

Exploring the current practices of Jaarsumma as indigenous conflict resolution mechanisms: The case of Dambi Dollo Town

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Abstract- This study explored the practices of Jaarsumma as indigenous conflict resolution mechanism at Dambi Dollo town in Western Oromiya. The study was aimed at examining the intensity of practicing indigenous conflict resolution of Oromo - Jaarsummaa. The study particularly, tried to find out communities' applicability on the practical use of jaarsumma, examine to what extent communities practically practice jaarsummaa. To this end, the study employed descriptive survey method, which involves both quantitative and qualitative methods. Accordingly, Dambi Dollo town was selected through availability sampling. Then, 20 elders from 4 sub cities were selected purposefully for the interview and for the focus group discussion. In addition, data were collected from 5 purposefully chosen intellectuals for questionnaire. Thus, descriptive statistics using frequencies and percentages were employed in analyzing the quantitative data and the qualitative data were analyzed qualitatively. Finally, based on the findings, the researcher recommended that working on the sustainability of jaarsummaa and should be practiced widely in the society so as to preserve as heritage. The results of the study revealed that the jaarsumma conflict resolution mechanism among Dambi Dollo town community is not well practiced nowadays as it is required and very applicable as its importance and as it is required. Although the use of Jaarsumma process as indigenous conflict resolution mechanism has been practiced for centuries, the practice of jaarsumma as a conflict resolution mechanism has not given sufficient attention at the study area. Thus, the study indicated that the community practiced jaarsumma as a conflict resolution mechanism which is very common in Oromo people is not on its right track nowadays. Finally recommendations were drawn based on the above findings.

Index Terms- Jaarsummaa, indigenous, conflict, and resolution

I. INTRODUCTION

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 indigenous justice systems are given recognition, significant aspects of the societies' affairs are governed by the indigenous justice system and institutions (Badger, 2011; Elechi, 2004).

In the culture of every human society, various traditional mechanisms of conflict resolution have been utilized before and after the introduction of modern legal systems (Macfarlane, 2007). One among these mechanisms is community elders' mediation or jaarsumma.

The Oromo society in Ethiopia has an operational indigenous legal system and provides a good example of an indigenous legal framework. Hamdesa Tuso (2000) explains that social disharmony and disequilibrium is repaired through the *jaarsumma* 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 throughout their lives from infancy all through old age. The Oromo belief system sets the stage for peacemaking long before conflict ever occurs by putting in place principles by which that society operates.

Oromo people are one of the African communities that use traditional ways of conflict resolution which they call '*Jaarsumma*'- a well-structured system. These people have an extensive and very rich culture and tradition which have been accumulated for centuries and have been handed down from generation to generation as a source of pride of the people. In Oromo life, "peace is a pervasive and sustained concern" (Asmarom, 2000, p.77).

In the culture of every human society, various indigenous mechanisms of conflict resolution have been utilized before and after the introduction of modern legal systems (Macfarlane, 2007). One among these mechanisms is community elders' conciliation (Jaarsummaa) which is very common in Oromo culture.

The community elders' conciliation (Jaarsummaa) is an informal method of conflict resolution whereby elders of a given community willingly or upon the request of disputants mediate parties through *Jaarsummaa*, which has been used across all Oromo clans for centuries. In the Oromo society, as it could be true in other societies as well elders have moral responsibilities to resolve conflict and establish peace in their community (Malan, 1997). They are supposed to resolve any kind of *conflict* that they may come across in their community. They either resolve it on the spot or fix a date, usually weekends or holidays, to mediate the disputants (Asefa, 2001; Lewis, 1988). The elders accomplish such roles through their institution called *Jaarsa Biyyaa* (elders of the community) also called *jaarsa araaraa* (elders of reconciliation). Through *Jaarsummaa*, the Oromo

people have resolved various types of interpersonal or intergroup conflicts including homicide (Araba and Berhanu, 2008; Mamo, 2006; Dejene, 2002).

Conflict may nearly arise in any social setting. It is a phenomenon that is inevitable in all human society due to differences in interests, goals, values and aims among people. Even if it is unavoidable in human society, traditional resolution mechanisms can contribute to the understanding of various norms, cultures and belief systems of a given society. In order to sustain social harmony, the Oromo resolve conflicts without any delay. Among the Oromo, *Jaarsummaa* is an establishment that deals with all kinds of conflicts ranging from simple quarrels to the most serious criminal cases, even homicide.

It is true that *jaarsummaa* is central to Oromo for hormonal life and is of paramount importance that has enabled to maintain social relations in which hatred and envy is not nurtured. Those who quarrel with each other have to make peace and a party that has caused loss or damage to the other would compensate *Jaarsummaa* process as it existed today as a common and shared value among the Oromo Nation. Therefore, *Jaarsummaa*, a traditional mediation by community elders, is a common method of conflict resolution that has been used across all Oromo for centuries. Abera (2000) argues that indigenous conflict resolution institutions of different ethnic groups were the major body of law in Ethiopia for centuries.

In light of this, the purpose of this study is to assess the current practices of *Jaarsummaa* as indigenous conflict resolution mechanisms and possibly attempts to assess the processes of *jaarsummaa* mediating frequently practiced. And finally, conclusions and recommendations would be given on how often *Jaarsummaa* is practiced as indigenous conflict resolution mechanisms should be practiced.

II. OBJECTIVE OF THE STUDY

General Objective

The general objective is to explore the current practices of *Jaarsummaa* as indigenous conflict resolution mechanisms in Dambi Dollo town.

Specific Objectives

- ✚ To assess the current status of *jaarsummaa* as indigenous conflict resolution mechanisms in Dambi Dollo town.
- ✚ To identify the importance of *jaarsummaa* in resolving conflicts
- ✚ To point out the existing opportunities for the practice of *jaarsummaa* as indigenous conflict resolution mechanisms in Dambi Dollo.
- ✚ To explore the processes and procedures followed by *jaarsa biyya* institution.
- ✚ To make out the roles of *Jaarsa arara* in reconciliation between the conflicting parties

Research Design

As the aim of this study is to assess the current practices of *Jaarsummaa* as indigenous conflict resolution mechanisms, descriptive survey type of research was employed to assess how often the study area community practice *Jaarsummaa* as indigenous conflict resolution mechanism and practically use in

the daily life. The design of the research, source of data, sample of the population and sampling techniques, instruments and procedures of data collection, and method of data analysis are stated hereunder. Therefore, the research design was a mixed research design as it used both quantitative and qualitative tools to gather and analyze the data.

The researcher employed interview, focus group discussion and document analysis to gather information from a sample of a population and analyze quantitatively and qualitatively.

Source of Data and Population of the Study

The sources of data were community elders, and expertise at Dambi Dollo town. Accordingly the populations of the study were therefore, 50 elders and 10 expertises from culture and tourism office.

Sample Size and Techniques

Since the target populations of the study were elders from selected sub cities of Dambi Dollo town who were well informed, having lived experiences and expertise from cultural and truism office who were accumulated knowledge on indigenous conflict resolution mechanisms (*Jaarsummaa*) and having exposures regarding *jaarsummaa*. Dambi Dollo town has four sub cities. Both community elders and expertise were purposefully selected for this research.

Therefore, 50 of the total population of the study were taken as the population of the study. However, from these total study populations, the researcher has taken 50% of the participants and which means 25 of the participants were considered. Of these, 20 of them was community elders, 5 of them were expertise from culture and tourism office.

The respondents were purposefully selected from the total population for the research. Since, the study needs knowledgeable participants on the research topic, the researcher decided to obtain ample information from them who were well informed and who have well experienced in indigenous conflict resolution mechanisms. Thus, purposive sampling technique is a sampling strategy that the researcher selected individuals and sites for study because they can purposefully inform an understanding of the research problem and central phenomenon in the study (Creswell, 2007). For this reason, the researcher determined to use purposive sampling techniques.

Study Population

The researcher decided to choose community elders and expertise from culture and tourism office for two reasons. The first reason is that the researcher believed that community elders have exposures for *jaarsummaa* and well informed about *jaarsummaa* and the expertise too. The second reason is that the researcher didn't come across a study conducted on exploring the current practice of *jaarsummaa* as an indigenous conflict resolution mechanism in the specific research area- Dambi Dollo; therefore, the researcher felt that the study would fill a gap.

III. RESULTS AND DISCUSSION

This study aimed at assessing the extent to which Dambi Dollo town comminty practice *jaarsummaa* as indigenous conflict resolution mechanism. To gather appropriate data for the study,

interview, and questionnaire and focus group discussion were employed. Accordingly the results and discussions of elders' and expertises' responses, elders' practices of jaarsummaa compared with the focus group discussion were assessed. Finally, the major findings that indicated the practice of jaarsummaa among the community were discussed under this section respectively.

Analysis of Data Obtained through Interview

Elders' responses about the practices of jaarsummaa in the research area.

There were twenty elders who participated in detailed interview. According to the data gathered from them, the very common indigenous mechanism of conflict resolution which is frequently used among the community is *jaarsummaa*. Because *Jaarsummaa* is an indigenous institution for resolving conflicts which is contributed by elders who have well experience of resolving conflicts through jaarsummaa.

According to the data obtained from the participants although jaarsummaa is commonly practiced among the community, most of people are rushed to the court or police immediately after they fall in to conflict for their cases rather than bringing their case to jaarsummaa.

This could be confirmed with the focus group discussion under item I. According to the information from the focus group discussion, nowadays people brought their case to jaarsummaa after the judge or court asked their willingness to resolve their case through jaarsummaa. If the conflict parties agreed up on the judge idea, they nominate the jaarsa biyya while they are in the court or in front the judge. Then after, the jaarsummaa can proceed to see their case.

Regarding the interview questions item I, 'would you briefly explain the current status of jaarsummaa?' Even if jaarsummaa currently exists among the community, its status is neither in the disappearing stage nor function properly in the community. Because, according to the information gathered from key informants, the essence of jaarsummaa is not kept according to its originality. This may be the unnecessary interference of the government structure in the community may lead to the weakening jaarsummaa's acceptance in the community.

In line with this idea, they were asked 'would you list the importance of jaarsummaa conflict resolution mechanism please? All of them reported as cultural approaches to resolving disputes play a vital role in promoting peace and social order in communities. Cultural values and attitudes provide the basis for interaction and the norms by which individuals and communities live. The key purpose of indigenous institutions in conflict resolution is therefore to find appropriate solutions to the existing conflicts – solutions based on the values, norms, complexity and culture of the society, and accordingly of significance to the conflicting parties. Most important elements involved in such mechanisms are the traditions of forgiveness and of respect for elders because of their symbolic authority to enforce decisions and implement compensation.

(DFDI,2004) is strengthened that some of the importance of indigenous conflict resolution, in contrast with the court

litigation or formal way of conflict resolution are given as it has low cost, speed, accessibility, cultural relevance, and responsiveness to the poor people's concerns. Therefore, the chief importance of the jaarsummaa(mediation)are:

The agreement which is that of the parties themselves, the dispute is quickly resolved without great stress and expenditure, the relationship between the parties is preserved, and the confidentiality is maintained.

Generally, the *Jaarsummaa* institution is mainly characterized by the presence of local elders who are selected by virtue of their good reputation, their extensive and good knowledge of custom, precedent and *seera* (law) of the Oromo, their individual talent and experience in dealing with conflict, altruism, their good sense and willingness to give his time to reconcile the disputants and help solve their neighbors problems and restore the peace.

Regarding item 3, 'Have you ever been involved in jaarsummaa conflict resolution mechanism in the surrounding area you are living in'? All of the respondents replied as they involved in jaarsummaa resolving conflict at different levels. This is also confirmed during focus group discussion.

Concerning the procedures of jaarsa biyya, the interviewers asked the question "would you explain the procedures followed by jaarsa biyya institution"? All respondents explained as the procedure of *Jaarsa Biyyaa* institution is established greatly depends on the free will and agreement of the two conflicting parties as it is a voluntary institution. The parties have the right to choose their own *jaarsa* from their close relatives or people who know the parties very well.

(Areba and Berhanu, 2008, p.170) argue that the *Jarsaa Biyyaa* institution is used to resolve conflicts between groups or individuals and it handles various cases. They could be from any members of the communities as long as they have the capacity to analyze the cases at hand carefully with the rest of *Jaarsa biyya/elders*. Thus, anyone involved in the conflict reconciliation (*Jaarsummaa*) process with *Jaarsa biyya* is collectively called *Jaarsa* regardless of the age he is in actual life.

Concerning item 5 "what are the roles of jaarsa araara in jaarsummaa process"? The key informants explained as the term *jaarsa* and *araaraa*, means elder and reconciliation respectively. So, a person who plays the role of mediator at a given *araaraa* (reconciliation) proceedings even at his adulthood can be *jaarsa araaraa* regardless of his age.

Therefore, the elders function as a court with broad and flexible powers to interpret evidence, impose judgments, and manage the process of reconciliation.

Therefore, "nagaa and *araaraa*" (peace and conciliation) has no comparable with other conflict resolution mechanisms among the *Oromo society*. Thus, the indigenous conflict resolution process of *Jaarsummaa* through the mediators of *Jaarsolii Araara* is practiced among the Oromo is commonly known.

**Analysis of Data Obtained through Questionnaire
 Expertise’s response to the theoretical practices of jaarsumma in the community**

Items	SA		A		UD		DA		SDA		Total	
	F	%	F	%	F	%	F	%	F	%	F	%
1, Practicing jaarsumma is basically a matter of its applicability in the community.	3		2		-		-		-		5	100
2. In resolving conflict, practicing jaarsumma is the most important aspect to focus on compared to court system.			3		2		-		-		5	100
3. I always realize that jaarsumma has to be given prime consideration in the conflict resolution	3		2		-		-		-		5	100
4, When I involve in jaarsumma, I always use it to help people understand the importance and preserve it for future generation.	5		-		-		-		-		5	100
5. In using jaarsumma, cultural implications which enable communities to use and keep as heritage is very essential.	5		-		-		-		-		5	100

Key: SA= Strongly Agree, A= Agree, UD= Undecided, DA= Disagree SDA= strongly disagree
 Note: strongly agree = 5 Agree= 4 Undecided= 3 Disagree= 2 strongly disagree = 1

Indigenous conflict mediators typically possess moral status, seniority, neutrality and respect of the community; they are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties (USAID, 2005).

In this regard, items were designed to ask if expertise understood the practices of jaarsumma in the community. The above depicts that 3(60%), 2(40%) of the respondents confirmed that they strongly agree, and agree with regard to the claim “practicing jaarsumma is basically a matter of its applicability in the community “respectively.

Likewise, in replying to item Q2, 3(60%), (23.1%), 2(40%) of the respondents respectively stated that they agree, and undecided with the statement that " In resolving conflict, practicing jaarsumma is the most important aspect to focus on compared to court system.”

In relation to this, item 3, the respondents stated that 3(60%), 2(40%) of them strongly agree and agree respectively on the idea of “always realize that jaarsumma has to be given prime consideration in the conflict resolution”

Concerning items 4 and 5, all respondents strongly agree on the points of jaarsumma, which help people understand the importance and preserve it for future generation and the cultural implications of jaarsummaa enable communities to use and keep as heritage is very essential.

The process of conflict resolution has to do with how indigenous structures and systems ensure action in bringing

peace at the individual and community level relationships. In this respect conflict resolution procedures are generated from general cultural life and daily experiences of living. In this context, indigenous refer to the structures and the units of organization in a community and encompasses also the norms, values, and beliefs that guide social interaction (Kendie and Guri, 2006, p. 333)

IV. CONCLUSIONS AND RECOMMENDATIONS

In this chapter, the researcher presents conclusions and recommendations drawn based upon the presentation, analysis and interpretation of data made in chapter four. This study, as mentioned in the previous chapters, was intended to explore the current practices of jaarsumma as indigenous conflict resolution mechanisms. Therefore, to arrive at the whole purposes of the study, three types of data gathering methods (interview, questionnaire and focus group discussion) were used. Thus, the data were gathered through these instruments and were presented, analyzed and interpreted in chapter four. Based on the major findings, the following conclusions and recommendations are forwarded by the researcher.

Conclusions

Conflicts are natural to human beings, but the way of resolving them may either escalate or reduce and ultimately solve them. Because of the inevitability of conflict and due to the

physical, emotional and resource costs that often result from conflicts people have always sought ways of peacefully resolving their differences through different mechanisms. Thus, to effectively resolve conflict and maintain harmonious relationship among them, people throughout history developed different mechanisms and procedures. Among these, jarsumma is one of them among Oromo people.

Jaarsumma can restore the offender back into the community, through consensus, admission of guilt and apology. Jaarsummaa can ensure that the offender, the victim and community are all engaged so that the mutual cohesion is restored, while at the same time the offender has been made to accept guilt.

Although *Jaarsummaa* could be used as an indigenous conflict resolution mechanism in the research area, when it comes to its frequent practices in the community, it seems to be less practiced.

In Oromo people, Jaarsumma plays significant role in conflict resolution and peace building. The community elders method of dispute resolution which focuses on solving problem from the root and rebuilding of broken relationship through jaarsummaa and the elders throughout the process focus on truth and justice as a central elements of conflict resolution that unless justice is done, and truth is revealed or found there can be no lasting resolution for conflicts.

In so doing, the researcher have tried to unfold the fruits of *Jaarsummaa* practiced among the Dambi Dollo community as a single example of Oromo indigenous conflict resolution mechanism process worth attention.

Recommendations

The foundation of *Oromummaa* is built on overshadowing principles that are embedded within Oromo traditions, culture, and language. Thus, based upon the findings and the conclusions drawn from the study, the following recommendations could be made:

- ➔ Since, *Jaarsummaa* is used as an alternative indigenous resource in resolving social conflicts; it is advisable to keep its originality and practical applicability in order to develop its shared values of resolving conflicts. As Jaarsumma(mediator) is the peace making body in the society, it is used to resolve all parts of conflicts-interpersonal, intergroup and organizational conflicts. Thus, it provides a value system for giving and receiving forgiveness.
- ➔ Jaaarsummaa as indigenous conflict resolution mechanisms, it is helpful to focus on the principles of jaarsummaa which indicates empathy, sharing and cooperation in dealing with common problems which underline the essence of humanity which provide the basis for interaction and the norms by which communities develop a sense of shared destiny between them. So, there

is need to develop a clear legal and policy framework for the application of jaarsummaa as an indigenous conflict resolution mechanism by the community elders.

- ➔ Therefore, jaarsummaa, as indigenous conflict resolution mechanism by community elders approach should be seriously preserved as worth full heritage in resolving the conflict in Oromo society. And emphasis should be placed on indigenous conflict resolution mechanism as the first option in resolving conflict. Indigenous conflict resolution mechanism is a social capital, defined as the “capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship... sustainability facilitates collective action for achieving mutually beneficial ends” (Fred-Mensah, 2005,p.1).

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