

Jimma University
College of Social Sciences and Humanities
School of Social Work

Indigenous Conflict Resolution among the Oromo: The Practice of Guma in Kore District, West Arsi Zone

By: Mustefa Kedir

Principal Advisor: Ameyu Godesso (PhD)

Co-Advisor: Tulu Haji (MSW)

A Thesis Submitted to the School of Social Work in Partial Fulfillment of the Requirements of the Degree Masters of Social Work (MSW)

July, 2021

Jimma, Ethiopia

Glossary of Oromo Terms

Abba Bokku	owner of Bokkuu (scepter)
Abba Gadaa	leader of Gadaa system
Qora mataa	upper questionnaire
Qora miilaa	second questionnaire
Murticha	decider
Fixaa	compensation for criminal activities
Fixeensa	close relatives
Gumaa	institution of conflict resolution
Gumii	assembly of Oromo
Kallacha	materials that Abba Gadaa puts on heads
Awaa	name of grouped clan serves as qaalluu
Gosa	clan
Waaqa	creator
Shanacha	group of clan
Qucaa	a mechanism to punish homicide, thief and robbery
Seera Ambaa	customary laws of Arsi
Wante	materials solder used in fight to block the arrow from opponents
Aanaa	an administrative unit of government structure.

Acronyms

CDRM: Customary Dispute Resolution Mechanism

CSA: Central Statistical Agency

FGDs: Focus Group Discussions

OSA: Oromo Study Association

Acknowledgment

First of all, I would like to thank my almighty ALLAH for his countless comfort and strength for me.

Secondly, I would like to express my sincere and deepest gratitude to my advisors Dr. Amayu Godesso and Mr.Tullu Haji and for their unreserved, valuable and, constructive suggestions as well as timely comments for the completion of this thesis.

Thirdly, very grateful acknowledgment to the College of Social Science and Humanities and School of Social work for their advice as I complete the thesis.

Finally, I would also want to thank my family for their support throughout my entire life and for encouraging me to do well and my friends for their encouragement and comments to successfully accomplishment this study.

Abstract

Conflict is a common social phenomenon and occurs quite frequently in human relation. It is inevitable in any community with a different cultural background or within the same ethnic group with the same culture. Conflict can occur between individuals, groups or, nations. The Oromo have established and used various customary institutions of conflict resolution mechanisms which are unique to their own culture. “Gumaa” is one of the mechanisms used for conflict resolution.

The objective of this study is to explore the role “Gumaa” plays in resolving conflict among the Oromo in Kore district, West Arsi Zone. The study relies on a qualitative research approach is to better understand the topic. To this end, primary data were collected through in-depth interviews, FGDs and, secondary data were obtained by reviewing different documents. The collected data were used descriptively analyzed by narrating stories and experiences to create themes from the data. An ethnographic research approach d was employed to explore and understand the nature of the culture existing in the area and how people are practicing the indigenous conflict resolution mechanism. Based on the data collected the area is rich in using indigenous conflict resolution mechanisms and now the community is participating in reconciling the disputes occurring at different levels; clan, sub-clan, villages, and family. There are procedures of conflict resolution practice in the community including simple disputes like homicide practice. The community elders are the most role players and actors to reconcile with the disputes in the community. The community elders serve or reconcile voluntarily to settle conflicts and keep the peace and security of their environment by using an indigenous conflict resolution (Jaarsummaa,) method. The community elders define Gumaa as a blood feud and in the community, there are different kinds of Gumaa practices in the area: Gumaa Gurraatti, Gumaa Adii and, Gumaa Dalaattii are the major. However, in the history of Oromo Arsi Gumaa is not existing but, come based on the Halxixi mother for his killing of another. According to the data gathered from informants, the word Gumaa comes from Gummicha or Gumaa’uu which means collective of people for the reason of homicide. However there are different kinds of Gumaa are exist in the community, but the emphasis of the thesis on human homicide.

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CHAPTER ONE

1.1. Background of the Study

Conflict is a common social phenomenon and occurs quite frequently in human relation. It is inevitable in any community of a different cultural background or within the same ethnic group with the same culture. Conflict can occur between individuals, groups or, nations. It can be caused due to the incompatible human need, and control of scarce resources and, the dominance of one over the other (Assefa, 2005:50). Many scholars hold up the importance of conflict. For Marxists, for instance, conflict is the precondition for social change (Symour-Smith, 1986). Here, my concern is not the importance of conflict, rather the way to resolve it. There may be many strategies to deal with conflicts such as resolution, settlement, prevention, management and, transformation. From these; my focus is on conflict resolution through customary mechanisms. Customary mechanisms are used in different societies to prevent a violent action or distraction and thereby to ensure the peaceful, harmonious and, stable co-existence of the society. In Africa, many customary conflict resolution mechanisms have been developed and employed by different societies since ancient time. Research showed that almost all over Africa, formal government courts have been shaped on an originally western model and, therefore, alien to African societies. Due to this, only small numbers of conflicts are taken to and dealt with by formal government structure (Alula and Getachew, 2008). Hence, the customary conflict resolution mechanisms in Africa have played and still playing a significant role in resolving conflicts of various degree and thereby maintain the peace of the society. As part of Africa, different ethnic groups in Ethiopia have established and used various customary institutions of conflict resolution mechanisms that are unique to their own culture (See Gebre et al, 2011; Alula and Getachew, 2008). Similarly, the Oromo, being the largest ethnic group of Ethiopia, has had a variety of customary institutions of conflict resolution mechanisms.

Comment [A1]: Repetition

Many researchers who studied the Oromo's customary institution of conflict resolution identified "Jaarsummaa" (council of elders), Gadaa System (Oromo socio-political organization), indigenous (religious institution), Siinqee (an institution of the Oromo women), Gumaa (ritual of purification after homicide) and Ilaa fi Ilaamee (negotiation) among many other mechanisms, that the Oromo use to deal with conflict. They further elucidate that the Oromo not only use these mechanisms to deal with the conflict among themselves but also with their neighbors. These customary institutions have been serving for resolving conflicts for a long time, and are continuing to function parallel with the formal state structures. In Oromo society in general and Arsi Oromo in particular, have been resolving conflict by

using two main customary mechanisms. These are the secular aspect legislated by customary laws and religious laws administered by religious institutions and indigenous institutions. Morton (1975) and Knutsson (1967) noted that apart from its religious duties, religious institutions among Oromo have been playing a significant role in conflict resolution, political leadership, and community organization. Moreover, Lewis (1984:424) stated that the court of Guma is a place of “conflict resolution, litigation and the hearing of court cases.” Therefore, this study is designed to deal with customary conflict resolution among the Oromo with particular emphasis on the practice of Gumaa in Aanaa Kore of West Arsi Zone.

1.2. Statement of the Problem

The indigenous conflict resolution thesis helps to the contrary, shows a lively function of the practice of “Gumaa” by taking the issues of conflict resolution.

The practice of “Gumaa” as a reconcile of conflict resolution for people who practice different religions, including indigenous, in addition to religious service it gives to those who practice is concerned, few or no ethnographic studies have been undertaken on the function of the trial in conflict resolution in the area, and even in West Arsi.

Dibaba (2012:1) defines the core meaning of the word ‘*Gumaa*’ as follows: ‘... *Guma* is a general institution of settling blood feuds ...’ Therefore, following Dibaba (2012), the word ‘*Gumaa*’ is used here in its strictest sense to refer to the general institution of settling blood feuds between two persons, families, groups, clans, communities, or even nations. In short, *Gumaa* is an indigenous institution of settling blood feuds between parties (*warra-gumaa*). Some scholars tend to view conflict resolution and peace- building mechanism drawn from and grounded in African and other non-western cultures as traditional approaches vis-à-vis those from the western cultures (Edossa et al., 2005; Etefa, 2002; Gemechu, 2002; Zeleke, 2010).

Although the very purpose of the usage of the adjective ‘traditional’ in such literature is not clear, the mere existence of the adjective conveys the message that indigenously developed approaches are inferior, or less effective, or non-scientific, compared to western approaches. To avoid such unintentional disregard that the adjective ‘traditional’ may convey, researcher preferred the adjectives ‘endogenous’ and ‘indigenous’ to ‘traditional’, because *Gumaa*, as a vital model of conflict handling, justice administration, and peace building drawn from the cultural knowledge of Oromo, has been able to serve the very purpose for which it was meant since its inception and is as applicable contemporarily as, or even more applicable than, models imported from western cultures in addressing homicide in context (Tamene 2017). Tamene in his work on Exploring *Gumaa* as an Indispensable Psycho-social

Method of Conflict Resolution and Justice Administration has greatly contributed to the studies on Gumaa. However, he did not deeply explain the classification, types, and the different compensations paid by ‘Harkica’ and ‘Cabbicha’ of Gumaa as well as the role actors play to carry out the practice. Rather, he focused on the investigation of the Gumaa as restorative justice and peace in the society. But, he did not explore the different rituals performed on Gumaa to maintain restorative justice in society.

For instance, Mohammed (2005) studied the pilgrimage Oromo made to a historical site located in Bale. Nevertheless, though they touch upon the issue of conflict resolution at an indigenous institution very briefly, they also concentrated on the study of the indigenous as a religious institution. However, it is also important to study how particular indigenous institution at a particular place also gives the function of resolving conflict to the surrounding society.

Comment [A2]: Who are “they”? Unclear

Therefore, this study attempts to present customary conflict resolution mechanism among Kore Arsi of West Arsi with particular emphasis on the Guma practice.

Recently, many studies have been carried out on Oromo customary mechanisms of conflict resolution. Of these studies, the work of Dejene (2002) *some aspects of conflict and conflict resolution mechanism among Waliso Oromo of eastern Macca with particular emphasis on Gumaa*. There are also journal articles written on indigenous conflict resolution and Gumaa practice in Ethiopia, Oromia, and even the Arsi.’ the For Instances Ethiopian customary dispute resolution mechanisms: Forms of restorative justice, written by (Endalew, 2019), traditional conflict resolution mechanisms among community (Zelalem and Endalcechew, 2015), Roles of Indigenous Conflict Resolution Mechanisms for Maintaining Social Solidarity and Strengthening Communities in Alefa District, North West of Ethiopia(Ajanaw 7,2018). However, the written journal, articles, and research written is has gaps of specific the compensation given the homicide as well as the reason for the difference compensation of female and male.

Secondly, they have also the geographical gap.

In line with this, the study attempts to investigate factors that helped the practice of Gumaa bring long-lasting resolution of conflict and reconciliation in the society by describing various procedures and processes activities involved in the process of conflict resolution and reconciliation in the practice of Gumaa.

1.3 Objectives of the Study

The study has the following general and specific objectives

1.3.1 General Objective

The general objective of the study is to explore the role indigenous mechanisms play in conflict resolution focusing on the practice of Gumaa among the Oromo in Aanaa Kore of West Arsi Zone

1.3.2. Specific Objectives

- To describe the procedures and processes of Gumaa practice
- To explore the various compensation mechanisms in Guma practice.
- To identify the compensation paid by Harkichaa (the killer) and Cabbicha (supporter of the killer).

1.4. Significance of the Study

The study of Gumaa practice as indigenous conflict resolution among Arsi Oromo could be important from the following perspectives. The study will add value to the existing research works undertaken on conflict resolution in the Oromiyaa state. It also serves as a useful input for those individuals interested in carrying out in-depth studies on similar topics. For Lawmakers and social workers, it is important inputs to know indigenous knowledge of the nation.

It provides information to the legislators consider indigenous knowledge and values in law-making, for better planning and implementation of the policy at local level.

1.5. The Scope of the Study

The study is limited to investigate, describe and analyze the customary conflict resolution among the Qore district of west Arsi with particular emphasis on the practice of Gumaa. Qore district comprises in twenty-two kebeles. However, this study was delimited only to two kebeles, namely Tulluu Kore and Wako.

1.6. Limitations of the Study

The study was conducted in an area where I was born. I am an Oromo and a native speaker of the Afaan Oromo language. Therefore, I had no problem concerning language constraints and custom barriers. Nevertheless, it does not mean that I have accomplished my work without any difficulties. Hence, I do not claim my study is complete and comprehensive.

Conducting such a study demands time and financial resources. I have faced problems with time and finance. Time constraint was particularly the major problem because the time given for fieldwork was only three months, which is too short to collect information for such an ethnographic study. Due to a shortage of time, I could not be able to observe the relationships between the family of the deceased and the family of the killer in the post -conflict resolution and ritual practices. However, due to time constraints, it is difficult to complete and compare all indigenous conflict resolution mechanisms in the community. . I focused on dealing with the practice of Gumaa regardless of the slight differences, one can find between them. Another limitation of the study is that, although to get “Jaarsa Araaraa” among Kore Arsi play important role in the resolution of interpersonal conflicts of both intra-homicide and inter homicide, so the researcher will challenge to get those practitioners of indigenous conflict resolution.

CHAPTER TWO

2 Literature Review

2.1 Defining Terms and Concepts: Conflict and Dispute

Several and often controversial definitions of conflict and dispute exist in the literature. Thus, to avoid the possibility of misconception, I opted to highlight the definition of the concepts of conflict and dispute forwarded by different scholars.

Many theoreticians have expressed their views on the origin of the word conflict at different levels. Conflict is generally considered as a tendency to perform two or more incompatible responses at the same time, resulting in emotional, mental, and physical levels. The incompatible action may originate within individuals or between, two or more individuals or within groups or two or more groups. The incompatible action may originate within individuals or between, two or more individuals or within groups or two or more groups. Kenneth Boulding says, "Conflict exists when any potential positions of two behavior units are mutually incompatible". A classic understanding of conflict is a dynamic phenomenon; one actor is reacting to what another actor is doing, which leads to further action. Quickly, the conflicts escalate. One sequence of events follows another, and it is difficult to decipher which party is more responsible for what happens. In popular understanding, it is expressed as 'it takes two to conflict'³. Both parties are right to think that the other side is provocative, dangerous, and malevolent. Each side, however, is blind its policies and behavior contribute to the development of the other's hostility.

Conflicts may arise when the parties are like players, competing for the same prize such as power, position, authority, territory, or materials or disagreements about the rule of the game. According to the Oxford English Dictionary (OED), 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 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, 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 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 terms 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) states 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.”

Other researchers distinguish 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 competing 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 negotiable issues. Conflict, in contrast, is a long-term disagreement that involves deeply rooted issues that are seen as non-negotiable. Burton further elaborates on and notes that “dispute does not involve serious institutional problem and it can be settled through bargaining and negotiation” (Burton, 1996: 35).

Therefore, though the terms dispute and conflict have nearly the same meaning and are used interchangeably in many conflict studies, based on the above-mentioned differences between the two terms, this research employs the term conflict.

The concept of conflict is understood differently by different scholars and in different fields of study. Tsongo (2012:23) argued that, approximately, each academic field of study has its own conceptual and theoretical approaches to understanding conflicts. But, it is obvious that in everyday language the term conflict is usually related to dysfunctional aspects like disorder, hostility, violence, dispute, or fight. In short, in the daily language, the conflict has no positive intonation. Tsongo further states that though it is universal phenomenon 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. Bohannon (1967:xi) describes conflict as a fundamental element that can be managed and used positively for advanced cultural makeup 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 an 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 dimensions. Swanstrom and Weissmann define 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 similar scarce resources at the same time. Edossa, et al (2007) and Grimble and Wellard (1997) point out that conflicts may be classified based on whether they take place at the micro-micro, micro-mezzo, mezzo-macro or micro-macro levels (among individuals, individuals and groups, groups and communities, and between community groups and government); or within private or civil society organizations (in Walsh,2011:125). For this study, therefore, conflict is understood as disagreement, opposition, and physical violence that take place at the 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 Forms and Methods of Conflict Resolution

As I will present in the foregoing pages the forms of conflicts are varied. Therefore, the forms and approaches of dealing with conflicts are as diverse as the forms, nature, causes, and levels of the conflict.

2.2.1 Forms and Approaches of Dealing with Conflict

There have been different theoretical approaches to understanding conflict. The forms of approaching and dealing with conflicts could be very different.

In conformity with this, Reimann (2005:7) identifies different forms of dealing with conflict. These include conflict prevention, conflict management, conflict settlement, conflict transformation, and conflict resolution. Many scholars consider and use these concepts interchangeably with conflict resolution. However, though they are very interrelated, these concepts have also difference. Therefore, in the following pages, attempts have been made to highlight the definition of these concepts as well as the differences and similarities among them so that the concept used for this research will be presented. To start with, conflict prevention is used to refer to the effort of reducing the happening of conflicts as well as alleviating conflicts. Different scholars consider that conflict prevention is restricted to official activities while others think it involves other non-official mechanisms. Carment and Schnabel forwarded the more comprehensive definition of conflict prevention. They defined it as “a medium and long-term

proactive operational or structural strategy undertaken by a variety of actors, intended to identify and create the enabling conditions for a stable and more predictable social security or environment” (2003:8). Swanstrom and Weissmann (2005:21-22) categorized conflict prevention into direct and structural prevention.

Accordingly, direct prevention is aimed at avoiding short-term, often forthcoming, escalation of a possible conflict whereas structural prevention focuses on more long-term procedures that are aimed at dealing with the fundamental causes of conflict. In short, from this definition, we can say that conflict prevention is intended to control the escalation or de-escalation of violent conflict (Jeong, 2000:168). Conflict management, according to Rabar and Karimi (2004: Vi), focuses on measures aimed at reducing the intensity of violent conflict. For them, the expression also shows pre and post-conflict prevention efforts. Tanner, in a similar way, has defined conflict management as the “limitation, mitigation and/or containment of a conflict without necessarily solving it” (Tanner, 2000:52). Swanstrom (2002), on the other hand, argued that conflict management should imply change, from destructive to constructive, in the mode of interaction (in Swanstrom and Weissmann, 2005: 24). In this case, the effort is made nearly at the beginning of the conflict rather than in the late phase. It is aimed to increase trust between the conflicting parties to bring about change in their interaction, from negative to positive. This definition may hold true both in the customary and formal mechanism of conflict management. Distinguishing between conflict management and conflict resolution is, however, helpful as the two concepts are often interchangeably used in the literature. According to Wallensteen (2002), conflict resolution refers to the resolution of the root causes of a conflict and mutual understanding of each party’s existence (Swanstrom and Weissmann, 2005: 25), while conflict management refers to procedures that limit, mitigate and/or contain a conflict without necessarily solving it. Zartman (2000), however, has explained that both the process of conflict resolution and conflict management work towards bringing a positive effect. He suggests that “they are both ends of the same continuum. One end seeks to control the existing conflict to maintain peace while the other aims at resolving the deeper underlying conflict over time” (Zartman, 2000:40). In general, we can conclude that the two concepts are highly interconnected though they are not the same in some instances.

More comprehensively, Ramsbotham et al (2005) state that conflict resolution implies different pathways to deal with, transform, and to change the underlying causes of conflict to the extent “where behaviors will no longer be violent, attitudes no longer hostile, and the structure of conflict will be changed” (quoted in Tsongo, 2012:67). However, According to Burton (1990:89), although Conflict resolution aims to move the violent conflict toward a solution that may be acceptable to all conflicting parties, it does not necessarily seek to avoid future problems in social life or to remove the existed

hostility. Conflict resolution refers to all process-oriented activities that aim to address the underlying causes of any conflicts. Accordingly, there are various types of processes of conflict resolution and they can be seen on a continuum ranging from mediation, conciliation, and third party negotiation which are characterized by collaborative, participatory, informal, non-binding processes to the process of courts and tribunals institutions which focus on adversarial, fact-oriented, legally binding and imposed decisions (Boullé, 1996:35). Non-adversarial process such as mediation negotiation, arbitration, and conciliation are practices which have been associated with conflict resolution or alternative dispute resolution. Despite the availability of various processes through which conflicts are handled, some scholars argue that conflicts are not often resolved. Schulenburg (1996:122), for example, argues that “neither peaceful nor violent mechanisms of conflict resolution can always totally resolve conflicts.” To him, even though decisions are made and agreements are arrived at, the conflicting parties often complain and feel that it has been unjustly treated. Wallensteen (in Tsong, 202:62), on the other hand, powerfully disagrees that conflicts are solvable. He says “this is not necessarily naive or optimistic position. Rather it is a realistic proposition” (ibid). Most actors in conflicts will find themselves in need of negotiations at one time or another. Even if a conflict results in violence and destruction, there may have been other options and alternative paths for the conflict

2.2.2 Methods of Conflict Resolution

A variety of methods of conflict resolution such as negotiation, mediation, arbitration, and conciliation are usually employed in customary institutions. Each method involves a definite practice, procedure and time and not just a one-way approach (Best, 2006). Therefore, in the following section, various methods of conflict resolution will be elaborated. Negotiation is a process where two or more parties in conflict open dialogue, and use offers and counter-offers to build a mutually acceptable agreement (Horowitz, 2007:56). For ABA (2006), negotiation can also be a process of communication whereby the representatives of conflicting parties seek to resolve their conflicts and work to bring a mutual agreement for the parties (in Tsongo, 2012:68).

Mediation is a consensual conflict resolution method in which an independent neutral third party intervenes the situation to facilitate negotiation and assist the parties in conflict to resolve their conflict and reach a mutually acceptable agreement (ibid). According to Moore (1986), in the process of mediation, the mediator must be accepted by all parties. He/she does not have decision-making power about the conflict. Rather the task of a mediator, according to Moore, is creating the conditions for an open dialogue. It also includes; assuring the parties involved in the conflict freedom of speech, clarify issues, identify and manage emotions, and create options, thus making it possible to reach an agreement (in Horowitz, 2007:56). Therefore, some researchers argue for mediation as it helps the parties in

conflict to agree. For instance, Fisher and Ury (1981), speak of joint problem solving to reach a win-win solution. However, different writers criticize the role of mediation in bringing mutually acceptable agreement and, thus categorize mediation into fewer directives and directive mediation or pure mediation and mediation with power. Accordingly, a less directive mediation, in which the mediator facilitates the flow of dialogue as the traffic lights facilitate the flow of cars, and a more directive one, in which the mediator concerned with the result of the mediation, thus he provides personal opinions and even offers guidance on the content of the agreement (Horowitz, 2007:58).

According to Ramsbotham et al. (2005), in pure mediation, the conflicting parties maintain control over the outcome, even though it is sometimes combined with positive and negative incentives in mediation with power (in Tsongo, 2012:69). As Horowitz addresses, win-win resolution of mediation is not always possible as dates, deadlines, scarce resources, different needs, and especially emotional issues that raise feelings such as hate and resentment, prevent reaching an agreement (Horowitz, 2007:54).

Reconciliation is another method of conflict resolution which is close in meaning to pure mediation. In this process, conflicting parties assisted by a neutral conciliator identify the issues, explore options and attempt an agreement. In turn, reconciliation is a long-term process of overcoming hostility and mistrust between conflicting parties (Ramsbotham et al. 2005, in Tsongo, 2012:69). According to Santa-Barbara (2007), reconciliation is the restoration of a state of peace to the relationship, where the parties are at least not harming each other and can begin to be trusted not to do so in the future. Reconciliation in this case is a situation in which revenge is foregone as an option and conflicting parties come back together to work harmoniously together. Central to reconciliation is forgiveness in which the moral debt is canceled, anger and resentment are dropped and thus, there will be no revenge (in Webel and Galtung, 2007:174).

Arbitration, according to ABA (2006), is a process for obtaining a ruling of judicial character without going before a court. In this process, the arbitrator has the decision-making power to resolve conflict after considering the representations of the parties (in Tsongo, 2012:69). The elected but unpaid judges decide cases "without written law, resolving conflict by minimizing the sense of injustice and outrage felt by the parties of a case" (Nader 1990:121). There is a common characteristic that cuts across all negotiation, mediation, arbitration, and conciliation. That is, the fact that the decision arrived at is not binding. Thus there is an alternative to these mechanisms which is adjudication. Adjudication involves an authorized third party, judges or administrators, who possess the power to impose a resolution on parties based on legal principles. It is sometimes depicted as the antithesis of negotiation. With this medium of the resolution, the decision, award, or judgment is binding.

In general, the aforementioned conflict resolution methods are not ready-made intervention designs that effectively function in any conflict. Therefore, the necessity and effectiveness of using the combination of various methods with a flexible adjustment to the different contexts are essential. Actors or practitioners, directed by the will of parties in conflict and the conflict situation, must decide whether it is best to engage in negotiation and/or mediation, to offer arbitration and/or conciliation, etc.(Tsongo, 2012:70) 2.3 A Critical Review of the Theoretical Approaches on Conflicts in Social work.

According to Levine (1961:3), recent theoretical work by social on the subject of conflict has been influenced primarily by the structural-functional theory of social systems and indirectly by the psychoanalytic theory of personality (including its behaviorist revision in the frustration-aggression hypothesis). Since the emergence of social work in the second half of the 19th century, conflicts constitute a central and highly debated issue. Here is a brief synthetic presentation of the main theoretical approaches.

2.2.3. Gumaa as Oromo Indigenous Conflict Resolution Institutions

According to the Journal Articles Irshad Ahmad (2019), the term *Gumaa* stands for many things in Oromo people. In some *zones* of Oromiya, it is used as compensation paid for something for wrongdoing while some places are used it as acts of revenge. In other places, it is used as reintegration for people apart by some incidents such as killing practices. As indicated in the work of (Jemal, 2012:32 cited in Jemila, 2014) the term *Gumaa* stands for many things. *Gumaa* system does not apply to everything at all. It only applies to things that are selected to be included in *Gumaa* system.

Gumaa makes every effort to convey peace, justice by compromising parties involved in a conflict in every aspect of their movements as socially, politically, economically, and psychologically. Also, *Gumaa* is used as its mechanism headed for family reintegration (Tamene, 2013:45). These things included in *Gumaa* system are as follows when:

A person is killed by another person.

- An eye has been gouged out
- Teeth are broken
- An ear lobe has been cut
- Fingers are cut off
- A person's bull has been killed
- A person's male sheep is killed
- A person's horse is killed

➤ A female is raped

A person's home and furniture are burned down to ashes, there are specific punishments accordingly. *Gumaa* is an institution of conflict resolution, compensation paid for wrongdoing, and it's one of the Oromo indigenous institutions of conflict resolution, justice administration, and peace-building that was able to persist and functions to date. These prevailing indigenous institutions of conflict resolution, justice administration, and peace-building have mostly been analyzed from developmental, anthropological, sociological, and points of view (Ibid). *Gumaa* is 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* and *waadaa* (Asaffa ,2012).

Tsega (2002) gives a good account of *michuu*, *harma-hodhaa*, *luba-baasa* and *moggaasaa*. The meanings of *waadaa* have been addressed by Asaffa (2012), Dejene (2007 cited in Meron, 2010) gives an account of *Gumaa*; its rituals and purification ceremonies. It has to be bear in mind that the term *Gumaa* carries multiple meanings Dejene (2007 cited in Meron, 2010). This is why it has often been misunderstood by scholars not well versed in *Afaan Oromo*, the language of the Oromo, and Oromo culture. For example, in her article, *Ye "Shakoch Chilot"* (the court of the sheikhs): A traditional institution of conflict resolution in Oromia Zone of Amhara regional state, Ethiopia. Meron Zeleke(2010) depicts the term *Gumaa* as if it refers solely to killing for revenge. In connection with this, Meron (2010) added that states that killing for revenge is a cultural value of the Oromo. This is not shown by the term *Gumaa*.

The word *Gumaa*, alone and in connection with other words also carries different meanings in different parts of Oromia. For example, *warra-Gumaa* means parties at blood feud; *Gumaa-baasuu* means killing for revenge, *Gumaa-nyaachuu* means receiving blood price, *Gumaa* means feud, and *Gumaa* may also refer to a large piece of meat (Dejene, 2007 cited in Meron, 2010).

Furthermore, the term *Gumaa* is most often used to refer to compensation and rituals for purification after a homicide. This latter meaning of the word is much more common. In contrary to Merons understandings of *Gumaa*, it should be emphasized that the Oromo regard peace and forgiveness as higher values than revenge and retaliation (Asafa, 2012). This is shown by the existence of numerous indigenous methods of conflict resolution, justice administration, and peace-building among the Oromo. Peace and forgiveness are two very interrelated and interdependent concepts that pervade all aspects of the Oromo life. Forgiving is a non-violent means of peace. Peace has a special place and value among the Oromo and it is expressed in greetings, songs, prayers, proverbs, blessings, folklore, and public

speeches (Asafa, 2012). The place and value of peace among the Oromo has been well described in the Oromo Studies Association (OSA, 2008 cited in Teressa, 2016). Peace (*nagaa*) is central to Oromo ritual and ceremonial activities, to administrative and legal functions, to traditional religion, morality, and social life, and the conduct of politics. For the Oromo, peace is essential to an orderly universe and societal wellbeing that humans must pursue (Oromo Studies Association, 2008 cited in Teressa, 2016). It is noticeable from the quote above that the Oromo's world view of peace transcends short-lived conflict resolution. Peace largely concerns an orderly universe and societal well-being. Among the Oromo, an orderly universe and societal well-being are prioritized over individual or personal well-being and interest. Therefore, the ultimate goal of any type of peace is communal well-being in an orderly universe (Oromo Studies Association, 2008 cited in Teressa, 2016).

In short, for the Oromo, there cannot be an orderly universe and societal well-being without peace and thus peace is highly valued among them. Since peace is so valued among the Oromo people, there are various mechanisms to restore peace when it is lost for whatever reason and sustain it. *Gumaa* is one of such many mechanisms for the restoration of peace. Asaffa (2012) defines the core meaning of the word Guma as follows: *Gumaa* is a general institution of settling blood feuds. It is an indigenous institution of settling blood feuds between parties in conflict. Some scholars tend to view conflict resolution and peace building mechanisms drawn from and grounded in African and other non-western cultures as traditional approaches comparing with those from the western cultures (Desalegn et al, 2005; Tsega, 2002; Dejene, 2007; Meron, 2010 cited in Teressa, 2016).

CHAPTER THREE

Research Methods

This study has used a qualitative approach. It helps to answer questions about the nature of phenomena to describe the from the participant's points of view. Qualitative research is committed to seeing the social world from the actor's perspective. In this methodology, there is a preference "for a contextual understanding so that behavior is to be understood in the context of meaning systems employed by a particular group of society" (Bryman, 1984,78).

3.1 Study Area

West Arsi Zone is one of the zones found in Oromia National Regional State. The capital of the zone, Shashamane city, is located 250 km from Addis Ababa to the south. And the study area is located 302 km from Addis Ababa to the southeast.

3.2. Study Participants

The researcher decided to choose 'Jaarsaa' and expertise from the culture and tourism office for two reasons. The first reason is that the researcher believed that "Jaarsaa" has exposure to Guma practice and is well informed about' Guma and the expertise too.

3.3. Study design

The researcher has used an ethnographic research design to explore the indigenous conflict resolution that exists in society. According to Chiranjit Sarkar and Hemant Lata Sharm, 2019its disciplinary origin is Anthropology and deals with the discovery and description of the culture of a group. As the concept of culture is the central theme of Ethnography Research. That's why the question raised from this point of view is that what the cultural characteristics of a group of individuals are? Here, Culture means the system of norms and standards that a society develops over the courses of many generations. Culture is as people do, a combination of various types of knowledge, belief, custom, art, moral, laws, habit, attitude of mind, the pattern of human activity, literature, language, religion, religious activity, transmitted from person to person, transmitted from generation to generation, consist of everything we think, consists of all efforts and adjustment, gratifying quality continuous process, accumulative, interconnected with each other, changing and dynamic, vary from one society to other society etc. That's why culture and society are the same. Ethnography research helps to search for very complicated or complex design challenges (2019, p.1).

3.4. Participants Selection

It is difficult to collect data from all members of the community. The researcher has used purposive sampling techniques which are a common type of non-probability sampling. The researcher used purposive sampling techniques to select informants based on their characteristics and the knowledge they have on the subject. By this method, the researcher chooses participants because of their specific knowledge of the subject and they are mature to give useful data for the title under consideration. Therefore, documenting and preserving the traditional ways of conflict resolution regarding human homicide. According to Walliman (2006), purposive sampling is where the researcher selects what he/she thinks is a 'typical' sample based on specialist knowledge or selection criteria (p.81). The researcher has selected the major important site and from the district and key informants from people of the site. By this technique, two well-known Jaarsaas from each kebeles and one expert from Kore Woreda Culture and tourism office were selected purposively.

3.5. Data Sources

The researcher has used both primary and secondary data sources. The primary source is the first-hand data that were gained from custodians of the culture and the expert.

3.6. Methods of Collection

To answer the research questions, essential data are needed for any research. So, it is better if a social researcher, especially, a social worker goes to the field from where the data are to be collected. To this end, the researcher used interviews, participant observation and Focus Group Discussions to collect the relevant data for the study.

3.6.1. Interviews

The interview deals with primary data collection techniques. The researcher used an in-depth interview and a key informant interview. By these methods, a list of the key questions concerning the Guma practice was addressed to participants who sat for both the in-depth interview and the key informant interview. To this effect, the in-depth interview was conducted with four elders from both kebeles and the key informant interview with two experts from the culture and tourism office of the district.

An in-depth interview is a series of mostly open-ended questions used to obtain detailed or descriptive information from individuals about a research topic (Kalof, Dan and Dietz, 2008, 120). According to Lindlof (1995, p.5), interviewing people helps to understand their perspectives on a scene, to retrieve

experiences from the past, to gain expert insight or information, to obtain descriptions of events or scenes that are normally unavailable for observation, to foster trust, to understand a sensitive or intimate relationship, to analyze certain kinds of discourse.

3.6.2. Focus Group Discussion

Focus group discussion is a discussion among elders who are selected for their relevant contribution to the topic under study. The researcher has used these methods to triangulate doubtful and arguable points of the topic. For the best of the study, the researcher has selected knowledgeable, culturally role models, and experienced elders. Hence, one FGD that contained ten participants was held in two kebeles.

The researcher has interacted with the knowledgeable peoples who participate in the discussions and understand the ways they used to resolve the conflict among the people especially regarding the Guma procedures, processes, and the way they practice based on their indigenous knowledge.

3.6.3. Participant Observations

Even though I do not record the videos of the Gumaa , I observe its procedure on the events when the events occur in the area I live in. And follow the procedures when I was enter the universities .

3.7. Methods of Data Management and Analysis

The qualitative data gathered through different methods and instruments (interviews, focus group discussion, and observations), were transcribed into a meaningful theme. After transcription, the collected data were analyzed using thematic analysis.

3.8. Ethical Considerations

Social workers are concerned with ethical issues associated with societal matters in the fieldwork. Fieldwork researchers seek permission, cooperation, and acknowledgments from governmental officials, scholars, and most importantly from the society being studied. In this research, as a part of fieldwork, the researcher had a responsibility to consider the ethical issue of the people under the study. Therefore, before proceeding to the actual data collection, formed the people who were directly or indirectly involved in the study about the nature and the purpose of the research to gain consent and access to the field site.

A researcher should have ethical considerations and respect the informants and their cultural competency. The researcher communicated with advisors on how to make contact with the informants.

Permission letter was taken from the Social Work Department and other concerned bodies like Culture and Tourism Bureau of the zone and district and Gumii Abbootii Gadaa.

When the researcher meets informants, he introduced himself and explained the objective of the research. The researcher also got permission to talk with informants and conducted an interview and FGDs. To obtain vital data, the informant's informed consent was got priority. All of the participants who contributed to the study were acknowledged. The researcher has the responsibility to accomplish tasks concerning ethical issues concerning his informants as well as the data to be gathered.

CHAPTER FOUR

FINDINGS AND PRESENTATION

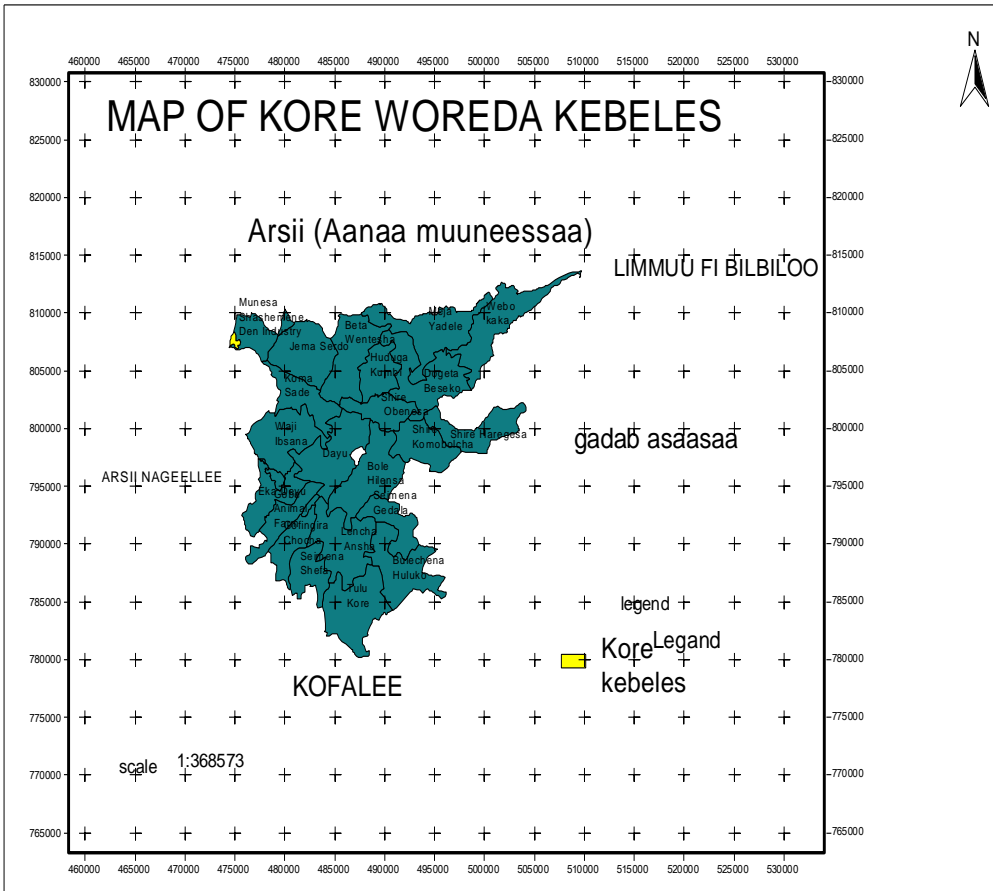
4.1 BACKGROUND OF THE STUDY AREA

West Arsi Zone; Arsi lixaa/dhihaa/ is one of the zones of the Oromiya state in Ethiopia. Arsi is named after one of the subgroups of the Oromo, who inhabit it. West Arsi Zone was formed of thirteen Aanaa or districts which include Shashamane, Wondo, Shalla, Siraro ,Negelle Arsi ,Dodola ,Kofele, Kore , Gedab Hasasa, Adaba and two municipalities. Demography of the Zones

Based on the 2007 census conducted by the Central Statistical Agency of Ethiopia (CSA), this zone has a total population of 1,964,038, of whom 973,743 are men and 990,295 women. Almost 272,084 or 13.5% of the population are urban inhabitants. A total of 387,143 households were counted in this zone, which results in an average of 5.01p persons per household, and 369,533 housing units. The two largest ethnic groups reported in west Arsi were the Oromo (88.52%) and the Amara (3.98%); all other ethnic groups made up 7.5% of the population. Afaan Oromo was spoken as a first language by 87.34% and 6.46% spoke Amharic; the remaining 6.2% spoke all other primary languages reported. The majority of inhabitants were Muslim, with 80.34% of the population having reported they practiced that belief, while 11.04% of the population professed Orthodox and 7.02% of the population professed Protestantism. Retrieved from <https://en.wikipedia.org/w/index.php?title=oromia-zon>

Historical Background of Kore District

Kore district was one of the towns under the administration of the West Arsi zone. It was founded as a district independently with its administration since 1998 E.C. But, before the year 1998, the town was under the Zonal administration and was named Kofele district. Kore District now a day has 20 rural Kebeles and two municipality towns with their structure and administration.



Relative Location and size of the District (Woreda)

Kore district is located at $7^{\circ}12'33''-7^{\circ}07'37''$ N and $38^{\circ}55'14''-38^{\circ}58'05''$ E. The district is bounded by Arsi Negelle Werada from the west direction, Gedab Hasasa from the East direction, East Arsi Zone (Munesa Woreda and Limu Bilbio Woreda) from North-East direction, and Kofale Woreda from South Direction. According to *Woreda's Rural Land Use and Administration Office*, the total area of the district is 50,185.084 hectares or 501.85 in km².

The climatic condition of the District

Based on the local classification, the climate of Kore District is mainly, Badda Dare which constitutes about 88% and the rest gammoojji a for about 12%. Therefore the climatic condition of the area is varying from hot to cold. The total amount of annual rainfall of the District on average was about 1,100-1,800 mm with an annual temperature of 15-22. Forests provide many social, economic, and

environmental benefits. In addition to timber and paper products, forests provide wildlife habitat and recreational opportunities, prevent soil erosion and flooding, help provide clean air and water, and contain tremendous biodiversity. The district is divided into three major agro-climatic zones mainly due to variations in altitude. This great variation of temperature provides wide opportunities for the production of different types of crops range from warm to cool thermal zone.

Comment [A3]: Would you specify them?

The district is divided into two agro-climate zone mainly due to variations in altitude. This great variation of temperature provides wide opportunities for the production of different types of crops range from moderately cool to cool thermal districts.

Comment [A4]: In the meantime, you the agro-climatic zone became two? Surprising

Agro-climatic zone of the district (Thermal district classification)

Altitude	Annual mean temp	description		Area (%) coverage
		Conventional	Afan Oromo	
2000-2600M	15 – 22 ⁰ c	Weina Dega	Badda Daree	12
2600-3000M	10 -15 ⁰ c	Dega	Baddaa	88

Source:- District Agricultural Development Office

The economic activity of the District

For the majority of the population in the district agriculture is the major source of income. . Mixed farming, namely livestock and crop production, is largely practiced in the district. The main crops cultivated the included inset, wheat, potatoes, maize, and barley and in some parts of the district, vegetables are also cultivated.

There are number of livestock’s are exists in the area; among them there are cattle’s, goat, sheep, horses and donkey are the most well-known livestock in the woreda and more used for different purpose of life processes.

4.2 Local Meanings of conflict and its sources

According to the study participants, people in the area define conflict as the disagreement of the people those who have different interest, goals and mutual achievement. It can happen between individuals, groups, families, clans, sub-clan, etc.

Most of the conflicts in the study area arose from disagreements. These disagreements could be over a boundary, grazing land, water, and misunderstanding or miscommunication. People in the study area, like many others, have designed and used different mechanisms for dealing with both the sources of conflicts and resolving them. One of these mechanisms, which have helped the people in the area to settle the conflict and restore justice, is the Jaarsa Biyya institution.

4.3. The Jaarsa Biyya institution in Conflict Resolution

Before dealing with the Jaarsa Biyya, it is of great importance to deal with the most known institution of governance and dispute settlement of the Oromo people. That is the Gadaa system. This is because the Gadaa system is believed to govern the whole aspects of Oromo life. In the system are wise individuals, with having deep knowledge of customary laws, and capable leaders who are democratically elected to be in office for eight years. Within the Gadaa system, there is a substructure led by the Abbaa Seeraa (father of Law). This substructure handled any sort of disputes among individuals, groups, clans, and sub-clans. In areas where the Gadaa system is still in full operation, any sort of dispute are presented to this organ and dealt with accordingly (Asmaron, 1973). The Gadaa system currently is not functional throughout Arsi. In areas where there is no Gadaa system cases of conflict are dealt with and resolved by the institution called Jaarsa Biyyaa/ elders of the community/. Every balbala /sub-clan/, ganda/village, and gosa/clan, has its own and well-known Jaarsa biyyas who are responsible for settling conflicts voluntarily. Members of Jaarsaa of Jaarsaa Biyyaa do not come to their positions through elections, as is the case with the functionaries of the Gadaa. They rather qualify based on their qualities and characters such as truthfulness, generosity, deep knowledge of customary laws which the society considers as central to their values.

The institution of Jaarsaa Biyyaa is used by the community to solve most of the collective or individual disputes in the civil, criminal, and commercial fields. This institution handles both minor and serious issues. Regarding procedures for referral, the institution itself handles the case voluntarily without any formal invitation of the disputants and mediate the disagreement to restore peace and reconciliation.

4.3.1. When and how does Jaarsa Biyyaa start resolving a Conflict?

When disputes or enmity simmers for a long period among individuals or sub-groups in the area, people say: jaarsa biyyaa hin jiruu? /literally, is there no elder in that community? The above two ways of referral apply to criminal, civil, and commercial cases alike. But, it seems that when the dispute is of

nature that is capable of destabilizing the community, the Jaarsa Biyyaa would become involved faster and take a more proactive role. Having received the case in any one of the above referral systems, elders fix the date of the meeting. It is usually carried out at a central place called Araddaa mostly under Odaa tree (a sycamore under which the Oromo usually call public gatherings) during the week. Regarding the actual process of the dispute settlement, before the Jaarsa Biyyaa begins to see a case, it starts by the members electing one among them (their number normally varies from three to five for minor cases and the number may increase for serious cases) as Abbaa Murtii /judge/ and two others as investigator /lamii qoraa/. Before taking responsibility these elders are required to an oath called Kakuu. They usually take the oath in front of public gatherings. The kakuu is believed to make the justice process objective. This is because, after the oath, every member of Jaarsa biyyaa is expected to be free from any kind of corruption and bribery and is believed to be fair and faithful to both parties regardless of their social and clan backgrounds. The elders swear to waaqa, lafaaf sami /God of earth and sky) not to make any injustice or show partiality.

After the swearing, the elders are considered to have been fully transformed and are believed to speak and do nothing but the truth making them capable of handling the issue of reconciliation and bringing peace among the disputants.

A team composed of three men, the two lamii qoraa and Abbaa Murtii has special positions in the Jaarsa Biyyaa. The lamii qoraa sit on opposite sides looking at each other. They all are required to handle halange (a whip of considerable length), which is considered a sign of truth. When they want to raise an issue of special concern, one of the lamii qoraa, mostly the elder one, says koottu/come on or look here/and the second one response dhufee/I have come/. These styles of talking are called koottu dhufee. Koottu –dhufee does not involve any action of body movement. They say verbally koottu- dhufe without any physical movement from where they sit. While the hearing process is in progress, no issue is raised without saying koottu- dhufe. After qoraa opened the discussion saying koottu-dhufee the appeal is heard from both side that is from the accuser and the accused respectively. Here both of them have a very wide autonomous right to argue their cases in a way that they thought advantageous to their cases. They are seriously questioned and examined by the qoraas and other participants of the meeting. The defendants may completely deny the crime of which she/he is accused. The defendant is expected to confess. During the argument, all the participants of the meeting have full right to suggest what they felt was a solution for a case under treatment.

Participants can express their feeling and grievance through a mechanism called gungumaa/verbally expressing one's opinion/. Whenever someone from among the participants wants to give his opinion, he

would ask the Abbaa Murtii or the lamii qoraas saying na gungumsiis (allow me to speak). He speaks whether his idea is valid or invalid .it is up to the elders to decide whether to consider or not what he raised. If the defendant has insisted on denial after a long investigation by the lamii qoraas and other participants of the meeting, both parties are ordered by the Abbaa Murtii to stay alone and separately for a short time at a very short distance from the site of the meetings. The Abba Murti and the other participants discuss, investigate, and argue about what the entire plaintiff and defendant have said. If the verdict was not naturally in order on the date, spontaneous judgment would not be passed. The problem will be allowed to rest following the principle of bultii (postponing the issue to another day of the meeting).

The jaarsa biyyaa elders would come together on the date of adjournment and utilize the mechanism called cokaa (separating the disputant parties). In this case, the disputant parties are made to stay at different places to investigate the case in detail. Each group is dealt with separately in turn. Here the elders order both parties to stay away from the site of discussion to evaluate the validity of the statements made by both parties. The elder report what they heard from the defendant to the plaintiff and vice versa separately. If the defendant continues to refuse to confess, the elders call the plaintiff to present the evidence. The witnesses are also required to take an oath before they give their witness, in the presence of the criminal and his relatives. After the available pieces of pieces of evidence confirm the crime, he would be proved to be a criminal. Then the elders pass a decision that the convicted should pay compensation or return that entire he owes the plaintiff. The amount and kind of compensation or redress depend on the nature of the wrong done. If for example, the crime was an insult or verbal attack the criminal may just have, to beg pardon verbally. Sometimes the accused person who is proved to be a criminal may be required to compensate the victim either financially by giving cash or slaughtering a sheep, goat, or an ox. In case of damage or injury to the body or loss of life the procedures as well as the penalties to be determined follow procedures of Gumaa (blood compensation). In cases where the truth or fact-finding process takes long and seems impossible due to lack of raga/ evidence/ the unwillingness of the defendant, the latter has to take kakuu together with notable men including his father, mother, elder brother, wife (if any). These persons who would take an oath with the suspected criminal are called “fixeensaa” (close relatives). But if one of these people is absent or refuses to submit to the kakuu, the kakuu taken by the defendant invalid and the defendant will be easily proved to be the criminal. No one will be willing to take an oath unless he knows for sure that the suspected person did not commit the said crime, they would recite the following statements after the eldest person among the Jaarsa Biyyaa.

Halangee tana beekaa dhugaan isaa nah in jirtu

I swear by the name of this halange /whip/
Akka halangee tanatti Rabbii na haa luqqisuu
Let God live me naked like this whip
Ilma halangee/ hayyicha/ Rabbii naa haa dhabsiisu
Let God deny me the son of Halange/whip/

If the Kakuu is undertaken by all who are required to undergo the process without anyone missing or refusing –it gives assurance that the suspected person did not commit the crime. In this case, the elders bless both parties to conclude the reconciliation.

4.3.2. Jurisdiction of Jaarsa Biyyaa

The power of the Jaarsa Biyya tribunal to entertain a case and decide upon it following the customary rules was said to have been developed in the Gadaa system or later. The jurisdiction, in this case, can be considered in two ways. The first one is territorial jurisdiction. In Oromo Arsi society, localities are classified in terms of kinship relationships. Following incremental order; Balbala, gandaa, Gosaa sadan / the three/ shanan/the five/ and saglan /the nine/. Finally, the Borena and Borentuma are the two moieties of the Oromo.

Based on these levels of kinship, there are tribunals at the level of the above groupings consisting of the three, the five or nine informal judges in each group having principally local jurisdiction over cases arising to their respective levels. When it comes to the jurisdiction of the Jaarsa Biyya, any kind of dispute whether it is criminal, civil, or commercial falls within its competence.

One can generally say that the different levels of the Jaarsa Biyya institution from lower to higher are related hierarchically, and a case would move in an appeal from lower to the higher level until it gets resolved. This means that first and foremost, it has to be entertained by the local elders before it passes on to clan leaders or elders. The first level of the jurisdiction of the Jaarsa Biyya is the lineage grouping that has a territorial nature as well.

Accordingly, family issues, mainly marriage–related disputes are entertained first by the nearest family or sub-clan tribunals. What matters in the locality /territory/ and the disputant’s personal belongings to that locality? In terms of jurisdiction, the institutions entertain both individual dispute cases and collective disputes that arise between different clans within the Arsi people.

4.4. Substantive rules applied by the Jaarsa Biyya institution.

It is widely known that the origins of most of the rules traditionally in use by this institution are those developed by the Gadaa. The Oromo have unwritten but well-organized laws called seeraa

oromo /Oromo laws/. The seeraa comprises of Murtii / judgment/. Murtii was a foundation on which all Oromo socio-political conditions were based. It deals with all aspects of life. The institution of Jaarsa biyya uses the Murtii /laws/ while they handle disputes and pass decisions. The first Murtii was said to have been drawn up during the heyday of the Gadaa system, by unknown Oromo elders to be used by Oromo clans as a whole. However, as the Oromo people split up and divided over the years, each tribe develops and improved the Murtii to be applied to its daily life and activities (Abbas 1982). This diversified body of rules covers pretty much all areas of dispute: civil, criminal, commercial as well as collective disputes.

4.4.1. The case processing before Jaarsa Biyya

According to the data gathered case is referred to the Jaarsa Biyya tribunals in two ways. The first way is in which the aggrieved party or victim or a relative or his/her clan may present his petition orally to the institution. In the second situation, members of the Jaarsa Biyya themselves approach the parties to disclose the cause of their disagreement. The indigenous problem reconciling has two to kind, which is: Yakkaa and Fixataa

A/ Yakkaa: means which has no incident on the body but insulting peoples /person/which break morale. For example thief, magicians etc., the compensation of this kind starting from asking forgiveness to pay cattle to victims. Yakka has no revenge even if cannot compensate.

B/ Fixataa; means the violating case level is difficult and becomes to compensate with cattle. For example finger break, breaking bones from any party of the body, blind eye, touch eyebrow without permission, break teeth and cut nose and ear, etc.

III Himataa yaa'a gurraacha (dika shanii); means the collection of elders from different clans to discuss a difficult issue, which could not be resolved at the yaa,a Gosaa level. Such cases were appeared and discussed under the himataa yaa'aa gurraacha (Dika shanii). For example, blinding eyes, cutting eyebrows, huccuu reeffa irraa mulqatuu/mulqataa reeffa/ digging a grave, cutting trees on the grave, house burglary, firing house, the wedding with another person wife without divorcing, cutting the hair of one's person wife, etc. were reconciled and discussed under the yaa'aa of dika Bokkuu shan.

According to the laws of Oromo Arsi, the Dika Bokku shan discuss issues based on laws of customs about the difficulty of the situation that appeared to them. The compensation is also based on the custom and the difficulty of events that appeared. For example, firing the house is only were compensated with fifty to sixty cattle but firing house with materials and cattle were compensation start from seventy to eighty cattle. Killing a man is also different based on the events. The yaa'a Dika Bokkuu shanii has its

own questioner/ Qoraa/ and decider/Murtii/ known by the collection of them because of this they do not construct Qoraa and Murtii at the time of collection to deal with the event.

The qoraa and Murtii were organized from Shanacha clan and Awa clan. The Awa is sometimes called Qaalicha.

4.4.2. The difference between Bahima and yaa'aa Dika Bokkuu shanii .

The yaa'aa dika bokkuu were governed by Bokkuu has its own officially known qoraa and murtii but the Bahima were governed by Abbaa logaa or by qoraa and murtii of gosaa / clan/.

IV himata seera iyyaa this laws of shouting which mean when among the disputant's body one person is said uu" uu or shouted and the peoples around the area are collected by hearing the sound in the area and on the event. Under the law of shouting according to the Oromo Arsii of kore indigenous conflict resolution law, the people collected on event stop their own Qoraa and Murtii and then, identify the cases from disputants.

According to the laws of shouting the collected people finish the case without delaying and appointing to tomorrow until the case is terminated.

4.4.4. How to select Jaarsaa

According to data gathered from informants, there criteria for selecting jaarsaa Bahimaa and Jaarsaa Dika Bokkuu shanii. The criteria include.

Frist the selection of Jaarsaa Bahima is based on four criteria: Knowhow of custom, honesty, loyalty and the fourth one is for being an elderly person, whose selection is not based on the relationship of disputants and not based on friendship as well as not based on lineage. The number of selected Jaarsaa was eight/8/ in number and the selected jaarsaa were make an oath by touching or taking the Bokkuu's Halangee (whip)as well as get promise by agreed on the situation and start serving the peoples.

Second is the The Jaarsaa Dikaa bokkuu shanii selection; the dika bokkuu shanii Jaarsaa were include Shanacha , Bokkuu, Hookkaa, Awa and Galalcha. The way they were organize are from the saddeeta of dika Bokkuu shanii is based on the tribes exist around the area they were lives and governed by the area of Dika Bokkuu shanii , the dika Bokkuu shan saddeeta were selected from Bahimaa of tribes. The criteria and ways to select Jaarsaa dika Bokkuu shanii deeply knows of Seera Ambaa and members of bahima yaa'aa.

All these members gathered under Odaa and make an assembly within a week /saddeeta/. At the assembly the members discussed the way of governing peacekeeping, transferring baallii by giving attention and if it is critical they were decided and pass the decision to all Bahima members.

According to the laws of /Gadaa/ of Oromo Arsi the saddeeta selected at Bahima level are attendants on the general assembly as members. Then, the duration /age/, if Bokkuu will be within eight years and he transferred the Bokku by his interest and love to his successor. When he fails to transfer within a given period he was punished. The Bokkuu punishment was called Guftee.

Guftee means excluding the past bokku from the law of the custom because of his illegality. To free from this guftee he make reconcile by slaughtering cattle to the five Gada's and by clothing the Gadaa saddeettaa daadhii obaasuun fixataa. This can be within a period of two months to six months. After the Bokkuu become guftee the symbols of Bokku were taken from him and given to his brother genuinely, if there is no brother they give to sadii/Aanaa/. However, they cannot give services until he became forty years. This decision can take place at Dalloo/ Abbayyoo Dalloo/. If this Bokkuu was died the son become an administrator by waiting for his age, to become an administrator /Bokkuu /was decided by laws of the custom and by making ceremony /Eebbaa/. This can be based on sex, age and economic status. If, this son has no property the members of Baalli are responsible to collect cattle and they make him reach to take place of Bokkuu. And, if the son is above forty-eight years, he was not selected as Bokkuu, rather he became gadamoojjii. To be a member of saddeeta one should have property.

Awaa (qaalicha) means in the Oromo Arsi laws Awaa tribes are responsible and play important role in deciding the rule take place when one is above the law. The people above the laws the custom is not pure and free from punishment until Awaan soroorsutti. Soroorsuu means when Awaa ask for correction but they were not refused. Awaa cannot make naqataa with Bokkuu and not make darma dhayaata with Bokkuu because Awaa has the responsibility of soroorsuu. **The Awaa can participate in and benefited from sirna gadaa but in the termination of Gadaa Awaa cannot slaughter to Jaarsaa and become gadamoojjii because they are no longer responsible to be gadamoojjii.** Awaa has its own two big assemblies'. There are seeraa Dondaa/yaa'aa/; this was the biggest assembly of five Awa to decide and their law. B/ caffuu /caffee this means the collection of Awa and small than Dondaa make assembly on caffaa /small river/, on this they decide by repeating about the law of qaalicha and implementation of it. The law that was stated was presented to Bokkuu, Hookkaa, Shanacha, and Galalcha, then, they were decided and approved by Bokkuu.

4.4.5 The ways of conflict Announcement

According to Arsi, Oromo, conflict can be announced in two ways. Those are; 1/Case Appealing/Himata and 2/Shouting Law/seera Iyyatin .

Case Appealing; it means announcing conflict with formal ways to community elders at any time to be solved as their community customs. This has three ways. A/Case Appealing to Arda's Elders'/Himata Ardaa; This means by collecting ardas' elders and appealing the case to them. . The elders make their qoraa and murtii to identify the victims and offenders by involving presenting the sentence. Then, elders ask about the case of conflict both the case presenter and complaint to identify the case from each separately /from the presenter and accusatory/and under this process they identify the truth. After they identified the case from both, they decide on the situation/ case/. Then, the offender compensates the victim based on the agreement that exist in the community /Arda/.

B/ Case Appealing to Gosa/Clan/Himata Gosa: This is the way to appeal conflict which cannot be solved at Arda Elders' level. The Gosaa/ clan/ have their qoraa and murtii /decider/ to deal with the case presented to them. The victim appeals his case to the Ba'ima gosaa / the collection of the elders from different classes exists under clan/. The clan have many classes that exist under it. Then, they select two elders from ba'ima gosaa to call the offender as he came to yaa'aa gosaa and then identify appealed cases from both of them separately (coka). If the offenders accept the truth appealed to them, they decide to compensate the victim based on the existing laws clans of customs.

4.4.6. Before proceeding to the case of there is the oath performed by Jaarsaa Biyya, when reconciling conflicts

Himataa hin dabsu

I never take side the side of the defendant.

Himatamaa hin dabsuu

I never take the side of the plaintiff

Dhugaa murteessuuf jidduu tee ta'e

I have come and sat amidst you to judge the truth

Dhugaa dubbadha hin dabsu

I would speak the truth and not take sides

Yoo dhugaa dabsee uumaan haa beektuu, halangeen haa beektuu.

Let uumaa/ nature / witness against us and let halange /whip/ witness against us.

Dharti mana kiyatti haa galtu

Let the evil besiege our home

Dharti sa'a kiyatti haa galtu

Let the evil besiege our cattle/herds/

Dharti ilmaan kiyatti haa galtuu

Let the evil besiege our children

Dharti malkaa kiyatti haa galtu

Let the evil besiege to our river

Uumaa fi uumeen haa na lagattu

Let the creator and the created deny my existence.

4.5. Gumaa(Restitution)

4.5.1. Historical Back Ground Of the Term Guma /Restitution/

As my informants were stating the “Gumaa” restitution had not existed in Oromo Arsi. It started based on two reasons and consequences which are the upgrading of their knowledge of living standards and based on the occurrence of the killer mother who has a son without the homicides. Based on this they ratified the laws of an eye for an eye lives for life and changed life’s into the compensation of property to restore peace and security. My informants gave detailed information on how the Gumaa started to be practiced in Oromo Arsi. The historical accounts had it that there was Halxixi’s Mother living without clan, relatives, and lineage. Her only son is said to have killed another person. So, according to the laws of Oromo Arsi law or custom, the killer must be killed or the penalty for the killer is Gaalee Rarrasaa/ must be killed/based on the mother of Halxixi case appealing because of her citiinsa lineage, the Gadaa discussed the citiinsa sanyii of Halxixi mother and reach an agreement because based on the law that Arsiin Hidda nama hin kuttuu they release Halxixi from gaalee rarrasa and changed as they compensate cattle to killer party and obligated to ratified the law based on the above two reasons. They also replace

seven cattle and they give to the Gada. They have one proverb on mother of Halxixii said that gumaan halxixii baatee oromoon Arsi Halxixxee jechuun naasuun alaa taatee/gabatee.

4.5.2. The definition of the word

My informants stated that the word gumaa /restitution/ means gumicha which means kill, conflict with killer tribes, refusing road, they did not make married with killer tribes. All the above actions were taken place until they terminate the issues using the processes of the Gumaa finishing.

Gada's system has a great role in the Oromo community. It encompasses culture, values, norms, morals, history, and love, hate, etc. that the Oromo community possesses. Gada's system has an enormous benefit for the Oromo community. This serves to dictate (elaborate) day-to-day life and life events of the community. In addition to this, it is used to clarify Community's culture, values, Virtue, and ethics in a different way. Alternatively, Gada's system administers the community which encompasses the identity of language and philosophy.

As the community lives together by sharing social life peacefully, conflict may arise between them. This conflict might be either easy or leads to death. In the Oromo history, the process by which the Oromo community makes the stability between the communities is known as Restitution ('Guma'.) It is apparent that, by the time the Oromo community was administered by Gada system, they were used to practice social life by enacting different laws. Among these laws, Restitution ('Guma') is the process by which conflict resolution is sustain and peace, security and brotherhood are available. Today, it is in doubt whether this law is sustained or not. But, it is practicing now in all Zone of Oromia.

Restitution ('Guma') is the norm in which the Oromo community penalizes the criminal person who kills someone to come up for forgiveness to make peace and stability. Restitution (Guma) has a system and is going on by an intellectual person. Before starting the process, it is important to identify the tribe of died person and the tribe of the killer. After identifying this, the tribe of the killer sent the community rather than both tribes (Mandoyu) to the tribe from which the person died from. Then they proceed to the next process.

4.5.3. Types of Restitution (Guma)

According to the data gathered from informants there are different types Guma of are practicing in the community based on their occurrence and they describe them in the following manner.

4.5.3.1. Black Restitution (Casual Restitution)

It happens as a hasty (sudden) kill. For example, when any person pitches the stone or other things to strike someone and the stone kill someone who is an enemy of that person or not, it leads to restitution (Guma). Nobody knows who kill that person. It is clarified by gathering people doubtfully. The elders examine and recognize the suspected people. If they can't recognize by the inspection, the next step is to start the process of oath. Then, the Mandoyu (Rather than both tribes) sent the message to the popular people and to the suspects to come with either conviction or oath.

4.5.3.2. Grey Restitution (Spontaneous Restitution)

It is also a sudden kill. For example, when someone kills each other as they either by playing together or in disposal and if there was no conflict between them, it is known as spontaneous restitution. In this type of restitution, the killer is understandable. But, the one who understands the killing is not eager to dictate the issue. So, the elders examine and identify the killer (harkicha) and the spectator (cabbichaa).

4.5.3.3. White restitution (Clear restitution)

As the name implies, white restitution is when someone kills any person intentionally by following his/her day-to-day life condition. This type of restitution is classified into two categories.

1. Side assassination
2. Adversary Assassination

✓ **Side Assassination:** - This type of killing has respect. The killer should admire and save the disease to not be eaten by wild animals. When the killer puts the leave on the decease and capitulates to Gada or authority, it is known as side assassination. Smooth punishment is given in this type of assassination.

✓ **Adversary Assassination:** - This type of killing is referred to as heartless assassination.

In this case, the killer is :

- unable to respect the disease,
- Not willing to put the leave on decease's eye,
- Facilitate the decease to eaten by wild animals,
- Kill the person as an adversary,

In this type of killing, the punishment is uneven. The authority may pass the penalty of execution.

In general, even though the type of restitution is different, the elders get ahead of the punishment which is balanced to that mistake.

4.6. Process and condition for implementation of restitution

When someone kills the person, the elders arrange the process of restitution (Guma). By the time the side of died person attempt to shot the side of the killer, elders and Gada interpose and smooth the problem. The elders disseminate the message to both tribes by saying:

- Please smooth the matter
- We are between you
- The events come from the creator
- Turn to **Arsi halange** /hirbuu/
- Turn to Gada

If someone kills each other, Gada plow the grave by spear and shouts three times. The restitution is not implemented if this activity is not performed. Gada concludes and approve the issue with the question (Qora) and decision (Murti). In an implementation of restitution, the tribe of dead person grants the bull to Gadas.

4.7. Who carries out restitution?

Someone who kills the person cannot satisfy the claim alone. Everybody in the tribe should participate in this process. It is not allowed to satisfy the claim individually even if the killer has adequate capital. Because in a social life, the community of the killer involved in satisfying the claim and community of died person in owning the compensation. In the rule of restitution, if the killer is less than 15 years old, a father of the killer satisfies the claim in support of the son/daughter. Because less than 15 years old cannot be defended by crime. On the other hand, while the killer is between 15 and 80 years, he/she is required to satisfy the claim. Age is not a determinant for the died person. More than 80 years old person cannot be the defendant for restitution. Since he/she is unable to think more, they cannot come up for witness and the witness is not accepted from.

4.7.1. Manner of the oration of restitution

According to the data gathered, as a rule, if someone kills the person, he/she should surrender to Gada's father. Gada's father accepts the killer to not harm by the side of the deceased killed one. But, up to the inspection of the issue, the care was not given to him; he cannot invite by clean clothes and nutrition. He/she cannot communicate with any person and cannot gate tidy bedroom.

Up to the implementation of the restitution, the tribe of the killer and the tribe of dead cannot contact. They do not serve the same river, roads, and market. In general, Gada's father restricts both tribes to not join together to minimize the expansion of conflict between them. Gada's father sent the elders of rather than both tribes (Mandoyu) to the tribe of a died person as soon as the killer capitulates to him. After the appointment of the oration is determined, the elders, wise, and Gada examine how the assassination was undertaken. The type of restitution is determined after the identification of assassination. Then, Gada and the elders request both sides to ready for arbitration.

Three days after the place and the process of restitution are appointed (gadabaa), head question (Qora mataa) from the side of died and leg Question (Qora miilaa) from the side of killer selected from rather than both tribes (Mandoyu). Then, the selected elders sent to the killer's tribe to come up by 100 if belief and by swear if not believe.

The side of the deceased person ties the bull by a rope and requests the Gada to kill it to force the penalty. The side of the killer supplicates the Gadas to not kill the bull and smooth the penalty by identifying believing and unbelieving. While the side of the killer is unable to do so, the contra sides slaughter the bull and sweep the ash to maintain them an enemy. If they need to not make the enemies, the killer's tribe pleads to not sweep the charcoal. Then they satisfy the claim. While they are unable to do so, the tribe of died person calls five Gada's and passes the decision to not serve the same market, river, road, etc.

The role of the decider (qoraa) is that the representative of the decider from the killer's tribe to say comes in. The representative of the decider from died person's tribe is to say I came. Then they ask each other why they seat for. As soon as the deciders from both sides start the program, the participant of speak gives their suggestion respectively. Three elders (Sadii) were selected from both sides to facilitate the ritual of restitution. The elders who are selected from the side of died person stand to decide on the claim given. The elders (sadii) nominated from the side of the killer to debate with compensation paid. They also follow up on the amount collected by the killer's tribe.

4.7.2. The determination of time and place of restitution (gadabaa) depends on five things.

According to the data gathered from informants, there are different peoples must exist on the Gadaba of homicide.

1. Gada/ Abba Bokkuu)
2. **Decider** (Murtii)
3. **Upper** questioner (Qora mataa) – from the side of died person

4. Rather than both tribe's questioner (Qora Mando) – (Arsi-Hoka)

5. Spear and shield

As a Gada rule, it is not legal to put the spear which is used to plow the land in the home. Rather, it had better put in an empty house.

According to the data gathered from informants, if someone kills the person, he/she should capitulate to wata. Gada approve the assassination. Wata cut the killer's hair and put into the river. He takes over the cloth and the spear which he kills the person with. If he does so, it is considered to be as blood is replaced.

After three days of the determination of time and place of restitution (gadabaa), Gada, both questioners (qora), decider (Murtii), and participants gather together to take the patient cattle to the side of the died person. Among these 3 cattle, Bull is given to a father of died person, an expectant heifer for a mother, and a heifer for a wife. After these three cattle are provided to a family of the died person, the killer's side pleads Gada to allow them the river, roads, and market. Gada calls two deciders (Qoraa) explain as they present the patient cattle. By clarifying the capitulation, Gada requests the tribe of dead person to allow the market, river, and roads through the questioner (qoraa). The questioners call each other to appoint the next day's program depending on the decision of the decider.

The tribe of the killer collects the contribution up to the next program. The wealth or the cattle collected by the killer's tribe is known as 'jinfu'. Nothing is collected from the side of a died person.

4.7.3. On the day of implementation of restitution: ritual

The elderly women of the deceased person's clan scatter koso (heexoo) and honey hydromel by saying "be free of blood, be free of bitter". The elderly women of the killer's clan tie the heifer with a rope (gaalee) and give it to the contra-side of elderly women. Then, the decider speaks out for the implementation of the restitution to have marriage ceremony together and to serve the same market, river, and roads. On the journey of died person's tribe to the killer's village, the killer's tribe slaughter black sheep and threw them on the road. Then, Gada taps the blood and point to the front of passengers. At the implementation of the restitution, they slaughter the cattle and make the circle with entrails. Both tribes cannot join together up to the achievement of the restitution. No one sits inside of circle entrails except the tribe of the killer and the tribe of dead person. Gada, Decider, and questioner stand out of the circle and pass the decision. They call each other to return the material and properties steal from the contra tribe inside the circle. No one can leave the circle before returning the material and forgiving each other. This process is performed at night.

While both tribes sit in the circle, Gada says: you will be free; Uta call; wayu response; the field is given to Gada, the decision passed. Both tribes cover their faces and sit inside the entrails by looking left and right. Then, Gada comes and starts lamentation by both tribes. They slaughter the cattle for the tribe of dead people. The meat should be finished at a field. No one can take it home.

4.7.4. At the implementation of the restitution, if they are a different clan

According to the data gathered from the informants, there are a different kinds of compensation paid for homicide from the different clan groups and listed in the below paragraphs.

No limitation of age compensation for both male and female, but there is difference compensation paid for male and female, which is 100 cattle for male and 50 cattle for female. The difference of male and female compensation is for many reasons, however mostly they elaborate this reasons :- women collected at the place of child birth home, the collected women at the site have the ritual activities on the birth of the child among the ritual performed by women is making ililta (shouting) is one. This shouting or ililta is different for male and female; when the male is born ililta /shouting of women collected on birth/is four times for male and three times female. Therefore the Gumaa compensation paid for female and male is difference as the ililta or shouting of birthday different.

The compensation paid for human homicide for female and male is difference for those not married female and male, which is 55 cattles and 101 cattles for female and male respectively, therefore their compensation is greater than those who got married.

If the close relatives kills each other the Gumaa compensation paid for them is 7-9 cattles, but if the children kills their father or mother or brother, there is no Guma compensation paid rather than patience cattles which is 9-13 are given by clan. If someone kills a wife of another person, A total of 50 cattles collected and paid which is 25 cattles for the husband and 25 cattles for the clan of the women but, when the husband kills his wife, 25 cattles was paid for the clan of his wife and nothing is paid for him. No restitution/Guma is paid if brothers kill each other whereas place and time of restitution (gadabaa) are not set. The clan of the killer and dead person collects the patience cattles and divides them to the children of died person. The clan cannot share the compensation. But mother and father of dead person share it and also One bull is given to the uncle/father's brother/ of died person and one cattle to uncle (mother's brother).

If the same clan but not relatives kills each other, the Guma compensation cattles are 25 to 60 according to their agreement. but if it occur suddenly it will be considered. According to the Rules of Oromo Arsi, a sudden kill among the same clan is divided into three heirearchy's; minimum Guma Compensation 3

cattles, medium 9 cattles and maximum 15 cattles paid. When it happens in a dark area or at the back of something suddenly, the compensation was given to five people which is, a bull for father, heifer for mother, clothes for brother and honey hydromel (Dulo) for the clan and the fifth given for his children if he has children.

If in-law kill each other's it known as "Furda Maganta" and some amount from 100 or 50 cattles of Guma Compensation is returned to him. If prohibited clans kill each other, it is known as "sootii magantaa". The Guma compensation is reduced from 100 cattles to 60 cattles and given 100 birr to dead person clan also.

According to Oromo culture, the clan of homicide persons cannot take all cattles from the killer's side clan. They remain about 2 cattles in the fence of the killer's clan.

A bull is given to the "Uta Gada" who mediates the restitution and the heifer to the Gada of "Wayu". A bull is given for decider of five Gada. Half of the collects cattle are divided into father; mother and the brother of the homicide person. The remaining is divided for the relatives, in-laws, and, clan especially to the clan. The cloth is given to a mother and heifer to an elderly sister of a deceased person. Funeral bull, funeral clothes, heifer and, mother's cloth are excluded from 100 cattle.

Oromo community develops culture, values, norms, and virtue by using Gada system to solve the problem. They use secret words to describe difficult ideas to maintain ethics in society.

4.8. Reliability and Advantage of heritage

It is used to:

- ✓ maintain the arbitration,
- ✓ End sudden killing,
- ✓ Satisfy the claim of homicide person
- ✓ Stop the assassination in a society
- ✓ Alleviate the side of died person

According to the data gathered from the informant's, there is a unique character of the heritage "Gumaa".

It concentrated on human life's issues. It cannot identify the sex and age of personality.

Equipment to describe heritage

Based on the data gathered from the informants there is the equipment required to implement the restitution are:

- a/ Spear and shield
- b/ Bull and funeral clothes
- c/ Patience cattle
- d/ Take over cattle – 10 and above
- e/ Cattle and Money
- f/ Hydromel and ‘koso’
- g/ Closed gourd
- h/ Sheep
- i/ Heifer
- j/ **Dulacha Kera**
- k/ Circle entrails (macure marmaa)
- l/ Bull (Korma gaalee)

Finally, the eldest man in the reconciliation team would declare the following to be materialized by both parties.

Ani Gumaa siif baasee	I have accomplished your Gumaa
Ati gadoo hin qabduu	there would no revenge between you
At gadaddoo hin qabduu	there would be no hostility
Karaa diimaa irratti waltuquu hin qabdu	you should not attack one another on areas road
Karaa gurraacha irratti wal tuquu hin qabdu	you do not attack one another on a black road
Gumaa siif baaseera	I have accomplished your Gumaa
Si jidduu fixee	the Gumaa is concluded
Dhagayi	hear it
Sikkoo oliin galiin galiin	Oh Sikkoo take the news up and down the country
Mandoo oliin galiin galiin	Oh Mandoo take the news up and down the Country
Haadha araarsee Gumaa siif baasee	I have reconciled among mother and paid the Gumaa

Abbaa araarsee Gumaa siif baasee	I have reconcile among fathers and paid the Gumaa
Obboleessa araarsee Gumaa siif baasee	I have reconcile among brothers and paid the Gumaa
Eessuma araarsee Gumaa siif baasee	I have reconciled among uncles and paid the Gumaa
Sooddaa Sooddaatii araarsee gumaa siif baasee in-law	I have reconcile among fathers in-law and Mother's in-law
Gosa araarsee Gumaa siif baasee	I have reconcile among clan and paid the Gumaa
Meedhicha muree si gidduu darbee	I have cut medhicha(fatty strip of the intestine) and thrown it away
Ati warraa nagayaati	here after you would be peaceful people
Intala walii fuudhi	marry girls of one another
Fuudhaa gurgurii kee tokko	your wedding would be one and the same
Du'aa jiruun kee takkatti	your deaths and lives would be the same (live Together)
Dubbii mandoyyuun Ambaa fixee tanatti yoo deebitee	if you turn back to the state of enmity against what is solved by neutral elders,
Ati rakkicha	you would be criminals
Ati hamaa	you would be considered as arrogant
Arsi hin qabdu	The Arsi would never stand with you (never help you)
Gosa hin qabdu	your Gosa would never beside you
Soddaa soddaatii hin qabdu	you would never get father in-law and mother in law(you would never get wife)
Malkaa hin qabdu	you would never get the river (the supporto neighboring clans
Lagaa tulluu hin qabduu	you never get rivers and mountains
Uumee uumama hin qabdu	you never quarrel with the creator and Creators

It is possible that the elders would arrange marriage ceremonies between the two parties, if they are not relatives and this would become the end of the “Gumaa” procedures.

According to the data gathered there are activities performed by the sides of the deceased person

Associated tangible aspects by using heritage

The side of the deceased person's clan sits inside the circle entrails and speaks to Gada what happened to them.

People, individuals and company who have relation concerning heritages

Gada, elders, ‘Wata’ and popular persons of the community have a close contact with the restitution system.

Identification of performer of heritage Aba Gadas Age: - 40 years and above Gender: - Male

Social Status

They are loved and depend on truth to implement the restitution.

Professionals They are prominent starting from kebele to the world.

participant to care for the heritage

According to the data gathered from informants, the Arsi Oromo community must abide to the following rule and regulations.”

Rule and regulation to be followed in visiting heritage

- ✓ It is prohibited to speak out in the restitution system unless the chance is given by Aba Gada,
- ✓ peoples cannot articulate the oration except Aba Gada, Decider (Murtii), and questioner (Qoraa),
- ✓ The tribe which satisfies the claim cannot pay off more or less than the amount enacted by the community.

In general, it is possible to maintain rule and ethics that the Oromo community have.

Sustainability and security of the heritage

Current manner of the heritage: - it is at a medium level (Yellow)

Manner of transmission of heritage from generation to generation: - it is orally transferred before.

However, it should be transferred by written document now.

Threats forecasted to use the heritage: - There are religious, political and, modernization threats that tackle using the heritage.

Physical threats: - It is difficult to involve all communities in a system.

Socio-economic threats: - Partial amount of compensation changed from cattle to monetary base.

The care for sustainability's of the heritage: - The manner of transmission should change from oral to written history.

Preconditions for concentrations of the heritage:

To keep the rule of the system, concentrations of the system gently and intentional reading and speaking essential.

CHAPTER FIVE

5. CONCLUSION AND RECOMMENDATIONS

In this chapter, the researcher presents conclusions and recommendations drawn based upon the presentation, analysis and, interpretation of data made in chapter four.

This study, as mentioned previous chapter, was intended to explore the current practice of Gumaa as indigenous conflict resolution mechanisms, therefore, to arrive at the whole purposes of the study two types of data gathering methods (in-depth interview and FDG) were employed. Thus, the data were gathered through these instruments and were presented, analyzed and, interpreted in chapter four. Based on the major findings of data, gathered the following conclusions and recommendations forwarded by the researcher.

5.1.Conclusion

Conflicts are natural to human beings, but the way of resolving conflict may either escalate or reduce and ultimately solve them .because of the inevitability of conflict and due to the physical, emotional and, resource costs every society has developed an institution that could help to manage conflict of various natures. Research shows that all societies across the world have institutional settles and mechanisms of conflict resolution institutions among themselves and with other groups. Like other societies built up their ways of conflict resolving institutions, Oromo people have also built up time-proven indigenous conflict resolution. The paper tried to show the way how the Oromo people settle conflicts on resource, land and, related issues and breach of societal values, norms and, contracts. The indigenous institutions of conflict resolution of the Oromo's are playing pivotal roles to achieve sustainable peace and employ peaceful mechanisms to settle conflicts. The paper found that the most common and currently used indigenous institutions of conflict resolution using such as Abba Gadaa/Bokkuu council, Jaarsummaa, the practice of Guma and, how they practice at a different level to reconcile peace and restorative justice.

The opportunity of not being corrupted, accessibility, the ability to find truths, flexibility, time and money-saving and, the exercise of familiar cultural norms are characterized as the main pulling factor behind Oromo people to prefer indigenous conflict resolution institutions to formal court. In opposite to this, the formal court lacks these afro mentioned criteria or qualities while solving conflict.

5.2.Recommendations

The foundation of Oromummaa is built on overshadowing principles that are embedded within the Oromo traditions, culture and, language. Thus, based upon findings, the researcher draws the following recommendations could be made:

- Since the “Gumaa” is used as an indigenous resource in resolving community conflicts: it is advisable to keep its originality and applicability to develop its shared values of resolving conflict as it passes from generation to generation.
- It would be better if the government due gives attention to the values and social assets of indigenous conflict resolution like the modern legal system.
- It would better if the government provides training on the indigenous conflict management system in the community.
- Initiate indigenous conflict handling strategies and formulate structures for policy implementation.
- It would be better if the media support indigenous conflict resolution mechanism for better peace buildings special “Gumaa” is the more appropriate practice to reduce crime of homicide than the modern legal system

5.3.Implications to social work

Indigenous conflict resolution has its implication for social work and we can see it in the following manner. As we all know social workers are given services in the community at a grass- root level. Based on the nature of social work knowing one’s culture, tradition, values, norms and, shared common activities of the community is important to social work practitioners. It is useful for social work practitioners to have cultural competition information of the community members and serves to how they deal with conflict management.

Knowing indigenous conflict resolution management is useful for social work policymakers and also serves for social work policy implementers as a base to know society behavior and the ways the societies deal with conflict resolution. There are societies with different cultures, traditions, values and, norms, so, social work give serves different cultural backgrounds.

It also helps social workers to identify social assets and to know how social workers can use the social assets that exist in the community and helps to separate how the society lives together for a century by using these indigenous conflict resolution mechanisms.

It can serve social work practitioners to comment on the policy of the country as well as develop the policy based on their culture, belief, norms and, traditions.

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Lists of informants

<i>S.no</i>	<i>Name</i>	<i>Kebeles</i>	<i>Role</i>	<i>Age</i>
1	<i>Shubbisa Adema</i>	<i>Tulu Kore</i>	<i>Abba Gada</i>	80
2	<i>Gabra Amlak Guyyee</i>	<i>Kofale 01</i>	<i>West Arsi A/gada writers</i>	85
3	<i>Kadir Bulo</i>	<i>Tulu Kore</i>	<i>Community elders</i>	70
4	<i>Sh/kadir Kayyoo</i>	<i>Tulu Kore</i>	<i>Community Elders</i>	65
5	<i>Abu Tuke</i>	<i>Bulchana Huluqo</i>	<i>Community Elders</i>	75
6	<i>H/Guyye Nure</i>	<i>Tulu Kore</i>	<i>Community Elders</i>	70
7	<i>Bariso Tufa</i>	<i>Bulchana Huluqo</i>	<i>Community Elders</i>	67
8	<i>H/Tusa wako</i>		<i>Abba Gada</i>	76
9	<i>H/Urgo Kiso</i>	<i>Shifa</i>	<i>Abba Gada</i>	75
10	<i>Abe Makuria</i>	<i>Kore</i>	<i>Kore Woreda Tourism Expert</i>	28
11	<i>Kadir Fucharo</i>	<i>Shashamane</i>	<i>West Arsi Zone Tourism Expert</i>	30
12	<i>H/Kumphale Tufa</i>	<i>Bulchana Huluqo</i>	<i>Community Elders</i>	72

APPENDIX

JIMMA UNIVESITY

COLLEGE OF SOCIAL SCIENCES AND HUMANITIES

SCHOOL OF SOCIAL WORK

1. Informants' background and research site identification
- | | |
|---------------------|---------------------------------|
| Name----- | Education backgrounds----- |
| Sex----- | Kebele----- |
| Age----- | Place of interview----- |
| Marital status----- | Role in community----- |
| Occupation----- | Date and time of interview----- |

Interview Guide on the Profiles of on the gumaa practice

2. 2.1 Interview Guide on the Profiles of Guma practice

- ✓ What is indigenous conflict resolution? How the societies see and perceive the indigenous institution?
- ✓ How Jaarsaa is selected? Who has the power to select one person as a jaarsaa?
- ✓ What are the criteria that one person should have to fulfill to be a Jaarsa araraa? Are the sex, religion, seniority, wisdom, and other socio-economic aspects of the person matter to beselect as JaarsaAraara?
- ✓ Is the age and sex of a person matter to be and serve as a Jaarsa? Do all persons of sex and age have equal chance to be and serve as a Jaarsaa? If not, why?

2.2 Interview Guide on the Profiles of bokkuu

- ✓ WHAT IS BOKKUU, WHAT ARE THE CRITERIA THAT ONE PERSON SHOULD HAVE TO FULFILL TO BE BOKKUU?
- ✓ How many bokkuu are selected for one negotiation practice of Gumaa?
- ✓ Is there equal chance for men and women to be selected as bokkuu?If not why?
- ✓ Is the age is matter in the selection of bokkuu? If not, why?

- ✓ Is there any specific tribe where the bokkuu were selected to resolve the conflicts? If so, what is the ritual and other symbolic interpretation assigned to that tribe ?
- ✓ Is there specific day on which the jaarsa araraa deal with conflict cases? Why they are selected?
- ✓ How many jaarsaa can participate or deal with specific cases?

Interview guide on the types and causes of conflict and major institution of its resolution

- ✓ what are the main causes of conflicts do you experience? Which causes are prevalent?
- ✓ What are the major common types of conflicts in this area?
- ✓ Which types of conflicts are likely to be resolved through customary institutions?
- ✓ What are the major customary institutions of conflict resolution in your locality?
- ✓ Do they have interconnection? If so how their relationship is explained?
- ✓ How customary institution and the formal structures interact?
- ✓ How the relationship between the gumaa practice and other customary mechanisms of conflict resolution is explained?
- ✓ Is there any type of conflict that cannot be processed by indigenous conflict resolution?
- ✓ Do women have roles to play in indigenous conflict resolutions mechanisms?
- ✓ Which form of conflict resolution mechanism do you think is more effective? Why?
- ✓ What are the major reasons that affect (positively or negatively) their relationship?
- ✓ How the appropriateness of conflict resolution at indigenous conflict resolution is perceived?
- ✓ What are the relation between cabbicha and harkicha? The difference between them
- If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

Interview guide on the processes of conflict resolution at indigenous institution

- ✓ How human killer conflicts are resolved at gumaa setting?
- ✓ How the conflict cases are presented before JaarsaAraraato be resolved?
- ✓ How the case is resolved if the defendant appears before Jaarsa?
- ✓ If the defendants deny coming to bokkuu, what steps are to be followed?
- ✓ Do the witnesses are called for or required to justify/clarify the cases?
- ✓ Who are the major actors of conflict resolution at gumaapractioners? Is there hierarchy of power relationship among the actors? How these actors work with each other?
- ✓ What mechanisms do these actors use to resolve the conflict?
- ✓ Is the processes of decision making at indigenous institution is participatory and cooperative? Is there a situation where the parties in conflict are made to discuss on their issue and set the direction for resolution by themselves? If yes, in what way?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

➤ Interview guide on the compensation paid of Gumaa involved in the processes of conflict resolution and reconciliation at Gumaa practice

- ✓ How many cattle are paid for male life?
- ✓ How many cattle are paid for female life?
- ✓ Is there difference between female and male compensation paid?
- ✓ If they are difference what are reason for their difference? At what place rituals take place?
- ✓ What are their differences?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

Interview guide on the rationale behind persistent use of Gumaa for conflict resolution

- ✓ what mechanisms are used by indigenous institution to enforce decisions?
 - ✓ From the formal government court and the indigenous institution, which one do you prefer? Why? Who are the clients of indigenous institution in terms of ethnicity and religion?
 - ✓ Are they only the followers of indigenous practitioner's belong to them?
 - ✓ What do you think is the advantages of Gumaa practice over other indigenous institutions of conflict resolution and formal structures?
- ✓ What makes indigenous conflict resolution unique from the other customary and formal mechanism of conflict resolution?

Why and how the values and principles of indigenous conflict resolution influence the formal court?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

Issues to be raised in the Focus Group Discussion

What are the common types and cause of conflicts in this area?

What are the major customary institutions of conflict resolution? How do you explain the relationship between these institutions and their relationship with the formal structure?

How do you explain the interaction between indigenous conflict resolution and formal government structures?

How cases are taken to jaarsa araraa and get resolved?

- ✓ What are the major rituals performed during the processes of conflict resolution and reconciliation?
- ✓ What is qoraa mataa and qoraa miilaa?
- ✓ What are differences between qoraa mataa and qoraa miilaa?
- ✓ How qoraa mataa and qoraa miilaa is selected?

- ✓ What are role of qoraa mataa and qoraa miilaa ?
- ✓ What is hokkaa?
- ✓ What is role of hokkaa?
- ✓ What are the difference between hokkaa and bokkuu?
- ✓ What are the procedures and processes of Gumaa

