more than 80% of all disputes in Afghanistan are resolved through indigenous dispute resolution mechanisms, principally by community councils called shuras or jirgas (Wardak, 2011).

African perspective on indigenous conflict resolution

Socio-cultural norms and values embedded in indigenous institutions have remained an integral part of every organized society in Africa. Apart from being the powerful human tool for survival, as described by Thomas Hobbes, they bring order which in turn makes the society devoid of any state of lawlessness (Olusola & Aisha, 2013).

In Africa, family ties and community networking are constantly respected, maintained and strengthened. When there is a dispute between different parties, priority is given to restoring the relationships. The immediate objective of such conflict resolution is to mend the broken or damaged relationship, and rectify wrongs, and restore justice (Osei-Hwedie and Rankopo, 2012)

Another aim is to ensure the full integration of parties into their societies again, and to adopt the mood of cooperation Brock-Utne, 2001, in their study has confirmed the importance of cultural processes, institutions, and values in conflict resolution and peace building among the Akans of Ghana and the Tswana of Botswana.

It is evident that most individuals, families and communities still prefer indigenous conflict resolution processes in most African countries based on cultural concepts, values, and procedures that are understood and accepted.

Traditional Conflict Resolution Institutions in Ethiopia

Ethiopia is believed to be the “museum of peoples” with more than 80 ethnic groups constituting and forming one nation state. It is a country of diversity harboring varieties of languages, different religions and faiths as well as quite many nations and nationalities with their own philosophical perspectives and unique cultural practices. History also tells us that Ethiopia is as ancient as 3000 years back. It is, therefore, definitely true that it had experienced strong and cohesive systems of administration with its world top leading civilization, namely Axumite civilization. Indeed, every Ethiopian ethnic groups as their African counterparts have traditionally age-old and time-tested administrative and conflict resolution institutions at the grass root levels (Yonas, T. 2012).

There are also many other traditional conflict resolution institutions in each and every nations, nationalities and ethnic groups of Ethiopia. These, among others, may include, to list at least some, as Gereb in Wajerat Tigray and Mablo in Ab ula of Afar, Abagar in Southern Wollo, Michu in
5. Methodology

Research Design

This study has employed a descriptive qualitative research approach and sought to produce a comprehensive understanding of the natures and procedure of keerta indigenous conflict resolution mechanism among Kestane Gurage Community, Southern Province, Ethiopia.

Data Collection Instruments and study participants

Interview:

In-depth interview was conducted with six member of kertaa traditional institution focusing on the features and procedures of keerta indigenous conflict resolution activities. Semi-structured interview also conducted with four clan leaders in the study area about the role and challenges of keerta indigenous institutions for maintaining social solidarity among kestane Gurage community.

Focus Group Discussion (FGD)

Again Two Focus group discussions was set in two most representative woreda each has hold ten members. And each group was again comprised of four clan leaders, four member of kertaa traditional institution, one religious leader and one concerned local government administrator. This tool pointed on the role, challenge and the view of the society towards keerta traditional institution in kestanee Gurage community.

Personal observation:

Direct personal observation undertaken while Kertaa traditional conflict resolution activity was takes place. And a comprehensive review of previous scholarly works on indigenous conflict resolution mechanisms in different countries of Africa and southern parts of Ethiopia had been conducted.

Data Analysis

In this research, I analyzed and interpreted the raw data collected through interview, focus group discussion, personal observation and literature review to achieve the stated objectives. In this analysis, we used descriptive and qualitative approach in interpreting the data. Among the qualitative methods of data analysis, interpreted the collected data through thematic analysis.

6. Result

The result have been discussed and presented in organized manner based on the aforementioned specific objectives. Accordingly, the finding interpreted about, the features, roles, procedures, challenges and the view of society towards the Kertaa indigenous institutions among kestenee Gurage community in southern parts of the country.

Features of Kertaa indigenous institution

The interview respondents from the kestane clan leaders interpreted as, currently there are two different forms of administration of justice operating among the Kestane Gurage : the indigenous mechanisms and the government court, Kertta is one of the customary law that attempt to solve the conflict between the two parties or the killer and the dead family.

Respondents from clan leaders in the community also interpreted that, as in any traditional societies of Ethiopia, elders in Kestane Gurage are respectful for their tremendous functions and balanced, fair and critical decisions in the society. Elders in the community play an important role in the society to properly administer and harmonize the people. Every matters of the society are managed by these elders. These could synonymously be referred to as council of elders. Members of this council of elders are elected in a seemingly free, but partial, democracy by their respective clans, that descendent from one family in different providence.
This selection is undertaken based on their age for them, the appropriate member is the elder people, who are more acceptable persons, famous knowledgeable about the nature and history of the community. Women are not allowed to participate in the process of election both to elect and to be elected. Indeed, they are given delegations and such a full-fledged power to settle every kind of problems that might arise in the community

**Procedures of Kertta indigenous conflict resolution activities**

The interview respondents from member of the kertaa institution and clan leaders elaborated about the process of Kertta indigenous conflict resolution activities. Accordingly, in the case of homicide, elderly persons from the aggrieved party take the case to the elders in the village, the clan leaders and those participating in the institution of ‘kestanee’ fully presenting what has happened and begging them that the investigation procedure should forth with be started.

The people convened meet again, and the some kinds of procedures that is, blessings, the curses, the prayers and so, i.e. are followed as in the first date, except that there is no need that the aggrieved part, presents its case again, then, an elderly person from among the panel presents oratories saying “he, (the quality) might hide his crimes from the living, but not from the dead” very obviously, these kinds of oratories do have very significant roles in investigating the homicide, because the people fear the “Ayaana” (spirit) of the dead elderly persons more than the living ones. That elderly person emotionally continues his oratory saying that the elderly persons would not be responsible for any outcomes of the curses from the elderly men. He further details the consequences of his evil acts among the Kestane Gurage community in doing the crime. By doing so, the elderly person is in a way making initiations so that the perpetrator of the crime exposes him. And finally the ceremony start with eating and drinking the preparation and the dead family will be compensated and the criminal forgiving them.

**The role of keerta indigenous institutions for maintain social solidarity in kestane Gurage community**

According to the FGD discussants, they elaborated that, the cultural conflict resolution mechanisms of the kestane gurage community have many functions. And the disputes were the best and still remain the most effective mechanisms of handling interpersonal and communal conflict in the area. They reflected that Keretta play a vital role in the maintenance of peace and harmony in the area. Some interviewees indicate that the traditional process of dispute settlement allows parties to participate and cooperate in the resolution process as well as deciding appropriate compensation and this often creates mutual responsibility and building a mutual respect. Traditional mechanisms of dispute settlement are inexpensive and flexible.

The interview respondent also depicts that, kertaa is very important when a community have saddened epidemic, famine, drought, civil war a community used a kertta as a ritual ceremony to communicate with God to solve communal problems and provides a fundamental and central role to maintain social order and social integration.

**Challenges of keerta indigenous institution among Kestane Gurage community.**

The interview respondents from clan leaders and local government administrators depicted that, the customary laws are criticized in the some of their rules are incompatible with economic, social and civil rights. Because of this, the recognition of customary laws in the formal legal system is challenged on the view that most of the rules on customary laws lay punishments that are in humane and that many other aspects of customary laws do not go with the modern aspects of legal systems.

The FGD respondents also reflected that, the power structure in kertaa customary law systems works in such a way as to give power to the whole members of the community only there by discriminating women, and giving them no right to inherit land. And this customary system of laws is that the rulings customary law institutions can be inconsistent, unpredictable and discriminatory related to this critic is that there is in sufficient monitoring and supervision of the operations of customary laws, as decisions are often not recorded, and appeals from decisions may be difficult.
Views of society towards kertta indigenous institution among Kestane Gurage Community

The FGD discussants reflected about the view of society towards kertta indigenous institution. Accordingly, they reflected that it is too important to for the community particularly for the poor and disadvantaged individuals. These mechanisms operate has a critical impact on livelihoods, security and social order. And promote stability; where it is discriminatory and nepotistic, the results can be inequality, disenfranchisement and heightened potential for conflict.

The interview respondents also reflected that the communities believe that kertta is important for everybody in the community to live in harmony with the other. It helps them to share everything, cooperate together and agreed up on the common points. This customary law provide communities with a sense of ownership contrast to formal legal systems that are perceived as alien to a considerable number of people in developing countries in general and Ethiopia in particular. In addition, the law itself is more immediate and meaningful to all people concerned; as it is developed and imposed by the community itself that is by their own community major role in that process, yet having the appropriate limitations that should be imposed on the recognition of customary laws.

7. Conclusions and Recommendations

Conclusions

While some aspects of traditional law do involve some practices that do not go with the modern statutory and constitutional norms of a state to avoid discussion of customary law because of these issues is to ignore the vast bulk of traditional values and laws of the people. Therefore Kertta is one of the customary law, one should cast not doubt on the significances of this traditional conflict resolution mechanism for Kestanee Gurage community in which they prevail, because of which we will try to consider some of the basic relevance’s of this customary laws. This customary laws is flexible; it can develop as the communities go forward and provide communities with a sense of ownership in contrast to formal legal systems. This owing to the fact that it is developed and maintained by local peoples as a result of which are suits local circumstances. In fact, the extent of the role of customary laws in maintaining order varies from community to community depending on many factors. In addition it plays an important cultural role in the lives of many people and beliefs. The law itself is more immediate and meaningful to all people concerned; as it is developed and imposed by the community itself.

Recommendations

The responsible bodies or the local government should preserve indigenous conflict resolution mechanisms in the study area.

The government should give enough attention and support this traditional conflict resolution mechanism.

The concerned bodies should preserve the necessary information in related to indigenous conflict resolution mechanisms for other researchers who want to study indigenous conflict resolution mechanisms as their research topic.

Reference


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