

Effects of Traditional Family Arbitration and Legal Divorce on Divorcees and Their Children:

The Case of Boloso Sore *Wereda*, Wolaita Zone, Southern Ethiopia

By:

Tarekegn Tafesse

Addis Ababa University

June 2015

Effects of Traditional Family Arbitration and Legal Divorce on Divorcees and Their Children:
The Case of Boloso Sore *Wereda*, Wolaita Zone, Southern Ethiopia

By: Tarekegn Tafesse

A Thesis Submitted to the Graduate School of Addis Ababa University in Partial Fulfillment of
the Requirements for the Degree of Master of Arts in Social Work

Advisor: Tenagne Alemu (PhD)

June 2015

Addis Ababa

Addis Ababa University
School of Graduate Program

Thesis Approval

This is to certify the thesis prepared by Tarekegn Tafesse entitled: *Effects of Traditional Family Arbitration and Legal Divorce on Divorcees and Their Children: The Case of Boloso Sore Wereda, Wolaita Zone in Southern Ethiopia*. This thesis is submitted in partial fulfillment for the requirements of degree of Master of Arts in Social Work. Accordingly, we examined and approve that it is conducted according to the regulations of the University and qualifies the requirements and standards with respect to originality and quality.

Name and Signature of Examining Board

_____	_____	_____
Advisor	Signature	Date
_____	_____	_____
Examiner	Signature	Date
_____	_____	_____
Examiner	Signature	Date

Acknowledgements

First and for most, I would like to thank and honor the Almighty God for giving me the strength to start & complete my study. Following, I would like to express my sincere thanks to my thesis advisor Dr. Tenagne Alemu for his constructive comments and guidance during the course of my study. My special thanks go to my research participants, key informants and *Kebele* leaders for providing me indispensable information and their patience during data collection.

More importantly, I would like to thank my loving family members, especially my wife Konjit Seba and my sons I Love & Befikir Tarekegn who gave warming love & helped me to be successful in my life. My dad Tafesse Ololo, my mom Kidane G/Silasie, my mother-in-law Adanech Beyene, my brothers & sisters for sharing my burden and giving support during my study. I want you to know how lucky I feel to have you in my life. I love you all!!

Tadele Jara, Lisanu Kassa, Yohanis Gobiyo, Alemayehu Munduro, Semayat Koyra, Toga Shamana, Teddy Jara, Jakarta, Takele Damote & H Moliso I can never express to you how much I appreciate you for loving me and supporting my personal goals. I also would like to express my special gratitude to Ermias Lera who put forth his unreserved assistance during data collection period of this research by giving me Motorcycle with enough fuel.

My Instructors – I have no words at all to express my gratitude for you who have fed me with your scholarly insights thereby helping me decide the track of my future.

Yehuala, Surafel, Andarge, Teferi, Fasika, Zemach, and Abraham I feel so lucky to share such a close relationship with all of you. Thank you for your unreserved encouragement & support. All others who don't mentioned here, being cognizant of my incapacity to exhaustively list of all of you, let the lord bless you on my behalf for your encouragement.

Acronym

ADR	Alternative Dispute Resolution
Art	Article
CC	Civil Code of Ethiopia
CL	Court Litigation
CSA	Central Statistical Authority
FGD	Focus Group Discussion
FTC	Farmers Training Center
GOs	Government Organizations
LD	Legal Divorce
NASW	National Association of Social Workers
NGOs	Non-Government Organizations
PHC	People and House census
RFC	Revised Family Code
SNNPR	Southern Nations, Nationalities, and People's Region
TFA	Traditional Family Arbitration

Abstract

This study has made an effort to investigate the effects of traditional family arbitration and legal divorce on divorcees and their children. For its methodological convenience qualitative method and non-probability purposive sampling techniques have been employed. Study participants have been divorcees, their children and reconciled spouses after opening of file for divorce in the court. The last five years (2010-2014) petition provided for divorce, divorced and reconciled spouses data has been used as point of observation. In addition to in-depth interview FGD, key informants' interview and document analysis was done. Principal causes, prevalence, and effects of divorce, legal grounds of family arbitration, appointment and removal of arbitrators, composition and roles of arbitrators have been critically addressed to identify effects of traditional family arbitration. Moreover, fundamental reason of the court when redirecting the case of spouses for arbitration has been assessed to know the advantages of traditional family arbitration for divorcees and their children. Divorce is negatively affecting the social, economic and psychological status of divorcees and their children. Traditional family arbitration is believed to be the most effective and efficient conflict resolution mechanism among spouses. Principal effects of arbitration on disputing spouses and their children are protecting unstable families from disintegration, children separating from their parents, protects likely social evils related to divorce, reduces resource and time wastage of both litigating spouses and the court and shares court case overload. Potential challenges of arbitration are community's lack of understanding about gender equality, rights and interests of women, marginalizing women from arbitration process, biased belief of women as if arbitration always favoring for men in their expense, and passing decisions in favor of men in the case common property management and parenting styles.

Key words: Traditional family arbitration, court litigation and legal divorce.

Table of Contents

Contents	Pages
Acknowledgements	iii
Acronym	iv
Abstract.....	v
Table of Contents	vi
Chapter One	1
Introduction.....	1
Background of the Study	1
Statement of the Problem.....	3
Objectives of the study	6
General objective.....	6
Specific objectives.....	6
Research Questions	7
Scope of the study	7
Significance of the Study.....	7
Operational Definitions.....	8
Chapter Two	9
Review of Literature.....	9
General Overview.....	9
Causes of Divorce	9
Prevalence of Divorce.....	12
Effects of Divorce.....	14
Traditional Family Arbitration	17
Theoretical Framework of the Study	20
Conflict theory	21
Family system theory	22
Structural functionalism theory.....	25
Chapter Three.....	30
Research Methods	30
Research Design	30
Description of the Study Area	31
Sample Size.....	32

Sampling Technique	33
Inclusion and Exclusion Criteria	33
Data Collection Tools	34
Data Collection Procedures.....	34
Sources of Data	36
Enhancing the Quality of Data	36
Data Analysis Method	36
Ethical Considerations	37
Chapter Four	38
Findings	38
Demographic profile of participants	38
Major causes of divorce.....	39
Prevalence of Divorce.....	42
Effects of legal divorce on divorcees and their children.....	43
Traditional Family Arbitration in the Study Area	46
Legal grounds of family arbitration in Ethiopia	47
Composition of arbitrators.....	48
Arbitrators' Roles	49
Arbitrators' Duty	51
Arbitration Procedure	52
Appointment and Removal of Arbitrators	54
Why women prefer court trial?.....	55
Underrepresentation of women in arbitration	59
Intention of the court when redirecting spouses case for arbitration	61
Effects of TFA on divorcees and their children	62
Chapter Five.....	65
Discussion.....	65
Chapter Six	74
Conclusion and Implications for Social Work	74
Conclusion	74
Implication for Social Work.....	77
Implication for Practice	77
Implication for Policy	79
Implication for Research	80

References.....	82
Appendices.....	87
Appendices A: Informed consent	
Appendices B: In-depth interview guide for divorcees	
Appendices C: In-depth interview guide for divorcees children	
Appendices D: In-depth interview guide for reconciled spouses	
Appendices E: In-depth interview guide for court judges (key informants)	
Appendices F: In-depth interview guide for <i>Kebele</i> key informants	
Appendices G: Focus group discussion guide	
Appendices H: Amharic versions of data collection tools	
Appendices I: The court secondary data collecting format	

Chapter One

Introduction

Background of the Study

Marriage is a legal union of a man and a woman according to the Revised Family Code (RFC) of Ethiopia Art. 96. Within a marital union conflict of spouses is inevitable. When couples are unable to resolve their conflict through amicable communication they resort to divorce as final solution to cope with their disagreement. Divorce is the legal separation of married spouses. Currently the breakdown of family is one of the most prevailing societal problems arising from the disagreement and disputes of spouses that could either be deemed as complex and grave or minor. As a matter of fact, marital dissolution could occur when husband and wife are unable to find solution to their marital problems they are facing and that would eventually lead them to decide to terminate their marriage by divorce. However, divorce in itself does not yield an enduring remedy that would settle or satisfy both parties; rather it may trigger other much daunting difficulties that could breed far reaching societal problems. Today, as it were, divorce has become the most recurrent maladies of every community of our society (Kulik & Kasa, 2014).

The effect of divorce on the divorcees and their children is much more damaging for it would subsequently cause multifaceted and complicated problems. Divorce would pose high degree of insecurity on the children of divorcees. This is because they directly carry all the problems which affect them adversely in their academic pursuits and further social life. Family disintegration does not provide a safe environment for all family members; it rather produces 'child abuse' with far reaching consequences. In the face of efforts made by the government and the community to protect a family from disintegration, divorce has become inescapable aspect of

life (Serkalem, 2006).

Until recently, traditional dispute settlement mechanism, that is, traditional family arbitration (TFA), used to play a major role in maintaining societal stability in the area under study. Nevertheless, in recent years, there is a solid trend that indicates the community's preference to settle any sort of disagreements, including family-driven disputes, through the legal court proceeding. This trend may indicate that both or one of disputing spouses are losing trust in the traditional conflict resolution mechanism. On the other hand, the courts prefer to redirect litigating spouses to resolve their familial disagreement through the traditional family arbitration. Whatsoever the result of the arbitration may be, the intent of the court clearly signifies that TFA is the best option for settling marital disputes (Adamopoulos, 2012).

According to the preliminary data collected from the court of the study *Wereda* in the past five years, i.e. 2010-2014, more than 520 couples had divorced for they fail to generate solution through traditional arbitration for their poor marital adjustment. On average, each year, 104 families were disintegrated due to divorce that in turn caused the separation of 1,308 innocent children (of whom 699 are boys and 609 girls) from one or both of their parents. Contrary to the effort made by different stakeholders, data in the last five years have indicated that the prevalence of divorce is dramatically increasing in the study area.

Similarly, research conducted by Dana & Larsen (2000) documented that 45% of first marriages in Ethiopia ended up in divorce within 30 years of the formation of marriage, and two-thirds of the women who opt to get divorce do so within the first five years of their marriage. Actually, practicing this amount of divorce rate in Ethiopian context it is very frightening.

This study has been carried out with the intent to comprehend economic, psychological, and social effects of traditional family arbitration and legal divorce on divorcees and their

children. In so doing identify why disputing spouses prefer public court litigation to traditional arbitration in addressing their marital problem and to assess the likely losses that each party encounters as a result of his/her choice. In addition, an attempt has been made to map-out the underlying reasons why the family courts handling familial disputes are redirecting the case of spouses to the traditional arbitration so that disputants may settle their disagreement.

Statement of the Problem

Internationally a number of studies have been conducted in a wide array of divorce resting on different cultures and practices. For instance, Amato and Previti (2003), Kiernan and Mueller (1998), Furtado, Miriam and Sevilla-Sanz (2010), Adegoke (2010), Umoh and Adeyemi (nd), Serkalem (2006), Bereket (2012), and Askalemariam and Minwagaw (2013) conducted research focusing on divorce and its causes. The summary of their findings shows that infidelity, sexual and behavioral incompatibility, substance abuse, early marriage, and economical and psychological dependency are principal causes of divorce. Additionally they reported that, infertility, lack of conflict management skills, poor communication, peer pressure, parents' interference in the spousal issues, experiencing parental divorce, and low educational status of spouses as potential causes of divorce. Furthermore, religion, ethnicity and culture differences of couples, rural-urban setting, and number of living children in a household has been branded as possible causes of divorce in the above mentioned studies.

The divorce rate has been increasing from time to time all over the world. Bramlett and Mosher (2001) and Dana & Larsen, (2000) studied the divorce rate of USA and Ethiopia respectively. According to the finding of former study one fifth of first marriages end within 5 years and one-third end within 10 years. First marriages of teenagers disrupt faster than the first marriages of women who were ages 20 years and older at marriage. The result the second study

revealed that forty-five percent of first marriages in Ethiopia ended up in divorce within 30 years of the formation of marriage, and two-thirds of the women who opt to get divorce do so within the first five years of their marriage. This indicates that divorce rate has been increasing regardless of the difference of economic, social, and cultural status of the areas where the above studies conducted.

With the aim to identify and minimize effects of divorce Amato (1994), Palosaari and Aro (1995), Landucci (2008), Hewitt, Skrbis and Mark (2009), Fagan and Churchill (2012), Waite and Gallagher (nd), Ahiaoma (2013), Askalemariam and Minwagaw (2013), and Serkalem (2006) conducted study on it. The summary of their study shows that divorce has been leading former spouses for continuing discord between among each other, loss of emotional support, economic hardship, weakens a family structure, and disruptions in the parent-child relationship. It frequently leads to destructive conflict management methods, diminished social competence for children and the early loss of virginity, as well as diminished sense of masculinity or femininity for young adults. Divorce also results in more trouble with dating, more cohabitation, and greater likelihood of divorce, higher expectations of divorce later in life, and a decreased desire to have children.

The result of aforementioned researchers like Fagan and Churchill (2012) exhibited that divorce might affect the academic success of some students. Compared to adults in a stable marriage, divorced adults, on average, have poorer physical and mental health. Experience of parental divorce not only influences health and schooling outcomes for adolescents but also influences the plans and expectations that adolescents have on their future family outcomes.

Similarly, children of divorce compared with adults rose in continuously intact two-parent families score lower on a variety of indicators of psychological, interpersonal, and

socioeconomic well-being. The possible consequence of divorce were engage in addiction, develop delinquent behavior, and immoral acts of conduct developed in divorced families. Additionally divorce is affecting negatively the social, economic and psychology of divorcees and their children. The separation of a child from his/her parent creates devastating and traumatic effects on their later lives. Children from divorced families deprived of love, care and support of their non-custodial parent (Serkalem, 2006).

Kelly (2000), Amuda (2007), and Ayalew (2012) carried out studies on family arbitration and mediation. Family mediation/arbitration field has struggled for more than the last two decades to become a credible option and significant presence in separation and divorce actions. The same studies show that in the past two decades, family arbitration has become emerged as a major dispute resolution process in many states within the U.S., Australia, Canada, and Scotland. Nigerian customary family arbitration/mediation among husband and wife is slightly similar with Shari'ah system in terms of conceptualization and its achievement.

In Ethiopia customary laws and practices, as a system of governance and an institution of ritual performance play a great role in regulating the social, political and religious lives of people in Ethiopia. Despite its drawbacks in marginalizing women in some aspects, this system developed unique and innovative mechanism for protection of the rights and interests of women. The non-state system can contribute through partnership and collaboration with the formal system providing culturally acceptable and meaningful justice (Ayalew, 2012).

Cognizant of the existing literature in the international level it might be possible to say that divorce is a highly researched social problem. However, in African countries, including Ethiopia, the number of studies on divorce and family arbitration are minimal. When we look the existing literatures in African countries, we could know the experiences of South Africa, Nigeria,

Malawi, Mozambique, and Ethiopia. The existing published and unpublished studies in Ethiopia are limited to causes, consequences and a little on prevalence of divorce.

From the aforementioned studies two knowledge gaps have been identified from the studies so far conducted on divorce and traditional family arbitration, which in effect calls for an in-depth look into.

- First, as stated above, studies so far carried out appeared to have overlooked that how divorce feeds into internal displacement, external migration, human trafficking and transmitting widely HIV/AIDS.
- Second, studies pay scanty or no attention to assess effects of traditional family arbitration and legal divorce on divorcees and their children, which could happen related to the preference of disputing spouses among the formal state-run court process and the informal one.

These core empirical gaps so far identified and this study aimed to carry out an in-depth study in the second knowledge gap.

Objectives of the study

General objective

The general objective of this study is to assess major effects of traditional family arbitration and legal divorce on divorcees and their children vis-à-vis their preference of court litigation to arbitration.

Specific objectives

- To identify major incentive and disincentives of traditional family arbitration and legal divorce.
- To distinguish basic reasons of disputing spouses to shift from traditional arbitration to

court litigation.

- To comprehend why the court redirects spousal cases for arbitration.
- To discern the composition and role of arbitrators in settling familial disputes.

Research Questions

- What are primary advantages and disadvantages of traditional family arbitration and legal divorce for divorcees and their children?
- What are compelling factors of conflicting spouses to shift from traditional arbitration to the legal proceedings?
- Why the court is redirecting disputing spouses' case to be resolved through arbitration?
- What are the roles of arbitrators and how they are composed for arbitration?

Scope of the study

The target area of the study has been Boloso Sore *Wereda*, Wolaita Zone in SNNPR Ethiopia, which constitutes 29 *Kebeles*. Based on the preliminary data gathered previously from the court, two *Kebeles* are selected to which underlying condition pertaining to divorce is subject to the study. Hence, purposeful sampling has been employed to identify target groups. More specifically, the units of observation have been divorcees, their children, spouses reconciled after opening of file for divorce.

Significance of the Study

The study is supposed to have two fold implications. Empirically, findings of the study are hoped to fill the ongoing theoretical lacuna and thereby add values to current knowledge production. Particularly, findings and its implications for social work are believed to serve as food for thought for policy makers so that they can make use of it to enact a new legislation and or amend the existing laws to provide strong legal support for TFA. On the other side, the

leading actors and cohorts could be able to identify the strength and weakness of TFA and work on it accordingly. All concerning GOs and NGOs will get professional suggestions on TFA, CL, and LD. Conflicting spouses can use to identify the appropriate way to resolve their dispute. Specifically, however findings are thought usable for a wide ambit of awareness creation purpose, to which findings can be disseminated through various community service outlets.

Operational Definitions

Divorce: is a legal separation of married spouses or ending of marital relationship between husband and wife usually freeing the parties to remarry.

Family arbitration: is a type of traditional trial; couples instead of resolving disputes in trial in a public courtroom, resolve it in a private setting before an arbitrator. In this paper traditional family arbitration, family arbitration, traditional arbitration and arbitration has been used interchangeably, unless it is used for another connotation contextually.

Marital Dissolution: is a condition in which parameters of marital union cease to live together as husband or wife especially due to divorce or separation.

Chapter Two

Review of Literature

General Overview

Divorce is a complex event that can be viewed from multiple perspectives. For example, sociological research has focused primarily on structural and life course predictors of marital disruption, such as social class, race, and age at first marriage. Psychological research in contrast has focused on dimensions of marital interaction, such as conflict management or on personality characteristics, such as antisocial behavior or chronic negative affect Gottman (1994) and Leonard & Roberts (1998) (cited in Amato & Perviti (2003). Due to its multifaceted effects on divorcing spouses, children, and other family members a number of researchers had invested their resources to investigate its causes and economic, social, psychological, and health impacts.

In this review of related literature different dimensions of divorce and traditional family arbitration practice of different cultures in the world has been reviewed in detail. The first part assesses causes of divorce at global, African and national experience. The second and third part explores prevalence of divorce and effects of divorce on divorcees and their children respectively. Traditional family arbitration practices addressed at fourth part of the literature cognizant of causes and prevalence of divorce. This study has been governed by three theoretical frameworks namely family system theory, structural functionalism theory, and conflict theory.

Causes of Divorce

Due to a complex and dynamic social interaction of the contemporary world, the causes of divorce considerably vary from place to place. Amato and Perviti (2003) investigate people's reasons for divorce by using United States national panel data collected between 1980 and 1997 to sort 208 people's open-ended responses to a question on why their marriages end up with

divorce. This study disclosed that infidelity is the most commonly reported cause, followed by incompatibility, drinking or drug use, and growing apart. Specific reasons for divorce varied with gender, social class, and life course variables. A study carried out by Kiernan & Mueller (1998) revealed that people who embark on partnerships at an early age, cohabitants, those who have experienced parental divorce, and those who are economically, somatically and emotionally vulnerable have higher risks to end up their marriage by divorce.

A research conducted by Furtado, Marcenand, and Sevilla-Sanz (2010) revealed that divorce culture has a stronger impact on the divorce decisions of females than of males pointing to a potentially gendered nature of divorce taboos. The researchers also found that divorce tendencies are especially weak for immigrants from countries with low divorce rates that reside amidst a large number of co-ethnics. Suggesting that, culture is transmitted not only from parents to children but also within ethnic communities. Given the importance of divorce as a determinant of later outcomes in life, the findings of the same study imply that culture should be taken into consideration when formulating family policies.

Umoh and Adeyemi (n.d.) conducted research participating randomly selected Six hundred students from both sexes of tertiary institutions of Kwara State, Nigeria. Their result showed that students perceived barrenness as the number one cause of divorce followed by repeated sickness of any of the spouses. Religious differences and sexual problems occupied third and fourth places respectively. Cross-cultural marriages and age differences were reported the last factor causing divorce.

A paper by Adegoke (2010) on the socio-cultural factors as determinants of divorce rates among women of reproductive age in Ibadan Metropolis, Nigeria showed that there is strong relationship between the cultural factors and childlessness within the first marriage, marriage

support by family and relatives, age at marriage, couple's role obligation and couple's ethnic or cultural background and divorce rates among women of reproductive age. The same study also revealed that there is significant relationship between educational background and religious affiliation of women and divorce rates.

A study conducted by Bereket (2012) on determinants of marital dissolution in Ethiopia proved that the rate of divorce among educated women is lower than those who are not educated. The result of his study showed that there is difference in women's divorce status among rural and urban residence. Women residing in rural areas are more likely to divorce than women residing in urban areas are. The reason could be that women who live in rural areas tend to marry at younger age than those in urban areas. Rural women may be more likely dependent on husbands because of less access of education as well as other social facilities in rural areas.

Additionally, the study of indicated that age at marriage is an important variable, which was found to be a determinant of marital dissolution. The study further indicated that the reason could be young women tend to be less mature and make less forward looking decision and poor role model performance which results from lack of adequate role models during adolescence. Religion appears to be an important determinant of divorce. High prevalence of divorce cases has been observed among Coptic orthodox women followed by Muslims and then by protestant women showing that religious affiliation of women has a significant effect on divorce (Bereket, 2012). Moreover, the result of Bereket's study revealed that number of living children in the household is an important variable, which significantly affects marital dissolution by divorce. Women with no child experienced the highest rate of divorce compared to women who have one or two children and three or more children showing that the larger the number of children in the household the lower the possibility of divorce.

A study carried out in Eastern Gojjam by Askalemariam and Minwagaw (2013) on divorce rates, causes and consequences documented that lack of conflict management skills, interference from parents and communication problems were the main possible causes of divorce in the zone. Likewise, Serkalem (2006) studied cause and consequence of divorce on the lives of divorced women and their children a comparative study between divorced and intact families in Addis Ababa. This study revealed that husband's addiction to *Khat*, alcohol and smoking and other economic problems contributed the larger share for rapidly increasing divorce cases. In addition, sexual incompatibility, fertility problem of both couples, pressure from friends and families on the couples' issues, difference in religious and ethnic background are the major causes of divorce in the city.

Prevalence of Divorce

Divorce rate is alarmingly increasing in all over the world. There are a couple of reasons for the raise of prevalence of divorce at any corner of the universe. Bramlett and Mosher (2001) conducted a study to understand level of first marriage dissolution, divorce, and remarriage in United States. This study showed that one fifth of first marriages end within 5 years and one-third end within 10 years. First marriages of teenagers disrupt faster than the first marriages of women who were ages 20 years and older at marriage. First marriages of black non-Hispanic women dissolve at a faster rate: 47 percent end within 10 years compared with 34 percent for Hispanic, 32 percent for white non-Hispanic, and 20 percent for Asian non-Hispanic women. Virtually all separations among white non-Hispanic women (98 percent) end in divorce within 6 years, compared with only 80 percent of separations among Hispanic women and 72 percent of separations among black non-Hispanic women.

Moreover, the above study revealed its result based on the age of the women and

documented that women under age 25 years at divorce are more likely to remarry than women at least age 25 years at divorce. White non-Hispanic and Hispanic women are much more likely to remarry than black non-Hispanic women are. White non-Hispanic women are slightly more likely than Hispanic women to remarry. The data suggested that women who remarry before age 25 years are more likely to experience a second marital disruption than women who remarry at ages older than 25 years, although the difference is only significant at late marital durations. Black non-Hispanic remarriages are more likely to disrupt than Hispanic or white non-Hispanic remarriages.

Reniers (2003) examined Divorce and remarriage in rural Malawi and concluded that the demographic study of rate of marriage in African countries is not very developed and often of secondary interest in a discussion of the proximate determinants of fertility. This paper used unusual marriage history data to examine divorce and remarriage in rural Malawi. An investigation into the determinants of marital instability using proportional hazards models confirms the importance of kinship systems and female empowerment, but the mechanism underlying the high divorce rates in Malawi is more complicated than that.

In Ethiopia marriage has different forms like cultural, religious and civil. Still the cultural and religious marriages are widely practiced where civil marriage is becoming more common. In Ethiopia, it is not as such simple to find the statistical data that can give relevant information about the divorce rate in national, regional, and cities administrations levels except the general study conducted by Dana and Larsen (2000). According to this study in Ethiopia 45% of all first marriage ends in divorce or separation within 30 years. In a similar vein, 28% of marriage disrupt within the first five years, 34% within 10 years, and 40% within 20 years. In addition, the same study stated that 2/3 of women divorce within the first five years of marriage.

Effects of Divorce

Divorce is believed to have vicious circling and complicated social, economical, psychological, and health impact on divorcing parties and their children. A study carried out by Fagan and Churchill (2012) showed that divorce permanently weakens the family and the relationship between children and parents. Additionally, divorce frequently leads to destructive conflict management methods, diminished social competence for children and the early loss of virginity, as well as diminished sense of masculinity or femininity for young adults. It also results in more trouble with dating, more cohabitation, and greater likelihood of divorce, higher expectations of divorce later in life, and a decreased desire to have children. Furthermore, divorce leads to disruptions in the parent-child relationship, continuing discord between former spouses, loss of emotional support, economic hardship, and an increase in the number of other negative life events.

A study conducted by Waite & Gallagher (n.d.) assessed the possible consequences of divorce for adults and concluded that compared to adults in a stable marriage, divorced adults have poorer physical and mental health. They experience more social isolation than adults of intact family. After a few years, most divorced fathers do not have regular contact with their children. For some divorced adults, new romantic relationships help rebuild self-esteem and happiness, but for others, new romantic relationships end up producing greater feelings of loneliness, unhappiness, and lower self-esteem. Many individuals struggle to manage their emotional ties to their ex-spouse. They continue to be dependent on them for emotional support and practical matters. They remain deeply attached even though the legal ties have been broken. Continuing strong attachment to the ex-spouse makes it harder for adults to adjust to divorce. The ability to embrace change is one of factors that help individuals adjust better to divorce.

The findings of Landucci (2008) showed that divorce might affect the academic success of some students. The researcher recommended school counselors to have an awareness of the warning signs that a student is struggling with home-life issues that carryover into the classroom. Strategies that school counselors may use to minimize the impact of a troubling divorce include support groups, individual counseling, referral to community agencies, and effectively communicating with both sets of parents. Marital instability is a breakdown in communication among couples resulting in constant arguments, verbal and physical attack, and psychological ill health, emotional and physical separation and sometimes divorce (Filani, 1984).

A paper by Reilly (2009) addressed the economic consequences of divorce and the role of child support, labor force participation and means tested transfers over. The finding shows that as it was expected family income sharply declined for divorced or separated women. They need continuous support for the well-being of their children and themselves. Palosaari and Aro (1995) conducted research on parental divorce, self-esteem and depression an intimate relationship as a protective factor in young adulthood in Finland. Their findings suggested that an intimate relationship in young adulthood can act as a buffer against the risk of low self-esteem, while the lack of it may predispose to depression in young adulthood.

A paper by Hewitt, Skrbis, and Mark (2009) studied the association between parental divorce and adolescents' expectations of divorce in Australia. This study showed that these perceptions and expectations are likely to contribute to the trajectories and behaviors that increase the risk of divorce. Accompanying, it also implies that the experience of parental divorce not only influences health and schooling outcomes for adolescents but also influences the plans and expectations that adolescents have of their future family outcomes.

Orisa (2009) investigated the impact of family disintegration on the academic

achievement of secondary school students in Ogba/Egbema/Ndoni, Nigeria. The researcher used 50 students and 50 teachers as a representative sample for the study. The finding discovered that students from disintegrated families performed poorly in continuous assessment. They also lacked the essential learning materials, which invariably force them to drop out of school. Sender & Oya (2007) studied the life of divorced, separated and widowed female workers in rural Mozambique. According to this study compared to other rural women, a high proportion of female wageworkers in rural Mozambique are divorced, separated or widowed. The study explored the relationship between labor market participation and female divorce or widowhood is stronger than with other women of the same area. A study carried out by Ahiaoma (2013) listed the results of psychosocial effect of parental separation or divorce on adolescents as the poor academic performance, social development, interpersonal relation and pitiable emotional stability manifestations.

A study carried out by Kumar and Quisumbing (2011) in rural Ethiopia showed that women who believe that their husband would get all the assets in case of a divorce also tend to perceive less control over their lives. The most striking problem is women were not receiving the proportional share of their common property, because of their poor understanding about the division of property after divorce. Whereas, the responsibility of paying cost of child schooling and food expected from women. The same research revealed that, not only children in households where resource allocations favor the husband suffer more compared to children of the same age, but also girls fare even worse than boys in the same household do.

Serkalem (2006) study uncovered that the separation of a child from his/her parent creates devastating and traumatic effects on his/her lives after. Children from divorced families deprived of love, care and support of their non-custodial parent. It is affecting the healthy growth

and functioning of their psychology and social life. Askalemariam and Minwagaw (2013) showed that the possible consequence of divorces were anti-social behavior, school dropout, engage in addiction, develop delinquent behavior, theft and immoral acts of conduct can be develop in divorced families.

Traditional Family Arbitration

Disputes, mainly arising within a family for different causes have been resolved through traditional family arbitration. On that way of conflict resolution the emergence of modern laws weakened the power of it. In some critical areas the power of arbitration was revoked by other new laws. To this effect, over the past two decades family mediation and arbitration has made a name for itself as an alternative dispute resolution process for disputing and divorcing spouses. Kelly (2000) studied the challenges of family mediation and arbitration field and concluded that the family mediation and arbitration field has struggled for the last twenty-five years to become a credible option and significant presence in separation and divorce actions. In the past decade, family arbitration has emerged as a major dispute resolution process in many states within the U.S., Australia, Canada, and Scotland. With increasing acceptance, family mediation and arbitration has broadened to include adoption, child protection, guardianship, juvenile, parent-teen, and probate matters, although divorce mediation remains the predominant practice.

Boniface (2012) investigated a humanistic approach to divorce and family arbitration and mediation in South African. The comparison revealed that there are some similarities between the stages African humanistic mediation/arbitration and in Western-style. In both styles, venting of anger is allowed during the first sessions is recognized as a process whereby parties rid themselves of their anger so that it does not stand in the way of reconciliation. An important difference between the two approaches is that in humanistic mediation/arbitration openness and

public disclosure are common and can be seen as helping people heal as the truth is made known and brought into the open. In the reverse in most Western styles it is common to be held behind closed doors.

Amuda (2007) studied the concept of mediation/arbitration in a Nigerian Customary Law and Shari'ah System. This study revealed that customary system of mediation/arbitration between the husband and wife is slightly similar with Shari'ah system in terms of achievement and conceptualization. Parents and family plays and contributes admirable and immeasurable efforts in saving many marriages from divorce. Lack of parents' intervention reflects in rate of divorce in Nigeria and its consequences always fall on parents and concerned couples.

Fekadu (2009) critically analyzed the underlying distinctions between Alternative Dispute Resolution (ADR), *Shimglina* and arbitration in the Ethiopian context, what vaguely lies between ADR and Arbitration is *Shimglina*. According to Fekadu this is a mixture of both Arbitration and ADR at least in terms of the process aspect. This study clarified that being unique to Ethiopia however *Shimglina* is both pervasive throughout the country and sometimes used as a catchword to refer to all forms of out-of-court dispute resolution mechanisms. Consequently, the researcher concluded that the concept of *Shimglina* is so vague and imprecise to translate the concept of arbitration into Amharic. In this connection, Ethiopian law does not have consistent term in Amharic for the concept of arbitration, but freely uses *giligil*, *yezemed dangninet*, *irq* and *shimglina*. In the same study Fekadu stated that, although none of these words hit the nail on its head with due precision, '*giligil dangninet*' seems to be preferable for it has gained better acceptance among the lawyer community, and owing to its wider use in recent legislations.

Solomon (2009) analyzed jurisdiction of arbitrators under the Ethiopian Civil Code of

1960 and stated that nowadays the advantage of arbitration over litigation in providing a neutral, efficient and effective dispute settlement mechanism is uncontroversial. Arbitration plays central role by providing independent, competent, impartial, effective and efficient dispute settlement mechanism, which is neutral from the national jurisdiction of any specific country. This clear advantage of arbitration over litigation, not only in providing efficient means of dispute resolution but also serving as a rescuer who will assume part of the increasingly heavy load of court dockets, leads to a worldwide move towards pro-arbitration policy.

Solomon (2009) continued that the arbitration law as enshrined in the 1960 civil code of Ethiopia leaves much to be desired with respect to the doctrine of separability, the doctrine of competence-competence, and the rule of interpretation of doubtful and unclear arbitration clauses. Solomon concluded that the code, which was adopted almost half a century ago seems to be out of touch with the current and modern developments of arbitration law.

Ayalew (2012) studied customary laws in Ethiopia and concluded that customary laws and practices as a system of governance and an institution of ritual performance play a great role in regulating the social, political and religious lives of the people in Ethiopia. Despite its drawbacks in marginalizing women in some aspects, these systems developed a unique and innovative mechanism for protection of the rights and interests of women. In general, the whole question of the mandate of customary laws and institutions and their relations and interactions with the formal justice system deserves careful reconsideration in order to allow for greater recognition, while ensuring that human rights abuses are avoided and that the rights of women are respected. The researcher was not as such proposing that all customary laws and institutions are worthy of legal recognition, nor arguing that they do not have weaknesses. Rather he believed that there is a strong case for acknowledging the value of certain customary laws. The

non-state system can contribute, through partnership and collaboration with the formal system, to providing culturally acceptable and meaningful justice.

The literature reviewed above depicted the causes, consequences, prevalence of divorce, its coping mechanisms and arbitration practices internationally, continentally, and nationally. Divorce is miserably driving the rest life of divorcing spouses and badly affecting the wholesome development of their children after divorce. Traditional family arbitration is one of many processes used to resolve disputes between divorcing parties. Adamopoulos (2012) listed the benefits of arbitration in U.S. According to this study, divorcing couples can select the arbitrator who will arbitrate their issues. They have the option to select an arbitrator who has specific experience in an area of their interest, the spouses can define the specific issues to be addressed by the arbitrator by their full consent, pick day, time and location of their hearing, enjoy privacy, confidentiality, and a less formal setting in arbitration.

In Ethiopia, less attention has been given to strengthen the most effective marital dispute resolution mechanism, arbitration. Traditional arbitration generally and family arbitration practice particularly are not well-researched social problems in Ethiopia. The researcher could not find research papers, books, journals or organizational report on family arbitration practice of any culture in Ethiopia except the aforementioned general arbitration practice on other conflicts. This implies that traditional family arbitration practice needs due attention of academic professionals to conduct intensive research based on different cultures, religious affiliation, and ethnic background with the purpose of bridging the existing knowledge lacuna.

Theoretical Framework of the Study

This part of the paper begins by presenting three theoretical orientations (family system theory, structural functionalism theory, and conflict theory) that have provided the foundation for

most empirical research. System theorists emphasize that a problem exhibited on one of a family member is the effect of the environment or social system in which he/she is living on. Structural functionalists perceived that the failure of one system significantly affects the function of another system. Conflict theory focused on principal causes of marital conflicts and consequent crises.

Conflict theory

Conflict theory is rooted in sociology where it is used to explain differences between classes within society and the competition for scarce resources, including economic wealth, political power, and social status. The famous social philosopher Karl Marx (1818-1883) sometimes referred to as the father of conflict theory. His thinking was profoundly influenced by an earlier German philosopher, Georg Wilhelm Friedrich Hegel (1770-1831). Hegel's theory about the evolution of ideas, known as the Hegelian dialectic, postulated that an accepted idea (the thesis) would eventually be challenged by its opposite (the antithesis) until a stable middle ground was reached that combined aspects of both extremes (the synthesis). The synthesis would then become the new thesis, and the whole pendulum process would begin again (Russell 1945/1972).

Conflict theory focuses on the explanation of orderly as well as disorderly societal processes. In the context of marriage and family studies, it explains "how and why stability and instability occur and under what conditions harmonious interpersonal bonds are possible" (Sprey 1979, 130). All humans engage in conflict situations, and understanding the management of conflict will lead to an understanding of stability and instability in marriage and family. Obviously not all conflicts can be managed, and divorce is the result when marital conflicts cannot be resolved. Researchers studying divorce have identified various processes that

correspond to the divorce experience, including the emotional, economic, and societal divorce (Shehan and Kammeyer 1997).

These processes represent resources that affect the couple differentially and will affect the divorce experience for each partner differently. For example, if one partner has more emotional power by having more emotional closeness to the children, then custody arrangements might be of most importance for that member in the divorce proceedings. If the couple has vast economic holdings and no children, then perhaps the economic settlement may be the most important. If the couple lives in a small community, then perhaps the social aspect of the divorce will carry the most weight. In the worst-case scenarios, these resource issues collide as one partner spreads rumors of drug use or child molestation in order to ensure child custody, or another partner declares bankruptcy in order not to have to pay child support to retaliate for the ex-spouse winning child custody. Obviously, in these conflict-habituated relationships, conflict did not lend itself to the positive growth and change that the theorists envisioned but still demonstrated the use of competition, power, and attempts to access scarce resources.

Following the theoretical bases of conflict theory the data collection tools of this study tried to dig out major causes of conflict among spouses. Moreover, at the time of data collection in line with this theory the researcher tried to identify various processes that correspond to the divorce experience. Making use of different data collection instruments the level of emotional, economic, and social divorce of actually divorced spouses has been critically assessed.

Family system theory

It is generally believed that family systems theory emerged primarily in the 1960s. However, the basic concepts that would eventually lead to a coherent theory were being discussed a long time before that. For example, in 1926, Ernest Burgess made a presentation

to the American Sociological Association that became a landmark publication. He referred to the family as "a unity of interacting personalities." He explained that this means that the family is much more than its formal or legal definition; instead, it is a living, growing super personality that has as its essence the interaction of its members. Burgess (1926) went on to describe two basic family types: the highly integrated and the nonintegrated family. The first is characterized by rituals, discipline, and interdependence; and the second, by a lack of those features. He discussed the importance of the roles played by each family member, how problems result when they conflict, and how one member can be identified as the "family problem."

These insights are all elaborated on in Waller's (1938) classic textbook on the family with title "The Family as an Arena of Interacting Personalities," begins by discussing how the family is basically a closed system of social interaction. It also discusses how the family is the greatest source of influence on a child and that the child's personality also affects the parents. And perhaps most important, Waller explores the idea that family experiences are repetitive and are based on patterns of interaction. In general, family systems theory has its greatest utility in communication and clinical applications. During the 1980s, there was a plethora of activity using systems' theory in addressing a variety of family issues in both family scholarship and family therapy.

Basically system theory assumes that the whole is greater than the sum of the parts. A family is much more than a collection of individuals who live together and are related to each other; it has a holistic quality. As a natural social system, it possesses its own characteristics, rules, roles, communication patterns, and power structure. It represents an integration of parts such that individual members can only be understood within the context of the whole. A common analogy to illustrate wholeness can be depicted by a cake. While the

individual ingredients (e.g., flour, sugar, cocoa, oil, baking soda) are the component parts, what is removed from the oven (i.e., the cake) is of a very different quality; it is more than each of the individual elements. An insignificant member (e.g., small amount of baking soda) has the potential to impact the whole by influencing whether the cake rises or is flat.

The locus of pathology is not within the person but is a system dysfunction. Here, the individual is the unit of study, and problems are presumed to be "in the head" of that person. However, with systems theory, the locus of pathology, or the location of the problem, is not within the person. Rather than saying that an individual has a disease, we say that the system of which he or she is a part is dysfunctional. That is, problems are seen as being a function of a struggle between persons. Think of a family as being represented by a circle for each member, with lines connecting them. The lines represent the communication patterns—the ways they speak to and act toward each other—between the members. Systems theorists believe that the problems are in the lines rather than in the circles. This applies, of course, to normative or functional behaviors as well, even though clinical applications tend to focus on difficulties.

This interpersonal rather than intra-psychic perspective considers all behavior to be a part of ongoing, interactive, and recurring events, with no real beginning or end points. Therefore, a person who manifests some symptomatic behavior is seen as representing a dysfunctional system. Some are disturbed by this, taking it to mean that individuals are not responsible for their behavior and that they can, therefore, blame their problems on their family or society. Actually, according to systems theory, time is not wasted on blaming because the beginning points of a conflict typically cannot be found. We are then free to focus on how to resolve the problem rather than being distracted by trying to find someone to punish for it. It is

recognized that individuals are ultimately responsible for their own behavior but that no behavior can be understood in isolation. One's behaviors, emotions, and interactions make sense only within the context of their social world or the environment in which they occur. Dysfunctional families, particularly alcoholic families, reveal certain roles that are found to some degree in most families (Winton 1995). The parent with the chemical dependency (in this example, the father) plays the role of the dependent person. His job is to bring grief to the family while blaming others for his abuses.

In line with the theoretical framework of family systems theory the influence of external environment in which disputing spouses and their family living in and the counter impact of that family on the environment have been incorporated in the data collection tools and carefully assessed. The ideology of this theory was very helpful to understand the influence of culture, religion and others social system on the disintegrating families. On the reverse, a number of social crisis happened to the large society due to the disintegration of families has been thoroughly observed through this theory.

Structural functionalism theory

Functional theory, as it is often called, is based on the "organic analogy." This is the idea, developed by early social philosophers such as Comte and Durkheim, that society is like the human body. While the body is made up of various parts such as the organs and muscles and tissues that need to work together for it to be healthy, society is also comprised of many parts that must function together in order to work properly. Each part needs to be in a state of equilibrium, or balance. Just as the human body has evolved over time, so has society. Comte introduced "positivism" the view that social science should be based on empirical observations into social thought. He also focused on terms that later became popular in functional theory like

solidarity and consensus, which refer to the interconnectedness of social life and the source of its unity. Durkheim was also concerned with how social systems are integrated and hold themselves together (Kingsbury and Scanzoni 1993).

The writings of social anthropologist Alfred Radcliffe-Brown (1952) were pivotal in establishing a field of comparative sociology, with structural functionalism as its most important tool. His essay on understanding the role of the mother's brother in certain societies helped to supplant social Darwinism with the new and, at the time, relatively sophisticated framework of structural functionalism.

The leading thinker of functionalism in America was Talcott Parsons (1951), who believed that behavior was driven by our efforts to conform to the moral code of society. The purpose of such codes is to constrain human behavior in ways that promote the common good. The purpose of an organism is to survive. In order for a society to survive, the subsystems (the family and other institutions) must function in ways that promote the maintenance of society as a whole. This is similar to how a person's organs must function in interrelated ways in order to maintain good health. For Parsons (1951) the key to societal survival was the shared norms and values held by its individual members. Deviation from those norms leads to disorganization, which threatens the survival of the system. Because the family is the key system in society, divorce, teen rebellion, non-marital sex, and single parenthood all threaten the structure or the functions of the family and therefore need to be avoided.

By the 1950s, functionalism had become the dominant paradigm in sociology, and it has had a tremendous impact on family studies. For example, family research since the 1930s has adopted the organic model, with its many studies on marital quality and adjustment. Family stability is assumed to be critical to childhood outcomes, and because marital

satisfaction is central to that stability, it must be one of the most important research questions in the field. Further, the existence of any social structure, such as the family, is explained by the functions it carries out for the greater society (Kingsbury and Scanzoni 1993).

The social upheaval of the 1960s led many to criticize functionalism for its inability to deal with change. Parsons (1951) did not see deviant behavior as contributing to positive change, whereas others, such as Merton (1957), did recognize the role of conflict in maintaining equilibrium or leading to a new relationship status. Other writers (Goode 1969) strove to raise the level of theoretical rigor in the discipline. Parsons ignored these ideas, feeling that change always came from the outside (such as industrialization leading to the preeminence of the nuclear family) and that children only learned culturally approved values in the family. He also called on Freudian ideas to support his claim that there were biologically driven roles (instrumental and expressive) that men and women should fulfill within the ideal structure of the nuclear family.

As a result, structural functionalism fell into disfavor with scientists after the 1970s. Holman and Burr (1980) declared it to be a "peripheral" theory with very little to contribute to contemporary thinking. Nevertheless, its organic model and the concept of the family needing to stay in balance are important assumptions in more modern family theories, such as stress and systems theories (Kingsbury and Scanzoni 1993).

In addition, the case has been made (White, Marshall, and Wood 2002) that a considerable amount of present-day family research uses family structure without explicitly recognizing it as a key variable. They concluded, using Canadian data on childhood outcomes, that parenting processes are more important than family structure. There are contemporary scholars, such as Wallerstein and Blakeslee (1989) and Popenoe (1996), who argued that the

intact nuclear family is still an important component in healthy child rearing. Perhaps more important is the fact that family structure continues to play a role in political decision making. White, Marshall, and Wood (2002) indicated that politicians, in making decisions about single parents and welfare, for instance, often overestimate the importance of family structure in creating their policies.

Structural functionalism is basically a theory of social survival. Its key idea is that families perform the critical functions of procreation and socialization of children so that they will fit into the overall society. Theorists ask themselves what is needed for a society to maintain itself and then what institutions or subgroups within that society are providing them. They conclude that the intact nuclear family of husband, wife, and their children is the ideal structure. This is the configuration of individuals in the modern world that works best in meeting the needs of its members as well as those of the larger society. That is, it functions best.

All systems have functions. Theoretical work has focused principally on the functions carried out by the family and what these functions accomplish. Although other functions are mentioned, the procreation and socialization of children are central. The main function of any social system, including the family, is simply to maintain its basic structure. Parsons (1951) concluded that the best way to do this was for husbands and wives to play certain roles. Males need to be instrumental, which means that they are the ones who provide for the family. Because of this, their abilities should be focused on meeting the physical needs of family members in terms of food, shelter, education, and income. By contrast, females are to be expressive, meaning that they meet the emotional needs of family members by being nurturing and smoothing out problems in relationships. According to this theory, the biological imperatives of motherhood predispose women for this "indoor" work, whereas the greater physical strength of men leads

them naturally into the provider role (Winton 1995).

In order to comprehend the functions of all systems within a community of study area and individuals within a family the principles of structural functionalism theory has been incorporated in the data collection tools. The ability to play roles of a husband and a wife has significant impact on the stability of a family. Dysfunctional family member, especially one of spouses, considerably affects marital quality and stability. During the data collection time these points carefully explored and analyzed latter.

Chapter Three

Research Methods

Research Design

This study employed qualitative research method. This method has been chosen due to its methodological imminence. Qualitative method allows to grip a wide colossal data regarding social construction, making preference, social perception, and change and continuity of marriage and divorce, which otherwise would be difficult to do so (Yin, 2003). A qualitative research approach was preferred to answer the research questions of the inquiry going directly to the social phenomenon under the study. Thus qualitative methods allow gathering evidences for contingent facts that participants narrate empirically their lived experiences in their own ways.

Yin (2003), has confirmed that qualitative method is very helpful to understand complex sets of social phenomena and allows retaining the whole data of meaningful societal life. One of the strengths of the qualitative study is the comprehensiveness of perspectives it gives to the researcher (Rubin and Babbie, 1993). In concurring with these views, Seidman (2006) argues that qualitative method is quite appropriate to study social behaviors and analyze contextually people's behaviors in relation to actual process of life.

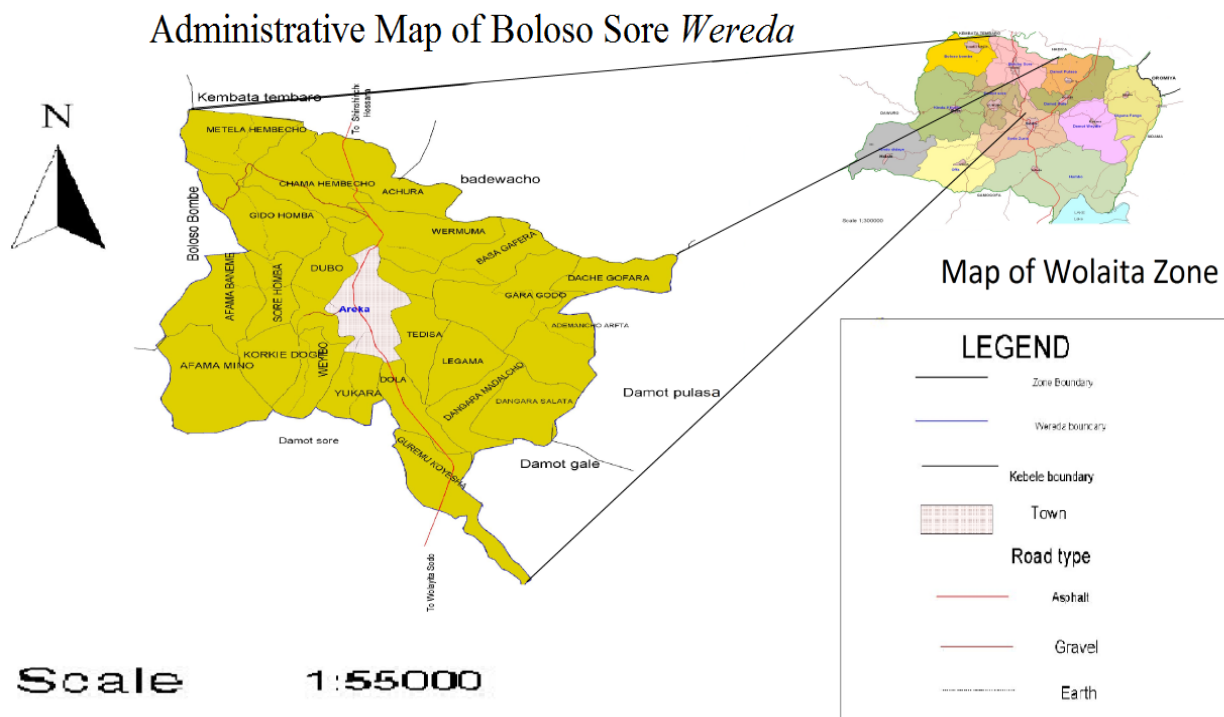
Nevertheless, in this study exploratory approach of qualitative method has been employed to excavate as much qualitative data as possible. This approach appeared to have appropriate way of exploring and immersing to the social realities that are not well researched. In agreement with this, for instance, Kreuger and Neuman (2006) claim that exploratory approach remain valuable instrument to grasp large data specially in study sites where is known little or in societies that handover knowledge orally to their generations. The authors went further to assert that exploratory approach answers "what" questions whose aims are to become familiar with

“basic facts, setting, and concerns” about an issue least dealt out.

Thus, exploratory approach appeared to have useful to figure out the effects of TFA and LD on the divorcees and their children. And thereby the data will answer realistically why divorcing spouses prefer the courtroom litigation than the traditional family arbitration and on the contrary, why family court redirects the case of litigating spouses’ to be resolved through traditional arbitration. As discussions were made in preceding sections these points has been understudied in Ethiopian context in general and in the study area in particular. Moreover, exploratory approach has been also helpful to generate new concepts on the subjects of spousal disputes, family arbitration and litigated divorce in Ethiopia.

Description of the Study Area

The Wolaita zone is the one from the fourteen zones of SNNPR state of Ethiopia and covers approximately the area of 4471.3 km². This study was conducted in one of the twelve *Weredas* of the Zone, called Boloso Sore with its administrative town Areka. Boloso Sore *Wereda* has been purposefully selected because of its higher rate of divorce among other *Weredas* in the Zone. The *Wereda* has a total population of 220,735 of whom male 106,716 female 114,019 according the 2008 People and Housing Censes report of CSA, which is collected from the *Wereda* Finance and Economic Development Office. Areka is 415 Km away from Addis Ababa through Ziway-Shahemene and in the other way it is 299 Km through Addis Ababa-Butajira-Hossaena to Areka. Similarly, it is 199 Km from the regional city Hawassa. Boloso Sore *Wereda* encompasses 29 *Kebeles*. Among those Chama Hembecho and Korke Doge *Kebeles* were purposefully selected for this study.



Sample Size

The sample size of this study has been determined by data saturation. At the time of research proposal preparation it was planned to conduct in-depth interview with 5 different individuals from each *Kebele*, but the data collected from 5 in-depth interviewees was unable to answer the research questions fully. Therefore, with the intention to attain the level of data saturation in-depth interview has made with 7 individuals (three divorcees, two children of divorcees who ages above 15 years, three spouses reconciled after litigation for divorce) from each *Kebele*.

Additionally, FGD have been conducted with homogeneous discussants. In order to have ample information on the issue under study 6 divorced women and 6 reconciled men from Chama Hemebecho *Kebele* and 6 divorced men and 6 reconciled women from Korke Doge *Kebele* purposively selected for FGD of this study and shared their lived experience through discussion. Furthermore, two arbitrators and two *Kebele* leaders (one male and one female) and two court judges among the four has been purposefully selected as key informants.

Sampling Technique

This study has employed non-probability purposive sampling technique. Among the 29 *Kebeles* of the *Wereda* the study sample size has been selected using purposive sampling method. Of the whole *Kebeles*, two *Kebeles* have been selected for the study as a sample. The selection and inclusion criteria of these *Kebeles* in the study based on their higher rate of divorce compared to other *Kebeles* depending on the preliminary data gathered from the court. Selecting two *Kebeles* for this study was feasible from time and cost perspective. In-depth interviewees, FGD participants, and key informants also selected using purposive sampling technique.

Inclusion and Exclusion Criteria

The inclusion criteria for in-depth interviewees;

- Providing a petition for divorce
- Engaging in the court trial for divorce
- Both divorced and reconciled spouses are expected to have experience of TFA
- Being children of divorcees is mandatory for Children participants

Exclusion criteria for in-depth interviewees

- Spouses who are disputing but not opened file at the court for litigation
- Disputing spouses who settled their dispute out of TFA process
- Children of intact families and children of divorce whose age is under 15 have been excluded from the study

FGD participants have been selected based on their case, gender, and understanding similarity.

Inclusion criteria for key informants

- Court judges and traditional arbitrators have been selected as key informants

based on their special knowledge and long time experience on the issue under study.

Exclusion criteria for key informants

- Judges who are assigned recently and have no experience have been excluded from the study.
- Young community members who have no experience in arbitration have also been excluded from the study.

Data Collection Tools

Primary data gathering instruments were in-depth interview, focus group discussion (FGD), and participant observation. Primary sources of data have been used. Primary data are those collected afresh and for the first time and original in character. It is indispensably important to know the understanding, feeling, and lived experience of the research participants by their own words.

Data Collection Procedures

Comprehensive interview guides have been developed in order to have effective and well-organized interviews and discussions with participants, discussants and key informants. Data collection instruments prepared in English has been translated into the local language of the study area (Amharic and Wolaitigna languages). In order to validate the data collection tools ahead of the actual data collection tools have been pre-tested or pilot study has been conducted in *Woybo Kebele*, which is adjacent to *Korke Doge Kebele* where actual study carried out. The *Kebele* and individuals participated in the pre-test of the instruments were excluded from the study. Participants have been informed about the objective of the study to give their informed consent to participate in the study verbally before signing the written informed consent and

proceeding to the main discussion.

The researcher has used written interview guide for data collection. The proposed guideline has been critically important to ensure the degree of standardization in the data collection process. Questions have been carefully selected to gear towards stimulating discussion so that can be discussed thoroughly. Special attention has been given to participants to express their ideas and views about traditional family arbitration and legal divorce as well as its effect upon themselves and their children.

An in depth interview also has been began by briefing the objective of the study for participants and signing informed consent prepared. The interviewer has been used audio records upon the permission obtained from interviewees. Information collected from participants has been transcribed successfully to avert the risks of losing collected data.

The FGD has been started by introducing the researcher and briefing the discussants on the objective of the study. Following this, discussants have been given chance to raise questions, if they did not clear about the objectives of the study. The focus group discussion has been taken around 55 minutes on the average. The group discussions have been conducted at *Kebele* public gathering place in Chama Hembecho and on Farmers Training Center (FTC) in Korke Doge *Kebeles*. Participants all have been encouraged to take part wholly in the discussion and express their views.

Moreover, with the intention of collecting ample data on the research questions key informants interview also has been conducted by making use of standard interview guide. Key informants have been purposefully selected based on their special experience and knowledge on the issue under study. The selected individuals are 4 local arbitrators, 2 court judges, and 4 *Kebele* leaders.

Sources of Data

Primary source of information for this study have been in-depth interviewees and court registrar records. Participants have been selected depending on the information gathered from the court archives. Therefore, participants are chosen based on criteria that encompass divorcees, children of divorcees, and dispute settled spouses. On the other hand, secondary sources have been consulted starting from preparing the proposal to the actual research undertaking and data analysis.

Enhancing the Quality of Data

It is apparent that better quality data produces quality outcomes or realistic findings. Of course, quality is not an issue that put into negotiation. Evidences have been collected from multiple data sources with the aim of to enhance the quality of data. Data collection procedures have all been carried out progressively from one phase to the next, which in turn is meant data corroboration and triangulation are maintained side by side. Consent form is prepared ahead of data collection, the purpose of the study communicated to key informants and the collected data reiterated to the key informants so that they realize how their testimony to be considered. This in effect enhances reliability of the study by which the quality of data also enhanced.

Data Analysis Method

After a successful completion of data collection, the next and more serious task has been analyzing the collected data. The data has been analyzed using qualitative data analysis techniques to identify the theme and sub themes of the study. The collected data are systematically organized and thematically analyzed. The main theme of the analysis has been effects of TFA and LD on divorcees and their children. It has three sub-themes. First, pushing factors of spouses to prefer court litigation to TFA, second the intention of the court when

redirecting the case of disputing spouses for arbitration, and third sub-theme is individuals involving in family arbitration and their role on the result of arbitration. Before analyzing the field results, the in-depth interview, FGD discussion, and key informants interview information has been transcribed thoroughly. Furthermore, a comprehensive field report has been prepared using field notes and oral data have transcribed. The data analysis has been done manually. For that reason codes have been given to participants as divorced spouses D, spouses reconciled after court litigation R, children of divorce C, key informants KI, and FGD sessions as FGD.

Ethical Considerations

There are several reasons why it is compulsory to adhere to ethical issues during a research. Some ethical issues involve an abuse of power and trust. The researcher allocated pseudonyms for all key informants and participants to ensure that after the data have been collected no one would be able to identify who the informants are. Risks and benefits of the study and other ethical issues have been clearly stated in the informed consent attached at the end of this paper.

With regard to privacy, the researcher has kept secret the key informants' privacy and makes use of the collected data only for the research purpose. Depending on the fund gained for the study an average amount of money has been paid for the study participants per day. The payment is not a reward for participating and giving information for the study rather a compensation for loss occurred to the informants during the interview time only.

Chapter Four

Findings

This chapter presents the findings of this study collected from primary data sources. The demographic profile of divorcees, their children and other informants as well as major causes of divorce in the study area has been presented as a sub-theme of the findings. Then, prevalence of divorce in the area under study and its effects on divorcees and their children has been presented in details. TFA in the study area, which is a main theme of the findings, has been explained in detail. Legal grounds of family arbitration, composition, roles, and duties of arbitrators, arbitration procedure, and appointment and removal of arbitrators have been addressed as sub-themes of TFA. Women's predisposed preference of court litigation and underrepresentation of women in the arbitration process have been categorized as subsequent sub-themes and challenges of TFA. The intention of the court when redirecting spouses' case for arbitration and effects of TFA has been provided as main themes of the findings.

Demographic profile of participants

In order to have diversified understanding on the issue under study providing the demographic profile of the participants as sub-theme of the finding is vital.

Table 1

Demographic profile of in-depth interview participants

Demographic Description		<i>Kebeles</i>						Remark
		Chama Hembecho			Korke Doge			
		Divorcees	Children	Reconciled	Divorcees	Children	Reconciled	
Sex	Male	1	2	1	1	1	1	
	Female	2	-	1	2	1	1	
Type of income	secured	-	-	2	-	-	2	
	Insecure	3	2	-	3	2	-	
Educational	Illiterate	1	-	1	2	-	-	
	1-4	1	1	-	1	1	2	

Background	5-8	-	1	1	-	1	-	
	9-10	1	-	-	-	-	-	
	Above	-	-	-	-	-	-	

From the above demographic profile of in-depth interview it is simple to understand their socio-economic status. As can be observed from the above table the economic and educational status of in-depth interview participants are very poor. All divorcees and their children affirmed that their income has been insecure. On the contrary, couples reconciled after a little courtroom litigation attested that because of their secured union they could make money for their livelihood.

A Focus Group Discussion (FGD) is a qualitative research technique consisting of a structured discussion and used to obtain in-depth qualitative data from a group of people about a particular topic. The FGD has been conducted among 6 homogenous target populations, who share a common characteristic such as age, sex, and marital status, which encourages a group to speak more freely about the subject without fear of being judged by others.

Based on this principle 6 divorced women and 6 reconciled men from Chama Hemebecho and 6 divorced men and 6 reconciled women from Korke Doge *Kebele* purposively selected for FGD of this study. The purpose of the discussion has been to use the social dynamics of the group and to stimulate participants to reveal essential information about their opinions, beliefs, perceptions and attitudes on the issue under study.

Major causes of divorce

When couples are unable to solve their marital problem through interpersonal negotiation, they prefer to have divorced as a best solution. However, spouses often reach at this conclusion without being considered the all-out effects of divorce—either on their future life or their children. Neither this to mean that marriage is an agreement that has always been exist

peacefully nor conflictual in which couples attempt to live in competitive mode. Thus, many more compelling factors induce partners into divorce.

Participants D1, D3, D4, and D6 attested that polygamy, women economic dependency on men, illiteracy and poor educational background of both spouses, physical and psychological abuse of men, very poor and respect less interpersonal communication, and exploitation and monopolization of common property by husbands have been the principal causes of divorce in the area under study. Moreover, neglect, abandonment, failure of husband to play his expected breadwinning role, kin intervention in spousal issue, peer pressure, and interference of children after the age of majority has been triggering divorce.

In the same line, participant D3 argued that;

“We used to discord for any simple and complex issues and he always beats me anywhere at any time. ... In 2013 as usual we slept together and in the mid-night around 7:30 O’clock P.M. local time he began to slaughter me with a knife he prepared. I sensed a pain around my neck and waked up. He pasted me with the bed and said ‘today is your final day lain down on the bed!’ then continued to slaughter me with my nape. I struggled and escaped away with the door he opened to run out after killing me. He couldn’t seize me again because I was nude and screaming. The woman in front of my house woke up and turned the light on then I entered to her house. The woman was also very scared and screamed a lot then all the neighbors woke up and took me to the hospital calling the ambulance ... then I survived with the help of God and Wereda Administration”.

On the other side, key informant KI1, KI4, and KI6 argued that the major causes of divorce in the study area as; more rapidly turn down of women’s trust up on TFA, which in

effect they appear to prefer court litigation to TFA, lack of knowledge how to exercise gender equality and women rights. Nevertheless, the informant appeared to have cognizant also that Woman's decision towards court litigation is not guided through adequate facts about TFA and the court system. Participant D2 and D5 had similar views with a little contextual difference then attested that lack of trust on each other and poor communication styles are also additional or proximate causes of divorce. On the contrary, perceiving court litigation as a sign of modernization and traditional arbitration as backwardness are other factors that invoke women to prefer courtroom litigation than family arbitration.

Key informant KI1 and KI4 made clear their view on the cause of divorce in the area as women's use and abuse of their rights. Women are challenging men particularly their husbands by taking each and every marital discords to the public court. For example KI4 said;

"... Litigating with marital partner is not the only means of exercising gender equality. Likewise, women wrongly considered that they could assure their equality with men by providing petition for divorce, getting divorced, and taking their share of common property, especially farmland. ...on the other way, from my long year experience of arbitration I realized that women wrongly understood that TFA is working to damage the interest of women and benefit men only. Actually we are not working to influence women without a convincing mistake".

On the new dimension focus group discussion participants of Chama Hembecho Kebele stated that for marital dissolution the form of marriage and familial identity issues has direct and significant impact. Engaged marriage and abducted marriage has different possibilities of divorce. Abducted marriage has higher risk of divorce than that of engaged marriage. According to the justification of the discussants marriage after engagement of couples has a ceremony of

wedding. On which the relatives of both couples are introducing each other and interchanging gifts among themselves. This occasion has been believed to build a stable family with harmonious communication, which in turn safe guards the marriage from the likely disintegration. In the opposite, in the case of abduction marriage there is no ceremony at all. This form of marriage takes place when a woman refuses to marry a man then he organized his relatives and friends then abduct a woman. To this effect, the interaction among spouses becomes very weak and the communication pattern turns out to be very poor.

Furthermore, the issue of familial identity and disgracing act of one of the spouses is a potential cause of divorce. For example beating marital partner in front of his/her a parent is likely creates a non-negotiable conflict among spouses. As a result this drives the marriage to end up by divorce by inviting victimized spouses parents to involve on the issue. Concerning this issue one of the discussants said;

“Once up on a time while I was collecting coffee from my mother’s farm he came and beat me in front of my mother and my daughter. In our culture beating a wife or husband in front of her/his parents or at public places is very disgrace”.

Prevalence of Divorce

As noted above, divorce have increased substantially in Bolos Sore *Wereda* over the past five years and it takes longer than ever to complete a litigated divorce because of the case overload of the court. The prevalence of divorce in the study area from 2010-2014 have been presented in the table below.

Table 2

Divorce rate of the study area from 2010-2014

No	Year	Petition for divorce	Divorced	Reconciled couples	Remark
1	2010	82	35	47	
2	2011	121	72	49	
3	2012	174	117	57	
4	2013	208	135	73	
5	2014	249	161	88	
Total		834	520	314	

According to the data collected from the court from 2010-2014 the request for divorce have been alarmingly increasing and arbitration performance has been decreasing from time to time in the area under study. For instance, in 2010 total divorce request provided to the court has been 82 and within the next five years this number lifted up to 249. The request for divorce increased in 33% within five years only. The number of divorced couples in 2010 has been 35 and in the last assessment year, 2014 it have become 161. The rate of divorce has been dramatically increased in 21% within the same years. On the other side, the couples settled their dispute through TFA, after providing request of divorce has been 47 and 88 in the last year of study assessment, 2014.

In the first year of assessment, 2010, 43% of applicants have been divorced and the rest 57% has been settled their dispute through TFA. In 2014, the rate of divorce among applicants has been increased 65% and the achievement of TFA decreased to 35%. The increment of divorce rate has been progressive from 2010-2014. On the reverse, the number of couples settled their disputes through TFA have been decreasing gradually.

Effects of legal divorce on divorcees and their children

According to RFC the decision of the court in the case of spousal conflict is divorce and it is final. The courtroom litigation most probably might end up by legally separating the disputing spouses unless they come to agreement by minimizing the difference in some marital

issues. Preferring courtroom litigation as one and only way of solution source for marital conflict might result the aforementioned devastating impacts on divorcees and their children.

Similarly, the number of children separating from their one or both parents because of the divorce of their parents has been disturbingly increasing from 2010-2014. The data collected from the court has been presented in the table below.

Table 3

The demographic data of children separated from their parents

No	Year	No of children			Remark
		Male	Female	Total	
1	2010	17	19	36	
2	2011	109	92	201	
3	2012	177	143	320	
4	2013	191	163	354	
5	2014	205	192	397	
Total		699	609	1308	

As can be observed from the table above, the number of divorce has gone up at an ever-increasing rate. Concomitantly, the number of children that are forced to suffer the bad consequence of divorce is quite discernable. The number of children who had become the victim of divorce of their parents has been only 36 in year 2010, while it climbs up to 397 in 2014. This shows not only the degree at which the problem is prevalent in the study area but also implies that little consideration have been given to curb the problem. Nevertheless, family break up has direct ramifications on children and the intensity of the problem as the number of children increases. In effect, the number of divorce and its impact on children of the divorced parents has remained detrimental the well being of the society and in due course children have become more susceptible to many-sided problems such like—illiteracy, starvation, poor hygiene, street life and so forth. It can further be discerned from the table that the number of divorce is increasing at

growing rate and so did the number children.

The number of children who are victimized by the family brake up has remained high, but the problem appears varying for it never exists in a similar intensity across genders. For instance, the total numbers of children who have suffered the consequence of family break up in the year 2014 were 397 of which 205—are boys and 192 are girls. As we guess it, numerically, the difference across gender appears petite (only 13 in number), but challenges that girls are facing could by no means be similar on that boys would encounter. This entails among others that divorce induced problem are quite detrimental in the study area, despite its failure to capture the attentions of researchers.

As can be referred from the abovementioned data collected from the court of the study area, the number of children separating from their one or both parents has been alarmingly increasing. For this study four children of divorcees from the two target *Kebeles* have been interviewed and collected their reflection on the effects of parental divorce. Physically they are very weak and exhibiting deviant behavior. Among the four, C1, C2, and C4 dropped out from school and engaged in petty trading in front of primary school and small market in the *Kebele*. They are striving to help their mother financially and materially to fulfill their family's livelihood. The testimony of C2 and C4 attested that after the divorce of their parents the economic status of their family gradually eroded and due to this effect their mothers become daily wage worker. C3 is a grade 7 student in Chama Hembecho Kebele Primary school this year. He has no means of buying new clothes at the opening of school and during holidays. He used to wear the same clothes without shoe.

C1 explained the traumatic effects of parental divorce and said;

“... before the divorce my parents have been fighting each other for a long time. My

father used to beat my mother anywhere. Once up on a day he attempted to kill her by slaughtering with a knife through both the neck and the nape. Surprisingly, she survived after a serious intensive care medication with the medical cost sponsorship of Wereda Government. He imprisoned for a crime of attempted murder, she admitted to hospital for medication I become the responsible for my family”.

The number one risk of parental divorce in children is post-divorce maladjustment. The children’s behavioral, physical, mental, and social adjustment after parental divorce depends on the level and intensity of parental conflict prior, during, and after divorce. Several factors may shape individual child reaction to divorce; despite exposure, involvement in inter-parental conflict and divorce is quite detrimental. This in turn yields multifaceted social crises and perceived to be the negative effect of divorce on children. All the aforementioned analysis was conducted based on the findings of the research and the general jurisprudence of family arbitration under Ethiopian laws.

Moreover, litigation pits parents against each other and encourages polarized and positional thinking about each other’s deficiencies. Further, litigation discourages parental communication, cooperation, and hinders mature thinking about children’s needs at a critical time of change and disorder. At the end of litigation the conflicting spouses develop a sense of hostility against each other.

Traditional Family Arbitration in the Study Area

Before the pronouncement of the Revised Family Code (RFC) of Ethiopia traditional family arbitration system has a great power to decide on the issues of disputing spouses. This informal legal system has received this power from the Civil Code of Ethiopia. Civil Code empowered TFA up to passing decision of divorce over spouses disputing. Until recently, TFA

has been playing the leading role in maintaining social stability in the area under study by resolving any form of familial dispute among family members.

With regard to this, FGD3 participants said that any spouse who went to the court for marital dispute have been punished for disclosing a marital secrets to the public. Individuals who prefer court litigation for spousal issues used to be labeled as deviant. Therefore, the culture of the area discourages court trial and supports traditional arbitration. On the other side, family elders would be criticized for not settling a dispute their relatives out of court setting. So, the elders strongly endeavor to reconcile disputing spouses before going to court for litigation.

The RFC revoked the provisions of Civil Code which have been governing issues related to marriage, marital disputes arbitration, and divorce. As mentioned above, Civil Code has given arbitrators a power to pronounce divorce. Following this arbitral privilege a number of families disintegrated due to arbitrators' lack of understanding on far reaching effects of divorce on divorcees and their children. That is why RFC diminished a power of arbitrators to reconcile conflicting spouses and persuade them to renounce the petition provided for divorce only. According to the RFC Art 121(3) any attempt of the arbitrators other than reconciling and persuading conflicting spouses to renounce their petition for divorce has no legal effect.

Legal grounds of family arbitration in Ethiopia

Both the traditional arbitration and court litigation do exist to arbitrate family cases, in effect is meant the Ethiopia's legal system provides a legal space in which many dispute settlement mechanisms are operating. In turn, this entails that the state-run court litigation operate as supplemented by other arbitration mechanisms such for example, traditional family arbitration. However, disputants' preference to a given resolution mechanism remains subject to a wide range of considerations. Proceedings are more preferable to the parties in dispute due to

its speedy nature. Both the civil code and RFC expressly provides for traditional family arbitration. In such away, those spouses under dispute attempt to settle their dispute through family arbitrators—as appointed by the court based on the nomination of disputant—other than follow court litigation.

Family arbitration as one method has been established in Ethiopia since 1960 when the civil code came into force. Arbitration facilitates the settlement of family disputes by identifying the chronic problems and helping the couples to communicate and the arbitrators may indeed help save the marriage. This method also improves the relationships between even previously hostile married partners who have prepared themselves for divorce. This method is the one which has a mandatory power to family disputes according to Art.731 of the Civil Code of Ethiopia Art 82(2) and 119 of RFC.

Composition of arbitrators

According to the reconciled couple R1, R2, R3, and R4, key informants KI3, KI6, KI7, and KI8, and both FGDs there are three possible ways to establish the arbitration tribunal. The first one is arbitrators may establish the tribunal by their own initiation to help the disputing spouses talk face to face and live together by resolving the disagreement between them. Secondly, one or both of the conflicting spouses may provide complain to the community elders, religion leaders and their parents to handle their case and resolve it out of court litigation. The third alternative is appointment of arbitrators by the court. As stipulated in Art 82 (2) and Art 191 of the revised family code of Ethiopia, the court would assign family arbitrators from short the list that spouses are submitted.

Disputing spouses team-up arbitrators depending on the social status of individuals according to the justification of key informants and FGD participants. As can be inferred from

their explanation, traditional arbitration tribunal constitutes mutually reinforcing entities. These are religion leaders, the disputants' parents, community elders, *Iddir* and *Kebele* leaders in both *Kebeles* selected for this study. Therefore, it seems to hold a quasi-modern and quasi-traditional sort of influence.

“The members of arbitrators have been governed by a free choice of disputing couples. They can invite anyone they believed to be neutral and impartial. Regardless of some individual differences, ... most of the time a family arbitrators are community elders, religion leaders, disputants' parents, Kebele leaders, and sometimes Iddir leaders. In order to be a reputable arbitrator an individual must have exemplary intact family and should be recognized manager of his own family. Without having some good ethics in the community, the possibility of being selected as an arbitrator is very minimal. Generally speaking, the selection of these individuals depends on their neutrality, rationality, and previous positive feedback about them”.

According to the information gathered from different participants the children of conflicting spouses involve in the arbitration when they are above 18 years and supposed to be capable. The relatives of disputants, their friends, colleagues and the same religion followers are hidden actors of the arbitration. These actors manipulate the spouses at the back stage either to accept or reject the decision of the arbitrators. In the study area, whatever economic, educational and or social status they have women could never engage in the process of traditional arbitration.

Arbitrators' Roles

The roles arbitrators play at the time of arbitration depends on the relationship they have with the spouses and the responsibility of the individuals in that community. Key informants KI2, KI4, and KI5 attested in their testimony that most of the time individuals who were invited

by one of the disputing spouses have been tending to side to the party who was nominated them at the expense of another party. Relatively speaking, community elders and religion leaders are neutral than the *Kebele* leaders, parents and relatives of the conflicting spouses during arbitration. After their appointment, family arbitrators have the power upon the case of spouses. Their power is recognized both by the civil code and the revised family code. These family arbitrators are empowered by the spouses. Since they are appointed by the free consent of the spouses, the power of the arbitrator emanates from the disputing parties.

Concerning the roles of arbitrators in the arbitration process KI2 said as follows;

“... Before the enactment of the revised family code of Ethiopia we used to grant the decision of divorce for seriously conflicting spouses. But now the RFC revoked the provisions of Civil Code and minimized the power of arbitrators to the level of reconciling the disputing spouses only. For a couple of factors, like lack of knowledge on the effects of divorce and human rights in general and women and children rights in particular the pronouncement of divorce by local arbitrators has caused many problems on the life individuals and on the stability of the community. ... therefore, revoking this power is a reasonable action of the government”.

KI2 understood that the role of arbitrators has been diminished after the enactment of the revised family Code and accepted that the role of arbitrators in the spousal dispute is not zero. Reconciling the disputing spouses and facilitating them to enjoy face to face discussion to settle their dispute is not as such an easy task. On the other side, he believes that the revoking was reasonable. Indeed, their role is to reconcile or making an effort to reconcile the spouses and to make the spouses to renounce their request for divorce in case of divorce issues now.

Arbitration can be structured to accommodate the issues of the case. In arbitration, a

neutral arbitrator can play a role of judge, there is a hearing at which disputants present their evidence, witnesses, and documents to the arbitrator and make arguments for their position. After the hearing is closed and all the evidence is in, the arbitrators issues a written or oral decisions that will make findings of fact and decisions based on those facts. The decision is the arbitrator's view of how the conflict should be resolved based on the fact that the conflicting spouses provided.

As we can see the RFC, family arbitrators have the power to act as mediator as far as their purpose is to reconcile the spouses. They can use all possible means to settle the dispute and to keep the sustainability of marriage. Family arbitrators have no any power other than reconciling the disputing spouses for disputes involving in divorce. Any attempt of the arbitrators to pronounce divorce other than persuading for the conciliation has no legal effect. This is for the fact that marriage is the base for the society in general and for the family in particular. Therefore, it should not be as such simple to be dissolved by the decision of third party called arbitrators.

Arbitrators' Duty

Depending on the relationship they may have with the spouses, arbitrators play a vital role in family dispute resolution. Nevertheless, such roles are not without accountability.

KI1, KI3, and KI7 explained the duties of family arbitrators as follows.

“... The ultimate goal of arbitrators is to reconcile the disputing spouses and passing fair decision, which is acceptable by both spouses and by the law as well. ... in order to meet this goal we have the duty to be neutral during arbitration, the information of the spouses should be kept secret, and the preceding should be according to the direction of the court, if the case received from the court. However, the arbitrators are selected by the free will of the disputing spouses their composition has a significant impact on the goal

of arbitration”.

The primary duty of family arbitrators is keeping the principles of neutrality and confidentiality concerning the issues of disputing spouses. If any of the arbitrators discloses secrets of the spouses to anyone that person would be excommunicated by the community. On the other direction, the arbitrators have been expected to precede the case in line with the direction of the court and concerning laws. Neutrality and impartiality are the basic ethical and moral duties of arbitrators at any level of the process. Both the revoked provisions of the civil code and the RFC, confers duty upon arbitrators. According to the RFC Art 83(2), they have the duty to report on their efforts to reconcile the spouses and renounce the desire of divorcing. Similarly, they were duty bound to pronounce decision that could enabled the parties to solve all disputes. On the other hand, the community in general and the disputing spouses in particular expect a highly neutral arbitration and impartial result.

Arbitration Procedure

The community of the study area undertakes any social activities following socially constructed procedures. Within these procedures there is a couple of do's and don'ts. The demonstration of R1, R4, D2, and D6 revealed that unlike, its flexible procedures the arbitration system also has similar process with court litigation. There is a process of hearing the case, taking the testimony of witnesses, cross checking evidences and documents with the aim of investigating the fact of the case. At the end of hearing arbitrators award their decision based on the facts identified. Additionally the family arbitration procedure informs the disputing spouses to respect the sayings of one another and not interrupt the speech of other party. Furthermore, their caution goes to inform the disputing spouses to follow norms of the community while presenting the case to the tribunal.

R1 briefed the procedure of family arbitration as mentioned below;

“The process of arbitration is more or less similar with the court proceeding. After the arbitrators are already appointed and informed the same, the next step is starting the procedure to resolve the family dispute. Before the beginning of the hearing there is serious caution for disputing spouses. The primary obligation of spouses is respecting the sayings of one another and not interrupting the speech of other party. Additionally, acting and trying to explain the issue to the tribunal according to the custom of the community. These and other respect-based approach prepares a safe ground for further communications. Then hearing of the case, the testimony of witnesses begins. Further, depending on the fact we identified we used to pass decision on the case”.

After selecting their arbitrators the spouses should submit list of chosen arbitrators to the court within 15 days Art.119 (1) of RFC. The court then takes the list of selected arbitrators for documentation; give them necessary orientation on how they handle the case; and let them know when they submit reports regarding the outcome of family arbitration. Often, the court expects that process of the traditional arbitration end up within three months. From that time on wards, the assignment of reconciliation is left to the arbitrators except they required to submitting progress report.

Even though the RFC provides for direction as to how to precede the conciliation, it did not mention even some of the procedures to be followed in the reconciliation process. It seems that it is left to the discretion of the arbitrators and the court. Nevertheless, the procedure most likely seems to be in the following manner. The arbitrators assign a day with which convenient for the disputants, and select well-located place for making successful the arbitration.

Traditional arbitration often began in the presence of the spouses as physically as

possible. Arbitrators can be in contact with disputants individually at the early stage of arbitration process. Nevertheless, the data collected by means of individual contact remain kept secret, which otherwise would undermine the reliability of succeeding sessions of arbitration. Arbitrators can take a separate contact with each disputant while the arbitration on process, but it happens rarely that only arbitrators do that in seeking of top-secret data.

If they are not able to decide on the due date, arbitrators come to reschedule any other day and reorganize extra sessions for arbitration. Nevertheless, it is not possible to adjourn for more than three months, unless the court orders to do so. Unfortunately, if traditional family arbitration is not successful in making spouses to settle their problem, this body has no authority to reach a decision that approves divorce; only permitted to report at the appointed time all the attempts that have been made (Art121 (2) of RFC).

Appointment and Removal of Arbitrators

The consent of the spouses is determinant for the appointment of family arbitrators. The number of the arbitrators will also be determined by the spouses. The RFC allows the possibility of number of arbitrators being one or more than that under art.119 (1). Therefore, there is no indication as to the evenness or oddness of their number. As it is enshrined under the Civil Code (CC) (Art 332), and in general, jurisprudence it is preferable if the number is odd; otherwise, if their number is even, it will create difficulty while giving decision. In order to avoid this problem the civil code dealt some indications about the number of the arbitrators. It provides that they should be two from wife side and two from husband side then one by their agreement, if failed to agree on the nominated individuals some times, the court can decide on the issue in accordance with the law. This was important as the other arbitrators are chosen from both sides to save the possibility of partiality.

Another point in relation to appointment is about their qualification. There is no qualification requirement to be an arbitrator in the RFC. If they are chosen by the consent of the spouses they can arbitrate the dispute. Regarding this issue the CC pursuant to Art.725 (1) had required the personal testimony of the marriage in order to arbitrate the dispute that arises between the spouses during marriage. However, this requirement is not absolute one and the spouses can agree to, which otherwise appear to disagree.

According to the generally accepted principle, arbitrator will be removed from entertaining and handling the case of spouses. Grounds for the removal of arbitrators involve serious and non-negotiable misconduct, actual/potential bias, incapacity, where he failed to perform the function of arbitrators, where justice requires so and others. Under the civil code, which is actually repealed, it confirms with the above discussion. Under the RFC, the removal of the arbitrators and grounds for removal are not stated well. Although seems this gap insignificant as we may see it at theoretical level, it has far reaching consequence on implementation.

Why women prefer court trial?

Discerning the pushing factors of disputing spouses to the formal courtroom litigation is one of the themes of the finding. Depending on their understanding and knowledge about the conflict resolution mechanisms spouses select TFA over CL or vice versa. Participants provide different reasons why they provided their case to the public court or traditional family arbitrators first.

Participant D1 and D5 clarified the pushing factors of women to court trial to arbitration and noted that women's lack of trust on the TFA; lack of representation of women on the arbitration and domination of men the whole process. Additionally, they elucidated that focus of arbitrators has been only bringing back the woman to her home rather than settling the root cause

of dispute. Moreover, the absence of neutral and impartial treatment and decision around arbitrators has been additional factors that induce women compellingly yet exceedingly prefer court process to the local. Speedy treatment of the court on women related issues and ability to identify and decide on the structural causes of dispute and focusing on solving basic needs of women and their children attracted women to prefer the court litigation than traditional arbitration.

On the issue under discussion participant D1 said;

“... The members of arbitrators are all men they only focus on returning back the woman to her house not on the cause of petition. As you may know, our community was built on the biased foundation against gender equality. Because of this backward attitude most of the community elders has no idea about the rights of women and evaluate things only from the perspective of living together, in fact living together is not as such simple issue but should not over shade the fundamental rights of women and their children.... on the formal court as soon as a woman opened a file for spousal disputes the court sends summons to the respondent and confirms that there was a valid marriage between the applicant and the respondent. Then passes order to the respondent to give some amount of money for maintenance to the woman. I have got satisfied and realized that I'm equal with him”.

On the contrary to the justification of the above participants D6 argued that perceiving court litigation as an indication of modernization and traditional arbitration as backwardness are major factors that invoke women to prefer courtroom litigation than family arbitration. In line with participant D6 key informant KI1 accounted the view with some explanation difference on the issue. KI1 verified that two provenances appeared to have accounted for why woman prefer

court trial to arbitration. Accordingly, women often make use of court system as weapon to intimidate men, which otherwise would not be able to influence. Besides, intense distrust that they have habituated over time seems to be preventing women from using traditional arbitration in dealing with their marital problem.

In view of that, KI1 elaborated his argument saying;

“... Women consider opening file at Wereda court is the best way to intimidate their husband and a powerful mechanism to respect their right. Of course, the legal system is a powerful and better means in order to respect all human and democratic rights. In the case of spousal conflict running to the court develops devastating hostility among spouses. Moreover, women are not willing to make narrow their differences through arbitration”.

Key informant KI2 and KI3 are the *Wereda* Court President and a Judge respectively. They made clear the basic pushing and pulling factors of women to the court litigation than TFA. As can be instructed from the words of the judges, gender bias, patriarchic structure of a community, and unnecessary fear of women not to be mistreated, and related social problems—to which are not yet solved, remain fundamental social problems that pull women towards formal court in handling their marital cases. Additionally, close social interaction, friend's pressure, and other women's experiences have been pushing women to prefer court litigation to arbitration. Evidently, the pronouncement of the revised family code appeared to have set powers of traditional arbitration quite subsidiary of the formal court. In effect, the new family code does not allow such arbitration to take decision on basic family. In turn, traditional arbitrations have the duty that to reconcile spouses if and only if they agree to do so. In such a legal environment, it is likely that women often prioritize court over family arbitration.

President of the court, KI2 on his side stated that:

“... even though the level of extremely biased understanding towards the equality of women is not as such severe as a previous one there is still biasness against women within our society. ... Based on these backward thinking there is biased belief and practice within the community, especially during management of a family and broadly exhibited at the time of arbitration. ... This is why the new RFC has given full power to the courts to amend and repeal the decisions of arbitrators before passing the final decision over the case of spousal conflict. Therefore, the rush of women to the court emanates from a fear of biased perceptions of men. Whatsoever, the case or a claim of women is, we have been sending back the issue for arbitration because there is no one close to the case next to the conflicting spouses than their neighbors, who are most likely going to arbitrate and provide arbitral award by the choice of spouses. If we find any problem on the decision of the arbitrators as I mentioned earlier we can amend or repeal and pass a reasonable decision according to the concerning laws. In my understanding, there is no problem whether the women came to the court or not. According to RFC Art 82(2) and Art 119 it is compulsory to pass through arbitration before final decision at any form of spousal disputes”.

Furthermore, FGD2 discussants raised the issue of prioritizing the court trial to TFA and affirmed that providing petition to the court for spousal dispute is essential. They justified that after the opening of file for litigation the court teaches both spouses how to manage the conflict among them and persuades them to settle their marital business through arbitration. In line with that the court quickly responds for any claims raised by a woman, especially, for the child maintenance and other urgent marital issues.

Moreover, the gives clear direction to the selected arbitrators how to precede the arbitration process and when to report the result of the arbitration. Then both spouses and the arbitrators also became clear on their expected responsibility for the success of arbitration. Otherwise, unpredictable partiality would happen during arbitration.

Underrepresentation of women in arbitration

This is a sub-theme of the findings and has been a hot issue which holds the attention of all participants. No issue seems other than this that draw consensus by all participants.

Participant D1, D3, and D4, R2 and R3, and KI1 and KI6 have been actively alertly responded for main and probing questions related to representation of women in traditional arbitration process. Irrespective of gender, occupational category and other social groups, all claim that women are marginalized from the decision making process of traditional arbitration. Of course, women are sometimes may assign on some roles such as making series of chores in organizing arbitration venues, preparing food and drink, facilitating rituals for the end of reconciliation.

Even though they take part in such processes, women are always pushed into the margin when it comes into decision-making. Neither women being made actively engage in the decision-making nor did they consider it as their right. As discussants all claim, women are self-caustic, since they unintentionally dissociate from every sessions of arbitration. No one is being held liable for such failures with which are easy to observe but difficult to comprehend. Yet accountability points at the culture. In which the society is male dominated that deep-rooted patriarchal mentality remain potent forces that prevent women from realizing their potential to the level that we may expect.

Participant D3 is a divorced woman and vented out her view on the underrepresentation of women in the arbitration process. She said;

“... A woman has a lot of domestic activities which make her busy the whole day within a home. Men undertake some labor intensive activities for a certain time and could go to other social engagements like arbitration. Arbitration is not as such simple activity that could be done by anyone ... it needs a long year experience and exposure to it. The impact of absence of women among arbitrators depends on the composition of arbitrators. The more the arbitrator neutral the more fair decision would be passed. Beginning from the creation of human being we are next to men. ... We are unable to do some of men activities, like arbitrating conflicting parties. ... In our culture it is impossible for women to participate in arbitration”.

Women’s sense of inferiority, lack of knowledge about gender equality and women rights as well as lack of trust on women’s representation in arbitration process and accepting some activities as men’s careers only has been the root cause for absence of women in the arbitration process. In the area under study women has not been assigned as arbitrator in any form of depute settlement.

The FGD2 discussants broadly argued on the issue of representation of women in arbitration and generalized that:

“When we refer to the long history of our community the public leadership and arbitration has been solely categorized as the task of men. In the case of arbitration, the dominance of men came from the patriarchal mentality of the society. Nowadays the society is not at the level of previous patriarchal belief; however, the representation of women in arbitration has not been secured. The major cause for the absence of women in the process of arbitration is the dominance of men in administrative positions of the society. A serious domestic work overload of women, knowledge and experience shortage

of women in the field of arbitration, lack of confidence to undertake complex social activities of such sort and hesitate to take power with authority are some of the reasons that caused underrepresentation of women. The influence of a husband not to be seen at different public gatherings such as arbitration is another constraint of women. The last but not the least cause of women's absence in family arbitration is the inferiority feeling of women. Generally speaking, unless women are the part of conflict or witness of one or both of the conflicting spouses, women has no chance to engage in any form of arbitration in our community”.

Intention of the court when redirecting spouses case for arbitration

Regarding the intention of the court when redirecting the case of disputing spouses to traditional family arbitrators, KI2 and KI3 clearly justified the very intention of the court mentioned below. Certainly, traditional arbitration is quite accessible and allows non-confrontational communication, which in effect graceful process of bringing spouses back to stability. In this regard, traditional arbitrations foster stability among social and family life, which otherwise family disintegration would be beyond control. Traditional arbitration shares huge burdens of case overload in courts. As well, traditional family arbitration is cost-effective and consumes less time. Although these are productive aspects of traditional arbitration, they emerge not immunize absolutely from doing any fault. Apart from what are mentioned earlier, traditional arbitrations often appear incapable to uncover the real causes for marital related disputes. Partly, this is because they often focus at mending relationships than unearthing real causes, since elders believe in that doing so would exacerbate more the dispute.

In line with the above explanation KI2, the president of the court, putted in plain words the main reason;

“The major intention of the family court is to help the conflicting spouses to get access of amicable communication to resolve the conflict among them and begin to live together. It is internationally believed and nationally a couple of nationwide activities have been undertaking to preserve shackled families from disintegration and help the children grow up with their parents for the best interest of the children. Family arbitration is one of the primary activities undertaken by the cooperation of the government organization mainly justice system and the community of the conflicting spouses. In the meantime forwarding the issues of familial conflicts to traditional family arbitrators shares a great burden of court case overload, minimizes a social and familial crises could be happened due to the disintegration of conflicting spouses. As well, traditional family arbitration reduces the cost and time wastage of both the litigating spouses and the court. Unlike the court litigation, traditional arbitration is not as such procedure strict and could be preceded by the local knowledge of the disputants and the arbitrators too”.

Effects of TFA on divorcees and their children

All the research participants agreed on the indispensability of arbitration for the solidity of the society in general and the community in particular. Arbitrators in the new family code unlike the civil code family arbitrators could be any person either professional, family member or any third party as long as the spouses are well consented. The main purpose of founding arbitration tribunal is to resolve the dispute among the spouses friendly. For this reason if a petition was provided to the court for divorce, the court will let them take their case to the arbitrator of their choice and reconciled as much as they can. After a certain process, the arbitrators who dealt the issue may come up with conciliating the spouses or they may not. If the arbitrators successfully resolved the dispute, their decision will be effective and they should

report the same to the court. Then the court closes the file and the couples shall begin living peacefully with their kids, if they have any. These are some of the positive effects of traditional family arbitration despite of some negative effects such as marginalizing women from the system of arbitration and oppressing women for the sake of reconciling and to help them live with their family.

Divorce is negatively affecting the social, economic and psychological status of divorcees and their children. TFA is believed to be the most effective and efficient conflict resolution mechanism among spouses. Major effects of TFA on disputing spouses and their children are protecting unstable families from disintegration and children from separation of their one or both parents due to their parents' divorce. Furthermore, arbitration safeguards disputing spouses, their children, and the whole community from the likely social evils related to divorce. Additionally, traditional family arbitration reduces the resource and time wastage of both the litigating spouses and the court and shares a great burden of court case overload.

On the contrary, TFA is facing serious challenges to be a primary choice of disputing spouses. Potential challenges are the community's lack of understanding concerning gender equality, rights and interests of women. In line with the above, marginalizing women from the arbitration process, and a biased belief of women as if arbitration always favoring for men in the expense of women have been another attributing factors of women to prefer the court trial over arbitration. Furthermore, arbitrators' lack of knowledge about gender equality and passing decisions sometimes in favor of men in the case common property management and parenting styles were primary challenges of TFA.

R1 has been litigated in the *Wereda* Court for the reason of domestic violence and abandonment then reintegrated his family through TFA attested that;

“... if the court doesn't send my case for traditional arbitration my family would be disintegrated and my beloved children might be compelled to rise up with stepfather or somewhere else. During the court trial and arbitration proceeding I understood that I was not right and learnt a lifelong lesson how to manage my family. This family is the result of effective arbitration then we began to practice friendly communication with my wife and our children”.

Chapter Five

Discussion

This study has been governed by conflict theory, family systems theory, and structural functionalism theory, which have been briefly discussed in the theoretical framework section of literature review and repeated here for the sake of discussion. The discussion part of this study begins with elaborating the nexus between theoretical frameworks and the findings of this study. Conflict theory has been used in relation to familial conflict and related crisis on the spouses and their children. Family systems theory principles are used here to comprehend the influence of social system on a family and vice-versa. Furthermore, structural functionalism theory ideas have been used to understand characters of functional and dysfunctional systems within a society.

Conflict theorists suggest that during processes of divorce three major points of attention should be considered. These major points of attention are emotional, economic, and societal status of each conflicting spouses, which needs due attention of the spouses and other actors. These focus areas will affect the couples differentially and will affect the divorce experience of each spouse differently. In the same way with some contextual difference the major cause of divorce in the area under study has been economic dependency of one spouse on the other.

The principal source of conflict among polygamous spouses also a claim of impartial resource distribution among wives of a single husband according to the findings of this study. Additionally, desire of emotional support from one spouse the other also exhibited as a potential cause of conflict among them. Furthermore, the absence of strong and helpful social support and care system has been the most stressful event for spouses living apart. Therefore, the theoretical principles of conflict theory are almost similar to the findings of current study.

Family systems theory assumes that the whole is greater than the sum of the parts. A

family is much more than a collection of individuals who live together and are related to each other; it has a holistic quality. As a natural social system, family possesses its own rules, roles, characteristics, communication patterns, and power structure. It represents an integration of parts such that individual members can only be understood within the context of the whole. Think of a family as being represented by a circle for each member, with lines connecting them. Systems theorists believe that the problems are in the lines rather than in the circles.

As it has been presented in the findings of this study, influence of friends, interference of parents in the spousal issues, and destructive involvement of children after the age of 18 have been causing divorce in the study area. Divorce is believed to disturb a natural social system and becomes cause of multifaceted social evils on divorcees and their children. Additionally, abusive behavior of divorced husbands is the result of patriarchal mentality of the community where they grow up. Therefore, the findings of this study and the theoretical explanations of family system theory are directly similar.

Structural functionalism is basically a theory of social survival. Its key idea is that families perform the critical functions of procreation and socialization of children so that they will fit into the overall society. All systems have functions. Theoretical work has focused principally on the functions carried out by the family and what these functions accomplish. The main function of any social system, including the family, is simply to maintain its basic structure. Males need to be instrumental, which means that they are the ones who provide for the family. Because of this, their abilities should be focused on meeting the physical needs of family members in terms of food, shelter, education, and income. By contrast, females are to be expressive, meaning that they meet the emotional needs of family members by being nurturing and smoothing out problems in relationships.

According to the verifications of this study failure of husbands to play their expected role to provide for a family was a potential cause of divorce in the study area. On the other side, a major reason for children to side for their mother and enter into conflict with their father, which is used to cause divorce of their parents, is an outcome of parents' failure to perform the critical functions of procreation and socialization of children so that they will fit into the overall society. That is why a social system of the study area could not maintain its basic structure and divorce rate has been alarmingly increasing there.

The findings of this study have demonstrated the major causes of divorce. Therefore, due to complex and dynamic contemporary social developments across the world, the causes of divorce considerably vary from place to place. The outcome of this study drawn from various informants has attested that polygamy is principal cause of divorce in the study area. Furthermore, addiction to alcohol and its consequent physical and psychological abuse, lack of conflict management skills, poor communication, negligence, abandonment, and lack of knowledge how to exercise women right were assumed to be in second row attributing for divorce in the area under inquiry.

In a similar vein, a study carried out in Eastern Gojjam Zone by Askalemariam and Minwagaw (2013) revealed that lack of conflict management skills and kin intervention in the internal affairs of the spouses has been potential causes of divorce in the zone. Moreover, the works of Bereket (2012) explored the determinants of marital dissolution in Ethiopia. Accordingly, he pointed out educational status of the women, rural-urban setting, age at marriage, influence of role models and religion as leading factors for divorce. In addition, the number of children in the household, women-child experience and women with and with no children were reported, among others, as staunch causes of marital dissolution at national level.

On the other hand, monopolized property management of the husband and the interference of parents in spousal issues were among factors attributing for the breakdown of a family in the area under study. To this effect, a study conducted by Serkalem (2006) in Addis Ababa city has indicated that husband's over-spending to *Khat*, alcohol and smoking and the negative effects of these on the income of the family has contributed to the current rapidly increasing rate of divorce. Likewise, sexual incompatibility, fertility problem related with one or both of the couples, pressures coming from friends and families, difference in religious affiliation and ethnic background were identified as the major causes of divorce in the metropolitan.

Furthermore, pressure from friends, disagreement arising from the disturbing involvement of children, migration, and difference in religious affiliation have been shown as contributing factors that cause divorce in the *Wereda*. Similar study by Amato and Previti (2003) documented that infidelity followed by incompatibility, alcohol or drug use, and living apart were the major causes of divorce in United States during 1980-1997. Moreover, In relation to this, research conducted in Nigeria, Kwara state, by Umoh and Adeyemi (nd) recognized sterility as number one cause for divorce to be followed by protracting sickness that frequently plague of any one of the spouses. Religious differences, sexual problems, cross-cultural marriages and age differences were also reported to be the leading factors in causing divorce.

Unlike, the documentation of previous research findings this study come up with three new causes divorce in the area of study. The current study revealed that the marriage type governs the stability of marriage. Polygamy is found to be the principal cause of divorce in the area under study. Similarly, husbands' monopolized property management technique and exploiting common property alone have been the second level potential cause of divorce.

Women's lack of knowledge how to exercise women rights were assumed to be in attributing for divorce in the area under inquiry.

Bearing in mind the divorce rate data collected from Boloso Sore *Wereda* Court from 2010-2014 one can understand that the divorce rate has been drastically increasing in the *Wereda* from time to time. In the first year of assessment, 2010, 43% of applicants have been divorced and the rest 57% has been settled their dispute through TFA. In 2014, the rate of divorce among applicants has been increased 65% and the achievement of TFA decreased to 35%. The increment of divorce rate has been progressive from 2010-2014. On the reverse, the number of couples settled their disputes through TFA have been decreasing gradually. Similarly, a study conducted by Dana and Larsen (2000). According to this study in Ethiopia 45% of all first marriage ends in divorce or separation within 30 years. In a similar vein, 28% of marriage disrupt within the first five years, 34% within 10 years, and 40% within 20 years. In addition, the same study stated that 2/3 of women divorce within the first five years of marriage.

Regardless of whether one has sought or caught unprepared, divorce is one of the most stressful events a person can experience in life. It even becomes worse and gets complex when children are involved. Thus, according to the findings of this study divorce has long and short-term effects on divorced spouses, their children and relatives throughout their lives. The number one risk of parental divorce in children is post-divorce maladjustment. The children's behavioral, physical, mental, and social adjustment after parental divorce depends on the level and intensity of parental conflict prior, during, and after divorce. In the same line with the result of this study Fagan and Churchill (2012) showed that divorce permanently weakens the family and the relationship between children and parents. Additionally, divorce frequently leads to destructive conflict management methods, diminished social competence for children and the early loss of

virginity, as well as diminished sense of masculinity or femininity for young adults. It also results in more trouble with dating, more cohabitation, and greater likelihood of divorce, higher expectations of divorce later in life, and a decreased desire to have children.

The finding of this study revealed that traditional arbitration is the most important conflict resolution mechanism among disputing spouses. This informal legal system minimizes familial and social crises that could emanate from the possible occurrences of the disintegration of disputing spouses. Additionally, traditional family arbitration reduces the cost and time wastage of both the litigating spouses and the court. Unlike the court litigation, arbitration is not as such procedurally strict and could be preceded by the local knowledge of disputants and the arbitrators too. Arbitration alleviates the burden or case overload and thus increases the efficiency of the court. Similarly, Ayalew's (2012) study result showed that customary laws and practices as a system of governance and an institution of ritual performance play a great role in regulating the social, political and religious lives of the people and maintained gender equality and women rights in Ethiopia. Moreover, Adamopoulos (2012) listed the benefits of arbitration in U.S. According to this study, divorcing couples can select the arbitrator who will arbitrate their issues. They have the option to select an arbitrator who has specific experience in an area of their interest, the spouses can define the specific issues to be addressed by the arbitrator by their full consent, pick day, time and location of their hearing, enjoy privacy, confidentiality, and a less formal setting in arbitration.

However, when compared with their counterparts women prefer court litigation to local mechanisms. They argue that they took their cases to statutory institutions owing to community's lack of understanding about the rights of women in general and the arbitrators in particular. Hence, they resorted to formal venue for the traditionally binding and age old cultural practices

are insensitive to gender equality and compel women to accept the results of arbitration concluded by elders. The elders, for the sake of reconciliation, would force them not to depart from their family. These are the push factors for women to go to public court first. Peer pressure, interference of parents, and the bias women have (that arbitration would always favors men at the expense of women) are the push factors that commonly drive women to take their cases to the court where they believe could get impartial trial.

However, albeit women have little appetite to traditional conflict resolution strategies, Ayalew's (2012) study result showed that customary laws and practices as a system of governance and an institution of ritual performance play a great role in regulating the social, political and religious lives of the people and maintained gender equality and women rights in Ethiopia. Nonetheless, study participants have expressed their concern that in recent years the role and acceptance of traditional family arbitration institution is progressively diminishing and not becoming number one choice for many reasons. Poor qualification and arbitrators' lack of knowledge about gender equality are among the few challenges they mention. Furthermore, neglecting the participation of women in the arbitration process and passing decisions in the favor of men in the cases of management of common property, rising up of children, and accepting some form of domestic violence as the act of normal marital management are the primary challenges facing the informal system.

In support of this argument, a study carried out by Kelly (2000) has indicated that family arbitration has struggled for the last twenty-five years to become a credible option and to play significant role in addressing problems related with spousal dispute and divorce. However, in the past decade, family arbitration has emerged as a major dispute resolution process in many states within the U.S., Australia, Canada, and Scotland.

To address the aforementioned challenges, there is an attempt to reconfigure the composition of arbitration body to help it play the key social role it had been playing in the past. As mentioned in the finding part of this study, almost in both *Kebeles* selected for this study, arbitrators are comprised of community elders, religion leaders, parents of the conflicting spouses, and sometimes *Kebele* and *Iddir* leaders based on the choice of spouses. However, unless and otherwise the conflicting spouses has made serious attention in the selection of arbitrators the result of arbitration could end up to be unsatisfactory. As one of the key informants from the legal court indicated the nomination of arbitrators by spouses dictates the outcome of the arbitration. If they bring the list of reputable individuals the final result of the arbitration most likely would be reconciliation of the spouses and vice-versa.

Opposite to the findings of this study Ayalew (2012) documented that despite of its drawbacks in marginalizing women in some aspects, customary system developed unique and innovative mechanism that would ensure the protection of the rights and interests of women. On the contrary, participants of this study perceived the traditional arbitration system to have bias for men and have less understanding on the rights and interests of women. This big difference on perception of family arbitration might emanate from the culture, religion, access of education, geographical setting, and life style difference of study areas. As it has been stated above the divorcees were illiterate and needy.

A study by Amuda (2007) showed that lack of parents' intervention reflects in rate of divorce in Nigeria and its consequences always fall on parents and concerned couples. On the opposite, according to key informants of this study, the interference of parents on the private affairs of the couples was sorted out as potential cause of divorce. The difference on the result of interference of parents on the private issues of couples might emanate from the difference of

culture and perception of women rights and gender equality. Likewise, having low understanding and educational status of parents in the study area have multiple impacts on divorcees, their children, and on the parents themselves and contributed a lot to the increasing rate of divorce.

Kumar and Quisumbing (2011) reported that the most striking problem was that women were not receiving the proportional share of their common property after divorce. This is due to the fact that they have little understanding about the division of property after divorce. As it has been vividly indicated in the findings of this study that the FGD participants from the Chama Hembecho *Kebele* have complained that women are getting divorced just to take the proportional share of their common property and thereby maximize their joy with the property of their husband after divorce. However, although both of these places, where studies conducted were in rural parts of Ethiopia, this paradox comes from the difference of culture as well as access to legal and political support of women. In the study area women has access to legal and political support based on their request to get the services. Using this access might have contributed for men's blame that women are abusing their rights.

TFA helps disputing couples to select the arbitrator who will arbitrate their issues by their own choice. They have the option to select an arbitrator who has specific experience in an area of their interest, the spouses can decide the specific issues to be addressed by the arbitrator by their full consent, pick appropriate day, suitable time and location of their hearing, enjoy privacy, confidentiality, and a less formal setting in arbitration. By its very nature TFA does not require any special knowledge of spouses and help of experts, because it is traditional institution.

Chapter Six

Conclusion and Implications for Social Work

Conclusion

This study has made an effort to investigate the effects of traditional family arbitration and legal divorce on divorcees and their children. In the same token, it has assessed the major causes of divorce, the preference of conflicting spouses among TFA and CL and their reasons, the intention of the court when redirecting the case of spouses for local arbitration, and composition and role of arbitrators in the arbitration process. The study has been undertaken with the covert intention of exploring the strengths and weaknesses of both systems to identify their effects clearly. The study participants have been divorcees, their children and spouses settled their dispute through TFA after the opening of file for divorce in the court. For its methodological convenience qualitative research method has been employed for this study. Under qualitative method the sample selection has been guided by principles of non-probability purposive sampling technique. Purposive sampling technique employed using the last five years (2010-2014) petition provided for divorce, divorced and reconciled spouses data as sample frame. Additionally, FGD, key informants interview and document analysis was done to support the data collected from the study participants.

The findings of this study revealed that a principal cause of divorce in the study area was found to be polygamy. For so many reasons, which are out of the objectives of this study, it is hardly possible for a husband to manage more than one wife and their children equally. On the other side, because of their diversified background, wives of a husband could not be similar regarding caring for their husband and children, satisfying his needs and on other issues. This in turn could brought neglecting one or more of his wives and become a cause for conflict and

divorce as well.

Addiction to alcohol and consequent physical and psychological abuse, lack of friendly communication, conflict management skills, knowledge how to exercise right and interests of women, negligence, and abandonment are the first line causes of divorce according to the research participants. In the same vein, monopolized property management of a husband and interference of parents on the spousal issues were potential causes of divorce. Moreover, friends' pressure, interference of children on parental issues after the age of majority, migration, and difference in religious affiliation has been triggering divorce in the *Wereda*.

Undeniably the prevalence of divorce in Boloso Sore *Wereda* has been dramatically increasing in the last five years. It is negatively affecting the social, economic and psychological status of divorcees and their children. The psychological and social crisis of the divorcees and their children begins before the declaration of divorce then a significant economic decline comes next. The separation of a child from his/her parent creates devastating and traumatic effects on his/her lives after. Children from divorced families deprived of love, care and support of their non-custodial parent. It is affecting a healthy growth and functioning of their psychology and social life.

TFA is believed to be the most effective and efficient conflict resolution mechanism among spouses. This informal legal system minimizes multiple social and familial crises, which could happen due to the disintegration of conflicting spouses. Additionally, traditional family arbitration reduces the resource and time wastage of both litigating spouses and the court. TFA shares a great burden of court case overload. Unlike the CL arbitration is not as such procedure strict and could be preceded by the local knowledge of the arbitrators and the disputants too.

The community's lack of understanding concerning gender equality, rights and interests

of women are basic pushing factors of women to prefer public court first over the TFA. Even though, the awareness of a community is scaling up from time to time on the issues of women its implementation is very minimal. Influencing a woman to accept the arbitral awards for the sake of reconciliation and living together with her family without satisfying her desires was accepted to be additional factor of women to trust court litigation and suspect TFA and its procedure. In line with the above, peer pressure, interference of parents, marginalizing women from the arbitration process, and a biased belief of women as if arbitration always favoring for men in the expense of women have been another attributing factors of women to prefer the court trial over arbitration.

Arbitrators' lack knowledge of about gender equality is major challenges of arbitration. Neglecting the participation of women in the arbitration process and passing decisions in favor of men in the case common property management and parenting styles were primary challenges of TFA. Moreover, accepting some form of domestic violence as the act of normal marital management has been the potential challenges of the informal system, TFA. The aforementioned issues are potential challenges of traditional family arbitration unless some remedial action taken by collaboration of the government of Ethiopia and the community as soon as possible.

For the aforementioned challenges of arbitration the composition of arbitrators has played a significant role. As it has been mentioned in the finding part of this study, almost in both *Kebeles*, selected for this study, arbitrators are comprised of community elders, religion and *Kebele* leaders, parents of the conflicting spouses, and sometimes *Iddir* leaders by the choice of spouses. Unless and otherwise conflicting spouses has made serious attention in the selection of arbitrators the result of arbitration could not be good. The spouses' proposal of arbitrators indicates the result of the arbitration. If they bring the list of reputable individuals the result of

arbitration would be most likely reconciliation of the spouses and vice-versa.

Regardless of their gaps, RFC and Civil Code recognized the importance of TFA for marital stability. This indicates that in Ethiopian legal system provides a legal space in which TFA working and CL operates as supplemented by TFA. The basic effect of TFA on disputing spouses and their children is protecting unstable families from disintegration and children from separation of their one or both parents due to their parents' divorce. Additionally, TFA shares a cases overload of the court and saves a potential financial and time wastage of disputing spouses and the court. Furthermore, arbitration safeguards disputing spouses, their children, and the whole community from the likely social evils related to divorce.

Nevertheless, divorce has a vicious circling and complicated psychological, social, economic, and health problems on divorcees, their children, and on the community. Divorce creates bitter hostility among departing spouses. Moreover, children of divorcees deprive of love and care of their non-custodial parent and have broken or weak children-parents relationship. However, divorce has some positive effects regarding protecting the interest of one or both of litigating party, its negative impact is not comparable with its advantages.

Implication for Social Work

Implication for Practice

At the time of study, there has been no formal or informal helping institution or body to provide any support and care for disputing spouses, divorcees and their children before and after the divorce. As it has been observed during the data collection time the traditional support and care system of the community is very weak. To this effect the impact of divorce is rushing from bad to worse as a consequence of traditional social support and care system is weakening from time to time. In order to reduce the speed of divorce rate, and to help divorcees and their children

especially in the post-divorce period (i.e. critical time) the attention and effort of the state, social institutions and helping professions is fundamental.

The code of ethics of NASW (1999) puts the mission of social work profession as, "...to enhance human well-being and help to meet the basic human needs of all people, with particular attention given to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty". Social work is a profession with a long tradition of focusing on the disadvantaged population and working for social justice and human rights.

With the aim of reducing divorce rate and its negative consequence on the lives of divorcees and their children, the role of social workers in crisis intervention, case management, conciliation, mediation, connecting people to resource, awareness raising and advocacy are desired in many ways. Besides, strengthening the TFA system of the community the preventive work should start before the formation of family to reduce divorce rate. The promotion of family education and information will enable the community from maladjustment and enhancing healthy function of individual, family and the community. The target should focus to increase the engagement of youths in the educational awareness of healthy behaviors about relationships through premarital counseling service.

In addition to the above promoting value system of professional social work the legal, traditional, cultural and social systems will strength family roles and enhance the stability of marriage and the society. The rehabilitative process in post-divorce is to alleviate the socioeconomic and psychological impact of divorce on divorcees and their children. It includes rendering appropriate and sustainable care and support to divorcees and their children by creating easy access to all kinds of basic services through network with other helping organizations. The rehabilitative work in the process of divorce and its settlement by social

worker most importantly includes the role of reconciling disputing spouses.

To reduce the divorce rate reconciliation of couples with the help of professional social worker should be considered as one best alternative at the court setting before pronouncement of divorce. Actually, this is not the reality currently in any area of the country so needs further implementation. Moreover, to reduce the effect of divorce on the divorcees and their children the role of arbitration is vital. Arbitration will help to re-establish contact between the parties and provide a neutral forum where the parties may meet face to face to have friendly communication.

In the process, the social worker can provide within that forum an impartial presence supportive of arbitration. This will facilitate the exchange of information between the parties within a structured framework. As a result, the parties will examine their common interests, objectives and the possibilities for reaching agreements that are practicable, acceptable and beneficial to themselves and their children. The government, communities, courts, and social organization are expected to work jointly to ensure that all married couples as well as singles have access to child centered and affordable counseling services through the intervention of professional Social Worker.

Implication for Policy

An intact family is a firm base for stable and developing community. Protecting this institution from disintegration for minor cases, like poor communication, lack of conflict management skill and knowledge how to exercise women rights, is the responsibility of the government and the society jointly. In order to implement different family preserving activities the government has a primary duty of supporting diverse traditional activities of the community. To this effect the support of government could be pronouncing new proclamations and or amending the existing laws which have gaps. On conditions that the community's interventions

are not against the human and democratic rights of the society, especially women and children rights and related laws of the country the state has to recognize and back up the society in general and the community in particular with different legal grounds.

The existing RFC and CC of Ethiopia has a couple of gaps to fully implement the most effective and efficient TFA. The provisions of Civil Codes were revoked by the RFC of Ethiopia. The RFC has no article or provision which states about the selection criteria of arbitrators, their number according to the findings of this study which is found to have significant impact on the outcome of the arbitration. On the other hand, there is no mechanism of implementing the decisions of arbitrators, however, their decision is fair and neutral according to the concerning laws of the country. Therefore, by getting a new outlook on the issues under inquiry the policy makers should enact a new legislation to provide strong legal support for the most effective and efficient conflict resolution mechanism, arbitration. In addition, local arbitrators, conflicting spouses, religion and community leaders as well as any concerned GOs and NGOs working in this area will get common legal framework how to intervene in family preservation activities and strengthening the TFA. Any disputing spouses will have knowledge how their case would go through TFA when there is clear legal base which governs it. Given the importance of divorce as a determinant of later outcomes in life culture should be taken into consideration when formulating family policies.

Implication for Research

Among the dispute resolution mechanisms family arbitration is believed to be the best means of reconciling disputing spouses and in the same line to reduce divorce rate and to build settled community. Depending on the culture, religion affiliation, and social status difference of individuals TFA, its effects, strengths and weaknesses could not be assessed and reported by this

study. The instruments employed to identify and assess the effects of TFA and LD has limitation in relation to the complicated nature of the problem. Marriage is not simply the union of a man and a woman rather it is the unification of families and friends similarly divorce is not only the issue of couples. Moreover, divorce and post-divorce adjustment is a complex process, which varies due to many internal and external factors. Therefore, this suggests that further intensive research should be conducted on each and every strengths and weaknesses of TFA.

In Ethiopia it is not as such simple to find ample research papers, books, journals or governmental and non-governmental reports on family arbitration practice of any culture. Traditional arbitration practice generally and TFA particularly are not well-researched social problems except few studies on the general conflict resolution practice of the country. This implies that TFA practice needs due attention of all concerned GOs, NGOs, and professional researchers to conduct intensive research based on the culture, religion, and indigenous knowledge of the society.

References

- Adamopoulos, A. C. (2012). *Understanding Divorce Arbitration. Arbitration, Mediation & Collaborative Representation*. Washington DC:
- Adegoke, T. G. (2010), *Socio-cultural Factors as Determinants of Divorce Rates among Women of Reproductive Age in Ibadan Metropolis, Nigeria*. Ibadan: University of Ibadan.
- Ahiaoma, I. (2013), The psycho-social effect of parental separation and divorce on adolescents. *International Journal of Psychology and Counseling*, 152-168.
- Amato, P.R. (1994). Father-child relations; Mother-child relations; and offspring psychological well-being in early adulthood. *Journal of Marriage and Family issues:1031-1042*.
- Amato, P. R. and D. Previti (2003), People's Reasons for Divorcing: The Pennsylvania State University. *Journal of Family Issues*, Vol. 24. 602-626.
- Amuda, Y. J. (2007). *The Concept of Mediation/Arbitration in a Conflictual Family: Nigerian Customary Law and Shari'ah System as a Case Study. A Comparative Analysis*. Malaysia: International Islamic University.
- Askalemariam Adamu and Minwagaw Temesgen (2013), *Divorce in east Gojjam zone: rates, causes and consequences*. Debre Markos University, Ethiopia.
- Ayalew Getachew, (2012). *Customary Laws in Ethiopia: A Need for Better Recognition? A Women's Rights Perspective*. Copenhagen: Danish institute for human Rights.
- Bereket Tessema (2012) *Determinants of Marital Dissolution in Ethiopia*. Unpublished Master's thesis, Addis Ababa University, Ethiopia. Retrieved from <http://www.aau.edu.et:8080>
- Boniface, A. E., (2012) A humanistic approach to divorce and family mediation& Arbitration in the South African context: *Journal of family Mediation and Arbitration*
- Bramlett, MD., Mosher, WD. (2001). *First marriage dissolution, divorce, and remarriage:*

- United States. Maryland: National Center for Health Statistics.
- Burgess, E. 1926. The family as a unity of interacting personalities. *The Family* 7: 3-9. Curtis, O. 1999. *Chemical dependency: A family affair*. Pacific Grove, CA: Brooks/Cole.
- Central Statistical Authority (CSA) 2004. *People and Housing Census, Ethiopia demographic and health survey, 2004*. Addis Ababa, Ethiopia.
- Dana Tilson and Ulla Larsen (2000) Divorce in Ethiopia: The Impact of Early Marriage And Childlessness. *Journal of Biosocial Science*, 32 pp 355-372.
- Fagan, P. F. and Churchill A. (2012), *the Effects of Divorce on Children*. Washington DC. Marriage and religion research institute.
- Federal Negarit Gazetta of the Federal Democratic Republic of Ethiopia. *Revised Family Code (RFC) Proclamation No 213/2000*. Addis Ababa.
- Fekadu Petros, (2009) Underlying Distinctions between Alternative Dispute Resolutions (ADR), Shimgline and Arbitration: *Mizan Law Review Vol.3 No.1, p105-133*.
- Filani, T.O. (1984). *An experimental study of Communication Skill training and cognitive restructuring on the marital adjustment of some Nigerian couples*. Unpublished Ph.D. Thesis, University of Ibadan.
- Furtado, D., Miriam M. & A. Sevilla-Sanz (2010) *Does Culture Affect Divorce Decisions? Evidence from European Immigrants in the USA*. London: University of Oxford.
- Goode, W. J. 1969. The theoretical importance of love. *American Sociological Review* 34: 38-47. Groth, A. J. 1970. Structural functionalism and political development: Three problems. *The Western Political Quarterly* 23(3): 485-499.
- Hewitt, B., Skrbis, Z., and Mark, W. (2009), *The Association Between Parental Divorce and Adolescents' Expectations of Divorce*. Australia: University of Queensland.
- Holman, T., and W. Burr. 1980. Beyond the beyond: The growth of family theories in the

- 1970's. *Journal of Marriage and the Family* 42: 729-742.
- Holt, Rinehart, & Winston. Wallerstein, J., and S. Blakeslee. 1989. *Second chances: Men, women, and children a decade after divorce*. New York: Ticknor and Fields.
- Kelly, A.B., & Fincham, F.D. (2003). Preventing marital distress: What does research offer? *Journal of Preventive approaches in couples' therapy*, 361-390.
- Kelly, Joan B. (2000). Issues Facing the Family Arbitration/Mediation Field. *Dispute Resolution Law Journal*, Vol. 1: 37, 2000.
- Kiernan, K. and Mueller, G. (1998) *The Divorced and Who Divorces?* London: School of Economics.
- Kingsbury, N., and J. Scanzoni. 1993. Structural-functionalism. In *Sourcebook of family theories and methods: A contextual approach*, ed. P. G. Boss, W. J. Doherty, Kreuger, L.W. & Neuman, W.L. (2006). *Social work research methods: Qualitative and Quantitative applications*. Boston, MA: Pearson Education.
- Kulik, L. and Kasa, Y. A. (2014). Adjustment to Divorce: A Comparison of Ethiopian Immigrant and Israeli-Born Men. *Journal of Community Psychology*, 191–208
- Kumar, N. & Quisumbing, A. (2011). *Beyond 'death do us part': the long-term implications of divorce perception on women's well-being and child schooling in rural Ethiopia*. Washington DC: Chronic Poverty Research Center.
- Landucci, N. (2008), *The Impact of Divorce on Children: What School Counselors Need to Know*. Madison: University of Wisconsin-Stout.
- Merton, R. K. 1957. *Social theory and social structure*. Glencoe, IL: Free Press.
- Orisa, A. A. (2009). Impact of Family Disintegration on the Academic Achievement of Secondary School Students. *Nigerian journal of social studies*, vol. xii (1) 2009.

- Palosaari U.K. and Aro H.M. (1995), *Parental divorce, self-esteem and depression: an intimate relationship as a protective factor in young adulthood*. Finland: University of Tampere.
- Parsons, T. 1951. *The social system*. New York: Free Press.
- Popenoe, D. 1996. *Life without father*. New York: Free Press.
- Radcliffe-Brown, A. 1952. *Structures and function in primitive society*. Glencoe, IL: Free Press.
- Reilly, K. (2009), *The Economic Consequences of Divorce: The Role of Child Support, Labor Force Participation and Means Tested Transfers over Time*. New York: Cornell University.
- Reniers, G. (2003). *Divorce and remarriage in rural Malawi*. Journal of Demographic Research, pp. 175-206.
- Russell, B. 1945/1972. *A history of Western philosophy*. New York: Simon and Schuster.
- Seidman, I. (2006). *Interviewing as qualitative research: A guide for researchers in education and the social Sciences*. New York: Columbia University.
- Sender, J. & Oya, C. (2007) *Divorced, separated and widowed female workers in rural Mozambique*. The Netherlands: African Studies Centre Leiden.
- Serkalem Bekele, (2006) *Divorce: Its Cause and Impact on the Lives of Divorced Women and Their Children*. Unpublished Master's thesis, Addis Ababa University, Ethiopia.
Retrieved from <http://www.aau.edu.et:8080>
- Shehan, C. L., and K. C. W. Kammeyer. 1997. *Marriages and families: Reflections of a gendered society*. Boston: Allyn and Bacon.
- Solomon Emiru, (2009). *Comparative analysis of Scope of Jurisdiction of Arbitrators Under the*

- Ethiopian Civil Code of 1960*. Hungary: Central European University.
- Sprey, J. 1979. The family as a system in conflict. *Journal of Marriage and the Family*, 699-706.
- Umoh, S. H. And Adeyemi, H. (n.d.), Causes of Divorce as Perceived By Students of Kwara State, Nigeria. *Nigerian Journal of Guidance and Counseling*, 16-24.
- Waite, Drs. L. J. & Gallagher, M. (n.d.) What are the possible consequences of divorce for adults? *Journal of Marriage and Family Issues*.
- Waller, W. 1938. *The family: A dynamic interpretation*. R. Hill, rev., 1951. New York: Holt, Rinehart and Winston.
- White, J., S. Marshall, and J. Wood. 2002. Confusing family structures: The role of family structure in relation to child well-being. Paper presented at the North West Council on Family Relations, Vancouver, British Columbia, Canada.
- Winton, C. 1995. *Frameworks for studying families*. Guilford, CT: Duskin Publishing Group.
- Yin, K. R. (2003). *A case study research: Design and methods (3rd ed)*. Sage publications, Inc

Appendices

Appendices A

Informed consent

Researcher: TAREKEGN TAFESSE OLOLO

Title of the research is the effects of traditional family arbitration and legal divorce on divorcees and their children.

Objective of this study is to assess factors that compel the conflicting spouses to prefer the court litigation rather than local family arbitration and to investigate the reason that family courts enforcing the litigating spouses to solve their divorce issue through traditional arbitration.

Procedure: The procedure of obtaining the information required for this research will be done with qualitative approach. The researcher is going to do an in-depth study of traditional family arbitration and legal divorce practice and its effect on the divorcees and their children. The dominant approach will be in the form of case study and the data will be collected through in-depth interview, FGD, and observation. The interview will be recorded and the responses analyzed in the terms, themes and sub-themes.

Risks and discomforts: The only discomfort that the researcher can foresee is the discomfort or stress that may arise from talking about the traumatic experience of divorce on some divorcees and their children. Furthermore, the researcher will not continue with the interview if any major concern arises and will ensure that you will not be forced to continue the interview in any distress. If it is necessary for any therapy, the researcher will arrange by coordinating with concerning and available governmental and non-governmental organizations.

Benefit of this study is that the policy makers, government officials, professionals, the community members and others may have new insight of alleviating this global and national

problem, divorce through strengthening the traditional family arbitration of the study area.

Participants' rights:

- Participation is totally voluntarily based
- You may withdraw at any stage of the process without negative consequences or with any information being published or disclosed.
- Total confidentiality and anonymity will be highly secured
- Access to the results of the research, if you so desired.

Confidentiality and anonymity: The researcher will allocate pseudonyms for you and your children to ensure that after the data has been collected no one will be able to identify who you are. The researcher will also destroy all evidences that link you to the research after the research process completed. With regard to privacy, the researcher will respect your privacy and only collect information that is relevant to the research study.

If at any stage you feel that yours or your child's privacy is being violated the researcher will reorganize the study to ensure that you are in no way compromised. The interview that the children are going to asked will be anonymous. The researcher is working under the supervision of advisor (Tenagne Alemu, PhD) from the School of Social Work, Addis Ababa University, to ensure that he does not do anything unethical. The researcher can be contacted by telephone, mail or e-mail if desired.

Cell phone: +251911996528

Postal address: 1176 (AAU)

E-mail:- tarekegntafesse1@gmail.com

Participant's/Guardian's

Researcher's

Name and signature -----

Signature ----- Date -----

Appendices B

In Depth Interview Guide for Divorcees

The objective of this interview is for partial fulfillment of the requirement for the degree of Master of Social Work. Therefore, I designed it to collect data about the traditional and legal divorce practice and its effect on divorcing spouses and their children. The data collected by this interview will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in the hands of the researcher. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal.

Please give your answer in detail for each question below.

1. Name _____ (Optional and using pseudonym is possible)
2. Sex _____ Age _____ Place of birth _____ Place of residence _____
3. Educational level _____ Religion _____ your ex-spouses religion? _____
4. How often do you and your ex-spouse go to church? _____
5. Your ethnic background _____ your ex-spouse's _____
6. Your occupation _____ your ex-spouse's _____
7. Your income per month _____ your ex-spouse's _____
8. When have you married your ex-spouse? _____
9. How your marriage was established? Customary _____ Religious _____ Civil _____
10. Do you have any children from your previous partner? _____
11. What was your main reason for divorce? _____
12. Have you tried to solve your conflict through arbitration before taking to legal court? _____
13. In your community who are the members of arbitrators? _____

14. Is there any woman among arbitrators? _____
15. Do you think that the absence of women among the arbitrators have impact on the fairness of the decision of the arbitrators? _____
16. Do you believe that the decision of arbitrators is fair and effective? _____
17. Who provided petition for divorce first? _____ Why? _____ when? _____
18. Is there any arbitrator who came to the court to handle your issue by arbitration? _____
19. Does the court guide your case to the selected arbitrators to resolve through arbitration? _____
20. How the arbitrators handled the case? Does it was fair and democratic? _____
21. When do you get divorced? _____
22. Who gave you the final decision? (the court/arbitrators) _____
23. Who was found to be guilty or caused the divorce? _____
24. Does the court/arbitrators decided the compensation for the moral crises caused to the other party? _____
25. Would you tell me the process of liquidation and division of common property? _____
26. Where the court/arbitrators decided the custody of your children? (if you have any) _____
27. Who is financing their school fee and other basic costs? _____
28. Could you compare your income with pre and post divorce? _____
29. What are the major effects of arbitration and/or court trial on the divorcees? _____
30. Which way do you think the best mechanism to resolve marital conflicts? _____

Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendix C

In Depth Interview Guide for Divorcees' Children

The objective of this interview is for partial fulfillment of the requirement for the degree of Master of Social Work. Therefore, I designed it to collect data about the traditional and legal divorce practice and its effect on divorcing spouses and their children. The data collected by this interview will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in the hands of the researcher. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal.

Please give your answer in detail for each question below.

1. Name _____ (Optional and using pseudonym is possible)
2. Sex _____ Age _____ Place of birth _____ Place of residence _____
3. Educational level _____ Religion _____ Marital status _____
4. Ethnic background _____ Occupation _____ Monthly income _____
5. What was the main reason for your parents' divorce? Do you have any information about the cause of their divorce? _____
6. Who is your custodial parent? _____
7. Where are you living now? _____
8. Is your non-custodial parent visiting you regularly? _____
9. Who is paying your educational, health, clothing and other costs? _____
10. How is your life before and after your parents' divorce? _____

Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendices D

In Depth Interview Guide for reconciled spouses

The objective of this interview is for partial fulfillment of the requirement for the degree of Master of Social Work. Therefore, I designed it to collect data about the traditional and legal divorce practice and its effect on divorcing spouses and their children. The data collected by this interview will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in the hands of the researcher. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal.

Please give your answer in detail for each question below.

1. Name _____ (Optional and using pseudonym is possible)
2. Sex _____ Age _____ Place of birth _____ Place of residence _____
3. Educational level _____ Religion _____ your ex-spouses religion? _____
4. How often do you and your ex-spouse go to church? _____
5. Your ethnic background _____ your spouse's _____
6. Your occupation _____ your spouse's _____
7. Your income per month _____ your spouse's _____
8. When have you married your spouse? _____
9. How your marriage was established? Customary _____ Religious _____ Civil _____
10. Do you have any children? _____
11. What was your main reason for conflict with your spouse? _____
12. Have you tried to solve your conflict through arbitration before taking to legal court? _____
13. In your community who are the members of arbitrators? _____

14. Is there any woman among arbitrators? _____
15. Do you think that the absence of women among the arbitrators have impact on the fairness of the decision of the arbitrators?_____
16. Do you believe that the decision of arbitrators is fair and effective?_____
17. Who provided petition for divorce first?_____ Why?_____when? _____
18. Is there any arbitrator who came to the court to handle your issue through arbitration?_____
19. Does the court guide your case to the selected arbitrators to resolve through arbitration?_____
20. How the arbitrators handled the case? Does it was fair and democratic?_____
21. When have you reconciled with your spouse? _____
22. Who was found guilty in arbitration?_____
23. How is your life before and after reconciliation? Is there any difference?
24. What are the major strengths and weaknesses of arbitration? _____
25. Which way do you think the best mechanism to resolve marital conflicts? Court litigation or arbitration? _____

Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendices E

Interview Guide for Judges (Key Informants)

The objective of this interview is for partial fulfillment of the requirement for the degree of Master of Social Work. Therefore, I designed it to collect data about the traditional and legal divorce practice and its effect on divorcing spouses and their children. The data collected by this interview will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in the hands of the researcher. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal.

Please give your answer in detail for each question below.

1. Name _____ (Optional and using pseudonym is possible)
2. Sex _____ Age _____ Occupation/Position _____
3. Would you tell me the number of divorce cases you see per week in this court? _____
4. What have you observed as the major cause of divorce in this area? _____
5. Who provide petition for divorce most of the time, a husband or a wife? _____
6. When do traditional arbitrators come to the court to solve the dispute of conflicting spouses through arbitration? _____
7. Have you ever seen any women, other than the parents of disputing couples, who come to the court to resolve the case of conflicting spouses through arbitration? _____.
If not, what do you think the reason? _____
8. Have you ever involved women as an arbitrator to resolve the conflict between the spouses through traditional arbitration? _____
9. Do you think that the absence of women in the arbitration process has impact on the life

of divorced spouses and their children after divorce? _____

10. Based on your experience in the family court trial, between the conflicting husband and wife, who is more interested to resolve the case through traditional arbitration and who is resisting more? _____

11. What do you think the main reason of the couples to like more and to resist strongly the traditional arbitration process of the community? _____

12. Between the traditional and legal divorce, which one do you think is the best divorce practice to respect the rights of divorcing spouses and their children? _____

13. What procedures do you suggest to be followed by the local arbitrators to settle dispute between disputing spouses out of court? _____

Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendix F

Interview Guide for *Kebele* Key Informants

The objective of this interview is for partial fulfillment of the requirement for the degree of Master of Social Work. Therefore, I designed it to collect data about the traditional and legal divorce practice and its effect on divorcing spouses and their children. The data collected by this interview will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in the hands of the researcher. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal.

Please give your answer in detail for each question below.

1. Name _____ (Optional and using pseudonym is possible)
2. Sex _____ Age _____ Occupation _____
3. Have you ever been participated in the arbitration process of conflicting spouses?
4. How long have you been participated in the family arbitration process? _____
5. What have you observed as the major cause of divorce in your area? _____
6. Have you ever gone to court to handle the issue of conflicting spouses through traditional arbitration? _____
7. If you said yes for the above question, when do you go to the court to solve the dispute of conflicting spouses through arbitration? _____
8. Would you tell me the procedures, the conflicting couples expected to follow, to settle the conflict or get divorced through traditional divorce process? _____
9. Have you ever seen any women, other than the parents of disputing couples, who come to the court to resolve the case of conflicting spouses through arbitration? _____

10. Have you ever let involved women as an arbitrator with you to resolve the conflict between the spouses through arbitration? _____
11. Do you think that the absence of women in the arbitration process has impact on the final decision of the arbitrators? _____
12. Based on your experience in the arbitration, between the conflicting husband and wife, who is more interested and who is resisting to resolve the case through arbitration? _____
13. What do you think the main reason of the couples to like more and to resist strongly the traditional arbitration process of the community? _____
14. Between the traditional and legal practice, which one do you think is the best way to respect the rights of divorcing spouses and their children? _____

Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendices G

Focus Group Discussion Points

My name is Tarekegn Tafesse, I am a master's student of the School of Social Work at Addis Ababa University. I am conducting a research on The Effects of Traditional Family Arbitration and legal Divorce on Divorcees and Their Children and would like to collect some information related to the objective of my research. The data collected at discussion will all be used for the purpose of this research only. In addition, note that all the collected data will be kept merely in my hands. Moreover, you are not expected to tell me your name. I hereby request you to be open and honest while discussing so that the research could succeed and achieve its goal. Please, give detailed information on the issues I am going to rise for discussion.

1. How is the prevalence of divorce in your *Kebele*? Is it increasing or decreasing?
2. What do you think the major causes of divorce?
3. Is it impossible to settle the disputes of spouses through arbitration? How/why?
4. Which conflict resolution method do the spouses prefer among traditional arbitration and court litigation? Why?
5. What advantages do the arbitration has over the litigation? What about the court litigation?
6. How does the community compose the arbitrators? Does it have any criteria?
7. Do women participate in the arbitration process? Why?
8. In case if women are not participating, do you think that the decision of arbitrators fair towards women?
9. What kind of individuals should spouses select during composition of arbitrators? Why?
10. What do you think the roles of arbitrators during arbitration for fair and neutral decision

as well as reconciliation of conflicting spouses?

11. Which way do you think is the best means of spousal conflict resolution for the best interest of spouses and their children among arbitration and court litigation? Why?

12. In your opinion, what do you need to be avoided from or added on the arbitration process or court litigation in the case of spousal conflict?

Finally, dear discussants I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work family concentration. Thank you!

Appendices H

Amharic Version of data collection tools

የተፋቱ ባለትዳሮች ቃለ-መጠይቅ መነሻ ጥያቄ

እኔ አቶ ታረቀኝ ታፈሰ ይህንን ቃለ-መጠይቅ ለማድረግ የተፈለኩት እኔ በአዲስ አበባ ዩኒቨርሲቲ ሶሻል ወርክ ት/ቤት ቤተሰብን ማዕከል ያደረገ የሁለተኛ ዲግሪ (ማስትሬት) ትምህርት ለማጠናቀቅ የመመረቂያ ምርምር/ጥናት ለማካሄድ ነው። የምርምሩ ርዕስ "The effects of traditional family arbitration and legal divorce on divorcees and their children: the case of Boloso Sore Wereda" ሲሆን ከእርሶ ጋር በሚኖረን ጠለቅ ካለ ቃለ-መጠይቅ ለዚህ ዓላማ የሚሆን ጠቃሚ መረጃ እንደማገኘኝ ተስፋ አደርጋለሁ። ከርሶ የሚወሰደው ማንኛውም መረጃ ከመመረቂያ ምርምር ውጭ ለሌላ ለምንም ዓይነት ጉዳይ እንደማይውል፣ ከእኔ ውጭ ለማንም ተላልፎ አንደማይሰጥና እርሶ ፈልገው ካልሆነ በስተቀር ስምዎትም በማንኛውም ቦታ እንደማይገለጽ አረጋግጥልዎታለሁ።

በመቀጠልም ለሚጠየቁት ጥያቄ ዝርዝርና ትክክለኛ መረጃ ብቻ በመስጠት ጥናቱ ግቡን እንዲመታ የሚጠበቅብዎትን ሁሉ እንዲያደርጉልኝ በአክብሮት እጠይቃለሁ።

1. ስም/የስም ኮድ _____ ዕድሜ _____ ያታ _____
የትውልድ ስፍራ _____ የመኖሪያ ስፍራ _____
2. የት/ደረጃ _____ ሐይማኖት _____ የባለቤት ሐይማኖት _____
3. ብሔረሰብ _____ የባለቤት ብሔረሰብ _____
4. ሥራ _____ የባለቤት ሥራ _____
5. የወር ገቢዎ ስንት ነው? _____ የባለቤት የወር ገቢ ስንት ነው? _____
6. ከባለቤት ጋር የተጋቡት መቼ ነው? _____ ልጅ አፍርተዋል? /ስንት/ _____
7. በምን ዓይነት መንገድ ነው ያገቡት? /በባህል፣ በሃይማኖት፣ በማዘጋጃ ቤት በኩል/ _____
8. ይህንን የጋብቻ ዘዴ ለምን መረጡ? _____
9. ፍቺ/አንግልት ላስከተለው ግጭት መነሻው ምንድነው? _____
10. ፍርድ ቤት ከመሄዳችሁ በፊት አለመግባቱን በአከባቢው ሽማግሌ አማካይነት በእርቅ ለመጨረስ አልሞከራችሁም? _____
11. በእናንተ አከባቢ የቤተሰብ እርቅ ሂደት ምን ይመስላል?

- 12. ምን ዓይነት ሰዎች ናቸው ለሽምግልና የሚመረጡት? ሴቶች ለሽምግልና ይመረጣሉ? -----
- 13. ሴቶች ለሽምግልና አለመመረጣቸው በሽምግሌዎቹ ውሳኔ ላይ የፍትሃዊነት ችግር ይኖረዋል ብለው ያስባሉ?—
- 14. ከእናንተ መካከል ቀድሞ የፍቺ ማመልከቻ ያስገባው ማነው? -----ለምን?----- መቼ?-----
- 15. ጉዳዩን በእርቅ ለመጨረስ ተከትሏችሁ የመጣ የአከባቢ ሽምግሌ ነበር? ካልመጡ ምክንያቱ ምንድነው?-----
- 16. ፍርድ ቤቱ ጉዳዮችሁን ሽምግሌዎቹ እንደጠየቁ ወዲያው ለሽምግልና ሰጥቶ ነበር?-----
- 17. የተመረጡ ሽምግሌዎች ክርክሩን እንዴት ይዳኙታል? ፍትሃዊና ዲሞክራሲያዊ ነው ማለት ይቻላል?
- 18. የፍቺ ውሳኔ ያገኙት/በሽምግልና የታረቁት ከምን ያህል ጊዜ ክርክር በኋላ ነው? ውሳኔውን የሰጠው ማነው?
- 19. በውሳኔው ጥፋተኛ የተባለው ማን ነው? (ባል/ሚስት) ለምን?
- 20. ውሳኔውን የሰጠው አካል ለተገኚ ወገን የሞራል ካሳ እንዲከፈለው ወስኖ ነበር?
- 21. ተፋተው ከሆነ የጋራ ንብረት ቆጠራና ክፍፍል ሂደቱን በዝርዝር ያብራሩልኝ።
- 22. ከፍቺው በኋላ ልጆቻችሁ ከማን ጋር እንዲኖሩ ነው የተወሰነው? ለምን?
- 23. የህፃናቱን ቀለብ፣ ህክምናና የትምህርት ቤት ወጪዎችን የሚሸፍነው ማን ነው?
- 24. ከፍቺው በፊትና በኋላ ያለዎትን የገቢና የኑሮ ሁኔታ ሲያነፃፅሩ ምን ይመስላል? በገቢዎና በኑሮዎ ላይ ልዩነት ካለው ምክንያቱ ምን ይሆናል ብለው ያስባሉ?
- 25. ጉዳይዎ በፍርድ ቤት በመታየቱ ምን ተጠቀሙኩ ብለው ያስባሉ? በባህላዊ ሽምግልናስ?
- 26. ባለትዳሮች በመካከላቸው ያለውን አለመግባባት ለመፍታት የትኛውን አማራጭ ብጠቀሙ ይበልጥ ተጠቃሚ ይሆናሉ ብለው ያምናሉ?
- 27. በተወያየንበት ርዕስ ላይ ሌላ ማለት የሚፈልጉት ነገር ካለ መቀጠል ይችላሉ።

ውይይታችን እዚህ ላይ ያበቃል!!

በመጨረሻም ውድ ጊዜዎትን ሰውተው ለቃለ-መጠይቁ ትክክለኛ ምላሽ በመስጠት ላበረከቱት መልካም ትብብር በአዲስ አበባ ዩኒቨርሲቲና በራሴ ስም ከልብ አመሰግናለሁ።

የአስታራቂ ሽማግሌዎች ቃለ-መጠይቅ መነሻ ጥያቄ

እኔ አቶ ታረቀኝ ታፈሰ ይህንን ቃለ-መጠይቅ ለማድረግ የተፈለኩት እኔ በአዲስ አበባ ዩኒቨርሲቲ ሶሻል ወርክ ት/ቤት ቤተሰብን ማዕከል ያደረገ የሁለተኛ ዲግሪ (ማስትሬት) ትምህርት ለማጠናቀቅ የመመረቂያ ምርምር ለማካሄድ ነው። የምርምራዊ ርዕስ ''The effects of traditional family arbitration and legal divorce on divorcees and their children: the case of Boloso Sore Wereda'' ሲሆን ከእርሶ ጋር በሚኖረን ጠለቅ ካለ ቃለ-መጠይቅ ለዚህ ዓላማ የሚሆን ጠቃሚ መረጃ እንደማግኘት ተስፋ አደርጋለሁ። ከርሶ የሚወሰደው ማንኛውም መረጃ ከመመረቂያ ምርምር ውጭ ለሌላ ለምንም ዓይነት ጉዳይ እንደማይውል፣ ከእኔ ውጭ ለማንም ተላልፎ አንደማይሰጥና እርሶ ፈልገው ካልሆነ በስተቀር ስምዎትም በማንኛውም ቦታ እንደማይገለጽ አረጋግጥልዎታለሁ።

በመቀጠልም ለሚጠየቁት ጥያቄ ዝርዝርና ትክክለኛ መረጃ ብቻ በመስጠት ምርምሩ ግቡን እንዲመታ የሚጠበቅብዎትን ሁሉ እንዲያደርጉልኝ በአክብሮት እጠይቃለሁ።

1. ስም/የስም ኮድ ----- ዕድሜ ----- ፆታ -----
ሥራ ----- ቀበሌ ----- የት/ደረጃ -----

2. በእናንተ አከባቢ የፍቺ ሁኔታ ምን ይመስላል? ጨምሯል/ቀንሷል?
3. በባልና ሚስት መካከል ግጭት ሲፈጠር ችግሩን ለመፍታት የአከባቢ ሽማግሌ ነው ወይስ የፍርድ ቤት ክርክር ነው የሚመርጡት? ለምን?
4. እርሶ እንደአከባቢ ሽማግሌ በባልና ሚስት ክርክር ላይ እንደአስታራቂ ተሳትፈው ያውቃሉ? ለምን ያህል ጊዜ?
5. በዚህ አከባቢ ለግጭት ብሎም ለፍቺ እንደምክንያት የሚጠቀሱ ነገሮች ምን ምንድን ናቸው?
6. የባልና ሚስት ክርክር በእርቅ ለመጨረስ ለሽምግልና ፍርድ ቤት ሄደው ያውቃሉ? መቼ ነው የሚሄዱት?
7. ባልና ሚስት ጉዳያቸው በሽምግልና ዳኝነት እንዲታይላቸው ምን ማድረግ ይጠበቅባቸዋል? ቅድመ ሁኔታ አለው አንዴ?
8. ሴቶች ለሽምግልና ዳኝነት ተመርጠው ያውቃሉ? ለምን?
9. እርሶ ሴቶችን ለሽምግልና ዳኝነት መርጠው ያውቃሉ? ለምን?
10. የሴቶች በሽምግልና ዳኝነት አለመሳተፍ በሽማግሌዎቹ ውሳኔ ላይ ክፍተት ፈጥሯል ብለው ያምናሉ? እንዴት?
11. ካለዎት ልምድ በመነሳት ከባልና ሚስት የሽምግልና ዳኝነቱን የሚደግፈው ማን ነው? የማይደግፈውስ? ምክንያታቸው ምንድን ነው?
12. ከባህላዊ ሽምግልናና ከፍርድ ቤት ክርክር ለባለትዳሮችና ለልጆቻቸው የትኛው የተሸለ የግጭት/የአለመግባባት

መፍቻ መንገድ ይመስልዎታል? ለምን?

13. ከተነሳው ርዕስ ጋር በተያያዘ እርሶ ሊያነሱ የሚፈልጉት ነገር ካለ ይችላሉ።

ውይይታችን እዚህ ላይ ያበቃል!!

በመጨረሻም ውድ ጊዜዎችን ሰውተው ለዚህ ቃለ-መጠይቅ ትክክለኛ ምላሽ ሰጥተው ላደረጉልኝ መልካም ትብብር በአዲስ አበባ ዩኒቨርሲቲ ድህረ-ምረቃ ት/ቤትና በራሴ ስም ከልብ አመሰግናለሁ።

የፍርድ ቤት ዳኞች ቃለ-መጠይቅ መነሻ ጥያቄ

እኔ አቶ ታረቀኝ ታፈሰ ይህንን ቃለ-መጠይቅ ለማድረግ የተፈለኩት እኔ በአዲስ አበባ ዩኒቨርሲቲ ሶሻል ወርክ ት/ቤት ቤተሰብን ማዕከል ያደረገ የሁለተኛ ዲግሪ (ማስትሬት) ትምህርት ለማጠናቀቅ የመመረቂያ ጥናት/ምርምር ለማካሄድ ነው። የምርምራዊ ርዕስ "The effects of traditional family arbitration and legal divorce on divorcees and their children: the case of Boloso Sore Wereda" ሲሆን ከእርሶ ጋር በሚኖረን ጠለቅ ካለ ቃለ-መጠይቅ ለዚህ ዓላማ የሚሆን ጠቃሚ መረጃ እንደማገኘኝ ተስፋ አደርጋለሁ። ከርሶ የሚወሰደው ማንኛውም መረጃ ከመመረቂያ ምርምር ውጭ ለሌላ ለምንም ዓይነት ጉዳይ እንደማይውል፣ ከእኔ ውጭ ለማንም ተላልፎ እንደማይሰጥና እርሶ ፈልገው ካልሆነ በስተቀር ስምዎትም በማንኛውም ቦታ እንደማይገለጽ አረጋግጥልዎታለሁ።

በመቀጠልም ለሚጠየቁት ጥያቄ ዝርዝርና ትክክለኛ መረጃ ብቻ በመስጠት ምርምሩ ግቡን እንዲመታ የሚጠበቅብዎትን ሁሉ እንዲያደርጉልኝ በአክብሮት እጠይቃለሁ።

1. ስም/የኮድ ስም ----- ዕድሜ ----- ፆታ -----
2. በፍርድ ቤቱ ያለዎት ኃላፊነት ----- በፍርድ ቤቱ ምን ያህል ጊዜ ሠርተዋል?-----
3. የዚህ ወረዳ የፍቺ ሁኔታ ምን ይመስላል? እየጨመረ ነው ወይስ እየቀነሰ ነው?
4. በሣምንት ውስጥ በአማካይ ምን ያህል መዝገቦችን ያያሉ?
5. በዚህ ወረዳ ለፍቺ ጥያቄና ለፍቺ መበራከት ምክንያት ናቸው ብለው የሚያስቧቸው ጉዳዮች ምን ምንድናቸው?
6. በእርሶ እይታ አብዛኛውን ጊዜ የፍቺ ጥያቄ የሚያቀርበው ማን ነው? (ባል/ሚስት) ለምን ይመስልዎታል?
7. የአከባቢ ሽማግሌዎች ጉዳዩን በእርቅ ለመጨረስ መቼና በማን አነሳሽነት ነው ፍርድ ቤት የሚመጡት? ለምን?
8. ሴቶች ለሽምግልና ዳኝነት ጥያቄ ፍርድ ቤት መጥተው ያውቃሉ? ለምን?
9. በተሻሻለው የቤተሰብ ሕግ መሠረት በፍ/ቤቱ በኩል ጉዳዩ ለሽምግልና በሚሰጡበት ጊዜ ሴቶችን ለሽምግልና አስገብተው ያውቃሉ? ለምን?
10. ሴቶችን በማሸማገል ሂደት አለመሳተፋቸው የሴቷንና የህፃናትን ጥቅም ይጎዳል ብለው ያስባሉ? እንዴት?
11. ካለዎት ልምድ በመነሳት ከባልና ሚስት የአከባቢ ሽማግሌዎችን ዳኝነትና ውሳኔ በመቀበል የተሻለ አመለካከት ያለው/ያላት ማን ይመስልዎታል? የፍርድ ቤት ውሳኔስ? ለምን?
12. ከሽምግልና ዳኝነትና ከፍርድ ቤት ውሳኔ ለተፋቺዎችና ለልጆቻቸው የተሻለ ጥቅም የሚያስገኘው የትኛው ነው? እንዴት?

- 13. ባልና ሚስት በሚያሸማግሉበት ጊዜ የአከባቢ ሽማግሌዎች ምን ዓይነት ጊደት ቢከተሉ የተሻለ ውሳኔ ሊሰጡ ይችላሉ ብለው ያስባሉ?
- 14. ከፍርድ ቤት ውሳኔና ከባህላዊ ሽምግልና ባለትዳሮች የትኛውን አማራጭ ቢጠቀሙ የተረጋጋና ውጤታማ ኑሮ ሊመሩ ይችላሉ ብለው ያምናሉ? ለምን?
- 15. ከተነሳው ውይይት ጋር በተያያዘ መናገር የሚፈልጉትን ማንኛውንም ነገር ሊናገሩ ይችላሉ።

ውይይታችን እዚህ ላይ ያበቃል!!

ውድ ጊዜዎችን ሰጥተው ላነሳኋቸው ጥያቄዎች ትክክለኛ መልስ በመስጠት ላደረጉት መልካም ትብብር በአዲስ አበባ ዩኒቨርሲቲ ድህረ-ምረቃ ት/ቤትና በራሴ ስም ከልብ አመሰግናለሁ።

