

**Indigenous Dispute Resolution Mechanisms at Haramaya Woreda of Eastern Hararghe Zone, Oromia Regional State, Ethiopia**

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**Abstract**

*The main purpose of this research is to **Indigenous Dispute Resolution Mechanisms at Haramaya Woreda of Eastern Hararghe Zone, Oromia Regional State, Ethiopia.** Ethiopians especially the people of Oromo who live in Eastern part of the regional state has experienced indigenous conflict resolution mechanism a long period of time. They had been socially and culturally on emphasizing on solving conflicts and looking for family wellbeing which is less recognized by the formal institution of government. Conflict is a naturally and socially occurring phenomenon in day-to-day human interactions and some scholars agreed that conflict is human nature. Conflict may initiated by a single event which can go up into broader and devastating ends. The methodology used in the study is a qualitative one which it enables me to have an understanding of the nature of disputes in the study area and how they are resolved through traditional means. Both Primary and Secondary sources of data were used. Primary data was collected using interview of key informants and elders. This enabled me to gather fundamental information on the nature of disputes and their resolution. Secondary data was gathered from published and unpublished documents and the internet. These secondary sources helped to secure information on historical background of the people in the study area, change and continuity of the socio-political institutions. Informants were interviewed to gain an understanding of the study area and the nature of disputes and the indigenous resolution mechanisms of the community. Furthermore, three elders at Haramaya Woreda who are knowledgeable on the study area, the nature and extent of disputes and how they were resolved were interviewed. The interview took place when one of the group members went to the area during the holidays and stayed for five days. One of the interviewed elders (Aba Amenti) was from the religious institution and the other two were from secular societies serving as elders in the community. The interview took place in*

*Haramaya town at the residence of one of the elders. The interview was conducted in Affan Oromo and it was tape recorded after consent was gained. The researcher also was able to record cases of dispute as recounted by the elders (key informants). These cases were used to look into the process of Jarsuma and its role in reconciling the disputant parties. In the cases pseudonym was used for ethical reasons. Before proceeding with the interview, participants were informed on the nature and purpose of the research, consent was asked and secured.*

**Key words: Indigenous, Conflict, Resolution, Mechanisms**

### **1. Introduction**

Conflict is a naturally and socially occurring phenomenon in day-to-day human interactions and activities. Conflict may originate in a single event and escalate into broader and devastating ends. Assefa (2005:50) commented that human relationships have been characterized by competition for control of resources and dominance of one over the other. Such competitions involve individuals, communities, religious groups and states in maximization of their social, political and economic interests.

If conflict could not be halted and resolved on time, it leads to cycles of retaliatory actions, civil wars and aggressions. Social order and rational thinking of humanity advocates the resolution of such conflicts in an amicable and peaceful manner. Although parties in conflict respond to disputes either by getting away from conflict or confront their counterparts, it could be managed either directly or indirectly through the mechanisms of avoidance reconciliation, compromise, dialogue, mediation, arbitration, court litigation, collaboration and accommodating differences by promoting common interests and values (<http://www.foundationcoalition.org/team>). The word “conflict” has been defined differently by different scholars and poses contextual meaning to the situation it refers to social interactions. Grove (1976) defined conflict as “*clash, competition, or mutual interference of opposing or incompatible forces or qualities. (as ideas, interests and wills).*” (1976:476).

Miller (2005) also defined conflict as “*engagement in a fight or possible confrontation between two or more parties aspiring towards incompatible or competitive means or ends.*” (2005:322). On the other hand, Inobighe (2003) provides the following definition for conflict. “*Conflict is a condition of disharmony in an interaction process and usually occurs as a result of clash of interest between the parties involved in some forms of relationship: clash of*

*interest could occur because either they are pursuing their incompatible goals to pursue their chosen goals.” (2003:32).*

Despite the fact that different scholars and writers have asserted that conflict has disjuncture and destructive effects, Bohannan (1967: xv-xiv), saw conflict to be as basic as culture is in society, which possibly controlled and utilized profitably for better cultural development and maintenance of social order. Schellenberg (1996:9) stated that conflict is neither bad nor good, but one of the essentials in human societal life. Nevertheless, for Gluckman (1956), Guliver (1963) and Nanda (1994) conflict is a part of social life and in which society is impossible without it.

Although the study of conflict and its resolution mechanisms existed for longer historical periods, it was the emergence of political Anthropology as a specialized branch of Social Anthropology marked by the publication of *African Political System* (1940), edited by Meyer Fortes and Evans Pritchard that symbolize the study of conflict resolution to become prominent. (Malinowski, 1940)

The Oromos belong to the Cushitic language family from Afro-Asiatic super family of language which extends over the horn of Africa and the single largest ethnic group (Koree Dagagina, 2000: 15). The Oromo share common cultural heritage and speak the same language (Afan Oromo) or Oromo language which is written in Latin script, with slightly different dialect. They are followers of the religions of Islam, Christianity and Waqefana, the indigenous Oromo religion. In case of East Hararghe zone, the majority of the People are Oromo's who practice agricultural sedentary life on the highlands and pastoral way of life to the people who lived on adjacent border with the Somalis. East Hararghe zone is one of Oromia Regional State zones frequently hit by drought and famine.

East Hararghe's towns and cities include Haramaya, Babile, Girawa, Chelenqo, Jarsso, Kulibi and Fugnan Bira. The highest mountain is Gara Muleta. Local landmarks include the Harar Wildlife Sanctuary, Babile District Game Reserve where white elephant, the only of its kind is found and Haramaya University (Wikipedia, ND). The Eastern Hararghes Zone comprises of fifteen Woredas, namely; Kombolcha, Jarso, Gursm, Babile, Fedis, Haramaya, Kurfa Chele, Haramaya, Meta, Goro Gutu, Deder, Malka Balo, Bedeno, Girawa and Gola Odana Meyumuluke (CSA, 2008).

The district of focus, Haramaya, majority of the population are farmers with the exception of the areas adjacent to Dire Dawa Administrative Council, which is hot and mostly hit by recurrent drought. The majority of the population in the zone is Muslim even though few Christians live around towns such as Haramaya and Dangago. The most dominant crop in the district is Chat, which is a commercial crop as well as highly consumed by the people. Other crops such as sorghum, maize sweet potatoes and fruits are also grown.

## **2. Research Design**

The research design is the conceptual structure within which research is conducted; it constitutes the proposal for the collection, and analysis of data. The design includes a sketch of what the researcher will do from writing the suggestion and its operational implications to the final analysis of data (Kothari, 2004:32).

This research designed which stands for advance planning of the methods to be adopted for collecting the relevant data and the techniques to be use in their analysis, keeping in view with the objective of the research and the availability of time and money. Therefore, the researcher used the qualitative descriptive method to analyze it. So, as to make the more reliable, secure the validity and reliability of the study and increase the depth and of my study qualitative data types were used and qualitative type data analysis has been employed. Thus, the researcher have designed to investigate Indigenous Dispute Resolution Mechanisms at Haramaya Woreda of Eastern Hararghe Zone, Oromia Regional State, Ethiopia

### **2.1 Methodology**

Research methodology is a way of systematically solve the research problem. It may be understood as a science of studying how research is done scientifically. In, it we study the choice of steps that are generally approved by a researcher in studying his research problem along with the logic behind the problems. It is necessary for the researcher to know not only the research methods/techniques but also the methodology. Research is the process of correcting the existing problems in order to propose the possible practical solutions. (Kothari, 2004:8).

Thus, in this paper the researcher tried to show procedures that the methodology used in the study is a qualitative one which enables to have an understanding of the nature of disputes in the study area and how they are resolved through traditional means.

### **2.2 Types of Data**

The researcher used qualitative type of data. The qualitative type of data is obtained from interview and from field observation. Interview question was generated by the researcher and interviewed some selected individuals who are living in Dire Dawa City and Sub-city of Sabean. Thus, primary data's were collected through interview method and field observations were directly collected from the field. Secondary data types were also used from different written sources.

### **2.3 Sources of Data**

The researcher used two sources of data, the primary and secondary sources. The primary data were obtained from field through interview and field observation. Secondary data sources were obtained from published and unpublished sources. These secondary source of data were used to relate the research problem of the past with situations on real ground which was obtained from primary sources of data, obtained from the field.

### **2.4 Instruments of Data Collection**

The researcher employed different instruments to collect the necessary data, which include the following: Interview as method of primary data collection was used that involves presentation of oral-verbal reply and response in terms of oral-verbal reaction.

#### **1. Interview**

Informants were interviewed to gain an understanding of the study area and the nature of disputes and the indigenous resolution mechanisms of the community. Towards this end, an Assistant Professor of Social Anthropology from Addis Ababa University, who is familiar with the study area and who undertook research on the issue was interviewed. Furthermore, three elders at Haramaya Woreda who are knowledgeable on the study area, the nature and extent of disputes and how they were resolved were interviewed. The interview took place when one of the group members went to the area during the holidays and stayed for five days. One of the interviewed elders (Aba Amenti) was from the religious institution and the other two were from secular societies serving as elders in the community. The interview took place in Haramaya town at the residence of one of the elders. The interview was conducted in Affan Oromo and it was tape recorded after consent was gained. Prior to the interviews, literature on the issue was reviewed and interview guide (annexed) was on prepared. The interview guide was used to ensure that all key issues are covered during the interviews.

#### **2. Case Study**

The researcher also was able to record cases of dispute as recounted by the elders (key informants). These cases were used to look into the process of Jarsuma and its role in

reconciling the disputant parties. In the cases pseudonym was used for ethical reasons.

### **2.5 Methods of Data Analysis**

The interview with the key informant from Addis Ababa University was conducted in English. However, for the interview with key informants in Haramaya Woreda, the interview guide was translated into Afan Oromo. The interview was also conducted in Afan Oromo. It was tape recorded after gaining the informants' consent. Following the interviews, the tape recorded interview was then transcribed and translated into English. The transcripts were read and analyzed.

### **3. Ethical Consideration**

Anthropologists 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 Anthropological fieldwork, the researcher had a responsibility to consider the ethical issue of the people under the study. Therefore, before proceeding to the data collection through different techniques the researcher had informed to the host society about the nature and the purpose of the research to gain consent and access to the field site.

### **4. The Relationship between Formal State Political Structure and Indigenous Conflict Resolution Mechanisms**

According to our key informant from Addis Ababa University, the relationship between government political systems and indigenous political system during the Imperial regime was one way, that is, from top down. It was characterized by imposition of policies and regulations from the center upon the local communities. The state directly appointed its own henchmen as political governors directly with little regard to the indigenous political system in the region. The government appointee's principal role was to maintain peace and order in the region, collections of tribute and ensuring the security of the inland, lucrative railway line linking Addis Ababa with Djibouti. During the Imperial political system, the centrally appointed governors dominated the upper/top hierarchy, whereas the local political leaders were given lower status. However, in spite of their political marginalization, the local authorities played important role in the resolution of disputes in the region using the "Gumma Tradition" (blood compensation for loss of life or injury).

During the time of the Derg regime, the relationship between indigenous political system and

formal state structure was based on loyalty and membership to the ruling party. Indigenous political system had no room in the state bureaucracies and was gradually dismantled. Indigenous conflict resolution mechanisms were replaced by coercive power of the government.

In the post 1991 period, the relationship between the indigenous political system and government structure has been consolidated. The indigenous political system has been given due attention and its practice is guaranteed by the Federal Constitution both in the exercise of political power and conflict management mechanism (FDRE Constitution 1995:125). According to one of the key informant, though indigenous political system has been given priority in reducing conflicts at community level, the recruitment criteria for mediators of the dispute is based on political affiliation to the ruling government and conflicts are not settled in the immediate locality. He further commented that recruited elders are using the matter related to conflict as sources of fortune making and welding up their relation with government interests.

## **5. Result and Discussion on Indigenous Conflict Resolution Mechanism**

### **5.1 Conflict Resolution Mechanism**

Conflict Resolution mechanism refers to the strategies employed using both the judicial and indigenous approaches contain, prevent and manage conflicts that has broke out already. Imobighe (2003:7) suggests conflict management is concerned with the ways and means to do away with conflictual relationship with the aim of being the creation of space for the long term resolution of the fundamental causes of the conflict. Furthermore, the principal concern of conflict resolution is to eliminate dominating factors to violence by encouraging positive behavioral change among conflicting parties (Fisher 2004:7).

In addition Zartman (1996:28) has proposed through using different strategies and institutional methods. According to his suggestion conflict administration process through informal strategies the conflicting parties to reconcile with one another and their commitment to accept the decision delivered by the third neutral party. On the other hand, formal institutional methods are concerned with the use of different process of interaction between parties in conflict that involves conflict procedures and litigation.

Similarly institutional conflict resolution dealt with conflict by collecting demands and

grievances of conflicting parties, the institutions provide equal chances of the rights being heard and present cases of contests to the institutions established. (ibid). Furthermore, formal conflict resolution mechanisms employ violent (force) and peaceful means. The violent means of conflict resolution encompasses armed confrontation, self-help, self-defense and others. The peaceful means or way includes negotiation, mediation and arbitration.

Assefa (2005:54-62) indicating the existing Oromo indigenous mechanism for the intervention and the resolution of conflicts. These mechanisms encompass Illafi Illamee (Oromo system of negotiation), Jarsumma System (conflict resolution by community elders), Gada System (traditional Oromo socio-political and religious institution), Dadadhacha system (a species of acacia tree under which conflicts are being solved by elders) and Wonaaqefanna institution (traditional Oromo religious institution by which the “Qallu” high chief priest resolve conflict by cursing the plaintiffs).

## **5.2 Indigenous Instruments of Conflict Resolution**

Indigenous conflict resolution mechanisms play a great role in preventing and addressing conflict and other related problems by allowing local communities to handle them in their own ways. In a country like Ethiopia, which has diverse social values and strong cultural heritages, indigenous conflict management mechanisms help to handle conflicts and by doing so they safeguard communities well-being, stability and security.

In the past among the Oromos of Ethiopia, according to Professor Asmerom Legesse (1973), the Gada system had different mechanisms to solve violent conflicts from its very outset and maintain peace and order of the society. However, currently in the study area of Haramaya district the Gada system is not in operation because the district is highly influenced by Islamic religious process that take stronghold positions in the society's affairs. According to our key informants in the study area, cases of conflicts are managed by the use of indigenous institutions such as Jarssa Biyyaa (council of elders), and religious leaders called Abba Amanntii. Alongside with indigenous institutions, local government bodies are also involved in cases such as border conflicts with Dire Dawa Administrative Council. The institution of Jarssa Biyyaa and Abba Amanntii used to resolve conflicts between disputing groups, individuals and communities, and the resolved cases which include torture claims, injury, killings, theft, divorce, inheritance, marriage, border conflicts emanating from claim over agricultural and pasture lands.



### 5.3 Sources of Conflict in Haramaya Woreda

Annaa (district or woreda) Quarssa is inhabited by different ethnic groups, they are: Oromo, Amhara, Argoba and Guraghe. The Oromos represent the majority of the population in the district and farming is the primary occupation and livelihood of the society. The staple food crop produced in the district encompasses maize, sorghum and sweet potato. Similarly 'Chat' or as it is locally called Jimma is the most predominant cash crop and it is highly consumed by the society of the district themselves.

In (The) areas adjacent to the Dire Dawa Administrative Council which is dry, hot and frequently hit by drought their livelihood is based on trade. Due to adverse climatic change occurrence of drought the lowlands seek for aid for survival both from governmental and non-governmental institutions. They developed a local saying to describe a good wish for their aid donors by saying "Kanada yaa robuu", translated it means "may god give rain to Canada", to illustrate that their livelihood is safeguarded by wheat from Canada.

With regard to religion, the vast majority of society is Muslims and few Christians are living in urban areas such as Haramaya, Dangago and Langhe.

According to the key informants from the districts, major sources of conflict occur on seasonal and permanent occasions. Some of these sources of conflict include border conflicts on the possession of farmlands, neighborhood conflicts, personal conflicts, divorce cases and husband and wife conflicts.

#### 1. Border Conflict

It is estimated that Haramaya Woreda is the second largest and populated district next to Haramaya in Eastern Hararghe Zone. The district is also known for its high agricultural production and more conducive environment with the exception of the areas near Dire Dawa Administrative Council. As our informants from the district and Addis Ababa University confirmed, border conflicts are primarily caused by population pressure, subsequent claim to control cultivable, fertile land and boundary demarcation with Dire Dawa Administrative Council. This in turn lead to pushing back and forth border conflicts and invites the involvement of clans directly or indirectly from both sides of the disputing groups and violent in nature. These conflicts triggered on seasonal basis over the control of the resources one of which is land and characterized by retaliatory actions against the ex-damage caused by the counterparts or paying the compensation "*Gumma*" for the loss of life and destroyed

property.

## **2. Neighborhood Conflicts**

The principal sources of neighborhood conflicts among the Oromo's in Hararghe and particularly in Haramaya district is mostly caused by overgrazing (pasture) land. As the district is said to have been dense and highly populated, this brings the shortage of area under study and dominates their social relation. Such conflicts are not only limited to the fields and extends to their neighboring relationships in their daily socio-economic activities. The differences in clan structured exacerbated the intensity of the conflict and spoil their relations.

## **3. Marital Dispute**

The other sources of conflict in the district are the dispute relationship between marriage partners over the socio-economic matters. The major bone of contentions between husband and wife conflict is highly tended by resource administration especially the scale of Chat. According to the customary tradition in the region, women's role is limited in the household affairs and agricultural affairs and agricultural works in the field along with their husbands. Islamic traditions allowed male to be in charge of selling Chat and other agricultural products. Women expect from their husbands transparency and hand over all of the necessary cashes that would enable them to allocate for their families need. The men who dominate the bulk of the economy and suspected of putting side or wasting financial resources come into grievances with their wives. As Islamic culture and practices dominated all works of social activities, male economic dominance seems acceptable by the community.

### **5.4 Indigenous conflict resolution among the Hararghe Oromo's in Haramaya Woreda**

According to the informants from the district, the major actors involved in the process of conflict resolution are elders of the community (Jarssa Biyyaa), religious institution leaders (Abba Amanntii) and clan leaders (Bulcha Gosa). These key actors hear cases brought to them and pass binding decision on all conflictual issues emanating from neighborhood, boarder and partnership that are common among the society. These actors enjoy higher prestigious position in the communities' affairs and decisions delivered by them are unanimously accepted for granted.

### **5.5 Criteria for the Selection of Key Actors**

During the imperial regime and before, key actors in the conflict resolution process were

selected on the grounds of their social status and positions they had in the community. The criteria for social status encompasses the actor being married, socially matured and to be forty years and above in age. Both sexes were eligible for selection but with men dominance, inherited social position of the predecessors and others. According to key informants from Addis Ababa University, women's role was a paramount significance in the course of mitigating and settling conflicts. The females wanted their sons to be named hero and hence they intervene in the course and resolutions of conflict. Their active participation helped in restoring social harmony and order among the community.

Currently the selection criteria for Jarsaa Biyaa and Abba Amannti are dependent on wealth status and their loyalty to the ruling political party and its interests. Their role in conflict resolution process has been manipulated and easily influenced by close supervision of political decision making bodies.

### **5.6 The Jarsumma Tradition**

Although in the past, different conflict resolution mechanisms were practiced among the Hararghe Oromos in general and Haramaya district in particular and in present day the dominant form of indigenous conflict management institution is handled by Jarssa Biyyaa (community elders and the entire process of handling conflict is referred as Jarsumma (conflict resolution)). Jarsumma is one of the principally practiced and widely accepted and employed mechanism for containing, preventing and resolving conflicts. The Jarsumma tradition includes actor's activities of conciliation, mediation, arbitration and facilitating negotiation to be reached by contesting parties.

The role of the Jarsumma Biyyaa depends on the prevailing conditions and type of conflict on the ground. If the given conflict is of a less in complexity and dealt with minor social issues, the elders play conciliatory and facilitation roles between conflicting parties by providing promise ideas of agreement without imposing sanction upon them. The concerned parties in conflict reach consensus, understanding to reach at final agreement. If they fail to do so, the elders encourage contestant parties to restart negotiation and mediation. Once again, if parties in conflict continued in their differences, Jarsaa Biyyaa takes arbitrary role. As arbitrators the Jarsaa Biyyaa invites both parties to air (tell) their conflicting ideas and after learning their cases they pass binding decisions. The elders within arbitrary position enjoy traditional

autonomous power to maintain social order of the society by delivering fair and reasonable judgment. Even though the offender is in refusal of the action, because of the fear of cursing by the elders, he accepts the binding decisions passed.

Cursing (Abarssaa) is believed by the society of the Oromos in general and Hararghe Oromos in particular, is one of the worst decision making by Jarssa Biyya. The society thinks that if someone or somebody is cursed by the elders, almost seven generations are assumed to be killed. According to Hararghe Oromos as in the case of blessing, Chat is presented before the elders.

### **5.7 Cases Seen by Jarsumaa Tradition (System)**

#### **1. The Injury Case**

One of the commonest cases seen by the Jarsumaa tradition is to resolve injury claim physical or bodily hurt/damage happens to one of the conflicting parties or both, on issues of border neighborhood and household conflict. The Jarsumaa system serves both contesting parties by taking independent stance and neutral position. The ultimate intent of the Jarsaa (elders) is to prevent the possible cycle of revenging one another by pushing the indigenous custom infringers and compensating victims of the conflict.

In the case of conflict resolution, the preliminary stage is taken by disputants themselves. The group which inflicted damage on its counterparts is expected to inform the action taken after the incident to their immediate clan head. Then the clan head mobilized his clan members and offered blood compensation for the victim. The compensation is often given in the form of slaughtered feasts like goat and sheep. On the other hand, after this immediate action, clan heads on both sides handed over the case to community elders (Jarsaa Biyyaa) seeking the peace to be maintained before the conflict turned to violent ends.

The elders separately meet the disputating parties and fixed the date for hearing the case. The case is heard openly under the shade of a big tree called Dhadacha (an acacia tree found in nearby region). Before going into the details of the resolution process, the elders try to investigate whether blood compensation to the victim was offered or not. If the compensation for the bleeding injured party has been accomplished the elders offer blessings and thanks to the offending group, then they start investigating the cause, courses and the effect of the dispute.

Blessing (Ebbissa) is also believed to be source of joy or to be honored by the community

elders. If someone or somebody is blessed by Jarssa Biyya, they also assume that the man is also blessed by Waqaa (supernatural creator of the Oromos).

## 2. The Homicide Case

The case of killing among the Harrarghe Oromos and specially among the Haramaya Oromos, according to our informants are addressed into two ways, first, if the person killed by the member of his own clan the resolution process takes place but the Gumma tradition (blood compensation) could not be paid even though his clan members have paid some amount of payments the justification behind conciliation without compensation is that the victim and offender are believed to be fraternal brothers and hence, no need of paying indemnity for his brother. Nonetheless, the clan to which both victims and the culprit belongs support the defendant family of the victim to support their livelihood and prevent social disorder that might happen to the victim's family without being named Gumma.

In the second case, if the person killed belongs to another clan, conflict resolution process can be administered by the Jarsumaa tradition in the presence of heads of clan. The elders investigate in detail the case of killing and try their best efforts to prevent any possibility threats by making timely decisions, and if the offender is found guilty by Jarsaa Biyyaa, they decided blood compensation (Gumma) even not found guilty Gumma tradition must be paid to the victim's family. According to Oromo tradition, Gumma is paid for blood and all property damage as decided by Jarsaa Biyyaa in the form of compensation. The same holds true for the Hararghe Oromos and they practice it whenever there is certain incident that requires compensation. The Gumma is believed to create a linking bridge between the two families or clans by compensating relatives of the victim and making their livelihood to be continued. The Gumma is paid in heads of cattle from 15 to 50, since Hararghe Oromos are patriarchal society compensation paid to male and female is not identical. 15 heads of cattle could be paid for female and more than threefold or nearly 50 cattle for males.

Nowadays, with regard to homicide, the formal court system has taken the liberty of dealing with such cases and is punishable by the penal law but nevertheless, the Gumma practice is still secretly practiced in the Woreda.

According to the Oromo indigenous practice in general and Hararghe Oromos in particular, the Jarsumma system started with Ebbissa (blessing delivered by elder people). Nevertheless, in the practice of the Hararghe Oromos before the commencement of the hearing of cases

the contending parties are expected to present before the Jarssaa (elders) a Zurba Chat, (Chat well covered and of a deluxe quality).

Among Hararghe Oromos, Chat is used during important occasions such as weddings, peacemaking, funerals and other related ceremonies. The quality of Chat used varies depending on the occasion. For example, in the peace making process (Jarsumma), the best of quality of Chat is presented to the elders (Jarssa) by the clan elders of both parties. The reason behind this is to show their respect to the elders. The process of presenting the Chat to the elders is as follows:

The elders approach and take their designated place. They are usually seated under a tree known as Dhadacha (an acacia tree), where there are carpets laid out for them. The clan leaders (Bulcha Gossa) of both parties present well covered Chat prepared for the occasion before the elders. The elders (Jarssa) unwrap the Chat and distribute it to all elders gathered and hold the Chat in their hands. The highly respected among the elders, start the blessing ceremony (Ebbissa). It is to be noted that the chat is not chewed before the blessing.

According to the Harerghe tradition the next step is Ebbissaa tradition (blessing) program in which one of the Jarsaa (elder of the highest social status and has traditionally autonomous power) starts blessing and other elders (Jarssollee) respond to his blessings on their turn. The following sections show the direct image of blessing process and turn by turn conversations in the blessing ceremony.

A= stands for Jarsaa (elder) who starts blessing (Ebbissa)

B= stands for Jarssollee (elders) who respond to blessing (Ebbissa)

	<b>A</b>	<b>B</b>
Afaan Oromo	Kaan Nagayyan nu bulchee Nagayyan nu haa olchuu.	Yaa olchu
English	May God bless the night and day	Let it be
Afaan Oromo	Akka nu dhuffnee Nagayyan yaa dhuffuu	Yaa dhuffuu
English	May peace come to us	Let it be
Afaan Oromo	Dachinn Nagayya yaa tatuu	Yaa tatuu
English	May land be peaceful	Let it be
Afaan Oromo	Loon yaa hoorann	Yaa hoorann
English	May cattle reproduce	Let it be

Afaan Oromo	Dheedan yaa Quuffan	Yaa Quuffan
English	May cattle graze pasture and satisfy	Let it be
Afaan Oromo	Dessun Nagayyan yadeesuu	Yaa deesuu
English	May women deliver safe	Let it be
Afaan Oromo	Ijolleen yaa Guddatu	Yaa guddatu
English	May children grow up	Let it be
Afaan Oromo	Kaan guddate yaa dubatu	Yaa dubatu
English	May the grown up knowledgeable be full of wisdom	Let it be
Afaan Oromo	Beekan yaa bulu	Yaa bulu
English	May knowledgeable live long	Let it be
Afaan Oromo	Raabii Robba nu ha kennu	Yaa kennu
English	May God give us rain	Let it be
Afaan Oromo	Robba Nagayya nu yaa ta'u	Nu yaa ta'u
English	May the rain bring us peace	Let it be
Afaan Oromo	Robba Margaa nu yaa ta'u	Yaa ta'u
English	May rain be for grass	Let it be
Afaan Oromo	Rimmaan hapee yaa ta'u	Yaa ta'u
English	May the pregnancy period be healthy	Let it be
Afaan Oromo	Margii Kaan Loon Yaa ta'u	Yaa ta'u
English	May grass be for cattle	Let it be
Afaan Oromo	Koormii cirre i yaa ta'u (easily mount cow)	Yaa ta'u
English	May the bull be as light as a feather for its cow	Let it be
Afaan Oromo	Ebbii kiyya fi kessan kaan Millikii yaa ta'u	Yaa ta'u
English	May blessing of me and yours' result in good fortune	Let it be
Afaan Oromo	Rabbii Baara Quffa nu yaa godhuu	Yaa godhu
English	May God make the year prosperous	Let it be

The Second round continues when one of the Jarssaa (elder) from “B” group takes the turn and begins blessing.

### **5.8 Gender Dimension of the Indigenous Dispute Resolution**

According to our key informant from Addis Ababa University, women played a big role in indigenous disputes and their resolutions. In the times before and during the Imperial period, they were active participants in peacemaking and played an important role in mediation and resolving disputes. When there were clashes in community, women were the first to be sent, if the conflict was not resolved, then elders were sent next, however, if the disputes do not get resolved it is government representatives who are sent as a last resort. It was also women who collected the firearms and draggers. Women were also members of the council of elders (Jarsumaa), actively mediating disputes. However, their roles in the indigenous dispute resolution process started diminishing during the Derg regime. At present, women are underrepresented in the indigenous dispute resolutions and this has reduced the potential involvement of those segments of the society with potential to minimize the problem.

Women also are a part in indigenous disputes; in instances of disputes or conflicts women are both victims and perpetrators. As victims they may lose their lives and the lives of their family members and when injury occurs, they are the least compensated as the compensation is markedly lower for a woman than that of a man. As perpetrators, there are instances where they incite conflicts. They encourage their sons to be involved in disputes for the reason when their sons defeated their opponents, they are regarded highly by others especially by the women, and they would be given such privileges as being called “so and so’s mother”, given priority when they go to the water points. However this cost the women the lives of their sons.

Women as justice seekers in the Jarsumaa were disadvantaged. Even though they came to the elders in the Jarsumaa seeking justice, they may be intimidated by the males as their views may not be heard, since the males dominate the council of elders, Jarsumaa. Furthermore, in fear being cursed, they will readily admit to wrongdoing even if it was not their fault.

The elders in the Jarsumma comprise mainly of male members thus women are underrepresented in such institutions, this however does not mean that there are no women in dispute resolution, there may be women members in the Joint Peace Committee as representative of the local administration.

### **5.9 The Relationship between Indigenous Conflict Resolution Mechanism and the**



### **Formal Court System**

According to key informants of the study area, the local community of the Haramaya Woreda prefers to use the indigenous dispute resolution in their daily social affairs. They commented that their customary system enabled them to treat disputing cases swiftly, economically less costly and satisfies their common interests. However, they also suggested that the formal legal system operates simultaneously side by side with indigenous dispute resolution mechanisms. In addition, Sharia courts have been given important places in government courts and have established offices within the formal courts in treating disputing cases and restoring peace.

Furthermore, the government encourages the functioning of the social court systems both within the formal courts and in society's affairs. One of the informants indicates that in issues related to family cases the courts give priorities to the indigenous institutions or social courts and the courts interfere only if the cases are complicated, criminal cases and have the tendency to lead to violence. Previously in the paper it has been indicated that there are occasions when the local administrative officials and the indigenous institutions have an intersection points in the process of handling serious disputing cases in a joint forum which is called *Waltajji* (forum of public meeting). In some situations the local communities also choose cases to be seen by the courts to maintain their customs to be legitimized in secular legal systems and enforce strong legal decisions against their offenders. Hence, from the given suggestions we can conclude that there exists strong interdependence and cooperation between formal courts and indigenous dispute resolution mechanisms.

## **6. Conclusion**

### **6.1 Strengths of the indigenous conflict Resolution Mechanisms**

Most researches prove that Indigenous ways of conflict prevention and resolution

mechanisms have paramount significances in keeping social harmony and peace in society's ways of life. The researchers have tried to scrutinize the basic cause's conflicts in the Haramaya district. Accordingly, most sources of the conflict in the area under study indicate that a conflict arises from neighborhood, boundary and household conflicts. Negotiation, mediation and arbitration mechanisms can be employed by the Jarsumma tradition of solving conflicts.

On the other hand, the *Gumma* among the Oromo of Haramaya has also the role of preventing the escalation of the conflict by soothing the interest of the injured and paying compensation to it. By so doing the amendment of the *Gumma* that shall be conducted hand in hand with the ritual has vital social role in relieving the injuries sustained by the relatives of the victim. In addition to the formally established government court systems, traditional modes of conflict settlement contributes unreserved roles in maintaining social order and lasting peace in the district. The vast majority of social conflicts are dealt with the indigenous mechanisms. The following are the summary of some of the merits and strengths indigenous conflict resolution strategies;

- i. Quick to respond to crisis such as injury, partners' dispute and the case of divorce through the mechanisms of reconciliation and restoration for peace. Moreover, impositions of the ritual sanctions are effective under the situation when the legal method failed to restore normal relationship of the society or when penalties fail to ensure peace.
- ii. They do have lasting effects in restoring Peaceful and secured environment by eliminating any avenges claims for once and all .After the reconciliation process is over the parties in conflict have the feeling of win- win situation. The *Gumma* payment plays key role in this regard by satisfying victim's claim either for damage or loss of life in the form of compensation and amendments'.
- iii. Unlike litigators and adjective government court proceedings indigenous methods are economical in saving time, expenses incurred for court fee, transportation cost per diem other miscellaneous expenses unaffordable to the local poor. Furthermore, decisions delivered by traditional method are thought to be fair, reasonable and accepted by both contending parties. In the formal court systems the accused individual is proved guilty only through witness and testified. Failure to testify guarantees put the interest and right of the defendant endanger regardless of what

truth may be at disposal. However, contrary to the litigators court system are occasions where the defendants may suppose to prove their innocence through the ritual oath.

- iv. An indigenous conflict resolution method supports the formal courts by sharing their work load, wastage of resources and in ensuring social justice.
- v. Solve shortage of professionals such as judges, prosecutors and lawyers who work in formal court, and addresses constraints of budget.
- vi. Give access to many people who are economically weak and may suffer from miscarriage of fair justice owing to corruption scandals and limited knowledge to formal legal system.
- vii. Maintain continuity of moral values, norms and public interests. Payment of the *Gumma* that goes with ritual has an important role in compensating the victim and protects the vicious circle of retaliation by healing the scar or loss and damage.
- viii. It enables the conflicting parties to resolve their disputes in a limited period of time and then to turn their efforts towards productive works and do their usual business.

## **6.2 Weakness of the Indigenous conflict resolution mechanism**

The indigenous mechanisms for prevention and resolution of conflict have also short comings, which include

- i. Lack of coercive power such as legitimate laws, police and prison houses to enforce the implementation of their decisions. On top of this traditional institutions have limited legal support from the government.
- ii. The indigenous instruments of conflict resolutions lacks well established and codified body of law by which they have deliver and monitor their decisions.
- iii. Cursing system which is believed to harm not only the offender but also his descendants is its weakness
- iv. Lack of having police and prison.
- v. Fear of local administrative bodies' intervention may reduce its credibility among the society.
- vi. It sometimes becomes more complex when many cases are occurred simultaneously.
- vii. The contribution of women in the present time conflict prevention and resolution

process is becoming less significant.

- viii. The participants of any forum concerning conflict resolution are government agents and loyal which in turn reduce indigenous resolutions credibility.
- ix. Conflict prevention and resolution meetings are not held in place where conflicts occurred but rather in other urban areas for extra benefits. Hence, the tendency of conflict reduction is far from holding it soon timely and the elders themselves earned less reliability from their own subject fellows.

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