

# The Role of *Jaarsummaa* (Council of Elders) Institution in Resolving Resource-Related Conflicts in Haramaya District of East Hararghe Zone, Oromiya

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**Abstract:** Haramaya district is one of the Eastern Hararghe districts; where there is scarcity of cultivable land and its mismatch with population size are highly appeared. This becomes a very serious problem responsible for violent conflicts between neighbours and among family members. So, in order to handling it, they widely follow the way of solving conflict by Jaarsumma institution. However, this mechanism are not been explored, well-understood and documented. Therefore this study was aimed to explore the role of the Jaarsummaa institution in resolving resource-related conflict in the district. This study has employed a qualitative exploratory research to meet the stated objectives of the study. To achieve the above objectives, the study collected primary data from 53 informants that purposively selected from the targeted group of study. The secondary data sources were obtained from published and unpublished government documents; such as books, journals and different researches. The study found that various types of resource related conflicts existed in the specific district. like; Land related conflict (Land dispute conflict, family dispute conflict, Conflict over farmland boundary, Breach of Agreement on land rent, Breach of agreement on land sell and exchange) and Water-related conflict are the main types. As find out of this study indicated, majority of this resource related conflicts are solved through *Jaarsummaa* institutions in the ways of well keeping their norms and values. It consumes lower cost and the process takes greater speed to finalize the case. This research puts forward recommendations for *Jaarsummaa* institutions to aware the followers about the cause of conflict, and conflict resolution. There is a need for amending and enforcing the existing laws as well as formulating the new laws concerning the incorporation of *Jaarsummaa* institutions as parts of the legal formal system.

**Keywords:** Conflict, Haramaya, Jaarsaa, *Jaarsummaa*, Resource Conflict

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## 1. Introduction

### 1.1. Background of the Study

Conflict is inevitable; it can arise at any level of human interaction. It is a normal part of human life. Economists relate conflict with the competition of economic interest. Others considered conflict as antagonism, aggression, disagreement. For [1], conflict “is against peace, against an important human value. Peace has always been among humanity’s highest

values for some, supreme”. [2] defined conflict as a clash, competition, or mutual interference of opposing forces.

According to [3], conflict resolution is a set of strategies that can be used to satisfy human needs of security, identity, self-determination, and quality of life for all people who are engaged in a conflict. In a similar context, [4] explains conflict resolution as the suppression of conflict that has already broken out in the form of searching for a solution that would reduce the levels of violence and prevent its intensification either through formally or using customary conflict resolution

mechanism. According to [5], customary conflict resolution mechanism is a social capital that implies the ability of social norms and customs to grasp members of a group together by effectively setting and making possible the terms of the relationship, sustainability facilitates collective action for achieving mutually beneficial ends. Customary conflict resolution mechanisms focus on the values of empathy, sharing, and cooperation in dealing with common problems which underline the spirit of humanity [6].

Before the emergence of the modern state and its formal justice system, Oromo had customary rules, procedures, and institutions through which conflicts were resolved. In different parts of the world where indigenous peoples live and where the customary justice systems are given recognition, significant aspects of the societies' affairs are governed by the customary justice system and institutions [7]. In the culture of every human society, various customary mechanisms of conflict resolution have been utilized before and after the introduction of modern legal systems. One among these mechanisms is community elders' mediation or *Jaarsummaa* [8]. The Oromo society in Ethiopia has an operational customary legal system and provides a good example of ancusummary legal framework. [9] explains that social disharmony and disequilibrium are repaired through the *Jaarsummaa* which is a process of reconciliation and peacemaking. Peacemaking among the Oromo is based upon a delicately intertwined set of processes that are woven into the social fabric and soaked in by all Oromo people including Eastern Hararghe throughout their lives from infancy all through old age. Because of there is a number of resource related conflicts are arising from this specific places.

The reason behind a lot of resource related-conflict arise in Eastern Hararghe zone in general, it has land scarcity, high cash-crop production, unpredictable rainfall, and a complicated agricultural profile [10]. Haramaya district is one of the districts in the zone where land has especial economical and social values in the community. In general, land in this particular district is considered as a source of economy, reliable social security, and an asset that grants respect in the community. However, scarcity of cultivable land and its mismatch with population size are becoming very serious problems responsible for violent conflicts between neighbours and among family members. So, in order to handling it, they widely follow the way of solving conflict customary institution.

Communities of these district use customary ways of conflict resolution which they call '*Jaarsummaa*'- a well-structured system. These people have an extensive and very rich culture and custom which have been accumulated for centuries and have been handed down from generation to generation as a source of pride of the people. In this district one of the greatly obtained acceptable by their communities to solve their conflicts are the way of conflict resolution through *Jaarsummaa* institution. They believe that traditional courts, because of its flexible but the formal ones follow rigid legal court procedures, which results in unfamiliar with their culture and norms. They serve the community towards

restoring, maintaining, and mending social harmony and relationships in an environment quite opposite from the formal court system. In modern court, conflicting parties simply terminate their social relation. It is in the community, for the community, and by the community. It costs less and takes less time to bring criminals to justice and to bring justice to the victim. According to [11], the use of formal institutions to settle disputes especially for rural peoples is very difficult because these rural people expending more time in this justice system and administrative institutions that led them to economic disaster. This formal justice system is not only affecting their income but also deteriorates the social relationship of the rural society as resulted in the decision rendered by the court system does not consider the background of conflicting parties that leads the kinship relation becomes hostile and relatives' relationship is highly affected by it and encountered by tension. Conversely to the above idea, customary conflict resolution mechanism consumes lower cost and the process takes greater speed, the reason is solving conflicts through this mechanism normally requires the permission, and commitment of the parties involved in the process [12].

In general, the inclination of the Haramaya communities to use Customary courts also lies in the accessibility and confidentiality of the court. That makes them more desirable than modern courts. They have the chance to access easily the Customary courts than the formal legal ones. Thirty five rural kebeles of Haramaya district were under the service of one formal court, which is far from the community. Due to this, cases in modern legal courts may take months or even years to get a decision. They are time taking and follow lengthy litigation procedures. In addition, It is expensive to present their cases in modern court, and they are also unsatisfied with the delay, cost and time involved in modern courts. However, the use of customary dispute resolution methods outside of the formal criminal justice system is important to maintain close and continuing relationships in any community [13]. Hence, it is very important to examine the importance and salient issue of the community.

## 1.2. Statement of the Problem

Conflict is a natural and common to every society, each society developed its own conflict resolution mechanism based on their customary customs and values. Like others, African societies have their own means of addressing and resolving conflicts since the remote past [14]. [15] also notes that customary approaches of conflict resolution are an important components of the cultural heritage of African societies. According to [16], customary conflict resolution mechanisms in Africa are generally closely bound with socio-economic and political realities of the lifestyles of the different societies.

Like in other African societies, Oromo society customary conflict resolution has been practiced for a long period. This is also true to the Oromo community in Haramaya district. Among the Oromo conflict resolution mechanisms, *Jaarsummaa* is the best known in the district. *Jaarsummaa* is

said to have its own roles in conflict resolution. As such, in the study area the roles *Jaarsummaa* play in resolving local resource conflicts have not been explored, well-understood and documented. So, this research was aimed at filling the gap on the roles of *Jaarsummaa* in conflict resolution in the study area by the following objectives.

### 1.3. Objectives of the Study

*General Objective of the study:* the general objective of the study was to assess the roles of *jaarsummaa* in resolving resource-related conflicts among the Oromo in Haramaya District.

*Specific Objectives of the study:* the specific objectives of the study were to:

- Assess the Oromosocial understanding of *Jaarsummaa* and the values that govern the *Jaarsummaa* practices.
- Discover the resource-related conflicts that commonly occur and reports in Haramaya district.
- Investigate the socio-cultural, economic and political factors that affect the effectiveness of *Jaarsummaa*, as a mechanism of resource conflict resolution; and
- Explore the relationships between *Jaarsummaa* and formal law in resolving resource-related conflicts.

## 2. Research Methods

### 2.1. Population and Description of the Study Area

Haramaya is one of the districts in the Oromia Region of Ethiopia. It is named after the administrative center, Haramaya which is part of the East Hararghe Zone. Haramaya is bordered on the south by Kurfa Chele, on the west by Kersa, on the north by Dire Dawa, on the east by Kombolcha, and on the southeast by the Harari Region. Towns in the district include Haramaya.

The altitude of this woreda ranges from 1400 to 2340 meters above sea level; the highest points include Dof and Jeldo. The major river is the Amaresa; bodies of water include the former Lake Haromaya. A survey of the land in Haro Maya (released in 1995/96) shows that 36.1% is arable or cultivable, 2.3% pasture, 1.5% forest, and the remaining 60.1% are considered built-up, degraded, or otherwise unusable. Khat, vegetables, and fruits are important cash crops. Both Kombolcha and Haro Maya are major producers of vegetables for Djibouti [17].

### MAP OF THE STUDY AREA

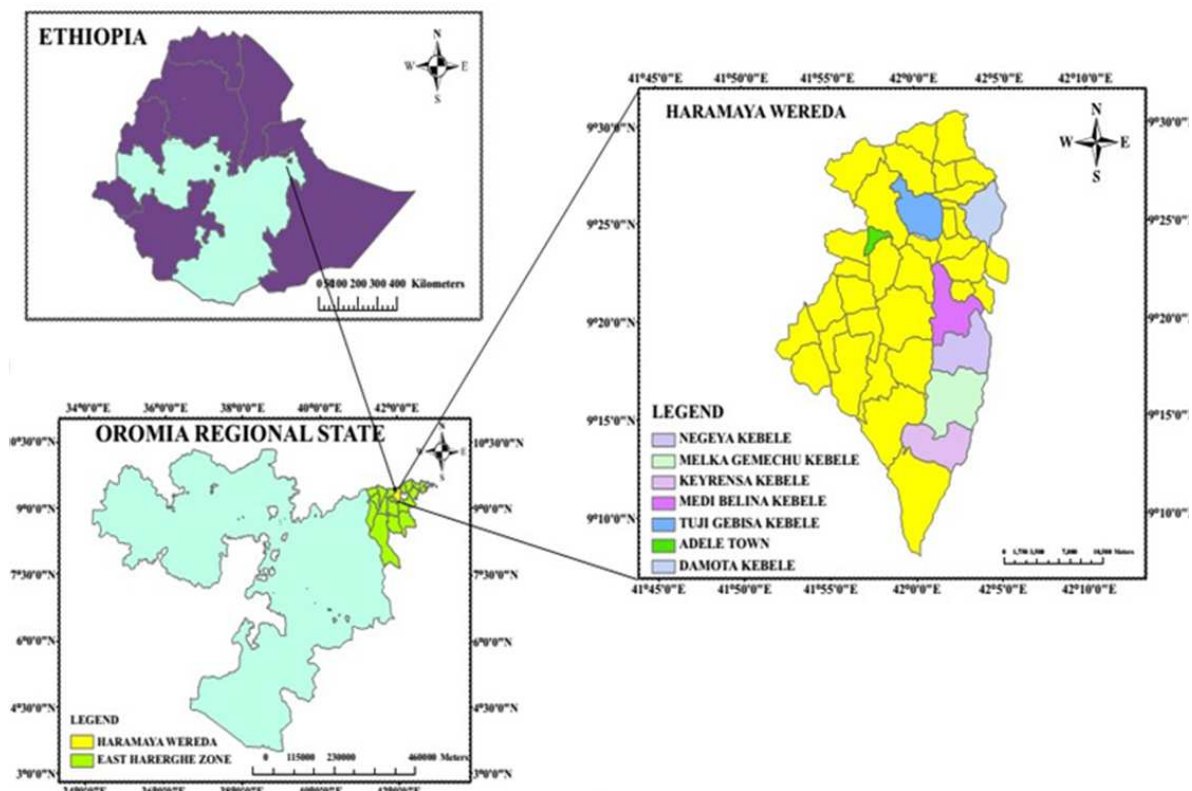


Figure 1. Map of Study Area.

### 2.2. Research Approach

In social sciences, researchers identify three different approaches; qualitative, quantitative, and mixed approach

depending on the issues of the study. Accordingly, in this study, the researcher employed a qualitative research approach. Because, qualitative research is preferred to collect data about human life realities, experiences,

behavior, emotion and feeling, organizational function, social movement, cultural phenomena, and getting in touch with everyday social events [18]. Besides according to [19], qualitative research is useful to describe situations, events, interactions, and to collect information, to understand more the views, attitudes, and perspectives of the study areas. Therefore, the above-selected approach is very essential to address the reality of this study.

### 2.3. Research Design

As far as the nature of the title is concerned, the researcher used a narrative qualitative research design to describe situations, phenomena, problems, and events by gathering information from both primary and secondary data sources. Because, according to [20] a narrative research design is a method that includes the analyzes of the characteristics of narrative text, the meaning of inter-human relations in social, historical, and cultural contexts and it focuses on people's narratives either about themselves or a set of events. Therefore, the researcher selected a narrative-qualitative research design to investigate the role of *Jaarsummaa* in managing resource-related conflicts among the Hararge-Oromo in Haramaya District, Eastern Hararge Zone, Oromia National Regional State. Under the narrative qualitative research design, the researcher used the following methods of data collection, such as Interviews (Key Informant Interview, In-depth interview), Focus Group Discussion, and Observation.

### 2.4. Sample Techniques

Among different types of non-probability sampling techniques, the purposive sampling techniques employed to select the informants from the targeted group of study, such as from members of *jaarsotaa* (knowledgeable community elders), Legal experts of the district, Land management or administration of the district, Water and energy office, from a government official and the police of the study area. Hence, the main reason for selecting the above sampling technique is because of its very helpful contribution to gather firsthand and rich information. In general, the researcher selected the participants purposively based upon the g criteria's, such as their knowledge or awareness of the causes of resource-related conflicts existing in the district and their experiences on resource-related conflict management, with particular emphasis on *Jaarsummaa*.

### 2.5. Sample Size

In the qualitative research, [21] and others suggested intervening between 5 to 25 individuals. However, it is difficult to fix the number of sample informants in the narrative qualitative design, as the data collection may go up to a saturation point. Thus, the researcher employed fifty-three (53) participants, by picking up purposively from the target population of the study, such as from the *jaarsolii* (elders of the district-who actively participate in conflict resolution in the district), government formal court or legal experts, the police

of area and government official, district water and energy office, and land administration or management of the district. In general, twenty-seven (27) informants were selected from *jaarsolii* (elders of the area), seven (7) from conflicting groups, six (6) from land administration or management, five (5) from the police of the district, and four (4) from the government formal court or legal experts, four (4) were selected from the government official.

### 2.6. Methods of Data Collection

*Interview:* an interview is one of the methods of data collection techniques in qualitative research. It is very helpful to elicit firsthand information from informants. Interview leads to a more extensive process that enables participants to construct a more sophisticated and detailed account of their situation, enabling them to see interactions and activities within which problematic events are played out [22]. Therefore, in this research, both in-depth and key informant Interview was employed.

*Key Informant Interview:* In the narrative qualitative research, the key informant interview is an important method. It helps the researcher to gather sufficient information concerning issues under study. Therefore, the key informants were selected for the interview with the help of the society, based on their level of understanding and knowledge about the resource-related conflicts; in general, and about the roles of *jaarsummaa* or community elders in resource-related conflict management. Hence, twenty (20) key informants were selected from conflicting groups, legal experts, police, and government official. From these key informants, 7 participants were selected from the conflicting groups and five (5) from the district police, four (4) informants were selected from the legal experts, while four (4) are also from the government official.

*In-depth Interview:* by using this type of interview, the valuable information regarding the roles of *Jaarsummaa* in resolving resource-related conflict gathered from fifteen (15) *jaarsolii* (elders of the district, who have more experience in resource-related conflict resolution).

*Focus Group Discussions:* FGD is one of the crucial techniques of qualitative data collection in social sciences. In line with this, [23] was stated that the focus group discussion is a series of audio-recorded group discussions held with a differently composed group of individuals and facilitated by the researcher. They also point out that FGD aims to provide data (via the capture of intra-group interaction) on group belief and group norms concerning particular topics or issues. Therefore, the researcher was conducted the three focus group discussions (3FGD). The total number of participants of this 3FGD is eighteen and one of each focus group discussion has 6 participants. In general, this FGD was conducted with six (6) Haramaya district land administration, six (6) water and energy office experts of the district, and six (6) elders of the district.

*Observation:* observation is an important technique to collect original data. This is because sometimes the information that the informants provide may contradict that of the real situation. Hence, the kind of participant observations

made to the research sites and the natural settings of actual conflict resolution proceedings has been attending repeatedly. Significantly, the observation helped the researcher to collect valuable information concerning the role of *jaarsummaa* in resolving resource-related conflict management settings, as well as the processes of the rural communities' elders, play a role in maintaining peace and security based on their customs, tradition, and worldview of the people under the study. This method is employed side by side with investigating, recording, photographing the land conflict area. Therefore, the observation was enabling the researcher to analyze record, and photograph important detailed information that becomes the base for the description of the actual processes of conflict management in Haramaya district.

### 2.7. Sources of Data

The important data for this thesis were collected from both primary and secondary sources. The primary data obtained from the district land management government experts, the police of the district, *jaarsolii* (elders of the district), and legal experts who worked more on resource-related conflict resolution. Whereas, Secondary data sources were collected from both published and unpublished materials such as books, articles, journals, thesis, and dissertations.

### 2.8. Data Collection Procedure

The basic research questions raised, the researcher were passed through series of data collection procedures. Ensuring reliability in qualitative research, therefore, concerns whether the findings of a study can be trusted. The researcher used the following tools of data collection, such as in-depth interview, Key Informant Interview, Focus group discussion (FGD), and Observation. A pilot test was conducted, Before training the data collection in the field about how to administer it and to test the instrument, pilot testing was conducted, questions were coded, using software, reliability index was tested through data analysis, and comments have been corrected to ready for field survey operation.

### 2.9. Data Analyzing Procedures

According to [24], data analysis is the process through which data are organized. As a result, commonly used qualitative data analysis techniques were used. In other words, in qualitative research, there is typically no precise point at which data collection ends and analysis begins; it is a continual process. Therefore, based on the assumption given by Bryman, in this study, first, the researcher has transcribed data from audio record to written format. Then translation from Afaan Oromo to English coding for each data (Key Informants Interviews, Focus Group Discussion) was made. Categorizing the translated information was prepared case by case for analysis. Then, themes running through the data were identified for discussion and analysis. After coding, the commonality and differentiation of each response were identified and finally, the data was interpreted, and the theme presented for each theme major topic and subtopic has been

given and narration techniques were also used. Finally, based on the findings and discussions of the study, conclusions, and implications of the study were drawn.

## 3. Results and Discussions

### 3.1. Social Understanding of *Jaarsummaa* and Values That Govern Practices

The social understanding of *Jaarsummaa*: According to focus group discussants of HaqaaAraddaa remarked that: AfranQallo Oromo of Haramaya district social understanding is a social concise which enable to know the advantage and drawback of everything as well as identifying the individual and group living system together in one society. Also understanding of living together among different communities by their ethical and cultural consideration. Jaarsaa is an individual person who know the condition of his society through their ethics and culture. *Jaarsummaa* means a group or individuals who know the challenges of their society as well as oversee and resolve the situation of conflicts and other cases which arise among groups and individuals. From the view of Social awareness, Jaarsaa a person who understands the challenges of his society and tries to solve them. While *Jaarsummaa* means culture or customary system in which social problem is solved. *Jaarsummaa* system is among one of the most commonly used institutions of conflict resolution in the study area.

"According to an informant from Haramaya District Culture and Tourism Office" said that:

*Jaarsummaa* refers to the process of conflict resolution through the use of *jaarsolii*. An environment in which the *Jaarsummaa* process takes place is also called *Jaarsummaa*. *Jaarsolii* are those older people in society who mediate and resolve conflicts. Although the term Jaarsaa literally means "elder" and refers to age, one should not necessarily be old in the context of conflict resolution in order to be recruited as a Jaarsaa.

In connection with the [25] elucidates that among the Oromo, elderly members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace, and reconciliation. As he further argued, it is because of this symbolic significance of the elderly that any person who is involved in conflict resolution and reconciliation process is called *Jaarsaa* regardless of his actual age. Therefore, a young adult man could be considered by society as *Jaarsaa* as there is no restriction of age to be *Jaarsaa*. What is crucial to assume the position of *jaarsaa* is his knowledge on how to resolve conflicts, for instance, his rhetorical ability in the search for *dhugaa* (truth), his ability to articulate, and politeness and carefulness not to provoke the parties in conflict.

According to one of in-depth interviews from community elders at *FinqilleeAraddaa* remarked that: As *AfranQallo* Oromo of Haramaya District in particular; *Jaarsolii* knows the norms of society, impartial and has a wealth of experience. They also hold a fair public hearing and make a

decision. First, the *Jaarsa* call for the participation of the public and the wise people.

From this result of the study above, one can understand how *Jaarsaa* uses this involvement to make its decision, which largely follows certain procedures to find the possible solution. In the eastern part of the Haramaya District Society, the *Jaarsummaa* system is widespread in every were of the district. It can take different forms depending on the type of *jaarsaa* involved in the process. Accordingly, there is onetype of *Jaarsaa*, namely *Jaarsaaaraaraa* (Elders of Reconciliation).

### 3.2. Role of *Jaarsummaa* in Conflict Resolution

According to an informant from the Karoo Tarkanfii Community Elders' Focus Group, said that: The role of the *Jaarsummaa* depends on the prevailing conditions and the nature of the conflict on the ground. When the given conflict is either high or less complex and deals with minor social issues, the elders play a mediating and facilitating role between the conflicting parties by providing promising ideas of the agreement without sanctioning them.

From this result of the study, we have understood how the conflicting parties concerned can reach a consensus in order to reach a final agreement. If they do not, the elders encourage the contending parties to resume negotiations and mediation. Even if the conflicting parties continue their differences, *Jaarsaa* takes the arbitrary role. As arbitrator, the *Jaarsaa* invites both parties to express their contradicting ideas (to tell) and to make binding decisions after taking note of their cases. The elders in arbitrary positions enjoy traditional autonomous power to uphold the social order of society through fair and reasonable judgment. Even if the perpetrator rejects the lawsuit for fear of the elders' curse, he accepts the binding decisions made.

According to the focus group, the Qorkee *Araddaa* discussants noted: Cursing (*Abarsaa*) is believed by Oromo society in general, and *AfranQallo* Oromo in particular, is one of *Jaarsaa*'s worst decisions. Society believes that if someone or somebody is cursed by the elders, nearly seven generations will be killed. According to *AfranQallo* Oromo, as in the case of reconciliation.

### 3.3. Selection of *Jaarsaa* for Conflict Resolution

*Jaarsaa* is selected from the community for her knowledge of the community's culture, honesty, public speaking skills and knowledge of customary law, ability to persuade someone and understand the idea of others. On the subject, an informant from Adellee *Waltayaa Araddaa* focus group said:

*Effective and responsible elders, who tend to be more skilled, knowledgeable and influential personalities, are the most important criteria for being elected as Jaarsolii by the community. Active participation in social and ritual ceremonies, which create more influence on conflict resolution, is also taken into account. For this reason, the community places more emphasis on social and ritual participation when someone wants to influence dispute*

*settlement. A deep knowledge of the usual rules of the community is another important criterion that Jaarsolii must choose for dealing with the conflicts of their communities.*

*About this, [25] identified two types of the Jaarsaaaraara, which he termed as volunteer Jaarsaa and solicited Jaarsaa. Accordingly, volunteer Jaarsaa resolve conflicts between individuals or groups through initiatives. It arbitrates either on the spot when and where conflict happens or receives the case up later. Solicited Jaarsaa, on the other hand, is Jaarsaaaraara that either of the parties in conflict approaches and solicits to get help to resolve the conflict. As the focus group discussants on this issue at the place of Qorkee remarked that: This Jaarsaa is known as Jaarsa Fayyisoo (Healer).*

Fayyisoo (Healer) is the one who listens to the conflicting group issues patiently; talking the truth; making a decision based on truth; he is not sided with any interest but he only motive and goal he is trying to achieve agreement and restoring distorted peace through healing broken relation. About this issue, one of In-depth Interviewees suggested that:

*I think Jaarsolii separately meet the disputation of parties and fixed the date for hearing the case. The case is heard openly under the shade of a big tree (dhaddacha). Before going into the details of the resolution process, the Jaarsaa tries to investigate whether blood compensation to the victim was offered or not. If the compensation for the bleeding injured party has been accomplished the elders offer blessings and thanks to the offending group, then they start investigating the cause, courses, and the effect of the dispute. According to my view Blessing (Ebbissa) is also believed to be a source of joy or to be honored by the community elders. If someone or somebody is blessed by Jaarsa fayyisoo, they also assume that the man is also blessed by a supernatural creator in this society.*

In this regard to the above view fayyisoo (Healer) is selected for conflict resolution. In the *Jaarsummaa* process, the *Jaarsa fayyisoo* (Healer) applies the customary law of the society. Unlike the formal court which depends on written statements of charge, personal witnesses, and written evidence to win cases, *Jaarsa fayyisoo* (Healer) might not need these forms of proof. Rather, they depend on their knowledge of cases and personal experience to make their judgments. They also put cases in contexts and consider events, circumstances, relationships, expectations, and values to resolve cases. On the other hand, in one of the focus group interviews related to this one, the following was found:

*Jaarsa fayyisoo have unique skills that have previously led to compromised conflict in their community. It encourages the competing parties to negotiate and mediate. If each party to the conflict continued their differences, Jaarsa fayyisoo takes the arbitrary role. As a referee, Jaarsa fayyisoo invites both parties and also shares their contradicting ideas. After learning about their cases, they make binding decisions.*

In line with this, [26, 27] state that the main feature of *Jaarsummaa* is the presence of *Jaarsolii* who are chosen by



their good reputation, extensive and good knowledge of custom, precedent, and seera (law) of the Oromo.

Besides, the individual talent and experience in dealing with conflict and willingness to give his time to reconcile the disputants are also other qualities expected of jaarsaa. Most conflict cases are therefore resolved locally using customary conflict resolution mechanisms in the study area. After all, the jaarsafayyisoo (Healer) is to achieve reconciliation through a search for truth.

### 3.4. Proverbs of *Jaarsummaa*

The Oromo have their oral traditions, which have been transferred from generation to generation. These oral traditions are loaded with proverbs as a spice (*Mi'eessituu dubbin*) of the speech in every aspect of their life. Proverbs open a discussion as well as closing it (*Maammaaksidubbiini Fidaasnifixaas*). The secret is always forwarded in these proverbs. In the context of conflict and conflict resolution there are several proverbs used to identify the problem; to find the solution to the problems; to inspire someone to speak the truth; even to end the reconciliation and if the reconciliation is impossible they also use proverbs.

Among the in-depth interviewees with community elders, one of the informants of *Xinqee Aradda* said that:

*When the family or extended families (relatives) are in conflict, Jaarsafayyisoo who starts the session of Jaarsummaa says "even when the donkeys hit each other they do not break the teeth of each other (Harreenwal-dhiittimalee ilkaanwalirraahincabsitu)". Besides this, if the jaarsafayyisoo (Healer) understands who has offended more and the offender tends to hide the truth, the jaarsafayyisoo (Healer) are guided by same proverbs like, "ballaasimbiraahubataatuarga"*

With the help of such sayings, the *Jaarsummaa* provided for a comfortable environment for the resolution of conflicts and used to reconcile the people for centuries. Beside this, according to the in-depth interviewees with community elders of *Biiftuu Gadaa* expressed some swears that jaarsafayyisoo (Healer) used with proverbs when they start the *Jaarsummaa* session:

*So when one jaarsafayyisoo (healer) says "Sossobbiinmadaahinfayyisu" (Soothing cannot heal a wound), another says jaarsafayyisoo (healer) says "Jaamtunijaamtimaleesareejahindhigan" (No matter whether it leads to its blindness or not, no one washes the eyes of a dog). This is another mechanism of our jaarsafayyisoo that is used to resolve conflicts in our community. When Jaarsafayyisoo uses such mandatory proverbs, both parts (plaintiff and defendant) are absent as they respect and frighten their Jaarsafayyisoo very much. In addition, respondents argued: Our entire community believed that Jaarsafayyisoo (healer) had talents of their own at each stage of reconciliation that simply led their community to formulate sustainable peacebuilding. Hence our Jaarsafayyisoo (healer) says that "Dhugaanniqallattimaleehincittu" (Truth may become thinner but it cannot be broken).*

On the other hand, this saying refers to the knowledge of *Jaarsafayyisoo* (healers) in order to serve the community perfectly. At the end of the reconciliation before the individual parties kiss and hug, *Jaarsafayyisoo* tries to simplify matters and appease the conflicting parties with various sayings and proverbs. One of the discussion partners in the focus group said the following: The proverbs most frequently used by our Jaarsafayyisoo at the end of the reconciliations are like "Waliigalanalaagalan" (It is only possible to enter a house after an agreement), "Guddateefdubbiiharrettihinfe'an" (sayings are not loaded on the donkey, even if it is ambiguous) are the most common. Such proverbs are used at the end of the reconciliation process to close the cases.

In general, the above proverbs and sayings are not simply passed down and used as jokes by elders, but rather refer to the life of each individual in the community to show their true life. The reason for this is that they have been recognized as a custom of this community for centuries, being passed down from generation to generation. Even those who belittled the proverbs of the elders are considered mindless and ill-behaved races. Therefore, the Jaarsafayyisoo (healers), their proverbs and the *Jaarsummaa* process always need respect and attention. Even if the Jaarsafayyisoo (healer) finds someone who respects these customs, they say in *namabarcumaati* (meaning that he is intelligent and can hear *Jaarsafayyisoo*). In the community where these proverbs are respected, the *Jaarsafayyisoo* (healer) becomes the guide and people's lives are saved and protected because of their fear of the customs or beliefs they have in the elders. Finally, the selection of the jaarsafayyisoo (healer) knowledge about proverbs for the reconciliation of the parties plays a major role. Those who are gifted and have knowledge of these proverbs and customs of the community are selected as *Jaarsafayyisoo* (healers) by communities.

### 3.5. Number of Jaarsolii for *Jaarsummaa*

The *Jaarsummaa* process is not a simple process carried out by one or two mediators, but requires a series of procedures with the help of a sufficient number of elders. [27] described that the *Jaarsummaa* meeting is held by 3 to 8 elders in order to reconcile the conflicting parties. One respondent pointed out:

*The moot is a gathering of neighbors and selected individuals to hear and determine a particular case. There is no specific number of jaarsolii to hear a case, nor a specific group of people who can sit in a Jaarsummaa trial. Jaarsolii between three and eight are selected for this case. In my opinion, the number of Jaarsolii includes individual talent and experience in dealing with conflicts as well as the willingness to take the time to reconcile the parties to the dispute. Of course, it is not common for people who are believed to have demonstrated ability to resolve disputes to be summoned frequently to hear cases.*

In other words, the selection of elders for the controversial issues ranges from three to six elders [28]. According to the focus group, the Nagayaa discussants noted that: The number

of *Jaarsolii* in Haramayaworeda depends on six principles to which all *Jaarsolii* hosen for reconciliation must be adhered to (patency, attentive listener, acceptance of the truth, fallacy, and openness to this Problem from the broad spectrum) imposed by the study society. The other respondent argues that;

Five *Jaarsolii* are selected in our society. Right and left (*gareenmirgaa fi bitaa*) choose two *Jaarsolii* on their side. The 5th *Jaarsaa* (elder) in our community is called *Jaarsaambaa* (who is not related to both the plaintiff and the defendant) in the *Jaarsummaa* trial.

Accordingly, some premises indicate this number of *Jaarsolii* in conflict resolution. These are the customs that *Jaarsolii* defined in the *Gadaa* system. Therefore, according to the *Gadaa* system and the belief of Oromo, the five *Gadaa* grades, the five *Odaa* (the sacred tree in the Oromo culture) and *Alangaa* (pole to lead the horse) are the basis for the number of *Jaarsolii* to be five for the *Jaarsummaa* procedure.

### 3.6. The Process of Dealing with Conflict in the *Jaarsummaa* System

According to an informant from *BiiftuuGadaaAraddaaf* focus group, noted: The nature of *Jaarsummaa* and the process of dealing with conflict can vary across time and space. In the context of the East HarargeHaramaya District, the following practices are common. First, once an agreement of reconciliation is made, each party to the conflict is a healer member of *Jaarsaa*. A particular *Jaarsaa* chosen by the plaintiff should be accepted or approved by the defendant and vice versa. Otherwise, one party is obligated to another *jaarsa* in which the other party is interested.

The number of *Jaarsolii* sessions for *Jaarsummaa* meetings is based on the customs that *Jaarsolii* have defined in the *Gadaa* system. Most of the time, however, five *Jaarsolii* are chosen to perform *Jaarsummaa*. These include two *jaarsafayyisoo* from both the plaintiff and the defendant, commonly known as *Jaarsamirga* (elders of the right) and *Jaarsabitaa* (elders of the left). However, there is no real difference as to which side is labeled right and which side is labeled left. Instead, it simply refers to elders on both sides. Although they are represented and requested by each party, *Jaarsafayyisoo* are considered to represent the interests of both parties. The fifth *Jaarsa* is that which is requested through the joint effort of both parties. He is called the chairman and his job is to balance the reconciliation, in addition to mediating role-plays with members of *Jaarsolii*. However, in the case of homicide, the selection criteria and the number of *Jaarsolii* involved in *Jaarsummaa* are different from other ordinary conflicts. In this case, *Jaarsaaraaraa* are selected from the clan of the slayer, the clan of the victim, and from neutral clans, and their number could be large. Among the in-depth interviewees with community elders, one of Karroo Jaalalaa's informants said:

*While the two parties select the members of Jaarsafayyisoo, they determine the date, time and place of Jaarsummaa. Each party is responsible for getting the Jaarsa already requested to the location on time. The*

*preferred location for Jaarsummaa sessions is usually under a large tree that can be found outside the village. Before the beginning of Jaarsummaa, bless the process of reconciliation among the chosen Jaarsafayyisoo (a person who is considered the elder of the chosen elders).*

Accordingly, the *fayyisoo* and other selected elders say:

Rabbiinnagaan nu bulchenagaan	Nu haaoolchu
nu haaoolchu	
O' God make our day good day	let it be
Irraagoruu nu baasi	nu baasi
Let us not miss the way	let us not
Dogoggoruuirraa nu baasi	nu baasi
Let us not mistaken	let us not
Kanwal-loleehaaaraaramu	haaaraaramu
Let the disputants be reconciled	let them be reconciled
Karri kanabbaahaata'u	haata'u
Let the cattle be that of owner	let it be

From this above result of the study, one can understand how the *Jaarsafayyisoo* have a specific method of hearing cases. The plaintiff and the defendant step in front of the *Jaarsafayyisoo* and present their case by standing there. The plaintiff stands on the right and presents his case first. While one party is speaking, the other is expected to listen attentively, to which they will later respond and not speak against. The defendant, standing on the left, is the second to bring his case. After hearing the cases, the *Jaarsafayyisoo* can take turns asking both parties for clarification. When the case needs further investigation and one of the two parties hides the truth, the *Jaarsafayyisoo* try to convince one party by sending the other away. In doing so, they use their skills and knowledge of cultural norms, values and customs and warn the party with reference to common law. When they identified the main cause of the conflict, *Jaarsafayyisoo* urged both parties to stay away from them for a moment. During this time they discuss what they have observed, including what they knew beforehand, and propose a possible solution. Then the parties are called and the proposed decision is presented to them with detailed explanations and advice. If the parties are satisfied with the decision, the reconciliation process takes place. The reconciliation process often involves rituals of taking the oath, making promises to fulfill the agreement made, and paying compensation from the evildoer. Finally, the *Jaarsafayyisoo* give instructions and close the case. At the climax of the reconciliation ceremony, the *Jaarsafayyisoo* let the two parties shake hands and kiss. Then the conflicting parties swear oaths as a sign of mutual commitment to peace and reconciliation.

### 3.7. Resources Related Conflict in Afran Qallo Oromo of Haramaya District

Conflicts usually don't have a single reason. Some of the conflicts are complex by their nature. They have different causes. The causes of conflict in the study area can be divided into two main categories, economic (resource-based) conflicts and socio-cultural conflicts. Taking into account the



above point of view, this study concentrated on resource-related (economic) conflicts. A respondent from BiiftuuGadaaaraddaa explained why this is happening:

*From a societal perspective, resource-related such as land and water-related conflicts in the district occur when individuals egocentric and avaricious human behavior overruns the application of this resource competitors exploitation through aggressive and destructive ways. As I understand our society, does not apply this resource in a manner especially water and land resources they use competitively.*

**Table 1.** Resource related conflict ssolved by jaarsumma institutionas informationTaken frominformants in the Last three Years.

No	Cause of conflict	Year		
		2018	2019	2020
1	Land related conflict	216	310	425
1.1	Land dispute conflict	21	31	54
1.2	family dispute conflict	8	23	26
1.3	Conflict over farmland boundary	98	122	175
1.4	Breach of Agreement on land rent	69	78	100
1.5	Breach of agreement on land sell and exchange	19	53	70
2	Water-related conflict	164	220	94

Source: Haramaya District direct record from selected informants.

The above table shows the various causes of conflicts and their prevalence. According to informants, some resource-related conflictsare handled at *Jaarsummaa* institutions and the majority of this type of conflict does not present before the court.

According to key interviewees from District administrative Office said that:

*Besides, in resource-related conflict cases the court, police office, and the persecutors encourage the conflicting parties to resolve their conflict through the Jaarsummaa system and formally refer the case to Jaarsolii. Even if the Jaarsolii reconciled this case by their initiatives, the court closes the allegation charge if the two parties bring their reconciliation agreement to it. The reasons for preferringthe Jaarsummaa way of conflict was resolved. There is a full and free discussion of the case before a settlement is reached. There is a negotiation involving the disputants within their elders. The conflicting parties might gradually come to accept the collective opinion of the mediators and the elders.*

Therefore, the magnitude of these cases reported to the court might not show the real occurrences of such types of cases as will be discussed later.

According to the information gathered from the district court and the police office, the primary cause of conflict in the study area is in the area of recourse-related (economic) interest, especially land-related and water-related conflicts. The economic causes of conflict include conflict Land related conflicts (Land and family dispute conflict, Conflict over farmland boundary, Breach of Agreement on land rent, Breach of agreement on land sell and exchange) and Water-related conflict. These types of conflicts are almost taken to *Jaarsummaa* institutions to be resolved.

According to information gathered from documents from the Haramaya District Courts and Police office, annual report for the past three years of resource-related conflicts such as Land related conflicts (Land and family dispute conflict, Conflict over farmland boundary, Breach of Agreement on land rent, Breach of agreement on land sell and exchange) and water-related conflicts are the main conflicts that have arisen frequently in thearea. The following table shows the causes and the extent of the conflicts that have been brought before the district court and the police over the past three years.

### 3.7.1. Land Related Conflicts

The land is a very strategic socio-economic asset, particularly in agricultural societies where wealth and survival are determined by control of and access to land. In this connection,[29] states that “land is a central element in the varied and complex social relations of production and reproduction within which conflict between individuals and groups are bred.” As a result, conflict over land often combines strong economical and emotional values.

According to the focus group panelists with AdelleeWaltayaa community Elders, land-related conflicts are typically complex, and some of the conflicts usually characterize a situation where there are competing claims to ownership or use of the same property. Hence, from the above result of the study, we understood how this situation significantly increases the possibility of violent conflict between individuals. Others are associated with farmland borders, land and family disputes, breach of contract in the lease of land, breach of contract in the sale and exchange of land. On the following pages it was attempted to show how the most widespread land-related conflicts in the context of the Haramaya district lead to interpersonal conflicts, which have been resolved by the *Jaarsummaa* institution.

Conflict over Pushing One's Farmland Boundary (DangaaDhiibuu): Among the *AfranQallo* Oromo in the Haramaya district, the conflict on the border of the farmland is a very serious problem and creates challenges in the area. On the subject, one of GobeSalaama's informants commented:

*The main reason for the conflict among the AfranQallo Oromo in the Haramaya district is the land conflict between the peasants. This means that often one farmer surrenders his arable land and another person uses arable land, and this type of conflict is reported daily to both the*

*conflict resolution elders and the judicial office. Such a conflict, which was reported to the woreda court within a short period of time, takes time, but when our elders are mediated, this conflict was resolved immediately without any payment.*

And the focus group discussants of *Xinqee Araddaa* reported that; Conflict over farmland boundary is a serious land-related cause of conflict between farmers who share common territory. The common known of demarcating the boundary of farmland in the area is using mechanisms like putting stones, Biqiltuudhaabu (planting stick), bo'ii (simple canal), and leaving a piece of land on the boundary (*daagajidduttihiisu*). However, those instruments are easily removable and/or easily destroyed. This creates a conducive opportunity for those farmers who want to expand their farmland at the expense of their neighbors and this could inevitably lead to conflict, such conflicts are difficult to solve at formal legal system but, it is very simple to solve such conflict by *Jaarsummaa* institution. Because of our elders of reconciliations are the resident of our village, he know every instrument used as demarcating the boundary of farmland from initially, due to this such conflicts are simply solved by *Jaarsummaa* institution. In connection to this, [30] explained that conflict in land and other natural resources is a result of dispute inside and outside the communities such as; boundary dispute between the community and outsiders, a boundary dispute between members of the community, resource use dispute between community and outsiders, resource use dispute between community members are simply solved by *Jaarsummaa* institution than, formal legal system. From, the above results of the study, we understood how the major causes of the conflict in the area are the inheritance of land between the same brothers and pushing the farm-land of others and how its solved by *Jaarsummaa* institution.

**Conflicts Over Land Selling:** Issues of land selling are very dangerous among the *AfranQallo* Oromo of Haramaya District. Even, according to the land law, land cannot be a sale, unless giving through inheritance or contract for relative or non-relatives. According to key informant from Haramaya District land administration Office identified that:

*In the district, the issues of land selling are creating very dangerous problems and according to the law of land administration and management, the land cannot be sold. However, many farmers are selling their land, especially the land which getting under the master-plan and these issues are becoming the serious causes of the conflict in the area.*

Similarly, according to the FGD discussants remarked that in the area there is free land and the farmers are selling this free land and the conflict sometimes occurring between the government body and the on such free lands. Such both type of conflicts are well known by *Jaarsafayyisoo*. Because of there are able to solve such conflicts in simple ways. From this above result of the study, we understood, how selling land in illegal ways is brought conflicts in the district and solved *Jaarsummaa* institution.

**Land Inheritance Related Conflict:** According to group interviewees from Haramaya District *kurroo Araddaa*

identified that: the most complex and prevalent conflicts over inheritance usually happen among family members, especially when the father dies without handing over his land to any of the family members. This type of conflict becomes multifarious if the father is polygamous. In this case, conflict may take place between the widows, the widows and their husband's brother/s, children, and their stepmother, or between stepbrothers. According to informants, it is difficult to resolve this type of conflict in the formal court and usually, *Jaarsummaa* institutions are preferred as they are concerned with the later relationship of the members. As most informants indicate conflicts between girls and their families over the inheritance of resources, especially land is an emerging issue in the study area. This is mainly due to the contradiction between the current government's women's inheritance right practiced in the society for a long time. Culturally, girls have the right to inherit land was not well known. Because it is believed that; first, girls go away from their families' land through marriage, second, if a girl is given a land, she will bring a man who is out of the family to the land through marriage. So, the father does not hand over land to his girl. Even if the father wants to include her in the inheritance of his land, her brothers may not agree or allow her to establish her own family and live on that land.

The issues of land inheritance are very common in Ethiopia, especially among the *AfranQallo* Oromo of Haramaya District and there are very serious different problems concerned with land inheritance. The focus group discussants remarked that: land-related conflict has occurred mostly between the same brothers on sharing their parent farm-land and this made series of problems in the district was finally solved by *Jaarsummaa* institution. Similarly, among the key informant interview with land administration experts said that:

The land inheritance issue cannot only take place between the same brothers but also husband and wife giving the land for each-others in form of inheritance and separation. These core problems existing with land in our community was obtaining continues solution in by norms customary institution.

In similar with this above result of the study, [31] stated that land use conflict occurs between or within stakeholders groups and is characterized by a common dispute over interests and conflicting goals, thus can be regarded as an indicator for detecting diverse interests, non-effective land resource allocation, and land-use systems was resolved by *Jaarsummaa* institution. Thus, from the above result of the study, we understood how the land inheritance issues are the core causes of the conflict in the district and solved by elders of reconciliation.

### 3.7.2. Water-Related Conflict

Among the *AfranQallo* Oromo of Haramaya district, the water-related issue is a very serious problem for many individuals. Among the Focus Group interviewees with one of the elder's members of *KurrooAraddaa* commented that:

*The cases are very series issue among the*

*AfranQalloOromo of Haramaya District and these water-based conflicts are primarily caused by population pressure, subsequent claim to control water for agricultural production. This in turn leads to pushing back and conflicts invite during water scarcity for crop water was reconciled by Jaarsafayyisoo.*

From the above result of the study, one can be understood how the conflicts arising from water allocation and distribution are common among competition among water users. They mentioned water scarcity, water theft, lack of proper control of water distribution, and competition among water users as the prominent factors for water conflict are well known by jaarsafayyisoo. Informants expressed that lack of enforcement of by-laws in water distribution is also one of the most important reasons that led to water disputes. As they said, conflict over water is severe as we go from each direction of the water source.

According to the FGD interviewees with knowledgeable community elders from IfaBaateeAraddaa, water scarcity is cited as the main cause of conflict between society in the district when khat, plant and vegetable production is processed through water distribution. The allocation and distribution of water for agricultural purposes is not in advance (not in written) and is based on money (local name used for father of water) awareness. In this manner, conflict may arise due to money is informally responsible to coordinate and control water distribution when such situations are raised in the community elders of reconciliations are immediately mediated and solved that cases. Focus groups and key informants indicate that there is a prevalence of unfair distribution of agricultural water, which means certain socioeconomic groups, obtain more water for their farm activities than others. As a result, the other community could not fully and equally benefit from this water.

Among the key informant of DaammotaaAraddaa said that:

*The farmers who are relatives and friends found upstream, farmers with a large number of boys and rich farmers obtained more water because of their social status and proximity. Because of this, poor farmers who have no relation with money are suffering from a shortage of agricultural water when their no elders of reconciliations. Elders of reconciliations cannot consider such situations, they consider only personality of human being and decide reality.*

From this above results of the study, one can understand how the conflict may occur because of money and farmer suffers by a shortage of water and community elders can solve such problem through develop the rotational system by setting sequential crop water and another agricultural purpose turn of each group starting from the head to bottom of the water source by discussion under a big tree.

### **3.8. Factors That Affect the Effectiveness of Jaarsummaa in Conflict Resolution**

#### **3.8.1. Socio-cultural Factors**

Perception of superiority among individual: According to

the focus group interviewees with community elders of Nagayaa Araddaa remarked that: There are invisible threats that arise from the society as well as the well-known elders selected for the resolution of the conflict. Thus, there is no formal attempt to incorporate and train those elders not well to have the change that may bring other alternative solution to eliminate the bias by former elders [8]. However, the person who is to be *Jaarsafayyisoo* will attain this title simplify by the experience he gets from the elders he has joined in his life. In this context, there is also another barrier to *Jaarsummaa*. Such as Some elders have considered themselves as an unchangeable temple to resolve the conflict in the area. This perception of supremacy sometimes may be seen over few individuals.

Among the in-depth interview with the community elders, one of an informants of Adellee Waltayaa Araddaa remarked that: Conflict prevention and resolution meetings are not held in a place where conflicts occurred but rather in other urban areas for extra benefits. Hence, the tendency of conflict reduction is far from holding it soon timely and the elders themselves earned less reliability from their subject fellows. The lack of centralization common to informal systems may allow for local variations and incremental changes that do not engage the whole system.

Disobedience: according to the focus group discussants interviewees with community elders of HaqaaAraddaa said: the non-obedience of the people about the proposed decision by appealing to different reason like lack of accurate decision's proposal, doubt about how many the elders take heed for him, lack of confidence on the elder by suspecting that they may favor the opposite party. The other problem that always arises with the *Jaarsummaa* is the inability of some groups of the community to detach it from religious interpretation. One elder confirmed this, as "elders do not have the power to force individuals who have no interest to participate in the resolution process." Furthermore, *Jaarsummaa* conflict resolution has been greatly downwards and weakened in the formal justice system which makes them unrecognized and unknown, as described by this participant.

#### **3.8.2. Economic Factors**

Financial consideration: Among the in-depth interviews with community elders, one of an informants of Tuujii Gabbisaa Araddaa remarked that:

*As we know many of the customary institutions conflict resolution do not have any resource generating organization and they have to give the services for the community without getting any benefit for themselves. Therefore, they lack the financial support and this makes them depend on the conflicting groups sometimes for food and drinks. This may cause doubts on the decided given by elders of reconciliation.*

In similar to the above result of the study, [32] stated that lack of clear legal mandates, no financial support from different national and international governments, and limited capacity for oversight of system performance. Accordingly,

the concerned bodies failed to provide financial and material support to consolidate the *Jaarsummaa* conflict resolution mechanism in the study area. Thus, from the above result of the study, one can understand how the financial factors influencing *Jaarssummaa* practices.

### 3.8.3. Political Factors

**Lack of Codification:** According to the focus group interviewees of *Nagayaa Araddaa* remarked that:

*Unlike the support, the government gives for their application in some cases, the customary institution of conflict resolution in Ethiopia is not codified and taken into action. The codification of customary institutions of conflict resolution in Ethiopia is difficult because of the number of these institutions. In Ethiopia as a nation, nationalities and the people are many they have their respective institutions. Hence, it is difficult for government and concerned bodies to generalize one or some of these institutions to others as the guiding framework of the constitution.*

From this above result of the study, one can understand, how the political factors challenging the practices of the *jaarssummaa* institution. Because many formal court legal experts are considering the customary institution as non-codified and traditional.

**Coerciveness of power:** According to the focus group discussants interviews with *GobeeSalaamaAraddaa* remarked that: Lack of coercive power such as legitimate laws, police, and prison houses to enforce the implementation of their decisions. On top of this, *Jaarsummaa* institutions have limited legal support from the government [32]. Fear of local administrative bodies' intervention may reduce its credibility among the society. It sometimes becomes more complex when many cases occur simultaneously. Lack of appropriate and effective enforcement strategies has also reduced the relevance of *Jaarsummaa* conflict resolution mechanisms for the wider community.

### 3.9. Formal Legal System of Ethiopia VS *Jaarsummaa* on the Conflict Resolution

According to the focus group interviewees with community elders of *FinqilleeAraddaa* commented that: in the study area the customary and formal legal systems play a significant role to resolve conflicts. However, the community has various reasons for preferring the customary way of resolution. The first reason is that there is a full and free discussion of the case before a settlement is reached. There is a negotiation involving the disputants, their elders, and other close kin. The conflicting parties might gradually come to accept the collective opinion of the mediators and the elders. The peacemaking abilities of the traditional judges are respected and believed among the community.

Among the in-depth interview with community elders of *KurrooAraddaa* said that:

*The AfraQalloOromo of Haramaya district community has a common language, culture, ritual settings, religion, customary and spiritual law. The villagers in each Araddaa know each other and have kinship,*

*neighborhood, and marriage ties. The social and cultural interactions and kinship ties of the community force them to see their cases in private court without the interference of external formal authority.*

Resolving conflicts outside the legal court system would keep secrets from the general public. The people who serve in the traditional institutions have high values of moral and ethical standards. They are highly transparent in their decision-making process, a process in which even the community participates. A judicial process and decision in modern legal courts are considered superficial and not confidential. Similarly, [33] stated that factors like lower cost, confidentiality, easy access, etc. encourage the conflicting parties to come to the local negotiation more than to the formal legal court system. Therefore, the confidential nature of the customary court system is preferable to formal court. They don't want to expose their secret to external authority.

According to the focus group interviewees with *Biiftuu Gadaa Araddaa* remarked that: the cost of the defendant and other expenses in the formal courts are indeed too high. Moreover, they believe that traditional courts are flexible but the formal ones follow rigid legal court procedures, which results in unfamiliar with their culture and norms. They serve the community towards restoring, maintaining, and mending social harmony and relationships in an environment quite opposite from the formal court system. In modern courts, conflicting parties simply terminate their social relationships. The importance of this *Jaarsummaa* is deeply rooted in the customs and customary of the Eastern Hararghe, Haramaya *Afran Qallo* Oromo people. These institutions play a significant role in the maintenance of peace and security concerning the spiritual and customary law of the community, and the central role of spiritual leaders and elders. Similarly, [34] stated that "unlike the ordinary courts, the local elders are concerned with reaching a morally acceptable decision capable of restoring the amicable relationship between parties" Therefore, the majority of the community prefers the traditional courts to the formal system.

The following informant's opinion confirmed the realities: The modern judicial approaches do not consider or allow little room for values, culture, and belief system of a community. They apply modern laws and rules. We are not free to present our beliefs and custom in the formal courts. Our *Jaarsafayyisoo* (healers) are experts of our culture. We are familiar with the traditional court procedures and rules more than with the formal one. Formal courts apply rigid rules and procedures without considering our feelings, customs, and belief system. Modern legal courts never maintain social harmony and satisfaction between parties. *Jaarsafayyisoo (Healer)* understand the feelings of the parties because they apply their creativity and knowledge. Partialities, corruption, a tendency towards one's side are considered unethical approach in traditional institutions because *jaarsafayyisoo* (Healer) respect the spirits/*rabbii*. They render services equally and fairly. Parties also never plan to revenge each other after reconciliation because they fear and respect the *Jaarsafayyisoo* and the spirits. Once a case is in the traditional court, the conflicting parties don't pay money for the

court because these courts are cost-free but the formal ones need money. The preference to use traditional courts also lay the inaccessibility and confidential nature of the courts. It makes them more preferable than modern courts. We have the chance to access easily the traditional courts than the formal legal ones. We live very far from the town.

In the traditional courts, both parties and *Jaarsafayyiso* have no legal obligation. They respect their cultural values. Cases in modern legal courts may take months or even years to get a decision. They are time taking because they follow lengthy litigation procedures. We are poor farmers. We should work on our farmland daily to feed our children; there is no time and money to present our cases to legal courts. We are not also satisfied with the delay, cost, and time-taking process of the modern courts. That is why we prefer the traditional courts.

## 4. Conclusion and Recommendations

### 4.1. Conclusion

According to some theories and practices of Customary institutions of conflict resolution, the restoration of justice, harmony, and relationship played by such institutions resemble very much that of *Jaarsummaa* in the study area. However, there are hindering factors such as the socio-cultural perception of the people, lack of incorporation to the formal legal system, the supremacy of some individuals such as *Jaarsafannisoo*, disobedience, or lack of respect for *Jaarsummaa* due to lack of legal enforcements for the institution. Lack of financial consideration from the government and other concerned bodies is also another factor hindering the effectiveness of *Jaarsummaa*. Therefore, it requires the concerned bodies to train the people about the role of conflict resolution. Concerning the consideration by the people to own the institution, the people of the area and the elders of the area who know the customs have a responsibility to teach the people of the area.

Even though the Ethiopian Constitution under Article 34 sub Article 5 recognizes traditional law where it allows citizens to use religious or customary laws in cases of personal and group disputes, it limits them to personal and family matters excluding their application to criminal matters even though they are serving for many types of crimes in reality. The absence of strong laws and policies related to the validity of *Jaarsummaa* conflict resolution mechanisms and their affiliation with the formal justice system, the possibility of application of their authority was found to be serious factors that need urgent attention by the government and policymakers.

### 4.2. Recommendation

To reduce the over-loads from the government formal court, the zone and district administrators should have to work to increase the *Jaarsummaa* (community elders) practices in conflict resolution by creating opportunities for having income-generating resources for the institution and by providing incentives.

To create access to documented materials on *Jaarsummaa* (community elders) institution and to benefit the coming generation by allowing them to know its process, procedures, and mechanism of the enforcement of its decision as combined intelligence of the ancestors and present descendants which has been transmitting from past generation to present through observation and imitation, all community members and government experts from kebele's to zone should have worked together.

Finally, to allow the youth generation to appreciate values of indigenous knowledge *Jaarsummaa* (community elders) institution and living ways of local people side by side with government court knowledge to save local customary *Jaarsummaa* (community elders) institution from the danger of destruction, all people living in the area, district and zone administrators and media should have to make all the possible efforts to create awareness about the *Jaarsummaa*/community elders conflict resolution.

## Appendix: Pictures During Data Collection



**Figure 2.** Picture taken during an interview with the key informant and focus group discussion.



**Figure 3.** Picture during some sampled household interview.





**Figure 4.** Picture of during Start reconciliation through jarsumma institution by jaarsafayisoo.



**Figure 5.** Ending Reconciliation by jarsummaa institution among conflicting parties.

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