

The Role of Elders in Dispute Resolution: The Case of Dogoma Kebele,

Toke Kutaye Wereda, West Showa Zone, Oromia Regional State

By

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This is to certify that the thesis prepared by Taye Firdisa, entitled: The Role of Elders in Dispute Resolution: The Case of Dogoma Kebele, Toke Kutaye Wereda, West Showa Zone, Oromia Regional State and submitted in partial fulfillment of the requirements for the Degree of Master of Arts (School of Social Work) complies with the regulation of the University and meets the accepted standards with respect to originality and quality.

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Declaration

I declare that “The Role of Elders in Dispute Resolution: The Case of Dogoma Kebele, Toke Kutaye Wereda, West Showa Zone, Oromia Regional State” is my work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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May, 2016

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Acronyms

ABA- American Bar Association

ADR- Alternative Dispute Resolution

DRM- Dispute Resolution Mechanisms

NADR- Nationwide Academy for Dispute Resolution

NASN-National Associations of Social Workers

OECD- Organization for Economic Co-operation and Development

OED - Oxford English Dictionary

Glossary

<i>Abbaa bokkuu</i>	Spokesman or spokesperson of <i>Gada</i> or <i>Gada</i> leader
<i>Abbaa Gada</i>	A leader of one Oromo <i>Gada</i> term for only eight years period
<i>Gada</i>	Oromo traditional government system based on the principle of power and leadership rotation among five gada lines
<i>Gada</i> system	can also be referred to a set of political, administrative and power timetable for a maximum of only eight years.
Gumaa	Institution of dispute resolution, compensation paid for wrong doing
Jaarsaa	an old man
Jaarsa araara	Mediators, elders of reconciliation
Jarsummaa	Mediation by male elders
<i>Waaqaa</i>	God, the greatest thing. truth, justice, doing right and telling truth considered as equivalent to God

Abstract

This study deals with the role of elders in dispute resolution: the case of Dogoma Kebele Toke Kutaye Wereda, West Showa Zone, Oromia Regional State. The functions that elders serve for the society in solving dispute have rarely been treated in literature. Thus, thesis aims to fill this gap by examining the role of elders in dispute resolution. To realize the intended objectives, the study employed qualitative approach. Important data for the study were collected from both primary and secondary sources. The primary data were collected using instruments such as in-depth interview, observation, and case study. The data collected from both sources were organized thematically and analyzed qualitatively. The findings of the study reveal that economic and socio-cultural factors are the major causes of dispute. Land related disputes such as grazing land and inheritance are the main causes of dispute with economic interests. Other causes of marital dispute associated with either socio-cultural or economic factors are also prevalent. The study demonstrates that elders have a pivotal role in dispute resolution such as elaaf ilaamee, reconciliation, arbitration, negotiation, rehabilitation, counseling and teaching. The study also showed that the rationale behind persistence use of elders for dispute resolution is deeply rooted in the effectiveness of dealing with disputes. The future area of the research is why people prefer elders to treat their cases and even court also refer the case to elders since they have multiple role to solve dispute from its grass root level, why government need them to solve only timely problems, why not have alternative dispute resolution policy.

Key words: Elders, dispute, dispute resolution, role, reconciliation, mediation, arbitration

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CHAPTER ONE: Introduction

1.1. Background of the study

Dispute is dominating the current media, news paper, internet, and journal coverage. It is the common phenomenon of the world. Putting differently, countries of the world are experiencing dispute in one way or another. In this connection, Ethiopia is not an exception. As one part of the country, Oromia Regional State has been experiencing disputes of different nature caused by different factors. (Tilaye,2014).

Dispute is a common phenomenon and quite frequent in human relation. It is inevitable in any community with different cultural background or within the same ethnic group with the same culture. (Assefa, 2005). Dispute can occur between individuals, groups or nations. It can be caused due to the incompatible human need, and the control of scarce resources and the dominance of one on the other. (Assefa, 2005). Here, my concern is not the importance of dispute, rather to assess the way to resolve it and explore what vital role elders play on resolving it. There may be many strategies to deal with dispute such as jaarsummaa, negotiation, mediation, and reconciliation. From these, my point of focus is the extent to which elders' play their role in dispute resolution through customary mechanisms. Though dispute is common and inevitable in every human interaction, it has to be resolved in order to prevent a violent action or distraction and thereby to ensure the peaceful, harmonious and stable co-existence of the society. To this end, apart from the formal government courts, different societies have developed and used different customary mechanisms of resolving dispute based on their social, economic, religious, political and cultural contexts.

Dispute resolution refers to all process oriented activities that aim to address the underlying causes of any dispute. Accordingly, there are various types of processes of dispute resolution and they can be seen on a continuum ranging from mediation, conciliation and third party negotiation which are characterized by collaborative, participatory, informal, non-binding processes to the process of courts and tribunals institution which focus on adversarial, fact oriented, legally binding and imposed decisions (Boulle, 1996). Basically, non-adversarial process such as mediation negotiation, arbitration and conciliation are practices which have been associated with conflict resolution or alternative dispute resolution.

Dispute resolution issue has become very topical in debates and discussions on Africa. This is not only because Africa is characterized by many dispute, but much more so due to the realization that in most cases the dispute negative impacts on Africa's socio-economic and political development. Thus dispute resolution process has become very essential in solving the problem of dispute in the continent. (Mwagiru,2001)

In Africa, many dispute resolution mechanisms have been developed and employed by the society since ancient time. Research showed that, almost all over Africa, formal government courts have been shaped on an originally western model and, therefore, alien to African societies. Due to this, only small numbers of disputes are taken to and dealt with by formal government structure (Alula & Getachew, 2008). Hence, the dispute resolution mechanisms by elders in Africa have played and still playing a significant role in resolving disputes of various degree and thereby maintain the peace of the society.

As part of Africa, different ethnic groups in Ethiopia have established and used various dispute resolution mechanisms which are unique to their own culture (Alula and Getachew

2008). Similarly, the Oromo, being the largest ethnic group of Ethiopia, have had varieties of dispute resolution mechanisms.

As (Dejene, 2002) studied the Oromo customary institutions of dispute resolution identified that *jaarsummaa* (council of elders), *Gadaa* System (Oromo socio-political organization), *siinqee* (ritual stick used by women), *gumaa* (ritual of purification after homicide) and *ilaa fi ilaamee* (negotiation) are the well known mechanisms, among used by elders to deal with dispute.

Similarly, as (Morton 1975) and (Knutsson 1967) noted that, *elders* have been playing a significant role in dispute resolution and community organization. Therefore, this study is designed to deal with the role of elders in dispute resolution among Toke Kutaye Birbira and Dogoma kebele people

Accordingly, as (Habtamu 1998) noted dispute is becoming causes to the death of thousands of people and are threatening the people in the world due to the issue of resource, displacement from land, family problem and others. But, they have deep social and psychological roots and will continue to affect and dispute of the society if not properly understood and dealt with using honored citizens through indigenous ways.

In traditional African society, elders are believed to have better knowledge of the norms and customs of their societies and a well established experience and skills in resolving disputes. As a result, they are usually acknowledged agents of peace (Deng, 2003). The situation in Ethiopia is not an exception to what has been described above. As scholars like (Kohlhagen, 2005) confirm it, in Ethiopia the art of mediation and conciliation by elders have already been practiced for centuries. In many regions of the country, especially those far from regional

centers, these informal mechanisms of dispute resolution is more dominant than the formal system (Macfarlane, 2009).

Parallel to the formal criminal justice system of Ethiopia, societies also have their own customary ways of dealing with crime. In many regions of the country, and especially in the remote and peripheral areas, these customary dispute resolution mechanisms are more influential and applicable than the formal criminal justice system, which is considered alien to the traditional societies (Macfarlane, 2009).

In many regions of Ethiopia, the customary norms are more strong, relevant, and accessible than imposed and top-down legal norms. Moreover, experiences in different regions of Ethiopia show that people, even after passing through the procedures and penalties in the formal criminal court, tend to use the customary dispute resolution mechanisms for reconciliation and in order to control acts of revenge.

Despite these factual roles of customary dispute resolution mechanisms, however, the procedural and substantive laws of Ethiopia, including the Constitution itself, exclude their application in criminal matters. In the Constitution of the Federal Democratic Republic of Ethiopia (1994), customary and religious institutions are given a constitutional right to handle personal and family matters if the conflicting parties give their consent to get decision by these institutions. Hence, the Constitution limits the mandate of the customary dispute resolution institutions only to private and family disputes by specifically excluding their application to criminal matters despite the fact that they are functioning for many types of disputes on the ground.

The customary dispute resolution mechanisms are traditional practices used to resolve conflicts and maintain peace and stability in the community. These traditional practices are

deeply rooted in different ethnic groups of Ethiopia and arise from age-old practices that have regulated the relationships of the peoples in the community (Regassa et al. 2008). They are associated with the cultural norms and beliefs of the peoples, and gain their legitimacy from the community values instead of the state (Jembere 1998).

Studies so far conducted in the area of dispute resolution in Ethiopia revealed that there are well established traditional institutions of dispute resolution among several ethnic groups of the country (Alula & Getachew, 2008; Tarekegn & Hanna). The present study attempts to analyze the discourse of *Jaarsummaa*, a traditional community elders' mediation among Oromo. In the traditional Oromo society, almost all types of disputes were and still are resolved through *Jaarsummaa* which is carried out by an institution called *Jaarsa Biyyaa* 'community elders' also called *Jaarsa Araaraa* 'elders of reconciliation'.

This paper is to assess the role of elders in dispute resolution in the study area especially the interaction between the societies who are living in the study including to what extent elders can solve dispute in community. So it needs special emphasis to be studied everywhere in the world and how the concerned bodies were/are responding towards the occurring dispute of the area.

1.2.Statement of the problem

A number of studies were conducted to understand dispute resolution (Girma, 2008; Assefa 2005; Dejene, 2002). These researches state mechanisms of dispute resolution in indigenous way without describing the roles elders play on resolving it from its grass root level. In their study, both in one way or another, touched upon the role of Gadaa institution in dispute resolution without clearly stating the role of elders in dispute resolution, though their study is conducted in an area where Oromo *Gadaa* system is not fully functioning. Within a short subtitle of their chapter both of them, but independently, made a significant contribution to our

understanding of the role of *Gadaa* institution in resolving dispute. However, due to repeatedly happening of disputes in my study area detailed study on the role of elders plays in dispute resolution, in an area where *Gadaa* system does not exist, need further study. These missing gaps include; firstly, they did not clearly explain the rationale behind persistence use of elders for dispute resolution and bringing long-lasting peace in the society. Secondly, they did not also show how elders bring two parties together in the process of dispute resolution and reconciliation.

In line with this, the study attempts to investigate factors that helped the elders bring long-lasting resolution of dispute and reconciliation in the society by describing various activities in the process of dispute resolution. This thesis also examines both the continuity and change at *elders* with special emphasis on dispute resolution aspect.

As outlined above, studies in Ethiopia and other countries did not clearly put the role of elders in dispute resolution in detail. Hence, the methodological gap which is not covered by several studies was about the issue of the role of elders in dispute resolution and the situations of dispute in society. In addition, the advantages of solving disputes by elders and its effectiveness in having stable society is not yet studied by many researchers. Finally, this study will evidently fill the gaps shown above by raising the following research questions.

1.3. Research Questions

Based on the identified problems above, the researcher attempted to answer the following research questions in this thesis.

1. What is the role of elders in dispute resolution?
2. What are the types of disputes in the study area?
3. How elders help the community to bring together?
4. What methods do elders use in solving dispute in the community?
5. How older women are playing their role in dispute resolution?
6. What challenges do elders face in solving dispute?

1.4. Rationale of the study

The researcher chooses to conduct a research on the role of elders to solve dispute for many reasons. There were and still indigenous institutions and practices of dispute settlement and the role that elders play at neighborhood, local, national level as mediators to reconcile the parties in dispute. Resolution of dispute by elders thus provides an alternative dispute resolution that is wholesome and responsive, timely, cheap, accessible to the living conditions of the disputants and dispute resolution by elders is not to punish the wrongdoers but to restore social harmony seeing that different groups live side by side.

1.5. Objectives of the study

1.5.1. General objectives of the study

In its broad sense the general objective of the proposed study is to shed more light on the role played by the elders in dispute resolution of the study area.

1.5.2. Specific objectives

The specific objectives the study are:

- ◆ To explore the role of elders in dispute resolution in Toke Kutaye Woreda Dogoma Kebele.
- ◆ To examine how elders help community in bringing together.
- ◆ To identify the role of women in dispute resolution.
- ◆ To explore types of dispute in the study area.
- ◆ To know the methods elders use to solve dispute in the society.
- ◆ To assess the challenges that elders face in resolving dispute.

1.6. Significance of the Study

The study will be significant from the following points of view. In the first place, it will contribute to the limited literature on the role of elders in dispute resolution. Thus, it will serve as an input people who are interested to carry out further study on the same or similar area. Moreover, it may serve as important training material in dispute resolution and its distinctive approaches of dealing with dispute. Lastly, it will help the formal government structures and law makers to understand the contributions of elders in dispute resolution and thereby to recognize and integrate it into the mainstream law.

1.7 Scope of the study

The scope of this research is limited to explore, examine and assess the role of elders in dispute resolution, in Oromia regional state with particular emphasis to those who live in Toke Kutaye woreda which is located in West Shoa Zone. However, this study was delimited only to Dogoma kebele. This kebele was selected as case studies due to the reason that dispute repeatedly occur. The study makes its focus on the role of elders in dispute resolution. This was done with the purpose of exploring the roles of elders in dispute resolution, how elders' help the community in bringing, the methods elders use in solving dispute, the effectiveness of dispute resolution by elders' and the challenges facing elders in solving disputes studied.

1.8. Definition of the terms

Elder – a person of greater age than one

Dispute- to argue against something maintained

Siiqqee- a respected stick that woman hold on her hand while treating dispute

Role- a person function in particular activities

Dispute resolution- a process that can be used to resolve dispute

1.9. Limitation of the study

Conducting such a study obviously demands time and financial resources. I faced problems of time and finance. Time constraint was particularly the major problem because the time given for fieldwork was only three months, which is too short to collect information for such as conducting observation. Regarding financial case since I'm a self sponsor I couldn't get any financial support from anybody. This was a disgusting for me to carry on the work as I planned.

On the other hand, inaccessibility of transportation within the area, particularly between the two sites of the study was the most serious challenge. But, I have solved this problem by using traditional transport like horse. In the Abba Gadaa compound I was given a guest house that is in fact also used by people who come to attend '*jaarsumma*'. The Boku Gadaa system of "Guma" ritual process was another challenge during data collection. I faced a problem there to get the exact date when Guma is taken place and undertake interview with Abba Gadaa at actual day because Guma ritual never take place all the time. However, I have overcome the challenge by repeatedly returning back to there on other days on which *Guma* is taken place.

Another limitation of the study is that, although *Gadaa* system among Toke Kutaye Oromo play important role in the resolution of interpersonal dispute of both intra-ethnic and interethnic types, however, this study did not address the contribution of *gadaa* system in interethnic dispute resolution.

1.10. Organization of the thesis

The thesis is organized into six chapters. The first chapter introduces the readers to the background of the study, which consist back ground of the study, statement of the problem, objectives of the study, research questions, rationale of the study, the scope and significance of the study and limitations of the study.

Chapter two is devoted to the review of related literature in the area of the research topic. It discuss the history of dispute resolution, definition of terms and concepts of conflict and dispute, nature, types and causes of dispute in Africa, nature, types and causes dispute in Ethiopia, dispute and dispute resolution in Ethiopia, forms and methods of disputes resolution, approaches of dispute resolution and empirical studies on customary institutions of dispute resolution in Africa.

The third chapter of the thesis is research methodology which contains; research philosophical paradigm, research design, case definition, sampling procedure, sample size determination, description of study area, sources of information, methods of data collection such as in-depth interview, observation, key informant interviews, data analysis, unity of analysis, enhancing rigor, assuring the trustworthiness of the data and ethical consideration. The fourth chapter is the data presentation and data analysis. The data collected from the cases, the respondents and key informants is presented and the major findings are analyzed in this chapter. The data is presented and analyzed under different themes and sub-themes based on the codes that are listed for different responses that are given. Chapter five is discussion, in this chapter major findings under each research questions are discussed in a way of compare and contrast with the review of literature. Finally, chapter six is about the conclusion and implications for social work education.

CHAPTER TWO: Review of Related Literature

2.1. History of dispute resolution

Umbreit in his book *Mediating Interpersonal Disputes* asserts in America, elders' mediation programs dates back to the late 1960s. This was during the war on poverty and many communities wanted to be in control and free from oppression. It was recognized that during that time courts in America were overcrowded and a way had to be invented to ease the congestion in the courts. He further alleges that in the 1970s, elders played important role, they came up with mediation programs. Some of the elders programs included the centre for Dispute settlement in Rochester New York and Night prosecutors program in Columbus, Ohio (Umbreit, 1995)

2.2. Defining Terms and Concepts: Dispute and Elder

Different scholars state the term dispute in different ways. Dispute is part of our life .It is sure to happen in our life and perhaps spice of life. As (Slaby, 1994) affirms: dispute is a normal part of life, and sometimes it is a necessary part of life. The important issue is how we handle dispute. If we resolve our disputes by fighting, then disputes becomes something negative. If we handle it in a positive way, then dispute can help us learn more about ourselves and others. According to (Coser, 1956) dispute is "a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure, or eliminate their rivals".

Several and often controversial definitions of dispute exists in literature. Thus, to avoid the possibility of misconception, I opted to highlight on the definition of the concepts of dispute and elder forwarded by different scholars. According to the Oxford English Dictionary

(OED), the term dispute is defined as an argument or a disagreement. Therefore, to dispute something is considered as to argue about a statement of fact or to 'question the truth or validity of' that statement. It can also involve competition for something.

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

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

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

The term "Elder" can refer to anyone who has reached a certain age and in some cases is used interchangeably with the term "senior" as in senior citizen. In both cases, the individual has

had enough life experience to have something to offer those behind them. (Dumont, James and Dorothy Christian, 2012). In a sense, elders are "experts on life." Their exact expertise may be dependent on the nature of their experience, but in one way or another it involves some aspect of traditional knowledge and culture, or an interpretation of their experience in traditional terms.

Elders are identified based on different criteria and beliefs within communities. Dr. Art Soloman (2008:18) (Ojibway Elder) has suggested that:

...the elder, the concept for me is like if you go into a strange land and you don't know the country and you're swamped and there are muskegs and there's a bad place to travel and there's good places to travel. So the ones who have been longer are the good guides because they know how to get around the swamps, who know where to go on, and so on. It doesn't matter if there is a trail.

2.3. Nature and Cause of dispute in Africa

Scholars from different fields of studies believes that the issues such as boundary, ideology, political, social, religious, economic, environment and natural resources are typically the main sources for dispute throughout the world. The African dispute causes also among these concepts. Dispute is a long-standing in the history of human kind and therefore customary, expected and inescapable action can resulted in undesirable and very destructive impacts on economic growths and development. Obviously dispute is an implication of disagreement among different parts in every aspect. So that in Africa most of the time dispute arise based on territory/boarder, natural resources, racism, colonialism as well as some times religion fundamentalism also takes place throughout the continent (Assefa, 2008, Okoh, 2005).

2.4. Nature, types and causes of dispute in Ethiopia

It is quite common that to see dispute everywhere. But resolving dispute is difficult work without understanding the issue and the cause of the dispute. As known throughout the world the nature, cases and resolution for disputes can be different as the owners of that affairs may be dissimilar. However the aim of resolution methods is to solve the problems caused the dispute among human beings, build peace in human environment, construct sustainable peace in human mind and in communities

In our country scholars from different fields of studies have wrote on dispute resolution mechanisms in different community. They have just more or less the same ideas and words about the cause of dispute in Ethiopia. Most of them were agreed up that the major causes of disputes are more of the result of natural and social factors. (Jane etal, 2008) has stated the same ideas. Types of dispute in Ethiopia are inter-ethnic conflict, gender related dispute, dispute religious perceptions, cross border dispute. Historically, individuals, social groups and societies have disputed and competed against one another over scarce commodities and resources- land, money, political power, and ideology. They have even fought one another in order to control these resources and commodities. But at the same time, human societies and groups have found their own ways and means of resolving dispute (Assefa, 2008)

2.5. Dispute and Dispute Resolution in Ethiopia

In Ethiopia there is evidence of observations on the mechanisms of dispute resolution. (Assefa, etal 2011: xii) have pointed out customary dispute resolution mechanisms are basically practiced in all parts of the country and especially rural communities "prefer the traditional law to the formal justice". These dispute resolution mechanisms appear for long times and still practicing in Ethiopia because there are different kinds of "inter-group" dispute which were

persistent. The customary dispute resolution mechanisms are more important than governmental institution to know the root cause of dispute (Assefa *et al*, 2011). Based on Meron's observation in Ethiopia, the court of the elders/sheikhs as one religious institution of dispute resolution can play special role in resolving dispute starting from 1930s among the communities in Jillee Dhumugaa district. She has also discussed about the importance and values of elders in resolving dispute. She asserts that "the elders dispute resolution are considered by many to be free of the major drawbacks of the state legal system – described by many as being mainly evidence-driven and containing the possibility of false allegation and testimony." (Meron, 2010: 65).

According to (Woubishet, 2011) Wofa Legesse institution is one of the well known customary dispute resolution mechanisms which are known by resolving various types of dispute in North Shoa community. This institution is "a complex dispute resolution mechanisms/ DRM predominantly led by *a* (elders effecting reconciliation)". Accordingly, both the court of the sheikhs and *staraki* shimagilewoch can play major roles in resolving disputes of different types, starting from minor disputes between individuals on issues such as communal properties and natural resources, criminal cases like homicide and theft, as well as inter-ethnic disputes (*ibid*, Meron, 2010: 69).

2.6. Forms and Methods of Disputes Resolution

As I have tried to present in the foregoing pages the forms of disputes are varied. Therefore, the forms and approaches of dealing with disputes as well as methods of dispute resolution are as diverse as the forms, nature, causes and levels. The forms of approaching and dealing with disputes could be of very different nature. In conformity with this, (Reimann, 2005) identifies different forms of dealing with dispute. These include: negotiation, arbitration,

mediation, and reconciliation. Many scholars consider and use these concepts interchangeable with dispute resolution. However, though they are very interrelated.

Arbitration, according to (Rabar and Karimi, 2004: Vi), focuses on measures aimed at reducing the intensity of violent dispute. For them, the expression also shows pre and post dispute prevention efforts. Tanner, in similar way, has defined dispute management as the “limitation, mitigation and/or containment of a dispute without necessarily solving it” (Tanner, 2000:52). (Swanstrom, 2002), on the other hand, argued that dispute management should imply a change, from destructive to constructive, in the mode of interaction (in Swanstrom and Weissmann, 2005). In this case, the effort is made nearly at the beginning of the dispute rather than in the late phase. It is aimed to increase trust between the disputing parties so as to bring about change in their interaction, from negative to positive. This definition may hold true both in the customary and formal mechanism of dispute management.

Drawing a distinction between dispute management and dispute resolution is helpful as the two concepts are often interchangeable used in the literature. According to (Wallenstein, 2002) dispute resolution refers to the resolution of the root causes of a dispute and mutual understanding of each party's existence (in Swanstrom and Weissmann, 2005) while dispute management refers to procedures that limit, mitigate and/or contain a dispute without necessarily solving it. (Zartman, 2000), however, has explained that both the process of dispute resolution and dispute management work towards bringing a positive effect by the leading of elders. He suggests that “they are both ends of the same continuum. One end seeks to control the existing dispute to maintain peace while the other aims at resolving the deeper underlying dispute over time” (Zartman, 2000:40).

Dispute transformation implies outcome, process and structure oriented long-term peace building activities, which aim to accurately prevent revealed types of direct, cultural and structural opposition (Reimann, 2005). So, its aim is more comprehensive than the above mentioned approaches. Similar to the term dispute, discussed above, the concept of dispute resolution by elders is perceived differently by different scholars. Some scholars perceive dispute resolution by elders as particular kind of activity such as mediation, negotiation and arbitration. Others consider it as a process followed while resolving disputes and focus on joint action to bring about acceptable solution to all parties. Others, still, regard that dispute resolution deals with various mechanisms of transforming disputes so as to maintain secure and fair and just relation (Tsongo, 2012). As such it can therefore be applied to all types of dispute.

In a more comprehensive way, (Ramsbotham et al, 2005) state that dispute resolution by elders implies different pathways to deal with, transform and to change the underlying causes of dispute to the extent “where behaviors will no longer be violent, attitudes no longer hostile, and the structure of dispute will be changed” (quoted in Tsongo, 2012:67). However, According to (Burton, 1990) although dispute resolution by elders aims to move the violent dispute toward solution that may be acceptable to all disputing parties, it also necessarily seek to avoid future problems in social life or to remove the existed hostility.

2.7. Approaches of Dispute Resolution

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

2.7.1. *The win-lose approach*: “...forces the other side to capitulate (ibid). “

Sometimes, this is done through socially acceptable mechanisms such as majority vote, the authority of the leader, or the determination of a judge. Sometimes, it involves secret strategies, threat, innuendo – whatever works is acceptable, i.e., the ends justify the means (ibid).

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

2.7.3. **The win-win approach:** is a conscious and systematic attempt to maximize goals of both parties through collaborative problem solving. The dispute is seen as a problem to be solved rather than who to be won (ibid).

The appropriateness of these approaches to this study is that because in one way or another they might occur in the rural communities. Dispute parties in this community may follow the win-lose strategy, the lose – lose strategy or the win – win strategy in their different dispute solving activities.

2.8. Methods of Dispute Resolution

The variety of methods of dispute resolution such as negotiation, mediation, arbitration and conciliation are usually employed in solving disputes. Each method involves a definite practice, procedure and time and not just a one way approach (Best, 2006). Therefore, in the following section various methods of dispute resolution will be elaborated.

Negotiation is a process where two or more parties in dispute open a dialogue, and use offers and counter-offers in an effort to build a mutually acceptable agreement (Horowitz, 2007). For (ABA, 2006) negotiation can also be a process of communication whereby the representatives of disputing parties seek to resolve their disputes, and work to bring a mutual agreement for the parties (in Tsongo, 2012).

Mediation is a consensual dispute resolution method in which an independent neutral third party intervenes the situation in order to facilitate negotiation and assist the parties in dispute to resolve their dispute and reach a mutually acceptable agreement (ibid). According to (Moore, 1986) in the process of mediation the mediator must be accepted by all parties. He/she does not have decision making power about the dispute. Rather the task of elders, according to Moore, is creating the conditions for an open dialogue. It also includes; assuring the parties involved in the dispute freedom of speech, clarify issues, identify and manage emotions, and create options, thus making it possible to reach an agreement (in Horowitz, 2007). Therefore, some researchers argue for mediation as it helps the parties in dispute to arrive at an agreement. For instance, (Fisher & Ury, 1981) speak of joint problem solving to reach a win-win solution.

However, different writers criticize the role of elders in bringing mutually acceptable agreement and, thus categorize mediation into less directive and directive mediation or pure mediation and mediation with power. Accordingly, a less directive mediation, in which the elders/mediator facilitates the flow of dialogue as the traffic lights facilitate the flow of cars, and a more directive one, in which the mediator concerned with the result of the mediation, thus he provides personal opinions and even offers guidance on the content of the agreement (Horowitz, 2007).

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

Reconciliation is another method of dispute resolution which is close in meaning to pure mediation. In this process, disputing parties assisted by elders identify the issues, explore options and attempt an agreement. In turn, reconciliation is a longer term process of overcoming hostility and mistrust between disputing parties (Ramsbotham et al. 2005, in Tsongo, 2012). According to (Santa-Barbara, 2007) reconciliation is the restoration of a state of peace to the relationship, where the parties are at least not harming each other, and can begin to be trusted not to do so in future. Reconciliation in this case is a situation in which revenge is foregone as an option and disputing parties come back together to work harmoniously together.

Central to reconciliation is forgiveness in which the moral debt is cancelled, anger and resentment are dropped and thus, there will be no revenge (in Webel and Galtung, 2007).

Arbitration, according to (ABA, 2006) is a process for obtaining a ruling of judicial character without going before a court. In this process the arbitrator has decision-making power to resolve a dispute after considering the representations of the parties (in Tsongo, 2012). The elected but unpaid judges decide cases "without written law, resolving dispute by minimizing the sense of injustice and outrage felt by the parties of a case" (Nader 1990:121).

In general, aforementioned dispute resolution methods are not ready-made intervention designs that effectively function in any dispute. Therefore, the necessity and effectiveness of using the combination of various methods with a flexible adjustment to the different context is essential and in doing these elders have great real and experienced life knowledge.

2.9. Studies on Customary Institutions of Dispute Resolution in Africa

Most African countries have developed and still hold onto various traditional laws under which the application of dispute resolution mechanisms by elders is regularly performed. It has been said that, throughout Africa, the customary dispute resolution mechanisms have since

ancient time contributed to the social harmony/togetherness and humanness which can be explained in different terms such as *Ubuntu* in South Africa and *Utu* in East Africa (Muigwa, 2010).

Customary dispute resolution by elders, as stated by Fred-Mensah, are the “capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship... sustainability, facilitates collective action for achieving mutually beneficial ends” (Fred-Mensah, 2005:1).

For many scholars dispute resolution by elders basically exist within a particular cultural context and are unique to particular societies, and reactive to the justice desires of societies (Mutisi, 2011:2). (Oruwari, 2006) also confirm that, since societies have diverse cultures and historical experiences, the processes of dispute resolution mechanisms that have been developed by various societies eventually are different. He also added that some customary dispute resolutions by elders are likely to work efficiently outside their own cultural contexts.

Empirical studies show that most African countries have their own institutions of dispute resolution which are rooted in their respective culture and custom. According to (Busia, et al 2006) the Ibo village assembly in eastern Nigeria, the Eritrean village *baito* (assembly), the *gada* (age-set) system of the Oromo in Ethiopia and Kenya, as well as the council of elders (*kiama*) of the Kikuyu in Kenya, the Teso and Lango of Uganda, and the Tonga of Zambia, are among well-known examples where decisions are largely made democratically by customary institutions through the head leader of elders. For the purpose of this study, customary institutions are defined as those institutions that have been experienced for long period and have developed within societies, rather than being the product of external importation. In essence,

these institutions are implanted in the culture, traditions and history of societies, and are embedded in the socio-political and economic setting of a given society.

Scholars agree that customary institutions employ the use of customary knowledge, norms, values, beliefs and traditions in order to manage or resolve dispute and are thus applicable to the local realities. Due to this, (Zartman, 1999) labels these institutions as 'African dispute medicine' emphasizing that, such institutions are essential to heal African societies who are affected by dispute. These institutions have been used at the grassroots level to resolve disputes of various cases. These may include; disputes over land, water, grazing-land rights, fishing, marital problems, inheritance, ownership rights, murder, cattle raiding, theft, rape, banditry, and inter-ethnic and religious disputes (Rabar and Karimi, 2004). Despite their significant contribution, elders faced gradual erosion and mixed with the modern values due to external and internal factors and this inevitably affected their role (Brock-Utne, 2001).

In distinguishing the role of elders in dispute resolution and formal procedure (Castro and Ettenger , 1996) affirm that elders are not only about adjudication of who is right or wrong and the punishment of offenders. In addition, they reconcile the disputing parties to avoid reoccurrence of dispute. In other words, they are aimed at transformation of dispute in which both parties are satisfied and ready to let go their pain and forgive each other (in Bukari, 2013). In line with this (Choudree,1999) states that the importance and utility of the processes lie in the fact that elders strive "to restore a balance, to resolve dispute and eliminate dispute." Similarly, Boenge (2006) explains this as 'recitative reconciliation'. Thus, according to Boenge, through customary institutions of dispute resolution work towards restorative justice and the maintenance of relationships through reintegrating disputing parties for true reconciliation (in Bukari, 2013)

2.10. Theoretical Frameworks

- a. **Social Evolutionists theory** - associate disputes with the societies found in the 'savage' and 'barbarian' stages. According to the evolutionist perspective, violent disputes are often related to the lack of social organization that characterizes the 'primitive people'. Along their 'evolution', human societies would develop the complexity of their social structures: thus, by implementing legal devices and judicial institutions, the 'modern' or 'developed' societies would be able to peacefully solve conflicts and strengthen their social cohesion and reproduction.

For example, when attempting to classify types of societies based on the type of internal regulation within them, Spencer categorized societies into militant and industrial. The trait characterizing the militant structure is that its units are coerced into their various combined actions. The cooperation by which the life of the militant society is maintained according to him is compulsory cooperation just as in the individual organism the outer organs are completely subject to the chief nervous centre. The industrial type of society, in contrast, is based on voluntary cooperation and individual self-restraint (Spencer, 1885).

Later on, (Durkheim, 1976) adopts Spencer's evolutionary perspective and argues that changes in the nature of 'social solidarity' change the structure of society. He distinguished between mechanical solidarity whereby smaller communities are linked by tradition and personal relationships and organic solidarity where a society exercises a denser form of integration and differentiation and, consequently. Individuals must adopt more specialized roles in order complement each other (Durkheim, 1976). Henry Maine, English jurist and social theorist also focused on the development of legal systems as the key to social evolution. His scheme traces society from systems based on kinship to those based on territoriality, and from status to contract

and from civil to criminal law. Maine contrasted with other evolutionists in that he was not a proponent of unilinear evolution (Seymour-Smith, 1986).

- b. **Functionalist approaches-** functionalists define societies as harmonious 'integrated bodies' and conflicts as 'social pathologies'. They believe that each part of society has a function to make sure that society runs smoothly and everything stays in harmony. They look at society on a large scale or macro scale. They want to generalize their ideas to the whole of society.

Functionalism addresses society as a whole in terms of the function of its constituent elements; namely norms, customs, traditions, and institutions (McGee and Warms, 2008)

There were two versions of functionalism: Malinowski's biocultural (or psychological) functionalism; and structural-functionalism, the approach advanced by Radcliffe-Brown.

- c. **Marxist Conflicting Theories** – Marxist theories stated that conflicting issues related to production constitute the central engine of the history of human societies. According to this theory social life is based upon "conflicts of interest" between the society's two-class system, the Bourgeoisie (those who own and control the means of production in society) and the Proletariat (those who simply sell their labor power in the market place of Capitalism). Unlike the structural functionalists, the concept of social class is more than a descriptive category; social class is used to explain how and why societies change. The theory believed that humans make their own history and considers that conflicting issues related to production constitute the central engine of the history of human societies, historical materialism, revolutions, end of conflicts with abolition of private property (White, 2008:226).

d. ***Interactionist and Dynamic Approaches*** - Interactionist perspectives reject the macro-social (holist or functionalist) theories and Rather they promote investigations of the everyday microsocial interactions between individuals called 'actors'. Interactionist is concerned with the social psychological dynamics of individuals interacting in small groups and was largely influenced by the work of early sociologists and philosophers such as Max Weber, Georg Simmel, Erving Goffman, and Howard Becker(Rapport and Overing, 2000). They a state that human societies are considered as changing series of individual interactions and social networks, reshaped everyday in diverse social contexts.

(Balandier, 1920) Dynamic approaches constitute a real revolution in the field of social theories, opposing the biologically centered fixed categories and apprehensions of human societies produced by former classical models. Dynamic approaches are characterized by the emergence of contesting voices rejecting the prejudices of Western Evolutionist and Structuralist perspectives and their political implications in the designing process of the political stakes. They contribute to invite social researchers to focus, in their studies of local political orders, on change, competing political projects, and plural social practices of human institutions and norms. According to dynamic approach human societies are not harmonious stable units, as all are embedded in tensions and conflicts – they carry 'the political stigmas of history. For example (Balandier, 1920) states that societies are based on instability and tensions, as they are all the products of plural historical layers, competing ideal models and social practices. He also added that in all human societies, politics carries the stigma of history. In other word, dynamic approaches reject the assumption that non-Western "primitive" societies do not have historical consciousness and remain trapped in a perpetual reproduction of the same

mono-historical “traditional” cycle, in opposite to the so-called “civilized” societies, aware of their past and conducting reflexive evaluations and representations on it (explaining conflicts and contradictions in the “modern world”).

To conclude this, ‘disputes’ are not seen as a particular feature of the ‘traditional’ Toke Kutaye people as I have tried to show in the evolutionist and functionalist approaches. The local disputes rather reveal the present locations and stakes of social tensions caused by different issues such as land and inheritance related, false witness and marital issue. Through these dynamic/interactionist perspectives, the main focus of this study is dispute resolution in Oromo customary justice devices particular focus on elders in Dogoma Kebele of Toke Kutaye wereda.

From the literature, I have got that elders dispute resolution is a process and an outcome. This showed that it is participatory, restorative, friendly and the outcome also effective because it is based on the interest and willing of the disputants.

Chapter Three: Research Method

This section provides an overview of the method used in this research consists researcher's philosophical paradigm, research design, case definition, sampling procedure, participant of the study, description of the study area, sources of information, methods of data collection such as in-depth interview, observation, key informant interviews, process of data collection, data analysis, assuring the trustworthiness of the data and ethical consideration.

3.1.Philosophical paradigm

My philosophical paradigm is constructivism. According to (Romm, 2001:12), "social researchers can earn trust from participants and wider audiences insofar as they adopt this [constructivist] orientation and invite inputs from others regarding their inquiry practices and the results thereof". According to constructivists, the world is independent of human minds, but knowledge of the world is always a human and social construction. This constructivist orientation holds that datum is constructed with interacting interpretations. So we can see that constructivism is a joint built of an interactive, interpretive, produced data with an epistemological bias to achieve a credible, accurate description of data collection (Glaser, 2002).

"Constructivism represents local and specific constructed realities where in social phenomena are products of meaning-making activities of groups and individuals" (Gerald, 2001: 165). Constructivists take for granted the idea that truth is comparative to individuals and communities. Constructivists will be more interested in describing the coherent structure of a meaningful phenomenon; this strengthens the basics of understanding realities.

In the constructivist approach data gathering tools would be open ended purposefully so that the study participants can construct the meaning of the situations. As a result, based up on

realities and experiences attempts made to collect and analyze data from the shared experiences of the participants.

The purpose of the study is to rely on the participants' views on the role of elders in dispute resolution by creating greater opportunity for all respondents to generate their real experiences and outlooks in detail. Investigators within a constructivist paradigm, such as that used by case study research, attempt to reconstruct participants' understanding of the social world (Denzin & Lincoln, 2000).

Accordingly, the role of elders in dispute resolution, the dispute resolution process and challenges elders face in solving dispute are tips that need varieties of data collection pattern. This paradigm also enables the understanding of elders' role in dispute resolution in participating multiple participants to be as one main sources of the study.

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This study consisted of participants such as local elders participated on dispute resolution, dwellers of the kebele, judge, women, and Abbaa Gadaas. These respondents' are assumed that they have life experience on the issue. Hence, they have their own socially constructed experiences and views regarding the role of elders in dispute resolution process. As well, in this study a due consideration is given for participants own backgrounds to shape the analysis and to acknowledge how the interpretation flows from their personal and social

experience. Hence, this study's intent is to make sense of the meanings others have about the world.

3.2. Research Design

In conducting this study, a qualitative design with a descriptive purpose was used. Among different types of qualitative research designs (narrative, ethnography, phenomenology, case study and grounded theory) "case study" approach was employed in this research.

According to (Yin, 2003) a case study is especially applicable strategy when the aim is to answer 'how' or 'why', when the researcher has little control over events, and when the focus of the research is on a contemporary phenomenon within a real-life context.

(Creswell, 2007) indicated case study develops an in-depth description and investigation of a case or multiple cases. Moreover it helps to study an incident, a program, an activity, more than one individual and it looks at groups of individuals. In this study attempts was made to acquire a more fine-grained and extensive view on the phenomena under study. Since the aim of this study is to explore the role of elders in dispute resolution at large, a case study approaches considered being justifiable.

3.3. Case Definition

This research is a single case study and focuses on the role of elders in dispute resolution which is about "marital dispute". Therefore, the units of analysis are elders who participated in marriage dispute resolution. As a general rule, the definition of the unit of analysis is related to the way the initial research questions have been defined and the generalizations desired as the task completion (Yin, 1994). While focusing on the elders the researcher interviewed the local elders, abba Gadaa's and judge of the respondents in order to make the information more eligible

and multi-dimensional. In addition, the researcher interviewed key informants would help to have detailed information about the research topic.

3.4. Sampling procedure

According to (Kerugar and Neuman, 2006). Qualitative researchers tend to use non probability or nonrandom samples. They focus less on a sample's representativeness or on detailed techniques for drawing a probability sample. Instead, they focus on how the sample or small collection of cases, units, or activities illuminates social life. The primary purpose of sampling is to collect specific cases, events, or actions that can clarify and deepen understanding. Qualitative social work researchers' concern is to find cases that would enhance what other researchers learn about the processes of social life in a specific context. For this reason, qualitative researchers tend to collect non-probability sampling. Therefore, the researcher used non-probability sampling in order to select all the participants. In addition the researcher lived there for more than six years for work purpose and he knows the participants that is why he used non probability sampling.

Purposive sampling has been defined as “a type of sampling in which particular settings, persons or events are deliberately selected for the important information they can provide that cannot be gotten from other sources” (Maxwell, 1997: 87). So, purposive sampling becomes appropriate in collecting subjective information and experts to get the required information. Another situation for purposive sampling occurs when a researcher wants to identify particular types of cases for in-depth investigation (Keruger and Neuman, 2006).

3.5. Participant of the Study

For this study in depth interview is carried out with a total number of twelve participants. Creswell (2007: 76) suggested that, “A cases provide sample opportunity to identify themes of the case as well as to conduct a cross case theme analysis”. Therefore, the researcher determines the size of the participants to be twelve chosen from Toke Kutaye wereda Dogoma kebele by using purposive sampling technique.

As indicated in the sampling section all informants of this study were selected purposively. Accordingly, in-depth interview respondents (elders and dwellers) and key informants (Abbaa Gadaas and judge of the wereda) were selected through non-probability sampling technique

3.6. Socio economic and Demographic background of study area

3.6.1. Geographical location and Topography and climate

Toke Kutaye woreda is located at about 126km away to the West of Addis Ababa, in Oromia Regional State in West Shoa Zone, which is one of the Oromia Regional State's Zones found between 8°17' north to 9°56' north latitude and 37°17' east 38°45 east longitudes. Neighboring zones to West Shoa Zone are special zone around Finfine in the east, Jimma and East Wollega in the west, and south western shoa in the south. (Toke Kutaye Wereda Finance and Economic bureau)

Toke Kutaye woreda is one of the woredas consisted in the Western Shoa Zone. This woreda consists of about 31 rural kebeles and one urban city which is Guder town. It covers about 79,852km² area coverage. This is estimated to be 4.79% of the whole area coverage of Western Shoa Zone. The elevation of the woreda varies from 500m to 3200m above sea level. Toke Kutaye woreda is bordered by Ambo woreda in the west, Chaliya woreda in the south, Tiquir

small amounts. In addition, they also sell butter, eggs, honey, vegetables and fruits in return for cash that is used to buy commodities for consumption of the household. Besides crop production, the Toke Kutaye also raises livestock of various species (Finance and Economic bureau of Toke Kutaye Wereda)

3.6.3. Descents, Kinship and Clan Solidarity

The Oromo trace descent through the male line. They readily identify themselves from others in terms of genealogy appealing to a patrilineal ideology. In the meantime, they are aware of both maternal and affinal kinship. Among the Oromo a mother's brother is identified by the term *essuma*, and the most liked of maternal kin. He is as close relative as paternal uncle who is termed as *wasila*. Radcliffe-Brown (1952:21-22) raises an interesting observation, which is relevant to this issue. He asserts that kinship is normally bilateral. Societies tend to be either patrilineal or matrilineal simply to determine a descent line and related rights and responsibilities. Similarly, though the Oromo maintain a patrilineal ideology, most of the group in action and the organization of activities go beyond the agnatic groups.

Despite its vagueness, the genealogical traditions of the Toke Kutaye suggest that they are the descendants of Liban who was in turn the son of Macha. The Toke Kutaye divide descent into various kinship categories. These are *gosa* or *lammii dugdaa*, *lammii*, *balbala*, *warra*, *aantee* and *maatii*.

Toke Kutaye do not have specific genealogical depth for each of these categories. Individuals commonly employ different terms to designate similar genealogical depth. The other way round, similar kinship categories are also employed to designate two genealogical depths with significant variation. It is not, therefore, easy to find equivalent English terms in

anthropology, partly for the highly confused kinship categories of the Toke Kutaye and mainly as anthropological terms are not universally applicable to all cultures.

Toke Kutaye believe that they are one *gosa*. The present generation traces its relation to Toke Kutaye, the founder of the *gosa*, eighteen to twenty generations back in patriline. Toke Kutaye is a sub-moiety of the Macha moiety, which is divided into *lammi*. *Lammi* ranges between twelve to eighteen generations depth. It represents clan, sub-clan and minor clan. Clan is further segmented into *balbalas*, which I call lineage or/ and sub-lineage. It has a genealogical depth of eight to twelve. *Balbalas* also consists of various *warras* with a genealogical depth that varies from six to ten generations. *Warra* represents sub-lineage or and minor lineage. A minor lineage *aantee* under which *warra* is subsumed refers to a group of people descended from a common ancestor less than six descending generations. The smallest category *maatii* refers to extended family.

Currently, unlike *lammi*, *gosa* has no practical significance. The saying '*shan abbatu basa, shantama lammiitu basa*, 'you pay five; fifty is paid for you by your clan' show how much a person relies on his clan for assistance in time of hardship, especially in feud. Apart from this saying, lineage is the most significant in actual social structure of the Toke Kutaye. Individuals have certain privileges, rights, duties and responsibilities in their lineages. They are strictly exogamous groups, too.

Lineages and sub-lineages have their own leaders called *shanacha*. Lineage leader is termed as *abba shantama* (father of fifty). Many sub-lineages together have a leader known as *ababa dhibbaa* (father of hundred). In time of hardship, individuals call on these leaders to organize members and mobilize resources to have a hand in the crisis. This often occurs in case

of homicide. Such an agnates have responsibilities to avenge the death on the killer or/ and killer's close relatives, or to claim compensation.

In addition, a person has a right to be represented by one of his fellow lineage members and a responsibility to represent others in time of hardship. This system is termed as *seera lukoo* (the system of *lukoo*). *Lukoo darbuu* and *lukoo dabarfachuu*, mean 'to represent' and 'to be represented' respectively. *Lukoo* also refers to the person who represents. The term is derived from an Oromo word *luka* (leg). For the Waliso *mataa* (head) represents oneself whereas, leg indicates one's line of descent, more properly his lineage. *Lukoo* has therefore the nearest meaning of representative or proxy drawn from one's own lineage to act on one's behalf. However, a *lukoo* is not an advocate whose very objective is the defense of the person whom he represents. Rather, a *lukoo* speaks and works in defense of the truth as well. The Toke Kutaye brings the backsliders into line by denying them the right to representation, which equals denying lineage protection. They also employ sacred sanction especially curse.

3.7. Sources of Information

This study included both the primary and secondary sources of information. The primary data was collected from the case study participants and key informants by using in-depth interview guide and direct observation during the treatment of dispute case. In addition, secondary sources of information were also used; mainly published government reports, books, published research papers, articles and journals.

3.8. Methods of Data Collection

For this research relevant primary data were collected by using different qualitative data collection tools. These are in-depth interview, key informant interview, case study and observation.

3.8.1. In-depth Interview

According to (MCnamare, 1999:36). “In depth interview are particularly useful for getting the study behind a participant's experiences. The interviewer can pursue in-depth information around the topic”. So the in-depth interviews gave the researcher a chance to work directly with the case study respondents. The interview guides were made up of open ended questions which created a minimum of restraint on the participant. During the interview it is possible for the researcher to ask for clarification of the responses and probing for greater detail and participants can communicate details about their experiences, including matters of attitudes, beliefs, values, and behavior (Murauskas, 2000).

Each interview is guided with the interview guide. The researcher probed questions in the middle of the interview. The researcher also encouraged open discussions towards the end of each interview, which allows interviewees to ask any questions and add comments.

3.8.2. Observation

According to (Kikwawila, 1994: 21). “Observation as a technique is more than the simple fact of seeing something. To observe means to give particular attention to something that can afterwards be described, that is to express in words what has been observed”. Whenever possible, observation would take place because it is one of the data collection methods in order to complete the qualitative assessment. Observation in qualitative studies produces detailed descriptive accounts of what is going on and such observation often is crucial to the assessment of a structure (Eva, 2007). The observation was carried out with a check list which helps the researcher to observe the overall activities how elders solve disputes by brining two parties, and it helps the researcher not observe the real situation of the case. Detailed notes were taken during all observations that captured the researchers' impressions and insights. This method helps the

researcher to have good evidence in some relevant behaviors and non-verbal expression. It also helps to observe things that are not states in words or sentences during the interview.

3.8.3. Key informant Interviews

Having an interview with key informants would help the researcher to learn about the topic of interest because key informants are people who have information, familiarity and work experience or lived experience about the specific topic that is required to be known.

According to (Kikwawila, 1994). A key informant is a person who is especially knowledgeable, at least in some subjects or topics of interest and with whom the interviewer develops an ongoing relationship of information exchange and discussion. Both men and women can be key informants. Key informants should be knowledgeable and interested in the subject matter to enable them to communicate and exchange information with the interviewer.

In this study three key informants were interviewed. The first two key informants are abbaa Gadaas of the wereda and the third is judge. These bodies are responsible for the stability of the community.

3.9. Data Collection Process

Activity to collect data from different sources will have its own plan. In this study an in-depth interview was accomplished based on the interest and time convenience of the respondents. The observation of situations how elders solve dispute with the physical presence under study was arranged with check lists. The interviews with key informants were take place by informing informants before the date of the interview session. While the review of literature done in line with other activities of data collection processes.

In the study all face to face interviews were recorded. Apiece of interviews were preceded with interview guide. In the interview session probing questions were used in time

necessary. The probing questions were also open ended questions. As much as possible the interview session made open and free so that interviewees become initiate to give their suggestion, comments and more question.

Field notes were taken during observation and interview that are considered to impress the study in line with the role of elders in dispute resolution. The notes were taken and those notes were incorporated in to analysis of the study.

3.10. **Data Analysis**

According to (Eva, 2007:15) “qualitative researchers are interested in the complexities of social reality. The methods of data analysis, therefore, attempt to capture the meanings, relationships and richness involved in the complexities of lived experience”. Qualitative data analysis is about interpretation rather than mathematics. It is about finding the meanings that people ascribe to their experiences (Alston and Bowles, 2003). According to (Yin, 2003:109) data analysis consists of “examining, categorizing, tabulating, testing, or otherwise recombining both quantitative and qualitative evidence to address the initial propositions of a study.” Therefore, the findings were analyzed and interpreted starting with pre coding, coding and then summarizing and categorizing empirical data to the main thematic issues. Finally, the findings were grouped into codes, themes and sub-themes, which are supported by the field note.

(Mays, 2007) states that, data analysis remains to address the different research questions and objectives by looking at different groups and analyzing all information obtained from all informants or cases. The data that were acquired from the in-depth interview and direct observations are presented and transcribed in different categories based on themes identified. Moreover similarities and differences of response that are obtained from participants of the study and presentations of major findings are based on different categories which are made according

to homogeneity of responses on data collection. But the information that is collected by each method was triangulated to bring some views and derive some meaning. This starts with the transcriptions and translation of the audio interview data which was from Afaan Oromo to English. The researcher listened to the audio tapes several times by comparing them with the transcription as well as field notes and memos after the corrections made, the transcriptions were broken into units, and reread numerous times. Then it was developed or constructed to codes and themes and divided into sections based on major topics and subtopics that are identified for accurate analysis. According to (Alston and Bowles, 2003); qualitative research does not have a set of rules for data analysis. There must be flexibility to move back and forth between and among the steps and tasks, to check and recheck their findings in the field in order to produce rich and meaningful findings, which refer to the process of moving from inductive analysis to deductive and back to inductive.

Lastly, the finding was analyzed and interpreted by summarizing and categorizing the research concerns according to the main thematic issues. Also data analysis and interpretation were carried out in the process of assigning meaning to the collected information and determining the conclusions, significance, and implications of the findings.

3.11. Assuring the Trustworthiness of the Data

As a qualitative researcher, it is true that the researcher made interpretation of the data collected, which is a bit hard for the researcher to separate his/her background, history or prior understanding of the issue (Creswell, 2007). Though it is hard to separate oneself from the data, the credibility of qualitative research is still in the effort and ability of the researcher (Golafshani, 2003). Therefore to keep the trustworthiness of the data, I have tried to set aside my prior information so that the data would be free from personal bias. In addition using multiple data

sources (in-depth interview with elders who participated in solving dispute, direct observation while the elders while treating the case and key informant interviews) can raise the credibility of the data collected.

The trustworthiness of the information can also be assured through data triangulation. The triangulation can be made by confirming the information collected from an in-depth interview. In regard to triangulation (Knafl and Breitmayer, 1989) as cited in (Baxter and Jack, 2008) stated that triangulation of data sources is a primary strategy used in case study since the phenomena should be viewed and explored from multiple perspectives. The collection and comparison of this data enhances the data quality based on the principles of idea convergence and the confirmation of findings.

Apart from this, verification of reliability will be insured by posing as many different questions as possible and raising similar or the same questions in different ways.

3.12. **Ethical Consideration**

Making ethical consideration is imperative and basic part of social work study. Accordingly, in carrying out the “The role of elders in Dispute resolution” study ethics of study was considered. A cooperation request letter from the Addis Ababa University was given to the respondents so as to get their full consent and confidence. Consequently, all the participants in the study were involved in the study voluntarily and with their full consent. The respondents were notified no matter what kind of response they give, it would be kept confidential, anonymous and respected. The participants were made clear to give their genuine and honest response to accomplish the study as desired.

Further, explanation was given on the purpose, procedures and all known risks and benefits of the study to the participant. To grow their privacy and ethical considerations into

account concerning the protection of the informants anonymity is offered to all respondents that were participated in the interview.

CHAPTER FOUR: Findings of the study

This chapter presents the main findings gathered through different data collection techniques (direct observation, in-depth interviews, key informant interviews and case study) which are previously discussed in the method section.

The first part of this section deals with detailed background information of the study participants. The second part presents the main categories and sub-categories that were identified during data aggregation phase, and comprise cases from the data in direct quote. Aspects of dwellers, elders, Abbaa Gadaas and judge experiences are mainly seen and interpreted from the point of view of the subject who has participated on solving the dispute.

4.1. Background Description of Study Participants

Twelve study participants' were included in this study, three of them were female and nine of them were male. The age range was between 42-73 most of them are in old age category. One of the respondents has completed grade 12, seven participants attended their elementary education and four participants didn't attend any formal education. Regarding their religion, three of them were protestant, five of them orthodox and four of them were Waaqeffataa.

In short, the following two tables summarize the demographic background of the respondents.

Table 4.1.1: Background Characteristics of the Participants

Code	Sex	Age	Religion	Educational level
01	M	64	Protestant	Grade 6
02	F	53	Orthodox	Grade 2
03	F	60	Orthodox	None
04	M	48	Protestant	Grade 7
05	M	65	Protestant	None
06	F	66	Waaqeffataa	Grade 3
07	M	62	Orthodox	Grade 5
08	M	62	Orthodox	None
09	M	61	Waaqeffataa	None

Source: Data generated from the field work (2016)

Table 4.1.2: Background Characteristics of the key informants

Code	Sex	Age	Religion	Educational level
010	M	42	Orthodox	12 complete
011	M	73	Waaqeffataa	Grade 8
012	M	69	Waaqeffataa	Grade 6

Source: Data generated from the field work March, 2016

4.2. Study participants' perception and position towards elders

The study participants who included in the in-depth interview asked on how society see and perceive elders,

As 01 replied,

.....elders are the representative of God, they are the ambassadors of peace and they are the eyes of society, they are the ones who created and build this place so we can enjoy and have a life of ease, if it were not for them, our life would be hard and not as easy as they are these days. They have done the hard work so we can harvest the fruit.

As 02 replied, *"Elders are psychologically matured people that know norms, culture, and history of society.*

The response of 03 and 07 reviled that *"Elders are aged people who identifies good or bad moral or immoral that balance and compromise an argument groups."* Similarly, elders are the source of wisdom; they give us much life experiences, affections and love. So they have high position and we have a respect for them. They are the roots of the tree hence can the branches really survive without them.

As 08 replied,

Nothing can stand before experience...

Elderly people have great wisdom and experience. They have the knowledge of all the years of their lives. They greatly benefit society by enhancing the knowledge of younger people.

They can still make a valuable contribution to society by solving the disagreement of people and community differences based on the life experience that they had.

The current generation may be well qualified in technical knowledge but still discipline and ethical behavior starts faded. This can be learned from elders as they are well experienced in many situation which the youngsters facing today. Even though they are physically weak, they are the mental strength of the society.

As 04 replied, *elders are the backbone of our society*

As 05 responded *"Elders are heritages of society.... they reconcile, counsel, advice, mediate the wrong doers." Society sees and perceives as the guard of peace and they have a great respect.*

As 09 responded, *"... elders are knowledgeable, respected people that bring the disputants together and solve their differences."* In similar way elders perform different activities in society such as solving the disagreements in the society, brining peace in society and striving to obey the norms and culture of people. Society sees them as an ambassador of peace. They are highly respected in society due to the roles that they played in society. In addition they may be old but they have the greatest experience anyone can have. The serious problem which was solved by elders and having peaceful society is due to the effort of elders. So, we can say that elders are gold. Moreover, elders are collectively influential in their clans, because the knowledgeable among them make the most influential part of society.

It is ironic that a majority of respondents feel old persons are a rich source of experience knowledge and skills that they have a respect in society. If we do not learn from our past, we will

definitely repeat it. Elderly people are a wealth of knowledge and wisdom and we have a place for them with the respect that they have earned over their lifetime.

Source: Data generated from the field work March, 2016

4.3. Perceptions of dispute among people in the study area

As the respondent 01 replied,

Perception of dispute by the local community can be seen from two ways. *Some perceived dispute as a misunderstanding of and disagreement on issues by parties that directly leads to violence, disturbance of livelihood and destruction of properties.*

As 02 respond,

Dispute is a situation where two or more parties perceive that their interests are incompatible and express hostile attitude towards each other. For these two categories, they use two different local terms. For the first category, *they say 'walitti bu'insa'.* The phrase is derived from two words 'walitti' means 'with' 'bu'insa' means 'clash'. Therefore, the term literally mean that clash with each other which is equivalent to dispute. *The second category is represented by the local term 'wal-dhabbii' which literally means disagreement.* Unlike the first category 'walitti bu'insa' which refers to the actual dispute or fighting that arises between people, the second category 'wal-dhabbii' represents or dispute that occurs at the level of attitude and perception without physical fighting. However, though there is slight difference between the two terms, the society uses them interchangeable to refer to dispute.

As respondent 03 respond, *dispute is a part of life*

The people in the study area perceive dispute as natural phenomenon in everyday life of human interaction. Hence, they believe that the occurrence of disputes between or among community members is normal. They use different sayings to show the natural existence of

disputes between people who interact or come into contact with each other. For example, they say '*dhala namaa dhiisii gomjii fi eelleen walitti bu'a*' literally means 'let alone the human beings the mum's hearthstones clash with each other'. The mum's hearth stones are put close to each other and collide in the processes of performing their function. The analogy is people run here and there to get their daily bread or the challenges of everyday life which is impossible without interaction. They recognize that each individual is different, think differently, and has needs and wants that sometimes do not match but that needs to be fulfilled. This common and inevitable human interaction accompanied by divergent interests and needs leads to the dispute.

Source: Data generated from the field work March,2016

4.4. Types, causes and disputes solved by elders

As the information obtained from the informants, the type of disputes observed in Toke Kutaye Dogoma kebele include; land dispute, homicide/guma dispute, marital dispute, inheritance dispute, and intra-ethnic dispute. The causes of disputes in the study area are economic related (resource based) disputes and socio cultural disputes.

As the information gathered from all participants land related, physical violence, theft, inheritance, marital, homicide, robbery, breach of agreement and trust, rape, arson are the major causes of dispute that occurred frequently in the area. The informants replied that most cases are usually handled at local level by elders and majority of these types of dispute do not present before the court.

According to the data gathered from the 010,011, and 012 showed that the primary cause of dispute in the study area is the economic interest, especially land related disputes. The economic causes of dispute include dispute over land 'ownership' right, claiming tracts of adjacent farm land, grazing land, intentional or accidental damage to property and/or livestock,

inheritance, theft and marital dispute involving right to property. Other causes of dispute like breach of agreement, false witnesses and raping which are associated with other socio-cultural or economic factors are also prevalent. These types of dispute are usually referred to elders to be resolved, and therefore considered as the major causes of dispute.

4.4.1. Land-Related disputes

As the 011 replied, *the land related causes of disputes are typically high in the study area*. Land dispute usually characterizes a situation involving competing claims to the ownership or use of the same piece of land. This situation significantly increases the possibility of violent dispute between individuals. Others are linked to farmland boundary, grazing land, livestock and human's road, and the like.

4.4.2. Grazing Land dispute

As the information gathered from respondents, dispute over grazing land is a typical problem in the highland and it is a recent phenomenon. Until very recently, the society had been enjoying free grazing land. Land not covered by crop has been communally used by anybody for grazing purpose. Even when there is no sufficient grazing land which is considered as *lafa waliini* /communal land the society has been used forest land which is not convenient for farming purpose.

As the information obtained from 012 showed:

Currently with the increasing scarcity of land, land measurement and approval of land use right, the dispute over grazing land is becoming complex issue. Land enclosures are also the major cause of dispute in recent years. Enclosures are often built around plots of farmlands under the guise of protecting crops from damages, but practically it is intended to enclose pasture lands. This is due to the reason that most of the people who hold land ownership right certificate

are not willing to share their land with others for grazing purpose. As a result, if some one's livestock graze over their land the dispute arises between the 'owners' of the land and the owners of livestock.

As the information obtained from 07 showed, dispute over grazing land can take different forms. It can occurs either when the 'land owners' beat some one's livestock or when they sue the owner of the livestock at the formal court by extremely exaggerating the number of livestock grazed over their land and the destruction they caused.

As 03, elders solve this serious problems by the custom of the society which does not encourage taking compensations for grazing grass. In connection with this, there is the elder's saying that "*Dhalli nama gatii margaa nyaatee hin margu*", literally mean "the offspring of a man who took compensation for grazing grass does not prosper. In the society both the grass and the livestock are considered as the gift of God. *Similar to this the informants added thatelders treat the case accordingly of the society's custom, that taking compensation for grass is considered as unfair compensation because God's gift is a gift given for everybody to use and taking compensation for God's gift is a curse.*

Source: Data generated from the field work March, 2016

4.4.3. Dispute over Farmland Boundary /Daangaa Dhiibuu

Dispute over farmland boundary is another serious land related cause of dispute between farmers who share common territory.

As 011' responsed,

Dispute over farmland boundary are rarely resolved through the formal court. Because of the fact that the act of tress passing one's territory is a gradual practice and lack of tangible boundary demarcation, it is difficult to get clear and real evidence. Most of the time, the

neighbors of the disputing parties who distributed that lands in the past regimes was called for to give their witness. But, it is difficult for them to provide the exact evidence, since it happened many years ago. Therefore, most of the time, farmers would prefer to take this type of dispute to indigenous people, especially elders, to get decisions as the case is related with issues of hiding the truth .So elders use different mechanisms like putting stones, mukaa dhaabu /planting stick, bo'oo/simple canal and leaving a piece of land on the boundary. However, those instruments are easily removable or easily destroyed.

Source: Data generated from the field work March,2 016

4.4.4. Marital disputes

As 012 respond,

Marital dispute in the study area could be seen from two directions. On one hand, it refers to dispute arises between husband and wife. On the other hand, it refers to dispute which results from the practice of abduction, early marriage, rape and getting unmarried girl pregnant and denying the fatherhood of a born child. Marital dispute in the former category can happens when the need, desires, wants of either of the spouses remains unfulfilled and when the understanding of the partner's capabilities, goals and state of mind are being ignored. Regarding the sources of dispute between spouses, this type of dispute takes place not only between newly married couples but also between those spouses who lived with each other for many years. For example, during my fieldwork, the following marital dispute case was presented before the *elders* for resolution and the *elders* dealt with the issue.

Ayantu and Bacha are wife and husband who live in Dogoma kebele. They married to each other 14years ago and now they have five children. Later on, dispute has begun to arise between them when Ayantu denied giving him food and other financial sources. One of the

members of their coffee group reported their case to the jaarsa araara/ elders of reconciliation for recondition. But, they failed to do so. Because, they didn't find out the root cause of the problem as the wife presented to them simply a lot of petty issues as the source of the dispute, putting aside the sexual life which was actually the fundamental cause. On the next time, the wife presented the case before the district court to be divorced by saying "every time my husband comes home he is too drunk and disturb my family. In addition, he failed to participate in farming, and as a result we are becoming exposed to hunger." After hearing the case, the district court tried to refer the case back to the jaarsa araara. But, the parties failed to accept, as the case is already seen there. Then, the court gave them a grace period of two months to think over and decide on the issue. During this period, the husband, on his turn, presented the case before elders saying that "my wife accused me at the court with false statement. So, she has to admit here, if the case is true or compensate me otherwise for the crime she has accused me." The elders deeply investigated the case. They called the wife to them and ordered the husband to stay at a distance for a moment. The elders asked her to tell them the real cause of their dispute by promising to keep the secret things silent. Admitting the wrong action she has made, the wife told them the issue saying "elders are the most respected and truth people I cannot conceal anything from you, if I hide God sees me sine I'm your daughter you may not like my harm and I oath not to complain my husband by false. We have lived together for 14 years. However, for the last four years he changed his, I have nothing to say more. So, you have to decide whatever appropriate decision you think." The elders made a discussion with the husband separately and understood a problem. At the end, the elders brought them together and gave advice to them to pay special attention to the care of children while they share the resources among themselves and their

children chance of their futurity if they separated the risk will come on their children. By giving such advice the elders try their all best lastly the reconcile them and they started peace full life.

(Source: case presented to 012 March 23, 2016)

The above case shows how economic problem gives rise to dispute between the husband and wife.

As 04 response other cause of marital dispute between husband and wife is related with economic factors and resource administration. The economic decision maker and resource holder is husband compared to wife. The husband may not fulfill or allocate the necessary house budget. This led us to dispute.

4.5. Mechanisms of Presenting the Cases to elders:

The process of dispute resolution by elders starts with presenting one's case to the elders. A disputant/s presents whatever cases he/she has before elders regardless of the restriction by the government not to deal with the criminal cases.

Most of my respondents responses were similar: as their response reviled that

Individuals present different categories of cases before elders by three ways. First, if he/she suspects that someone has committed a crime against him/her especially theft actions. Second, if he/she exactly knows who committed the dispute against him/her, whether he/she has an evidence or not. Third, if he/she does not know and/or does not have any suspicion about who committed dispute against on him/her. The resolution of the first and the second categories of cases require a longer process of mediation of dispute resolution. The third category, however, does not require longer process of mediation at the formal justice, as the defendant is not known and/or there is no concrete suspicion. Thus, the resolution of this type of case is possible only through elders' intervention. The disputant/s appeals the case to 011.

Source: Data generated from the field work March, 2016

4.6. Dispute resolution mechanisms

4.6.1. *Elaaf Elaamee*

As the information obtained through interview, revealed that this sort of dispute resolution mechanism is called *elaaf- elaamee*. Such a negotiation is possible between parties the case is minor or who have no difficulty in communicating and negotiating over the issue at hand, and who really want the matter amicably settled. As such, there is no specific and very strict rule to begin with and proceed by the negotiators. Rather, the first party may start with *elaamee or me*, while the second possibly say *ela or me na dhagahi 'please your attention'*. Hence, *elaaf elaamee* refers to the whole negotiation process and not the strict procedure to be followed, which is, of course, of less important. It is also employed for minor cases, and elders simply facilitate conditions that the disputants to communicate and solve the problem by themselves and the final decision is joint decision or win-win negotiation.

Source: Data generated from the field work March, 2016

4.6.2. *Jaarsummaa*

Jaarummaa is traditional dispute resolution mechanisms are parts of social system which play an important role in the reconciliation, mediation, maintenance and improvement of social relationships. It is mainly characterized by the presence of a neutral third party who mediates between the disputants which we call them elders. The role of elders as a mediator varies in degree from case to case and the nature of the relationships of persons in the dispute.

A mediator or mediators often consult disputing parties by referring to norms, values, and rules to move them to an acceptable end. The elders go further up to proposing solutions. The central objective of *jaarsummaa* is to avoid vengeance and revenge from the society.

As 06 respond, *elders play a more active role similar to what society call arbitrator. The role of the role of elders is an arbitrator evolves either from its failure as a mere mediator, or required from the very outset owing to the nature of the issue in dispute. Where the disputants have serious problems of communication, they play a pivotal role. So the term jaarsummaa refers to the process of dispute resolution through the use of jaarsaa which is widely used in the study area.*

As 05 respond, *Elders are those elderly individuals of the society who mediate and solve dispute cases. Although the term 'jaarsa' literally mean 'elderly' refers to old age, in the context of dispute resolution one should not necessarily be of old age to be recruited as jaarsa. Instead, the term jaarsa is used more as a symbol here. What is crucial to assume the position of jaarsa is his knowledge on how to resolve dispute, for instance, his rhetorical ability in the search for dhugaa (truth), his ability to articulate and politeness and carefulness not to provoke the parties in dispute.*

Source: Data generated from the field work March, 2016

4.7. The term of Jaarsa Araara /Elders of Reconciliation

The phrase jaarsa araara comes from two terms 'jaarsa' literally means 'elderly' and 'araara' literally means 'reconciliation'. The phrase, thus, means elders of reconciliation. Hence, jaarsa araara refers to respected elders who have the right and capacity to deal with dispute cases and give decision. They are those jaarsa who are well experienced in dispute resolution and decision making practices.

According to the interview with the 010,

The role of jaarsa araraa is not one; they perform two things sequentially in one setting. The first one is dispute resolution. Jaarsa araara effectively resolve dispute by giving fair

decision that ensures the interests of the parties in dispute. *Elders of reconciliation do well in resolving the dispute because their decision is based on the background, truth and the social situation of the disputing parties. The second is reconciliation. Elders play enormous role in bringing long-lasting peace and stability in the society through reconciliation.*

In this regard, my in depth interview data confirm that reconciliation in its simplest form is about restoring friendship and harmony between the parties in dispute after dispute resolution, or transforming relations of hostility and bitterness to friendly and harmonious one.

Source: Data generated from the field work March, 2016

4.8. Selection and the Role of Jaarsa Araara/ Elders of reconciliation

The data I obtained revealed that, jaarsa araara are selected from the society on the bases of their knowledge of the societies' culture, honesty, oratorical skill, knowledge of customary law, ability to convince some one and to understand others idea. They hold jaarsummaa meeting when called upon by the disputing parties or their relatives, by their own initiatives or when the formal court refers the case to them.

In the jaarsummaa process, the jaarsa araara apply the customary law of the society. Unlike the formal court which depends on written statements of charge, personal witnesses and written evidences to win cases, jaarsa araara might not need these forms of proof. Rather, they depend on their own knowledge of cases and personal experience to make their judgments. They also put cases in contexts and consider events, circumstances, relationships, expectations, and values to resolve cases. Most dispute cases are therefore resolved locally using customary dispute resolution mechanisms in the study area through the head of elders. After all, the role of jaarsa araara is to achieve reconciliation through a search for truth.

Source: Data generated from the field work March, 2016

4.9. The process of dealing with dispute in jaarsummaa

Based on the interview data with respondents, in the context of Dogoma kebele society the following procedures are common. First, once agreement to reconcile is reached, each disputing party solicits members of elder of his/her own. Elders are selected by the plaintiff should be accepted or approved by the defendant and vice versa. The number of elders sit for jaarsummaa meeting varies based on the complexity of the dispute case. But, most of the time, five or seven elders are solicited to undertake jaarsummaa. These elders are solicited from the two sides of disputants. Though they represented and are solicited by each party, elders of reconciliation are considered as representative of the interest of both parties. The fifth or the seventh elder is the one who is solicited by the joint effort of both parties. He is called secretary and his role is writing the reconciliation agreement, in addition to the mediation role he plays with members of elder. However, in case of guma/homicide, the selection criteria and number of elders involved in jaarsummaa is different from other ordinary disputes. As the two parties select the members of elders of reconciliation, they decide the date, time and place of jaarsumma. Each party is responsible to take the elder/s he/she has already solicited to the place on time. The centrality of the place for the parties in dispute as well as for elders of reconciliation is the major criteria for selection of the jaarsummaa setting. The actual jaarsummaa proceedings start with the coming together of elders of reconciliation of the two parties. The plaintiff and the defendant come in front of the elders of reconciliation and present their case by standing there. The plaintiff stands on the one side, and presents his/her case first. While one party is speaking the other party is expected to listen carefully for which he/she responds later and not to speak against. The defendant, who stands on the other side, is the second to presents his /her case. After hearing the

cases, the elders of reconciliation may ask both parties turn by turn for clarification. Besides, if the case needs further investigation and one or the two parties conceal the truth, the elders of reconciliation try to convince one party by sending the other away. In this process, they use their personal skills and knowledge of cultural norms, values and custom and warn the party by referring to customary laws.

Lastly after identifying the causes of dispute, the elders of reconciliation require both parties to stay away from them for a moment. During this time, they discuss what they have observed, including what they knew before, and propose the possible solution. Then, the parties are called and the proposed decision is presented to them, with detail explanation and advice. If the parties are satisfied with the decision, the reconciliation process would take place. The reconciliation process often involves oath-taking rituals, making of pledges to honor agreement reached and payment of compensation by the wrong-doer. Finally, the secretary elder writes the reconciliation agreement which include the whole content of the reconciliation (date, name and signature of elders of reconciliation and disputant parties, and amount of compensation. At the culmination of the reconciliation ceremony the elders of reconciliation let the two parties to shake hands with each other and kiss one another. Then, the dispute parties swear oaths as a sign of joint commitment to peace and reconciliation.

As 08, the following is an oath that the dispute parties say:

<i>Dhugaa malee soba hin dubbadhu</i>	<i>I never present false case but only the truth</i>
<i>Yoon soba dubbadhe</i>	<i>if I present false statement</i>
<i>Bokkuun qee 'e kanaa na qabu</i>	<i>may the bokku of this place catch me</i>

<i>Dhala koorra na hin bulchiin</i>	<i>not stay me on my children</i>
<i>Eeboonsa na waraanu</i>	<i>may its spear pierced me</i>
<i>Waraane na keessaa hin buqqa'in</i>	<i>may it continue to hurt my life as it pierced me</i>

Source: Data generated from the field work March, 2016

4.10. Elders role in dispute resolution

According to the gathered data, in general, the role of elders in dispute resolution is presented as mediation role, reconciliation role, arbitration role, rehabilitation role and teaching role.

In this vein, let us see each and specific role one by one.

4.10.1. *Mediation role*

As 05 said,

Elders are who appointed the parties, volunteer to help in managing the process, have no direct interest in the dispute and its outcome, and no power to render a decision. They have control over the process, but not over its outcome. They are the architects of the solution. Elders are impartial and fair to all people. Elders make the parties to talk to each other. But when the parties are unwilling or unable to talk to one another directly, they may shuttle between the two parties in order to assist their communications. In addition they said; as mediator the role of elders is multiple: they help the parties think in new and innovative ways, make to avoid the pitfalls of adopting rigid positions instead of looking after their interests, to smooth discussions when there is animosity between the parties that renders the discussions futile, and in general to steer the process away from negative outcomes and possible breakdown towards joint gains.

4.10.2. **Reconciliation role**

As the informants 07 replied:

The sole-purpose of the elders is to bring the community together and if some people are not in good terms then it will be impossible to work as united community. In this case these parties do not think independently but reason with the other (ex-disputed) to yield a solution on the way forward. Elders reconcile the parties who filled with emotion, empathy, sympathy and mixed feelings of distrust and confidence. They try to make their relationship better than so far. Similar to this elders' try their best to balance and manage the fear, distance, physical, psychological and even emotional distancing by the hurt party.

4.10.3. **Arbitration role**

As 01 and 02 responded;

Elders obtain a fair resolution of disputes by impartiality without unnecessary expense or delay. And they make parties free to agree how their disputes are resolved, subject only to such safeguards as are necessary in the public interest. They make the solution based mutual agreement which may absent the occurrence of this dispute again and reduce revenge because the solution is based on win-win approach not win-lose approach.

4.10.4. **Rehabilitation**

The process of making a new, of a person's way of living, perceptions for life changing purposes, it is the activities that necessitate the turning point of an individual in need of intervention.

As 03 and 04 respond;

If an individual or groups engage in dispute frequently, we have a responsibility to rehabilitate that person or group by looking the root cause of the problem and giving sustainable

solution for them. Not only this but also we rehabilitate the disputants socially, politically and economically by adjusting and underpinning of conditions of relative peace in which the participants, especially those who have been disempowered and harmed by dispute and prioritize future goals beyond immediate survival.

4.10.5. *Teaching role*

As 06 respond,

“As elders our roles are many: we solve the problems among our clansmen and between our clan and the other clans as well as act as counselors for the community members. We also pass beneficial and meaningful wisdom to them which will help them in life and we oversee the situation of the people of our specific clans and assist those in need like people/group who are frequently or occasionally lack peace. We are also leaders in all sectors of the day to day life of communities such as by guiding the youth in the right path by teaching them the history of the their clans, and the slogan of their clans by using mammaaksaa/ proverbs how we were passed many disparate time with love and affection. How we keep the peace of our society"

011 and 010 *respond;*

Elderly people can teach society many things. They often have exceptional manners and knowledge that can rub off on others. Overall, they can be a positive influence in the way they act or speak. The elderly play a very important role in our society.

4.11. The role of women in dispute resolution

In the land of Oromo, women also have a great role in solving disputes among Oromo clans by intervene and request for reconciliation by using the institution called 'siqqee'. They also have the right and power to reconcile the disputants to their God called waqaa by praying to God for them. Women are considered as peace makers and respected by all members of the community. They can resolve from small dispute to violent conflicts that occur in the community.

Based on the information gathered from my informants:

Though females are not recognized as elderly by the community, they play a big role in settling disputes, particularly among women. A women's marital status and her position in polygamous marriage, her age, and the status of her husband in the community are important considerations for women to take up the roles of mediators in such cases. From an unmarried woman, despite her age does not have much of role in the community. And where a man has more than one wife, the highest respect and position in the community is reserved for the first wife and elder women. The most important determining factor is her husband's social status in the community. So that, women mediators usually handle disputes among women and settle the matter. But if the dispute is serious and the women's quarrel turns in to lineage and clan related defamation, the case passes in to hands of the elders.

In similar way during the mediation, the elders sit under the shady tree and resolve the dispute. If there are women participants in mediation they have the right to hear the case. After the elders reach up on agreement decide on the type and amount of compensation to be paid either by one

or both of the disputants or if it is difficult to the elders to decide the amount of compensation, they have give a chance to women participants in that mediation process. There is saying that tells us the knowledge of women in bringing good idea to make a decision. *It says "dubartiin fala hin dhabduu fala nuu dhahaa"* literally means women have a solution for things bring us a solution.

011 and 012 respond,

Women have an indirect but important role in dispute resolution. In the early stages of a dispute they act as peace envoys for their districts and are sometimes used as the first massagers sent between the disputing districts.

4.12. Elders' role in Gumaa resolution

The term *gumaa* stands for many things. *Gumaa* does not apply for everything at all. It only applies for things that selected to be included in *gumaa* system. *Gumaa* make every effort to convey about peace, justice by compromising parties involved in dispute in every aspect of their movements as socially, politically, economically and psychologically. Also it is mechanism of reintegrating family and solving dispute.

According 011;

The compensation for *gumaa* is headed by elders and it has many advantages. These are to build peace, to restore family that apart due to wrong done, encourage living together and the challenge in compensation discourages killing practices. The dispute happened among the group directed and decided by elders and Gadaa leaders. The *gumaa* system procedure cannot process without *abbaa gadaa* and elders. These elders are *hayyuu* is knowledgeable and skilled man that deeply knows about cultures, history, *safuu* (taboo) of the society and a person or group who

provide solution. Some times hayyuu so called Jaarsa araaraa (elder of reconciliation). According to people of the study area, hayyuu classified into three. These are as follows.

- a. Hayyuu dubbataa (advocator):- This hayyuu is made speech that can change the mind of listeners to bring to solution).
- b. Hayyuu dhooftuu: - This hayyuu is the critical thinker and experienced man that provide solution for conflict created by person quickly annoyed person
- c, Hayyuu raagaa (imaginative man): - This hayyuu provide solution for created dispute based on the past situation, and present situation then imagine the future situation. This hayyuu can have potential to resolve every dispute among people.

Seven elders who are neutral including abbaa gadaas' sent to the harmed group before going to their home they start praying on the river which is around. They do this for nine days. After the pray of nine days with abbaa gadaas they took an appointment day. Then after, they discuss all things that once the passed away was passed and make them serious oath not to take another revenge on others and make them to shake hands by bleeding similar color sheep. After that there is also compensation ceremony.

Based on the information obtained from the respondents, there was a tradition of blood money as compensation for different kinds of offence. The type and amount of the compensation are different for different dispute cases. For instance for killing of a person for male and female, it approaches from 50 to 60 thousand birr respectively

4.13. Merits of dispute solved by elders

Truth

This is the major significance of dispute resolution. There is no partiality. Both disputants are truthful. The mediator, arbitrator, judge also truthful, the presence of the ancestral forces is a

factor; some may collapse or forced to say the truth because of the ancestral forces. Truth is also a covenant logo disputant or parties in dispute must not miss.

Informality

Dispute resolution by elders by its nature it is an informal process, designed to suit the needs of the parties. It appeals to parties who feel that they want to be partners in the process of resolving their dispute and take part in the decision on the fate of their dispute. It allows the parties to present their arguments in an informal manner, not bound by the procedures of the legal system.

Confidentiality

The information is off the record especially by sound, and away from the public eye and the press. The elders bound not to divulge any of the information he/she hears from one party to the other or to anyone else, so the parties can feel free to confidently in the elders. The elders will not share the confidential information, not even with a judge. Mediators can meet with each party in separate and private caucus, to assist them in understanding their own underlying interests and those of the other party.

Non-binding nature

Elders assist the parties to reach a negotiated settlement, an agreement, which is then usually put in writing. If the parties are not happy with the process or the outcome, they have not relinquished the right to use another dispute resolution mechanism in order to resolve their dispute, for example they can go to court.

Save resources

Using this mechanism of dispute resolution is generally faster than the judicial process, it is less costly, and saves on resources (time, money, and energy). It can often be scheduled at the convenience of the parties, avoiding long court delays and associated costs.

Future focus

It focuses on the future, but it does not ignore the past, which provides the information about the issues and the causes of the dispute. This minimizes non-productive justifications, assessment of “who is right,” and differing views of “the truth.”

Maintenance and often improvement of the relationship

One of the main reasons for using elders in dispute resolution as an alternative to the judicial process is to preserve and potentially improve relationships between the parties. The mediation process works well in the case of a long-term relationship or interest-based disputes. In the process, the parties gain understanding of each other’s motives, needs, and interests. This understanding can often improve the relationship between them.

Accessible

Elders’ dispute resolution is easily accessible. Unlike court system, which may not be easily accessible due to geographical distance, transportation problem and other related factors, elders are nearest to the people. Hence, local communities can easily access them and submit their cases to the concerned local actors of traditional dispute resolution mechanisms.

Social stability

Elders know the value and norms of the society, so they give solutions based on the social norms. These mechanisms take into account not only facts but also values involved in the dispute. Hence, when the dispute is resolved disputing parties will reconcile not only with each

other but also with the social value they have deviated. By considering the values and norms of the society they can create better solution. In the contrary, the court system looks into law and evidence and, hence, passes verdict without due regard to the values of the society.

Source: Data generated from the field work March, 2016

4.14. Challenges faced in solving disputes

As information from respondents reviled that;

Elders by themselves. It is obvious that all elders may not equally devote to solve the problem of society. Some of them may go for their advantages and others may not be balance while compromising the disputants they may bias for one party or group.

The other challenge is elders may go long distance to reconcile the disputants. When they go long distance no one think about their tiredness. There is rain, their sun with no transportation access they go long by their own foot. The government doesn't support us when we do such valuable thing because nothing is more than peace.

The disputants sometime refuse their decision since they had no legal right to pass decision as formal justice system.

4.15. The contribution of elders' dispute resolution for community stability

The findings of the study show that there exists a high tendency among Dogoma kebele people to solve their disputes by elders mostly through traditional mechanisms like jaarsummaa, negotiation, arbitration and reconciliation. This is due to the fact that they have a belief that elders are by far better than the modern court procedure as the former is: possible to produce win-win result which is instrumental for disputing parties' future cordial relationship, easily accessible, time saving, less costly and vital for social stability, though it has its own blemishes like lack of documentation and enforcement mechanism

CHAPTER FIVE: Discussions

In this section, major findings of the study are discussed in line with relevant theoretical explanations provided and research questions raised in the preceding sections. Throughout the discussion, I have analyzed the role of elders in dispute resolution. Though dispute resolution is a complex issue because of nature, cause and types of dispute, here I have discussed the role of elders in solving dispute with the direct participants. Therefore, the major roles are negotiation, mediation, reconciliation, arbitration, teaching and counseling.

Position of elders in society

Elders are an aged people of the representative of God, they are the ambassadors of peace and they are the eyes of society, they are the ones who created and build peace this are psychologically matured people that know norms, culture, and history of society. Similarly, elders are the source of wisdom and the backbone of society. In connection with this (Mamo, 2005). Supported this idea that elders are members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace and reconciliation. As he further argued, it is because of this symbolic significance of the elderly that any person who is involved in dispute resolution and reconciliation process is called elder regardless of his actual age. Therefore, a young adult man could be considered by the society as elderly as there is no restriction of age to be elderly.

Perceptions, types, causes of disputes and dispute solved by elders among the study area people

The perception of dispute by the local community can be seen from two ways. Some perceived dispute as a misunderstanding of and disagreement on issues by parties that directly leads to violence, disturbance of livelihood and destruction of properties. Other described that dispute is a situation where two or more parties perceive that their interests are incompatible and express hostile attitude towards each other. As Daba, (2013) confirmed that the people in the study area perceive dispute as natural phenomenon in everyday life of human interaction. Hence, they believe that the occurrence of disputes between or among community members is normal.

Types, causes and disputes solved by elders

The type of disputes observed in Toke kutaye Birbirsa and Dogoma kebele include; land dispute, homicide/guma dispute, marital dispute, inheritance dispute, and intra-ethnic dispute. The Dogoma kebele people district is inhabited by the *maccaa* branch of Oromo. It is more or less an ethnically homogenous district with a common culture, customs, norms and values. Thus, the types of dispute that usually takes place in the district area mainly intra-ethnic disputes in nature. The causes of disputes in the study area can be grouped into two major categories, economic related (resource based) disputes and socio cultural disputes. However, it is difficult to draw a clear cut distinction between causes of dispute as to which is economic, social and cultural regarding the study area.

Land-Related disputes

Land is a very strategic socio-economic asset, particularly in agricultural societies where wealth and survival are determined by control of, and access to land. In this connection OECD (2003:35) ensured that land is a central element in the varied and complex social relations of

production and reproduction within which dispute between individuals and groups are bred. As a result, dispute over land often combines strong economical and emotional values. Due to this land related causes of dispute are typically complex in the study area.

Grazing Land dispute

Dispute over grazing land is a typical problem in the highland and it is a recent phenomenon. The society had been enjoying free grazing land. Land not covered by crop has been communally used by anybody for grazing purpose. Even when there is no sufficient grazing land which is considered as lafa waliini /communal land the society has been used forest land which is not convenient for farming purpose. (Mamo, 2005) supported that lands which were not under actual cultivation of crops tended to be more disputed than those under effective cultivation of crops. He also added that farm fields provide relatively better defined rights to the holders.

Marital disputes

Marital dispute in the study area could be seen from two directions. On one hand, it refers to dispute arises between husband and wife. Second, it refers to dispute which results from the practice of abduction, early marriage, rape and getting unmarried girl pregnant and denying the fatherhood of a born child. Marital dispute in the former category can happens when the need, desires, wants of either of the spouses remains unfulfilled and when the understanding of the partner's capabilities, goals and state of mind are being ignored. Regarding the sources of dispute between spouses, this type of dispute takes place not only between newly married couples but also between those spouses who lived with each other for many years. For example, during my fieldwork, the following marital dispute case was presented before the elders for resolution and the elders dealt with the issue. Regarding the sources of dispute between spouses,

(Habtamu, 1998) stated that sexual incompatibility and resources like land, animal and money are usually the common causes of marital dispute in different ethnic groups of Ethiopia.

Mechanisms of Presenting the Cases to elders:

The process of dispute resolution by elders starts with presenting one's case to the elders. Individuals present their cases before elders through three ways. First, if he/she suspects that someone has made dispute against him/her. Second, if he/she exactly knows who made dispute against him/her, whether he/she has an evidence or not. Third, if he/she does not know and/or does not have any suspicion about who made dispute on him/her. The resolution of the first and the second categories of cases require a longer process of mediation at the level of secular mechanism of dispute resolution at elders. The third category, however, does not require longer process of mediation at the secular level, as the defendant is not known and/or there is no concrete suspicion. Thus, the resolution of this type of case is possible only through elders' intervention. The disputant/s appeals the case to *abbaa bokkuu*.

Dispute resolution mechanisms

Elaaf Elaamee

The culture of the study area people encourages the disputants to settle their case by their own through negotiation. *Elaaf- Elaamee*/ negotiation is possible between parties the case is minor or who have no difficulty in communicating and negotiating over the issue at hand, and who really want the matter amicably settled. *Elaaf-elaamee* of the Birbirs and Dogoma kebele seems to fit into with what we call negotiation. From its very nature, in *elaaf- elaamee*, negotiators/elders tolerate the pain of losing. The final decision they seek for is, therefore, what Schellenberg (1996:154) calls "a mutually satisfactory agreement." (Asefa, 2001: 9) also support

that the practice what Singer termed as "win- win" negotiation which the pain of losing is fairly distributed among the disputants.

Jaarsummaa

Jaarsummaa system is among one of the most widely used institutions of dispute resolution in the study area. The term *Jaarsummaa* refers to the process of dispute resolution through the use of jaarsa/ elderly. It is mainly characterized by the presence of a neutral third party who mediates between the disputants which we call them elders. The role of elders as a mediator varies in degree from case to case and the nature of the relationships of persons in the dispute. Elders consult disputing parties by referring to norms, values, and rules to move them to an acceptable end. The elders go further up to proposing solutions. In line with this, (Mamo, 2006, Dejene, 2002) described jarsummaa is one of the mechanisms that Oromo people used to resolve the dispute upraised among people. It is used as reconciliation practices that the jaarsa biyyaa (respected reliable person) play important role to implement the rule and regulation needed on the peace settlement. However, in jaarsummaa context, it refers to mean that men take part as selected respected representative of the community and have deep knowledge to settle down the uprising as mediators whenever there is dispute. In another way (Lewis, 1989) and (Jetu, 2012) state that the main feature of Jaarsummaa system is the presence of jaarsa araara who are chosen by virtue of their good reputation, their extensive and good knowledge of custom, precedent and law of the society Besides, the individual talent and experience in dealing with dispute and willingness to give his time to reconcile the disputants are also other qualities expected of elderly.

The Process of dealing with dispute in Jaarsumma

The nature of jaarsummaa and the process of dealing with dispute may vary depending on space and case. In the context of the people of study area the following procedures are common. First, once agreement to reconcile is reached, each disputing party solicits members of elders of his/her own. A specific elder selected by the plaintiff should be accepted or approved by the defendant and vice versa. Otherwise one party is obliged to solicit another elder to whom the other party is interested. The number of elders sit for jaarsummaa meeting varies based on the complexity of the dispute. But, most of the time, five up to seven elders are solicited to undertake jaarsummaa. As the two parties select the members of elders of reconciliation, they decide the date, time and place of jaarsumma. Each party is responsible to take the elder he/she has already solicited to the place on time. The elders start the dialogue with the blessing and praying Waqaa/ God to help them to solve the problem and they make an oath of disputants to speak truth. As (Girma, 2009) (Dejene, 2002) and (Yihunbelay, 2010) said once the deliberation is started, the elders of reconciliation stipulate the parties in dispute to be honest in presenting information and to be logical in claiming and counter claiming. The elders of reconciliation have certain procedure of hearing cases. The plaintiff and the defendant come in front of the elders of reconciliation and present their case by standing there. The plaintiff stands on the right side, and presents his/her case first. After hearing their cases, the elders of reconciliation require both parties to stay away from them for a moment. During this time, they discuss what they have observed, including what they knew before, and propose the possible solution.

Roles elders play in dispute resolution

Mediation role

Elders are who appointed the parties, volunteer to help in managing the process, and should have no direct interest in the dispute and its outcome, and no power to render a decision. They have control over the process, but not over its outcome. In connection with this the Nationwide Academy for Dispute Resolution in the UK, (NADR) supported this idea that mediators endeavor through dialogue procedures to bring the parties in dispute together in a binding or non-binding resolution. The mediation process ends with a binding agreement amongst the disputing parties

Reconciliation role

Elders reconcile the parties who filled with emotion, empathy, sympathy and mixed feelings of distrust and confidence. They try to make their relationship better than so far. Similar to this elders' try their best to balance and manage the fear, distance, physical, psychological and even emotional distancing by the hurt party. As (Ron, 1995) put it, strong relationships grow in a cyclical manner whereby heart aches and strife are an everyday occurrence and more or less a natural path. It follows therefore that reconciliation takes a while and is enhanced more when repeated, and reintegration of the parties regularly not only for dispute resolution but for familiarization purposes.

Arbitration role

Elders obtain a fair resolution of disputes by impartiality without unnecessary expense or delay. (Pugh, 1998) supported that the elders dispute resolution is sweet and filled it solves the problem from its grass root cause because elders do with belongingness and cultural accountability.

Rehabilitation role

The process of making a new, of a person's way of living, perceptions for life changing purposes, it is the activities that necessitate the turning point of an individual in need of intervention. According to (Ron, 1995) reconciliation is not a one-touch procedure but a lengthy sequence of events in repetitive motion to finally eradicate ill feelings between the disputing parties.

Teaching role

Elders pass beneficial and meaningful wisdom. As (Brock-Utne's, 2001) confirmed that elders' role is not only taking decision and giving assessment and conveying suggestions on behalf of the parties. In addition, they teach society to live in peace and affection.

The role of women in dispute resolution

Among Oromo, women have a great role in solving disputes by intervene and request for reconciliation by using the institution called 'siqqee'. They also have the right and power to reconcile the disputants to their God called waqaa by praying to God for them. Women are considered as peace makers and respected by all members of the community. They can resolve from small dispute to violent conflicts that occur in the community. Siinqee institution practiced by Oromo Women (Assefa, 2003). (Dejene, 2002) by referring to (Assefa, 2001) has pointed out that the participation of women in starting from resolving family dispute to violent disputes that occur in the community. Not only in oromo community but also in parts of Ethiopia in different ethnic group such as women Abagar in Wollo area of Amhara region, siqqo in Sidama, Debarte of Raya-Azebo in Southern Tigray are some the examples of women that can be seen as source of peace like that of Oromo.

Elders' role in Gumaa resolution

Gumaa stands for many things. *Gumaa* does not apply for everything at all. It only applies for things that selected to be included in *gumaa* system. *Gumaa* make every effort to convey about peace, justice by compromising parties involved in dispute in every aspect of their movements as socially, politically, economically and psychologically. Also it is mechanism of reintegrating family and solving dispute. As indicated in the work of (Jemal, 2012) is used as compensation paid for something for wrong doing while some places used as revenges. In other places it used as reintegration for people apart by some incident wrong doing such as homicide practices.

CHAPTER SIX: Conclusion and implications for social work

6.1. Conclusion

The study explored and described the types and causes of disputes and the role of elders in dispute resolution in Dogoma kebele Toke Kutaye Wereda West Showa Oromia Regional State. Dogoma kebele district is more or less an ethnically homogenous district with a common culture. Thus, the common types of dispute that usually take place in the district are intra-ethnic in nature. Economic and social/cultural factors are the major causes of dispute in the study area. The primary cause, however, appears to be in the area of economic interest, of which land related causes are the most prevalent. Dispute over grazing land is a typical problem of the highland. The study demonstrated that, the currently increasing scarcity of land together with introduction of land measurement and approval of land use right aggravated dispute over grazing land. This is due to the reason that people who obtain the certificate do not allow others to graze it. Dispute between couples over sexual incompatibility and resource administration are the common causes of marital dispute in the study area. Inheritance related is also another cause of dispute in the study area. The study disclosed that the important mechanism that helps to bring together such kind of people to just and reveal the buried truth in the study area is the elders.

Regardless of the dispute resolution mechanisms, society has developed and employed its own mechanisms of dispute resolution. In the study area, community elders, religious fathers/ leaders, *elaaf elaamee*, and *jaarsummaa* are the mechanisms of dispute resolution in the past and in the present. In dispute resolution mechanisms elders of reconciliation have a pivotal role in leading traditional dispute resolution mechanisms. In case of the resolution of disputes, the study, as it focuses on the role of elders dealing with dispute to bring resolution. The third party who is different from government authority is the sole means of resolution of dispute Dogoma kebele

people usually take their cases to elders where actors intervene to negotiate, mediate, reconcile and arbitrate. At both the *jaarsummaa* and *abba gadaa* institutions, the mechanism is based on the principle of cooperation, participatory and nonviolence approach. The role of elders of dispute resolution is to encourage 'win-win solutions and what others also termed 'problem solving approach'. In addition, elders make an oath while treat the case. They do this to reveal truth that enhance enduring resolution and reconciliation, strength in identifying guilty and innocent, and sanction on the wrongdoers who offend people secretly. The study demonstrated that these advantages contribute to the persistence use of elders for dispute resolution in the area. The finding shows that the elders have a pivotal role in solving dispute such as mediation, reconciliation, arbitration, and teaching and rehabilitation role. Similar to this women have also a great role in dispute resolution in the study area.

The other finding of the study is the importance of dispute solved by elders is elders treat cases with no partiality, with the judge of truth, disputants are confidential, save resources, future focus

6.2. Implication for Social Work

Based on the major research findings, NASW Law Social Workers and Alternative Dispute Resolution (ADR), social workers have a responsibility to manage dispute in a productive manner with native citizens. Daily social workers are involved with dispute resolution, whether advocating for clients, delivering services to clients, resolving disputes in different settings or dealing with different kinds of people. Truth, confidentiality, justice, teaching, social stability, future focus actions and rehabilitating are the major works of the social work activities. Which the elders of the study area are doing. Therefore social work professionals can help the elders in by facilitating the processes of mediation, reconciliation and arbitration of

the disputants. Furthermore they can learn a lot from elders how to solve dispute from its root level using elders. In solving dispute, social workers can create a link among the training center for elders to develop their skill and give remedy solution for the larger community and to follow person-in-the-environment perspective.

Another implication for social work education is, the indigenous dispute resolution mechanisms solve problems from its grass root level not allow the society for revenge so strengthen and empowering their capacity with what they have bring sustainable peace among society. In addition since their contribution for dispute resolution is not single the government should give support for them either financially or technically.

6.3. Implication for Policy

The first policy implication of this study is associated with designing “elders dispute resolution of Ethiopian policy”. Ethiopia needs to have its own elders’ dispute resolution policy which can shed light on the existing legislations of the country pertaining to dispute. During the data collection process, I realized that all of the study participants have blurred image on government. They said government and government structure never consider elders as citizens of solution simply they consider them as conditionally or timely stabilizing things. Their decisions sometimes disqualified by others due to the absence of codified law. More places are given for formal justice system. The formulation of this policy would solve the problems stated above and it can also give another alternative dispute resolution mechanism for citizens . I also recommend the necessity of formulating national elders’ dispute resolution policy which may help to come up with sustainable solutions concerning dispute among the society at different level. In addition, formal justice systems need to be communicated with elders to solve the problem from its grass root level. Since there is gap in communication between them. The other policy implication is in

relation to Ethiopian dispute policy highlights different dispute resolution mechanisms but it gives no space to discuss elders' dispute resolution use full and necessary for society. In addition, the implication for policy is regarding the support and giving recognition. This research has found out that without the active involvement of elders it is an ideal or impossible to have stable society especially in traditional society like ours.

6.4. Implication for Research

Globally the question of dispute is headache for different countries. Laws are made at different time but the capacity or power of minimizing dispute is little but solution made by specifically elders' dispute resolution is an effective method of reducing dispute this was attracted the attention of the researchers. Out of the finding the researcher identified the following points to be addressed by future researchers. 1) Why government use or need elders only to solve timely problems why not participate them on other dispute decision makings? These would be another area of investigation.

References

- ABA (2006): Special Committee on Alternate Means of Dispute Resolution,
"ADR: Bane or Boon to Attorneys?" USA: Panel Discussion Series.
- Alexander, A. (2005). Geo-political explanations of conflict in the Horn of Africa.
Addis Ababa, Ethiopia
- Alston, M. & Bowles, W. (2003) Research for Social Workers, Allen and Unwin, Sydney. P. 50.
- Alula Pankrust & Getachew Assfa (eds). (2008). Grass-root Justice in Ethiopia:
The Contribution of Customary Dispute Resolution. Addis Ababa: French Centre of
Ethiopian Studies.
- Asefa Abebe (2008). "Indigenous Mechanisms for the Prevention and Resolution of Conflict:
The Experience of Oromo in Ethiopia". Paper presented to the Workshop on
Conflict in the Horn: Prevention and Resolution organized by the Ethiopia Chapter
of OSSREA, May 11-12, 2001. Addis Ababa, Ethiopia.
- _____. 2011. Facing the challenges of customary dispute resolution: Conclusions
and recommendations.
- Assefa, Getachew. (2005). Grassroots Justice in Ethiopia: The contribution of customary
Dispute Resolution. United printers Plc, Ethiopia
- Balandier, L. (1920) Historical and Anthropological Enquiries. Uppsala: Nordiska
Afrika Institute. Pp, 7-25.
- Baxter, P., & Jack, S. (2008). Qualitative case study methodology: Study design
and implementation for novice researchers. The qualitative report, 13(4), 544-559.
- Boulle, L. 1996. Mediation: Principles, Process, Practice . Journal of Conflict Resolution.
6(7), PP, 89-115

- Brock-Utne, Birgit. 2001. "Indigenous Conflict Resolution in Africa." Paper Presented at the Weekend seminar on Indigenous Solutions to Conflicts, 23-24 February. University of Oslo
- Bukari, N.K. 2013. "Exploring Indigenous Approaches to Dispute Resolution: The Case of the Bawku Dispute in Ghana". In *Journal of Sociological Research*. 4(2). Pp, 86-103.
- Burton, John ed. 1990. *Dispute: Human Needs Theory*, London: Macmillan..
- Busia, S. 2006. *Relevance of African Traditional Institutions of Governance*. Concept Paper Presented to an Experts' Workshop of ECA. Addis Ababa.
- Castro and Ettenger, (1996). "Introduction – Conflict Prevention: A Concept in Search of a Policy", In *Conflict Prevention. Path to Peace or Grand Illusion?* Tokyo: The United Nations University Press.
- Choudree, R.B.G. 1999. Traditions of conflict resolution in South Africa. *African Journal on Dispute Resolution*, 1 (1). pp, 9–27.
- Constitution of the Federal Democratic Republic of Ethiopia 1994. Federal Negarit Gazeta, proclamation No. 1/1994.
- Creswel, J. (2007). *Qualitative Inquiry and Research Design: choosing among five approaches* (2nd ed.). Thousand Oaks; Sage Publications, Inc. '
- Daba K, 2013. "Customary Dispute Resolution in Gambela Region, the Case of the Nuer": In Pankhurst, Allula and Getachew Assefa (eds). *Grass Root Justice in Ethiopia: the Contribution of Customary Dispute Resolution*. Addis Ababa: Etudes ethiopiennes. Pp,133-154.

- Dejene Gemechu. 2002. Some Aspects of Conflict and Conflict Resolution among Waliso Oromo of Eastern Macha with Particular Emphasis on the Guma. MA Thesis in Social Anthropology. Addis Ababa University.
- Deng, F. (2003). Towards an African Elders' Council for Peace. The Foundation for Democracy in Africa. Back to Africa Leadership Forum '99 Menu.
- Denzin, N.K. & Lincoln, Y.S. (Eds.) (2000). The handbook of qualitative research. Thousand Oaks, CA: Sage Publications, Ltd.
- Dumont, James and Dorothy Christian (2012). Report of Team Development With Community Outreach and Development Department (Codd) Group, June 7, 2012. Toronto: Native Canadian Centre.
- Durkheim, E. (1976) [1915] The Elementary Forms of Religious Life, London: George, Allen & Unwin. Evans-Pritchard.
- Fred-Mensah, Benk. 2005. "Nugormesese: An indigenous basis of social capital in a West African Community". 1K Notes, No. 86. World Bank.
- Fisher, Ronald J. (2000): Interactive Conflict Resolution, Syracuse, NY: Syracuse University Press.
- Fisher, R. and Ury, W. (1981) Getting to Yes, New York: Houghton Mifflin.
- Girma Hundessa. 2008. Customary Setting for Dispute Settlement: Gadaa, Qaalluu and Elders among the Turban-Kuttaye Oromo. MA Thesis in Indigenous Cultural Studies. Addis Ababa University.
- Glaser, G. B. (2002). Constructivist Grounded Theory? Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 3(3), Art.2, <http://nbn-resolving.de/urn:nbn:de:0114-fqs0203125>.
- Gerald, C. (2001). Constructivist Realism: An Ontology that Encompasses Positivist

and Constructivist Approaches to the Social Sciences. Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 2(1), Art. 7, <http://nbn-resolving.de/urn:nbn:de:0114-fqs-010177>.

Golafshani, N. (2003). Understanding reliability and validity in qualitative research:

The qualitative report. University of Toronto, Toronto, Ontario, Canada.

Habtamu, W. (1998). Ethnicity, Displacement and National Integration: The pronged challenges to Ethiopia. Addis Ababa University, IER FLAMBEAU, Vol 16 no 1 December

Horowitz, Sara. 2007. "Mediation". In Webel, Ch. and Galtung, J. Eds. .

Handbook of Peace and Dispute Studies. London and New York: Rutledge. Pp, 51-63.

Jane, B. 2008. Culture at Crossroads: Ethiopian Women in Peace Building. Published by IIRR.

Africa Regional Center.

Jembere, Abera 1998. Legal history of Ethiopia 1434–1974: Some aspects of substantive

And procedural *laws*. Rotterdam, Erasmus University.

Kikwawila, S. G. (1994). Qualitative research methods: Teaching materials from a

tropical disease work shop. World health organization, UNDP/ World Bank/ WHO, Ifakara, Tanzania.

Knutsson, Karl Eric (1967). Authority and Change: A study of the kallu

Institution Among the Macha Oromo of Ethiopia. Goteborg

Kohlhagen, D. (2005). Alternative Dispute Resolution (ADR) and Mediation: The Experience of French-speaking Countries" How to Make ADR Work in Ethiopia, A Course held on 17 and 18 April at the EACC. Addis Ababa.

Krefting, L. (1990). Rigor in Qualitative Research: The Assessment of

Trustworthiness. Queen's University, Kingston, Ontario, Canada.

Kreuger, L., & Neuman, W. (2006). Social Work Research Methods: Qualitative

and Quantitative Applications. Boston New York Sanfrancisco.

Macfarlane, J. (2009). "Faith-Based Dispute Resolution-Transcription. Addis Ababa, Ethiopia. .

Mamo, H. (2006). Land, Local Custom and State Policies: Land Tenure, land dispute and disputes settlement among Arsii Oromo of southern Ethiopia. Kyofa Shoukadon, book sellers.

Maxwell, J.A. (1997). Qualitative Research Design: An Interactive Approach. Thousand Oaks: Sage. 2.

MCnamara, C. (1999). General Guidelines for Conducting Interviews. Minnesota.

Meron Zeleke. 2010. "Ye Shakoch Chilot (the court of the sheikhs). A Traditional Institution of Conflict Resolution in Oromiya zone of Amhara regional state, Ethiopia". African Journal on Conflict Resolution, 10(1). Pp, 63-84.

Moore, F. 1986. Law as Process: Social Facts and Fabrications: 'Customary law on Kilimanjaro, 1880-1980'. Cambridge: Cambridge University Press.

Morton, Alice L. (1975). "Mystical Advocates: Explanation and Spirit Sanctioned Adjudication in the Shoa Galla Ayana Cult". In Proceedings of the First United States Conference on Ethiopian Studies: Michigan State University, 2 - 5 may 1973. Pp 73-89. Michigan: African Studies Center.

Murauskas, M.V. (2000). The Long-term Problems of Parent Death on Adult Children. Midlife University of Wisconsin-Stout. Marriage and Family Therapy, Menomonie.

Muigua, k. 2010. Traditional Dispute Resolution Mechanisms under Article 159 of the Constitution of Kenya

Mutisi, M. 2011. The Abunzi Mediation in Rwanda: Opportunities for Engaging With Traditional Institutions of Conflict Resolution. Durban: ACCORD

- Mwajiru, Makumi, 2001, *Conflict Management in Africa: Lessons Learnt and Future Strategies*; Nairobi: Centre for Conflict Research (CCR) and Friedrich Ebert Stiftung (FES).
- Nader L,(Eds) (1990). "Conflict Anthropological encyclopedia of the social science: vol.3, pp230-241. New York:Macmillan Company and Free press.
- North America: A Research Study. <http://www.islamicdivorce.org/art2.htm> (accessed July 5, 2009).
- Okoh, Rosemary N. 2005. "Conflict Management in the Niger Delta Region of Nigeria: A Participatory Approach." *African Journal on Conflict Resolution* 5, no. 1 , pp. 91–114.
- Otterbein, K. (1994). *Feuding and Warfare: Selected works of Keith*. Amsterdam: Gordon and Breach
- Oruwari, Y. 2006. *Post-Conflict Peace Building and Democracy in an Oil Region: The Role of Women's Groups in the Niger Delta, Nigeria. Niger Delta Economies of Violence*. Working Paper, 13
- Philipp, M. (2014). *Qualitative Content Analysis. Theoretical Foundation, Basic Procedures and Software Solution* Klagenfurt, Austria.
- Rabar, B and Karimi.Martin. Eds. 2004. *Indigenous Democracy: Traditional Conflict Resolution Mechanisms in Pokot,Turkana, Samburu and Maraket*. A Publication of ITDG-EA.
- Rapport, Niger and Joanna Overing. 2000. *Social and Cultural Anthropology: The Key Concepts*. New York: Rutledge.
- Regassa,.T. 2008. *Restorative justice in Oromia baseline study*. Addis Ababa, Central Printing Press.
- Reimann, Cordula. 2005, *Assessing the State-of-the-Art in Dispute Transformation*.

Berlin, Berghof Research Center for Constructive Conflict Management.

Roberehek, C. (1990). "Motivation and Material Causes: an Explanation on conflict and War"

in Jonathan Haas (ed.) the anthropology of war. New York: Cambridge University press.

Ryan, W.G& Bernard, H. R. (2000).Data Management and Analysis Methods:

What Are Standards of Rigor for Qualitative Research? Thousand Oaks, CA: Sage
Publications, 2; 769-802.

Romm, N. (2001). Accountability in Social Research. Dordrecht, the Netherlands:

Springer. <http://www.springer.com/social+sciences/book/978-0-306-46564-2>.

Santa- Barbara, 2007. Conflict, Conflict Prevention, Conflict Management and Beyond:

A Conceptual exploration. A Concept Paper. Sweden: Central Asia- Caucasus Institute
and Silk Road Studies Program.

Schellernberg, A (1996). Conflict Resolution: Theory, Research and Practice. Suny Press

Slaby, G.,et al.(1994) . Aggressors,Victims,and Bystanders: Thinking and acting

To prevent violence.: Education Development center,Inc.

Spencer, Herbert. 1975 [1885]. The Principles of Sociology.Westport, CN: Greenwood Press.

Swanstrom, N. 2002. Dispute, Dispute Prevention, Dispute Management and Beyond:

A Conceptual exploration. A Concept Paper. Sweden: Central Asia- Caucasus Institute
and Silk Road Studies Program.

Seymour-Smith, C. (1986) Macmillan Dictionary of Anthropology, London: Macmillan Press.

Tarekegn Adebo & Hanan Tsadik .(eds) (2008). Making Peace in Ethiopia: Five Cases

For Traditional Mechanisms of Dispute Resolution. Addis Ababa: Master Printing press.

Tanner, Fred. 2000. "Dispute Prevention and Dispute Resolution: Limits of

Multilateralism". International Review of the Red Cross.

Tedwell, A. 1998. Conflict resolved. Great Britain: Biddles Ltd.

- Tilaye, S. (2014), "Alternative Dispute Resolution in Ethiopia-A Legal Framework".
African Research Review, 2 (2): 265-285
- Tillet, G. 1991." Conflict and its Resolution" . In Theories of Dispute Resolution: A Study
Guide Module. Charles Sturt University.
- Tsongo, Claudine. 2012. Introduction to Dispute Analysis, Prevention and Resolution.
MA Thesis in Gender and Peace Building. University for Peace.
- Umbreit, Mark 1995. Mediating Interpersonal Conflicts: A pathway to peace, Sage,
London
- Unruh, J. (2005). Changing Conflict Resolution Institutions in the Ethiopian Pastoral
Commons: The role of armed confrontation in rule-making. *Geo Journal*, 64(3): 225-237.
- Yin, R. (1994). Case Study Research, Design and Methods. CA: Sage, Beverly Hills
- Yin, R. (2003). Case study research: Design and methods (3rd ed.). Applied social
Research methods series. Sage Publications, Inc.
- Wallensteen, J .eds. 2002. Handbook of Peace and Conflict Studies. London and
New York: Routledge.
- White, Leslie, 2008. 'The Reemergence of Evolutionary Thought: Energy and the Evolution
of Culture'. In, Jon R. McGee and Richard L. Warms. *Anthropological Theory: An
introductory. (4th edition)*. New York: Frank Mortimer.
- Woubishet, K. (2011). Traditional Oromo Attitudes towards the Environmental:
An Argument for Environmentally sound Development. Social Science Research Report
Series, number 19. Addis Ababa: OSSERA.
- Zartman, I.W. 1999. Introduction: African traditional conflict "medicine". In Zartman, W.I.
(ed). Traditional cures for modern conflicts. African Conflict "medicine". Boulder, CO,
Lynne Rienner. Pp, 1-11.

Zartman, William I. 2000. "Conflict Management: The Long and Short of It",

SAIS Review. 20(1)

Appendix I

Addis Ababa University

School of Social Work

Study Title: The role of elders in dispute resolution: The Case of Birbirsa & Dogoma

Kebele Toke Kutaye Wereda, West Showa Zone, Oromia Regional state.

Appendix I: Consent Form

To whom it may concern

My name is Taye Firdisa, and I am a post graduate student at Addis Ababa University. For my Masters thesis, I have chosen to study the role of elders in dispute resolution. I hope the information that I will gather for this study will help researchers and other professional people to better understand the role of elders in dispute resolution. Please understand that you are not forced to participate in this research and the choice whether to participate or not is your decision, but I would really appreciate it if you do share your life experiences with me. I also ask for permission to tape record the interview. This consent form is prepared to collect information related to the role of elders in dispute resolution among the Toke Kutaye Oromo of west showa. The information collected through this interview is only used to prepare MA thesis entitled 'The role of elders in dispute resolution: 'The Case of Toke Kutaye Wereda Mutulu Kebele, Oromia.' in partial fulfillment of the requirements of Master of Arts in Social Work, which is basically academic in purpose.

Dear my informants, I promise you that your response will be kept confidential and, therefore I kindly request you to participate actively and voluntarily in all the processes of providing response and sharing your experience as well as in the discussion on the issue to be

presented for discussion. Because, the quality of this study will greatly depends on your genuine response.

Therefore, I would like to ask your consent. Thank you in advance for your kind cooperation

Risk and Benefits

The risks associated with this study are minimal. It is possible that you may experience an emotional or psychological response when answering these questions. If your amount of discomfort becomes extreme please consider contacting psychiatrists or social work professions. Benefits may include the opportunity to comment on your feelings regarding your experiences and I may also contribute for social work profession by increasing the understanding the role of elders in dispute resolution.

Are you willing to take part in the interview? Interviewee: Agreed..... Not agreed.....

I look forward your essential assistance:

My contact addresses are as follows: Mobil No: 0911-56-73-97

E-mail: tayefird@yahoo.com

Appendix II: Interview Guide for elders who has participated on dispute resolution.

1. Back ground information
 - a. Age ____
 - b. Sex ____
 - c. Religion ____
 - d. Level of education ____
2. How the societies see and perceive the *elders*?
3. What are the major types of dispute in the study area and people perception about dispute? Which are solved by elders?
4. How cases are taken to elders?
5. What are the dispute resolution mechanisms in your area and how they used to solve dispute?
6. What is the role of elders in dispute resolution?
7. What is the role of women in dispute resolution?
8. What do you think is the advantages resolving dispute by elders than resolving dispute by formal justice system?
9. What is / are the methods or procedures elders use in solving disputes from its grass root level?
10. How elders help community bringing together by solving their differences?
11. What challenges elders face in solving dispute?
12. Is there any idea which isn't mentioned related to the issue under discussion that you want to add?

Thank you very much for your valuable information!

Appendix III: Interview Guide for the Key Informants

1. Back ground information

a. Age _____

b. Sex _____

c. Religion _____

d. Level of education _____

2. How do you describe the roles of elders in dispute resolution in your kebele?

3. What are the common types of disputes in your area?

4. Which types of disputes are likely to be resolved by elders?

5. Do you have interconnection with elders in solving dispute? If so, how your relationship is explained?

6. Is there any type of dispute that cannot be processed by *elders*?

7. How the appropriateness of dispute resolution by elders is perceived?

8. How do you see the role of elders in solving guma dispute?

9. Does dispute resolution by elders have any contribution to community stability?

10. Is there any idea which isn't mentioned related to the issue under discussion that you want to add?

Thank you very much for your valuable information!