

# Review on Conflict and Conflict Resolution Mechanisms in Africa, Focusing on Ethiopia

Zerihun Abebe\*

Senior Researcher and Lecturer, Wollega University, Nekemte, Ethiopia

## ABSTRACT

This study deals with Reviews on Conflict and Conflict resolution Institutions in Africa; Focusing on Ethiopia. Even though numerous researches have been made review on conflict and conflict resolution in Africa, there is a clear gap of research conducted on the theme in Ethiopia. To realize the intended objectives of the research, qualitative research approach has been adopted. And only secondary sources of data and different data collection tools were used for the study. The secondary sources used have been clearly cited and acknowledged in the journal.

**Keywords:** Ethiopia; Africa; Conflict; Resolution

## DEFINITION OF KEY TERMS AND CONCEPTS

In this section, attempts have been made to briefly discuss the key terms and concepts related to the theme of the research. To begin with, the very definitions of dispute and conflict, different scholars have forwarded different idea.

The definitions of conflict are not such controversial among many anthropological scholars in specific and in social science in general. Cose [1] defines conflict as a clash on different things such as scarce resource, power and prestige. According to Cose in conflict, the incompatible parties compete to gain an upper hand over different resources; they fight in some instances to get away with their enemy's. In line with this Fisher [2] on his part defines conflict as an incompatibility of goals or values between two or more parties in a relationship, combined with attempts to control each other and antagonistic feelings toward each other. Wallenstein [3] in his works asserts that conflict is a situation in which two or more parties strive to acquire the same scarce resources at the same time.

Singh and Antony [4] describes that conflict is a great degree of discomfort, anger, frustration, sadness, and pain to people. Furthermore, the authors pointed out that conflict arises from a multitude of sources that reflect differences in personality, values, ideologies, religion, culture, race and behavior. Accordingly, Nnoli [5] describes that conflict is a disagreement that happens as results of value differences in benefits, beliefs, thoughts, directions and precipitous tendencies among the people. Nnoli discusses that most of the time these disagreement are found in society are natural. Furthermore, Douglas argued that conflict is a state, rather than a process. The people who have opposing interests, values, or needs are in a state of conflict, which may manifest itself in the form of a dispute.

Moreover, Gounden [6] states that conflict is a "situation in which two or more parties strive to acquire the same scarce resources at the same time. According to them, there needs to be more than one party to have a conflict". Besides Imobighe [7] describes conflict is a condition of disharmony in an interaction process and usually occurs as a result of clash of interest between the parties involved in some form of relationship. Clash of interest could occur because either they are pursuing their incompatible goals to pursue their chosen goal". I have portrayed from the above definitions of conflict and dispute, they have the common denominator that at least there must be two parties for their existence.

In line with this, Jeong [8] discusses the way in which dispute happen. Jeong asserts that dispute can be caused by simple facts like disagreements on salaries, education of children and another matters in ordinary social life. To him the above issues could not harm the values and norms of the society, and hence disagreements are easily negotiated. Besides, Burton notes that, "dispute does not involve series institutional problems and it can be handled through bargaining and arbitration".

Also, scholars like Abel, Gulliver, Nader and Todd, and Snyder explain the relationships between conflict and dispute. Abel [9] discusses conflict is changed in to the dispute when the matters are declared in public, and at the time when the subject and their disagreement is conversed to another person. In line with this, Gulliver [10] on his part discusses that "no dispute exists unless and until the right claimant, or someone on his behalf, actively raises the initial disagreement from the level of dyadic argument into public arena, with the expressed intention of doing something

\*Correspondence to: Zerihun Abebe, Senior Researcher and Lecturer of Wollega University, Ethiopia. E-mail: zdabebe@yahoo.com

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about the denied claim". Besides, Nader and Todd [11] scrutinize that the dispute happens in the existence of conflict. It happened when the third person sees the case of disputants. Mamo on his book on the land dispute and customary conflict resolution among the Arsi Oromo describes dispute (*Waldhabii*) as a "to miss one another or to miss understand one another" Mamo [12] Moreover, Epstein discusses that disputes are universal phenomenon and by implication, the concomitant universality of procedural means through which grievances can be legitimately aired and disputes properly conducted.

Conventionally, conflict and dispute are often used interchangeably. The academic discourse on dispute, however, makes a distinction between the two. According to Abel, "conflicts are turned into dispute when the claims are asserted in public, if claims and their incompatibility are communicated to someone." Gulliver (1969: 14) concurs with Abel in making a distinction between the two. According to Nader and Todd dispute is "one event in a series of events linking persons and groups over time." As such dispute is seen as in the life of a conflict whereby the case of a conflict has been addressed to a third party.

Thus, for the purpose of this study, I have used the term dispute because dispute as it has been elucidated the anthropological definition above happens when other people (third parties) are involved in the case of conflicts as mediators.

## CONCEPTUALIZING DISPUTE SETTLEMENT

Many scholars have attempted to identify the difference between conflict settlements, conflict resolution, conflict management and conflict transformation. Woodhouse [13] researched out that the origin of conflict resolution. The author discusses that Kenneth Boulding used for the first time the term conflict resolution in the 1950s. "It is the analytic and descriptive study of a conflict and the normative element of its positive management." According to him, recently it has developed to mean a process of traditional power mediation and a multi-lateral approach capable of mobilizing wide varieties of intervention strategies from peacekeeping to problem solving workshops. Azar and Burton cited in Miall [14] define conflict resolution as an intervention by skilled but powerless third parties working unofficially with the parties to foster new thinking and new relationships. Conflict resolution is about how parties can move from zero sum, destructive patterns of conflict to positive-sum constructive outcomes. Moreover, Fisher describes conflict resolution as an attempt to amplify cooperative aspects, while recognizing that competitive elements in conflict situations require a firm and yet peace-making combination of strategies.

Some scholars argue that conflict resolution mechanisms not eliminate the conflict from the society. For instance, Lederach [15] cited in Featherstone [16] discusses that conflict resolution is high priced comfort. According to Lederach, since the conflict is an inherent in the social system, it is difficult to bring the lasting solution. So, the problematic attached to the term resolution, which hints at ending a conflict once and for all has made the phrase conflict resolution a contentious one. Additionally, Kelman on his study notes that conflict resolution could not be able to avoid previous grievances and historical traumas and hence failed to create consistent and harmonious relationships between the contestants. Rather it addresses only central needs and fears of the society for the time being. In line with this Bar-Siman-Tov [17] also asserts that conflict resolution may terminate the conflict but it does not necessarily guarantee its absence in the future. The way

the term conflict resolution has been used by some scholars is criticized; for its connotation of a 'firm resolution' of the dispute Snyder [18].

On the other hand, Jeong describes conflict management as a largely terms of social control designed to minimize the challenge to the core values of the system. Imobighe on his part describes that the repression of conflict that has already broken out in the form of probing or solution that would decrease the levels of fighting and prevent its growth. Conflict management is concerned with the ways to controlling and harmonizing conflict that created between disputants.

Ryan [19] also, endeavors to understand conflict transformations. According to Ryan, conflict transformation should address issues such as long-term security, economic justice and the culture of violence. In line with this, Lederach describes that in conflict transformation changes aimed from different perspectives: personal, relational, structural and cultural. For the purpose of this research I have employed the customary dispute settlement institution especially elders based disputes settlement institutions.

Dispute settlement term which study adopts is a term, which pays attention to the process of settling or ending disputes in opposition to focusing on rules. Reacting to the rules-centered studies, a processual approach has developed within legal anthropology, with a focus on understanding the 'process used by people to deal with disputes'. This paradigm starts from the premises that 'it is important to see how things work in societies where law often plays a secondary role in the management of disputes.' Thus, in discussions of dispute processing, the procedures and not the rules unlike the classical anthropological works become central and hence they differ from earlier normative approach to studying dispute settlement (Moore) [20]

Jeong on his part define dispute settlement as a resolution of the disputes based on negotiable interests than dealing with the actors and their relations. According to the author, dispute settlement is considered as an easiest and fastest way to reach on agreements. Jeong asserts that this mechanism has its own role to keep the stability of the society by protecting the accepted norms, values and institutions in everyday life. The term dispute settlement as it is used in this study, however, refers to the mediating role of the *Jaarsa*. It is restricted to the processing of the dispute that spans through the initiation of a case to the rituals of reconciliation. Whether the settlement will hold in the future (the "post-settlement" dynamics) is beyond the scope of this study.

## DISPUTE SETTLEMENT INSTITUTIONS AND THEIR DIFFERENT MECHANISMS

In order to settle the disputes many societies have different institutions. Accordingly, Gulliver asserts that there are various forms of dispute settlement institutions in a given society. He argued that, even though the fertility, implementation and organization of these institutions vary, societies have their own dispute settlement institutions.

According to Romanucci [21] among the Mexican society, there are two categories of dispute settlement institutions. She sorts out these institutions as formal and informal. To her the informal dispute settlement involves an intervention of friends or family in the settlement of the disputes whereas formal means of dispute settlement is by which the formal institutionalized bodies handle disputes such as arbitration by a village official or litigation in the higher courts, district or federal courts.

Schellenberg [22] categorizes dispute settlement mechanisms in to two forms. Also, Gulliver, on his part, divides the dispute settlement institutions in to two: violent and peaceful. He has listed negotiation, mediation, arbitration, adjudication, avoidance and burying the disputes in the symbolic process under peaceful dispute settlement institutions. On the other hand, the author mentions duel and self-help as the violent means. Similarly, Muigua in his study categorizes that negotiation, mediations and other norms are peaceful customary dispute settlement institutions practiced in many society.

These are the violent and the peaceful means of dispute settlement mechanisms. According to him the violent mechanisms of dispute settlement includes war, self-help and duel and the peaceful dispute settlement mechanisms includes avoidance, burying the dispute in the symbolic process, negotiation, mediation, arbitration and adjudication. In line with this Barash [23] in his study sort out the disputes are settled by the use of violent mechanisms. While, in the case of associate mechanisms disputes are resolved using the peaceful means.

Moreover, Mamo in his book 'land disputes settlement in a plural institutional setting: the case of Arsii Oromo of Kokossa district' categorizes dispute settlement mechanisms in two forms. The author converses that the disputes that happened between individuals or groups among the Arsi Oromo society is settled either through the formal and informal institutions. According to Mamo, both formal and informal dispute settlement institutions are not mutually exclusive. And both formal and informal institutions sometimes interrelate.

Negotiation is one of means of peaceful dispute settlement mechanism. In line with this, Muigua discusses that negotiation is an informal process and one of the most fundamental methods of conflict resolution, offering parties maximum control over the process. It involves the parties meeting to identify and discuss the issues at hand to arrive at a mutually acceptable solution without the help of a third party. Besides, Owasanoye describes negotiation is a voluntary and informal process by which the parties to a dispute reach a mutually acceptable agreement. The parties seek out the best options for each other, which culminates in an agreement.

Gulliver describes the successive and overlapping phases of interactions in negotiation are: search for an acceptable arena of negotiation, definition of agenda, exploration of the field of the issues in dispute, narrowing of the differences, preliminaries to final bargaining, final bargaining on the remaining issues, ritualization of the outcome and of the parties' acceptance of it, and execution of the outcome.

Another, peaceful means of the dispute settlement is mediation. Accordingly, Muigua asserts that mediation is a peaceful method where the conflicting parties gather to seek solutions to the conflict with the assistance of a third party that facilitates the discussion and the flow of the information and thus aiding in the processes of reaching an agreement. Furthermore, Moore on her side describes that mediation is a voluntary, informal, consensual, strictly confidential and nonbinding dispute settlement process in which a neutral third party helps the parties to reach a negotiated solution. Also, Shamir in his study asserts that mediation is a process in which an impartial third party encourages and facilitates in an informal way the negotiation between the parties to the dispute. The mediator does not have the power to impose a solution on the parties. The mediator has control over the process, but the

decision and outcome are in control of the parties. With this regards, Muigua describes that mediation is thus a continuation of the negotiation process in the presence of a third party. A mediator is one who comes between the conflicting parties with the objectives of offering a solution to their dispute and or facilitating mutual concessions. Owasanoye on his sides discusses that in the mediation mechanisms of processing the disputes, a neutral party, and the mediator, brought in to help the parties find a solution to a dispute. The author argued that the person controls the process while the parties control the outcome. A mediator cannot impose a decision on the parties. According to Owasanoye the mediator pones the session by declaring how the session will run, who will speak, when, for how long and the length of the session.

Shamir in his works discusses the functions of mediator in dispute settlements. Hediscusses that mediator's roles are: to help the parties think in new and innovative ways, to avoid the pit falls of adopting rigid positions instead of looking after their interests, to smoothen discussions when there is animosity between the parties that renders the discussions, and in general to guide the process away from negative outcomes and possible breakdown towards joint gains. According to Shamir mediation, encourage the disputing parties to use the mediation process as a preferred way to resolve disputes. A mediator should study the substance of the dispute, and try to identify the issues in conflict, using tools such as re-framing, active listening, open-ended questions, and his/her analytical skills.

Arbitration is another peaceful customary dispute settlement mechanisms practiced in different societies. Besides, Muigua researched out that arbitration is a process subject to statutory controls, whereby a private tribunal of the parties choosing determines formal disputes. It arises where by the parties or an appointing authority determines the dispute and gives a final and binding award appoints a third party neutral.

Conciliation is, another non-violent dispute settlement mechanism practiced in different society. Conciliation is a process in which a third party, called a conciliator, restores damaged relationships between disputing parties by bringing them together, clarifying perceptions, and pointing out misperceptions. The difference between mediation and conciliation is that the conciliator, unlike the mediator who is supposed to be neutral, may or may not be totally neutral to the interests of the parties. Successful conciliation reduces tension, opens channels of communication and facilitates continued negotiations (Muigua). Moreover, Owasanoye asserts that conciliation is mechanism is used to discover whether there is a room forthe parties to a dispute to make up. To the authors the third party, the conciliator is appointed to discusses the dispute with the parties and then prepares a solution based on disputants consent.

In addition to the above peaceful disputes settlement mechanisms, Muigua discusses that adjudication is one of the dispute settlement mechanism where an impartial, third-party neutral person known as an adjudicator makes a fair, rapid and inexpensive decision on a given dispute.

Many scholars have discussed the functions of the dispute settlement institutions in different society. Accordingly, Muigua [24]asserts that in Africa before the beginning of colonialisms Africans had at large their own customary disputes settlement institutions. Whenever the conflict arises, negotiations were reached through such institutions. The elders such as councils of

elders or elderly men and women could act as third parties in the settlement of the disputes. The disputants could be reconciled by elders and close family members who often advise the disputing parties on the need to co-exist harmoniously. Muigua asserts that among Africa the customary dispute resolution institutions work towards fostering peaceful co-existence of the society.

Moreover, Kendie and Guri [25] describe the function of dispute settlement by emphasizing how indigenous structures and systems ensure action in bringing peace for individuals and community. In line with this Nathan [26] on his part asserts that dispute settlement has been used in the world to minimize possible emergence of problems within societies, companies, countries, ethnic groups and individuals. It mainly aims at peaceful and successful settling of disagreements and conflicts that arise at different time and place on this world.

Most of the time, the customary dispute settlement institutions, indigenous dispute settlement institutions, traditional dispute resolution and alternative dispute resolution institutions are used in different literatures interchangeably. Besides, Huyse [27], discuss that the terms customary and traditional is too close to each other. He argued that they are called as non-state dispute resolution mechanisms. Even though, these terms used interchangeably, scholars defined them separately.

Auerbach [28] defines alternative dispute settlement as a wide range of alternatives for coping with the conflict stirred by disputes between citizen and citizen, citizen and the state and between international parties. Alternative dispute resolution refers to the different alternative methods of resolving disputes other than through litigation/adjudication in the ordinary courts.

On the other hand, according to Mutisi [29] traditional dispute resolution is defined as those that have been practiced for an extended period and have evolved with a given societies rather than being the product of external importation. These institutions are rooted in the culture and history of societies and are ingrained in the socio-political and economic environment of particular communities.

Murithim [30] define indigenous dispute settlement institution as an institution, which is inherent to a given society, but also that is native and instinctive.

Alie [31] on his part define the term customary often tends to suggest profoundly internalized normative structures, patterns followed from time out of mind in static economic and social circumstances. He argued that it must be borne in mind that African institutions, whether political, economic or social, have never been static. Some would prefer the word 'indigenous' rather than 'customary'. But, he discussed that term 'customary' implies a dynamic process. Thus, for the purpose of this study, I have focused on the 'customary' dispute settlement institutions among the Horroo Oromo, the case of *Jaarsa Biyyaa*.

## ELDERS' COUNCIL

In different society, elders and their role of elders in dispute settlement have been perceived in different ways. Most of the time elders have been considered as the eyeball of a given community. Elders play crucial roles in preserving harmony and solidarity of the society through settlements of disagreement that arises within/out sides of the society. In line with this, Nicolas [32] in her works asserts that elders are among the most frequently mentioned

mediators in disputes settlement among the eastern shewa of Oromo society. One reason attributed for their roles as mediator is that these roles tend to smoothly parallel the elders' general status in society. In many settings, older men enjoy a position of authority that is said to derive from both their control of economic.

According to Bohannan, an elder among the Tiv society is "an older man" who is responsible to lead his society and assure their peaceful existence. Contrasting Bohanna's description of elder, Mamo defines elders "elders of the country and who are not a fixed group of people and they can be composed of any member of the community". According to Mamo elders are not necessarily of old age and the term elder is rather used as a symbol because in the Oromo society, elderly members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace and reconciliation. According to him, any person who participates in dispute settlement and reconciliation process is legible to be an elder regardless of his age. The definition and observation of an elder among the Horroo society is similar to that of Mamo's.

Different societies have their own criteria for selection of a person who serves them as elders'. In line with this Bohannan asserts that Tiv societies have their own criteria for selections of an elder. He argued that among the Tiv society, an elder should possess the following qualities: the knowledge of *jural* and of genealogical and personal histories of his agnates, the mastery of health and fertility granting magic (*akombo*). Beside Radcliffe-Brown [33] cited in the Nicolas describes that in many society elders are often selected based on the people connections, their influence, authority over others, experience, mystical power and ritual knowledge. Furthermore, he describes that in societies where elders exercise power and authority over others the term gerontocracy is frequently applied. Gerontocracy usually denotes rule by elders often seen as political organization.

Moreover, Evans -Pritchard [34] discusses that among the pastoralists of horn of Africa elders command traditional legitimacy and authority to mediate arbitrate and suggest a settlement of the disputes. In line with this, Muigua examines that traditional local leader including male and female elders played a pivotal role in dispute settlement. Muigua argued that elders due to their greater reputation and social power, knowledge, wisdom and the respect were regarded in the society as that they could resolve family dispute and disputes related to natural resources.

Nicolas on her study on the elders' council among the *Bishoftu* Oromo society portrays that elder according to the requirements of the procedure, have to be calm, wise, neutral, God fearing, they have to dedicate themselves to the goals of peace and to submit their personal interests to the public good. To her, even elders do not necessarily correspond to this ideal in private life, he/she often raises to these role expectations by behaving accordingly in the legal process.

Also, Nicolas asserts that an effectiveness of the elders in mediation and decision making settings can, thus not be exclusively derived from their every day role in private life, or be explained by a natural impact of their higher age on the course of the proceedings. The position of elders is carefully established through each occasion of their public appearance. She describes that the distinction must be drawn between the individual elder at his home, who might be more or less valued and acknowledged by his surrounding and the representative elder who acts as a communal speaker at a meeting or



as a mediator, arbitrator or judge in a case of public concern. Elders have their own processes and procedures of dispute settlement.

Furthermore, Nicolas discusses that their mediation process has its own rules, which elders are required to follow. The elders are not free to do or to decide whatever they want but are, themselves, subject to the constraints of convection. In the case of mediation, elders bring both their group status in society and their potential individual credit as a capital. But, this alone is not guarantee for success. In line with this, Epstein (cited in the Moore) asserts that elders in disputes settlement institutions follows three phases: the inquiry into guilt or responsibility for a particular event the process of adjudication between conflicting claims and the modes of redress and enforcement available when a breach has been established or assumed.

There are many enforcement mechanisms that elders have been using to make their decisions acceptable in the society. In some societies elders use cursing in other circumstances, they use social exclusion as a means of sanction to enforce their decisions. In other society, the elders are considered as having super natural power.

Kelemework in his study on the Afar customary dispute settlements institution witness that among Afar society elders are believed to have a spiritual link to supernatural forces in the conviction that living longer on earth is a gift from God signifying some purpose. In line with this, Muigua discusses that the success of an elderly customary dispute settlement mechanisms in conflict settlement was due to the strong values held by communal living, respect for one another and environment, reciprocity, kinship ties, age-grade systems and joking relations.

Moreover, Radcliff-Brown asserts that the traditional societies have customs and convections aided by sanctions to enforce their decisions. Sanction is imposed on a wrong doer if he/she is involved in the transgression of norms and conventions of the society. He argued that the obligation imposed on individuals in societies where there are no legal sanctions will be regarded as matters of custom or conviction, but not of law. Also, Hamer cited in Yehunebelay [35] examines that the sanctioning authority of an elders are both secular and sacred. The elders have a mandate to redress the injustice by imposing penalties in accordance with the kind and the defendants' willingness in accepting the verdict. Fines and ostracism are included under the secular sanctions. The author argued that ostracism is applied when the defendant fails to accept the verdict and pay the fine. Beside, Bassi (cited in Yehunebelay) examines that among the Borana Oromo of Ethiopia, elders have the power to impose sanctions. According to him, the one who has committed crime is expected to pay the fine, and sometimes he/she is excluded from the *Nagaa Boran*.

Areba and Berhanu [36] on their part, mention that the decisions of *Jaarsa Biyyaa* institution in dispute settlement are generally enforceable. They have witnessed that the enforcement mechanisms as the social sanctions includes ostracization and banishment of the convicted offender would be employed. Also, Nicolas on her part asserts that elders of Oromo in the *Ada'aaLiiban* have no special forces at hand, no police and no junior warrior age- sets to act as police that could force others.

Moreover, many scholars describe the roles of religious institution in dispute settlement beyond its spiritual tasks. In line with this, Douglas states that religion did not only exist for the saving of souls but also for the preservation and welfare of society. According to the author, religions help the society in the dispute

settlement process. Besides, Sampson cited in Meron [37], on his side asserts that religious institutions plays an important roles in dispute settlements in addition to their spiritual mission. Sampson describes the growing numbers of religious actors of many sorts like laypersons, individual religious leaders, denominational structures, ad hoc commissions and delegations, and interdenominational and multi-religious bodies have been involved in a range of peace building efforts. Similarly, Nicolas states that elders in the mediation process apart from discussion, there are religious and ritual practices during the reconciliation. In the dispute settlement, the process of rituals and religious activities serves as the prevention or removal of supernatural sanctions on crimes and wrong doers.

In addition, Asmeron in his work on the Gada: three approaches to study Africa society describes that *Kallu* one of Oromo religion plays an important role in the disputes settlements mechanisms. He asserts "[t]he *Kallu* are the most senior men in kinship system. All major conflict between clans may be taken to them adjudication" [38]. In line with this, Dejene examines that among the eastern Mecha Oromo, *Qalluu* plays important roles in resolving the conflict between disputants. Dejene describes that *Qalluu* settles disputes and maintain the social cohesions through their court. *Qalluu* court takes place at the holy place by the management of the person who hold *Qalluu* sprit. Besides, Mamo on his study on the Arsi Oromo assesses that *Wayyuu* one of spiritual ways of handling the disputes. He asserts, "[w]ayyuu settles disputes through ritual practices. In fact, *Jaarsa* are part and parcel of *wayyuu's yaa'a* (assembly) and disputes are settled through discussions based on *seera ambbaa*. *Wayyuu* performs the rituals only if attempts at reconciliation fail because of the failure of either of the disputants to abide by *yaa'a wayyuu's* decisions".

## EMPIRICAL STUDIES ON CUSTOMARY DISPUTE SETTLEMENT IN AFRICA AND ETHIOPIA

According to Choudree [39] customary dispute settlement processes are part of a well- structured, time proven social system geared towards reconciliation, maintenance and improvement of social relationships of Africa . The author argued that in the Africa, the methods, processes and regulations are deeply rooted in the customs and traditions of African people.

Beside, Mwagiru [40] researched out that African traditional principle of dispute settlement are aimed at maintaining and enhancing social and public order rather than at promoting the rule of law.

In the traditional society, there are customs and convections, which help the peoples to settles dispute through the helps of the morals and ritual practices of the society. For example, Mutisi researched out that among the African society there are many customary dispute settlement institutions, which focused on the custom and convections of the African society. He discusses that *Diya* is one of customary dispute settlement mechanism and a collective compensation employed across Sudan, Somalia and Chad. Furthermore, the author describes that *Ekika* system among the Baganda in Uganda, *Judiyya* in Sudan and *Abunzi* mediators in Rwanda are some of customary disputes settlement mechanisms found in the Africa societies.

Moreover, Lanek [41] on his part describes that among the Acholi people of Uganda, the *matooput* is one of the most common and effective mechanism of conflict reconciliation and dispute

settlement process. In the *matooput* mechanism of dispute settlement, the guilty party repents, asks for forgiveness, pays some fines and is reconciled with the victim's family. In line with this Azzain [42] on his book, indigenous institutions and practices promoting peace and/or mitigating conflicts: the case of southern Darfur researched out that the local communities of the Sudan have developed their own customary dispute settlement institutions to preserve the harmony of the society. The author categorizes these customary dispute settlement processes as the institutional and practical ways of dispute settlement institutions. He discusses that the institutional mechanisms includes the *Sufi* order, *khalwa*, the *judiyya*, i.e. the mediation, the tribal leadership and tribal festivals. While, the practical means of dispute settlements mechanisms involves intermarriage, brotherhood, exchange of gifts and naming children after friends.

Gulliver cited in describes the indigenous ways of settling disputes among the Arusha, a Masai tribe living on mount Meru in Tanzania. Their indigenous legal system did not have judges, though the government has introduced a system of courts. Gulliver's study deals principally with the settlement of disputes outside of the courts. According to him, the parties customarily argue out their cases at public meetings, each party appearing with a flock of supporters and locally eminent spokesmen, who participate actively in the settlement of the cases. Generally, African society often prefers to settle their disagreement through customary dispute settlement institutions. In line with this Mwagiru describes that Africa society less individualistic and give more emphasis to social relations. As results, they handle conflicts that arise between their societies through customary dispute settlement institutions.

Moreover, Ethiopia like other Africa countries is prosperous in its customary dispute settlement institutions. In line with this Dereje [43] describes that Ethiopia has a strong cultural heritage, traditional institutions and mechanism can either help to solve conflicts or play another significant role in the communities well being, stability and security. He argued that, in most parts of the country, conflict is a communal concern. Thus, it is very important to address, as well as to enhance the participation of all the communities. As to Dereje, traditional dispute settlement institutions are very helpful in this aspect, as they allow the community to handle their problems in their own way. Allula and Getachew [44] on their study categorize the customary dispute settlement institutions found in Ethiopia in to four, These mechanisms are councils of elders, religious leaders, community gatherings and associations. In Ethiopia, various ethnic groups have their own customary dispute settlement mechanisms. Many scholars have studied on the conflict and customary dispute settlement in the country. This section discusses the various customary disputes settlement mechanisms carry out in different ethnic groups of the country.

Oromo society one of major and the indigenous Cushitic peoples found in the country. Oromo people had for long various customary dispute settlement institutions, which preserves and settles the disagreement within and outside of the society. For instance, Areba and Berhanu on their study describe that Gada among the Oromo society is most well known institution of governance and customary dispute resolution institution.

Furthermore, Alemayehu [45] researched out that *Luba basa* is customary dispute settlement institution is used to resolve a range of inter-communal and inter-group conflicts among the Oromo people. He describes that the *Luba basa* is one such example of a traditional dispute settlement institution in Ethiopia that is

still practiced among the people of the Oromo to reconcile and integrate disputing ethnic groups. Beside, Dejene on his study describes that Waliso society resolves conflict through *Jaarsa Araara* system. *Jaarsa Araara* is the process of dispute settlement through help of elders. He discussed that *Jaarsa* is a person who facilitate the disputants to reach on the agreement. Dejene argued that *Jaarsummaa* system is resolving the conflict between two parties through the involvement of the third parties. In the *Jaarsummaa* the positions of the third parties is to moderate the conflict between the disputants depending the cases that found between them.

Mamo in his study on the Arsi Oromo asserts that *Jaarsa Biyyaa* settle dispute among the society. He categorizes *Jaarsa* as a volunteer *Jaarsa* and the solicited *Jaarsa* in the former case, *Jaarsa* settles disputes between individuals or groups through his own initiatives. In the second category, is *Jaarsa Biyyaa* that either of the disputants approaches and solicits to get help to settle the dispute. Besides, Areba and Berhanu discuss that among the Oromo the institution of *Jaarsa Biyyaa* is used to solve most of the collective or individual disputes in the civil, criminal and commercial fields. This institution handles both minor and serious issues.

On the other hand, Assefa [46] on his study on the inter-ethnic conflict between the native Oromo and Wolleye in the north western Wallagga asserts that the existence of different social associations like *Iddir* and *Qire* played an important role in disputes settlement. He discusses that when two individuals in one *Qire* or *Iddir* fight each other due to different factors, the leader of *Qire* or *Iddir* asks the disputants to select the neutral third party settles the disagreement. Also, Areba and Berhanu researched out that *Guma* is a customary dispute settlement institutions among different Oromo clan as well as these arising within clans and families who entered in to conflicts against one another particularly when life is lost. It is a mechanism, which restores peace, and stability.

Afar society has their own customary dispute settlement mechanisms, which helps them in preservation and settlements of the disputes in the society. Kelemework asserts, "[t]he intra Afar conflicts are settled without involvement of formal courts. The resolutions by the local mediators may take the form of negotiation or arbitration and are generally reached with reference to Afar norms and values and proceedings of mediation may, in principle be subject to manipulation by the different parties, including arbitrators". Moreover, Getachew and Shimelis [47] assert that among the Afar society there are many customary dispute settlements institutions, which involves the elders and clan leaders.

Mohammed and Zewdie assert that *xeer* is one of the customary dispute settlement institutions, which is found in all clans of the Somali. They argued that according to the tradition of the '*xeer*', the communities' elders are selected based on their knowledge, ability of speech and experience, and the elders investigate the issue presented before them and decide. Furthermore, they discussed that *odayaal* is another customary dispute settlement practiced in the region. They describe that when the dispute arises *odayaal* from the disputants clans are selected to settle the dispute within the same clan and if the dispute is between different clans, the *odayaal* of each clans participates in the dispute settlements [48].

## CONCLUSION

Dereje on his study on the customary dispute settlement in the case of Nuer, discusses that the *gurton* is one mechanism of dispute settlement. *Gurton* is mainly used in settling disputes between two

ethnic groups. *Gurton* is the name of a ceremony where two parties to conflict settles a dispute, in which lives have been lost, through peaceful discussions. Also, Biruk and Jire discuss that *Afecho* one of the Harar customary dispute resolution institution. As to them, the institution of *Afecho* is primarily designed to facilitate cooperation between members in various social situations settlement of disputes through customary negotiation; arbitration or mediation is other significant roles of the *Afecho*.

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