

ADAMA SCIENCE AND TECHNOLOGY UNIVERSITY

SCHOOL OF EDUCATIONAL SCIENCES AND

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DEPARTMENT OF PSYCHOLOGY

INDIGENOUS CONFLICT RESOLUTION

MECHANISMS AND REHABILITATION

STRATEGIES AMONG THE ARSI OROMO

By

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BY

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Abstract

The purpose of this study is to examine the role of Arsi people in resolving conflict among the Arsi Oromo. To conduct this study qualitative research method and ethnographic design approach were used. The major objectives of the study were to find out the specific indigenous mechanism of conflict resolution , examine the experience of Arsi Oromo in conflict resolution, and identify the nature of psychosocial life of the victims and the person that caused the conflict before and after the conflict. Much of the data that were used in this paper as source of dependable information were gathered from 26 person ,7 males,2 female from member of communities , 12 Arsi elders ,2 Gada leaders ,and 3 police officials. All were purposely selected and interviewed. The sources were consulted through intensive interviews, focus group discussion, and observation. One focus group discussion was conducted in Gode kebele. All generated data were assembled, inspected; thematically categorized and analyzed. The data analyzed in this study clearly reveals that conflict in the society of Arsi Oromo rise on multitude of ground. Since the source of conflict can be traced to a number of causes the major ones are attributed to economic factors, such as constraints of farm land. Arsi people are responsible to resolve conflicts since they are resolving conflict through demanding and effective mechanism practices. It seems,(in many aspect) processing conflict through traditional approaches have advantages over modern bureaucratic court system. Though, the activities of Arsi people are contributing much in conflict resolution, it is not well studied and they are not empowered to function as expected. Currently, the role of Arsi as replacing by the modern culture and the role of Arsi people in conflict resolution is already ignored. However, conflict resolution mechanism without considering the traditional way, may not be as effective as it is used to see. Therefore, it seems important if the modern legal system take the tradition system into account and work with traditional system

Glossary

Abba Gadaa

Father of the Gadaa

Abbaa Manaa	Husband
Alagaa	Outsider
Alangee	Whip
Ateetee	Deity of divinity which women worship in the Belief that it makes them fecund, happy wealthy and prosperous extra
Bokkuu	Scepter made up of olive tree
Caffee	Assembly
Falaa	The processes of treatment by Arsi people
Gadaa	Democratic political organization of the Oromo
Haadha Mana	Wife
Irressaa	Gift
Jaarsummaa	Mediation
Qaalluu	The sprit the enable the Arsi to treat the people
Qulqullessu	Cleaning
Seera	Law
Siiqqee	Ritual stick used by women
Waadaa	Promise
Waaqaa	God\ creator

CHAPTER ONE

1. Back Ground Of the Study

Traditional conflict resolution mechanisms in Africa are closely bounded with socio-political and economic realities of the life styles of the communities. These mechanisms are rooted in the cultural and history of Africa people and are in one way or another unique to each community as stated in the same writer. There are times when customary courts rely on society's traditional conflict resolution mechanisms. However, they rely mainly on good willing of the society to adhere to its ruling (Rabar and Karim, 2004). Traditional conflict resolution can occur at any stages of a conflict, from on-the spot mediation to prevent a violent out break to effort to mitigate the more violent aspects of the disputes that has escalated to violent conflict.

Community members involved participate in the conflict resolution process. These community members can include traditional authorities, chief women's organization, local institutions and professional associations. The elders function as a court with broad and flexible powers to interpreter evidence, impose judgment, and manage the process of reconciliation. The mediator leads and channels discussion of the problem. Interruption is not allowed while parties state their case. Statements are followed by open deliberation which may integrate listening to and cross-examining witnesses, the free expression of grievance, causing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinion and view of neighbors, reviewing past cases, holding private consultations, and considering solutions (Lederach, 1994).

The Oromo people are one of the largest ethnic groups in the horn of Africa, who belongs to the Cushitic speaking people. Today they live in the present Ethiopia, Kenya and Somalia. In Kenya the different clans of the Oromo are referred by the name of their clans, Gabra, Garrii, Orma Saaknyee. In Somalia they are known as Jaarso, Anniyaa, and Gurgura (Kuwee, 1997).

Their language Afan Oromo is one of the most widely spoken indigenous languages in the whole of Africa (Kassam and Megerssa 1998). The Oromo constitute various groups of people which fall under two major dominant groups (Borana and Barentu) (Haayiluu, 1997). The groups in turn are divided into sub groups the sub groups into clan and the clans into lineage. Arsi is one of the many sub-groups belonging to the Oromo, specifically to the administrative zone of Oromia regional state. Like other Oromo the Arsi were ruled by the Gadaa system for centuries.. It has guided also the religious, social, political and economic life of the Arsi for many years (Tolosa,

2010). This thesis deals with the Oromo in general. Arsi community in particular. The Oromo developed their own cultural, religious and political institutions, which shaped their history and expressed their world view. Accordingly studies on Oromo culture the history demonstrate that Oromo public life was administered under the Gadaa system which was uniquely egalitarian political and social institution that governed the life of every individual in the Oromo society from the birth to death (Asmerom, 1973).

According to (Asefa,2006) the Gadaa as a political, economic, social and religious institution was the pillar of the Oromo culture and civilization. The Gadaa system established different mechanism of conflict resolution which encompasses Ilaa Ilaam (negotiation),Jaarsummaa (mediation) Siiqqee and Qaalluu court (Assefa, 2006). Similar to the group pastoralist of east Africa, such as karimojong, the masai, the nuer, the pokot, the samburu and the sebei Jeilan (2004) cited in (Tolosa, 2010), Oromo had a well developed age based system grouping up on which the religious, political economic and social life of the people were based, that is Gadaa system Mengesha Rikitu(1992) also the Gadaa system is the Oromo nation's social, political and legal system has safe guarded the social, cultural, religious political and economic life of the Oromo people for many centuries with its philosophy, history and art (cited in Zebeay 2009). Like the other Oromo groups, the Arsi Oromo are organized under the Gadaa system. These studies also discuss the indigenous conception of conflict resolution; the actors; and the institutional context of conflict resolution at the grass root level. The emphasis is study on a conflict resolution by use of indigenous mechanism in Arsi Oromo community.

Description of the Study Area

1.2. The People and the Area

Arsi Nagelle is one of the 180 districts in the Oromia Regional State. Part of the West Arsi zone located in the Great Rift valley Arsi Nagelle is bordered on the south by shashamane on the West and North by the East shewa Zone, on the East by kore and on the south east by kofale; also on its western edge lake shala. The altitude of this district ranges from 1500 to 2300 meters above sea level. A survey of the land in this district shows that 37.7% is cultivable, 16% is considered swamp, mountainous or otherwise unusable.

Lake Shala and Abijata shala 'National park' are local land marks. Barley, potato and wheat are important cash crops. Different social services such as lengeno lodge, 330 registered merchants of whom 14.5% are whole sealer, 33% retailers, 52.2% service providers and 31 farmers association with 11,203 members are found in the district. Arsi Negelle has 255 kilometers 1000 square kilometers. About 25.5% of the total population has access to drink pure water. Based on figures published by the central statistical Agency in 2005, this district has an estimated total population of 120,121, of whom 60,700 are men 59,421 are women, 4338 of its population are urban dwellers, which is less than the zone average of 12.3%. With an estimated area of 1269 square kilometers, Arsi Negelle has an estimated population density of 94.5 people per square kilometer, which is less than the zone average of 132.2.

The central statistical Agency in 2005, reported that total population for this district of 86,691 of whom 43,103 were men and 43,588 women; 2424 or 2.8% of its population were urban dwellers at the time. The two largest ethnic groups reported in Arsi Negelle were the Oromo (94.84%) and the Amhara (1.43%); all other ethnic groups made up 3.73% of the population.

Afan Oromo spoken as a first language by 94.35% and 2.47% speak Amharic; the remaining 3.18% speak all other primary language reported. The majority of the inhabitants were muslim, with 89.56% of populations having reported they practiced that belief, while 10.17% of the population said they professed Ethiopian orthodox Christianity.

2.Statement of the Problem

It is logical to say that every society develops a world view through which it perceives and interact with the surrounding reality. A society's world view is constructed through the cultural lenses that people have developed through years of socialization (Hamdessa, 2000). Hamdessa further asserts that in traditional Africa it is known that every community has its own method of conflict resolution which is deeply rooted in the culture of the society. Likewise Oromo people developed their own religious, cultural, and political institutions which shaped their traditional conflict resolution.

In addition indigenous conflict resolution mechanism and rehabilitation strategies for better psychosocial life among the Oromo in general and among Arsi Oromo in particular are relatively less studied. Even in such studies as (shiferaw, 2011) and Mulgeta's (2005) which have touched up on role of indigenous conflict resolution mechanism of Arsi Oromo, as far as the researchers knowledge is concerned both its details and real picture such as rehabilitation strategies, price of compensation, for victimized person and different symbols during conflict resolution are missing. Furthermore the role and place of women in indigenous conflict resolution mechanism as both activators and beneficiaries were missed. Thus, this study is an attempt to bridge these missing gaps.

2.1. RESEARCH QUESTIONS

The following questions are addressed in this research:

- What are the types of indigenous conflict resolution mechanisms in Arsi community?
- What are the changes and continuities in the activities of indigenous conflict resolution mechanisms over time?
- Is there gender role difference in indigenous conflict resolution mechanism of Arsi community?
- What are the indigenous strategic rehabilitation of psychosocial practices of the victims of the conflict?

3. OBJECTIVES OF THE STUDY

This study has general and specific objective.

3.1. GENERAL OBJECTIVES

The main objective of this study to investigate the mechanisms by which the Arsi Oromo community resolves conflicts using indigenous conflict resolution mechanisms.

3.1.2 SPECIFIC OBJECTIVES

To investigate the specific indigenous mechanism of conflict resolution in Arsi Oromo.

- To examine the experience of Arsi Oromo in conflict resolution.
- To examine gender difference in conflict resolution among Arsi Oromo.
- To identify the nature of psychosocial life of the victims and the person that caused the conflict before and after the conflict.

4. SIGNIFICANCE OF THE STUDY

The study of indigenous conflict resolution mechanism among Arsi community could be important from the following perspectives:

- Additional input to the few works that have already been done on conflict resolution in the region.
- It provides information to the legislators to consider indigenous knowledge and values in law making for better planning and implementation of the policy at local level.
- It may contribute to the understanding of the characteristics of these indigenous ways of conflict resolution and differences between such activities in different social context.
- It may contribute to reduce regular court case load.

5. Delimitation of the study

It is difficult to treat all aspects of the culture of the Arsi community in areas where they are locating in time and budget allocated to this study. Consequently, the study was delimited an study of conflict resolution mechanism and rehabilitation strategies in Arsi community particularly in Arsi Negelle district.

6. Limitation Of the study

Budget allocation for this study did not take the current condition of the market, the types of the study and the distance of the research site. It highly limited the researcher not to observe the whole events and process pertaining to the proceeding. In addition, transportation which is inaccessible was the most serious challenge.

7. Definition of terms

The terms (words and phrases), defined next to this, have been used in this work according to the definition which has been given to each of them.

Conflict; as clash, competition or mutual interference of opposing or incompatible forces of qualities as ideas, interests, wills.

Conflict resolution; is the extent to which disagreements are replaced by agreement and consensus. It is co-operative problem-solving to help individual and groups identify their interests and find solutions that satisfy these.

Conflict settlement; is a process of activities that are carried out in order to render possible quick solutions for parties who are in hard conflict conditions.

scale of compensation is; blood price not vary across social strata, age, sex and blood ties.

Communing police; is selected from member of community for process of conflict resolution.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

A review of relevant literature on conflict and conflict resolution is the concern of this chapter. Different theoretical approaches to conflict and its sources, mechanisms of resolution and the role of rituals in peace making processes are also reviewed.

2.1 Meaning Of Conflict

Conflict is not an easy task to offer the term with a clear cut and universally accepted definition. This is because, firstly, conflict is an ever changing entity together with the ceaseless change of the way of living of human societies. Secondly, the term is being defined by assorted scholars of various fields of studies differently. Every scholar defines conflict in the manner that it could be in consonant with the interest of each of the respective field.

Conflict may be viewed as occurring along perception, feeling, and action dimensions. This three dimensional perspective can help us understand the complexities of conflict and why a conflict sometimes seems to proceed in contradictory direction (Mayer, nd). Gove et al (1981), defines conflict as “clash, competition or mutual interference of opposing or incompatible forces of qualities (as ideas, interests, wills)...”

Similarly, Schmidt and Kochan (1972) cited in Daniel et al (1989), defined as “conflict is interference by one individual or group in the attempts by another individual or group to achieve a goal.”

Swanström (2005) state that, “A conflict can be defined as a situation in which two or more parties strive to acquire the same scarce resources at the same time.”

For woodhouse and Duffy (2008) “Conflict refers to the pursuit of incompatible goals by individuals or groups.”

On the other hand, Wallenstein (2005), as cited in Axt, et al (2006), defines that “An armed conflict is defined... as a contested incompatibility that concerns government or territory or both, where the use of armed force between two parties results in an at least 25 battle-related deaths of these two parties, at least one has to be the government of a state.”

Axt, et al (2006), conflict is the clashing of interest (positional differences) on national values of some duration and magnitude between at least two parties (organized groups, states, groups of states, organizations) that are determined to pursue their interests and win their cases.

As has been seen here, each of the definition given to the term has differing theme. However, the presence of incompatibility between the conflicting parties is the intersection point that all of the definitions have in common. In addition, most of the definitions imply that conflict has a social feature.

Conflict is a social situation which manifests itself through human relations and interactions and there of competitions made to obtain the same scarce resources by two or more parties at a particular point of time with an intention of fulfilling their material and spiritual requirements. It is a social condition which makes itself explicit due to the appearance of mismatching perception concerning the interests of conflicting individuals or groups at a given specific time.

As woodhouse and Duffy (2008), states that, conflict is mainly said to be a social situation for it overtly emerges at least at interpersonal level. But the emergence of conflict does not forecast the forthcoming of destruction towards the conflicting parties. If it is managed constructively on the manner that it could be non-violent, conflict can create a favorable climate for personal and social change and of that transformation. On the contrary, if the reverse happens, it has the chance to leap towards negative effect and from that cause to devastating outcomes. Correspondingly, conflict can have the opportunity of being resulted with a positive or negative effect.

Conflict is very often understood as an evil event. People, most frequently, view it as a phenomenon that dismantles human cooperation. It is usually taken as an enemy of positive human relation and peaceful life. The concept is perceived as if it is equivalent to destruction. And therefore, for those who are accustomed with such view, conflict is inexorably required to be prevented as well as avoided and abolished in order to safeguard human cooperation and peaceful social relation (Woodhouse and Duffey, 2008)

Similarly, verover et al (2002), point out that in the people mind, all conflicts are considered as bad phenomenon and people dislike them because of their negative consequences. Individual's natural reaction is to avoid conflict and forget it as quickly as possible. But avoiding and

suppressing conflict is sometimes a mistake and of always in the best interest of the individuals and groups concerned. Conflict itself is neither good nor bad. This distinction depends on the type of conflict and how the conflict is handled. It is difficult to differentiate between good and bad conflict, since there is no measure or frame work against which it can be evaluated.

Generally if the result of conflict with positive outcomes, then the conflict is considered to be “good” and if the result of conflict is with negative out comes then the conflict is considered to be bad. Positive outcomes of conflict can be, for example, searching for and finding solution to exist conflict thereby fulfilling a diagnostic function (Drue et al, (1997) as cited in verover et al (2002).

The negative result can include nervousness and emotional tension, deteriorated relationships, altered businesses, and the distraction of a good work environment. Unresolved conflicts can have particularly negative consequences. If a conflict remain unresolved or is managed poorly the result will be bad.

However, it is difficult to conceive of a human community where there is no conflict among members or between persons in the community and outsider. (Ross1986). Human existence and conflict are intermingled together. No one can separate conflict from the existence of human beings. The life of human societies is basically dependent upon their relations as well as upon scarce resources for the purpose of addressing their material and spiritual needs. Since the resources needed by mankind are limited by nature, human relations are necessarily characterized by competition and this competition becomes the potential seed for conflict (Kang, 1990). Accordingly, are objectively mooring each other. Hence, conflict is not to be viewed as the enemy of human cooperation. Rather, it is an entity which shows the establishment of a relationship among the conflicting parties.

Regarding this, Woodhouse and Duffey (2008) point out that “...cooperation is not the opposite of conflict, but a way of handling conflict... when expressed and handled constructively, conflict can act as a catalyst for personal, social and political change and transformation.”

2.3. Theories of conflict

In the course of history of human interactions, there appeared a multitude of theories concerning conflict. Each of this theory has strived to declare the essence, the substantial cause and impact of conflict. Following this, an attempt has been made to treat some of these from the number of theories of conflict.

2.3.1.Mechanical theories of conflict

These theories of conflict are viewed as the components of classical theory of organization. They are connected to the works of scientific management and administrative organization. Mechanical theories argue that the potential seed of conflict is the non-existence of the capacity which enables to design the best organization, successful rules and efficient form of organizing. The absence of these abilities, therefore, could be the active roots of conflicts. For these theorists, conflict has not to be permitted to germinate within a given organization since it has the power of generation a staggering wave of intra organizational attitudinal disparity.

Proponents of these theories, in addition, have advocated that conflict has to be prevented from being appeared by following the one and only one most correct way of managing collective actions. This correct way can be achieved through undertaking scientific studies. Moreover, obtaining the right person and place it in the right position as well as keeping away obstacles enable to outlaw conflict from an organization and there for to carryout activities peacefully, effectively and efficiently. (Goldman, 2003)

2.3.2.The human relations theories of conflict

According to human relation theorists, the womb of conflict is the presence of misunderstanding among members of a given social group. Accordingly, conflict is a manifestation of the survival of social disorder which has to be obliterated. Proponents of these theories labor a lot to go through and analyze personal characteristics.

The best remedy for the problem of social disorder, which is the child of conflict, is developing fondness, deference and sense of warmth among a social group in question. This action, for human relations theorists, is the only best way that enables to get rid of conflict and to create a stable social interaction (Goldaman,2003)

2.3.3 Managerial Theories Of Conflict

Every human relation and interaction, according to the proponents of managerial theories, is the possible sources of conflict and thereof it is objectively present together with the existence of human interactions. Since conflict has an essence of pervasiveness, as these theorists argue, it exists in covert as well as overt forms wherever human societies live. Accordingly, conflict must be recognized and inexorably managed constructively since it is unavoidable.

2.3.4 Marxist Theory Of Conflict

The substantial ground of conflict, the proponents of Marxist theory advocate, is the variation of economic status seen between people. Conflict which arises between social strata, of which one is the owner of means of production and there of appropriates the highest portion of the production, and the other stratum that is deprived of these means of production and due to this reason forced to obtain the lowest part of production, immersed them into irreconcilable contradiction which necessarily leaps towards armed struggle (Daglish, (1982).

2.3.5 Categories Of Conflict

Conflict is an objectively existed part of the relation of people which spreads through their lives. It can be subsisted either implicitly or explicitly together with the existence of human interactions. It could be present in the realm of social interactions in one of the forms of its chronological features. It may either lie dormant or being vigorous (Kang, 1990). Based on the degree of its intensity level, conflict can be grouped into two categories, as non-violent and violent. Following this, an attempt is made to treat these categories of conflict briefly.

2.3.6 Non-violent Conflict

Conflict is a situation which undergoes through unending change. The position of its strength changes together with the dynamic nature of social interactions, since conflict is one of the facets of human social relations. The categorical feature of conflict is determined by the status of its fervor. It couldn't be noticed unless and otherwise observable symptoms, which can exhibits definite stance variation of interest antagonism, are met.

Of the categories it possesses, by taking the above points as a cornerstone, the one is non-violent conflict.

Non-violent conflict is a situation in which conflict is found in its underdeveloped intensity level. Such conflict can be either in its dormant or manifest stage of development. Regarding this, Sandole (1998), as cited in Axt (2006), asserts that "... a situation in which at least two parties, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, each other's goal-seeking capability.

The non-existence of violence in a given social setting does not imply the non-existence of conflict. Interests that are in the situation of divergence can be able to exist without the germination of coercion between them. In the non-violent phases of conflict, these divergent interests can be present either in a hidden stage or in a tensioned condition but below the verge of violence.

2.3.6 Violent Conflict

Violent conflict is a situation in which the developmental stage of conflict grows towards the intensity level of coercion. It can be either at its medium strength in which crisis or severe crisis are observable or at its high intensity level which is expressed by property destruction and/or human death. Conflict grows towards a violent developmental stage while conflicting parties are unable to strive peacefully to arrive at their intended ends. According to Axt, et al (2006) "Conflicts enter a violent phase when parties go beyond seeking to attain their goals peacefully, and try to dominate, damage or destroy the opposing parties' ability to pursue their own interest." In this study the researcher has seen the way how the violent conflict can be resolved traditionally.

2.4 Cause Of Conflicts

Conflict has many roots, and there are many theories that try to explain these origins. Conflict is seen as arising from basic human instincts, from the competition for resources and power, from the structure of the societies and institutions people create, from the inevitable struggle between classes. As Mayer (nd), human needs are the center of all conflicts. People engage in conflict

either because they have needs that are met by the conflict process or because they have needs that are consistent with those of other.

Needs do not exist in a vacuum, however, they are embedded in a constellation of other forces that can generate and defined conflict. In order to effectively address needs, it is usually necessary to work through some of these other forces, which affect how people experience their needs and how these needs have developed. Communication, emotion, value and structures with in which interaction takes place and history are the main sources of conflicts. (Mayer, nd:4)

Conflict is a pervasive essence of human relations. It objectively exists together with the presence of human social relations. Human social relations are expressed through the endeavor of producing goods and services as well as production relation. Human beings enter into conflict in the process of social interactions. Conflict in social interactions can exist in its latent or active form. What is the substantial ground of conflict?

Concerning the causes of conflict there are two opposite views. Regarding this, Axt, et al (2008) states that:*From ontological point of view, research into the sources and categories of conflict has usually centered two conflicts approaches: the subjectivist and objectivist approach. The objectivist approach... looks for the origin of conflict in the social and political make up and structure of society, and considers that the goals at stake can be thoroughly incompatible. On the contrary, the subjectivist point of view focuses primarily on the perceived incompatibility of goals and differences.*

For objectivists, conflict in human societies is originated from the objective social setting. It emerges from the competing nature of goals of social interact. Those who are the proponents of the position of objectivism argue that the fertile ground for conflict to emerge is scarcity of resources as well as incompatibility of goals including the power required to control scarce resources for the purpose of arriving at the targeted goal. (Avruch, 2004, Collins, 1986)

Conflict, for subjectivists is not rooted upon the incompatibility of interests of human beings upon scarce resources as well as the mismatching essence of their goals. Rather, from the point of view of the proponents of subjectivism the root source of conflict is the perception of people concerning incompatibility of their interests. The competition made by people for the purpose of controlling scarce resources is not to be taken as the womb of conflict. Proponents of this

position advocate that how human beings view this competition, how they perceive the competition, resources and scarcity is the root source of conflict. It is from the perceived interests of people that the potential conflict starts to germinate (Collins, 1986).

Both the proponents of objectivism and subjectivism; as it has been indicated formerly mention the material world, i.e. scarce resources, need of power and incompatible of goals, while they strive to demonstrate the basic source of conflict. However, on the one hand, conflict roots, for subjectivists, in the perception of individuals or groups that they form concerning resources, scarcity, power and incompatibility of goals. According to objectivists, on the other, the main root of conflict is not human perception. Rather, competition undertaken for the purpose of controlling scarce resources, power as well as the need for achieving goals are the wombs from which it is born.

Here, it is possible to raise the following basic queries. Why people enter into competition? What is the secret behind their striving they make in order to control power? What are the substantial ingredients enable people to achieve their goals? On what core point do they develop different forms of perception?

If we attempt to go through these questions in order to come across with considerable rejoinder, based on the nucleus of the arguments of the advocates of the two views regarding the root cause of conflict, we will arrive at a single but basic reply. It is possible to obtain a guiding answer which has a superintendent power upon the others.

As has been repeatedly indicated in this work, conflict is an essence of the existence of human race as a social being. It is possibly a characteristic of the entire social relationships and interactions. Social relationships, plausibly, are expressed through the process of production and production relation. Understandably, production is dependent upon resources. Its realization out of resources is absurd.

However, nature does not provide human societies with resources lavishly. They are fenced with scarcity. On the contrary, mankind is compelled by nature to live with unlimited needs. And consequently, the absence of balance between resources and human needs makes human societies to enter into competition and thereof into conflict. Striving for power, therefore, is an endeavor exerted for the purpose of gaining an upper hand over the others in order to control

resources dominantly. From this, therefore, it is possible to recognize that the foundation of conflict is scarcity of resources.

Basically, the core cause of conflict is the limited nature of resources. Here, the concept resource should not be confined only with the domain of the discipline of economics. It has also to be understood from its diverse aspects. It has to be treated as economic resources, power resources and cultural resources (Woodhouse and Duffey, 2008)

In fact, the core source of conflict is scarce resources. Nonetheless, it is possible to come across with diverse immediate causes that can be seen as instant reason for the sprout of a variety of disputes in the day-to-day interactions of human societies.

Scarce resources are the core fertile grounds on which the potential conflict based its root. Conflict basically adhere its roots on incompatible objective of human interests. However, resources, scarcity as well as human interests are not viewed and evaluated in the same way by all individuals and social groups. Different individuals and social groups perceived them differently in the manner that it is in concord with their own cultural context. Hence, from this it is possible to recognize that human perception has got its impact on the emergence of dispute as well as the growth of its intensity level. If perception is negative, then the intensity of conflict increases. If it is positive it paves a road to settle it constructively. Accordingly, from this we can say that conflict has got a subjective dimension together with its objective dimension. A subsequent conflict engendered by formerly emerged dispute is a case in point.

2.5. Elements Of Conflict

Conflicts are dynamic by nature. They are situations exist in an ever changing state. They are also endowed with complex feature. There are components which are commonly shared by every form of conflict. These common elements of every form of conflict are situation, attitude and behavior. (Swanström and Weismann, 2005)

Situation refers to the established system of social institutions, the ways and applications of the processes that are implemented when endeavoring to safeguard and ensure social security. It shows the feature of social structure and the trend of social interactions activated for the purpose of defending the welfare of the social environment. Attitude, on the other hand, indicates that the perceptions of people that they develop for each other and for each of them. These perceptions might have been developed in the manner that they are positive or negative. Behavior is also an attempt of conflict which points to the deed carried out by one of the conflicting parties intended to discard the party which stands in an opposing stance against the interests of it or to influence that the party to alter its aims. Behavior encompasses the action of collaboration and compulsion. It can have an essence of pacification or antagonism (Kang, 1990)

2.6. Conflict resolution, Management, and Transformation

Conflict, as has been stated repeatedly in this production, is objectively present together with the existence of social relationships. Nevertheless, human societies through their age-old life experiences have erected social structures with an intention of making themselves to be in a position to minimize the destructive effects of conflict and to enhance its constructive results. In the course of the history of such human social experiences the concepts of conflict management, settlement, resolution and transformation have been materialized and argued on. Consequently, following this, a few words are forwarded with an intention of illuminating the ideas behind the terminologies.

2.6.1. Conflict resolution

Conflict resolution is the extent to which disagreements are replaced by agreement and consensus. It is co-operative problem-solving to help individual and groups identify their interests and find solutions that satisfy these. Conflict resolution is apparent when members have fewer objections and indicate more agreement with each other. Resolution does not imply that one party imposes a solution on another party. Rather, it indicates a solution that is acceptable to an entire group (Daniel, 1989)

Conflict resolution is a process undertaken for the purpose of deescalating the increased intensity (intensified) level of conflict and in order to help the conflicting parties to arrive at an agreement. It is a position which emphasizes on creating a conducive climate to abet those conflicting parties to establish cooperative relationship between them through using strategies which enable them to decline the intensified degree of conflict arisen between them. According to Swanström and Weismann (2005) “conflict resolution refers to the resolution of the underlying incompatibilities in a conflict and mutual acceptance of each party’s existence...”

Conflict resolution is a progressive activity employed through the process of negotiation carried on between conflict parties by using a third party as the facilitator in order to pave the avenue that enables these parties to embark on intercession and reach at constructive (positive) end. It is a process employed to enhance collaboration between those who are in dispute with an intention of strengthening their relationship. This is executed by directing situations that compel those parties to enter into conflict, helping them to develop positive attitudes to each other, and calming emotion through reconciliation achievement of peaceful relationship among them.

This process is carried out by taking the elimination of conflict and establishment of peaceful relations among the parties who are in dispute as a target. It is performed with an intention of getting conflict to perpetual end and assures the conflicting parties to enjoy an everlasting positive relationship.

2.6.2. Indigenous conflict management and resolution mechanism

Indigenous conflict management and resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. It aims to resolve conflicts without restoring to start-run judicial systems, police, or other external structures.

Local negotiation can lead to ad hoc practical agreements which keep broader inter-communal relations positive, creating environments where nomads can graze together, townspeople can live together, and merchants can trade together even if military men remain unrecognized.

Additional results of local conflict management occur when actors who do not have political, social or economic stake in continuing violence come together and build a” constituency for

peace.” In some cases, this can undermine the perpetrators of violence, leading to the development of momentum toward peace.

Local mediation typically incorporates consensus-building based on open discussion to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder’s decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict. Local mechanisms intervene to resolve community disputes before they escalate to large-scale violence or to prevent a resumption of violence after a period of calm.

Generally one or both parties to a dispute request intervention by an elder, the elder council, or other community member. Occasionally, elders unite to take the initiative in forming a local council to represent the community’s interests.

Community members involved in the conflict participate in the dispute resolution process. These community members can include traditional authorities—elders, chiefs, women’s organizations, local institutions and professional associations.

The elders function as a court with broad and flexible powers to interpret evidence, impose judgments, and manage the process of the problem. Parties typically do not address each other, eliminating direct confrontation. Interruptions are not allowed while parties state their case. Statements are followed by open deliberation which may integrate listening to and cross-examining witnesses, the free expressions of grievance, caucusing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinions and views of neighbors, reviewing past cases, holding private consultations, and considering solutions.

The process may be time-consuming and encourage broad discussion of aspects that may seem unrelated to the central problem, as the mediator tries to situate the conflict in the disputants’ frame of reference and decide on an appropriate style and format of intervention.

The elders or other traditional mediators use their judgment and positions of moral ascendancy to find an accepted solution. Decisions may be based on consensus within the elders’ or chiefs’ council and may be rendered on the spot. Resolution may involve forgiveness and mutual formal

release of the problem, and, if necessary, the arrangement of restitution (Lederach, 1994). The main purpose of this paper directly relate with the indigenous conflict resolution because it is assessed the role of Arsii community in traditional conflict resolution.

2.6.3. Conflict management

Conflict management is a notation which focuses on the purpose of safeguarding a conflict that appears between two parties from growing towards an intensity level of violence. This endeavor is made through enhancing constructive attitudinal changes in the minds of those parties who entered into conflict. Regarding this, the words of Woodhouse and Duffey (2008) states that conflict management “is ... used to refer to the limitation, mitigation and containment of conflict, rather than the durable elimination of the causes of conflict.”

Conflict management points to the activities that are executed in order to minimize the chance of the spread of conflict as well as to suppress its escalating opportunity. It is a method employed with an intention of keeping the conflicting parties not to proceed towards the destructive direction. This method emphasizes on treating the conflict situation not to be erupted into coercion (Hamada, 2005). Conflict management is a view which targets on the actions and measures that are to be taken in order to avoid coercion and other practices related to coercion for the purpose of creating conducive climate for the conflict to be negotiated.

2.6.4. Conflict settlement

Conflict settlement is a process of activities that are carried out in order to render possible quick solutions for parties who are in hard conflict conditions. This is a process of striving to search for and arrive at a fastest solution for those who are in a serious intensity level of conflict. Nevertheless, its end could not be last long since the endeavor focuses on the achievement of quick solution for a conflict which is in highly intensified stage.

Conflict settlement hardly provides the causes upon which conflict is rooted and developed with due attention and does not seriously attempt and deeply go through the seeds from which the conflict is germinated. The purpose of this process is to force these parties, who are in coercive

condition, to enter into compromise in order to safeguard them from destructive results. Consequently, solutions of dispute obtained through the process of conflict settlement are often vulnerable to be started again since the causes of conflict are not offered with the expected attention. Regarding this, Woodhouse and Duffey (2008) asserts that “although a settlement is often a quickest solution to difficult or violent situation, its effectiveness is temporary because the underlying relationships and structures that have caused the conflict are not addressed.

2.6.5. Conflict transformation

Potential conflict stays alive together with the existence of human interactions. It subsists where ever social relationships keep going. The result of conflict lies upon the way it is managed. On the one hand, it is handled in the manner that it will be invigorated to escalate to the intensity level of violence, and then its result will be destructive. On the other hand, its end will be an establishment of constructive interactions as well as a new way of living. That is why Galtung (2000) asserts that “conflicts have both life affirming and life-destroying aspects. They form from contradictions in the structure of society.”

Conflict transformation is a process of solving conflict through the mechanism of investigating the major causes that make it to develop from its latent level to active level deeply. This approach goes through conflict based on the ever changing complexion of conflict. Accordingly, rather than attempting to avoid it the approach advocates that, it is necessary to recognize and deal with the dialectical nature of conflict. According to this approach, conflict is inevitably created by human beings who are in ceaseless interactions. The conflict that emerges in such relationship is not a static phenomenon. Rather, it is naturally dynamic. Hence, once it appears it continues to go toward change and transformation. It changes the events, conflicting parties and the feature of their relationships which were the fertile grounds of the germination of the conflict. But this could not be actualized by an endeavor exerted towards controlling and avoiding the symptoms of the conflict. Rather, it could be realized by the effort that strives to carry out a deep investigation and analysis concerning its causes. Moreover, the approach focuses on changing the attitudes of the conflicting parties and making them active participants in searching for creative alternatives that enable the situations, that make the conflict manifest, to be transformed (Fisher, 2001)

Conflict transformation is a process of solving conflict which strives to offer a conflict situation with ample scaffold and systemic attention with an intention of confronting the conflict all over stages of the development of its intensity levels. “Conflict transformation for Lederach (1995) was formed to provide a comprehensive framework for addressing conflict through its phases- from the initial stages of indirect conflict, to full-scale direct conflict to lastly, its resolution.”

This approach of searching for solution to conflict, additionally, intends to encourage parties, who are in dispute, to strive jointly to ascertain the temperament to their differences and rummage around ingenious alternatives in order to come across with their needs. Furthermore, this process is practiced for the purpose of motivating those parties to recognize the necessity of cooperating with one another to solve their disparities (Rupesinghe, 1995).

2.6.6. Locally done Works on Related Issues an Overview

In this section an attempt has been made to brief some of the works done on related issues which have linkage with the topic planned to be gone through. Accordingly, MA thesis written by Shiferaw Mengiste (2005 EC) has been assessed in a relatively detailed way. From the thesis the material produced by Shiferaw Mengiste (2005 EC), Ayele Fikrie (1989 EC), Tolosa Mamuye (2010), and Mengistu Fiseha (2007) has been entertained. Asere Abune's (2007) BA senior essay has been done on the title “customary justice system of Guraghe vis-à-vis criminal Law” Shiferaw Mengiste (2005) has done MA thesis entitled “role of waata community in conflict resolution among Arsii Oromo in Zuway Dugda Woreda from the view of conflict resolution.” He has seen the role of Waata community in indigenous conflict resolution mechanism among Arsii Oromo in Zuway Dugda District in detail. According to Shiferaw, the role of endogenous conflict resolution mechanism has a great role on providing long lasting peace and security of Zuway Dugdaworada. In his work Shiferaw has seen the role of Arsii community. But the way he has seen it and the fact I got from the *Arsii* community and from the community of surrounding is a little bit different.

The work of Mulugeta and the others focus on the process and the role of different social institutions, the steps they follow and the contribution the institutes have on conflict resolution in the different area.

The others Tolosa Mamuye (2010) also has done MA thesis on Arsi Oromo conflict resolution entitled “The role of women-based institution (Siqqee) in conflict resolution” but he did not touched in detail.

In addition Yewondwosen’s (1998 EC.) entitled “Traditional Administration and Conflict Resolution in “Sebat Biet Guraghe” and Temesgen’s (1998 EC) work, on the issue of traditional conflict resolution system in Gamo are among others.

Mengistu Fiseha (1999)” Bertusa traditional conflict resolution in Sheko community. Mengistu has seen the role of Burtus in Sheko community and the steps they are following.

But my work is different from these works in that the researcher investigated the role of Arsii people in conflict resolution and rehabilitating strategic in Arsi Oromo Gadaa/ system.

CHAPTER THREE

RESEARCH METHODS AND PROCEDURES

In this study, qualitative research method has been employed since such method is more flexible than the quantitative method (Guest, et 2005). It was preferred as it helps understand the social and cultural contacts of the people and the contexts within which they live . It also enables the researcher to view events, actions, norms, values, etc from the perspective of the people understudy. Relevant information for this study has been collected during a fieldwork from both primary and secondary sources with the help of the following set of methods.

3.1. Design of the study.

The study design has been ethnographic design. Because, it is an approach concerning with the discovery and description of the culture of a group of people. It also assists in getting rich and holistic description of the cultural experiences of the group understudy. Thus, for the research that will examine the way how people can resolve the conflict created in between them, ethnographic research design is a suitable approach.

3.1.2. Sampling techniques.

Regarding the sampling techniques, Marriem (1998) argues “Since generalization,in a statistical sense is not good, quantitative research; probabilistic selection of sources is not necessary, or even unjustifiable in quantitative research .Thus, non-probability sampling is the method of choice for most qualitative research.” Therefore, the researcher has decided to employ judgmental (purposive) sampling techniques to collect viable information. Actually, it helped the researcher to approach the elders and experienced people to collect relevant and original information related to the present topic.

3.1.3. Participants of the study.

Four members of the community had participate in this study. These were the Gada officials, the Arsi elders, police officials, and other community members. The researcher preferred to obtain witness from the representative of these groups of community to be sure about the representatives of the population. Finally the representatives include 7 male 2 female from member of community, 12 Arsi elders, 2 Gada leaders,3 police members, total 26 study participants were included.

3.1.4. Data collection instruments.

Three data collection instruments had been employed to obtain information from the participants of the study. These are: observation, interview and group discussion.

3.1.4.1-Observation

Observation is one of the most appropriate methods to gather valuable information. The researcher has employed this method. Visits had been made to traditional religious court, neighborhood gatherings; and conflict resolution mechanism proceedings have been attended. Different forms of dispute and the ritual practices related to their resolutions have been documented. Photographs of related events and matters were taken to support the observations. Some of the proceedings were also tape recorded in addition to written notes. The method helped to capture significant data on dispute processing.

3.1.4.3- Interview.

Dispute processing is not a day- to-day activity of the people. Hence, it is often possible to collect valuable information from a few members of the community. These are used knowledgeable people about the subject. In this study, therefore, semi- structured questionnaires were used to conduct in-depth personal interviews with about ten key informants. These questionnaires were set with the intention of guiding the informants, rather than restricting them to answering what were just asked.

The key informants were *Gada* and traditional religious leaders, mediators, knowledgeable elders, Police men and young educated people. These interviews were tape-recorded. Written notes were also used. This method, therefore, enabled the researcher to explore the change and continuity, symbolic meanings, religious implications and other central ideas of the Arsi Oromo traditional institutions and practices of conflict resolution.

4. CHAPTER FOUR.

FINDINGS

In this chapter, the researcher has analyzed and interpreted data collected mainly through interview, FGD and observation. From critical examination of the collected data, the following organizing themes were identified.

4.1 Conflict Resolution

Under this section the perception and the attitude the Arsi community have towards conflict, sources of conflict, the procedure they follow to resolve the conflict, the hierarchy of different people in conflict resolution, rehabilitation strategies were included. In addition, the relationship of Arsi Gadaa system with the police of the district in conflict resolution, the role of the women in reconciling process and the consistence and change of the process experienced over time are discussed in detail.

4.1.1 How Arsi communities perceive conflict?

Among the research participants interviewed, one of the Arsi elders explained his perception as follows:

Conflict is the disagreement between two individuals, groups, clans or between two parties if some body is living with another body, there must be conflict between these two individual for example, it may be between father and son or may be between husband and wife or it may be between two outsiders or it may be between two countries, there might be conflict at least once in a life (dated April, 19, 2014).

Besides, other informant agreed that it is common in different groups of the community that there is conflict; however, it can be different in type and degree, from community to community. But there is no community or individual with no conflict throughout her /his life.

Generally, as the community of Arsi, conflict is the disagreement between two parties or between individuals or it might be between the countries, it also occurs everywhere in which the people are living together but the degree and the type can be different from place to place or from time to time. From this, one can conclude that the Arsi people have good understanding about conflict.

4.1.2. Sources of conflict among Arsi Oromo community

Since conflict is every where in any society, it has been occurring among Arsi Oromo due to several reasons. The Arsi economy is mainly agrarian in which land is given a high value. The most common types of conflict among the Arsi Oromo is land-related conflict which may involve the shortage of grassland, or border conflict over the issues of land ownership. Land related conflict included conflict over the issues of ownership are the major and frequent incidence among the other types of conflict. Land related conflict included also conflict utilization of forest resource (Mamo, 2008). In addition to this conflict also occurs due to the failure to honor economic and social value of the society. Quite often, the aforementioned factors are responsible for conflict that takes place not only between neighbors or between two clans conflict but also within a family.

According to my informants most conflicts in Arsi Nagelle district or in the area where they are calling for the reconciling come from the competition for resources. In our surrounding and in different areas where we are calling for falaa (treatment), we saw that the main sources of conflict in between the community in rural area are competition for farm land and grass land But some times it can be raised suddenly between two individuals (April, 21, 20104),

4.3. Indigenous mechanisms of dispute settlement

There are different types of conflict resolution mechanisms which mitigate and resolve conflict from its root. These mechanisms fall under the category of traditional conflict resolution mechanisms. This is mainly because the tactics and techniques employed for the resolution process originate from the societal, cultural, norm, value and socio-economic activities which best fits to deal with all conflicts within the community. The major and frequent mechanism for conflict resolution is 'jaarsumma'(mediation) 'Jarsumma' is used in any kind of conflict resolution process. The process involves three indigenous mechanisms of dispute processing among the west Arsi Oromo.

4.3.1. Ilaaf- Ilaamee (Negotiation)

The Oromo culture encourages the disputants to settle their case on their own through negotiation. Among the Arsi Oromo community, this sort of negotiation is called *ilaaf- ilaamee*. Such a negotiation is possible between parties who have no difficulty in communicating and negotiating over the issue at hand, and who really want the matter politely settled. Asefa (2001) interprets that the phrase *ilaaf-ilaamee* indicates the very procedure of the negotiation. *Ilaa* means 'look' or 'listen' uttered by one of the two parties to start talking. It is a way of calling for attention. The second party uses *ilamee* to respond to the first one. The suffix *me* approximately means 'please', simply qualifies the politeness of the approach. Although Asefa's explanation is quite good, my own ethnographic data does not lead me to this conclusion. 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 *ilaamee* or *me*, while the second possibly say *ilaa* or *me na dhagahi* 'please your attention'. Hence, *ilaaf- ilaamee* refers to the whole negotiation process and not the strict procedure to be followed, which is, of course, of less important. *Ilaaf- ilaamee* negotiation is effective to settle cases, which the disputants want to keep secret from others for what so ever reason. It is also employed for minor cases, which seem trivial for others to intervene and for the disputants to invite others. Disputes between individuals or groups whose relationships are valuable to preserve are often resorted to *ilaaf- ilaamee*. In the course of negotiation the disputants try all their best to persuade each other referring to norms and values. They threaten each other appealing to the potential outcomes of the failure to settle the case. Finally, they seek to arrive at the decision acceptable to both parties. Only such a decision can be final.

4.3.2. The system of Jaarsa Araaraa

The second local mechanism of dispute settlement among the Arsi Oromo is *jaarsa araara* system. The term *jaarsa* and *araara*, literally mean elder and reconciliation respectively. Thus, *jaarsa araaraa* refers to reconciliation through elders. In this context, the term elder does not necessarily show age, but role. Any person who plays the role of mediator at a given *araara* proceedings is *jaarsa* regardless of his age. *Jaarsummaa* system is mainly characterized by the presence of a neutral third party who mediates between the disputants.

The role of a third party as a mediator varies in degree from case to case and the nature of the relationships of persons in the dispute. Where the dispute in group parties have no serious problem in negotiating through face-to-face discussion, but are unable to settle their own case on their own, a mediator simply facilitates so that the negotiators to arrive at a decision on which both parties agree. A mediator or mediators often consult disputing parties by referring to norms, values, and rules to move them to an acceptable end. The '*jaarsa araaraa*'s go further up to proposing solutions. On the other hand, a third party plays a more active role similar to arbitrator. The role of the third party as 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 conflict. Where the disputants have serious problems of communication, the third party plays a crucial role.

Among the Arsi Oromo, the moot is an assembly of neighbors and elected persons to hear and determine a particular case. There is neither specific number of *jaarsas* to hear a case nor particular group of people eligible to sit in a *jaarsummaa* proceeding. Elders between three to six are elected for a single case. The criterion for selection is not age or kinship based. One is counted among those of the moot by virtue of his good reputation, his extensive and good knowledge of the *aada* and *seera* (custom and law) of the Oromo. Individual talent and experience in dealing with conflict, altruism and willingness to give his time to reconcile the parties in dispute are also important factors for selection. Of course, it is not uncommon that those individuals who are believed to have proven ability to handle disputes are frequently called on to hear cases.

In addition, where possible the Arsi, choose Abba bokkuu, especially for more serious matters. Abba bokkuu as legislators, in the currently functioning *Gadaa* System, are believed to have the knowledge of the Oromo law and are responsible to restore peace and harmony in the community. It is also believed that *Waaqa* (the creator) responds to the prayer and curse of Abbaabokkuu.

Males, not females, are elected as mediators, except in a special case, which is discussed at the end of this topic. This seems persistent to the past tradition of *Gadaa* court system. Concerning the procedure for choosing elders, the writer has come to the conclusion that it is roughly divided into four. First, both parties may commonly choose elders whom they think are neutral and would handle their case efficiently and impartially.

The Arsi call these elders *as jaarsa araara* 'neutral elders.' Second, each of the parties may nominate elders from their own side and comment on the nominee of the opposite side. In this procedure, too, the group to be set is the one in which both parties put their trust. Third, both parties may independently choose their own *jaarsa* whom they think would favor them. These elders are called *jaarsa bitaaf-mirgaa*, meaning 'the elders of the left and the right.' This mostly occurs where there is no chance of communication between the quarreling parties for any contact between the two exacerbates the conflict. It also happens when the offender who admits his offense takes the initiative to start negotiation.

The offender chooses elders and requests for settlement of the matter through elders. The other way round, common among the Arsi Oromo is that the loser side takes the initiative for the negotiation. A person may forward his claims through elders before resorting to other modes of dealing with dispute, such as *qaalluu* court or government court.. The condition in which the victim side takes initiative to negotiate is more prevalent in marital conflicts. Women often report the wrongful acts and misbehavior of their husbands to elders and demand to organize proceedings for them .Fourthly, a third party who is directly or indirectly concerned with a particular dispute may also select elders and take the initiative for the reconciliation process.

4.3.3. Dispute processing

The traditional *Jaarsummaa* proceedings among the Arsi are held in open air under a tree at a convenient place. Elders usually begin their deliberation with a prayer in which they ask the creator (*Waaqa*) to be part of the proceeding. In their prayer, they also ask the creator for peace, rain, prosperity, health, crop, children and cattle. They also curse sorcery, disease, hunger, war and theft. They believe that the ultimate reconciliatory is the creator whose interests are possibly channeled through the words of elders. They often use the saying '*dhugaan ilmoo waaqa ti* ' 'truth is the son of the creator'. They also believe that however trustworthy and knowledgeable, a person is, *dhuga* (truth) may be bent in his hands for no one is masterful of it, except the creator. Once the deliberation is started, elders demand the disputants to be honest in providing information and to be reasonable in claiming and counter claiming. Elders have

certain formalities of hearing cases. Disputants are supposed to be precise and to the point. However, by no means the litigants are restricted to the issue at stake, they could give irrelevant information, narrate a long history of the dispute and investigate into their former relationships. They are therefore tolerated. Whether or not the elders listen to the opinion, information and claims of each party in the presence of the opponent is determined by the situation. Wherever the case is serious and possibly provocative of further heated argument, the mediators employ a strategy of hearing the claim of each in the absence of the opponent (cf. Lewis, 1984). Commonly, in this strategy the Arsi elders send either of the parties or both, as condition dictates, some distance away from the forum. They command the disputants by saying '*mee nu irraa fincaha*' or '*mee gurra nuu kennaa!*' This literally means 'please give us your ears'. But in this context, it is to mean 'please go some distance away from us' or 'give us chance to obtain confidential information and discussion'. The claims of each party are reported to the opponent by the elders in such a way that they cool down the temper. They report, without of course, distorting the main content of the

argument, but regardless of the manner of presentation, which would offend the opponent. Oromo proverb '*jaarsi sobee nama araarsa*' which means 'elders lie to reconcile' expresses this system.

Through the flow of information, elders learn the real demand of disputants, and disputants also learn the actual expectations of each other vis-à-vis their own. The elders gather full information from the disputants themselves. It is uncommon that they look for witnesses to testify the issue under litigation, except in few cases. Based on the information from the litigants and rarely from witnesses, elders propose decision or encourage the disputants in dispute to make joint decision. However, in both cases the only decision to which both agree would be final.

The mediators would not dictate the disputants to accept their recommended decision. But they try their best to avert the feeling of the contenders as a loser and urge them to accept the decision. On the other hand, time constraints also have little or no role in influencing the outcome. No matter how long it may take, so long as there is a hope that the deliberation would be successful, discussions continue for many sessions. Lewis (1984) confirms this. In this regard, Kaleme work (2000) in his study of the Ab'ala Afar with similar culture, summarizes that the modern legal principle 'justice delayed is justice denied' does not hold true. However, my data leads me to a different conclusion.

The Arsi stick at *jaarsummaa* system and other traditional systems against the delay of justice. They unequivocally report that *jaarsummaa* system is one of the time efficient mechanisms. They often compare it with the *woreda* court of the government where cases remain unsettled for years. Wherever the proceedings are successful in settling a dispute, reconciliation is symbolically marked, i.e., they shake

hands with each other and kiss one another. In principle, mediators render services for free, but in practice they are mostly served drinks, especially *dadhii* (Taji).

The Arsi enforce *araara* decisions through public opinion and keeping out. Lack of respect for the *araara* decision is believed to be lack of respect for the community's value and culture and eventually lack of respect for the creator, as truth is said to be the son of the creator. Despite these values and beliefs, the *jaarsumma* system may also fail to bear fruit. Such a dispute case is taken to either *qaalluu* or to *woreda* court. Sometimes, it is simply handled through avoidance, which they call *wallin ooduu*.

4.4. Methods of handling cases in Arsi Oromo

From the interview with the elders, it was learned that Once a dispute case is in the hands of the *qaalluu*, it is not common that the efforts fail to bear fruit. An applicant orally presents his case to the *qaalluu*. The latter immediately serves summon on the accused through one of the attendants of the court. A person who is served summon is supposed to respond, no matter who the messenger is. Any contempt for such a summon equals to a contempt for the spirit in the name of which the person is summoned.

The *qaalluu* proceeding has no filing system; rather it is the parties in dispute, mostly, the applicant that reminds the *qaalluu* or his judges that he/she has a case to be called on. The standard way of forwarding such a request is to get up and say '*galata yaa goftaa koo!*' O!Thanks my lord! As the case is called on for hearing, a concerned person comes forward and kisses the earth in front of the *qaalluu* at some distance (about five meters) to show great respect to the spirit of the *qaalluu* and the *qaalluu* himself. Claims and counter claims are heard under required formality, each talking when allowed or asked to. In practice, of course, contenders often break this rule and interrupt each other, but elders are tolerant of it. In the meantime, disputants are supposed to show respect for the elders, speak only politely, be tolerant, and above all tell the truth.

It is believed that the *ayyaana* easily identifies the truth and falsity of the information, and the worthiness and unworthiness of the claims. The reliability of the information stems from the belief in all knowing spirit. In addition, disputants have a chance to testify their cases through witness. Only with the assumption that there would be no valuable information left behind that the judges give verdict. Otherwise, additional summon is served on the people who are directly

or indirectly thought to have roles in the matter at hand. The following is an example of such cases observed and later on interviewed the plaintiff.

Case 1

Bedaso, in his late twenties, married Caaltuu by elopement. Soon he sent elders in request of her parents to accept the marriage. They initially refused, but through time and after continuous request, they agreed to accept the marriage. Payments, including bride wealth and compensation for his in-laws were agreed upon and made. However, something an expected has happened through time. The girl has run away to her parents taking with her as much equipment, especially clothes, as she could carry.

Bedaso could not take his case to the conventional court of woreda for he feared that the court might interpret the marriage as abduction and the girl too might falsely testify it under present condition. He knows that abduction is said to be a serious crime in the government court. He could not also ask his in-laws to have his wife returned for the matter has not been concluded yet. On the other hand, he knows that the girl and her parents are faithful to the ayyana of Araaraa that they would never by pass it. Consequently, though he does not trust the qaalluu and his spirit, the qaalluu court at Gode is the only and the best alternative where Bedaso present his case as a demand.

On October 6, 2014 and his-in-laws (Caaltuu's father and brother) attended the court. The qaalluu asked both parties to present their claims turn by turn. Bedaso reported the whole history and lastly demanded to get his wife back. The father of the girl claimed that his daughter was abducted and hidden somewhere for the last ten months by Bedaso. Now she has returned home and already reported the case to the woreda court. The term woreda court was used to threaten Bedaso insistently argued that he did not abduct the girl, but she eloped with him on her consent. Having heard the claims of both sides, the qaalluu decided for further investigation. He served summon to Caaltuu as the accused, and three other people who accompanied Bedaso on the day that the girl was taken to his home to witness whether it was by abduction or not. A applicant who is unable to produce evidence to attest his claims may request his opponent to promise (kakuu) in the name of the spirit. This is an effective and ready-made alternative people often resort to. The following is an example of this kind that the writer observed at Gode duroo.

Case - 2

The owner Dammitu, whose former husband was a friend of the accused, accused a man, in his late thirties, named urgessa of arson of a shelled grain in a field. She named him as defendant on mere suspicion that stemmed from their past grudges. On October 6, 2014, the summoned reported to the *qaalluu* court. As their case was called on for hearing, urgessa denied that he committed this sin. The *qaalluu* asked the women whether she could produce evidence or not. She disclosed that she could not and she demanded the person to prove his innocence by swearing in the name of spirit both the *qaalluu* and the accused thrust in. The *qaalluu* instructed the man to give their words. The following is the full text.

Q- *qaalluu*, **D**, Dammitu **U** –urgesa.

- Q. Requested Dammit to repeat her accusation in short.

D. (Addressing Urgesa) you burned my grain.

U. I did not burn your grain.

Q. (Addressing Dammitu) would you like him to promise

(representatives) to swear for you in the name of the spirit.

D. I prefer him to swear.

Q. (Addressing Urgesa) repeat what I say after me, *miidhaan kee ani hin gubne*,

yoona gubee dhokse lubbuu koo Waaqin haafudhatu, which means, I did

not burn your grain, if I burnt and denied it, may God take my life?

U. Repeated that whole sentence after the *qaalluu*.

Q. Instructed Urgesa to request Dammitu to withdraw her accusation.

U. I swore, so would you please withdraw your accusation?

Q. Instructed Dammitu to respond positively.

U. I withdraw it.

Q. May God search for the *guma* of your grain!

Murmuring of the attendants in the sense of supporting followed the *qaalluu*'s last statement. The verdict whether or not Urgesa swore falsely was there after in the hands of the spirit by the name of which Urgesa swore. With the refusal of responses by the accused, the plaintiff may simply appeal to the spirit to intervene. According to the chief *qaalluu* I interviewed, people usually respond to the summons. But I have witnessed cases in which the plaintiffs appealed to the spirit on the ground that the defendants refused to report. For the time being, curse prevents the cursor from using any other means to enforce his interests. Yet the dispute is not settled but change sits nature. Such a case often reappears on the forum of the *qaalluu* court as relatively more complex issues, with the unsolved initial dispute and its resultant, the curse.

4.4.1. Enforcing mechanisms

The decisions of the *qaalluu* court are believed to be enforced by the spirit. dislike for the court's decisions offends the spirit that is powerful to harm the offender, his family, his cattle, his crop and his descendants up to seven generations. The fear of spirit that stems from the ideology of punishment by the spirit, of course, makes individuals to confess as culprits. These mystical sanctions apparently explain the enforcing mechanisms of the *qaalluu* court.

However, in its practical sense, the writer argues that besides religious factors, there are cultural, economic and political factors that come into play for the effectiveness of the *qaalluu* court. The *qaalluu* system is highly value oriented. The elders or/ and the *qaalluu* appeal to values, traditions and Oromo indigenous laws. The agents assist the parties in dispute to arrive at joint decision and to share the pain of losing. They usually mediate and rarely adjudicate. If adjudicate they still appeal to Oromo Arsi *seera* (law) made by Abbaa bokkuu every eight years. As in the *jaarsummaa* system, the *qaalluu* court equally focuses on the relationships between disputants as it does on the dispute itself. Restoring of peace and harmony rather than punishing the offender is the objective of the court. In addition, users of this court feel that the *qaalluu* court is native and its verdict is more of educational as opposed to government court, which they think is

foreign to their culture and takes disciplinary actions. Moreover, the chief *qaalluus* of Arsi were and still are wealthy people who could easily mobilize their resources to extend their influences.

They could win the supports of the poor peasants in the area owing to their wealth. They help the needy. Consequently, people want to please the *qaalluu* whom they consider as their supporter. One way of doing this is to take their cases to the *qaalluu* court and to stand by his decisions. The *qaalluu* court is also effective in both time wise and economically. Cases are settled relatively within a short period of time. They know that justice is delayed at the formal court. In this regard, my data confirms Lewis (1990) who describes the role of *qaalluus* in conflict resolution and the mechanisms of extending their influences among the Western Arsi.

To conclude, in this section attempt has been made to describe and discuss three different peaceful modes of handling disputes among the Arsi. These mechanisms are categorized as negotiation, mediation and arbitration. A kind of hierarchy of these modes is also observed. At the lowest level is *ilaaf-ilaame*. In the middle is *jaarsummaa* system and at the highest level is the *qaalluu* court. *Ilaaf-ilaame* of the Arsi seems to fit with negotiation. From its very nature, in *ilaaf-ilaame*, negotiators tolerate the pain of losing. The final decision they seek for is, therefore, what Gulliver (1979) states as "joint decision" or what Schellenberg (1996) calls "a mutually satisfactory agreement.

In this regard, the writer agrees with what Asefa (2001) explained as the practice of Arsi Oromo's "win-win" negotiation. Win-win negotiation is the kind of negotiation in which the pain of losing is fairly distributed among the disputants. On the other hand, the *jaarsummaa* system that is characterized by the presence of a third party mediator seems to fall under mediation. Nevertheless, among the Arsi Oromo, mediation and negotiation are not exclusive to one another.

The role of mediator in *jaarsummaa* system varies across the contexts. In some cases mediators are mere facilitators of the negotiation. The same system however, takes the form of arbitration in which the mediators play active role and appear as third party decision-maker. Similarly, it is noticeable that the *qaalluu* court seems to have the role of both mediation and arbitration. The

qaalluu court mediates and assists the disputants to negotiate, but when ever its efforts fail, it evolves into arbitration.

The Arsi, in fact, think that arbitrators at the *qaalluu* court are not the *yaboo* elders or the *qaalluu* in person, rather the spirit, which is believed to have supervised the proceedings. The court also perm its an appeal to the spirit known as *qabsiisa*, which is none of the three modes. *Qabsiisa* is deflection of a dispute case, similar to what Gulliver (1979) puts as "burying the dispute in the dispute." In general, it is therefore not easy to make valid exclusive distinction between negotiation, mediation and arbitration across these three modes of dealing with conflicts among the Arsi Oromo.

4.4.2. Change and continuity of the Arsi Oromo justice system

The Arsi Oromo traditional administrative and justice system has operating within the institutional context of *Gada* system. Under fully operational *Gada* system, disputes including inter clan conflicts have been managed and resolved by *Gada* officials in line with the Oromo indigenous laws. This confirms Asmarom's (1973) view that one of the functions of *Gada* Assembly is the maintenance of peace (*naga*). Also, Abera (1998) states that Oromo indigenous law is embedded in the *Gada* system. During the sixteenth century, the Arsi Oromo who had a common *Gada* government had also common law. The leaders had legitimacy of declaring war, mobilizing resources for common purposes, resolving conflicts to maintain order and concluding peace on behalf of the people. Any inter and intra clan on conflicts was dealt with by this common law. Tesema (1980) shows that the Oromo had developed traditional mechanism called *qabiyyee* system, which means land-holding system to mange the opponent claims on land.

Different Oromo groups were engaged in constant and unceasing fights. This was mainly caused by the right of pasture and borders that was economic in nature rather than the political goal of establishing domination over the other. None of them appeared as conquerors, but as constant raiders. Truilizi (1973) made an interesting observation of this institutional consequence of the unceasing nature of war dictated the continuation in office of the experienced *Abba Dula* to defend the community from outsiders. Meanwhile, the prolonged term of office threat ended the very republican institutions of the Oromo. My data confirms Truilizil's observation that among the Arsi, the power of *Abba Dulas* whom they call *moti* progressively super seeded the power of *Gada* assemblies .Consequently, the *Gada* system under went considerable changes and lost the

former peaceful mechanism of handling inter-tribal dispute over the area. The Arsi claim that there was no war fought within the Arsi; instead the *Abba Dulas* of different Arsi clans fought others in support of each other. according to the Arsi, the presence of common *Gada* and common law symbolized by common *bokkuu* fully explains the peaceful coexistence of the Arsi clans. The already operating *Gada* system that was unable to provide peaceful means of handling crisis for the society at large was successful in managing dispute arose within individual clans and among the Arsi clans. The day-to -day conflict resolution and the application of justice were well performed by the *Gada* officials owing to the common *bokkuu*. In this regard, Fortes and Evans-Pritchard's (1940) statement "members of an African society feel their unity and perceive their common interests in symbols, and it is their attachment to these symbols which more than anything else gives their society cohesion and persistence" is relevant to the Arsi case.

4.4.3. The procedures the Arsi follow making the law (seera tumuu).

The beginning of eight years reigning time is marked by the proclamation of the new law. The Arsi make law on the occasion of general assembly, they call *yaa'ii shanachaa*, equivalent to the *gumi gayo* of the Borana (cf. Asmaroom, 1973). Once the group enters into the *gula* grade, the next eight years is known by its name. Asmarom (1973) states, "The strongest indication that the class was in power is the fact that it imparted its name and its ritual attributes to the period of history when it was *Gada* (vi)." Currently, among the laws that Arsi Oromo made and proclaimed, the former laws are renewed and amended every eight years by the name of the reigning set. The reigning set proposes the law with the consent of the experienced *Abbaa Gadaa*. The proposal is enriched, improved upon and amended through public debate before proclaimed law.

X

y

Kottu

Dhufe

Please come

Here I am

Olee nagahan sittii haagalu

Haa dhufu

May peace come to us as you come here

Biyyii nagaa haata'u

May pasture be peaceful

Horiin haa horan

My cattle reproduce

Dheedanii haaa barbadeessan

May cattle graze and annihilate

Dettuu haa Hofoltu

May women deliver safe

Kan dhalate haa guddattu

My children grow-up

Kan guddate haa dubbatu

May the grown up be knowledgeable

Beekaan haa bulu

May the knowledgeable live long

Roobni kan margaa haa ta'u

May rain be for grass

Margi kan horii haa ta'u

May grass be for cattle

Afaan keenya wal nuuhaabeekisisu

May it come

Haa ta'u

May it be

Haa horan

May it be

Haa barbadessan

May it be

Haa ta'u

May it be

Haa guddattu

May it be

Haa dubbatu

May it be

Haa bulu

May it be

Haa ta'u

May it be

Haa ta'u

May it be

Haa ta'u

May our words be good fortune

May it be

Ani fi ati hin dabisinu kan dabisu nu hin guddatin

Nu hin guddatin

We are not to mislead, may the misleading be far away from us+ May it be

Step- 2 (general principles) Y begins speaking to X

Y

X

Kan ati jette dhugaa dhugaan biyyaaf haa ta'u

Haa ta'u

You said good thing, may good fortune be for the nation

May it be

Biyyi nagaa haa ta'u

Haa ta'u

May our land be peaceful

May it be

Dinni bitaa haa galu

Haa ta'u

May our enemy be on the wrong side

May it be

Lafti quufa

Haa ta'u

Earth is praiseworthy

May it be

Abbaan ulfina, waan nama uumateef

Haa ta'u

Father is praise worthy, for he procreates

May it be

Haati ulfina, garaattii baattee dugdattii waan dabarsiteef

Haa ta'u

Mother is praiseworthy for she carries in her womb and on her back May it be

Fardi ulfinaa, ari'ee qabee, fige waan jalaa bahuf

Haa ta'u

Horse is praiseworthy, for it enables to catch up the enemy and to flight

from enemy.

May it be

alangeen ulfina, seera ittiin tumu

Haa ta'u

Whip is praiseworthy, for it serves to make law

May it be.

Step – 3 (specific issues).

After these preliminary steps, the *AbbaaGadaa* proceed to proclaiming the law. They decide up on major issues, pronounce what would be the consequence of what, how the breach of law is punished and the ruptured relations could be restored, for instance as follows.

X

y

Fudhaa fi herumni bu'uura

Eyye, bu'ura

Marriage is basic

Yes, it is

Baasii guddaan ilma fudha gahe, intala geesse heeruma dhowwa

Eyye ni dhowwa

Much expenses are obstacles to a marriage

Yes it is

Let a bride's mother be given *huccuu* (cotton cloth *bulukko*) and so on. Let it be The *AbbaaGadaa* provide a summary of justification to pass laws. For instance, a law related to homicide is based on the very idea of the inevitability of dispute and necessity of controlling dispute. They underline that though it is unfortunate, homicide often happens. The slayers runaway, the victims embark on vendetta. If not controlled, things will escalate and go out of hand, but for no use. They believe that there is no way of reversing the act of homicide, ie the man would not come back and there is no need to let the living suffer the consequence. Tedelecha (1988) presents similar view of the Guji Oromo.

The Guji believe that resorting to force to punish the offense never maintains social order. It is therefore, in line with this principle that they pass law to deal with murder. Such a process of making law has been practiced every eight years. But when situations dictate, it could be made in less than eight years.

The following statements usually conclude the law making (*tuma*).

X

Y

Tumaan kun seera

Eyyee seera

This *tuma* is a law

Yes it is

Guungumni hin jigsu

Hin jigsu

No grumbles (murmur) will collapse

it Never collapse it

Kenni hin balessu

Hin ballessu

Bribe will not violate

it Never violate it

Kun murtii dha

Haa ta'u

This is decision

Yes it is

Murtiin seera Ambaatii

Seera Arsiiti

This decision is People law.

Yes it is Arsii law.

Jilbi keenya ni tura

Ni tura

This law will live long

Will live long

Two explanations are given regarding the meaning of the whip that the Abbaa bokku use to make the law. The first approach suggests that the whip of the Abba bokku is made up of hippopotamus skin, which is too strong. In making law the Abbaa bokku indicate that their law is as strong as the whip. Others say whip is an instrument to threaten and punish with. So is law. People are supposed to abide by *seera* (law), the breach of which results in punishment. The actual whip, therefore, symbolizes the potential resultant of disrespect of the law. Lastly, though Lewis, in his various writings, and Knutsson (1967) admit the presence of many *bokkuu* centers among the Arsi, they relegated the *Gada* System to a mere *Gada* feast performed every eight years with no political importance, but ritual significance. As opposed to this view, I argue and

witness that the Arsi *Gada* system still plays important political, social, and religious roles. It has significance in resolving conflicts, and proclaiming law and enforcing it. Before the introduction of Christianity and Islam, the Oromo practiced their own religion, which is a belief in a monotheistic, one-supreme deity, known as *Waaqa*. According to *Gada*(1988), *Waaqa* can loosely be translated into English word God. *Waaqa*, for the Oromo, is the creator of universe, source of order and justice, omnipotent, omniscient, omnipresent. The belief in such a powerful creator is called *Waaqeffanna*. *Waaqa*, as Knutsson (1967) states does not have personal form. He is also physically inaccessible, but simply manifest himself through his deeds. However, the Oromo believe that despite the inaccessibility of *Waaqa*, rituals and prayers provide a path of.

4.6.The status and roles of Arsi Oromo women in conflict resolution.

Family is one of the central institutions among the Arsi Oromo. Sexual stratification is apparent within this basic social organization. The Oromo call the father as *abbaa manaa* (father of the house) and the mother as *haadha manaa* (mother of the house). Male (*abbaa manaa*) is the head of the household who is an authority figure and plays a key managerial role. At a clan level, according to Kuwee (1997), women are considered outsiders (*orma*) and are not members of both the clan into which they were born and into which they were married. As opposed to this, in principle, the Arsi women are given full lineage membership. They have the right to claim help and the duties to assist in time of hardship on an equal basis with male members of their lineage. However, the Arsi attach greater value to sons than daughters.

This mainly stems from two assumptions: firstly, the continuity of matrilineal descent line, which deserves high value, is possible only through sons. Secondly, daughters are married and they become outsiders as opposed to sons who look after their parents and their belongings, especially in the latter age. It is commonly said that women are restricted to domestic work and are excluded from public activities, including conflict resolution. In this regard, Asmarom (1973) shows that the Oromo women are entirely excluded from *Gada* age grade. On the other hand, he attests that The system is uniquely egalitarian in which women too have roles to play. Kuwee (1997) also discusses that the *Gada* system, which seemingly excludes women, has designed an institution known as *siiqqee* that actively excluded men.

Physically according to Kuwee (1997), *siiqqee* is a stick given to the bride on her wedding day and stay with her throughout the rest of her life. But as an institution, *siiqqee* refers to the “weapon by which Oromo women fought for their rights. *Gada* law provided for them and society honored it. Thus, the *siiqqee* institution functioned hand in hand with the *Gada* system as one of its-built-in mechanisms of checks and balances.” Kuwee further explains that women use *siiqqee* for various ceremonial purposes. They use it to symbolize their status and honor, to protect their rights and to resolve conflicts that range from martial dispute to inter clan fighting. Women use *siiqqee* to curse and to bless, too. Nevertheless, *siiqqee* as an institution has gradually declined among the Arsi. Currently, *siiqqee* exists as a ritual stick connoting the irresistible religious and moral authority of women.

It could be employed on certain ritual occasions including that of pleading for mercy after homicide .In relation to this Tolosa (2010) stated that *siiqqee* as one of the institution of women in Gadaa system Plays a significant role among Arsi Oromo in protecting and resolving conflict. As Tolosa(2010),the institution has been at a grass roots level to settle conflicts between husband and wife, mother and son, neighbors and clan.

Conflicts which range from minor clashes to big incidents. In addition, it serves as blessing ritual in the case of war, disease and drought or other disaster as a whole. Even women in this community normally interfering in reconciling conflict when male elders failed to do so. Concerning to this, one of the Gadaa leaders stated that the Oromo made about 121. From this number about 28 is the low for female.

The females have a great respect in front of all Oromos. This informant further explained that, women are the elders of all. Priority should be given for the women. ie, if women is there them cannot use the horse to walk instead she should use the horse. The male with the horse should walk on his foot. This shows that the female have great respect in front of all Oromo(June,12,2014).

Beside, one of the other in formants from Arsi people expressed the power of women by using example ;<<sheik Hussien who did not stop for scholars, for elder, for cattle, stopped for female when the female stood in front of him with her siiqqee.

The place where the people go for praying (Muudaa) is where he sat down due to the female come across him (June21,2014).Never the less, the respect for the females has gradually declined among the Arsi community .

All the right of women which is known in Oromo generally, in Arsi Oromo particularly is invisible. All the responsibilities which are activated outside the home are performed by the male. The activities of women are limited at home. They know the already made law by the Oromo ,but they denied giving their parts for the females. They consider as if this law is not as to them. Instead they believe that they received the special law from the God-that law gives a priority for male since then, the process of treating (falaa) is not the responsibilities of females but it performed only by male. Because in the Arsi community, the female knows not all the laws of the process of treating and they believe that the females are not as strong as the male to go far from home in which they are living.

As one of my informant the female does not have all the lows of Arsi to treat victims and she cannot cross river alone (june,21,2014), “Beerri seera guutuu waan hin qabneef bakka falaa deemtee fixu hin dandeettu, kophaa laga hin ceetu,” The females them selves accept the idea of the male Arsi in that their part is restricted in the home by the Arsi law, All the activities outside the home are the concern of the male. Relating to this point one of the female in formants stated that.We have our jobs at home, like bringing up children, preparing food. But we are responsible for the job outside the home. For example, we cannot go for falaa (treatment).Because, it is the responsibilities of the male. (june, 12,2014), From this we can understand that the female sin the Arsi community are .For this discrimination, the females themselves have their own contribution. the myth they are talking about disabled them not to struggle for their rights.

4.7. THE ARSI AND THE POLICE IN CONFLICT RESOLUTION.

Traditional ways of conflict resolution can play great role for peace and security of one's communities and it can highly reduce the load of police. Although my informant from the Arsi told me that they have a good relationship with the police of the district and they are doing well with them. One of the police agreed that the Arsi community used to play significant role in conflict resolution for not only this district but also for the entire Arsi. But the role that the Arsi used to play are reduced now.

One of my informants from Arsi people explained that the Arsi communities and the police are doing together for the peace of the district. He added that the police of the district know their power and their contribution for long lasting peace and security of the district. He added. When any Arsi attack the other Arsi and caught by police, we can take him from the sector for treatment with no signature because they be sieve that we will give him back after we finish the treatment process. And also the police know that we are cleaning not only the victims but also we are share in the burden of the police “polisiinille aadaa tana akka aadaa worqii taatee ni beekaa”(The police them selves know this culture is golden culture) (June, 21,2014)

According to one of my informant from police, the police are not expected to resolve all the conflicts in the society, there should be some groups that can help the more that can reduce the load of the sector, selected the community policing from the surrounding community but this selection not only include the Arsi community.

The community policing have not power to make decision about the issue and they have not their own ways of resolving the conflict. The ways they can resolve the conflict are proposed by the police. They are not responsible to resolve all the conflict in the kebele but they are responsible for the conflict which is believed to be simple to be resolved. He added. We use the member of the committing police as source of information if the criminal is no caught by the police .But we did not ask the elders directly as witness rather we ask them indirectly to protect the reduction of the acceptance of the elders in the community,(June,27,2014).The role of the community

policing made by the police are playing the role of the police. They are not acting as the body of the community and they do not keep the tradition and secrets of the community they are acting as the body of the government. In short they are constructed by the police for the police. In relation to this, the other police agreed that the Arsi community had a great role on reconciling the conflict.

But there is a reduction of ability to resolve conflict through time because they are not acting as before. This police further stated. These people used to play a great role for the peace and security of the Oromo because they were accepted by these communities as if they were powerful and no one used to refuse the idea of the Arsi elders (June 28, 2014)

4.8. The process of rehabilitating psychosocial life and the scale of compensation

The Arsi have paid redemption for the loss of body and life in cattle. Currently, blood price does not vary across social strata, age, sex and blood ties. The Arsi reject such a differentiation based on the view that a life is a life whoever is the slain. But blood price is differentiated based on whether the homicide is cold-blooded or an accidental one.

The Arsi consider the circumstances under which injury occurred to categorize homicide as an intentional or accidental. Injury is intentional homicide when the doer commits an offense with a view to producing it. In other words, homicide is said to be intentional when a man has cold bloodedly planned in advance to injure his opponent based on previous ill feeling. Currently such an accident is compensated by *danuu* which equivalent meaning is called (negotiation). On the other hand, an unintentional homicide implies accident committed without intent to produce it. It is also not premeditated when a person commits the injury in the context of self-defense of any kind or committed on a sudden impulse. This is compensated in reduced.

The amount is taken as a greater restriction among the Arsi. Hence, the motive for the act underlying homicide deserves entire consideration in deliberation and judgment. The jurists' distinction between kinds of homicide is more profoundly expressed in the amount of blood price. In spite of the considerable changes that the amount of compensation has undergone, they still have a formally set law of compensation payment that corresponds to the offense. They are, in fact, able to produce substantial explanations for the scale of compensation and fine they have

formulated. For instance, the punishment and restitution for bodily injuries depend, firstly, on the seriousness of the injury sustained. If disabling is serious and permanent, it leads to more fine and compensation than when it is a temporary one. In the past, whenever the injuries were serious, the Oromo have handled the case under provisional decision in which the offender has been liable to cure the wound by nursing the injured.

The final decision regarding compensation was given based on the result of the nursing. However, currently, such a practice is non-existent among the Arsi, as decisions are passed based on the initial degree of damage. Secondly, the fine and compensation vary across the part of the body that is harmed. For instance, depriving or disabling a man's left hand is more serious than right hand. The former, according to them, procreates a child.

The idea is that an old man, for that matter, anyone who is physically disabled, can use his left hand to support his male organ to send to the right place to produce a child. This is relevant to the physical position of male/ female sexual partners at a time of intercourse. As male lies on the right hand side, it is his left hand that is free to do the job of supporting. Hence, left hand is associated with procreation and continuity of a generation that deserves great value in Oromo culture. Similarly, they give much more value to molar teeth than incisor for the former is grinder and has much to do with one's very life than the former.

Tedesse (1988) and Dinsa (1975) also present that the Oromo establish a legal system to punish the wrong doer in accordance with the weight of the offense. The present scale of compensation, among the Arsi, has been in operation for the last eight years under the reign of the present *Gada set (Gada Horata)*. The *Gada* officials have documented the law in a written form, yet unsystematic. The law is very elaborate and detailed. It has touched every issue of social life. I present below, some of these laws that concern major offenses involving compensation.

Scale of compensation and fine (in Ethiopia birr)

NO	Type of offense	Wanton homicide	compensation	punishment
1	Serious physical injuries	Spearing	5,000	1500

Damaged property	Broken skull on the center or at the back	25,00	750
	Broken skull on right or left side	500	90
	Disabling right hand	2500	750
	Disabling left hand	2,570	771
	Breaking leg (right or left)	2,500	750
	Striking eye	3,000	-
	Breaking molar teeth	2500	-
	Breaking incisor teeth	500	-
	Cutting ear	1500	-
	Arson	10,000	5,000
	Stealing a heifer	500	100
	Stealing a bull	1,000	200
	Stealing a horse	1,000	200

Source : Arsi Gada Low

CHAPTER FIVE

5.1 SUMMERY CONCLUSION AND RECOMMENDATION

5.2 Summery

The study attempted to investigate indigenes conflict resolution mechanism in Arsi Oromo focusing on Arsi Negelle district such study seeks to gain data in the form of words and meanings associated with subjects. Therefore, qualitative ethnographic research method was employed. primary and secondary data was used in conducting the study. primary data was generated from interview, observation, and focus group discussion secondary data was extracted mainly from books, journals and electronics medina sources .

The sources of data were included the members of Arsi elders, other community member, Gadaa leaders, and police officials. Accordingly 12 Arsi elders,7 male, 2 female from other community, 2 Gadaa leaders and 3 police officials were purpose fully selected and inter viewed,

Interviews were tape recorded and transcribed. These an able the researcher to capture the full transcript of the interview and to readjust for the next interviewing than the generated data was organized and analyzed thematically, which respect to the society the study showed that, the Arsi community has many unique cultures from the surrounding people in which they are living from these unique cultures the role they are playing in conflict resolution and the way they are resolving conflict and its continuity and change.

Is the major finding of this study concerning conflict resolution, Arsi community is playing a great role in Arsi Negelle district.

During treating process(falaa) the Arsi has steps to be followed

X

y

Kottu

Dhufe

Please come

Here I am

Olee nagahaan sittii haagalu

Haa galu

May peace come to us as you come here

May it come

Biyyii nagaa haata'u

Haa ta'u

May pasture be peaceful

May it be

Horiin haa horan

Haa horan

My cattle reproduce

May it be

Dheedanii haaa barbadeessan

Haa barbadessan

May cattle graze and annihilate

May it be

Dettuu haa Hofoltu

Haa ta'u

May women deliver safe

May it be

Ijoolleen haa guddattu

Haa guddattu

My children grow-up

May it be

Kan guddate haa dubbatu

Haa dubbatu

May the grown up be knowledgeable

May it be

Beekaan haa bulu

Haa bulu

May the knowledgeable live long

May it be

Roobni kan margaa haa ta'u

Haa ta'u

May rain be for grass

May it be

Margi kan horii haa ta'u

Haa ta'u

May grass be for cattle

May it be

Afaan koof kee wal haabeku

Haa ta'u

May our words be good fortune

May it be

Ani fi ati hin dabisinu kan dabisu nu hin guddatin

Nu hin guddatin

We are not to mislead, may the misleading be far away from us+ May it be

Step- 2 (general principles) **Y** begins speaking to **X**

Y

X

Kan ati jette dhugaa dhugaan biyyaaf haa ta'u

Haa ta'u

You said good thing, may good fortune be for the nation

May it be

Biyyi nagaa haa ta'u

Haa ta'u

May our land be peaceful

May it be

Dinni bitaa haa galu

Haa ta'u

May our enemy be on the wrong side

May it be

Lafti quufa

Haa ta'u

Earth is praiseworthy

May it be

Abbaan ulfinna, waan nama uumateef

Haa ta'u

Father is praise worthy, for he procreates

May it be

Haati ulfinna, garaattii baattee dugdattii waan dabarfatee

Haa ta'u

Mother is praiseworthy for she carries in her womb and on her back

May it be

Fardi ulfinnaa, ari'ee qabee, fige waan jalaa bahuf

Haa ta'u

Horse is praiseworthy, for it enables to catch up the enemy and to flight
from enemy.

May it be

alangeen ulfinnaa, seera ittiin tumu

Haa ta'u

Whip is praiseworthy, for it serves to make law

May it be.

Step – 3 (specific issues).

After these preliminary steps, the *gulas* proceed to proclaiming the law. They decide up on major issues, pronounce what would be the consequence of what, how the breach of law is punished and the ruptured relations could be restored, for instance as follows.

X

y

Fudhaa fi herumni uumadha

Eyye, uumadha

Marriage is basic

Yes, it is

Baasii guddaan ilma fudha gahe, intala geesse heeruma dhowwa

Eyye ni dhowwa

Much expenses are obstacles to a marriage

Yes it is

In any society, it seems (in many aspects) processing conflicts through traditional approaches have advantages over modern bureaucratic court systems, Though, the activities of Arsi community are contributing much in conflict resolution, it is not well studied and they are not empowered to function as expected .currently, the role of Arsi communities is replaced by the

police of the district and they are becoming in active in the process of conflict resolution The police and communities are not doing together.

This shows that the traditional cultures of these people are replacing by the modern culture. The role of Arsi indigenous conflict resolution play in conflict resolution become to ignored, However, conflict resolution mechanism without considering the traditional way, may not be as effective as expected. Therefore, it seems important if the modern legal system take the tradition system in to account and work with traditional system. The other informant added that the source of conflict is not only the competition for resources but the child and domestic animals like hen and dog can be the source of conflict. From this, we can understand and that the first thing is that the main source of conflict as the perception of Arsi people are the competition for natural resources especially competition for farm land and grass land.

5.3. CONCLUSION

Based on the already analyzed data in the chapter four the following conclusions are drawn. The Arsi community has responsibility to resolve the conflict between the Oromo, In the case of the Arsi, the primary cause of conflict seems to be in the Area of economic interests. The way to handling these into various categories. Negotiation, mediation and arbitration are among the major ones. The process is performed by the Abbaa Gadaa. During the process of treating Abbaa Gadaa has steps to be followed, they are cleaning injured person and composite psychosocial impact of family of the victim not only to protect him from the punishment in front of the law but, To reduce the conflict between two groups and rehabilitate better psychosocial life. Although, the law of Oromo allows the females to participate in conflict resolution, here in Arsi community It is commonly said that women are restricted to domestic work and are excluded from public activities, including conflict resolution. In this regard, Kuwee (1997) discusses that the *Gada* system, which seemingly excludes women, has designed an institution known as *siiqqee* that actively excluded men.

Thus, the *siiqqee* institution functioned hand in hand with the *Gada* system as one of its-built-in mechanisms of checks and balances.”Kuwee further explains that women use *siiqqee* for various ceremonial purposes. They use it to symbolize their status and honor, to protect their rights and to resolve conflicts that range from martial dispute to inter clan fighting.

Although the Arsi community claimed that they have a good relationship with police. But now it is not as much accepted by the police of the district and replaced by commenting police from the community of the surrounding. Generally the role of Arsi play in conflict resolution process is declining and changing.

5.4 RECOMMENDATION

This study has shown that generally traditional conflict resolution contribute to manage various social crises and play a decisive role to resolve disputes among the Arsi Oromo and it has to be fully acknowledged since it empowers the community as the whole.

The nature, cause, and magnitude of conflicts are changing from time to time. To identify categories and shape the occurrences of conflicts and come up with effective solutions, it seems necessary to develop the capacity of local peace makers through training and workshops. These trainings and workshops need to focus on increasing the knowledge base and skills in conflict management and enhancing capacity to gather and analyze information related to conflicts and narrowing down social distances. Now a days the role of Arsi communities in conflict resolution are declining from time to time and assimilating with other culture. Therefore, attention needs to be given to render services at full capacity to their communities.

In Arsi community, the attention given for females to participate in conflict resolutions are it seems neglected. Therefore, it is better if stakeholders give an attention and teach the people to enhance their role in conflict resolutions.

In Arsi the role of rehabilitation mechanism and bringing long lasting peace to the community by compensation of blood price should be appreciable and continues.

The role of Arsi elders is replaced by the commenting police selected by the police of the district and they are becoming active in the process of conflict resolution. The police and the Arsi elders are not doing together. This gap has created serious problems to the effectiveness of the Arsi elders in managing conflicts. However conflict resolution mechanism without considering the traditional way, may not be as effective as expected. Therefore, it seems important if the modern legal system take the traditional conflict resolution system into account for long lasting peace and security of the district.

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