



ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE STUDIES

Center of Human Rights

**EXAMINING THE ROLE OF INDIGINOUS CONFLICT RESOLUTION INSTITUTIONS IN
PROTECTION OF HUMAN RIGHTS: THE CASE OF ELDERS COUNCIL AND MARITAL
CONFLICT IN DAMBI DOLLO TOWN**

Dararo Tadase Deresa

Adviser: Meron Zeleke (PhD)

Addis Ababa, Ethiopia

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Declaration

I the undersigned, declare that this work entitled examining the Role of the Indigenous Institution of Conflict Resolution in protection/ violation of Human Rights; the case of Elders Council/ in Dambi Dollo Town is written based on my own research and that all sources and materials used for this thesis have been duly acknowledged.

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List of Acronyms

CSA: Central Statistical Agency

FGD: Focus Group Discussion

ICRI: Indigenous Conflict Resolution Institution

KI: Key Informants

OCE: Oromo Community Elder

UDHR: Universal Declaration of Human Rights

Abstract

The Study was conducted with the aim of understanding the role of Indigenous Institution of Conflict Resolution in protection/ violation of Human Rights. It particularly focused on the Elders Council/ Jaarsummaa in Dambi Dollo Town. By paying a closer attention to the Jarsumaa institution this study explores the different ways in which the customary institution protects/violates the rights of disputants mainly while resolving marital disputes. The study explores Jaarsummaa as indigenous knowledge and conflict resolution institution and the roles it plays in restoring and harmonizing broken relationship among the community. To realize its intended objectives; the study employed various data collection tools adopting a qualitative research approach. Relevant data for this study were collected both through primary and secondary sources; interview, focus group discussion, through observation and case study. The data collected both from Primary and secondary sources were organized thematically and analysed qualitatively. The finding of the study reveals that the Jaarsummaa institution is preferred among the study community to solve various disputes and reduce legal court caseloads. Indigenous conflict resolution institutions (Jaarsummaa) are still functional and vibrant in Kellem Wallega Zone. Marital dispute is one of the types of conflicts handled by the customary institution in as many prefer taking their personal marital disputes to Jaarsummaa than the formal court as the customary court is believed to resolve conflicts focusing on reconciliation.

Keywords: Marital Conflict, Conflict, Conflict Resolution, indigenous, Jaarsummaa, Elders

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GLOSSARY OF LOCAL TERMS

Abaarsa.....	Curse
Abbaa Warraa.....	Husband
Araarsuu.....	Reconcile
Dambara.....	Suitable place during reconciliation
Dhaala	Transferred property through inheritance or law
Diiggaa Gaa'ila.....	Divorce
Diina.....	enemy
Eebba	blasé
Fira.....	relatives
Gaa'ila.....	Marriage
Gumaa.....	blood feud/ purification after homicide
Guyyaa Araaraa.....	Reconciliation day
Guyyaa Cidhaa.....	marriage day
Haadha Warraa.....	Wife
Haqa muruu.....	decide the truth
Ilaafi elaamee.....	negotiation mainly in the family
Ilaalcha.....	Opinion
Jaarsa.....	elder
Jaarsa Guule	wise elder
Jaarsolii Araaraa	elders of reconciliations

Jaarsolii BiyyaaCommunity elder

Jaarsummaa..... eldership

Miidhaa qaamaa..... physical injure

Mirga Ilma Namaa..... Human Rights

Nagaa..... peace

Ollaa..... neighbour

Qaalluu..... Spiritual Leader of Oromo

Safuu..... Norm/moral category

Safuu Cabsuu.....immoral act

Seera duudhaaCustomary Law

Seera namaaMan’s Law

Seera waaqaa God’s Law

Siiqqee Thin Stich hold by married women

Sorooroo Straight/ Normal

Waaqa..... God

Yaa’ii..... Assembly

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

Conflict is also an old phenomenon that has been part of human history and often described as being inevitable. Different scholars have interpreted conflict differently depending on various contexts and their respective areas of focus. A classical definition states that it is a struggle to achieve goals and neutralize, injure, or eliminate competitors (Cosier, 1956). Conflict is a functional element of life that arises from inconsistency in goals between people (Denis, 1993). Conflict is often described as a struggle between individuals or groups who overestimate or assert their own status, power, and resources in order to assert their own values or needs over others Steinberger, (2005) & Draman, (2003). Therefore, conflict is a reality that exists in all forms of society that we encounter in our daily lives and daily activities. This destroys human progress and affects the institutional infrastructure and capacity for peace and development in a country (Harris, 1998 & Hardgrave,1994). There is a dominant view that conflict in everyday interactions with others is inevitable and beneficial, and sometimes even necessary and beneficial for social change (Jacob et al, 2009). Different societies around the world have developed various indigenous conflict resolution institutions (Macfarlane 2007). Among these community elders' mediation is one of the indigenous conflict resolution mechanisms.

The elders' mediation is a process whereby elders of a given community voluntarily or upon the request of the disputants mediate parties in disputes Every community's political, social, historical, and cultural fabric is ingrained in traditional conflict resolution institutions. The symbols of pride and identity they provide, which highlight the peaceful coexistence and harmony in the community, serve as a reflection of its living conditions. Facilitating a peaceful settlement of disputes is these organizations' main goal (Getachew & Pankhurst 2008). One essential aspect that these institutions are, the involvement and complete participation of the parties involved. These institutions use a variety of methods and strategies to prevent, manage, and resolve conflicts.

The ways in which these mechanisms are adopted vary depending on the cultures of the individuals living in each society. While some use them as a regular and independent means of resolving disputes, others use them to supplement court litigation. The historical account of Ethiopia's traditional conflict resolution practices clearly demonstrates the value of these methods. Given that Ethiopia is home to numerous nations, ethnic groups, and peoples, it follows that various institutions for resolving disputes exist, each with its own set of procedures (Epple and Getachew 2020). Notably, organizations like Jaarsummaa, Shimglina, ilaaf-ilaamee, and others are vital to their respective communities in ways like fostering harmony, re-establishing positive relationships, upholding the law, and other capacities. A profile of these traditional institutions of conflict resolution in Ethiopia is provided by Getinet, (2009). These include the Yejoka of the Western Sebat-bet Gurage, the sera of the Gordana, Silte, Masqan, Dobbi, Kambata, and other people, the Gada and Gabalaa of various Oromo groups, and the Dulata among the Gamo people.

The Oromo people are the second largest ethnic group in subSaharan Africa and the largest regional state of Ethiopia in terms of population and geographical area (Abdurrahman, 2019). As in other parts of Ethiopia, the main causes of conflict in Oromia Regional State are quite diverse ranging from economic issues, land ownership, border disputes, family disputes, property disputes, political tensions (Muchie et al, 2015). The Oromo people have extensive experience in conflict and conflict resolution mechanisms (Hamdesa, 2000).

The Oromo society has various local institutions of conflict resolution. Some of Oromo's various mechanisms for resolving conflicts include: the Council of Elders (Jaarsummaa), discussions (ilaaf ilaamee), Kalluu Court, Gada and Guma (Dezhene, 2002). The main feature of the Jaarsummaa system is the presence of an impartial third party to resolve disputes between the parties. In marital disputes this entails the involvement of Elders to resolve marital disagreement that occurs between spouses or within a marriage relationship. This includes issues or disagreements related to various aspects of the marriage, such as communication issues, financial issues, division of responsibilities, parenting style, fidelity, cultural differences, or other issues that cause tension or conflict between spouses.

When resolving marital disputes within indigenous customary institutions, the resolution process is often shaped by the specific cultural norms, values and customary laws of the community. The

tribunal hears cases where the parties to a dispute are able to resolve their differences peacefully through private discussions but are unable to do so on their own (Ketema & Obsa, 2020). By drawing on the Jarsummaa institution's role in resolving marital disputes, this study explains the role of Jarsummaa as a local institution that resolves conflicts by reducing community grievances and revenge and has significant implications for human rights protection.

1.2. Statement of the Problem

Jarsummaa Councils offer a culturally sensitive approach to conflict resolution to uphold human rights standards and have huge contribution to minimize human right violations; particularly in cases involving in marital conflict resolutions. Indigenous Conflicts resolution institutions in different ethnic groups were the major body of law in Ethiopia for Centuries (Abera, 2000). Several scholars have conducted their study on the customary dispute settlement institutions on different ethnic groups residing in the different ethno-regional states in Ethiopia. Part of prior researches include studies conducted on Tigray, e.g. (Assefa 2008 and Haftom 2011); studies on Afar e.g., Kelemework 2011 and Getachew and Shimelis 2008), in Benishangul Gumuz regional state e.g. (Bayisa and Lemessa 2008); among the Amhara (e.g., Yohannes 1998) and Solomon (1992) etc.

Like other African Nations; Oromo Community practiced different indigenous conflict resolution mechanisms. Among them, Jaarsummaa /mediation/ by elders is one of the indigenous conflict resolution institutions. The unique contribution in Jarsummaa is cultural value added and formal human rights institutions have a credit such Jarsummaa institutions as a mediation in the family dispute resolution mechanisms.

Jaarsummaa gives due attention to marital Conflicts happening between couples as it often, lead to the destruction of families and hence resolving marital disputes is considered as saving the family. Even formal institution often like court facilitate to conclude/ end/ their cause through Jarsummaa and such contribution in Jarsummaa reduced burden of courts. The elders' primary goal in the Jaarsummaa procedure is to restore peace (araara fiduu) of the broken relationships between the parties or groups or families (Areba & Berhanu, 2008).

Prior studies have examined the role of the Jaarsummaa institution in restoring peace in different parts of Oromia; in Weliso Dejene Gemechu, (2002) paid attention to Jaarsummaa, Qalluu,

Guma and Ilaa fi Ilamee among the Oromo of Waliso society. Mamo Hebos (2005) study focused on the case study from Arsii Oromo of Kokossa District. Olif studied the elders conflict resolution in Ambo (2013). Meron Zeleke (2011) focused on Ye Shakoch Chilot (the court of the sheikhs) a traditional institution of conflict resolution in Oromiya zone of Amhara regional state. Abadir & Bamalaku, (2021) focused on Hararghe. Melaku (2009) examined land disputes and dispute settlement among the Tulama Oromo while Miressa's work focused on Dambi Dollo Town (Miressa, 2018). These are part of the numerous studies focusing on customary institution of dispute resolution among the Oromo located in different parts of Ethiopia. The aforementioned works tend to give much emphasis on the nature of conflicts handled by the institution and the conflict resolution procedures without giving emphasis to the potential role of the elder's council in the protection of human rights of disputants by paying attention to one specific type of conflict i.e., marital disputes. There is an observable gap of research on examining the role of elder's council in resolving marital disputes. By drawing on the existing gap of research on the subject matter, the study examined the role of Jaarsummaa or Elders Council in the marital dispute resolutions.

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 examine the role of Jaarsummaa indigenous Conflict resolution institution in Protection/Violation of Human Rights with a focus on marital disputes.

1.3.2. Specific Objectives

The specific Objectives of this study will be:

1. To examine the different types of disputes resolved by elders in the study area.
2. To identify the role of Elders Council/Jaarsummaa/ to solve marital dispute resolution align with Human Rights principles.
3. To explore the different mechanisms and strategies used by elders to resolve Marital Conflicts.

4. To examine the different ways in which the elder's intervention result in protecting or violating rights of the disputing parties.

1.4. Research Questions

- a) What are the nature and types of disputes handled by elder's council?
- b) What are the different ways in which Elders Council/Jaarsummaa/ get involved in resolving marital dispute in minimising violation of human rights?
- c) What are the different strategies and mechanism used by elders to resolve Marital conflicts?
- d) In what ways do the different strategies used by elders protect/ violate the rights of disputing parties?

1.5. Significance of the study

The study is significant in the following perspectives. First, it addresses a major gap in research in examining the role of elder's council/ Jaarsummaa/ in resolving marital Conflict. Second, it contributes to the academic discussion on the role of customary institution in protecting or violating basic human rights. Furthermore, the finding of this study might inform government policy makers and different stakeholder on potential ways of collaboration or assisting traditional conflict resolution institutions to enhance their contribution in the protection of rights of citizens.

1.6. Limitation of the Study

Considering the time and resource limitation, the researcher has faced several difficulties during data collection. The first challenge was difficulty in convincing the respondents to accept and engage in the study. Almost all interviewee respondents were reluctant to provide information by suspecting the researcher for their security. This was resolved by using snowball method which helped in establishing rapport and winning trust of informants that the data obtained would only be used for academic purpose. Another fundamental problem that the researcher faced is security issue considering the unfolding developments in different parts of the country including the research site. lack of sufficient fund has forced the researcher to limit the scope the study setting to Dambi Dollo town.

1.7. Scope of the Study

Considering the available time, and resources, it was important to limit the thematic focus of the study. Hence even though there are various forms of conflict and Conflict resolution institution, the study exclusively focused on the Role of Jaarsummaa as indigenous Conflict resolution institution in Protection/Violation of Human Rights. Furthermore, the scope of the study was limited to discussing and analysing cases of marital conflict resolution in Dambi Dollo Town. The data used in this study was collected from the residents of the four districts of the city.

1.8. Organization of the Study

This thesis has five chapters. The first chapter includes the introduction of the research, background of the study, statement of the problem, objectives of the study, research questions, and significance of the study and Organization of the study. The second chapter focuses on review of related literature: conceptual and theoretical frameworks of the study. The third chapter presents the research design and methodology, sources of data, sample size and sampling techniques, data collection tools, methods of data analysis and basic information about the study area. The fourth chapter presents the study findings and, analysis, and interpretation based on personal observation and data collection tools. The last and fifth chapter presents a concluding note and recommendation.

CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

This chapter presents a brief overview of relevant literature on the subject of the study. The relevant literature reviewed in this section range from conceptual readings of relevant empirical studies.

2.2. Definition of Key Concepts and Terms

Dispute: is a short-term disagreement that are relatively easy to resolve (Burton 1997).

Conflict: is more complex the disputes on the interests, goals, values, needs, expectations (Berger & Luckman, 1966).

Indigenous customary institution: Indigenous customary institutions are traditional systems of governance, justice, and social organization that are deeply rooted in the cultural practices and traditions of indigenous communities (Sissons, J. 2005). These institutions reflect the unique ways in which indigenous peoples have organized themselves and governed their communities over centuries.

Customary: Informal, traditional, indigenous, cultural value added of the people (E. Henrysson & SF. Joireman, (2009).

Conflict resolution: the processes and mechanisms used to address conflicts and restore social harmony within the community (M.L.M Fletcher, 2007).

Marital dispute: A marital dispute refers to disagreement that arises between spouses or within a marital relationship (Olson, D. H. & Olson, A. K, 2000). It involves issues or disagreements related to various aspects of married life, such as communication problems, financial matters, division of responsibilities, parenting styles, fidelity, cultural differences, or any other issue that causes tension or dispute between the spouses.

Protection Rights: The protection of Rights refers to the measures, laws, and systems in place to safeguard and ensure that people's rights are respected, upheld, and promoted (Shelton; D. & Carozza, P. G. 2013).

Violation of Rights: occurs when individuals or entities disregard or infringe upon the rights of others, often resulting in harm, discrimination, or the denial of basic human freedoms and needs.

2.3. Brief overview of conceptualization of conflict

Different scholars provide definitions of the term "conflict" in various ways. One of the factors for the absence of a uniform definition for the term is that causes of conflict are many, so a voluminous definition of conflict has been emerging. Denis (1993) & Coser, (1956) conceptualized conflict as part of life that occurs as a result of people's conflicting goals.

According to the Oxford English Dictionary, conflict means a serious disagreement or dispute. This may involve conflicts of opinion or principles. A prolonged armed struggle can be described with these words. The meaning of the term 'dispute' is almost the same. This definition makes it clear that a dispute or disagreement involves a situation where the other party feels entitled to something and is willing to compete to obtain or obtain what they believe they are entitled to. Some of the actions in this competition may be more than just words. Some scholars say that the terms "dispute" and "conflict" are very interrelated. Conflict is at the heart of most disputes (Kaestner & Ray, 2002).

These researchers explained how the two terms are interrelated and how most conflicts exist within widespread, violent conflicts (Yihunbelay, 2009). The main difference between dispute and conflict is that conflict tends to be more intense and difficult to negotiate than dispute. There are other researchers who distinguish between conflict and dispute. Tillet, (1991) argues that while dispute arises when there are computational interests or goals, conflict arises because of fundamental differences in human values and needs. Disputes are short-term disagreements involving issues on which the parties can reach agreement and thus be resolved (Burton, 1996). Conflict, on the other hand, is described as a long-term disagreement involving deep-rooted issues that are considered non-negotiable. Burton further elaborates and states that the dispute does not involve many institutional issues and can be resolved through negotiation and negotiation (Burton,1996). As a result of conducting numerous conflict studies based on the differences between the two terms mentioned above, the term conflict is used in this study. The concept of conflict is interpreted differently by different scientists and research fields. Conflict is usually associated with aspects of dysfunction such as disorder, hostility, violence, arguments,

or, in everyday language, fighting. Some researchers view conflict as violent, while others view conflict as encompassing both violent and nonviolent conflict.

Czempiel, (1981) argues that conflict is not be defined simply in terms of violence or hostility but should also include disagreements or differences in issue positions. This definition is intended to include conflicts based on morality that fall outside the traditional military regime. According to Bohannon, (1967); conflict can be managed and used positively for the development of progressive culture and the maintenance or preservation of peace. Conflicts are also identified as a key source of promoting social change when they cannot be resolved through institutionalized mechanisms. When resolving a conflict, opposing parties must develop new strategies to resolve the conflict or avoid situations that lead to conflict People used the conflict as a potential process of combating inconsistencies or misuse of individual/group differences and Family disputes are common. But Family conflicts are a serious disagreement between spouses and leads to divorce Smith, (1968).

When evaluating its prevalence and the impact it has on children, marital conflict resulting in divorce should be taken into account from at least three of its significant dimensions. First, there is a domain dimension to conflict. This can include differences in opinion regarding parenting styles and values, as well as a range of divorce-related matters like property division, financial support, custody, and access to the children. Second, there is a tactical dimension to conflict. This can relate to the informal ways that divorcing couples attempt to settle their differences, such as avoiding each other and the issues, verbal reasoning, verbal aggression, physical coercion, and physical aggression, or it can relate to the formal ways that divorce disputes are settled by a judge through arbitration, mediation, attorney negotiation, or litigation.

Third, there is an attitudinal dimension to conflict, which is the level of animosity or negative emotional feeling that divorcing parties have toward one another, either overtly or covertly expressed. Many people lack self-control when discussing hurt feelings, misunderstandings, or mistakes. Instead of saying bluntly, "I don't think you understand me," they may lose control of their emotions and make the problem worse. Many say, "You're just thinking about yourself" or "You don't love me". Such circumstances are often described as common reason for divorce (Johnston, J. R. 1994).

2.4. Key features and characteristics of Indigenous Conflict Resolution institutions

Indigenous institutions rely on community discussions to resolve conflicts within the community. Various scholars have given these systems various names, including informal law Chiba, (2000); traditional conflict resolution institutions (Meron, 2010), traditional judicial systems Slade, (2000), non-state law Asefa, (2012) and customary dispute resolution Mechanism. To indicate this system as a mechanism originating from Africans, especially the Oromo people of Ethiopia, the researchers decided to use the term “indigenous conflict resolution mechanism” in this study. This word is closely associated with the public. This indicates that conflict resolution practices come from and serve the public, and the term “indigenous” refers to institutions that are rooted in social, historical, demographic, environmental, and geographical contexts that predate colonialism. Mechanisms and practices (Kennedy, 2011). The ability of social norms and customs to bind group members together by effectively setting and promoting the terms of their relationships is called social capital (Walker, 2007); Indignity defined as practices that have individually developed within the context of the traditional social structures of a particular place and have been practiced over a significant period of time.

According to this definition, indigenous conflict resolution refers to the resolution of disputes by local communities without the state or formal judicial system. The general culture and ethics code sets binding rules for members. The principles of putting ourselves in others' shoes, helping each other, and working together to solve common problems represent the essence of humanity. Indigenous institutions for conflict resolution typically involve sharing information and building consensus through public debate to clarify issues (Brigg, M. 2008). Because older people's decisions do not involve loss of face and are supported by social pressures, conflicting parties are more likely to rely on older people's decisions rather than other sources.

The end result is a sense of unity, participation and shared responsibility, and dialogue between groups that may otherwise be in conflict Alemie, A., & Mandefro, H. (2018). Local community-level actors and traditional decision-making and decision-making processes are used to address and resolve conflicts between communities. Regional mechanisms seek to resolve disputes without relying on the authority of the judiciary or state security agencies. Negotiations at the local level may lack the universality that would enable substantive agreements to preserve the positive nature of relations between the wider communities (Alagappa, M. 1995). Indigenous

conflict resolution not only provides an alternative to conflict resolution, but also a better way of doing business among themselves.

Indigenous dispute resolution is a long standing and culturally ingrained method of resolving disputes. Informal conflict resolution is based on local culture, values, customs, traditions, practices related to natural and supernatural forces, family relationships and knowledge passed down from one generation to another over centuries (Boege, V. 2006). Because indigenous institutions receive little recognition from the state, they are informal and operate informally in tribal and indigenous communities around the world (Anderson, R. B., Honig, B., & Peredo, A. M 2006). Village councils utilize local actors (elders, chiefs, etc.) as a judicial and legal decision-making mechanism at the community level to resolve conflicts (Rabar & Kamini, 2004). Community rights are the focus of the customary law that governs them and decisions are generally restorative in nature.

The customs of a people are accepted by the community as a guiding principle and thus bind society together (Getachew and Alula 2008). Organization members can resolve differences of opinion without going through grievance, investigation, or litigation procedures (Kolb, D. 2007). Transformation of the heart, connection and spirit, and healing are the goals of indigenous resolution (Kyoon-Achan, G. 2014). (Sauve argues that it is the relationships, not the problems, this must be adjusted or modified Sauve, 1996). Indigenous solutions use a therapeutic model of mediation and focus on emotional healing rather than resolution (Million, D.2013).

They tend to focus on emotional healing rather than settling down. The focus is on emotional healing rather than solutions. Emotional and relational factors between conflict parties are the focus of the transformative mediation model. The goal moves from solving problems to improving connections between the people involved. In the indigenous conflict resolution process the mediator was to help the parties move from weakness to strength (empowerment), from self-centeredness to responsiveness. A core value of Indigenous conflict resolution mechanisms is that they focus on redressing harm rather than punishing harm. The goal of indigenous conflict resolution is not to punish perpetrators, but to restore previous relationships between the parties to the conflict.

Agreement between the parties and agreement on the consequences to be imposed are essential to resolving conflicts peacefully (Trekking, 2008). Indigenous conflict resolution mechanisms have values and rules for forgiving each other. Indigenous dispute resolution methods encourage parties to put aside old conflicts and live in harmony and tolerance (Mwagiru, 1999).

By providing opportunities for repentance, forgiveness, and reconciliation, it restores social harmony throughout the community and social relationships between conflicting parties. Grime, (2009), pointed out that the forgiveness process involves certain rituals; including killing an animal to symbolize the bitterness between the disputing parties. Low cost, speed, accessibility, cultural relevance, and responsiveness to the concerns of poor people are some of the advantages of indigenous conflict resolution over litigation or formal conflict resolution methods (meron 2010). The customs and norms of a particular society, as well as the specific culture of a particular community, are what make indigenous conflict resolution mechanisms work (Castro, A. P., & Nielsen, E. 2001).

Most indigenous conflict mediators have high moral authority, experience, fairness, and loyalty to the community. They are acceptable to all parties and demonstrate leadership abilities. (USAID,2005), and as a result, the benefits of indigenous conflict resolution systems include: restoring social bonds: strengthening bonds between warring parties in the future. (Volker, 2007).

Indigenous conflict resolution ensures independent, impartial, fair and effective access to justice (Hellenes, (2008). Local elders who oversee dispute resolution through local methods are impartial and free from government influence. Conflict resolution is culturally specific and reliable through proven methods that restore past social relationships. Assefa, (2005) summarized just some of the advantages of indigenous conflict resolution mechanisms, including quick response to crisis in terms of time, reducing the regular caseload of court cases, saving public funds, and minimizing the problem of shortage of working judges.

Agreement between the parties and agreement on the consequences to be imposed are essential to resolving conflicts peacefully (Trekking, 2008). Indigenous conflict resolution mechanisms have values and rules for forgiving each other. Indigenous dispute resolution methods encourage parties to put aside old conflicts and live in harmony and tolerance (Mwagiru, 1999).

Ethiopia's diverse ethnic groups have deep roots in customs, culture and traditions, which can play an important role in resolving violent conflicts. The customs and norms of a particular society, as well as the specific culture of a particular community, are what make indigenous conflict resolution mechanisms work (Castro, A. P., & Nielsen, E. 2001). Every society has its own traditional ways of resolving conflicts other than legal resolution through judicial decisions. Similarly, Oromo people are in many cases encouraged to resolve their disputes through traditional dispute resolution methods (Dejene, 2002).

2.5 Multiple Concerns regarding customary institutions and human rights violations

There are concerns regarding the use of indigenous mechanisms for conflict resolution, particularly in relation to human rights. Critics argue that these mechanisms can undermine human rights, especially those of women, children, and other minorities, including their rights to property ownership, free expression, and religious freedom (Okrah, 2003; Owusu-Mensah, Asante, & Osew, 2015). The United Nations Commission on Human Rights (2017) further asserts that customary law can inflict significant harm on individuals who lack power or authority within traditional systems, including historically marginalized groups like non-natives. Because many customary laws in African societies are unwritten, they are often said to perpetuate existing power dynamics and, in some instances, may discriminate against certain groups.

According to Mertus and Helsing (2006), the differences in perspective between human rights advocates and conflict resolution practitioners largely stem from varying priorities. Both groups often clash when they simultaneously seek to advance their respective goals in conflict situations. It is crucial to find an appropriate balance between upholding the legitimate rights of victims to justice and addressing the societal need to end conflict and prevent further violence. Conflict resolution practitioners and human rights advocates hold differing viewpoints on this matter and each attempt to justify their approach to handling conflicts. Some critics have highlighted the drawbacks of indigenous conflict resolution mechanisms. DFID (2004) points out that these mechanisms may be inconsistent with international human rights standards, potentially leading to abuses of power, a lack of accountability, and practices that are inhumane or degrading. Similarly, the Center for Democracy and Governance (1998) has identified several limitations of these traditional approaches: they often fall short in addressing cases involving

social sanctions, can exacerbate power imbalances, may undermine other judicial reform efforts, and lack the educational and developmental aspects necessary for broader application. Traditional methods typically address conflicts within families, neighbourhoods, villages, or clans but face challenges when dealing with more complex issues, such as those related to patents and intellectual property affecting Indigenous peoples (Bodge, 2006)

2.6. Brief overview of Indigenous Conflict Resolution Institutions in Ethiopia

Similar to other African countries, all ethnic groups in Ethiopia have long-standing, tried-and-true dispute resolution mechanisms at the local level. Few studies have been conducted on a limited number of cases that highlight the significance and potency of these multifunctional establishments.

Even without direct government intervention, most conflicts in Ethiopia can be resolved locally by communities using their own framing procedure (Epple and Getahcew 2020). Local conflict resolution institutions are evidence based and protected from the shortcomings of national legal systems, such as the possibility of false accusations (Meron,2010).

Traditional institutions not only play an active role in promoting social cohesion, peace, harmony and coexistence, but they also play a reactive role in resolving conflicts that have already occurred. (Getachew and Pankhurst 2008) Traditional conflict resolution methods do not simply punish or resolve conflict, but aim to build lasting peace between conflicting parties, which can ultimately lead to the eradication of hostility and hatred within and between communities. Because Ethiopia is diverse in language, religion, and culture, each group has different traditional dispute resolution processes used to resolve problems. The Gadaa Oromo system, Yejoka Gurage, Sirau Gordan, Silte, Maskan, Dobby, Kambata and other peoples, Dulata among the Gamo peoples are some of these traditional (customary) institutions for conflict resolution (Getinet, 2009). In a country where eight five per cent of the population lives in rural areas, people often need community members to survive.

Additionally, this indigenous Ethiopian institution refers to multipurpose institution of a similar nature that serves the nations, nationalities, and people's and such customary establishment is referred to as seera in Kambata (Yacob Arsano, (2002). It is everything in a way that forms the foundation for social interaction, political administration, and dispute resolution within the

boundaries of the society. In a more thorough explanation, Yacob (2002) states that: "Seera indicates to the values and code of conducts that the Kambata practice and internalize." Another name for it is Marietta, which translates to "commitment to truth". Seera is, in general, an undefined and normative space where people and groups are expected to act. The councillors from different tribes or territories operate in accordance with their own seera. Relationships, marriage and family relationships, relationships within groups of friends, business and social gatherings, sports and entertainment, hunting bands, etc. are prohibited by Serra-related work. Child care, early socialization, circumcision, legal initiation, and advocacy are regulated at the request of the Serra.

The Seera dictates how farmers should interact with their environment, regardless of age and gender. The goal of the Seera in government institution was cooperated with reconciliation, unity, peace, and healing.

2.7. Marital Conflicts and the role of indigenous institutions in resolving them

Marital relationships are influenced by many factors that can vary from culture to culture. Marital conflict can be defined as a fight, argument, disagreement, conflict or disagreement that occurs between a husband and wife, and sometimes with other family members, based on needs, feelings, beliefs, values or goals. According to Cummings-Orubenga, A.J. (2018) & Jacob, (2007); marital conflict is the result of the interaction of many factors such as gender issues, emotional issues, sexual feelings, culture and work (money), which are the main issues in marriage. Cultural differences, marriage, sexual conflicts, premarital problems, influence of family members, communication problems, punitive relationships, control, alcoholism, constant stress, temperamental incompatibility, religious differences, lack of preparation for marriage, etc.

The most common causes of marital problems are: money, adultery, children, in-laws and friends, sex, privacy, and personal interferences that often lead to marital conflict Akinade, (1997) & Niolon, (2003). Many researchers believe that the term "marital conflict" refers to the difficulties that parents face in their marriages, and that the reason why marriages often end in divorce is because it is difficult for parents to live in harmony for a long time. Marital conflict is defined as conflict between spouses regarding norms, values, beliefs, goals, and behaviours as determined by Baucom, D. H., & Epstein, N. (2013). Many factors can contribute to marital

discord, including infertility, forced marriages, conflicts, poor communication, and interference from legal, financial, dishonesty, dissatisfaction, and other bad practices.

According to the study, inappropriate family expenses and other financial problems, poverty, adultery, poor communication, jealousy, sexual incompatibility, spousal interference and lack of love between partners are the problems of nine tribes in Ethiopia. In addition, Ethiopian researchers such as Tiruwork cited in, (2015) and Meaza & Wobedel, (2014) have identified some of the main reasons for marriage such as husband's bad behaviour, lack of family involvement, lack of time investment, etc., problems with other families, lack of good communication, financial difficulties. Some of the previous studies on culture in Ethiopia have shown that marriage is one of the main problems addressed by indigenous solutions (Alula and Getachew 2008; Dejene (1998). However, previous studies conducted in Ethiopia have failed to show whether or how indigenous problem-solving organizations protect or violate the rights of the people in resolving military conflicts.

2.8. Indigenous Conflict Resolution by elder's Council or Jaarsummaa in Oromo

Jaarsummaa is an informal dispute resolution process used by all Oromo groups for centuries, an indigenous dispute resolution organization where elders of a community can voluntarily mediate according to the wishes of the parties. In Oromo society, as in other countries, elders have a cultural role in resolving problems in the community and maintaining peace Malan, (1997). They have to solve the problems they encounter in the place they live. They can resolve the conflict immediately or they can designate a day (usually a weekend or holiday) to resolve the conflict Asefa, (2001); Lewis, (1988). The elders who do this kind of work through their organizations called Jaarsa Biyyaa (Community Elders) are called Jaarsa Araaraa (Association Elders). Through Jaarsummaa, disputes between two or more people can be resolved peacefully through informal or formal resolution (called Jaarsummaa in Oromo); conflicts, including murders Araba and Berhanu, (2008); Mamo, (2006); Dejene, (2002).

Jaarsummaa depends on the match won and the situation of the match on the ground. When a conflict is big or small and there are some problems in the society, elders play a role in negotiating and supporting both sides of the conflict, raising the message that they are not interested. Parties to the conflict can negotiate and reach a final agreement. The elders encourage the warring parties to continue trade and mediation. In fact, if the conflict between the two

parties continues to be against each other, Jaarsaa will play a recognized role. According to the law, Jaarsaa invited both parties to express their negative views on the events and to make a decision after closing the case. Adults in a subjective position always tend to have the freedom to control and manage relationships by making reasonable and intelligent decisions. Even if the offender refuses this request because he is afraid that his elders will criticize him, he confirms the decision that has been made. Adults who like to be liked and listen well, who like to be intelligent, intelligent and wise in themselves, are the most important criteria for choosing to be Jaarsolii from the community.

It is also considered as collaboration between social and cultural collaboration that has a greater impact on solving problems. Therefore, the community pays more attention to the interests of the relationship and culture when someone has to influence the resolution of the conflict. Deep knowledge of the community's representation rights is another important base that Jaarsolii must choose to solve the problems of the community. Jaarsa araaraa (reconciliation elders) similarly, volunteer Jaarsa also resolves conflicts between individuals or groups through these activities. The time and place of the dispute or case will be decided after the event has taken place. The Jaarsaa on the other hand is Jaarsa araara who is approached by an opposition party and asked to provide assistance.

The indigenous Conflict resolution institution to improve decision making and reconciliation for the communities in the area it operates. And it must be ensured that future conflicts will bring cooperation from both sides. Therefore, Aboriginal problem solving is future-oriented Tsega, (2002). Therefore, the main problem is not to punish the offender for his past actions, but to make reparation the basis of reconciliation. Reconciliation is necessary to restore harmony in society in general, especially the relationship between the two parties to the conflict Assefa, (2005). The aim is not to punish, punishment will come as aggression to the second group. Re-establishing relationships means reintegrating a deviant group of members. The last problem is the re-establishment of the relationship Faure, (2000). For this reason, indigenous peoples' methods often follow the line of constructive justice rather than retributive justice. Restorative justice should be understood as compensation for losses rather than punishment for crimes Zartman, (2000). It will impact the importance of community connections with local solutions.

Some people believe that relationships and love are timeless concepts, beyond time. However, we sometimes hear complaints that Ethiopians do not value marriage and love Sable, (2011).

This is especially true for the elderly, as evidenced by the increasing divorce rates, the "take it easy" mentality of young people, and the lack of harmony of trust and respect in relationships and marriage. The test of innate resistance has been used for centuries (Gowok, 2008; Endalew, (2014). The decisions of this conflict have also permeated the ethnic groups of Ethiopia. They are related to the social structure and values of a group of people and derive their reality from a higher value than the state. Also due to the diversity of ethnic groups in the country, various ethnic groups in Ethiopia have different decision-making tools. Therefore, they do not have a uniform application throughout the country Endalew, (2013). In the past, especially in the Fetha Negast (Governorship Legislation), there was a right to peaceful resolution of disputes between individuals or communities. Elder Shimagelle or the person appointed from time to time to resolve the dispute played an important role in resolving the problem. In fact, they are widely used in many cultures today in solving different problems and various issues. Among other tribes, the Oromo Jaarsa, Amhara and Shimagelle also practice Jaarsa Gowok, (2008).

In addition, in fact, after facing attacks and punishments from criminal courts, some Ethiopians like to use the means of struggle to make high decisions and be ready to maintain defensive behaviour (Endalew, 2014). However, despite its widespread recognition in the country, the basis of innate anti-judiciaries has been marginalized since the 1950s and 1960s when the August law was closed within the framework of existing laws. In the institutions enacted at that time, an important factor was added in determining family relations and interpreting contracts, as long as these provisions did not affect the Law Bahta, (2014). The principle of dispute resolution is not recognized in the laws and is not properly regulated Endalew, (2014). In addition, in Ethiopia, due attention should be paid to the provision, development and implementation of internal conflict reporting tools in development plans. At the same time, the tools to determine this attack are receiving more attention, as evidenced by the increase in detection, classification and methods, as well as changes in government, laws and social respect, there is a conflict. This is because marriage is a relationship between imperfect people Driscoll and Driscoll, (2012).

Many researchers believe that marital conflict refers to the relationship difficulties that couples face in marriage. Marriages are often in conflict because it is difficult for a husband and wife to

live together for years without any problems. In this context, it seems difficult for parents to avoid conflict in their marriages. Marital conflict is a conflict between spouses about values, beliefs, goals, morals and behaviours that form the basis of important relationships. In this study, marital discord is defined as a negative effect on a marriage in which spouses and wives try to insult each other, verbally, nonverbally or both Nowise, (1991). The old age when disagreements between parents reach the level of concern is the period when the marriage ends. This means that the marriage does not end; it prevents the family from breaking up and restores family peace. Not only that, it will also simplify the court process and send the matter back to the elders of the country, which will lead to fights between men and women. In the region under study, having the courts work with elected elders to make decisions can resolve the issues and provide peace of mind.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

This chapter presents the research methodology employed to accomplish the research objectives. Points presented in this chapter are description of the study area, research design, research approach, target population, sources of data, data collection instruments, method of data analysis and ethical consideration.

3.2. Description of the Study Area

Dambi Dollo is a town located in the Kelam Wallega Zone of Western Oromia, Ethiopia. It serves as both the capital of Sayyoo District and the Kelam Wallega Zone. The town's name has an interesting origin: it derived from a man named "Dollo" who lived near a tree called "Dambi." Over time, the area became known as "Dambi Dollo," and eventually evolved into the town we know today.

Dambi Dillo is Situated between 1,701m (5,582 ft.) and 1,828 m (5,995 ft.) above sea level, Dambi Dollo falls within a temperate ecological zone. The town enjoys a pleasant climate with a mean annual temperature of 25°C and an average annual rainfall of 1,088mm. Dambi Dollo is located approximately 620 Km (385 Miles) from Addis Ababa.

The local economy is primarily driven by agriculture, including cash crops like coffee, and mineral extraction, particularly gold. Other significant contributors to the local economy include livestock, local trade, small-scale businesses, and mining.

According to the 2007 Census conducted by the Central Statistical Agency of Ethiopia (CSA), the Kelam Wallega Zone has a total population of 797,666, comprising 401,905 men and 395,761 women. Based on information from the Finance and Economic Development Office, the population of Dambi Dollo Town is estimated to be 132,234.

The town is ethnically diverse, with the Oromo people constituting the largest group. Other ethnic groups residing in Dambi Dollo include Amhara, Gurage, Tigre, and smaller populations of other ethnicities. In terms of religion, approximately 55% of the residents are Protestant, 15% are Orthodox Christian, 25% are Muslim, 4% follow the Waaqeffana belief system, and 1% belong to other religious groups.

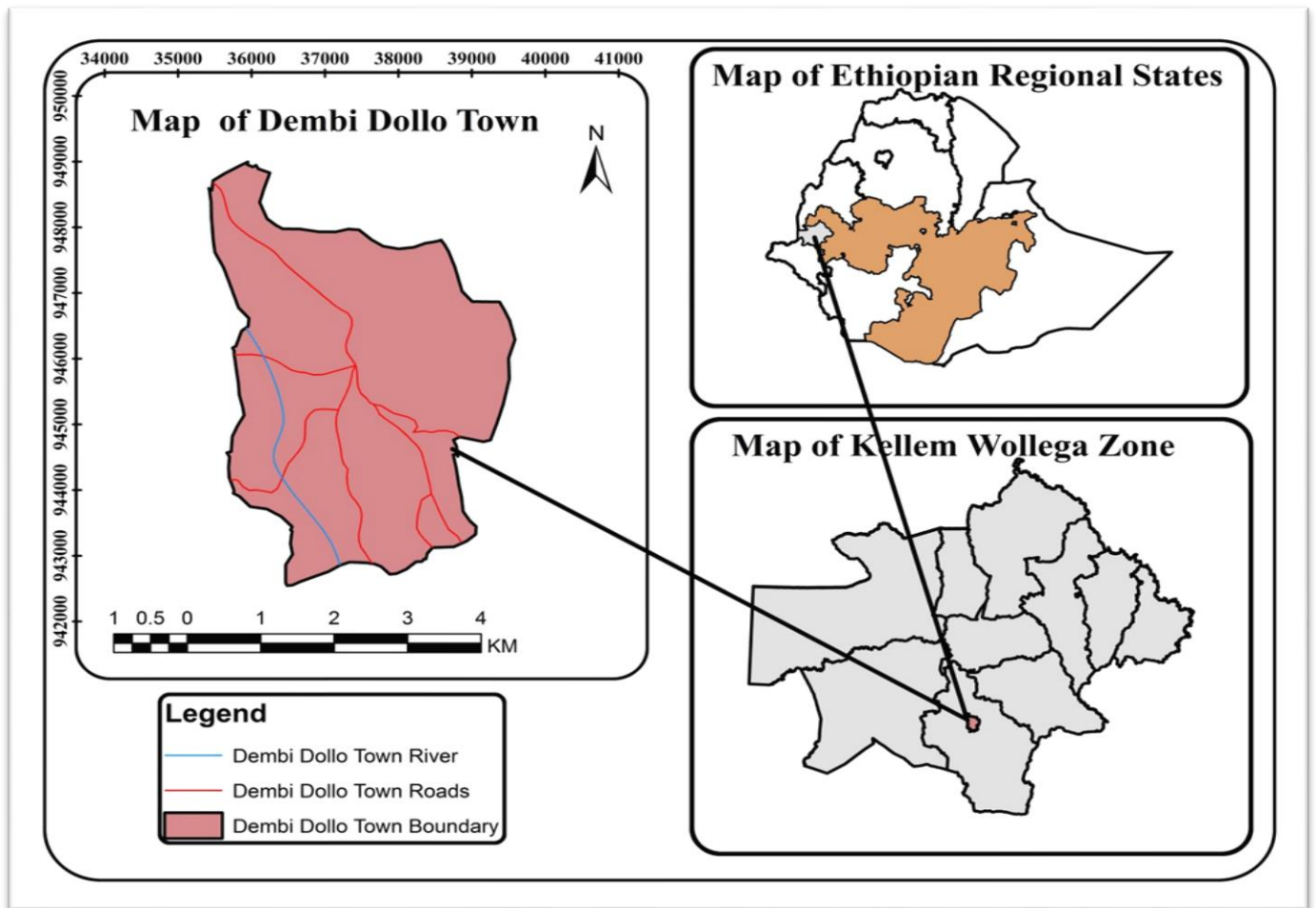


Figure 2: Map of the Dambi Dollo Town Administration

Source: Finance and economic development office of Dambi Dollo Town (2024)

3.2.1 Marriage

The customs of marriage in the Oromo people differ based on the stages they go through and the individuals involved in these marriage practices. The local community has five distinct marriage customs. These are: i) legal marriage (kadhatanii fuudhuu). This is a practice whereby the couple

get consent of their parents. In this process, the bridegroom or his families only have to pay a small amount of money (Dejene, 2002).

The payment is occasionally referred to as grass kept (marga keewwana) because it is given to the bride's parents using selected grass. In addition to this, the groom is expected to provide clothes made of cotton, which is known as uwwisa, for his father and mother-in-law. ii) The other type of marriage is locally referred or term (sabbat-marii). It can be seen as a form of coercive or rushed marriage. This involves proposing marriage to a girl either by disregarding previously scheduled arrangements or by making the proposal without any prior planning in sabbat-marii cases, it is the elders who take care of the process, even when the parent of the bride is unwilling to give their daughter to the groom. iii) butii is the third type marriage which literally means abduction. Butii is the unlawful union between a man and a woman without their consent. And iv) aseena (olixa) These processes are also different, and they may present some challenges. in this type of marriage, a woman who is not yet married leaves for her new home on her own. She selects an unmarried young man and secretly goes to his house in the evening, without informing him or his family, when his mother and other household members are absent.

The fourth style is when the man's beloved girlfriends visit his house and give him the hiddii fruit. What should be done if the man is attempting to coerce the woman to leave? Based on the two fiancées' will, the world adheres to the fifth style. The forefathers' line of descent is followed by the styles. To demonstrate that there is no ancestral relationship, a person must marry till the seventh generation. If marriage becomes a reality, all of its processes will come to an end. They believe that if a marriage is prohibited, the creator will punish them severely. Dejene stated that a child born into such a union would be detrimental to both the child and the parent.

3.3. Research Design

Research design is a fundamental stage that needs a careful planning in order to achieve the objectives and answer to the research questions (Creswell & Clark, 2007). As indicated in the objective of the study, this study focused on the role of Jarsuma as an indigenous conflict resolution in resolving Marital Disputes. Thus, the researcher used a descriptive research design because this study involves an in depth examination of phenomena and this method is believed to provide an accurate and complete description of the case moreover; Yin, (2009).

3.4. Research Approach

The researcher employed a qualitative research approach. The reason for using such design is that it presents the data of real life-life situation which may not be captured through experiment or survey research and detailed view of the subject matter in its natural setting (Creswell,1998). With the aim of gathering relevant information, this study employed a number of research methods that enabled the researcher acquiring ample amount of data of qualitative nature. Qualitative research method offers an adaptable and creative approach offering the mechanisms that helps to grasp the way people understand and make sense of their social realities and that of others (Tracy, 2020).

Such research approach helps to generate results either in non-quantitative form or in the form which are not subjected to rigorous quantitative data analyses (Kothari, 2004). With the aim of gathering relevant information, this study employed a number of research methods that enabled the researcher acquiring ample amount of data of qualitative nature.

Furthermore, the approach is best to explore attitude, behaviour and social settings of the Oromo Community of the Dambi Dollo town among western Oromia by concerning the role of Jaarsummaa as indigenous institution in protection or violation of Human Rights.

3.5 Target Population

The success of a research study depends not only on the method and instruments used, but also on the effectiveness of the sampling strategy employed (Cohen, 2007). Sampling questions arise from the need to determine the population that will be the main focus of the research. Researchers need to make sampling decisions in the initial stages of planning a research project. Cohen et al. also elaborated on the importance of researchers choosing between a probability sample (random sample) and a non probability sample (purposive sample). Population is essentially the complete set of individuals from which the sample will be chosen (Levy, P. S., & Lemeshow, S. 2013). The term 'units' is used as the researcher may need to sample from a wide range of entities such as nations, cities, regions, and firms (Bryman, 2014). The study involved a culturally aware target group chosen using purposive sampling for conducting key informant interviews and focus group discussions with Abba Gadaa, key informants, elders, and panellists. The aim was to gather accurate information on the Jaarsummaa institution and its role in protecting Human rights in Dambi Dollo Town.

3.6. Sources of Data

Primary and secondary sources are two types of data sources that are available through qualitative research methods (Creswell, 2009). The researcher must choose the type of data to be used for his/her study and, in light of that decision, must choose one or more data collection methods (Kothari, 2004).

The study used both primary and secondary sources of data. The primary source of data was collected from Community Elders, local informants (disputants with lived experience), informants from relevant institutions such as Culture and Tourism bureau Formal and traditional court. Secondary data are collected from published and unpublished materials, such as books, journals, the internet, and report. The study used primary data to gather detailed account on the major themes under enquiry and to collect first-hand relevant and accurate data. To ensure the accuracy and reliability of collected data from primary sources, secondary data was used for the analysis of the primary data and to a complement the discussions and points gathered through the primary data.

3.7. Data Collection Instruments

To collect the necessary information sufficiently and achieve the desired goals of the study, the data were collected from primary sources through in-depth interviews and Focus group discussions (FGD) and secondary source were collected from published and unpublished material. In this study, an in-depth interview and Focus Group Discussion was used.

3.7.1. In depth interview

In depth interview, a technique of generating data in which the interviewer extracts valuable information to get objective facts (Kvale, 1996). To this end, the researcher obtains information from informants' lived experiences based on prepared unstructured questions that guide the interview in detail from experts. Qualitative interview is a key data collection tool which helps in to gathering detailed description of events and processes (Creswell 2009; Tracey, 2020).

The interviews were prepared with the intention of guiding the informants, rather than restricting them to answering what was just asked. The informants consulted during the course of the study include, community elders, informants from Dambi Dollo Town Culture and Tourism Bureau, Children and Women affairs Kellam Wallaga office, selected women and men who settled their issues settled through mediation of elders earlier and religious leader. This method, therefore,

helped to explain the role of elder’s council or Jaarsummaa in the study area and to identify some of causes of marital conflicts and the elder’s role to resolve marital conflicts in the study area, as well as to explore Jaarsummaa institution as indigenous Conflict resolution institution among Dambi Dollo Town.

No	Abb. V.	age	Sex	Profile	Place of interview	religion	Date of interview
1	IDI	31	F	Women who’s resolved earlier in Jarsuma	Dambi Dollo	protestant	26/03/2024
2	IDI	34	M	Man whose resolved earlier in Jarsuma	Dambi Dollo	protestant	26/03/2024
3	IDI	43	F	Expert	Dambi Dollo	Muslim	26/03/2024
4	IDI	71	M	Community elder	Dambi Dollo	muslim	26/03/2024
5	IDI	62	M	Community elder	Dambi Dollo	Orthodox	26/03/2024
6	IDI	44	F	Expert	Dambi Dollo	wakefatu	26/03/2024

Table.1 in depth interview participants

And the following Table2 below indicate key informant participants and their backgrounds

No	Abbr.	Age	Sex	Profile	Place of interview/Discussion	Religion	Date of interview/Discussion
1	AG, KI 1	59	M	Abba Gada	Dambi Dollo	Waaqeffat aa	23/03/2024
2	HS,KI(2)	51	F	Hadha Siiqqee	Dambi Dollo	Waaqeffat uu	23/03/2024
3	P, KI 3	45	M	Expert from Culture &Tourism	Dambi Dollo	Protestant	23/03/2024
4	P, KI 4	39	M	Expert from court Office	Dambi Dollo	Waaqeffat aa	23/03/2024
5	P, KI 5	40	F	Anthropologist at DDU	Dambi Dollo	Waaqeffat aa	23/03/2024
6	P, KI 6	34	M	Man, who's resolved earlier by Jaarsummaa	Dambi Dollo	Protestant	23/03/2024
7	P1, KI	31	F	Women whose reso lved earlier by Jaarsummaa	Dambi Dollo	Protestant	23/03/2024
8	CE2, KI	56	M	Community memebrElder	Dambi Dollo	Protestant	25/03/2024
9	CE3, KI	60	M	Community Elder	Dambi Dollo	Muslim	25/03/2024
10	HS4, KI	59	F	Siinqee Mother	Dambi Dollo	Protestant	25/03/2024
11	CE5, KI	60	M	Community Elder	Dambi Dollo	Muslim	25/03/2024
12	CE,6 KI	61	M	Community Elder	Dambi Dollo	Orthodox	25/03/2024

3.7.2. Focus Group Discussion

Focus groups discussion is a qualitative data collection instrument in which participants engage in discussion in free and non-intimidating situations. It is a qualitative data collection technique conducted with peoples having similar backgrounds or experiences particular to specific topics or interests (Jacob, 2007). Focus groups discussion is structured and organized groups or individuals brought together to discuss the topic during specific period. Focus groups are official, structured gatherings of people put together to talk about a particular topic or set of related topics over a set amount of time (Geoffery ET al. 2005). For many years, focus groups have been the main technique used by social scientists conducting qualitative research (ibid).

Different people may have different concerns about specific issues. To look at concerns of different individuals and even to explore their level of understanding on some issue, the researchers used focus group discussion as another method of collecting data for this study. The use of focus group discussion as a data collection tool has several reasons, according to Bryman, (2004). Conducting a focus group discussion helps the researcher to develop an understanding about why people think the way they do, members of the focus group can bring forward ideas, and group dynamics are closer to the real-life process of sense making and acquiring understanding. Given the advantages of conducting focus group discussions and the time allocated for completing the research, the researcher conducted one focus group discussion with various categories of informants with the aim of obtaining different perspectives of indigenous conflict resolution institution in Dambi Dollo and collected a substantial amount of information in a short period of time.

Participants in focus group discussion conversed with each other as well as with the researcher. In this technique, the more experienced, and knowledgeable informants on the subject matter were consulted. Community elders of study areas, religious leaders and female and male clients of the customary courts were consulted to share their lived experience and knowledge to supplement the validity of data collected.

During the course of the study FGDs were conducted in to two groups and FGD consist 6 persons. These are local elders, law officers, religious leaders, Abbaa Gada's, Hadha Siinqee, both men and women who's their cases resolved by elders, expert from culture and tourism in the focus group discussions. Generally, my participants in the focus group discussion were 6 in number.

The characteristics of FGD as follow and listed in the following Table.

No	Abb.v	age	Sex	profile	Place of interview	Religion	date of interview
1	FGD	47	M	Expert	Dambi Dollo	Protestant	24/03/2024
2	FGD	45	F	Expert	Dambi Dollo	Wakefatu	24/03/2024
3	FGD	58	M	Community Elder	Dambi Dollo	Wakefata	24/03/2024
4	FGD	60	M	Community Elder	Dambi Dollo	Muslim	24/03/2024
5	FGD	51	F	Expert	Dambi Dollo	Orthodox	24/03/2024
6		70	M	Community Elder	Dambi Dollo	protestant	24/03/2024

Table 2. Characteristics of FGD Participants

3.7.3. Observatio

As a way of understanding the nuances, the researcher observed the procedures used during the Jaarsummaa hearings in reconciliation. I participated to observe the processes and procedures of marital conflict resolution by elders or in the elder's intervention in the marital conflict in the study area.

3.7.4. Case Study

In this study the researcher used four (4) different case study as one of the data collection tools. The case study method is a type of qualitative analysis in which a person, a circumstance, or an organization is carefully and thoroughly observed. Every aspect of the unit under study is examined in great detail in order to draw conclusions and make generalizations (Kothari, 2004). The cases were mainly used to examine the role of the elders Council or *jaarsummaa* as Indigenous Conflict Resolution Institution in Marital Conflicts. The researcher employed case

studies as a method for gathering data in this investigation. The case study method is a method of qualitative analysis that involves careful and thorough observation of an individual, a situation, or an institution; efforts are made to study each and every aspect of the concerned unit in great detail in order to draw generalizations and conclusions (Kothari, 2004). And the cases reconstructed marital dispute cases with my informants purposefully and analysed in the next chapter. These cases were mostly used to identify the root causes of marital problems and the role of jaarsummaa in resolving conflicts, which mostly occurred within the Dambi Dollo town community.

3.8. Method of Data Analysis

Analysis and interpretation of qualitative data include problems with characterizing, depicting, condensing, interpreting, finding, developing themes, comprehending people and groups, proving or demonstrating, elucidating, investigating, testing, and identifying similarities, differences, and commonalities (Cohen et al. 2007). Organizing, accounting for, and explaining the data is all part of qualitative data analysis; to put it another way, it's understanding the data in terms of how the participants define the situation and taking note of trends, themes, categories, and regularities. Qualitative research analysis is which the main themes that emerge from your observation notes or your respondents' responses are identified by carefully reading through the contents of your field notes or interviews (Kumar, 2011).

This study made use of the procedures of the selected study design which is qualitative approach, because the researcher presented the questions that are supposed to help in conducting this research in the form of interviews and focus group discussion to the local elders' leaders in the Dambi Dollo Towns. In this case, the data obtained from interview were analysed and interpreted qualitatively by using words, expressions meaning in sentences. Similarly, the data collected from interview and focus group discussion were organized and interpreted through qualitative methods.

3.9. Ethical Consideration

Research is not possible without the help and co-operation of other people. One should treat them with honesty; respect and disruption to a participant's life. Therefore, before starting the data collection process, the researcher notified the study area officials or administrators, through the letter written from Addis Ababa University. The respondents were provided a detailed

explanation of the overall objectives of the study, emphasizing that the data will be used only for the intended academic purpose. The respondents, as well as other participants, assured that the information they provided will be kept confidential.

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.1. Introduction

This chapter presents findings of the study pertaining to the major objectives of the study namely; examining the role of Jaarsummaa indigenous Conflict resolution institution in Protection/Violation of Human Rights with a focus on marital disputes. Furthermore, the chapter presents and analysis the data related to the specific objectives of the study by examining the different types of disputes resolved by elders in the study area, reflecting on the different mechanisms and strategies used by elders to resolve marital conflicts. While doing so, due attention is given to examining the various ways in which the elder's intervention result in protecting or violating rights of the disputing parties.

The data presented in this chapter is mainly drawn from the accounts of 24 study participants. To reach the target of this research, relevant individuals were engaged from selected Kebeles in the Dambi Dollo Town. All of the study participants were informants with lived experience in resolving their martial disputes through indigenous marital conflict resolution mechanisms or customary mechanisms of marital conflict resolution. Due to the nature of the study, they were selected purposefully.

The first FGD gave more emphasis to discussing the roles of Community elders and the community in reconciling marital disputes. Accordingly, the consultation was held with community elders who have both experiences as elders and also as disputants who have once used the elder's council. The second focus group discussion was held with religious leaders who play a significant role in conflict resolution. Based on the finding of the study it was necessary to have consultation with religious leaders who at times also take part in Jaarsummaa.

4.2 Nature of Jaarsummaa institution in Dambi Dollo

The term Jaarsa is the Oromo term which means single elder, and Jarsummaa is the process of reconciliation process between conflicting individuals or groups or spouse. Jaarsummaa is one of the indigenous mechanisms most widely used to resolve conflicts violating Human Rights in the study area. Jaarsummaa approach and knowledge is rooted in the Gada system. The foundation

of the Gada system was rooted in the traditional Oromo institution of seera aadaa or Seera uumaa fi uumamaa, Safuu (Oromo = moral category that prescribes what human actions and behaviour ought to be). It is the Oromo concepts of ethic and Heera (Justice or truth claim). Eldership or Jaarsummaa in Oromo is an institution as well as a process by which conflicts are resolved to reach on reconciliation or compromise between disputants. Different people can give different meanings to the word eldership or Jaarsummaa; and epistemologically defined the word jaarsa as an elder in Oromo and thus jaarsummaa as a process of reconciliation between conflicting individuals or groups by a group of elders (Bekele, 2013). As in the case of most Ethiopian traditions, community elders in Dambi Dollo are key actors in resolving conflict or disputes and large-scale offences that violate rights. Individuals or groups who are involved in the conflict are more likely to accept guidance from these mediators because elders' decision is highly respected and supported by local Communities (FGDT2, 2024).

The decisions of the elders emphasize the need for cooperation and finding a win-win solution instead of unconstructive competition among the disputants, resulting in a win-loss situation. The following Oromo proverb describes why a win-win is desired: “akka Haroon hin gogne akka Raachi hin dune” meaning such a win loss approach helps to protect the lake from drying up and protecting the Frogs from dying.

The eldership is necessary because it is an essential tool for the parties who are in conflict or disagree to resolve their issues. The people of Dambi Dollo district use eldership extensively in social, economic and political affairs. These elderships are used to resolve serious disputes or violation of rights such as murder or killings, and also the some as rights claims like divorce, marriage conflict marriage formation, borders conflicts, country and family disputes.

4.3 The Major Causes of Marital Conflict in the Study Area

According to clear information obtained from key informants, elders, Focus Group Discussants (FGD) Case studies, observation and from head of the elders' council (Abba Gadas) claimed that the major causes of Marital Conflicts among Dambi Dollo Town discussed as follow.

A) Adultery (Sanyoo)

Conflicts related with marriage are common (waldhabdeewwan Jiruu Gaa'ilaa keessatti Muudatan); but according to key informants, adultery is a serious offence in marital life in the

study area. Conflicts occur frequently between spouses, partners, and even due to extramarital affairs. Conflicts could arise within and outside of a relationship due to abduction, rape; impregnating partner or denial of fatherhood right, issue of polygamous behaviour, bigamy, sexual incompatibility between spouses, deviances of interests between husband and wife on this could lead to serious conflicts like murder.

Adultery is one of the reasons for marital dispute in the research area, which is mainly urban. My key informants have shared with me that engaging in a sexual encounter with a married person is viewed as a humiliating act. The entire community in the study area stated adultery as a serious offence and immoral act. Until the issue is resolved through the use of various conflict resolution techniques, a person who committed adultery with another person's spouse or husband will continue to be considered as an enemy of the victim. Adulterous acts are described to be extremely rare in rural areas unlike Dambi Dollo town which is an urban setting. In the case of my participant, this is due to the married couple's greater adherence to cultural values and norms in the rural parts of the study area, where adulterous behaviour is frowned upon. In urban areas, married couples place their own interests ahead of social conventions.

The primary cause of marital discord as described by key informants in the study area is adultery. The intervention of the elder's council in resolving cases of adultery is described by the elders as a way of protecting the right of the victim i.e. the partner whose husband/ wife cheated upon.

In Oromo culture, adultery is strongly frowned upon in Oromo culture. Adultery is considered a transgression against not only societal norms and values, but also the holy creator. People committing adultery are looked down upon and outcasted by the community. The following case was related to the above and was resolved by Siinquee Institution (HS and KI2-6, 2024).

Case 1: Marital Conflict over Adultery

Tola and Ayantu are husband and wife who lived in Dambi Dollo town. They got married 14 years ago and now they have three children. Tension began to build up between the couple when he (the husband) failed to trust her, from the ground that she (the wife) may have extra marital affair with a sanyoo (a sexual partner) in the absence of her legal husband. Her husband is NGO worker who often spends time away from home at times going away for longer periods like one

month. But over the last two years, he (the husband) started suspecting her and losing trust. One of their neighbours who were disappointed by Ayantu's misdeeds informed her husband about her extramarital affair upon his return from the field. The husband was disappointed with his wife and he ended up beating his wife as he was emotional. She left her home leaving behind her husband and their kids. After two days, she comes back with women who gave her company to punish the husband who beat his wife with. The women were holding the sacred stick the Siiqee. But, when he (the husband) observes screaming women's far on the way to his home, he run and left home; after staying one week with his boyfriend, he decided to rent house 15 kilometre away from her in Kebe woreda, start to lead his life by isolating from his wife and even close friends.

One of his boyfriends heard what happened and steadily reported their case to the jaarsa araara for reconciliation. The elders couldn't find out the root cause of the problem as the wife presented to them petty issues as the source of the conflict without disclosing about her own misconduct in having sexual partner which was actually the fundamental cause. On the next time, the wife presented the case before the Kellam Wollega Sayo woreda court filing for divorce. She explained to the court about the challenge she is facing stating the point that every time her husband comes home too drunk and disturbing her and her kids. After hearing the case, the Sayo Woreda court branch office tried to refer the case back to the jaarsa araara, recommending that the conflict is not beyond jaarsa araara. But the wife failed to accept, as the case is already seen there. Then, the court gave them a grace period of three months to think over and decide on the issue. During this period, the husband, on his turn, presented the case before Siiqee institution stating that his wife accused him at the court of false allegation. He requested the case to be handled through the Sinqee where she had to tell the truth and compensate her husband for the false allegation. The sinqee representatives consisting of eight elderly women deeply investigated the case by approaching the wife.

They called the wife and ordered the husband to stay away for a moment. The group of women asked her to tell them the real cause of their conflict promising her that they won't disclose the case to her husband but keep it as a secret. Admitting the wrong action, she has made, the wife told them the issue saying

"This place is the place of truth. I cannot hide the reality from you, for the God sees all my life. It is obvious that Tola is my husband. We have lived together for fourteen years. However, for

the last two years we were not sleeping with each other, it is fair to say that we have become almost like a brother and sister. I have my own bed and he has also his own. I have nothing to say more. So, you have to decide whatever appropriate decision you think.”

The group of women called up on the jaarsa araaraa. The latter had a consultation with the husband say and understood a problem and the husband openly told them that he decided to divorce her and go far away from her in order to get peace of mind. At the end, the Sinqee brought them together and told them the decision they have agreed up on, that is, to finish their case through divorce n Besides, the elders advised them to pay special attention to the care of children, since it depends on children’s choice to go with either of them and they shared the resources among themselves in front of Siiqqee holding elderly women and Jaarsa araaraa. (Source: case brought at Siiqqee Institution Jan 12, 2024)

Based on the same, I have learned from my informants that adultery is a serious danger in marriage and it is a matter of suspicion between husband and wife because adultery does such things in secret. Adultery is the leading cause of divorce according to the data. But for divorce, husband and wife justify other reasons due to fear of morality (KI, 1-6 T2, 2024). After all, adultery was found to be the leading cause of divorce in the area where this study was conducted.

The analysis of the above case clearly shows how the elders council and the sinqee elders protected the right of the victim and the human rights of the husband whose right has been violated by his wife. According to the elders account in a marriage is described as an aspect whereby the wife and the husband have right and duty over enjoying the intimate sexual life and being faithful to one another is thus framed as respecting such a right. Adultery is hence believed to violate a spouse's legal right inherent in the marital contract.

B) Irresponsibility during Marital Life

My key informants raised that state irresponsibility as involving; poor housekeeping, excessive spending, accumulating debt without consulting or agreeing with the spouse as aspects of irresponsible acts. Informants state that couples might end up in financial stress, arguments, a loss of trust. lack of empathy, ignoring the spouse's emotional needs, or providing emotional support during difficult times being some of the forms of emotional irresponsibility leading to marital conflicts.

This can lead to feelings of loneliness, bitterness, and dissatisfaction in relationships. An imbalance in the division of labour can be caused by irresponsibility in the distribution of household responsibilities. Frustration and strained relationships can result from neglecting homework, unequal contributions, or neglecting agreed upon responsibilities. Informants have stated lack of interaction as one of the leading causes for marital dispute. Communication is important in a relationship. As both (FGD and Key informants); raised improper communication habits potentially involving; avoiding crucial conversations, omitting details, or neglecting to actively engage and converse with your spouse. Unresolved conflicts and broken trust can be caused by one or more of the aforementioned acts potentially leading to serious marital disputes. Irresponsibility can occur when one spouse continues to ignore the obligations of the marriage. Breaking promise, not honouring agreements, or missing important events in the marital relationship can be some of the reasons.

Among the people who gave me information, was Obse a female informant narrating her experience with this irresponsibility as follows.

Case 2

Bikilan and I got married in 2004, we had two children together. In the process, Biqila developed many different behaviours that he didn't have before; He stopped fulfilling his responsibilities, he spent time with his friends in pubs and besides he went out whenever he wanted and came home whenever he wanted; he also developed various cravings that he did not have before. He goes out in the morning and comes in in the evening, and if he wants to, he stays home during the week. This process affected me much that I could not tolerate it anymore. Finally, he couldn't even hear his parents. He oversimplifies life including our relationship. I told my mother first that I had to separate from Biqilaa because of his acts of misconduct and the disrespect he developed overtime, disrespecting me and our relationship as well. My mother was very sad and said please be patient. But Biqila could not accept anyone's advice. I finally became desperate and decided to separate from Biqilaa, says Obsen. That's why I filed for divorce in the district court. So, it was a long time they went to court. Finally, the Sayyoo district court referred our case to the local elders for reconciliation. After a long process that lasted for almost six-months, the local elders intervened and reconciled us. Bikila accepted the elder's advice and returned to his old kind of personality.

As Obse and Bikila case above clearly shows a misconduct mainly framed as irresponsibility in the households is one of the key factors for marital dispute in the study area. In those circumstances where by one of the married couples are affected by irresponsible act of the other, the elders step up to defend the victim by advising the wrongdoer and at times asking him/her to compensate for the wrong deed. Informants frame this as an act of protection of potential victims in a marriage.

C) Abusive behaviours

Abuse of one's spouse often results from an attempt to dominate and control. Physical abuse, emotional manipulation, and economic control are some of the strategies used by the abusive partner to retain control (Shivambu, T. D. 2015). Fear and intimidation are, which undermines trust and escalates marital strife. Abuse has the potential to seriously impede communication between two people. Fear of being mistreated could make the victim afraid to voice their needs, opinions, or concerns. The abusive spouse may employ strategies to diminish or deny the victim's experiences and viewpoints. The emotional and psychological health of the victim of spousal abuse is greatly damaged. They could struggle with anxiety, depression, low self-esteem, and a variety of difficult feelings like fear, shame, and guilt. These emotional obstacles may make it harder to communicate effectively and may even fuel marital arguments and lead to marital conflict (Key informant).

Among the people who gave me information, was that Bilise and Abdisa mentioned the story of thier experiences with this irresponsibility and finally resolved by local elders as follows.

Case 3

Bilise and Abdisan were married in 2001. Bilise and Abdisa now have four children. Their marriage broke up. One day Abdisa was very angry. So, when I tried to comfort him, he thought I was sick and hit me hard. He was constantly hitting me and causing harm to my body. He beat me, especially when he gets home drunk. So, I worry at night. Because he used to often come home drunk and I didn't know what to do, and he was noisy and I felt bad. Now, not only me, but my children are still worried about me. So, I'm thinking of going to court to finalize the divorce. I decided to do something. I wrote to the elders and told him clearly that if he does not change his

behaviour, our marriage would end. The fact that the elders of our community (may Allah be pleased with them) pointed out that divorce can impact on the family and children.

Some of the information from the FGD and Key informant and informal interview revealed that abusive behaviour is characterized by husband threatening his wife, getting very angry(emotional), and severely physical abuse.

D) Financial Problem

The major contributing factor to marital discord can be financial insecurity. Both partners may experience significant levels of stress and anxiety as a result of financial insecurity (Fox, G. L., & Chancey, D. 1998). Anxiety about paying bills, meeting financial commitments, and making ends meet can result in on-going worry, which can negatively impact other areas of the relationship. As the findings of the study clearly show, people's emotional health may be strained by stress, which increases their irritability and propensity for arguments. Making tough financial decisions and creating a budget are frequently required when facing financial insecurity. When it comes to spending money, couples may have divergent priorities or strategies, which can cause arguments. Informants account shows how in such circumstances, couples may become tense and resentful due to disagreements about how much money to save, whether to make certain purchases, or how to divide up scarce resources. Uncertainty about money can lead to power struggles in a marriage. One partner may feel more in control of financial decisions if they are the only or primary provider, which could make the other partner feel dependent or lacking in autonomy. Conflicts over money can arise from this power dynamic, which can exacerbate feelings of inequality and resentment. Communication problems in a marriage can arise from financial concerns. Fear of conflict may prevent partners from talking about money-related issues, which prevents open communication and joint decision-making (FGD T1& and Key informant).

Case 4

Tsion married Mrs Tofik in 1998. They have five children. Tsion said my husband Mrs Tofik and I have been working together since we got married and we have raised children while working together. Tofik decided not to give me money to be spent on our baby's babysitting. then my husband Mrs Tofik started living with a woman in my neighbour. I started to see them. They

started advising her that such a process was not good and convincing her that she was not on the right path, said Mrs Tsion. Then one day I called the elders and told them about his problem. Then I told the elders that we made a promise and after admitting all his mistakes we promised not to go back and I accepted his apologise. Yet this man did not keep to his promise as we promised and soon forgot and returned to his former place. He refused to give us any money and then I worked the same job and lived with our children without giving up on my life. Mr Tofick apologized for the second time with the intervention of the elders who reconciled the dispute for the best interest of the children. Finally, the elders reconciled us both and we started living a joyful life together ever since.

As the cases presented above clearly show, the main causes of marital dispute in the study area range from financial constraint, abuse, adultery to irresponsible life style of partners. In the cases, the elders stand for protecting the best interest of the victims and holding the wrong doers accountable. As in the case of the elder's council located indifferent parts of Oromia, the elders in the study area accented the point that the principles the elders follow are centred on fairness, treating everyone equally and defending those whose mirga(rights) has been violated.

The protection of the rights is stated by informants to centre on the norm of the society that the elders refer to throughout the reconciliation process.

The reference to the aadaa (custom of the society) and the safuu (societal taboos) by the elders best shows this. When something is safuu there are particular laws and moral principles that should be followed. These basic societal norms centered on soda waaqaa (fear of God), mirga namaa kabajuu (respecting rights of others), Uumaa waaqaa kabajuu fi miidhuu dhiisuu (respecting and not harming creature of God) are part of the principles that regulate behaviour; what can be said and what cannot be said, what can be harmed and what cannot be touched.

4.4. Procedures of Conflict Resolution by Elders

Jaarsummaa, or reconciliation, is frequently held /seated outside under a tree or favourable condition area like Dambara Gubbaa/muka gaaddisa qabu jala or stable area (Zerihun, 2017). Family, theft, land, contract, insult, water point, and inheritance issues are among the cases that were brought up at the Jaarsummaa session.

The Jaarsummaa procedure in the conflict resolution institution process is called Adeemsa araara (reconciliation process). The process of reconciliation between conflicting individuals or groups or spouse of Jaarsaa is called Jaarsummaa. According to finding of the study the Jaarsummaa will be summed up on different conditions

In some cases, it is summoned based on the interest of the disputants. The disputants' select elders who they think will reconcile them. In other circumstances the elders take the lead and call up on the disputants for reconciliation. These kinds of elders are called self-initiated elders. The self-initiated which means Jaarsa Biyyaa involves disputes settlement on its initiatives and free will. The third instance is situations whereby neighbours, friends, and relatives of disputants call the elder to settle the matter. The fourth condition as it is discussed above happens in those circumstances when the formal court refers cases of marital dispute to the elder's council. As the data presented under 4.3 above clearly shows in Dembi Dolo most of the time the conflicting parties are the ones to take the case to the elder's council.

Jaarsummaa begins with the selection of the elders (jaarsa biyyaa). It begins with a different process called reconciliation. So, these ways are (I) when the offender asks the elders to know how to do jaarsummaa and how to make peace with the victim; therefore, the offender or the family of the offender presents the information to jaarsaas or jaarsa biyyaa to prevent the possibility of revenge from the victim's family. This is not the only case brought before Jaarsummaa. There are other ways in which Jaarsa try to restore peace and harmony that has been destroyed by conflict. The last and less common method is for the victim to send information to jaarsa biyyaa.

The jaarsummaa as a way to resolve conflicts involves different steps. It starts by choosing respected elders to lead the process. There are a few ways the process can begin, such as the offender asking an elder to help reconcile with the victim, or the victim's family requesting to avoid going to court. Sometimes the offender's family brings the case to the elders to prevent retaliation from the victim's family. The purpose of jaarsummaa is to restore peace and harmony in the community. People prefer this traditional method over formal courts due to concerns about false witnesses and bribery. The selection of elders for jaarsummaa varies in different parts of Oromia, with different ways of choosing neutral elders. Once the elders are selected, a day is chosen for the jaarsummaa, often on a Sunday when everyone can attend. According to the indigenous of the elders' reconciliation ceremony, *bles* means the process after and before the

reconciliation process and during the beginning of the reconciliation speech and even after the reconciliation ceremony, in the area where this study was conducted; they use the above terms. It is said that God hears the elder's sound. That is why in the Oromo proverb, (Jaarsi Guule sin abaarin). In this reconciliation process, the following steps are taken from the initial stage to reconciliation. According to the elders I spoke to for this research; the eldership process has the following process and steps according to my informants:

Step 1; willingness to negotiate with Jarsumma from both sides

At this stage or the first stage, either party to the dispute must express a willingness to have their case settled by an elder or to have their case heard by an elder without any pressure. Here there will be a going between the plaintiff and the defendant to get people to come to the eldership. This is called a third party. This third party does not give judgment but helps them to come to the court of the elders. These third parties will have no part in the decision. In the eldership system, it is never possible to bring them to the eldership. That is why it is said here that eldership is a mutual interest. Once there is willingness on both sides, both sides choose an elder who can look into their case and reconcile is called the selection of elder (jaarsa filachuu).

Step 2; Selection Elders stage

There should be five elders selected by both parties. two are chosen by the plaintiff and two chosen by the defendant. The fifth elder elected by the chairman. Elected Jaarsa/ elder/ proceed to deal with the issue of the conflict impartially and based on the facts.

Step 3. The matter referred/ Present/ to the Elder

Following the election of the elder, the reconciliation process continues and on the appointed date, the two parties stand left and right and present their dispute before the elders without any hesitation. or argue. The local elders bring the two parties together giving the chance to both conflicting parties to present their cases without any pressure. To maintain the impartiality of the restore peace, the elders call disputants to explain their positions (Jaarsa Biyyaa has the right to interrupt plaintiffs and defendants to ask questions). If the elders are unable to obtain sufficient evidence for the cases at hand, they will call witnesses from each side, but they will continue to gather information in order to facilitate a successful mediation or reconciliation. (Namoondi

ragaaf dhiyaatan ta'ii ija isaaniin argan qofa jaarsa Biyyaaf dhugaa bahu) witnesses on both sides are required to take an oral oath, or (akka amantii isaaniitti waada galu or the oral Oath before providing any evidence. This means that the witnesses must provide evidence pertaining to what they have heard or seen. The witnesses' hearings would take place in private.

Step four (4); analyzing the case and looking for evidence

After hearing the case of the plaintiff and the accused, the elders gather to make a decision. It should be noted here that as mentioned in the second stage, one of the five elected elders is the convener or chairman of the four elders. After the evidence has been gathered by the elders, the elders keep the two parties, the plaintiff and the accused, apart one hundred meters to make a decision. The elder then summarizes the evidence gathered and the arguments presented by the plaintiff and the accused and summons them for judgment. At this stage the hearing of the elder's decision. It is different to hear a judgment and to accept a judgment. According to the customary law of the elders, you are obliged to accept the decision of the elders.

After both sides present their respective cases, the elders have a thorough understanding of the issue, and determine on the magnitude and nature of wrong doing, the penalty, and the compensation. After both parties (himataa fi himatamaa) plaintiff and defendant complete their hearing, the (Jaarsa Biyyas) would confer with one another, either to carry out or to delay the decision. Elders call disputants to explain their positions (Jaarsa Biyyaas has the right to interrupt plaintiffs and defendants to ask questions). If the elders are unable to obtain sufficient evidence for the cases at hand, they will call witnesses from each side, but they will continue to gather information in order to facilitate a successful mediation or reconciliation. And then making a decision comes after they have discovered the concrete truth (dhugaa) regarding the case, which is not difficult for the elders to do as they are well respected members of the community. Before making their final ruling, the elders would individually call the disputants to inform them of their decision (murtii dhumaa) regarding the particular case.

Step 5 Wait/ hear/ accept the Elder's Judgment or Final Verdict of Elders

The elders bring the matter to reconciliation by giving the final verdict. The Reconciliation (araara) between the two parties was the tribunal's conclusion, with the more injured party receiving compensation from the slayer. That's why the elders say that “dubbii yoo dheeratellee

makmaaksaan gabaabsu ykn fixu" which means a proverb that has the power to start a case and see it through to completion. By citing societal norms, values, and customs, the elder council offers them advice. They pleaded with the disputants, in God's name, to accept the reconciliation. According to a popular belief, the person who gives up on a disagreement leaves it in the love of their relatives, while the person who persists in the disagreement faces a curse. During the process of reconciliation, the elders in the study area use different metaphors primarily aimed at mending or fostering positive discourse between the parties involved (dubbii mi'eessuuf makmaaksa dhimma bahu). When parties refuse to cooperate, or compromise the Victim they might say (ilaa Yaa waaq) dhugaa isaa/ ishee/ isaanii/ waaqatti dhiisanii araaramu. This literally means God sees everything and God did not create the case not to be reconciled (waaqayyo waa uumeetu beekaammoo jala uume).

All of these statements are meant to subtly force people to accept decisions. They would criticize those who are stubborn saying waaqaa gaditti Jaarsi gatii kee siilaata meaning elders have a significant role in the community to make peace and bring justice for victim. This does not equate elders to God; rather, everything has been done to recognize elders' reconciliation or positive peace building tasks as righteous ways. Jaarsummaa institutions have a strong chance of achieving long-term or lasting among the community between the parties involved and the larger community.

Step 6 - Rituals of Reconciliation

The Oromo Community of Dambi Dollo town, the senior elder or clan leader (Jaarsa Guule) who initiated the reconciliation, will perform a cultural ceremony to seal the to compensate Human Right violation or reconciliation process. The elders settle disputes through arbitration, mediation, Compensate Rights violation and reconciliation under the auspices of the Jaarsummaa institution. These roles include mediating disputes between parties, enacting human rights agreements pertaining to issues such as inheritance, marital disputes, disputes over land-based offenses, contract violations, land-based disputes, verbal and physical abuse, and inflicting harm. Below is a nice illustration of a marriage-related Conflict Resolution method from the study area, as reported by elders:

When conflict between husband and wife reaches a critical stage, especially divorce, division of property, division of family, and any matter for construction or dissolution of marriage, one of the married couple or their family brings their case to the elder. After hearing both sides of the issues between them, the elected elders decided not to divorce to solve the problems between them. The elders on the left and right, elected elders on the part of the wife and husband, point out that divorce is a violation of divine law in the law and morality of the Oromo. To summarize the above sentences, the first efforts of the elders take a long time to reconcile, not to destroy.

The elders should pressure both sides to give them time to reconsider their decisions to get divorced. Finally, the elders make an appointment to dissolve or reconcile for two reasons. The elected judges have the last chance to hear their cases; here close relatives even mother, father, brother/sister on his and her side are given the opportunity to comment. Then finally this reconciliation or Dissolution of marriage begins with prayer to the God or creator and ends with prayer to the God or creator.

4.5. The role of Proverbs in Jaarsummaa institution

The oral traditions of the Oromos extensively uses proverbs /makmaaksa/ passed orally from generation to generation. These Proverbs are a rich source of wisdom serving as a condiment (Mi'eessituu dubbii) for speech in all spheres of their lives. These sayings, referred to as mammaaksa, are employed as speech openers and concluding notes. Proverbs are used in the context of conflict and conflict resolution in a variety of ways, including identifying the issue, coming up with a solution, encouraging someone to speak the truth, ending reconciliation, and using proverbs in the event that reconciliation efforts. Example of a proverb used to set a positive tone for the reconciliation process is Harreen-wal dhiitti malee hilkaan walirraa hin cabsitu. This proverb is used by the elder to cool the situation between reconciliation, husband and wife. This is said to occur when family members or extended families (relatives) rise argue more. In addition, the elder states that "it is the man who can understand to look at the problem and identify it" (ballaa simbiraa hubataatu arga) if they know who has offended more and the offender has a tendency to hide the truth and Hubataatu arga gubataa marqaa. Such proverbs helped the Jaarsummaa create a welcoming atmosphere for dispute resolution and were instrumental in bringing people together for centuries. Each and every proverb has purposeful and meaningful what they want to touch Elders 1-6 T1 & T2, (2024).

In addition to the aforementioned proverbs, there exist sayings that elders invoke at the commencement of the Jaarsummaa session. For instance, when one elder proclaims “ilaa waaq haa argu” (let the Creator observe), another elder responds with “dura jaarsi haa argu” (let the elder observe first). This exchange exemplifies a proverb (dubbii cigoo) that is common among the Oromo people in their daily lives. The frequent use of this saying stems from the belief that no matter the issue, it remains within the knowledge of the elders, as ordained by God. Consequently, elders assert, “Dubbii haalli hin beekne waaqni hin uumne” (the issues are clear to the elders). This assertion does not imply that elders possess greater awareness than God; rather, it highlights the wisdom bestowed upon them by God to serve their community.

Additionally, the proverb “I forbid you in the name of God” (waaqaan si qabe/simagane) words during reconciliation efforts when an individual declines to accept the elders' proposed resolution, often citing irrelevant reasons. Such expressions facilitate the individual's acknowledgment of the truth and encourage agreement with the elders' recommendations during jaarsummaa. Ultimately, when one party finds it increasingly difficult to accept the elders' proposal, some elders advise the uninformed by stating, “jaarsi gatii kee siilaata”. The proverbs and sayings of elders are not merely shared for amusement; they are integral to the lives of individuals within the community, reflecting their realities. This significance is rooted in the fact that these customs have been upheld for centuries, passed down through generations. Those who dismiss the wisdom of elders are often regarded as lacking intelligence and decorum. Therefore, the elders, their proverbs, and the jaarsummaa process warrant respect and careful consideration. When elders encounter individuals who honour these customs, they remark, “inni nama barcumaati” (intelligent and capable of heeding the elders). In communities where these principles are upheld, the value of elders is deeply ingrained.

4.6. Jaarsummaa in Siinqee Institution (Women's Contribution in Jaarsummaa)

According to my informants, women also have a vital role and mediators in the conflict resolution through Siinqee institution, and elders have great respect for them. The position of women in conflict resolution institutions is another additional benefit to the Oromo community of study area. Women are not completely excluded from the conflict resolution (articulated in the Gada system); rather, they play a role in defending and promoting Human Rights protection and reconciliation to the community at various levels of traditional conflict resolution institution The

role of Siinqee organization in reconciliation and Jaarsummaa negotiations' according to the mother of Siinqee and the key informant, includes not only protecting women's rights, but also bringing peace in society.

The instrument through which women's Rights are dually respected among the Oromo is known as Siinqee (Siiqqee) institution in marital conflict resolution. Siiqqee or Siiqqee is a stick (Oromo = Ulee qal'oo) symbolizing a socially sanctioned set of Rights exercised by Women. Siinqee or Siiqqee is also special stick that a woman who gets legally married receives on her wedding day. It is also important to note that Siinqee (Siiqqee) is not merely a term for a material symbol, it also refers to institution, namely a women's organization that excludes men, and has both religious and political functions to defend women Rights. Women use their Siinqee (Siiqqee) in various religious, social, political and economic contexts to protect their property Rights, to assert control over sexuality and fertility, protect their social rights and maintain religious and moral authority KI, (2024).

Whenever a woman right has been violated, the women in the neighbourhood gather and protest to notify to each other. Upon hearing the sound women respond by moving to the place carrying their Siinqee (Thin Stick). Every woman is obliged to respond to the call. Then, the women go to the Gada Council singing songs in which announce the specific activities which leads to breach of their rights. At the council they are welcomed respectfully and invited to speak out about the wrongdoing. The person accused of wrongdoing will be brought to justice and the appropriate punitive measures would be taken against the wrong doer HS & AG, (2024).

when a conflict breaks out, a fierce fight/war breaks out; someone hurts each other, the woman who heard the news of the fight first, cheers and wakes up the women in the hallway. A group of women, passing on the news of the war, immediately gather with a Siinqee. The rules of Siiqqee are described by a sharp stick cut from a sorooroo Stick, which the married woman holds. Haroresa wood is preferred because it is thick and strong and does not break easily. Cut the Siinqee to the length of the woman holding it. They shop the sink under the balcony where it gets a scent so that it turns red and beautiful. They do not use Siinqee as a stick, nor do they attack animals with it. Even when they hold it, they do not use it as harm or hit anything. They say that Siinqee is a woman's army because women perform many social and religious rituals in groups with Siinqee (Siiqqee) institution.

One of the manifestations of the rights granted to Oromo women by the Gada system, through the law of Siinqee (Siiqqee), women get protection from verbal and physical violence by their intimate partners. And where the voice of the battered woman is heard, they reach out to each other with a cheerful calling sign, “ililii, ililii, ililii (This sound is a sign of happiness). According to the laws of Siinqee, a woman who hears the sound, whether she is nursing a child, milking a cow, or holding an (Okkotee) from the fire, is obliged to immediately leave her work and pull out her Siinqee (Siiqqee). The women who go in groups to enforce the ritual of Siinqee reach the house of the woman whose husband has beaten her, singing Siinqee (Siiqqee) songs. The women who arrive first hold the woman with a Siinqee (Siiqqee); and take her out of the house. Women, surrounding their injured member, resisting oppression with their hymns, go to the caffee/Gadaa council/ to appeal to the clan elders after the Gada laws had been weakened.

The body to which they appeal has a platform and, for their own glory, they sit and talk. In addition, they sit down and cut the wet grass and celebrate it with “ilteeninnaa”. The women bless them with “Hobbayaa”. Like for Men “Hofkalaa” When they perform this ritual, they do not forget to praise the Siinqee (Siiqqee) in song. Then they ask the women, what is wrong, what are you suffering from? The woman who leads the group holds the battered woman in front and tells the caffee and assembly what has happened to her. The representatives from the group summon the perpetrator and investigate the matter. Until a decision is made, the women sing for an end to the wrong doing. This decision may be to slaughter rabbit/cow among the cattle he owns. The law of Siinqee (Siiqqee) enforces this decision; the women give the slaughtered rabbit to the assembly, sing Siinqee (Siiqqee) with their songs, reach the woman who has found the truth, and go home.

There are those who say that such help is for a woman with a scar on her forehead/ who has given birth less than six months ago/ and not for every woman who has been beaten by her husband. According to the information gathered from the elders, after the weakening of the Gada system, such help, except for the beaten mother, used to be given to all women.

4.6. 1 Norms on the use of Sinqee

The rules of Sinqee are described by a sharp stick, a sorooroo cut from a Haroresa tree, which the married woman holds. The wood of the harrow is preferred because it is thick and sturdy and does not break in easily. They cut the sickle to fit the length of the woman holding it. They do

not use Siinqee as a stick, nor do they attack animals with it. Even when they hold it, they do not use it as harm. Siinqee is a woman's army because women perform many social and religious rituals in groups holding Siinqee.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The Oromo people have for long used various traditional Conflict resolution institution as in indigenous knowledge, such as the Jaarsummaa, Gumaa, Siiqqee Siinqee, and Kallu institutions being part of the popular institutions. Though there are various forms of conflict and Conflict resolution mechanisms, the study mainly focused on the Role of Jaarsummaa as indigenous

Conflict resolution institution in Protection/Violation of Human Rights and concerned on marital conflict resolution in Dambi Dollo Town. Jaarsummaa institution is widely used in the reconciliation between disputants among the Oromo Community of western Oromia in general and Dambi Dollo town in particular.

The data presented in this thesis clearly shows how conflict is inevitable in every relationship including marital disputes. Like cases of most communities located in different parts of Ethiopia, in Dambi Dollo married couple often resolve their marital disputes through Jaarsummaa. In Dambi Dollo, elders have moral responsibilities to save a marriage by intervening in marital conflicts. In most circumstances elders intervene and stop divorce from happening. There is a strong belief that divorce has consequences that might result in destruction of families and their property. Eldership plays an important role in bringing these conflicting families together and reconciling them. The elders' primary goal in the Jaarsummaa procedure is to restore peace (araara buusuu).

Jaarsa Biyyaa should be thoroughly familiar with the norms and values of the community. They must be individuals of integrity, recognized for their exemplary behaviour and wisdom, serving as role models. Selection is based on their personal skills and experience in resolving disputes, as well as their qualities such as wisdom, selflessness, sound judgment, and willingness to dedicate time to mediating conflicts and fostering peace among neighbours. Age is not a primary factor in choosing Jaarsa Biyyaa in the study area.

As the discussion above clearly shows, the jaarsummaa reconciliation process follows societies' norms, values and ethics. conflict resolution institutions have a vital role of resolving disputes operates in accordance with the highly significant rules or guidelines of jaarsummaa institution and its rules and principles draw on the Gadaa system.

The role of the Jaarsummaa in protection of rights of disputants can be best seen from the basic principle that the elders aim to protect the best interests of the victims and hold wrongdoers accountable. The elders emphasized that their guiding principles are based on fairness, equal treatment, and defending those whose rights (mirga) have been violated. The analysis of the data presented in this thesis, shows how the protection of rights is grounded in societal norms that elders refer to throughout the reconciliation process. This is evident from their reference to aadaa

(customs of the society) and safuu (societal taboos). When something is deemed safuu, there are specific laws and moral principles to follow. These fundamental societal norms, which include soda waqaa (fear of God), mirga namaa kabajuu (respecting the rights of others), and Uumaa waqaa kabaju fi miIdhuu dhissu (respecting and not harming God's creatures), regulate behavior by defining what can and cannot be said, touched, or harmed. The Jaarsummaa procedures begin with the blessings of the Jaarsa Biyyaa. The elders then proceed with reconciliation after the plaintiff presents their case to the Jaarsa Biyyaa. The defendant is also given an opportunity to share their perspective. In the study area, Jaarsa Biyyaa typically collects information about the dispute directly from the disputants. In exceptional cases, however, Jaarsa Biyyaa may consider witness testimonies as well.

The elders in the study area have accumulated experience and knowledge regarding marital conflict resolution mechanisms. And these mechanisms which they used in Jarsummaa as conducted by the Co-operation of Five elders selected (Jaarsolii shanan araaraaf filaman); The four elders have seats on the right and left side and then the Chairman leads the jaarsummaa case and listen to the issues to claim from both sides (accused and accuser) after blessing.

This indigenous conflict resolution institution was practical functions in line with the very considerable principles or norms and values of the Gadaa institution. Primarily this study has focused on the marital conflict on the important research questions and objectives. Based on the research finding in the study area the outbreak of marital conflicts relates to adultery, irresponsibility during marital life, sexual dysfunction, abusive behaviour, and financial problems are the major finding of the research. Another research finding more amplified the contribution of the Jaarsummaa institution as indigenous institution on the protection of human rights as an important instrument of protecting violation of rights in resolving multifaceted conflicts including marital conflicts in the study area. A part from focusing on reconciliation as a way of protecting individuals, in cases where the elders feel that one of the party's in conflict is violating the mirga (right) of the other, the elders step in and defend the plaintiff.

5.2. Recommendation

Jaarsummaa institution as indigenous institution that handles human rights concerns among the Oromo community of the Dambi Dollo Town. Based on the finding of the study, the researcher argues that the government should give support and attention to the Jaarsummaa institution. It

must be acknowledged by the government as an effective tool for fostering and promoting violations of rights through reconciliation in the community. And the results of this study further demonstrated that the active involvement of the Jaarsummaa institution brings about long-lasting social harmony in the study area. The traditional institution like the Jaarsummaa tribunal requires strong capacity-building support from the government and the community at large because of its affordability, impartiality, and accessibility for all communities.

Additionally, doing so will enhance the stability of marriage and reduce the rates of divorce which could result from marital conflict. The traditional conflict resolution institutions discussed in this study are mostly held and used by elderly people, who are mostly elderly. As a result, the continued application of such strategies to subsequent generations raises questions. As a result, it is essential to raise awareness regarding the understanding and application of the traditional methods for settling disputes among youngsters. Dambi Dollo Zone Culture and Tourism Bureau, the Woreda's formal court office and other non-governmental organizations who work on the area of marital conflicts and family's wellbeing should work on strengthening and recognizing such figures, who work on traditional marital conflict resolutions, for their altruistic contributions.

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