A COMPARATIVE ANALYSIS OF INDIGENOUS AND MODERN CONFLICT RESOLUTION MECHANISMS IN SAYYOO OROMO: THE CASE OF SEYO WOREDA IN KELLEM WOLLEGA ZONE, OROMIA REGIONAL STATE, ETHIOPIA

COLLEGE OF LAW AND GOVERNANCE

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

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OCTOBER, 2017

JIMMA, ETHIOPIA

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A THESIS SUBMITTED TO THE DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS IN CIVICS AND ETHICS (MA)

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DECLARATION

I, the undersigned, declare that this thesis is my original work, has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

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SCHOOL OF GRADUATE STUDIES

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ACKNOWLEDGEMENTS

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GLOSSARY

Afaan Oromo	English
Abbaa Bokkuu	father of the scepter/all Abbaa Gada's
Abbaa Dheedaa	leader of dheeda
Abbaa Gadaa	leader of Gada system
Abbaa Ollaa	leader of one village
Abbaa Reeraa	leader of one Woreda
Abbaa Warraa	leader of 5-20 households
Afoosha	self-help voluntary association
Araara	reconciliation
Araara jaarsummaa	the process of conflict resolution by elders
Arrabsoo	insult
Araqee	homemade liquor
Baddaa	highland
Badda daree	middle highland
Bakka tumaa seera ja'an Sayyoo	the place of six Sayyoo assemblies
Birmaduu	free
Caacinii	collecting people at one place to find truth
Daangaa lafaa	boundary of land
Dheeda	combination of different Kebele in the past
Diiggaa maatii	divorce
Diina	enemy
Durii	former/aboriginal
Eebicha	a type of tree
Fira	relative
Gadaa	democratic political organization of Oromo
Ganda	locality
Gammoojjii	lowland
Gumaa	blood price/feud/ritual of purification after homicide
Haluu gumaa	the ceremony around water sources
Hamii	backbite
Haqa kennuu	giving the truth
Hirmii	taboo
Ilaaf-ilaamee	negotiation

Ilmaan Jaawwii	Sons of Jawi
Irreecha	Celebration center used to pray God every year
Ja'an Sayyoo	Six son of Sayyoo
Jaarsa	elder
Jaarsa Biyyaa	Community elders
Jaarsummaa	the process of reconciliation through elders
Jaarsolii	elders
Jaarsolii araaraa	elders of reconciliations
Jila Gadaa	Gada rituals
Koree Hawaasummaa Seera Murtii Gandaa	Village Social Affairs or Kebele Court
Mirga dhaalaa	inheritance right
Miidhaa qaamaa	physical damage
Mootii	king/emperor
Ollaa	greater than five families
Qaalluu	Spiritual leader of Oromo
Reera	considered as Woreda today
Sadan Akkayyuu	three Akayu
Safuu	a moral category showing respect and distance
Seera Makkoo	laws of Makkoo
Siiqqee	ritual stick used by Women
Waaqa	the creator
Waaqeffannaa	Worshipping
Warra	The smallest unit of Sayyo Oromo
Woreda	district

ABSTRACT

The purpose of this research is to compare the indigenous and modern conflict resolution mechanisms in Sayyo district. To this end, the study employed descriptive survey design, which involves qualitative research approach. Important data for the study were collected from both primary and secondary sources. Tools such as key informant interview, focus group discussions, document analysis and non-participant observations were utilized for collecting primary data depending on the objectives of the study. Accordingly, Sayyoo district was selected through availability sampling. Then, elders, religious leaders, judges', expertise, Abba Gadaa were selected purposefully for the interview, and for focus group discussion. Then the data obtained from both primary and secondary sources were organized thematically and analyzed qualitatively. The results of the study reveal that the people did not immediately appeal to Jaarsa Araraa for their case but they would rather go to the police or court immediately after they get in to conflict. In addition, it is found that the structure of indigenous conflict resolution mechanism is missing its originality due to the weakening of Gada system in the area, interference of government through one to five arrangements in each kebeles; declining trust on elders of reconciliations, lack of effective enforcement strategy of jaarsummaa and society's perception to consider using modern conflict resolution as a sign of modernity. Moreover, this study also investigated some of the challenges of modern conflict resolution in the study area like wrong witnesses, excessive government intervention, delaying the case, lack of accessibility and vulnerability to corruption. With regard to comparison both mechanisms were analyzed based on moral value, bringing lasting peace, cost effectiveness, accessibility and evidence consideration. The study also reveals that indigenous conflict resolution mechanisms are more effective than the modern one in bringing lasting peace and are more accessible, flexible, participatory, quick, cheap and relevant. Generally; the indigenous conflict resolution mechanism was not given sufficient attention at the study area. Based on the findings, the researcher concludes that the concerned bodies specifically the youth, elders, practitioners and the government should give strong emphasis so as to preserve indigenous conflict resolution mechanisms and transfer from generation to generation as of the modern one.

Key words: indigenous conflict resolution, modern conflict resolution, Sayyoo Oromo.

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

In the culture of every human society, various traditional mechanisms of conflict resolution have been utilized before and after the introduction of modern legal systems (Macfarlane, 2007).One among these mechanisms is community elders' mediation. Traditional community elders' mediation is an informal method of conflict resolution whereby elders of a given community voluntarily or upon the request of disputants mediate parties in dispute (ibid).

No society in this world prefers conflict. However, as long as people live together, work together, and interact with each other, disputes remain inevitable between sub-groups or individuals in a group, or between different groups. When these disputes are fuelled by emotion and become unsolvable, they develop into intra and inter group conflicts. Therefore, conflicts are natural to human beings, but the process of handling them may either escalate or reduce and ultimately solve them. Conflict resolution can be processed through either the courts (western judiciary model) or the indigenous system through the customary process. In contemporary society, indigenous people live in two overlapping worlds, the Western and Traditional, and neither is fully capable of dealing with disputes involving indigenous people (NADRAC, 2006. p.3).

According to the economic commission for Africa (2007), indigenous conflict resolution mechanism is helpful for controlling and resolving conflicts in Africa in general and in Ethiopia in particular.

Conflicts within a society and individuals over different issues are part of human history (Burtone, 1996p.12). It is often argued that conflicts are inevitable normal, positive and even sometimes necessary and useful for social changes (Jacob et al., 2009, p.1, Augesburg, 1996 in Stewart 1998). Fisher (2000) points out that in our day-to-day interaction with others, we either observed or pass through conflicts, which range from the very interpersonal quarrel, family and neighbors dispute, ethnic and inter- state conflicts to the global war.

The biggest challenge today confronting human nature is not about occurrence of conflicts but how to these conflicts are fully resolved whenever they occur to prevent them from

further escalation (Bokari, 2013). Alula and Getachew (2008) also argued that resolution of conflict is crucial for day-to-day coexistence as human and societies are in constant search of resolution mechanisms of conflicts.

Currently indigenous conflict resolution mechanisms have been weakened over time and some of them are on the way of disappearing. Thus, this study is aimed to make comparative analysis of indigenous and modern conflict resolution mechanisms in Kellem Wallaga specifically in Sayo Woreda.

1.2 Statement of the problem

It is very common in all societies to deal with conflict in their daily life activities, at home, work and school, in personal and business relations. In today's complex society, it is common to see when communications break down, differences increase and conflicts arise. What is important is how to settle our differences. Conflict is a natural phenomenon and common to every society, each society developed its own conflict resolution mechanisms based on their traditional customs and values.

Conflict resolution provides an opportunity to interact with the parties concerned, with the hope of at least reducing the scope, intensity and effects of conflicts. According to Dejene (2002), societies in different parts of the world apply indigenous laws in their administration of justice to solve socio-economic and political problems. In the process of solving social and economic problems through indigenous method, conflicting parties are all willing to accept and abide by their traditional cultures; ignoring these traditions would amount to exclusion from the societal norms and neglecting by the society.

Different scholars have dealt with indigenous mechanisms of conflict resolutions in different parts of Oromia (like Tadessa, 1998; Dejene, 2007; Tamena, 2008, Asafa, 2012), which have touched upon *Gumaa* and *wada* practices in other parts of Oromia. However, the circumstances under which indigenous and modern conflict resolution mechanisms are utilized still vary from place to place within Oromia. There is no due attention as much given to comparative analysis of indigenous and modern conflict resolution mechanisms in Kellem Wallaga Zone specifically among Sayyoo Oromo.

Though the above researchers attempted to look in to indigenous conflict resolution mechanism, none of them attempted to make deeper investigation on comparative analysis of indigenous and modern conflict resolution. So the current researcher is initiated to conduct the research on the comparative analysis of indigenous and modern conflict resolution mechanisms. This is because in Oromo culture in general and Sayyoo Oromo in particular, when conflict arises between individuals and groups ,people can find solution to bring peace since peace has a special place and value among Oromo people according to Oromo Studies Association(OSA,2008). This is done by using indigenous conflict resolution mechanisms like *ilaaf-ilaamee, jaarsummaa,gumaa* and *Siiqqee* .etc before modern(state owned) conflict resolution is introduced to the area. So the intention of the researcher is to identify which mechanism of conflict resolution is most widely used in the area and which one is more advantageous for Sayyoo Oromo as well as analyzing the interaction between indigenous and modern conflict resolution of the study area. In addition, the researcher wanted to investigate to what extent both mechanisms are interacted; and how interaction how the interaction is complimentary or antagonistic. Because conflict resolution mechanism is the major body of law in Ethiopia for centuries and the use of indigenous conflict resolution mechanisms is deeply rooted in the custom, culture and tradition of various ethnic groups, which could play a big role in resolving violent conflict when it is compared with the modern one.

By and large, the researcher wanted to compare the indigenous and modern conflict resolution mechanisms by using different themes. Since the indigenous conflict resolution is throughout the country at local level, it is the dominant justice system in the country. And it is made by the people not by the state and drives its legitimacy from participation and consensus of the community and its recognition of the same by the government. Indigenous conflict resolution mechanism emanates from the custom of the people as practiced over long period, accepted by the community as governing principle, and hence binds the society, a breach of which entails social reaction and even punishment. Therefore, the above reasons forced the researcher to be interested in comparing the two conflict resolution mechanisms.

That is, there is no specific study on the comparative analysis of indigenous and modern mechanisms of conflict resolutions in Sayyoo Oromo in the past. Therefore, based on this gap this research has an emphasis on the comparative analysis of indigenous and modern conflict resolution mechanisms in the context of Sayyoo Oromo. The researcher believes that

comparing different conflict resolution mechanisms enables us to come up with contextual and effective resolutions which foster reintegration process in any societal life.

1.3. Objectives of the study

1.3.1. General Objective

The general objective of the study is to compare the indigenous and modern conflict resolution mechanisms in Sayyoo oromo: the case of Sayo Woreda.

1.3.2. Specific Objectives

The specific objectives of this study are

- To investigate the causes of conflicts in Sayyoo Oromo;
- To identify the types and nature of indigenous and modern conflict resolution mechanisms utilized in the study area ;
- To analyze the advantages and disadvantages of indigenous and modern conflict resolution mechanisms in the study area;
- To assess the compatible interactions and relationships between the indigenous and modern conflict resolution mechanisms in resolving conflicts in the study area; and
- To identify the challenges of indigenous and modern conflict resolution mechanisms in the study area;
- To compare and contrast indigenous and modern conflict resolution mechanisms in the study area.

1.4 Research Questions

Some of the questions that the research attempts to answer are:

1. What are the causes of conflicts in Sayyoo Oromo?

2. What are the types and nature of indigenous and modern conflict resolution mechanisms utilized in the study area?

3. What are the advantages and disadvantages of indigenous and modern conflict resolution mechanisms in the study area?

4. What is the relationship between indigenous and modern conflict resolution mechanisms in the study area and

5. What are the challenges of indigenous and modern conflict resolution mechanisms in the study area?

6. What are the similarities and differences between indigenous and modern conflict resolution in the study area?

1.5. Significance of the Study

Every study is expected to come up with certain contribution in line with the study objectives. Accordingly, by this study the researcher acquired knowledge regarding how to resolve conflicts in the area by using indigenous and modern conflict resolution mechanism as well as challenges facing both of them.

The findings of the study are intended to provide a brief, reliable and introduce better perspectives about the role of intermingled indigenous and modern conflict resolution mechanisms for social and economic development in the study area.

It is also supposed to serve as a significant and reliable ground for researchers, government bodies, non-governmental organizations, etc. It may also inspire further research activities on the topic and related areas of interest.

1.6 Delimitation of the study

This study specifically focuses on comparative analysis of the indigenous and modern conflict resolutions, the causes of conflict, the advantage and disadvantage of indigenous and modern conflict resolution, interaction between both mechanisms, challenges of indigenous and modern conflict resolution, the comparison between both mechanisms in the study area has been investigated. The specific study area is Seyo Woreda, Kellem Wallaga , Oromia. Seyo Woreda has 26 rural Kebeles and 2 administrative towns. Besides that, the researcher employed qualitative research approach due to the topic, so, this research is delimited to all peoples living in Seyo Woreda based on reasonable evidence which was explained under sample procedures.

1.7. Limitation of the study

There were various challenges researcher faced to conduct the study. Time and financial resources are among the basic constraints. To overcome these challenges as much as possible the researcher made time schedule and utilized it. The same is true regarding financial limitation.

1.8 Organization of the Thesis

This thesis is organized under five chapters. The first chapter introduces the reader to the background of the study, statement of the problem, objectives of the study, significance of the study, scope of the study, as well as limitation of the study. In chapter two conceptual frame works and review of empirical literature was discussed as well as description of the study area and populations were included. The third chapter focused on research methodology and design as well as instruments and methods of data collection, methods of data analysis and interpretation are discussed. Chapter four incorporated analysis and interpretation of data obtained from primary and secondary sources. The last chapter of the study was conclusion of the main points of the finding. Also, possible recommendations forwarded to overcome the problem were part of this chapter.

CHAPTER TWO

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.1 Defining Terms and Concepts: Conflict and Dispute

Several and often controversial definitions of conflict and dispute exists in literature. Thus, to avoid the possibility of misconception, I opted to highlight on the definition of the concepts of conflict and dispute forwarded by different scholars. According to the Oxford English Dictionary, the term conflict is defined as a 'serious disagreement or argument'. It can involve an incompatibility between opinions or principles. The word can also be used to describe a 'prolonged armed struggle'. The meaning of the term dispute is almost identical. It is defined as an argument or a disagreement. Therefore, to dispute something is considered as to argue about a statement of fact or to 'question the truth or validity of' that statement. Thus, like conflict dispute can also involve competition for something.

From these definitions, it is clear that a dispute or conflict involves a situation in which the opposing parties feel entitled to something, and they are prepared to enter into a contest in order to obtain or 'win' that to which they feel entitled. This contest may involve more than words and even violent actions.

Some scholars describe that the term conflict and dispute are very interrelated. For instance, Kestner and Ray (2002), state that conflict is the heart of most disputes. These researchers have explained how the two terms are interconnected, and how most disputes existed within the broad and violent conflicts (in Yihunbelay, 2009:16). Similarly, Tedwell (1998:47) state that conflicts and disputes are "part of the same continuum with the main differentiating factor being that conflicts tend to be of greater intensity than disputes and are less subject to negotiation."

There are also other researchers who draw the distinction between conflict and dispute. For example, Tillet (1991:54) highlights the difference between conflicts and disputes by drawing attention to the contrasting sources of tension. He argues that disputes occur when there are computing interests or goals whereas conflicts are their origin in basic disparities in human values and needs. For Burton (1996) dispute is a short term disagreement in which disputants can arrive at some sort of resolution and, thus it involves issues that are negotiable. Conflict,

in contrast, is a long term disagreement which involves deeply rooted issues that are seen as nonnegotiable.

Burton further elaborates on and notes that "dispute does not involve series institutional problem and it can be settled through bargaining and negotiation" (Burton, 1996:35). Therefore, though the term dispute and conflict have nearly the same meaning and used interchangeably in many conflict studies, based on the above mentioned differences between the two terms, this research employ the term conflict.

The concept of conflict is understood differently by different scholars and in different fields of studies. Tsongo (2012:23) argued that, approximately, each academic field of study has its own conceptual and theoretical approaches of understanding conflicts. But, it is obvious that in everyday language the term conflict is usually related with dysfunctional aspects like disorder, hostility, violence, dispute or fight. In short, in the daily language, conflict has no positive intonation. Tsongo further states that though it is universal phenomena of human beings' lives, there are a lot of controversies and debates on the exact notion of conflict.

Some researchers view conflicts narrowly as violent conflict while others have a wider view of it, encompassing violent and non-violent conflict. Bohannan (1967:xi) describes conflict as fundamental element which can be managed and used positively for advanced cultural make up and maintaining or preserving peace. Similarly, conflict is also defined as "a primary source of stimulus for social change, for when it cannot be handled by institutionalized mechanism of dispute settlement, the opposing parties will be forced to create new strategies either to resolve the conflict or avoid the situation which produces it" (Smith, 1968:51).

Swanstram and Weissmann (2005:7) forwarded the definition of conflict based on the traditional perception of the concept. Accordingly, conflict is the product of opposing interests involving scarce resources, goal divergence and disappointment. Moreover, they added the more recent perception of the conflict concept by citing Czempiel (1981), in which he argued that conflict should not be defined simply in terms of violence (behavior) or hostility (attitude), but also include incompatibility or differences in issue position. Such definition is designed to include conflicts outside the traditional military sphere and is based on behavioral dimension. Swanstrom and Weissmann defined conflict as "perceived differences in issues positions between two or more parties at the same moment in time"

(2005: 9). They pointed out that conflict is a situation in which two or more parties endeavor to acquire the similar scarce resources at the same time.

In the other hand as to the definition availed by Montagu (1968) conflict is a condition of disharmony in an interaction process and usually occurs as a result of clash of interest between the parties involved in some form of relationship. Clash of interest could occur because either they are pursuing their incompatible goals to pursue their chosen goal. Fisher on his part defines conflict as "a relationship between two or more parties who have or think they have incompatible goals (Schellenberg, 1996).

Barash and Webel (2002, 20), in a more or less similar way put it as:

> *The word conflict derives from the Latin confligere, which means literary "to strike together." It is impossible for two physical objects, such as two billiard balls, to occupy the same space. They conflict, and if either is in motion, the conflict will be resolved by a new position for both of them. Within the human realm, conflict occurs when different social groups are rivals or otherwise in competition. Such conflicts can have many different outcomes: one side changed, one side eliminated, both sides changed, neither side changed, nor (rarely) both sides eliminated.*

Conflict is endemic to all social life. It is an inevitable part of living because it is related to situations of scarce resources, division of functions, power relations and role-differentiation. Many scholars in the field of conflict resolution and peace building process have defined conflict in a way that enables us to understand its meaning. Hence, Fisher R (1990) defined conflict as an incompatibility of goals or values between two or more parties in their relationship combined with attempts to control the antagonistic feelings of each other. To wind up, conflict is an incompatibility of goals or values between two or more parties in a relationship, combined with attempts to control each other and antagonistic feelings towards each other.

Therefore, for the purpose of this study, conflict is understood as disagreement, opposition and physical violence takes place at micro-level (within the same ethnic group) between two individuals, which arises because of incompatible goals or due to the various social, cultural, and economic factors.

2.2 The Theories of Conflict

Theory, according to Kurtines and Silverman (1999) as cited in (Kawulich 2009: 37) is encompassed of an explanatory statement which used to help explicate and understand relations among variables, how they operate and the processes involved. They further argue that the importance of theory lies in its ability to assist the researcher to identify and organize the connections among various phenomena that may seem unrelated. This section of the thesis describes the theories that provide the theoretical framework for analyzing the sources of conflict from different theoretical perspectives.

To develop the nexus between conflict and its resolution mechanism, understanding the various causes of conflict is essential. Effective understanding of causal factors initiating conflict is also paramount to adopt and develop a mechanism to resolve the conflict. It is often believed that understanding the problem is half way to resolve the conflict. Resolution, in this context, starts with understanding the causal factors of conflict.

The various social conflict theories are attempted by scholars to provide frameworks for the understanding of conflict, especially sources of conflict, the condition under which conflicts occur, and sometimes the condition for their resolution. The following are among the different theories of conflict that describe the sources of conflict.

The structural functional theory is one of the major theoretical approaches to study the sources of conflict. The structural functionalist theory asserted that individuals will adjust to a given structure in an organization, institution or society. Any change in the structure of the organization or institution causes conflict and it destabilizes the organization. The theory reflects a system approach where each part has one or more functions to perform. It focuses on things that will maintain the state of equilibrium and collaboration in the organization (Durojaye et. al,2013.). Moreover, structural functionalism according to Nader (1968) emphasizes both the structural sources and the structural functions of conflict. Structural functionalists view society as an equilibrium system whose component parts play a role in the maintenance of the whole.

Hence, as part of social life, conflicts too work towards the maintenance of the ongoing social structure (Lewellen, 1983).

The other theory explaining the sources of conflict is interaction. Interaction is the main sources of conflict within a given society. For instance, Cohen (1974) states that, the very process of organizations would increase interaction and hence conflict. When the society organized itself at one place scarce resources and power may not be distributed equally to all members and this led to conflict. Cohen also explains that "a larger population aggregate meant more disputes for mediation by the leaders". Besides, Eitzen and Zinn (1991:430) states that, "the probability of disagreement, irritation and the violations of privacy increased" when there is high contact or relations between different members of the society.

Opposing interaction as a source of conflict, innateness theory argues that the causes of conflict existed within us but not "within the social dynamics of human interaction" (Jacoby, 2008:67-77). From the scholars, Schellenberg (1996) explain that aggressive behavior is inherited by all human beings naturally and hence conflict is caused by innate behavior. Proposing against this theory, the social learning theorists explained that aggressive behavior is not inherited biologically, rather learned through socialization. Moreover, they underlined that competition over resources, ecological and cultural factors are the causes of conflict (Eitzen and Zinn, 1991).

Human needs theory is the other theoretical school in describing the sources of conflict. Human needs theory attributed the source of conflict to the fulfillment of personal or group objectives.This theory is based on the hypothesis that, in order to maintain stable society, basic human needs have to be met. In support, Burton (1990) believes that the human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs such as security, identity, recognition and development.

They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. This struggle cannot be restricted: it is primordial. This approach shows that violation of basic human rights including socio-political and economic interests can be the fundamental source of conflict. Cohen (1974: 94) who articulates, when men do fight, they fight over some fundamental issues concerning the distribution and exercise of power, whether economic, political, or social, further strengthening this argument. This reveals that scarcity can be a cause of conflict.

The materialistic conception of the source of conflict is the other theoretical approach. The materialistic conception underlines that decisive factors in all conflicts are economic motives. Collier (2000) argues that lack of opportunities to external economic resources, low level of income and inadequate resources can be sources of conflict. It is important to mention here the works of Marx and Marxian perspective in this case. Originally the works of Marx is based on the assumption that society is a stage on which struggles for power and dominance are acted out.

The struggles are largely between social classes competing for scarce resources, such as control over the means of production (land, factories, natural resources), and for a better distribution of all resources (money, food, material goods). Capitalism thrives on a class based system that consolidates power in the hands of a few men of the ruling class (*bourgeoisie*), who own the farms and factories that workers (*proletariat*) depend on for their survival. The interest of the dominant class is to maintain its position of power over the subordinate class by extracting as much profit as possible from their work. Only when the workers recognize their common oppression and form a class consciousness can they unite and amass the resources necessary to seriously challenge the inequitable system in which they find themselves (Allan, 2007).

In other words, Marxists argued that more unequal is the distribution of scarce resources in a society, the greater is the violent conflict of interest between its dominant and subordinate segments and the greater the changes that may be caused in the pattern of social organization, especially in the redistribution of scarce resources. Also, the more subordinate segments become aware of their true collective interests or inequality, the more likely they are to question the legitimacy of the existing pattern of distribution of valued resources and join evident conflict against dominant segments of the social system (Marx and Engels, 1964; Marx, 1967 cited in Lindsey, 2011).

This research is, therefore, an effort to compare different methods of conflict resolution mechanism and their relationships as well as the role they play in sustaining peace in Sayyoo Oromo within the context of the existing theoretical framework.

2.3 Types of conflict

Conflict between nations and state are not the main focuses of this study. Rather, the study focuses on more of the interpersonal conflicts within the community. Indeed, researchers have not yet identified a single source of conflict. However, there are different suggestions and assumptions by various scholars based on their disciplines. According to expertise in Literature and Psychology conflicts are categorized into four major groups. These are: conflicts of man vs. man, man vs. self, man vs. nature and man vs. society. For instance, in literature, conflict is very essential to creating plots which gives life to the entire story.

Some writers classify the type of conflicts into many branches. For example, Rod Windle and Suzanne Warren (1999) in their article, classify conflicts into seven major categories. These are: Data Conflict, Relationship Conflict, Value Conflict, Resource Conflict, History Conflict, Structural Conflict, and Psychological Conflict. Data Conflict exists primarily over the facts through finding information. It focuses on data disagreement with the other party. The relationship conflict is a conflict arising due to increasing doubt over the seriousness of the opposing party. Conflict over values explains the dispute that leads to an inability to build tolerances and accept the views of others. Conflict over resources refers to the availability of resources and costs while some desires certain goals on the limited different resources by cost. Conflicts due to history refer to the concerns of the past in which historical injuries are kept by individuals through blame and guilt of the other party. Structural conflict deals with the structural reality existing from the outsider forces through various means like bullying. Thus the structural solution is a good means for such conflict. The last type of conflict is psychological conflict. This type of conflict refers to the psychological needs of human beings love, autonomy and desire for power, recognition and control.

To the contrary of this, Jeong (2005) says conflict exists mainly in two forms. There are direct and indirect depending on their magnitude and manifestation. Direct conflict is the most outward, visible and easily identifiable sort of conflict. It is just like a direct physical confrontations or clashes between individuals. It could also be manifested in a form of war between nations or groups of different interests.

On the other hand, indirect violence, which is synonymously referred to as structural violence, appears to be in a form of invisible and relatively unidentifiable societal structures. Such violence is built deep in to the social, economic and political structures. These structures deliberately prohibit every people from enjoying equal social status and equal

access to economic opportunities as well as involvement in one's own political matters. It is all about discrimination and marginalization, suppression and exploitative world order. And all these in turn would result in human suffering and life misery in general as the consequence of impoverishment to overwhelmingly majority of the people.

2.4 Conflict resolution

Conflicts are natural to human beings, but the process of handling them may either escalate or reduce and ultimately solve them. In conflict resolution, the primary goal is not just to end the strife but also to solve the problem. In this case, *resolution* means to deal with something successfully, to clear it up, and to find an answer (Nathan 1996, 11).

The term *conflict resolution* was first used by Kenneth Boulding in the 1950s to mean the analytic and descriptive study of a conflict and the normative element of its positive management. Recently it has developed to mean a process of traditional power-mediation and a multi-lateral approach capable of mobilizing wide varieties of intervention strategies from peace keeping to problem solving workshops (Woodhouse 1996, 135 - 36). According to Bonta (1996, 406), resolving a conflict means:

> *"...a settlement or avoidance of disputes between individuals or groups of people through solutions that refrain from violence and that attempt to reunify and re - harmonize the people involved in internal conflicts, or that attempt to preserve amicable relations with external societies."*

Conflict resolution has been used for several years in the world to reduce problems within societies, companies, countries, ethnic groups, individuals and so on. It is primarily aimed at peaceful and successful solving of disputes and conflicts that arise from time to time in different parts of the globe. It encourages people to negotiate and to establish peace (Nathan 1996, 11-13).

The term *conflict resolution* may also be used interchangeably with *dispute resolution*, where arbitration and litigation processes are critically involved.

Conflict resolution is an indispensable process for making social life peaceful. Conflict resolution process tries to resolve and check conflicts, which enables persons and group to maintain co-operation.

Conflict resolution is an attempt to deal with the root causes of conflict and eliminating them by altering and restructuring the institutions, forces and systems that perpetuate such conflicts. Conflict resolution is a broad term which implies that the deep-rooted sources of

conflict are addressed, and resolved. This implies that behavior is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed (Khannas and Kueck Gert. eds., 2003; Jeong, 2000). Resolution prevents the reappearance of future conflict by fulfilling the needs of all parties. Notably, conflict seen as inherent in the social system can be eliminated only through structural changes. 'Conflict resolution has been a central part of the work towards building peace, promoting development and consolidating regional cooperation and democratic efforts/processes' (Jeong, 2000).

Similarly, the concept of "conflict resolution" is also open to many interpretations. On one hand, conflict resolution can be regarded as any process that resolves or ends conflict via methods which can include violence or warfare. Alternatively, it can be viewed as a non-violent process that manages conflict through compromise, or through the assistance of a third party who either facilitates or imposes a settlement or resolution. Conflict resolution processes are many and varied and can be seen on a continuum ranging from collaborative, participatory, informal, non-binding processes (such as mediation, conciliation, third party negotiation) to adversarial, fact-oriented, legally binding and imposed decisions that arise from institutions such as the courts and tribunals (Boulle, 1996).

Conflict resolution processes such as mediation, conciliation and third party facilitated negotiation are not without its critics (e.g. Astor, 1994 and Scimecca, 1993). There is concern that conflict resolution processes such as mediation focus on settling conflicts or disputes without considering the impact of power disparities between parties and the "advantage this gives to the more powerful party" (Scimecca, 1993, p.217).

Likewise after the violence following Partition, the process of conflict resolution started with the integration of the princely states, which was achieved through remarkably peaceful means, considering the magnitude and dimension of the problem.

According to Bloomfield and Reilly (1998, p.18):

> *Conflict resolution is the positive and constructive handling of difference and divergence. Rather than advocating methods for removing conflict, it addresses the more realistic question of managing conflict: how to deal with it in a constructive way, how to bring opposing sides together in a cooperative process, how to design a practical, achievable, cooperative system for the constructive management of difference.*

Conflict resolution theories address the deep-rooted sources of conflict, which are taken to be structural (and therefore, in contrast to our understanding of conflict, not discursive) and cultural. Different to conflict management where the cause of conflict is a consequence of the anarchical nature of the international system, conflict resolution theorists 'argue that conflict has an ontological base in human needs, the denial of which causes violent conflict' (Fetherston, 2000,p.2).

Generally, conflict resolution is a community process involving the identification of the root cause of the problem, and bringing all parties involved to address the underlying issues. This usually ends with the guilty accepting wrong doing, leading to reconciliation which may include compensation or just forgiveness (Brock-Utne, 2001; Murthi, 2006). The process of conflict resolution has to do with how indigenous structures and systems ensure action in bringing peace at the individual and community level relationships. In this respect conflict resolution procedures are generated from general cultural life and daily experiences of living. In this context, indigenous "refer[s] to the structures and the units of organization in a community and encompasses also the norms, values, and beliefs that guide social interaction'' (Kendie and Guri, 2006,p. 333).

2.4.1 Conflict resolution mechanisms

Conflict resolution mechanisms can be broadly classified as modern (formal) conflict resolution mechanism (state justice system) and indigenous conflict resolution mechanisms.

2.4.2. Modern Conflict Resolution mechanisms

Formal conflict resolution is embedded in western values and custom basically Europeans and Americans. Formal signifies the modernity which is mainly legacy of colonialism. It is guided by codified laws and constitution. Justice is dispensed through trained professionals, lawyers, highly sophisticated and hierarchal institutions. Formal conflict resolution is universal in all technicalities other than few codified laws. Focusing on individual rights, the judgment is based on punitive justice lose-win situation. Formal system adopts the rational approach and hence emotion is never addressed. Furthermore formal legal system is based on individual interests and responsibilities. Participation is not mandatory and the goal is punishment rather than rebuilding of society. Professional training and neutrality is also regarded as the sources of legitimacy and consequently power is the fundamental aspect of conflict resolution in modern systems (Tuso, 2011).Formal justice system or formal conflict resolution system refers to processes of addressing conflict created and run by States. These

may include systems such as the police, the court, and penal code (Gang, 2010: 6). Within the broader formal justice category, western/modern conflict resolution systems are those formal system designed by and typically associated by west. These do not include Western informal conflict resolution introduced through religions, community models and economic practices (Gang, 2010:7). Mediation, adjudication and arbitration are mainly done by an outsider where as in informal system third party mediator is close to victim offender (Macfarlane, 2007: 505). The process of arbitration replicates the litigation process by promoting an adversarial culture. Decision-making is rigid and inflexible and the process has an individualized focus.

The formal conflict resolution mechanism was introduced in Ethiopia in the 1960s, and subsequent laws issued by succeeding governments. The professed intention was to create comprehensive set of laws, modernization of the legal framework that would serve modern Ethiopia (Ayalew, 2012).

2.4.3 Indigenous Conflict Resolution mechanisms

As long as people live in society or group, there are conflicts arising from differences of interests, prejudice, needs and ambitions. Therefore, the approach adopted to prevent or resolve such difference of interests determines its resolution. In other words, when a conflict happens, the crucial point should be the effective adoption of the necessary principle of the resolution. Indigenous mechanisms are grass root approaches to solve conflicts by the society.

These systems have been given different names by different scholars: unofficial law (Chiba 2000), traditional institution of conflict resolution (Meron, 2010), traditional justice systems (Slade 2000), non-state laws (Asefa 2012), customary dispute resolution mechanisms (Yntiso et al. 2011), restorative justice (Macfarlane 2007), and alternative dispute resolution (Gowok 2013)and indigenous conflict resolution(Teressa 2016).For the sake of indicating this system as the mechanism which was born with African people and Oromo in particular, in Ethiopia the researcher preferred to use the term indigenous mechanism of conflict resolution in this study. The term 'indigenous' is used because this word is closely associated with the broad masses indicating that the practice of conflict resolution emanates from the people and serves the people.

According to Kennedy (2011), the concept of 'indigineity' connotes institutions, mechanisms and practices predating colonialism and Westaphalia state that derive from the sociological, historical, demographic, environmental and geographical contexts in which they exist. Indigenous conflict resolution mechanism is a social capital, defined as the "capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship… sustainability facilitates collective action for achieving mutually beneficial ends" (Fred-Mensah, 2005,p.1).

To support the concept of this, Volker (2007) defined the term indigenous as a practice that have developed separately in the context of traditional societal structures in particular place and have been practiced in that context over a substantial period of time. Having this definition indigenous conflict resolution means local communities settle disputes in the absence of state or formal justice system. It depends on a common cultural and ethical code that produces binding rules on its members (Barfield et al, 2004).

Indigenous conflict resolution mechanisms focus on the principles of empathy, sharing and cooperation in dealing with common problems which underline the essence of humanity (Murithi, 2006).

Indigenous conflict resolution typically incorporates consensus-building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict (USAID, 2005).

 Indigenous conflict resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms and religious people to manage and resolve conflicts within or between communities. Local mechanisms aim to resolve conflicts without resorting to state-run judicial systems, police, or other external structures. Local negotiations can lead to lack of generality in which practical agreements keep broader inter-communal relations positive, creating environments where nomads can graze together, towns people can live together, and merchants can trade together even if military men remain un-reconciled (Ibrahim, 2005).

Indigenous conflict resolution offers not only alternative means of resolving conflicts but an entirely more efficient way of doing business with each other. It's the term in advance of justice all over the community but remains widely misunderstood which is likely to be the reason it is often initially treated with less recognition by the state (Brainch, 2006).

Informal conflict resolution is traditional and culturally established process to address conflict with the intention to resolve conflicts. Informal conflict resolution is based on local culture, values, customs, tradition, practices, connected with nature and supernatural power, familial relationship and knowledge which have been passed over from one generation to the other from centuries. Indigenous is informal because mostly it lacks the recognition of the states, therefore it operates informally among tribal and indigenous communities across the globe. Unlike formal process it is context specific and dispensing of justice is mostly on normative basis. It does not need to have formal institution necessarily rather a village councils uses local actors (elders, chiefs, clergy men etc), community based judicial and legal decision-making mechanism to resolve conflict (Rabar and Kamini, 2004: 4). It is guided by customary laws, focused on community rights and the judgments are usually restorative in nature.

Alula and Getachew (2008:1), note that indigenous conflict resolution mechanisms are prevalent throughout the country at local level and it is the dominant justice system in the country. Indigenous mechanism to conflict resolution is made by the people not by the state and drives its legitimacy from participation and consensus of the community and its recognition of the same by the government (Abera, 2003:839). Indigenous conflict resolution mechanism emanates from the custom of the people as practiced over long period, accepted by the community as governing principle, and hence binds the society, a breach of which entails social reaction and even punishment (Dagne and Bapu, 2013:2).

An informal conflict resolution is defined as resolution facilitated by organizational members through other means than the formal processes of grievances, investigations and litigation (Kolb and Bartunek, 1992:19). It often takes a non-rational approach and Kolb and Bartunek describe this approach as accenting "the unconscious or spontaneous aspects of disputing, ones that are driven by impulse and the feelings of participants and not simply their cognition" (ibid, 20).

Informal resolutions seek a change of heart, a transformation and a healing of relationship and spirit. Settlement is related with the community, not a settlement that is separated from the whole of the community, and which pertains to the individual. Sauvé asserts, 'what needs settling or redress is not issues, but relationships' (Sauve, 1996: 11)*, because settlement means reconciliation with the inner (the source of illness), reconciliation with the other (disputants) and the community (clans from all sides). Thus, the goal of individual settlement is merely a by-product to the essential goal, which is reconciliation with the community as a whole.

Informal resolutions adopt therapeutic models of mediation and are thus driven by emphasis on emotional healing rather than settlement. The Transformative model of mediation primarily deals with the emotional and relationship or (kinship) factors of disputants. The focus of the process is shifted from solutions to a transformation of the interaction between the relationships. The mediators' role is to assist parties to move from weakness to strength (empowerment) and from self-absorption to responsiveness (empathy) (Bush & Forger, 2005). Transformative mediation derives its roots from communication theory which holds that 'human beings naturally have strengths and compassion, they desire to be neither victim nor victimizer, they have capacities for choice and decision making, and they constantly harbor a desire for connection with others' (Goodhardt et al., 2005:319).

Indigenous conflict resolution mechanisms in Ethiopia are one of the conflict management mechanisms to resolve intra and inter-ethnic conflict, both at state and local government level. Abera (2000) argues that these indigenous conflict resolution institutions of different ethnic groups were the major body of law in Ethiopia for centuries. The use of indigenous conflict resolution mechanisms in Ethiopia is deeply rooted in the custom, culture and tradition of various ethnic groups, which could play a big role in resolving violent conflict.

Indigenous conflict resolution mechanisms are locally organized institutions working according to the custom and norms of given society and works according to the specific culture of particular community (Murithi, 2008).

Indigenous conflict resolution mechanisms are parts of social system which play an important role in the reconciliation, maintenance and improvement of social relationships (Osei-Hwedie and Rankopo 2008).

Indigenous conflict resolution mechanisms are deeply rooted in the customs and traditions of the society referred. To this end, every society has its own traditional way of conflict resolution besides legal settlement of conflict through judicial adjudication. Likewise, Oromo people encourage most of the time to resolve their conflicts through indigenous means of conflict resolution (Dejene, 2002). This study of indigenous conflict resolution among Seyo Oromos will be identified and analyzed in detail.

2.4.3.1 Values and Principles of Indigenous Conflict Resolution Mechanisms

The main value of indigenous conflict resolution mechanisms is they work according to the value of not to punish rather emphasize at reparation of damage. The aim of the indigenous conflict resolution is not punishing the wrongdoer; rather it is directed toward the restoration of former relationships between disputants. In doing so, finding truth, opens up the door for the resolution of conflicts. In this regard the parties consent and mutual agreement takes precedence over imposed outcomes and fundamental to improve and restore conflict peacefully (Tarekegn, 2008).

Indigenous conflict resolution mechanisms have pre-existing values and rules, forgiving one another. Indigenous conflict resolution mechanisms urge parties to abandon their old feuds and live amicably in tolerance (Mwagiru, 1999). Since the process is geared toward the future, opportunities are provided for remorse, forgiveness, and reconciliation for the restoration of social harmony of the community in general and social relationships between conflicting parties in particular. Girma (2009), indicated that the forgiveness processes are accompanied by certain ritual ceremonies which involve slaughtering of animals to symbolize bitterness between the disputants are buried.

2.4.3.2 Advantages of Indigenous Conflict Resolution Mechanisms.

Some of the advantages of indigenous conflict resolution, in contrast with the court litigation or formal way of conflict resolution are given as it has low cost, speed, accessibility, cultural relevance, and responsiveness to the poor people's concerns(DFID,2004). According to penal reform international (2003), also indigenous is advantageous as the conflicting parties are active participants, raising public interest and awareness, gives rise to permanent resolution of conflict as well as it employed non-discriminatory approach on its conduct.

In similar way, the major advantage of indigenous conflict resolution is that it originates from the community itself and this also simple and easy to realize (Srivastava, N., 2004).

Indigenous conflict management and resolution mechanisms aim to resolve conflicts locally, preceding or replacing external conflict resolution and thereby reducing reliance on external structures. Indigenous mediation helps the community keep control over the outcome of the conflict. Implementing this approach does not require sophisticated party structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short time frame. In many societies, elders have indigenous jurisdiction in facilitation, arbitration, and monitoring outcomes (Paul, 1994).

Indigenous conflict mediators typically possess moral status, seniority, neutrality and respect of the community; they are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties (USAID, 2005).

Therefore, the advantages of indigenous conflict resolution systems are:

Restoring social relationship: Indigenous conflict resolution system cultivates the relationship of conflicting parties towards the future. This conflict resolution method is necessary for the re-establishment social relationship or bringing together of the society in general and conflicting parties in particular (Volker, 2007). The main objective that many people use indigenous mechanism of conflict resolution is not to punish the wrong doer or crime taker rather it helps to restore good relationship of the conflicting parties or the ultimate aim of indigenous conflict resolution is the re-establishment of relationships. Indigenous conflict resolution system allows conflicting parties to work cooperatively by minimizing their gap in productive way that does not demolish their relationship. But solving conflicts or disagreements through formal process by using courts disputants rarely want to work together and cooperatively. In indigenous conflict resolution process, the conflicting parties could rather help to learn information that will permit them to work more efficiently to their future life. Indigenous conflict resolution can provide us procedures that can resolve disagreements successfully without damaging relationships.

Minimizing cost: The other advantages of indigenous method of conflict resolution are to decrease the cost and time involved in solving conflict. Formal conflict resolution systems are expensive, sometimes the cost may goes even the amount of making the victory of a party irrelevant or beyond the amount of decision .There are many expenditures while using the

formal conflict resolution mechanism like; court charge, filling cost, expenditure for lawyers, and other costs.

Free from political influence: Indigenous conflict resolution offers independent, unbiased, fair and efficient access to justice (Helgesen, V., 2008). Local elders who lead the process of resolving conflict through indigenous mechanism are impartial and free from government control. Indigenous conflict resolution is culture specific and reliable with tried and experienced methods that have restored social relations in the past.

Assefa (2005), has summarized only some of the advantages of indigenous conflict resolution mechanisms as they quickly respond to crisis in terms of time, they contribute to the reduction of regular court case loads, they contribute to saving of the public money, it also minimizes the problem in shortage of judges who work in the regular courts, and budget constraints, they are complementary to modern government structures and are not substitutes or competitors as some government officials think and worry about, They give access to many people who do not find modern system of conflict resolution comfortable, affordable or suitable to their needs, The indigenous conflict resolution mechanisms in general are centered on the values of truth, justice, forgiveness, reconciliation, addressing the affected relationship, voluntary participation and give more emphasis for personal change above complaint behavior.

2.4.3.3 Disadvantages of Indigenous Conflict Resolution Systems

According to DFID (2004), the disadvantages of indigenous conflict resolution mechanisms are among the others, it may led to the abuse of power, may lack accountability, and not consistent with International human rights as it practices inhuman and degraded punishments. The center for Democracy and Governance (1998), also suggested that, indigenous conflict resolution mechanism has limitations such that it is not appropriate taking cases as public sanction, with extreme power imbalance, may undermine other judicial reform efforts, and have no any educational, disciplinary, or restriction effect on population. Therefore the decisions that can best describe court proceedings are adversarial, thorough, rigid, strict, evidentiary, rights-oriented, unbiased, impartial, and generally appealable unlike the indigenous conflict resolution mechanisms. On the other hand Boege (2006) noted that, indigenous conflict resolution is targeted at problems in relatively small communities in the local context. It can work well within a given community with regard to the members of that

community. Conflicts within and between families, between neighbors, within and between villages or clans lend themselves rather easily to traditional approaches.

There are several problems with using Indigenous conflict resolution for more advanced cases such as patent challenges concerning Indigenous communities. Firstly, Indigenous populations have different fundamental conceptions from mainstream society, resulting in only a handful of people who actually understand the culture indigenous to them. This condition can lead to misunderstanding, mistrust, abuses and marginalization. Secondly, Governments may hesitate to organize or uphold Indigenous Dispute Resolution infrastructures, whether in traditional conflict areas such as land disputes and employment discrimination to newer conflict prone subjects such as patenting of traditional knowledge, nonconsensual commercial use of indigenous symbols or art, and the unauthorized recording/reproduction of ancient chants, songs, movements and dances (Osi *, 2008) .

2.5 Comparison between Indigenous and modern conflict resolution mechanisms

The formal institutions and justice systems are trying their level best to prevent, manage and resolve the inter- and intra-group conflicts observed in the World. However, it was discovered that these formal institutions have a plethora of challenges that constrain them from sustainably resolving the above-mentioned complex conflicts. Besides, the formal institutions naturally lack mechanisms by which they can revitalize the eroded social values and reintegrate the divided parties in the community. The animosity, fear, frustration, and anger that developed and became deep-rooted among the conflicting parties remain untouched.

The formal justice system sees the causes of conflict through the disciplinary lens created from the existing legal frameworks. Ultimately, the decision will depend on data obtained from the plaintiff, the defendant and the witness, and on other circumstantial evidence. However, all of these sources of data may fail to present the truth due to backdoor deals among the plaintiffs, the defendants and the witnesses. Conflicting parties usually bribe the police, the judges, the prosecutors and/or the witnesses in order to bring justice to their own side. Thus, the justice system becomes more difficult and problematic (Lewicki 2006), and its outcome could also be considered as unjust by either of the parties. Unsatisfied parties go to the next higher level of justice for appeal and consequently justice may also linger for quite a long time. When decisions are eventually passed, unaddressed social, moral, or psychological factors may bring repercussions onto the future peaceful coexistence of the conflicting parties

and their families. So, the formal justice system usually creates turbulent conflict dynamics rather than bringing long-lasting solutions to the conflicting parties.

Usually, conflicting parties go to the formal justice system holding the hatred developed from the moral and psychological anguish generated in the conflict. They develop reasoning's that they believe will help them defeat their opponent in front of the court. So, parties produce competing narratives with all sides having their own version of truth about what really happened (Lerche 2000).

In this case, it becomes difficult to get genuine information about conflict causes and the driving factors. For various reasons beyond the imagination of the judges and prosecutors, a witness may present biased data or distorted information in order to defend a party. Thus, reliance on eye-witnesses can be misleading (challenging) because some witnesses may be guided by self-interest or fear (Lerche 2000).

 If the offender is found guilty, he may be put in prison. However, imprisoning the offender still does not bring a long-lasting and satisfactory solution to the victimized group. This is mainly because those who are directly responsible for violence leave victims with physical, emotional and psychological trauma, which in the long run results in anger, fear, and insecurity (Castro and Galace 2008). Similar situations are frequently observed in the research site. Even though offenders are put in prison, the unhealed psychological factors motivate the victim's family or relatives to take vengeance on the offender's relatives or property.

A study conducted by Eshetu and Getu (2009) describes that indigenous conflict resolution process is qualitatively distinct from judicial process. It is a process where conflicts are managed with the assistance of a neutral third party and the neutral third party is depend generally on parties own choice.

The indigenous conflict resolution mechanisms are playing great roles in the conflict resolution and reintegration process. One of these institutions used in the research site is called *Jarsummaa*, and is playing very significant roles in bringing the conflicting parties to acknowledge each other's perspectives and bargain for mutual benefits. In this mechanism, priority is given to social and psychological reconstruction. Peace building strategies are used to restore violated social rules and detached emotional attachments through full confession, honest repentance, and sincere apology, rather than through the mere restitution of and

compensation for lost life or property. Revitalization of the normal social cosmos is made possible by restoring the eroded socio-psychological values.

There are many unbearable cost to solve conflicts while using the formal conflict resolution mechanism like; court charge, filling cost, expenditure for lawyers, and other costs (Dejene, 2002). Contrary to the above idea, indigenous conflict resolution mechanism consumes lower.

2.6 Approaches of Conflict Resolution

Irrespective of the level of conflict, there are varying approaches in dealing with it. Shepard and Mouton (1994) cited in Fisher (2000) state three general strategies to deal with conflict. These are:

2.6.1 The win-lose approach: "…forces the other side to capitulate (ibid). "Sometimes, this is done through socially acceptable mechanisms such as majority vote, the authority of the leader, or the determination of a judge. Sometimes, it involves secret strategies, threat, innuendo – whatever works is acceptable, i.e., the ends justify the means (ibid).

2.6.2 The lose-lose approach: is exemplified by smoothing over conflict or by reaching the simplest of compromises. In neither case is the creative potential of productive conflict resolution realized or explored (ibid).

2.6.3 The win-win approach: is a conscious and systematic attempt to maximize goals of both parties through collaborative problem solving. The conflict is seen as a problem to be solved rather a war to be won (ibid). The appropriateness of this approaches to this study is that because in one way or another they might occur in the rural communities .Conflict parties in this community may follow the win-lose strategy, the lose – lose strategy or the win – win strategy in their different conflicting activities.

CHAPTER THREE

3. RESEARCH METHODOLOGY

Research methods may be understood as all those methods/techniques that are used to conduct research (Margert 2011). Accordingly, the research methodology of this study was explained as follows:

3.1 Description of the study area and Population

Seyo Woreda is one of the 11 Woredas found in Qellem Wollega Zone and it is located at 652Km away from the administration center of the country, Addis Ababa to the Southwest direction. The Woreda has an area of 1.278Km^2.

Astronomically, the area is located between $8^0 10^{'}$ and $9^0 30^{'}$ N latitude and between $34^0 21^{'}$ and $35^0 20^{'}$ E longitude. In its relative location, the Woreda is situated in Kellem Wollegga Zone of Oromia National Regional State bounded on the South by Gambella region, on the West by Anfillo on the North by Yemalogi Walal,on the Northwest by Hawa Gelan and on the East by Birbir River which separates it from Ilu Abba Bora. (Negaso Gidada,1984:4)

Map: 1 Geographical location of the study area, Seyo Woreda, Oromia, Ethiopia.
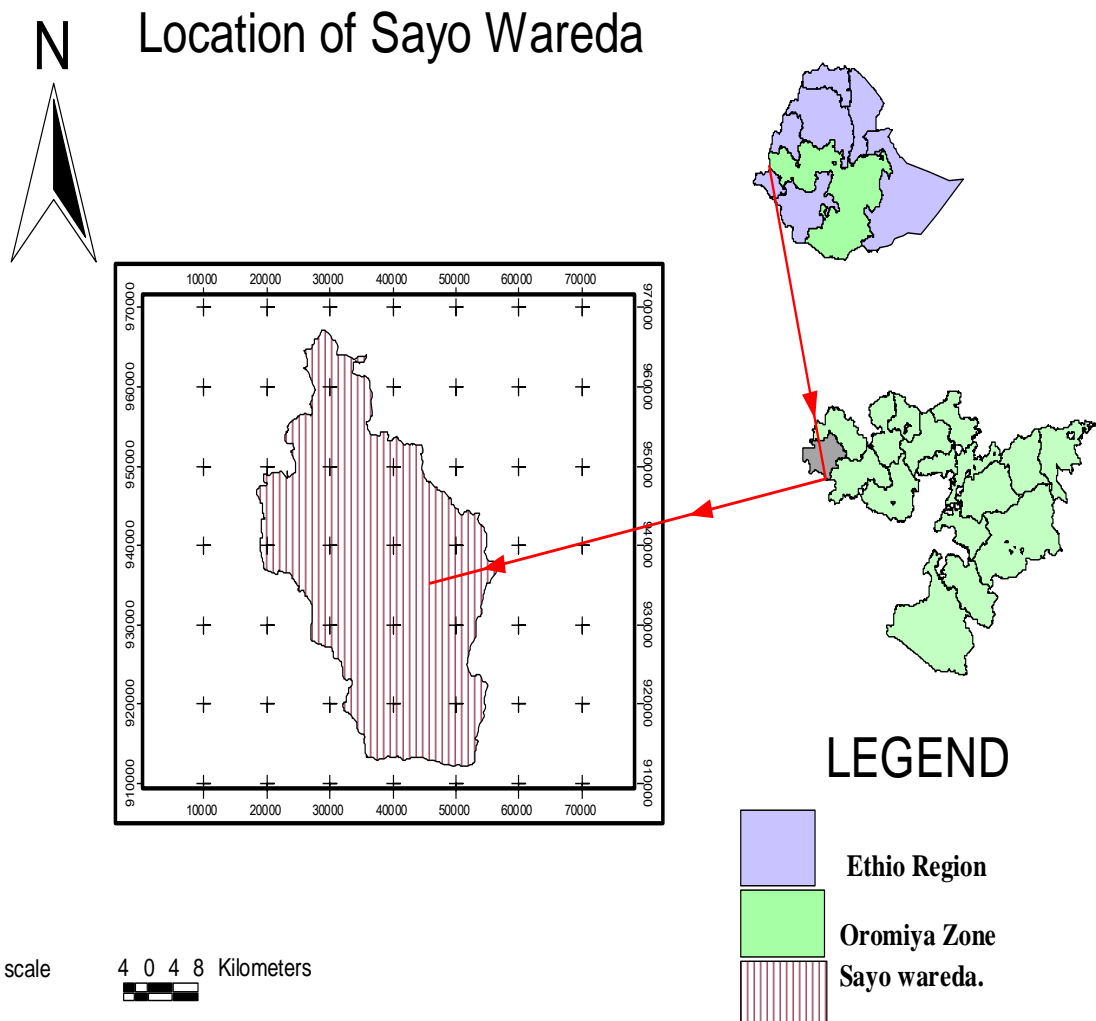
Source: 2017 Seyo Woreda Rural and Agricultural Office

The political administration of the Woreda consists of 26 rural kebeles & 2 administrative towns. The total population of Sayo Woreda is 151108 out of which 76,158 are males and 74950 are womens (source, *Woreda Administration office).* The total number of household in the Woreda is 23438 from this 20882 are males and 2556 are females.

According to information obtained from aged elders and Woreda Social Affairs Office although majority of the population within the district is Oromo people (92%), there are also other ethnic groups living in the area like Wollo and Amhara (4.3 who came during

resettlement program of Derg regime and other ethnic groups who came voluntarily for daily laborers (3.7%).[1]

Majority of the Woreda people lives in rural area (97.33%) and so agriculture is an important household resource that play significant role to household food security. The major cultivating crops in the district include maize, sorghum, millet, wheat, teff and commercial crops such as coffee which is the backbone of Ethiopian economy is produced in this area. Cattle, sheep, goat and donkey are the most common domestic animals reared in this area.

According to the district agriculture and rural development office, the district has three climatic zones like *baddaa* (highland), *badda-daree* (middle highland) and *gammoojjii* (lowland) each constituting 13.95%, 47.66% and 38.39% of the total climatic zones respectively.[2]

3.1.1 Sayyoo Traditions about Their Origins and early Expansion

From its origins, Sayyoo is the name of one of the Oromo groups in the Ethiopian Empire State that belongs to the Macha (Western Oromo) (Negaso 1984:11). According to Tesema (1980) as cited in Dejene (2002) currently the Macha dominate the area between the *Abay* River in the north, the Gojeb River in the south, and the Dabus and TuluWalal in the west. In response to this scholar's view point, the same is true in that Seyo district and Tulu Walal is neighbor area in west oromia.

From its outset, Sayyoo was the son of Daadhi and Daadhii was the son of Obo. Obo was also one of the sons of Macha and Macha was the son of Raayyaa. There are six regions or centers that are mentioned in connection with the origin and spread of the Sayyoo Oromo. These are:Walaabu, Odaa Nabee, Xuqur (Jibaat), Ulmaayyaa Bario or Xuuxxee Bisil, Dhidheessa-Daabana - Birbir highlands (Western Ulmaayyaa) and finally Qellam or the Walal region.

The year 1733 emerges as the tentative year for the first settlement of the Sayyoo Oromo in Qellam.(Negaso ,1984:29).In addition to the above mentioned regions in connection with Sayyoo, there are three main Sayyoo regions. One is the region immediately east of upper Gibe River. The second region of Sayyoo is around the Jorgo mountain of East of the Birbir River. There is also small clan which is known by the name of Warra sayyo, which is one of the Hawu clan of Sayyo. Among from the three main Sayyoo regions, the third with which

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[1]Seyo Woreda Social Affairs office
[2]Seyo Woreda Agriculture and Rural Development Office

this paper is connected comprises those Sayyoo who are settled around the Walal Mountain. (Nagaso , 1984:14)

In a like manner, the Sayyo Oromo groups moved from Xuxe Bisil without partly settling in Naqamte like Leqa groups. The Sibu were also other large groups of the Macha Oromo who moved to west from Xuxe Bisil on the same direction. However, they settled in the area between the Dhidhessa and Jawwi Rivers and stopped further movement into Qellam. Qellam was predominantly occupied by the Macha Oromo. But later on, few Tulama groups follow them as late settlers. The three Macha Oromo groups namely Leqa, Sayyo and Sibu met near Jorgo Mountain and named the area as the second BaddaUlmayya beyond Gibe (Negaso 1984, p: 46 -47)[3]. Again at Tullu Jorgo Mountain, representatives of the three Macha groups set strategies for their further peaceful westward expansion and settlements. After designing the direction of their expansion, the Leqa and Sayyo groups sent their representatives to Kellem. Representatives of Leqa and Sayyo took the responsibilities of checking the strength of *diina* (enemy) and sustainability of land for their settlement in Kellem. The aboriginal population of Qellam considered those representatives of Leqa and Sayyo as hunters rather than spies. Finally, those representatives were able to return safely after assessing the situation in Kellem. After they return back safely, they reported the importance of moving through the direction of Walal Mountain before occupying other regions[4].Those representatives of the two groups preferred their movement through the direction of Walal massif because of two different reasons. First, there were large Oromo *duri*i with only few diina groups like Busase and Mao that inhabited the area and its vicinity long before the Oromo expansion to the area. The second main reason was the strategic location of Walal Mountain to control all regions situated north and south of it. After arranging a well-planned activity, the two major Oromo groups, Leqa and Sayyo began on their Westward expansion spearheaded by their respective representatives (Bahru, 1970 p: 1-2)[5]. After arriving at mountain Walal, the representatives of Leqa and Sayyo sub – groups met again to discuss on the issue of their future plan of expansion and settlement. When they reached the Walal Mountain, the Busase of the area developed a stiff resistance against Leqa and Sayyo groups. In the meantime, both Leqa and Sayyo took a joint military action against the Busase people's stiff resistance. After forming their gada center over there, the Gada council from both groups agreed to avoid possible future conflicts among them during their expansion and

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[3] Personal interview with Fite Birri ,reverend and writer, on Friday May 12,2017 at Dambi Dollo
[4] ibid
[5] ibid

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settlement process. Then, various Leqa groups predominantly settled north of the Walal massif in northern Kellam from where they settled until present Ethio – Sudanese frontier area. After they firmly established their settlement in this region, the Sayyo sub – groups came and occupied vast region south of the Walal Mountain (Negaso, 1971p: 2)[6]. But gradually both the Sayyo and the Leqa alliance against their common enemy was not stayed for a long period of time. The land acquisition in *Sayyoo* and maintaining its possession was the matter of conflicts from the beginning. The Mecha groups such as Sayyoo, Leeqaa and Tummee considered one another as *fira*(friends), free and *birmaduu* (equal) and cooperated in their military actions to deliver the land from the control of the *diina* (enemy or aliens). For instance, they fought with *Shaanqillaa* and delivered the land from their control. After they delivered the land from the control of the *diina*, the different clans of and regional groups began to fight each other. For instance, Sayyoo against Leeqaa, Garjeedaa against Daallee, Daallee against Laaloo fought one another. The disputes became more violent as more individuals, lineage and clans came to the region from outside. Thus, the settlement process aggravated the conflicts and contradictions; then it was accompanied by the demarcation of boundaries between different clans and lineages, which completed in the first half of the 18th century (Badilu 2014 p: 47 – 48).

Negaso states as follows concerning the conflict between Sayyo and Leeqa:

AfaanOromoo

DubbiinSayyoo fi Leeqaa dafee hin citu.

Akka fincaan Sangaa dullachaati.

English

The case between Sayyo and Leqa will not end quickly

> *It is like the urine of an old Ox.*

The triumphal advance of the Sayyo Oromo and their settlement process continued until the natural barriers of the hot Baro valley and the humid forest of Anfillo limited them. The different branches of the six Sayyo (*Ja'an Sayyo*) spread to Kellem through the upper Birbir River approximately in the year 1733. Though they settled in the Kellem region at about 1733, not all the six branches of Sayyo settled there at the same time. Dalle, Lalo and Garjeda jointly known as Sayyo Dullacha were the first to occupy the highland of the Walal Mountain. The other three groups namely the Alaku, Gelan and Hawu commonly known as the *sadanAkkayu* were the late settlers on the Walal Mountain. (Negaso 1984 P: 16). In the

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[6] ibid

meantime, senior families of Sayyo peacefully distributed the land among Ja'an Sayyo (Six son of Sayyo). Thus the Walal Mountain which is the highest peak in Kellem area has great importance in the history of Kellem society in general and Sayyo society in particular. This Mountain served as both boundary and nucleus for the Leqa and Sayyo further expansion in the region and it remained their common politico – religious center until it lost its great importance with the emergence of *Mootii* system from both groups. (Yilma 1959 p: 242).Jimma and Horro were considered as the *ilmaan Jaawwii* (Sons of Jawi). They were settled between the Sayyo and the Leqa just northeast of the Walal Mountain. They are not belonging to the same descent line with both Sayyo and Leqa clans. But they came to settle in the area since all originated from the Macha Oromo groups.

Nagaso clarifies about Jimma and Horro as follows:

Gidami and Horro are one. They are relatives of Jimma and they count back their descent to Macha through Jawwi.

The Horro and Jimma came later and settled between the Leqa and the Sayyo.

 But they were not among the Leqa and the Sayyo who came here first.

The land up to Qambari was first occupied by the horses of the Sayyo. (Nagaso, 1984p: 104)

Macha Genealogy

Hoboo →Coraa → Maccaa → Daadhi

⬇

→ Sayyoo

→ Leeqaa

→ Tummee

→ Jaawwi

Sayyoo

⬇   ⬇
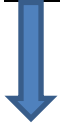
Dullachoo   Akkayyuu

→Laaloo   → Galaan

→Garjeedaa   →Alakuu

→ Daalle   →Awuu

Laaloo	Garjeeda	Daallee

⤵   ⤵   ⤵

→Billee   →Qoree   →Dhaa'ee

→Dooganoo   → Iluu   →Darboo

→Deentaa   → Badhaasoo   → Agaloo

→Waayyuu   → Saam'ee

33

Galaan	Alakuu	Awuu

→ Gujii   →Beellee   →Doobbii

→ Diggawoo   → Baddeessoo   → Waayyuu

→ Daaboo   → Ootaa   →Dhaa'ee

→WarraGuutuu   → Buun'oo   → Igguu

→Filfilii

→ Waachoo

→ Amballa'aa

→ Areeree

Leeqaa	Tummee	Jaawwii

→ Waayyuu   → Daaphoo   → Jimmaa

→Boonaya   → Buunnoo   → Horroo

→Laaloo   →Noolee   → Guduru

→ Baataa   → Limmuu

→Baabboo   → Sibuu

→Amuru

→Jiddaa

→Abina'oo

Source: adopted from (Nagaso, 1984:104-105) and (Fite, 2012:1)

3.1.2 The Gadaa System among Sayyoo Oromoo

The socio-economic, political and religious lives of the Oromo were highly intertwined, which would be incomplete without investigating the *Gadaa* system. This is the reason why reconstructing and understanding the life requires understanding the essence of *Gadaa* itself (Dereje, 2012: 82). Though the term *gadaa* has different contextual meanings, as a system it is an organization, which directs every aspect of the Oromo life: politics, economics, social, religious and cultural activities. Asmarom Legesse (2000:30) explains *Gadaa* system as a variety of democratic political organization that the Oromo have investigated and practiced at least for the last five hundred years. It is a system of sections of generation (*gadaa* classes) that succeed each other every eight years in assuming political, military , judicial, legislative and ritual responsibilities (Asmarom 2006:30-31). Asafa (2012: 131) summarizes Asmarom's (2006) definition of *gadaa* as three interrelated meanings: 'a grade during which a class of people assumes politico-ritual leadership, a period of eight years during which elected officials take power from the previous ones, and democratic institution of Oromo people'.

The history of the *gadaa* in the *Sayyoo* Oromo traces back to the sixteenth century Oromo expansion. Makko Bili headed the expansion towards the western part of Oromia[7]. He amended law that is known as '*Seera Makkoo*' meaning 'laws of Makko' around the year 1589 (Asmarom, 2000:241). The laws of Mako played a significant role in the mass movement. As Dejene Gemechu (1999:26) explained that Makko declared laws and established the *gadaa* centre for the Mecha Oromo group at Oda Bisil. Negaso (2001:31) also states that Mako was the *Abbaa Bokkuu* of all the mecha Oromo Group. It was located in the upper Gibe basin between Gedo, Bilo and Gibe River. Even though, the area was used as a strategic place for further expansion to the areas they finally dominated, the place no longer served as a common *gadaa* center for the group. Instead, different local *bokkuu* centers were established with the advance expansion of the Mecha group. Nevertheless, this does not mean that they established a unique system of governance, "…the central principles of the system remained intact" (Asafa 2012: 134). Makko's laws served as the foundation of the different *gadaa* centers for the mecha Oromo group. Asmarom (2000:209) explained "…in some parts of the Oromo country the tradition of great lawmakers[8] who are believed to have formulated some of the laws that served as the guidance of moiety systems."

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[7] Personal interview with Gemechu Megersa (PH.D) on Friday August 18,2017 Meexxii,Yangii
[8]*Makko Bili of Mecha was of the two well-known great lawmakers of Oromo with Daawwee Gobboo of the Borana. Makko who lived in the second half of the sixteenth century played a role as model for the conduct of*

According to my informants, the laws were derived from the basic fundaments of Oromo worldviews and the people understood the laws orally. Therefore, the life and works of the people of *Sayyoo* also was generally guided based on the laws of Makko. Until the collapse of the *gadaa* system, *tumaa Makkoo* (Makko's law) was a source of essential cultural principles by which each activities of the society were governed[9].

Among the *Sayyoo* Oromo, there are some evidences that show the *Sayyoo* were practicing *gadaa* system. Asmarom (2006) states that the great law maker of Mecha, Makko Bili have re-established the system of ten *gadaa* classes, the eight years duration of term in office, the forty years generation intervals and rules governing the Borana-Gabaro[10] relationships (2006:222). In this regard, Negaso (2001) states that Makko Bili was given the role of an instructor; he was said to be the *Abbaa Bokkuu* (father of the scepter) and some argued he was *Abbaa Duulaa* (war leader), further some regarded Makko as the founder of the Mecha *Gadaa* system (Negaso, 2001:32). It should be stress that Makko Bili did not spontaneously make the law for the Mecha; he re-proclaimed what his predecessors had formulated (*Ibid*). Even though, it seems to have been forgotten, my informants are aware that the *Sayyoo* Oromo was ruled by the system for the long time until it was collapsed in last two decades of 19th century. According to my key informants, the place for *jila gadaa* i.e. centre of the *gadaa* was located in *Yamaalogii Walal* on mount *Walal*, which is still known as *bakka tumaa seera jahan sayyoo* meaning 'the place of the six Sayyoo assemblies[11]. This could be one evidence that justifies the *Sayyoo* was ruled by the Oromo indigenous political institution, *gadaa* system before the incorporation to the modern Ethiopian empire.

3.2 Research Design

As the aim of this study was comparative analysis of indigenous and modern conflict resolution mechanisms in Seyo Woreda, descriptive survey design was employed to analyze the causes of conflict, the relationship between indigenous and modern conflict resolution,

future legislators. These men were who single handedly made up laws and handed them down to the people, as Moses is supposed to have done when he descended from the mountain with his tablets after his encounter with God. The legendary Oromo lawmakers are not bearded old patriarchs with divine inspiration, but gifted parliamentarians known for their wisdom and /or eloquence. They may also be very influential men who are neither wise nor eloquent but bring about change by the sheer force of their personality." (See: Asmerom, 2006:209). Laws they made could have been accepted or rejected and were recognized by the assembly.

[9] *Personal interview with Gemechu Megersa (PH.D) on Friday August 18,2017 at Meexxii,Yangii*

[10] *Borana-Gabaro is the two halves of the Mecha dual organizations. The two halves are said to be senior and junior. Borana is senior and Gabaro is junior, because the latter evolved its position as a component of the dual organization during the great expansion. See Asmarom (2006:140).*

[11] *Personal interview with Gemechu Megersa (PH.D) on Friday August 18,2017 at Meexxii,Yangii*

the interactions between both mechanisms, the similarities and differences between them, the advantages and disadvantages of them and finally the challenges facing indigenous and modern conflict resolution mechanism in the study area. Descriptive survey design is selected because the nature of the problem needs wide description and investigation. The study is basically descriptive because it helps to make detailed analysis of existing phenomena with the intent of employing data to describe current conditions. In similar way, the use of descriptive survey design well supported by Best and Kahan(2005)."Descriptive survey design is appropriate to describe condition that exist, opinions that are held and processes that are going on, trends that are developing and also to assess large sample size.

To do so, the responses obtained from the target study participants in this study are well experienced elders in conflict resolution, judges, religious leaders, Abbaa Gada, expertise from both Culture and Tourism office and the Woreda Land administration, public prosecutors and expert from anthropology.

3.3 Research Approach

There are three types of research approaches in any research: these are qualitative, quantitative, and mixed. However, due to the topic the researcher has employed qualitative research approach.

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

Moreover, qualitative research is preferred to collect data about human life realities, experiences, behavior, emotion and feeling, organizational function, social movement, cultural phenomena and their interaction with nature (Straus and Corbin, 1998).

The need of choosing qualitative approach is to study things in their natural setting, interpret phenomena and getting in touch with everyday social events (Lincoln, 2000).

Besides, qualitative research methods are praised for exploring people's life in a detail and enriched manner (Silverman and Marvasti, 2008). Therefore, the method that I employed in this research is qualitative approach to compare the indigenous and formal conflict resolution

mechanism in the study area. In order to do this, as shown clearly in the above, it is the qualitative research approaches that will help me most.

3.4 Sources of Data

3.4.1. Primary Data Sources

Primary data sources would provide first-hand information for the particular purposes on which one is currently working (Knife, 2002).Therefore, the primary data were obtained from knowledgeable elders, religious leaders, judges, experts in the field, Abbaa Gada's and expertise of Cultural and Tourism Office and ordinary residents of the area who are familiar with the socio-cultural aspects of the society.

3.4.2 Secondary Data Sources

Emphasis on written materials is providing guidelines for the most effective way of doing research (Johann, 1988: ix). For this thesis, I used both published and unpublished documents to supplement the primary data. Sources like Books, articles, journals, research reports and theses and dissertations were used. Information from this literature is used to construct theoretical frameworks and empirical literature for the study. In addition, Woreda court files as well as Woreda culture and tourism bureau documentary data were reviewed. The information gathered from these sources helped me build conceptual and theoretical frameworks of the study as well as review of related empirical literature to substantiate data with first-hand information.

3.4 Sampling Procedures

The selection of appropriate sample depends on sampling procedures followed by the researcher and the nature of the tools that is planned to be applied. Accordingly, the researcher purposively selected sample respondents for this study based on the judgment that the data obtained from these purposively selected respondents on the basis of their experience in indigenous and modern conflict resolution will meet the purpose of the study.

As Kruger and Newman (2006) explained in purposive sampling, the researchers select a sample with a purpose in mind. Likewise, purposive sampling technique is a sampling strategy that the inquirer selects individuals and sites for study because they can purposefully inform an understanding of the research problem and central phenomenon in the study (Creswell, 2007). Usually there are one or more specific pre-defined groups the researcher is

seeking. Hence, the Seyo Woredais selected based on availability and my birth and work place. In this case, since Oromo people in general and Sayyoo Oromo in particular give a special place for peace building I observed how this was practiced by community today and this interested me to further describe their experiences. Since this study was dedicated itself towards understanding the issue at community level, it is not worth to stick on a single *Kebele*. As the community elders who have a critical role in conflict resolution are scattered in the various *Kebeles* of the *Woreda*, it is insignificant to depend on a single *Kebele* as a study site. For the richness of the data the elders considered and admitted to this study are accessible elders from different *Kebeles* around the *Woreda*.

According to Stake (1995) the question of representative sampling for the study population does not necessarily arise in qualitative approach. Thus, the number of participants in study does not matter for a qualitative research to be acceptable provided that the study has met its objective of exploring the issue understudy. Therefore, it was possible to select respondents purposively based on the saturation of the data needed for the study. As such the respondents were selected based on the researcher's judgement that they will provide ample information that best meet the objectives of this study

The researcher made key informant interviews with 15(Fifteen) respondents. The key informants were selected on the basis of their experience in indigenous and modern conflict resolution and their knowledge of indigenous and state laws. Community elders, *Abbaa gadas*, religious leaders, court officials (judges), public prosecutors, professional in the field, and experts from both Woreda Culture and Tourism offices and Land Administration Office were those key informants from whom most data for this study was collected. These respondents are said to be key informants because they are closer to the issue under study since they are the main actors in resolving conflicts of different level that may arise in Sayyoo Oromo. The researcher selected key informants purposively through the guidance of experts from Woreda culture and tourism offices and from his previous knowledge about knowledgeable elders and practitioners.

The researcher's intention to select court officials as research participants was to know the awareness of formal justice system practitioners towards these indigenous mechanisms of conflict resolution and their stand towards the importance of using indigenous conflict resolution mechanisms in parallel with the formal justice system in dealing with conflicts. Judges (court officials) could also provide sufficient information about the contribution of the

government and other non-governmental organizations for sustainability and applicability of indigenous mechanisms of conflict resolution in the areas of conflict resolution in the study area.

One focus group discussions, having ten (10) participants who are commonly participant in indigenous and modern conflict resolutions was conducted to compare the indigenous and modern conflict resolution mechanism in the study area.

3.5 Research Instruments and Procedures of Data Collections

3.5.1 Key Informant Interview:

Key informant interview was also conducted to collect qualitative data. The purpose of key informant interview is to learn about people's view on the topic of interest, to learn their terminology, and judgments and to understand their perceptions and experiences (Kikwawila Study Group, 1994). Key informant interview helps the researcher to gather sufficient information about the issue under study and in sharing the experiences of the people. The key informants were chosen on the basis of their knowledge of the culture and laws of the country as well as their experiences in indigenous and modern conflict resolution mechanisms. Thus, elders of the community, the Woreda court president, formal court judges, public prosecutors, Kebele leader, religious leader, Abba Gadas, professionals in the area of culture, experts from culture and tourism office were sources of information.

For the purpose of this study, I selected fifteen key informant respondents who satisfied the following inclusion criteria. So, participants who have:

1. The experience and participated in resolution process

2. A respect and known in the community as an elder

3. Their willingness to participate in the interview and their ability to give consent.

4. Age range above 35 and professionals serving the society in the court and offices were admitted as study participant.

3.5.2 Focus Group Discussion

On some specific issues different people may have different concerns. Thus, to look at concerns of different individuals and even to explore their level of understanding on some issue the researchers will use focus group discussion as another method of collecting data for this study. There are several reasons according to Bryman (2004: 247-8), for using focus group discussion as a data collection tool. Among other things conducting a focus group

discussion help the researcher to develop an understanding about why people think the way they do, members of the focus group can bring forward ideas and furthermore the interactions found in group dynamics are closer to the real life process of "sense making" and acquiring understanding. Therefore, considering the advantage of conducting focus group discussion and the time given for completing the research, the researcher was conducted one focus group discussion with various categories of informants with the aim of accessing different views about the comparative analysis of indigenous and modern conflict resolution mechanisms in Seyo Woreda and collected a large amount of data relatively over a short period of time. The focus group discussions was made with a group that consists of the local elders, law officer, religious leaders, Abbaa Gada's, expert from both land administration office and culture and tourism, and finally Kebele leaders to compare the indigenous and modern conflict resolution mechanism in the Woreda as well as to identify causes of conflicts in the study area and to identify which mechanism is most widely used by the peoples of this area. In general my participants in focus group discussion were ten in number.

3.5.3 Document Analysis

Apart from interview and focus group discussion, document analysis was also used to obtain additional data by reviewing different documents and records. Documents that are relevant to compare the indigenous and modern conflict resolution mechanisms were consulted and analyzed. These documents were drawn from Sayo Woreda culture and tourism bureau, documents that shows the profile of causes of conflict occurred in the Woreda court were observed. Similarly, the researcher collected different documents from Culture and tourism bureau, from Seyo Justice Administration office and from Kebeles report that shows the number of cases finished by using indigenous conflict resolution mechanism and the number of cases transferred to Woreda court.

3.5.4 Non-participant observation

This method was another valuable tool to gather valuable information from the ongoing activities. The researcher observed what elders do, what elders say and what people do and what people say, the processes and procedures of indigenous and modern conflict resolution mechanisms. As an example, the researcher observed the process of *jaarsummaa* and got the opportunity to observe the documentary video regarding *gumaa* practices among *Sayyoo Oromo* of Kellem Wollega Zone, the case of Seyo Woreda from Kellem Wollega Culture and Tourism Office. Besides this, the researcher observed the conferences made to bring the Gada system to its former place at Zone level at the place called Yamalogi Walal that is the former

place where the Mako Billi ,the leader of Six Sayo (Ja'an Sayyoo) make (pass)laws and give directions for all Sayyoo Oromo which is nearest to Walal mountain.

Moreover, the researcher observed the court procedure and different trials in the Seyo Woreda. Using this opportunity, the researcher observed parts of the sessions and the observation simply supplemented by note taking of undergoing activities since the video ,and audio recording was prohibited on some sessions for their own reasons. This all observations were used as a good source of information for this research.

3.6 Methods of Data Analysis

During data analysis, the first thing was transcribe first draft, second draft, and writing up of the notes and transcriptions of tapes recorded following the data collection process. Then, in order to attain the specified research objectives, the collected data was organized based on the purpose of the study suitable for analysis and discussion. Since the participants were interviewed in Oromo language, the transcribed interviews and focus group discussions were translated in to English. The next step was reading the transcripts and field notes so as to clutch the themes and patterns of the data.

To this end, the responses were categorized as causes of conflicts, advantages and disadvantages of indigenous and modern conflict resolutions, relationship between indigenous and modern conflict resolutions, procedures of conflict resolutions, types of indigenous conflict resolution mechanisms , the challenges of indigenous and modern conflict resolutions, similarities and differences between indigenous and modern conflict resolution, the status and the value of indigenous and modern conflict resolution mechanisms. Based on the results, conclusion and recommendations were given.

3.7 Ethical Consideration

It is obvious that ethical issues are essential as other aspects in the process of conducting a research for it significantly affect the success of the study. In this regard, a researcher needs to consider ethical standards of the host society on which the research will be conducted. Therefore, I considered the social and cultural norms of the host society the Seyo Woreda people on whom the research was carried out. To do so, first the ethical approval and clearance was obtained from Jimma University, department of Governance and Development studies. The *Woreda* governing bodies or other concerned bodies were contacted and

permission was obtained from them. The objective and purpose of the research was clearly communicated to participants and I also let them know to withdraw if they get discomfort in the process of their participation. All of them were informed that participating in the study is voluntary and secrecy of their responses would be maintained based on their personal interest. While writing the report, I was refrained from using unnecessary terminologies that might disappoint the participants of the study and I tried to avoid my personal biases. The interest of participants was given due place in the process and nothing was made that harm the participants physically, socially, psychologically. The relationship between the researcher and the participants was based on mutual trust and they were not misused and all the ethical concerns were respected appropriately throughout the process of the study.

CHAPTER FOUR
RESULTS AND DISCUSSION

This study aimed at a comparative analysis of indigenous and modern conflict resolution mechanisms in Sayyoo Oromo of Sayo Woreda,Kellem Wollega Zone, Oromia. To collect relevant data for the study, interview, and focus group discussion and document analysis were employed.

Accordingly, the results and discussions of participants' responses, indigenous and modern conflict resolution mechanisms were compared with the actual practices of the two mechanisms in society's daily life and analyzed accordingly.

4.1 Causes of conflict among Sayyoo Oromo

As discussed in section 3.1 Sayyoo Oromo in general include all Oromo peoples living in Kellem Wollega, Oromia region in the past without including those Oromo groups *Ittuu* and *Humbannaa* from eastern and western Hararghe who were resettled 2004 and 2005 in Kellem for socio-economic factors (Bedilu,2014). However, in this section, the researcher could analyzed specifically the cause of conflict in Seyo Woreda which is one of the 11 Woredas in Kellem Wollega Zone.

Conflicts in Seyo Woreda are originated from various sources. These causes are associated with conflict between spouses ,land disputes and inheritance of property, competition over grazing land , boundary conflicts on farm lands, homicide ,physical damage, insults, backbite, theft, sense of competition between different tribes, and women's abduction.

According to personal discussion with my informants even if the causes of conflict in Seyo Woreda is similar with that of others, some of the causes of conflict in this area include: individually on boundary of land; by group also people fight against each other on grazing land. He also added conflict can arise in between villages or neighborhoods caused by children's related factors when they are playing and, when returning back to home from school and when cattle's might eat the grain or crops of the neighboring land. Similarly, conflicts happen between spouses (husband and wife) as my informant made it clear.[12]

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[12] personal interview with Petiros Kabada,Aba Gada of Dambi Dollo city, on Sunday May 14,2017 at Dambi Dollo

According to my other participant in focus group discussion the overall cause of conflict was originated from the desire for getting benefit or advantages. Whether it might be caused by boundary of land, grazing land, homicide, divorce and inheritance of property he underlined the target is for benefits.[13]

In order to understand the causes of conflict in Seyo Woreda let us discuss some of them one by one.

4.1.1 Boundary conflict on farm lands (*Daangaa lafaa*)

Disagreement over the inheritance of land among members of family leads conflict and sometimes members can kill each other. The importance of land issues is found in cases brought to the courts as well, and in many countries more than sixty percent of the cases in court are the issue of land and land related problem (Noah, 2010).The same is true for this area .According to Woreda Rural and Agriculture office the all entire economic base for people in the area is dependent on land and land resources. Since majority of the people living in this area depends on agriculture land related conflict is widespread .In support of this my informant from Woreda justice office discussed that in this year the figure from court shows that the issue of land ownership and land related disputes stands at second rank in our Woreda. He added in relation to the opening of Dambi Dollo University which was established on the land of Seyo rural area caused conflict between residents and the government in order to get their compensation because the money was not paid at once to the people who deserve the compensation.[14]

According to another informant when Oromo was governing itself in the past; boundary, water source, grazing land, elder as well as the youth could be protected. However, now these practices are disappeared. For example Oromos do not have the culture of lying, crossing boundary of others to claim. However, according to my informant in this Seyo Woreda today by crossing in to the land of their neighbors and when went to court and also when they come to *jaarsummaa*(elders settling conflict) even if they passed the boundary given to them they can hold the Bible or Qur'an to deny their wrong doing. In general, land related conflicts are common in the area.[15]

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[13] personal interview with Matiwos Nagash ,law officer, on Thrusday August 17,2017 at Dambi Dollo
[14] interview with Dawit Mamo ,lawyer on Monday August 14,2017 Dambi Dollo
[15] interview with Lema Begna, Aba Gada of Seyo Woreda, on Thrusday July 13,2017,at Yangii

4.1.2 Divorce/conflicts in between husband and wife (*Diiggaa maatii*)

Divorce can be defined as an ending of marriage by an official decision in a court of law. During the session of focus group discussion all the participants agreed that today in Seyo Woreda, the main cause of conflict is issues related with spouses. According to Woreda justice administration office today the figure shows, the question of divorce from both sides (wife and husband) occupy first rank. This issue of divorce is the first issue which is difficult to the socio-cultural life of the people in the area now. It is an obstacle for development of one country, because children's might face serious psychological problems. So this issue is a headache for religious institution.[16]

4.1.3 Inheritance of property/ *mirga dhaalaa kabachiifachuu*/

According to my participants from FGD the issue of inheritance is another cause of conflict in the area. This happens sometimes when elders give inheritance to their children, but, later, change their ideas when they lack support and meaningful assistance they expect to get from them. As they give the inheritance to other children by withholding the former heirs, conflicts arise between brothers and sisters of the same family.

4.1.4 Religious difference

As everybody knows religion is something which is used for spiritual purpose. According to my informant now in Seyo Woreda there are 62 different religious institutions. Conflicts can happen in between them when teaching and expanding their religion one can say my religion is more important than your religion. He also added that sometimes they can compete to take the followers of other religions by using different mechanisms and this would create conflict in between them.[17]

Similar with the above idea my other informant added the various religions expanded in this area now rather than restoring peace in the area they are creating conflict because each religious institution needs to maximize the number of followers.[18]In general religious difference is one of the causes of conflict in the area.

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[16] Personal interview with Matiyos Nagash ,law officer,on Thrusday August 17,2017, at Dambi Dolloo
[17]Personal discussion with Lama Begna Aba Gada of Seyo Woreda,on Thrusday August 17,2017, at Yangii
[18] personal interview with Gemechu Megersa (PH.D), on Friday august 18,2017 at Meexxii,Yangii

4.1.5 Backbite/*hamii ykn jette jettee*

This is to make spiteful or slanderous comments about somebody who is not present. According to my informant from religious leaders today one of the problems of church is *jette jettee*. He asserted that there was no mechanism for measuring this problem in the society. It can occur in families, villages, in the offices and in religious institutions etc, in this area it is another cause that can put peoples in to conflict. It might be the cause for divorce.[19]

4.1.6 Sense of competition for benefits (*Qomoodhaan wal midhuu* faayidaaf jedhanii)

According to my participant from FGD in Seyo Woreda in some Kebeles there are situations where one clan shows the feelings of superiority over the others to make them inferior. In this case if one clan (*qomoo*) is large in number and another *qomoo* is few those who are majority in that Kebele can undermine those minor clans. This can in turn aggravates conflict in the long term because it can make people look down on them which in turn lead to critical conflicts.

4.1.7 Theft

Theft is the act or crime of stealing somebody else's property. According to my informant as discussed above, Oromo people in general have morality (*Safuu*). Those *Safuu (character)* includes not taking the properties of others, not killing others, and not lying. However, specifically when we take Seyo Woreda today according to my informant mother and daughter are equal, as well as father and the son are equal and *Safuu* is being deteriorated. Similarly, stealing, robbing the properties of others as seen from the court files as well as killing each other causes conflict in the area.[20]

4.1.8 Physical damage and insults (*miidhaa qaamaa fi arrabsoo*)

Physical damage is interpersonal strikes resulting in physical wounds or loss of any part of the body. As elaborated by elders and judges during FGD sometimes to achieve their interest some individuals wait each other's when returning from market in days like Wednesday, Saturday relying on darkness during market day in the Woreda and harm each other. In other way when taking *araqee* (local drinks) at the evening in their local areas some individual might exchange words and start fights which will result in physical damage even to death.

Insult means to say or do something rude or insensitive that offends somebody. According to my participant in FGD from judges among causes of conflict in Seyo Woreda that individuals

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[19] Personal interview with Reverend, Tesfa Tolessa on Monday August 14,2017,at Dambi Dollo
[20] Personal interview With Lama Begna, Aba Gada of Seyo Woreda on Thrusday July 13,2017 at Yangii

and groups came to court is *arrabsoo ykn maqa balleessiii.* He added insulting means spoiling the name of individuals or groups by calling them with different names which can undermine and injure the person. The reason behind insulting is when failing to reach their interest and advantage.[21]

These multifaceted natures of conflicts have been solved by different indigenous and modern conflict resolution mechanisms as discussed in the next section.

4.2 Conflict Resolution Mechanism in Seyo Woreda

4.2.1 Indigenous Conflict Resolution Mechanisms in Sayo Woreda

According to the data collected from participants of the study,Sayyoo Oromo like many other Oromo clans, is rich in indigenous conflict resolution mechanisms. These are Ilaa fi Ilaamee (negotiation or compromising mechanisms), Jaarsummaa mechanism (reconciliation administered by the community elders); Gada system (judicial, administrative and political mechanisms) and religious system (religious adjudication).

4.2.1.1 Ilaa fi Ilaamee (negotiation) mechanism

The Oromo culture encourages the disputants to settle their case on their own through negotiation. Among the Oromo this sort of negotiation is called *ilaaf- ilaamee*. Such a negotiation is possible between parties who have no difficulty in communicating and negotiating over the issue at hand, and who really want the matter amicably settled.

According to my informant, the term *ilaa fi ilaamee* is two combinations of Afaan Oromo words which show the way the two disputants begin talking together for negotiation. He added according to peoples of this area if the first disputant says 'ilaa' in English, 'look'or 'listen' and the second party can say *ilaamee* in English to some extent 'yes'[22] .In support of this Asefa(2001) interprets that the phrase *ilaaf-ilaamee* indicates the very procedure of the negotiation. *Ilaa* means 'look' or 'listen' uttered by one of the two parties to start talking. It is a way of calling for attention. The second party use *ilaamee* to respond the first one. The suffix *mee* approximately means 'please', simply qualifies the politeness of the approach. Similar to that according to my informant (ibid) among Sayyoo Oromo *ilaaf-ilaamee* is understood in the above ways[23].

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[21] Personal interview with Meseret Edosa ,legal counselor, on Sunday July 16,2017 at Dambi Dollo
[22] Personal interview with Jigsa Taye ,Culture and tourism expert,on Monday August 14,2017 at Dambi Dollo
[23] ibid

As conflict happen in between individuals at work places, at religious institution and in between friends, most of them are resolved by using ilaaf-ilaamee according to my participant. He added in school between ordinary teacher and vice director when conflict happen, in some schools there is a situation in which both parties can come together and negotiate without involvement of third party. So according to my informant by using ilaaf-ilaamee or negotiation different types of conflicts between individuals were being solved.

Ilaaf- ilaamee negotiation is effective to settle cases, which the disputants want to keep secret from others for whatsoever reason. It is also employed for minor cases, which seem trivial for others to intervene and for the disputants to invite others. Disputes between individuals or groups whose relationships are valuable to preserve are often resorted to *ilaaf-ilaamee*.(Dejene 2002)

My informant also added that despite ilaaf-ilaamee is performed in secret and it is difficult to figure out how many cases are solved by using ilaaf-ilaamee, from the social life of the people, we read that individuals and friends are solving their misunderstanding by using this mechanism.

Negotiation is a special type of communication where the parties in conflict look for problem solving mechanisms through fruitful discussions, develop common understanding that could equally benefit both parties as a basis for agreement and is also a means to facilitate harmony through conversation and consensus that creates mutual understandings(Spangle, et.al 2003,p. 3). Therefore, it is a consensual bargaining process in which parties attempt to reach agreement on a disputed or potentially disputed matter.

Negotiation is most familiar to persons in conflict situation. It is usually based on the principle of giving and getting. It is hoped that both parties will profit from the outcome of the conflict situation or at least the persons have a sense of a fair settlement. This style of conflict management is based on the assumed goodwill of the persons in conflict. It is assumed that neither party is totally locked into an adversary position. Both parties are willing to negotiate either directly or through a third party. It is also assumed that the eventual compromise will result in a better state of affairs for both parties.

4.2.1.2 Jaarsummaa Mechanisms (reconciliation administered by the community elders)

Another important informal institution with relevance to conflict resolution is the institution of *araara* (literal meaning, reconciliation) and *jaarsummaa* (literal meaning, the process of reconciliation between conflicting individuals or groups by a group of Jaarsaas).

Araara is the process of conflict management involving individual clans within and outside the community. It is basically handled by the council of elders in the community and thus associated with the *gadaa* system, and called *jaarsummaa* in some localities. Dejene ,2004).

The term Jaarsa is the Oromo version of elder and thus Jaarsummaa is the process of reconciliation between conflicting individuals or groups by a group of Jaarsaas (elders). So, the word *jaarsummaa* is derived from an adjective '*Jaarsa*' in Oromo language and the suffix '–ummaa' (Roba, T 2004). *Jaarsa* means a male elder/elderly in Oromo Language. Culturally, elders are the most respected persons in the community.

Jaarsummaa is a collection of *jaarsa biyyaa* (elders of the country which is also called the council of elders) to manage conflict existing at any level. The *jaarsa biyyaa* in the council are not necessarily the elderly people, and they are also not fixed to an explicit community group. They could be from any members of the communities as long as they have the capacity to analyze the cases at hand meticulously with the rest of *Jaarsa biyya*/elders. Thus, anyone involved in the conflict management and reconciliation (*Jaarsummaa*) process with *Jaarsa biyya* is collectively called *Jaarsa* regardless of the age he is in actual life. Among the Oromo, the community's attitude toward the *Jaarsa biyya* is very respectful in various aspects.

According to my participant during focus group discussion, when conflict arise between two individuals and above, from the society who is responsible to interpret the conflict is the elders /*jaarsoli*. Elders or *jaarsolii* are those who have lived long and passed through many generations and those who have experiences. My informant also added that in the *jaarsummaa* conflict resolution system, the criteria for appointing somebody as *jaarsa araaraa* are: first those who are peaceful and acceptable in front of the community, second those who manage their family in better way and finally those who have good relationship with societies around and with their neighbors'. Regarding this Horowitz (2007) wrote as, it is crucial for a mediator to be trusted by the parties to a conflict, and in order to achieve that, he/she must be an upright and honorable person, who shows will and determination to help the parties in conflict. In this regard, conflict resolvers, are selected based on their good

reputation, wisdom, exemplary deed, experiences, patience, commitment, talent in delivering just decisions, well versed in traditional law and other calibers. Tarekegn (2008) also noted that in many communities elders who are respected and accepted in their community by their wisdom, experience, moral standard, knowledge of the custom of the community, their ability to analyze and advise disputants, and being character of patient, impartial, incorruptible and respectful of diversity are selected in the conflict resolution process as conflict resolvers. Due to the above qualities of the conflict resolvers, they are highly trusted and respected by the wider society. As a result, conflict resolvers are effective in maintaining peace and resolving conflicts. This is to serve the conflicting parties equally and impartially, truthfully and fairly and to effectively bring the parties in to conflict to their former relationship. In resolving conflict by using *jaarsummaa* the standard of measurement is equality, truthfulness, honesty and within the frame work of the norms and values of the society. This principle which is similar with democracy totally neglects treating people depending on condition like color, property, blood relationships[24].

According to my respondent conducting *araara jaarsummaa* require time and place. Most of the time among Sayyoo Oromo *jaarsummaa* is performed at the morning without eating and drinking anything. In the *Sayyoo* Oromo, *jaarsummaa* has its own procedure. Concerning the way in which the *jaarsaa* take up matters for mediation, my informant told me two ways of gaining jurisdiction. The first way was the elders who heard about the dispute go to the disputants and ask them to submit the matter to them so they can mediate between the perpetrators. This is due to the common understanding of the community that resolving conflict is a social responsibility of elders. The second form, in which a case appears before the community of elders was when one of the disputants goes to the elders, states the case and asks them to intervene. When both agree to settle their quarrel through mediation, they consult with the elders on the date on which they will meet, when each party will appear along with the elders. The days preferred to meet for *jaarsummaa* were Tuesday, Thursday and Saturday under a big tree. Then they start their session by blessings and asking God for successfulness of their plan. Before blessing started, everybody is expected to have *coqorsa* (a type of grass) at hand, which symbolizes their promise to speak the truth and peace. Because they believe that grain is source of life for both human and animals. It is believed that if they do not speak the truth, the grain may not grow.

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[24] Personal discussion with Petiros Kabada ,Aba Gada Of Dambi Dollo City,on Sunday May 14 2017 at Dambi Dollo

After the blessing, they proceed to ask the parties to present their respective cases before the elders. This was done in private, when one partner presents his/her issue; the opposite partner leaves the session temporarily. After hearing both of them, the elders ask the disputants to stay aside and consult among themselves. When their consultation ends, the elders call the disputants individually and tell their faults. Then they strive to convince the partners, though articulating different types of oral literature such as proverbs to make an apology. Then the elders decide on the type and amount of compensation to be paid by either one or both of the disputants. The initial compensation to be paid by the offender goes from '*haqa kennuu*' (giving the truth) up to some amount of cash. The conflicting group accepts the decision for the sake of the respect regarded to elders as well as for the fear of curse and social banishment. Finally after reconciliation the conflicting parties can make an oath by saying if we will fall in to conflict in the next we will be punished for the community and government by payment. This oath can help them to avoid the feeling of revenge. Then after that conflicting parties can invite the *jaarsolii araaraa* to their home to eat and drink as well as to show how they are returned to their former relationships.[25]

As in any traditional societies of Africa, elders in Oromo are respectful for their tremendous functions and balanced, fair and critical decisions in the society. They are of such a prestigious status that their deeds and decisions are not easily and simply refutable. Elders play an important role in the society to properly administer and harmonize the people. Every matters of the society are managed by these elders. These could synonymously be referred to as council of elders.

Elders monitor and influence grass root opinions of the disputants and they act as mediators operating in open assembly not secretary. They work on the basis of enlightened conflicting parties' interest to produce necessary and crucial results through their collective institution and this rule bound to bring behavioral and social change thereby maintaining their relations and managing the conflict.

The council deals with relations between groups in conflict time and peace time and lays down the laws and principles by which members of conflicting parties act while all adult men are entitled to participate and hear the council of elders. Reaching an agreement was usually delegated to the elders who are drawn from all levels of the society. An elder was usually a

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[25] Personal interview with Birhanu Taresa, community elder, on Sunday April 23,2017 at Aannoo Mikaael

man who gains religious knowledge and power of oratory. The council of elders emphasizes the interests of conflicting parties in their decision making process.

Ordinary people in villages still trust the advice of elders in resolving local conflicts for two obvious reasons (Chandra, 2008). First, their advices are politically neutral with social sensitivity and second they are less expensive in nature and can provide direct decision.

In general according to my participants from focus group discussion even if from time to time using *araara jaarsummaa* is deteriorating in the study area by different factors, the role of *jaarsa araaraa* was unpredictable in maintaining peace and security of their local area[26].

4.2.1.3. Religious leaders (Fathers)

Many scholars who have studied the Oromo agreed that being one of the very ancient groups of people who had their own culture and religion. Before the introduction of Christianity and Islam the oromo used to practice their own religion which is monotheistic belief in one God called *Waaqa.Waaqaa* for Oromo stands, as creator of a universe, source of law and justice, omnipotent, omniscient, omnipresent. Hence worshipping in such a supreme creator is called *Waaqeffannaa* (Dejene 2002:44). My key informant shared the same idea and further explained that Oromo people have great place for the God. Before the expansion of Ethiopian Orthodox Church and protestant religion in the area the Sayyoo Oromo praise the God by following their indigenous religion like *irreecha*, and *qaalluu* which can play an important role in the resolution of conflict. However today with expansion of Protestantism by missionaries in place of indigenous religions of Oromo in the area, by those introduced religions conflicts are being solved with the help of religious leaders.[27]

One of my key informants said, "Dispute settlement mechanisms have been adapted to church orientations." For instance, whenever conflict happened between two or more church members and between individuals in the family church leaders within their communion should handle it. Its procedure follows in accordance with the church guidelines. They pick some verses from the Bible and read it for the parties, make prayer and convince them forgive each other.[28]

This mechanism involves and deals with beliefs and peace oriented pronouncements, statutes and actions of spiritual and religious communities and societies. Best (2005) opines that

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[26] personal discussion with Elias Dula ,culture and tourism expert Wednesday august16,2017,at Dambi Dollo
[27] Personal interview with Gemechu Megersa(PH.D) on Friday August 18,2017, at Meexxii,Yangii
[28] Personal interview with Kena Raga, lecturer at Theology School,on Friday May 12,2017 Dambi Dollo

"Pacificism, humanism, non-violence, brotherliness as promoted by dominant religions are in this track" (p. 113).Confrontations should be relatively rare occurrences in the lives of practitioners or adherents of religious beliefs. If we go around confronting too much and/or endlessly, then it is a sign of spiritual weakness and impatience. This is irreligious. Keep in mind always that it is a man's glory to overlook transgression. Forgiveness is a religious virtue. There can be no resolution of the problem if there is no spirit of forgiveness in a relationship.

As per the information obtained from focus groups discussion, religious leaders are visible as other actors in resolving conflict. The society considers religions leaders as those who can act on behalf of the will of God and who could argue for truth. No one expects them to speak false because they are God envoys who are respected, trusted and have got high position by the society. Leaders of each religious institution thought the society about the disadvantage of conflict. That means they thought their followers as conflict was bad and that killing or wishing to kill a person and take the property of other persons were strictly forbidden in the eyes of God and this isolates them from heaven. Finally, such leaders bring the conflicting parties into agreement to reconcile their antagonistic idea.

Finally my key informant discussed that the mission of church is to bring peace and to make people to live together in peace, so in Seyo Woreda today religious institutions with their respective religious leaders were contributing their share in the resolution of conflict.[29]

4.2.1.4 Gumaa

Gumaa is one of the Oromo indigenous institutions of conflict resolution, justice administration and peace-building that was/is able to persist and functions to date. These prevailing indigenous institutions of conflict resolution, justice administration and peace-building have mostly been analyzed from anthropological, sociological and psychological points of view (Tamena, 2008).

Better understanding of *gumaa* may need some familiarity with the *gadaa* system and thus it is better to briefly introduce *gadaa* system first. The *gadaa* system is a complex and holistic system that permeates the political, social and economic aspects of the Oromo people's lives. It is a complex and comprehensive institution that the Oromo people have been inventing

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[29] interview with Paster Waga Hambisa ,religious hero ,on Sunday August 13,2017 at,Dambi Dolloo

long time ago to deal with the hurdles and complexities of their communal lives (Asefa 2012).

Sisay (2008) describes the Oromo and their *gadaa* system as follows: The Oromo have one of the most open and democratic cultures among Ethiopians. Their system of African democracy known as *gadaa* is a well-known African indigenous political system that governs social order, politics, as well as peaceful conflict resolution. In short, *gadaa* is a unique social, cultural, political and economic institution of the Oromo people and it permeates all aspects of their life. Asmarom (1973), Lemmu (2004) and Daba (2008) give an important account of the *gadaa* system. Since *gadaa* system is a vast concept, presenting the full image of it takes space. Therefore, the researcher would like to inform the readers to refer from the above mentioned and other sources to capture the full image of *gadaa* system.

Also derived from the *gadaa* system, or working in parallel with it, there are other nonviolent methods of conflict resolution, justice administration and peace-building such as *michuu*, *harma-hodhaa*, *luba-baasa*, *moggaasaa ,waadaa and gumaa ,*Tsega (2002); (Asafa ,2012);(Dejene,2007)

The term gumaa carries multiple meanings. It is most often used to refer to compensation and rituals for purification after homicide. Asafa(2012)defines the core meaning of the word gumaa as follows: gumaa is a general institution of settling blood feuds. It is an indigenous institution of settling blood feuds between parties in conflict.

According to my informant gumaa system of conflict resolution mechanism is practiced in Seyo Woreda. My informant himself after his brother in- law killed a person and formal court decides on him and stayed in prison for 8 years while he was released from jail, I have collected the family of the deceased and his family together then conducted a Gumaa ceremony by going to water sources. Both group ate and drank together and live together in peace.[30]

Similar to this recently in Dambi Dollo town two brother from one family fought with each other and the other killed a brother of his. Then after the killer was thrown to prison and my informant who is elder is called. He told me that since the case was within the family in the culture of Oromo after committing homicide it is impossible to eat with each other because it

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[30] personal interview with Lema Begna ,Aba Gada of Seyo Woreda ,on Thrusday August 17,2017 at Dambi Dollo

is *hirmii* (taboo). To solve this urgent problem the elder called the criminal after taking permission from the police, with the presence of families i.e father and mother and went to water sources and performed the' *haluu gumaa'(*the ceremony*) . This is done with the elder by 'dhiigaa fi eebicha lulluqachiisanii,'* in English 'by rinsing with blood and *eebichaa* (the type of tree) since the court cannot allow the killer to return home according to the law of the country, he was back to the prison but the network of contacting with his family and relatives was opened through *gumaa* practices.[31]

From above two case studies we generalize that in Seyo Woreda today *gumaa* is used as one of indigenous conflict resolution mechanism.

4.2.1.5 Gadaa as conflict Resolution among Sayyoo Oromo

According to my key informant Sayyoo Oromo settlement and ways of conflict resolution is discussed in the following ways.

My informant said that *Sayyoo* is both the name of human being as well as territory. It is named by the founding father see the detail from chapter 2.In Sayyoo Oromo there is the term *Warra that* means in the Sayyoo settlement process, it is the initial part of the society. This *Warra* might have at least 5-20 households. Then this 5-20 households have *abbaa warraa* who is responsible to resolve conflicts between individuals and families without breaking the law of God and committing bias. If there was conflict between husband and wife, this was called "*dubbii gara warraati*" in English "the matter is confined to the family". It was resolved within the family level in secret without publicizing the issue.

Next to *Warraa* there is *ollaa* which today used in the area as *ganda* (kebele).This is ruled by *Abbaa ollaa.* One olla might have up to 100 households. If conflict arises between the society and those beyond the power of *abbaa warraa* is resolved by *abbaa ollaa*. Then when 10 *ollaa* combined together they form *dheeda*. For example in the area the likes of Alakuu, Dhaa'ee, Alaqaa, Rogge baddaa, Amdoo, Aannoo are the examples of *dheeda* .There was also *abbaa dheedaa* for them to settle conflicts between different dheeda. As discussed above when conflict occur in between them it is solved at the level it happens, if impossible it was transferred to the above. When different *dheeda* combined together they can form *reera* that is called today as Woreda.Then this have also *abbaa reeraa*. Finallywhen 5-10 reeraa

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[31] ibid

can be collected together they form Gadaa. For them also there was Abbaa Gadaa. In general, Sayyoo is the territory that one Gada can govern.

So, according to my informant,

- Sayyoo was settled by *Warraa* and have *abbaa warraa*
- Sayyoo was settled by *Ollaa* and have *abbaa ollaa*
- Sayyoo was settled by *Dheeda* and have *abbaa dheedaa*
- Sayyoo was settled by *Reeraa* and have *abbaa reeraa*
- Sayyoo was settled by *Gadaa* and have *abbaa Gadaa*

He added by following their sequences they can solve conflicts made between each other's. In all cases the final decision maker is abbaa Gadaa. There are five Abbaa Gadas among Sayyoo Oromos .All five abbaa Gada's are organized under *Abbaa Bokkuu*. He is the leader of all Abbaa Gadas. "*Abbaan Bokkuu nama waaqaatis nama siyaasaatis*" in English "Abbaa Bokkuu is the religious and political man". He represents God. He keeps the culture and the law. "Inni *waaqa namni lafatti ijaan arguudha*." In English "He was the God that people saw in their eyes". His decision was irreversible and he cannot make biased decision since he is the representative of God, God is fair. He did the will of God. All rules and regulations of five abbaa Gada's including the rules of *warraa,ollaa,dheedaa ,reeraa and gadaa* are examined by *Abbaa Bokkuu*. The last Abbaa Bokkuu of Sayyoo Oromo is Ruudaa Kuraa. This is the cultural structure of Sayyoo Oromo before it was declined under non-Oromo rule.[32]

Gada in general and the above division and settlement of Oromo played an important role in the resolution of conflict between individuals and families as well as, conflicts happening in settlement process in the past.

4.2.2 Modern /Formal Conflict Resolution

4.2.2.1 The Court System

Court has the authority to entertain conflict cases when conflicting parties fail to reach on an agreement through negotiation, mediation or arbitration, or when the case is submitted to it from the very start. The court usually entertains the case based on law and evidence and provides decision on the case. In other words, if the case goes to trial, each side will present reasoned arguments and evidence to support their claims. Once the presentation of evidences

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[32] Personal interview with Gemechu Megersa (PH.D) ,on Friday august 18,2017 at Meexxii,Yangii

and arguments is made, judges will then make a decision. Usually, the court system is a win-loss system. Appeals may be filed in an attempt to get a higher court to reverse the decision of the lower court. If no appeal is filed, the decision is binding on both parties. The importance of this conflict resolution method is it is evidence-based resolution though not without its own flaws.

According to my informant Seyo Woreda justice administration office have seven trials. This is to serve vast number of population from the two Woredas i.e the Dambi Dollo City residents since Dambi Dollo city does not have their own justice administration office. He added that since we serve two Woredas at one place in order to resolve different cases it takes long period of time[33].

In general the courts in the area by referring the national and international law, as well as treaties signed by the country including different documents of federal laws with different types of laws like civil and criminal, penal law it is accomplishing its target to maintain peace and security in the area. In addition for building democratic process and for protecting basic human rights of residents courts are playing an important role.

4.3 Comparative Advantages and Disadvantages of Indigenous and Modern conflict resolution Mechanism

4.3.1 Advantage and Disadvantage of indigenous conflict resolution

According to my informant one of the advantage of indigenous conflict resolution specifically *jaarsummaa* is to make the conflicting parties back to their former relationships. In line with this there was rules and regulation of *afoosha* (Iddir) which say all issues that happened in between individuals and groups must be finished within the *afoosha* (Iddir).This regulation also include an individual ,family who went to court without the knowledge of the *afoosha*(Iddir) should be isolated and discriminated. Accordingly, the objective of that sanction or isolation is not to harm or not to hide his/her truth but to influence the individual to end his/her case at *jaarsummaa* level. The intention here is to make them negotiate and compromise to bring sustainable peace in between the conflicting party in the long term.

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[33] Personal interview with Dawit Mamo ,lawyer,on Monday August 14,2017 at Dambi Dollo

Because in the area even if they use the court when the imprisoned party will be released they can come to negotiation through *jaarsummaa* to live in the society in peace[34].

My other informant added the advantage of indigenous conflict resolution specifically *gumaa* can clearly end the feelings of hatred and enmity from the conflicting parties. He underlines in the culture of Oromo Sayyoo once *gumaa* is performed nobody is expected to remember later. My informant added God and truth cannot allow them to live on this earth if from the conflicting one can raise the case and we believe in this way.[35]

In support of this idea, according to Castro and Galace (2008), if the offender is found guilty, he may be put in prison. However, imprisoning the offender still does not bring a long-lasting and satisfactory solution to the victimized group. This is mainly because those who are directly responsible for violence leave victims with physical, emotional and psychological trauma, which in the long run results in anger, fear, and insecurity. Even though offenders are put in prison, the unhealed psychological factors motivate the victim's family or relatives to take vengeance on the offender's relatives or property

According to my other informant the other advantage of indigenous conflict resolution mechanism is related with the case of *afersataa* in that area it is called "*Caacinii*", in English "collecting all adult people in one area", as they raised the court needs 3 witnesses to open the document but in this indigenous mechanism if one accident happen and there is no evidence by using this mechanism the communities living in that area are collected together for digging out the truth. This is also another advantage of indigenous conflict resolution.[36]

However, according to my informant one of the disadvantage or weaknesses of indigenous conflict resolution mechanism was the party that is harmed cannot get enough compensation since it was win-win approach. This means the criminal is not punished even if the defendant can rehabilitate the injured one. Second, individuals, communities and societies in general cannot learn something from the decision of jaarsa *araaraa* in the case of *jaarsummaa*. This means the deterring capacity of *jaarsummaa* is weak[37]. Besides this, according to the International penal reform (2004) the disadvantages of indigenous conflict resolution

[34] personal interview with Petiros Kabada ,Aba Gada of Dambi Dollo city ,on Sunday May 14,2017 at Dambi Dollo
[35] Personal interview with Lema Begna ,Aba Gada, on Thrusday August 17,2017 at Dambi Dollo
[36] personal interview with Elias Dula ,expert , on Thrusday August 17,2017 at Dambi Dolloo
[37] Personal interview with Tadiyos Negash ,law officer, on Thrusday August 17,2017 at Dambi Dollo

mechanisms is it may lead to the abuse of power, may lack accountability, and not consistent with international human rights .

My other informant told me that indigenous conflict resolution like *jaarsummaa* lacks enforcement organ or institution. Even if there is different sanction and isolation, and different discrimination were imposed on those who cannot accept the decisions of elders at this time in the area it was not satisfactory. He added as modern conflict resolution mechanism in order to take its decision to action, it has court, police, etc while the indigenous doesn't have now. In general the enforcement mechanism of indigenous mechanism especially *jaarsummaa* is weak in the area according to my informant.[38]

 The Center for Democracy and Governance (1998), also suggested that, indigenous conflict resolution mechanisms have limitations such that it is not appropriate taking cases as public sanction, with extreme power imbalance, may undermine other judicial reform efforts, and have no any educational, disciplinary, or restriction effect on population.

4.3.2 Advantages and Disadvantages of Modern conflict Resolutions

According to my participants during focus group discussion some of the advantages of modern conflict resolution mechanism were:

i.   It can conduct in-depth investigation to find the causes of conflict between both conflicting parties based on the evidences or witnesses.
ii. At the end society can learn at least something about the ill effects of involving in conflict and protect them from it.
iii. It is derived from national and international law which protect human and democratic rights of peoples.
iv. It has effective enforcing institutions or organs like courts, police and national defense to take in to action its decision.

As my participants discussed about the disadvantages or weaknesses of modern conflict resolution mechanism, it is explained in the following ways.

First, from the conflicting parties one must be punished at the end in the form of fine, imprisonment and etc. There was pain to one party at the end. One party should be corrected. This means there was win lose approach in this system.

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[38] Personal interview with Gemechu Lencha ,Public prosecutor, on Saturday July 15,2017 at Addis Ababa

Secondly, using modern system of conflict resolution mechanism put the conflicting parties at risks in relation to time, energy, money and even their mind. When productive section of society rush around the court by withdrawing their work, economy is retarded and time is wasted however, if the community used *jaarsummaa* they cannot travel long distance and finish their case in front of their home.Likewise for identifying the issue at grass root level, the court can send the staff to the area to re-examine the issue from community elders, this also costs the government for allowances and this has its own negative impact on the budget of the country as it adds work load on the employers of court.[39]

Finally my participants argued that one of the weaknesses of modern conflict resolution is that, one cannot get the final decision at his /her local place rather it was overturned to the higher one which need more capital which endanger the poor while not having property they drop their case. It is difficult for poor section of the society to continue the proceedings.[40]

4.4 Relationship between Indigenous and modern conflict Resolution mechanism in Seyo Woreda

4.4.1 The Differences between Indigenous and modern conflict resolution

My informant said from its beginning there was a big difference between both mechanisms. During *jaarsummaa sessions, jaarsolii araaraa* can start the program with prayers, the Sayyoo Oromoo remember their *waaqa* (God) first. In addition the procedure itself, the ceremony if we take specifically *jaarsummaa* process as one Aba Gada explained, the community elders (*jaarsa biyyaa*) start the program with prayers. They start by saying the following statement:

Abbaa dhugaa dubbattuu ati dubbadhu

    Abbaa soba dubbatu ati laaffisi

    Abbaa dhugaa dubbatu ati cimsi

    Ati abbaa barcumaa ta'ii dubbii kana ilaali

    In English

Let you [God] identify a person who speak truth

    Let you [God] demoralize a person who speak lie

    Let you [God] strength a person who speak truth

    Let you [God] be a chairperson of this speech.

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[39] ibid
[40] personal interview with Lema Begna ,Aba Gada,on Thrusday July 13,2017 at Yangii

They start with prayers in the above way. This is one difference between indigenous and modern conflict resolution which nobody can see such ceremony in modern mechanism of conflict resolution. He also added that there was one proverb among Oromo society that Oromo elders uses "*Jaarsi udaanumayyuu nama nyaachisa*" this means "*jaarsa* [a respected old person] can enforce anyone to eat a tool." This can show nobody can refuse the decision of elders (*jaarsa araaraa)*; they are willing to accept the decision even if it was sorrow. They said at the end of the session "*Waaqaa fi Jaarsaa jedhii dhiisi*". This is also "*let you calm down for the sake of God and jaarsaa* [a respected old person]."So from this one can understand that the decision of *jaarsa araaraa* cannot be changed and it was impossible to appeal to another body. This is also another difference in contrary to modern conflict resolution mechanism there was the right to appeal to another body[41]. Another difference between indigenous and the modern one is that, in the case of indigenous conflict resolution mechanism both conflicting parties are winners. That means in another way the approach is win-win. This means both parties are benefited which enables them to live together and to continue their former relationships while in modern mechanism there was win loose approach at the end one must be a criminal and should be punished.

Finally, as my focus group discussants elaborated the modern system needs more money, energy, and time as well as cannot completely end the sense of enmity. In addition it is an obstacle for the development of one country by incurring the cost while indigenous methods of conflict resolution is nearest to the society, fast , cheap and for the future relationships of conflicting parties it is necessary. These are some of the differences between them according to my participants.

4.4.2 The Similarities between Indigenous and Modern Conflict Resolution Mechanism

According to my informants indigenous and modern conflict resolutions are similar on the following area like maintaining peace and security, for peaceful co-existence of people by developing social relationship, for accelerating rapid economic growth, that is to achieve sustainable development and to safeguard rule of law, human rights and to defend democracy. Let us see one by one.

According to my informant the similarities between indigenous and modern conflict resolution is both of them are aimed to restore peace and order in the society. The goal of both of them is to find truth among society. He added both mechanisms works to make

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[41] personal interview with Petiros Kabada ,Aba Gada,on Sunday May 14,2017 at,Dambi Dollo

relationships in between individuals as well as societies to pursue their livelihood smoothly and live together with respecting each other and respecting the rights of others.

The other similarity is both of them are the means to achieve rapid economic growth. According to my informant this means when individuals and groups fight against each other and go to court work is terminated. They are sacrificing their time, energy, mind and money. At this time the economy of the country is retarded. My informant added " *yoo haqi hin jirre biyyi nagaa hin ta'u,namni yeroo hundaa yogguu waa'ee dubbii yaadu,misoomni hin jiraatu*" in English " *if there is absence of justice, there was no peace in the country and if there was no peace there was no development.*" However, by utilizing indigenous and modern conflict resolution mechanism if peace can be restored and conflict was resolved the parties to the conflict can return back to their work. In doing this both mechanisms are playing an important role to bring sustainable development in the country.

Finally, according to my informant both mechanisms work for the prevalence of rule of law, for the protection of human rights and for the establishment of democracy.[42]

4.4.3 The Interaction between indigenous and modern conflict Resolution in Seyo Woreda

Concerning the interaction between the indigenous and modern conflict resolution my participants told me that there was good cooperation in between the indigenous and modern conflict resolution mechanisms in Seyo Woreda. Even if most of the people in the area solve their conflict using the modern one, the court send those conflicting parties to community elders not for negotiation or reconciliation, but to clarify the issue. The court send them to *KoreeHawaasummaa Seera Murtii Gandaa* (literally the Village Social Affairs), then the Village Social affairs sent the issue to *jaarsolii araaraa* (Community elders) as my informant told me. The Peasant Association administration, according to Oromia Rural Land Proclamation 130/2007, is given the right to deal with land disputes. In addition according to my informant for matters like land ownership dispute, without attachment is arrived from community elders to the court office, the court cannot open the case to investigate. This also confirms how both systems are working smoothly in the area[43].

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[42] Personal interview with Gemechu Lencha, public prosecutor, on Tuesday, September 19,2017 at Addis Ababa

[43] Personal interview with Zawude Galasa, expert of land administration, on Thursday August 17,2017 at Dambi Dollo

Similar to that, it is not only land disputes that the court transfer to Kebele and elders but other civil issues were seen in collaboration with community elders. Criminal cases started to be seen first at the office of the district court. In fact, dispute cases both civil and criminal cases could climb up through all the court hierarchies as my informants told me. According to them, minor disputes are solved at the lower structure of administrative hierarchies (PeasantAssociation or Kebele). The major ones like homicide do not fall under the jurisdiction of district, started to be seen at zonal court. This is one indication of interaction between indigenous and modern conflict resolution mechanisms. In addition according to my informant we can take the experiences of *jaarsolii araara* when we investigate the case. So they were our references in many ways as well as in order to maintain peace and security in Seyo Woreda we are working with them smoothly.[44]

Similar with interaction between both mechanisms my another informant said that if the plaintiff compromised or reached an agreement with the defendant on the case of criminal offences, the court can mitigate the punishment for the defendant while the plaintiff can obtain compensation. This is also the cooperation between indigenous and modern conflict resolution.[45]This also shows how indigenous and modern conflict resolutions are interrelated in the area.

4.5 The degree of Utilization of indigenous and modern conflict Resolution in Seyo woreda

According to my participants during FGD peoples living in Seyo Woreda today employed both mechanism of conflict resolution. They told me that most of them give priority for indigenous conflict resolution mechanisms as it is compared with the court litigation or formal way of conflict resolution are given as it has low cost, speed, accessibility, cultural relevance, and responsiveness to the poor people's concerns.

However, even if they preferred the indigenous conflict resolution mechanism in Seyo Woreda now the most widely practiced conflict resolution mechanism was the formal or the modern conflict resolution. According to my informant it is fact now majority section of the society were using the court ,the reason is in the case of court one party can be punished

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[44] Personal interview with Matiyos Negash ,law officer, on Thursday August 17,2017at Dambi Dollo
[45] Personal interview with Gemechu Lencha, public prosecutor, on Saturday July 15,2017at Addis Ababa

while in *jaarsummaa* for example two conflicting parties can be warned. So, in order to escape such kinds of double punishment especially for the plaintiff, they went to court.[46]

My other informant also added the reason why peoples of this area now use the modern mechanism as the declining trust on elders. This means from time to time the quality of elders are declining and the trust peoples have towards them is falling.[47]

According to my other informant *jaarsa* (elder) means the elder who is open- minded and not emotional. There are some elders who are dictator and consider themselves as the only decision maker in the session. So, this has its own negative impact on *jaarsummaa. Jaarsolii araaraa* should be disciplined, relaxed and investigates cases with tolerance. Making decisions quickly is not the quality of *jaarsa araaraa*. They should study the case by taking time and by avoiding discrimination and bias. So absence of such ethical standards among *jaarsolii araaraa* is among a reason that makes people to use the modern conflict resolution mechanisms in the area.[48]

4.6 Challenges of Indigenous and Modern Conflict Resolution Mechanisms

4.6.1 Challenges of Indigenous conflict Resolution Mechanisms in Seyo Woreda

As discussed above in Seyo Woreda people preferred indigenous methods of conflict resolution however due to certain factors most of them are using the modern system of conflict resolution. Some of the factors that forced them to follow modern conflict resolution according to my informant are the weakening of Gada system. This means according to culture of Oromo people in general, one should need to know what Gada is to use indigenous mechanisms of conflict resolution like *Gumaa*, *Jaarsummaa,* and *Ilaaf-ilaamee*, and *siiqqee*. Now Gada is registered at UNESCO but my question is how it was going to be exercised and who can pay the sacrifice to bring back to its former position in society.[49]

My informant also added that the government intervention through one to five arrangements also weakens the role of *jaarsummaa*. He argued that this policy totally destroyed the indigenous mechanism of conflict resolution mechanism. When we look around *Koree Hawaasummaa Murtii Gandaa* (the Village Social Affairs) who is powerful is the appointed

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[46] Personal interview with Birhanu Taressa, community elder, on Sunday August 20,2017 at Aannoo Mikaael
[47] Personal interview with Elias Dula ,expert, on Thursday August 17,2017 at, Dambi Dolloo
[48] Personal interview with Lema Begna ,Aba Gada,on Thursday August 17,2017 at, Dambi Dolloo
[49] Personal interview with Gemechu Megersa (PH.D) on Friday August 18,2017at Meexxii, Yangii

Kebele representative and *jaarsolii araaraa* were powerless .It is when elders are empowered that peoples are motivated to use indigenous conflict resolution mechanism.[50]

According to another informant declining trust on elders is another challenge hindering indigenous conflict resolution mechanisms. This means lack of uniformity among them.[51]

The other challenge noted by my informant is that indigenous conflict resolution mechanisms lack enforcing organs or institutions. If from the two conflicting parties one can deny the decision of elders of reconciliation, which organ is responsible to correct the party? Even if there were different types of sanction and isolation in the society as a punishment, this is a challenge today for indigenous conflict resolution mechanism.[52]

My informant also added that seeing modern conflict resolution as a sign of modernity is also the challenges of indigenous conflict resolution. The development of science and technology is an obstacle for the expansion of indigenous conflict resolution mechanism. This means today every citizen has an access to information, they follow modern media like TV, Radio, and internet and face book which encourage modern conflict resolution which is born in Western country.[53]

So the above lists are the challenges of indigenous conflict resolution mechanism in Seyo Woreda.

4.6.2 Challenges of Modern conflict Resolution Mechanisms in Seyo Woreda

As the challenges of indigenous conflict resolution was discussed in the above section, let us see the challenges facing modern conflict resolution among Seyo Woreda.

According to my informants most of the time modern conflict resolutions are exposed to corruption. This means those who are components of modern conflict resolution mechanisms like court, police, lawyers, public prosecutors and officials in the justice administration office while enjoying their benefits they do not look carefully about the ensuring of justice or bringing fair decision to the conflicting parties.

The other challenge hindering modern conflict resolution is unnecessary intervention from the government and officials. It is not totally free from the influence of the government that

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[50] ibid
[51] Personal discussion with Elias Dula, expert, on Sunday August 20,2017 at, Dambi Dollo
[52] Personal interview with Gemechu Lencha,public prosecutor,,on Saturday July 15,2017 at Addis Ababa
[53] Personal discussion with Elias Dula, expert, on Sunday August 20,2017 at, Dambi Dollo

can weaken it to give fair verdict on some conditions. My informants underlined that most of the time when the case is related to politics there was series government officials interventions, so this will cripple the trust people have towards court. This is another challenge of court in the area.

My informants elaborated that the other challenge of the court is lack of accessibility to the society. According to them Seyo Woreda has 26 rural Kebeles and 2 administrative towns including Dambi Dollo town municipal administration which uses the Seyo Justice Administration Office for modern conflict resolution purpose. In another words, all residents of rural Kebele, administrative town as well as Dambi Dollo City residents uses Seyo Woreda Administration Office. It is difficult for all this population to get treatment as they wanted. Some of the come to the area by making long journey and others are exposed to unexpected payment like house rent, transportation. So, lack of access to court due to geographical distance limited them not to continue their cases to find truth.

According to my informant the other limitation of modern conflict resolution is related with time i.e. it is not fast or quick as opposed to indigenous one. This is by making different reason like absence of human labor, there is meeting, trial is closed in the summer, lawyers or judges was went to school to upgrade their education these factors and others can extend the appointment and further delay the case. This is the serious challenge facing modern conflict resolution in the area. My informant added this will results boring and dissatisfaction in the long run which in spite of bringing peace and justice among conflicting parties ,it forces them to revenge as well as the delay can obfuscate the document of which further causes other costs and even trigger the conflict.[54]

The last challenge facing modern conflict resolution in the area is the issue of wrong witnesses. This is an obstacle for ensuring justice in the area. Court at any time depends on evidences and refer national and international law to make a binding decision so, when some peoples come to serve as a false witness there is a situation in which court officials were fall under dilemma. There was a condition in which court lacks sufficient and necessary evidences for making binding decisions.[55] These are some of the challenges of modern conflict resolution in Seyo Woreda.

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[54] Personal interview with Gemechu Lencha, public prosecutor, on Tuesday September 19,2017 at Addis Ababa.
[55] Personal discussion with Matiyos Negash, law officer, on Thursday, August 17,2017 at Dambi Dollo

4.7 Summary of the Finding

The comparison between indigenous and modern conflict resolution mechanism in Seyo Woreda has been made here in under, specially based on the following themes. These are: moral value, evidence consideration, bringing lasting peace, cost effectiveness and speed , accessibility , the number of actors involved in the resolution of conflict, and even the criteria of becoming being considered as elders and lawyer or judge were among the main theme of the comparison.

According to my informants, indigenous conflict resolution depends on moral values, norms, customs of the society as well as the law of God, and because of that they will give fair decision to plaintiff and defendant. They will keep truth at its balance. Moreover, in indigenous conflict resolution specifically *jaarsummaa* my informants told me that *jaarsolii araaraa* (elders) can keep themselves from favoritism and biased decision. They believe that taking a bribe is putting the future hope of their families and children in danger. Therefore, this maxim can remind them to keep justice in balance and force them not to commit corruption. While in the case of modern conflict resolution like court most of the time there are a condition where actors in modern conflict resolution gave low regards to customs, values, norms and morality of the society hence this can be reflected when they get benefits they cannot care about finding the truth or justice to conflicting parties. My informants added that there are few lawyers, polices, prosecutors, judges as well as officials in the office who give priority to public interest that means seek to bring fair decision to the conflicting parties in modern conflict resolutions. Indigenous conflict resolution mechanisms have a vital role for social stability as solutions are given based on the social norms. These mechanisms take into account not only facts but also values involved in the dispute. Hence, when the dispute is resolved conflicting parties will reconcile not only with each other but also with the social value they have deviated. Moreover, indigenous conflict resolution practices consist of a co-operative process where discussions are based on consensus rather than authoritarian procedural requirements. The procedures are flexible, non-coercive, non -punitive and decisions are made for the community (Pringle, 1996: 254). By considering the values and norms of the society they can create better solution. In the contrary, the court system looks into law and evidence and, hence, passes verdict without due regard to the values of the society. Gonfa (2014) ,indicated that *jaarsa araara* are selected from the society on the bases of their knowledge of the societies' culture, honesty, oratorical skill, knowledge of customary law, ability to convince some one and to understand others idea. While to be called as lawyer

or judge or public prosecutor once need to be qualified in the field that is only learning the subject matter unless the morality in their mind force them to serve the community fairly there was no tangible moral value that avoids them from committing corruption in the case of modern conflict resolutions. Therefore, as compared to indigenous conflict resolution mechanism the parties to conflict cannot get impartial decision in modern conflict resolution since it was exposed to corruption and does not give attention to the norms ,customs and values of the society.

The second point of comparison is the issue of evidence. According to my informants, court always depends on written statements of charge, personal witnesses and written evidences to win cases, however in the case of indigenous conflict resolution even in the absence of evidence elders can find a solution for the conflict that arises between two parties at their localities. This means sometimes in the community there might physical injury, death, and theft, etc happens in a hidden way for example at night with the help of the society and even elders have a natural gift to reach at all corners of the society and get the point by using their own mechanism like oath. Therefore, without evidence court can do nothing however indigenous mechanism works to bring justice in any situations.

The other theme of comparison between indigenous and modern conflict resolution is the issue of bringing lasting peace. According to my informant indigenous conflict resolution can bring lasting peace in between plaintiff and defendant. In line with this Oloaba (2010) noted conflict resolution processes should be holistic to bring about long lasting peace. That is, its processes should be able to address the problem at the physical, economic, social and psychological levels. This is because conflict does not destroy only physical property. It also destroys social relationships, harmony and mutual trust between individuals, groups or communities. This is because there was no decision in relation to who is the winner in indigenous conflict resolution mechanism. *"Natu si moo'ee hin qabu"* in English "who is the winner is not decided"[56]. This is due to the fact that indigenous conflict resolution mechanisms are vital as they results in win-win consequence. Putting it differently, both conflicting parties are winners in their proceeding. At the top of that, indigenous conflict resolution mechanisms have a paramount importance on the conflicting parties' future relationship according to my informant. The conflicting parties will be reinstated to their former position and resume their previously existed relationship. Unlike this fact, the modern court system is conducted on the basis of law and evidence so that one party will be the

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[56] personal interview with Gemechu Lencha ,public prosecutor, on Tuesday September 19,2017,at Dambi Dollo

winner while the rest is looser. This may put a danger on the parties' future relationship as one of the parties will be entrusted with certain duty. On the other hand, indigenous mechanisms can provide harmonious future relationships by producing equal satisfaction of both parties.[57]

According to my other informant, when we see the modern conflict resolution mechanism the enmity and hatred developed in their mind when following the court procedure cannot totally separated from them. They might say we cannot bury each other, we cannot use the same grazing land and they might say we cannot use the same sources of water and by finding opportunities they want to revenge each other after taking the decision of the court. My informant added using indigenous conflict resolution mechanism can avoid vengeance and bring lasting peace to conflicting parties. The clear example for this was the gumaa (blood feud) that can be practiced among Sayyoo Oromo of Kellem Wollega.[58]

The other theme of comparison between indigenous and modern conflict resolution is the issue of accessibility and time interval. According to my informant from Seyo Woreda, indigenous conflict resolution mechanisms are easily accessible. Unlike court system, which may not be easily accessible due to geographical distance, transportation problem and other related factors, indigenous conflict resolution mechanisms are nearest to the people. Hence, local communities can easily access them and submit their cases to the concerned local actors of indigenous conflict resolution mechanisms. They avoid the unnecessary costs which could be taken in the court proceeding, such as court fee, lawyers fee, costs of transportation, costs for preparation of pleading, payments in relation to witness as allowance, etc. Another importance in connection with this fact is that conflicting parties can get solved their dispute without taking longer time which would have otherwise been taken in the court proceeding.

[57] Personal interview with Petiros Kabada ,Aba Gada, on Sunday May 14,2017 Dambi Dollo
[58] Personal interview with Gemechu Lencha ,public prosecutor ,on Tuesday September19,2017 at Dambi Dollo

CHAPTER FIVE
CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

So far, it was clearly mentioned that conflict is natural phenomena and happens in every society across the world. In similar fashion the Sayyoo Oromo of Kellem Wollega Zone Oromia region also experiences different types of conflicts between individuals or groups. Such a conflict has its own means to address the problem which was developed by the society. The Sayyoo Oromo has gave due emphasis for the existence of peace and stability and for the maintenance of order, thus they even resolve their differences or the conflict situation by peaceful means. So, in order to resolve the conflict arising between them the people living in Seyo Woreda use indigenous and modern conflict resolution.

Based on the data obtained from key informant interview, non-participant observation, focus group discussion and document analysis since Seyo district is more or less an ethnically homogeneous with common culture the common types of conflicts that usually took place in the area are interpersonal in nature. Some of the major cause of conflict in the area include conflicts between spouses / divorce, land disputes and inheritance of property claims, land boundary, loss of human life, physical damage, insults and back bites are among them.

In relation to the mechanism of conflict resolution utilized in the study area, the finding shows, people are using both indigenous and modern conflict resolution mechanisms. However, the finding also shows that the most widely practiced method of conflict resolution in the area is now the modern one.

Concerning the comparative advantages and disadvantages of indigenous and modern conflict resolution mechanisms, according to my respondents both mechanisms have their own strengthens and weaknesses .However, the indigenous one is more advantageous than the modern one.

Moreover, in relation to challenges encountering both mechanisms, makes it clear that the challenges of indigenous conflict resolution mechanisms are: the weakening of Gada system, the declining trust on elders ,government intervention through one to five arrangements, weak enforcement mechanism of indigenous conflict resolution ,and considering modern conflict resolution mechanism as a sign of modernity while, some of the challenges of modern

conflict resolution are: vulnerability to corruption due to absence of moral value among actors ,excessive government intervention, inaccessibility, lack of speed and delaying the case, and finally the issue of wrong witnesses.

Consequently, in relation to interaction or the relationships between indigenous and modern conflict resolution mechanisms in Seyo Woreda, the data collected from key informant interview, non-participant observation, FGD and document analysis clarify that there was smooth relationship between them. The cooperation between them was complimentary and they are working together interdependently to bring peace and security in the society.

In similar way, data obtained on the issue of comparisons recognizes that indigenous conflict resolution mechanisms are more important than modern conflict resolution mechanism. In this case the finding reveal that on the themes like moral values like customs and norms of the society, evidence consideration, bringing lasting peace, cost effectiveness and speed, criteria of selection of actors in both conflict resolution mechanisms the indigenous conflict resolution is preferable as compared to modern conflict resolution mechanism.

Therefore, based on the finding the researcher concludes that people of Sayyoo Oromo in Seyo Woreda , Kellem Wollega Zone ,Oromia regional state are now utilizing modern conflict resolution more than the indigenous conflict resolution mechanisms. According to them their preference is the indigenous mechanism of conflict resolution since it has many advantages compared with the modern court system in terms of cost effectiveness and time and energy saving as they are undertaken out of work time in the morning and near the residential area and even *gumaa* from indigenous conflict resolution play an important role to end the feelings of enmity and hatred built between conflicting parties and to bring lasting peace. Similarly indigenous conflict resolution mechanisms are flexible; they develop as the communities go forward and provide communities with a sense of ownership contrast to formal legal systems that are perceived as alien to a considerable number of people in the Woreda. However, due to declining trust in elders, impact of government intervention through one to five arrangements, weak enforcement capacity of indigenous conflict mechanisms, backward societies attitudes as seeing modern conflict resolution mechanism as a sign of modernity and civilization, and finally the deterioration of Gada system today forced peoples of Seyo Woreda to use modern system of conflict resolution mechanism. People favor the court or police in order to report their case rather than notifying to the *jaarsa araaraa* in order to have relatively a permanent or sustainable solution for their conflicting.

Although elders have a power and ability to persuade others and to reach an agreement as well as natural skill to resolve conflicts because of knowing their culture, beliefs, values, customs and norms, majority of people still didn't go to the elder for their case.

5.2 RECOMMENDATIONS

Conflicts are inevitable and unavoidable. What is important is to respond to them properly. It has been concluded that indigenous mechanism of conflict resolution is diminishing and not effectively working side by side with the modern conflict resolution mechanism as the study reveal. Indigenous conflict resolution mechanism even *jaarsummaa* is not in its place in the area. So in order to bring peace and sustain justice by using both indigenous and modern conflict resolution mechanisms for youth, elders, expertise of conflict resolutions and culture, and governments the researcher has the following recommendations.

First, with regard to indigenous conflict resolution mechanisms, Gada system should be strengthened. To do so all sections of the society like youth, elders, religious leaders are responsible. The other body that takes responsibility to bring indigenous conflict resolution to its place is the government. The government should create opportunities by making conducive environment for the reformation of the entire Gada system and by inviting human powers or elite's, to conduct research on the system, in doing that Gada could be strengthened.

The other recommendation is related with the impact of one to five arrangements on the role of elders. In this case in order to empower elders of reconciliation and make them to work freely and with higher commitment, the government should run one to five arrangements without degrading the role of elders in the society.

Similarly, in order to increase the trust of societies towards elders and to enhance the quality of elders of reconciliation, the researcher recommends that opportunities should be given for training that can fill knowledge gap of elders on modern legal systems for all elders engaging in conflict resolution from all the Kebele to Woreda levels. This should be in collaboration with government and elders. Moreover, in relation to lack of effective implementation strategy of indigenous conflict resolution mechanism, the researcher recommends that, elders and government should find an enforcement mechanism for indigenous conflict resolvers to make binding decisions and create institutions or organs that can apply the decision of *jaarsa*

araaraa. Similarly, in order to motivate and encourage elders of reconciliations who engaged in the *jaarsummaa* process, the government should find a means to repay or reward them.

Finally, attitudinal change is recommended for those who consider using modern conflict resolution is the sign of modernity .So, what is required is identifying which mechanism is nearest to me and solve my problem permanently and long lasting peace. Due to this, the youth, elders, professionals are responsible to give due attention to indigenous conflict resolution mechanism like *jaarsummaa* since it is cheap, quick, accessible, flexible, participatory, and relevant. In addition from religious institutions more things are expected to resolve conflicts arising between individuals, spouses or families by using indigenous conflict resolution mechanism since in the area non-*waaqeffannaa* were widely expanded. They should teach their followers to finish their case if impossible at church or mosque level, to finish by using *jaarsummaa* and other indigenous mechanisms.

With regard to modern conflict resolution mechanism the study recommends the following things.

Since corruption is not encouraged by culture and religious books and it is the cancer for the social, economic and political development of one country, attention should be given to norms and values of the society so that the actors of modern conflict resolution should fight against corruption and serve community fairly and impartially.

The study also recommends that the government should avoid excessive involvement in the works of modern courts to restore peace and order in the area. In this case in order for courts to run its work effectively according to the constitution, national and international law, the influence of officials on the decisions of courts should be prohibited.

Moreover, in line with lack of accessibility and speed of modern conflict resolution mechanism, the government should establish another justice administration office in the area because at present Seyo Woreda and Dambi Dollo city uses one court which can even delay the case and further expose plaintiff and defendant to unnecessary costs for rent and transport.

Concerning the case of wrong witnesses, religious leaders and the government should work on it cooperatively to find the way of preventing this evil practices. The researcher recommends that since in the area non-*waaqeffannaa* were widely expanded, using the two religious books i.e. Holy Bible and Qur'an before beginning the witness is advisable. Besides

the effort of religious leaders and elders, modern conflict resolution mechanism should support to fill the gap left by indigenous conflict resolution mechanisms. Mechanism should be created to operate them side by side as the way of life of the society is changing through time.

Finally, the concerned bodies such as the communities, specifically the elders, the youths, experts of conflict resolution and the government should give due attention to the sustainability of the indigenous conflict resolution mechanisms as of the modern one. Since indigenous conflict resolution mechanism is highly linked with the essence of culture, norm, customs, morality, and it can also serve as source of information for the modern one. Thus, it should be encouraged by the community, the government and the researchers too. However, I do not think the present work to be a final material on the topic. It needs more and more study to dig out the culture of conflict resolution mechanism among Sayyoo Oromo and making comparisons with the modern one. I therefore suggest an in-depth further research.

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APPENDIX I

JIMMA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

Interview for elders

1. What are the causes of conflict in this area?
2. How do people solve their conflict in this area?
3. Which type of conflict resolution mechanism is widely used in the area?
4. Would you please explain the differences between indigenous and modern conflict resolution mechanisms?
5. Do these mechanisms employ the same procedures in reconciliation process? If No, please explain the difference(s)?
6. Would you tell me which mechanisms are more advantages for the community? Why?
7. What is the preference of the people of the area in using the conflict resolution settings? Why?

INTERVIEW GUIDE QUESTIONS FOR FG DISCUSSANTS

1. What types of conflict resolution do commonly exist in the area?

2. Have you ever experienced in indigenous conflict resolution?

3. Would you explain the differences between indigenous and modern conflict resolution mechanisms in your area?

4. What are the advantages and disadvantages of *indigenous conflict resolution* mechanisms?

5. Describe the interactions between the indigenous and modern conflict resolution mechanisms.

Gaaffiilee af-gaaffii jaarsolii araaraatiif dhiyaatan

1. Sababi walitti bu'iinsaa Oromoo Sayyoo maal fa'i?

2. Jiraattotni naannoo kanaa mala kamiin walitti bu'iinsa isaan gidduutti uumamu furu?

3. Mala walitti bu'iinsa ittiin furan keessaa isa kamtu irra caalaa hawaasota naannoo kanaatiin fayyadamamaa?

4. Garaagarummaa walitti bu'iinsa mala aadaatii fi mala ammayyaatiin furuu naa ibsuu dandeessuu?

5. Mala aadaa fi mala ammayyaa(mana murtii)fayyadamanii walitti bu'iinsa furuun adeemsa ykn tartiiba walfakkaatu qabuu?Yoo wal hinfakkaatan ta'e garaagarummaa isaanii ibsaa.

6. Mala isa kamtu hawaasa naannoo kanaatiif irra caalaatti bu'aa qaba? Maaliif?

7. Uummatootni naannoo kanaa mala lamaan walitti bu'iinsa furan keessaa isa kamiif dursa kennu?

Gaaffiilee Maree Garee Xiyyeeffannoof Dhiyaatan

1. Sababoonni namoonni walitti bu'aniif maal fa'i?

2. Mala walitti bu'iinsa furan isa kamtu naannoo kana jira?

3. Mala aadaatiin takkaa walitti bu'iinsa furtanii beektuu?

4. Garaagarummaa walitti bu'iinsa karaa aadaa furuu fi karaa ammayyaa furuu naa ibsuu dandeessuu akka naannoo kanaatti ?

5. Faayidaafi miidhaan walitti bu'iinsa furuu karaa aadaas ta'e karaa ammayyaa(mana murtii) wal duraa duubaan maal fa'i?

6. Hariiroo ykn walitti dhufeenya mala aadaatiin walitti bu'iinsa furuufi mala ammayyaan furuu gidduu jiru naa ibsaa

Appendix II   List of informants

No	Name of informants	Age	Sex	Place of interview	Date	Roles/status
1	Lama Begna	63	M	Yangii	13/07/2017	Aba Gada, elder
2	Petiros Kabada	68	M	Dambi Dolloo	14/05/2017	Aba Gada, elder
3	Fite Birri	71	M	Dambi Dolloo	12/05/2017	Religious leader and writer,reverend
4	Elias Dula	42	M	Dambi Dolloo	16/08/2017	Culture and tourism expert
5	Birhanu Taresa	54	M	Aannoo Mikaael	23/04/2017	Elder
6	Dawit Mamo	40	M	Dambi Dolloo	14/08/2017	Judge
7	Kena Raga	45	M	Dambi Dolloo	12/05/2017	Religious leader,theology teacher
8	Meseretu Edosa	30	M	Dambi Dolloo	16/07/2017	Legal counselor
9	Jigsa Taye	33	M	Dambi Dolloo	14/08/2017	Culture and tourism expert
10	Matiyos Nagash	42	M	Dambi Dolloo	17/08/2017	Law officer
11	Gemechu Megersa	65	M	Meexxii,Yangii	18//08/2017	Anthropologist
12	Tesfa Tolessa	48	M	Dambi Dolloo	14/08/2017	Reverend,religious leader
13	Waga Hambisa	70	M	Dambi Dolloo	13/08/2017	Pastor, religious leader
14	Zawude Galasa	42	M	Dambi Dolloo	16/08/2017	Expert from Land Administration
15	Gemechu Lencha	40	M	Addis Ababa	15/07/207	Public prosecutor

Appendix III Pictures of Indigenous and Modern Conflict Resolution Mechanism

This picture shows when elders and Aba Gada's are Collected together to pass rules and laws for Sayyoo Oromo

This picture shows how the session of modern conflict resolution mechanism

Appendix IV Pictures showing My Respondents during FGD

Photos of My Focus Group Discussants, in Sayyo Culture and Tourism Hall