

## Traditional Conflict Resolution as a Better Option to Court Proceeding: An Attitude and Practice in Ambo Town

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Accepted 04 March 2015, Available online 07 March 2015, Vol.3 (March/April 2015 issue)

### Abstract

*The central objective of this paper is to examine the attitude and practice of Ambo town people towards traditional conflict resolution mechanisms vis-à-vis the modern court system. To this end, the study used both primary and secondary sources. Primary data were gathered from interview and personal observations whereas secondary sources were obtained from articles. The findings of the study show that there exists a high tendency among Ambo town people to solve their conflicts mostly through traditional mechanisms like Jaarsummaa. This is due to the fact that they have a belief that traditional mechanisms are by far better than the modern court procedure as the former is: possible to produce win-win result which is instrumental for conflicting parties' future cordial relationship, easily accessible, time saving, less costly and vital for social stability, though it has its own blemishes like lack of documentation and enforcement mechanisms.*

**Keywords:** Ambo Town, Conflict, Traditional Conflict Resolution Mechanisms, Modern Court System

### 1. Introductory Note on Conflicts in Ambo

Conflict is what dominating the current media coverage. It is the common phenomenon of the world. Putting differently, countries of the world are experiencing conflict in one way or another. In this connection, Ethiopia is not an exception. As one part of the country, Oromia Regional State has been experiencing conflicts of different nature caused by different factors. Likewise, Ambo Town, which is one part of Oromia Regional State, has also experienced several conflicts. Conflicts which arise in Ambo town are emanated from various sources. These are associated with household/private matters, resource related problems, and other day to day problems of social life (Tilaye, 2014). Such conflicts have been resolved through traditional means and court system. Thus, in the following section the paper reveals briefly how conflicts have been entertained by different conflict resolution mechanisms, namely traditional and modern systems. The paper is not intended to delve into the nature and causes of conflicts in Ambo town. It simply explains the attitude of Ambo town people towards those mechanisms of conflict resolution.

### 2. Conflict Resolution Mechanisms

It is crystal clear that conflict is unavoidable and inevitable. Hence, the most important issue is how to handle it. In this regard, peoples in Ambo town have been

resolving their multifaceted conflicts through different mechanisms, namely through traditional mechanisms and modern/court system. These will be discussed in the subsequent sections and the attitude of the Ambo town people towards those conflict resolution mechanisms will also be examined.

#### 2.1 Traditional Mechanisms: Jaarsummaa

Traditional conflict resolution mechanisms are parts of social system which play an important role in the reconciliation, maintenance and improvement of social relationships (Osei-Hwedie and Rankopo). They are deeply rooted in the customs and traditions of the society referred. Ethiopia has been using traditional mechanisms of conflict resolution for centuries. The institutions of *Gadaa* among the Oromo, *Joburas* of Agnuak and the *Shimagelle* by the Amhara are among others (Gowok, 2008). Every society has its own traditional way of conflict resolution besides legal settlement of conflict through judicial adjudication. Likewise, Oromo people encourage disputants most of the time to resolve their conflicts through indigenous means of conflict resolution (Dejene, 2002). In Ambo town, traditional conflict resolution mechanisms are most manifested in the form of *Jaarsummaa*, among others.

There exists a high tendency in Ambo town to use traditional mechanisms to resolve their conflicts. Even though cases are submitted to court system, they are

usually pushed back to local elders and other mechanisms of amicable resolution of conflict. This implies the fact that traditional mechanisms are a better option to the modern court system. The practice of traditional conflict resolution in Ambo town is chiefly depends up on arbitration systems. *Jaarsummaa* is one of the traditional mechanisms by which conflict is resolved among Ambo town societies. It is a system of reconciliation which is administered by the community elders. Local elders are selected on the basis of their reputation, knowledge of the local custom, individual talent and conflict resolution experience (Jetu, 2012). Employing such wise and knowledgeable elders, Ambo town community resolves conflict between the concerned parties. They listen actively and openly to the other person's explanation and find the solution together. At last they teach social norms in all cases and thereby making conflicting parties to go in harmony with societal values.

*Jaarsummaa* is not the only method of traditional conflict resolution. Generally, conflicts in Ambo town as well as Ambo woreda at large have been resolved through "knowledgeable and respected elders, religious leaders, marriage relationships, ceremonies observed by the community, women reconciliation mechanisms, and highly respected and feared clan leaders" (Zelalem and Endalcachew, 2014:822).

## 2.2 The Court System

Court has the authority to entertain conflict cases when conflicting parties fail to reach on an agreement through negotiation, mediation or arbitration, or when the case is submitted to it from the very start. The court usually entertains the case based on law and evidence and provides decision on the case. In other words, if the case goes to trial, each side will present reasoned arguments and evidence to support their claims (Abdisa, 2014). Once the presentation of evidences and arguments is made, judges will then make a decision. Usually, the court system is a win-loss system. Appeals may be filed in an attempt to get a higher court to reverse the decision of the lower court. If no appeal is filed, the decision is binding on both parties. The importance of this conflict resolution method is it is evidence-based resolution though not without its own flaws.

## 3. The Comparison between Traditional Mechanisms and Court Proceedings

The comparison between traditional conflict resolution mechanisms and modern system of conflict resolution has been made herein under, specially pertaining to their advantages and disadvantages as deduced from interviews with Ambo town residents.

Ambo town community gives central place for traditional conflict resolution mechanisms than the court system. It is due to the fact that traditional conflict resolution mechanisms are vital as they results in a win-

win consequence. Putting it differently, both conflicting parties are winners in their proceeding. At the top of that, traditional conflict resolution mechanisms have a paramount importance on the conflicting parties' prospective relationship (Ebissa, 2014). The conflicting parties will be reinstated to their former position and resume their previously existed relationship. Unlike this fact, the modern court system is conducted on the basis of law and evidence so that one party will be the winner while the rest is looser. This may put a danger on the parties' future relationship as one of the parties will be entrusted with certain duty. On the other hand, traditional mechanisms can provide amicable future relationships by producing equal satisfaction of both parties.

Traditional conflict resolution mechanisms are easily accessible. Unlike court system, which may not be easily accessible due to geographical distance, transportation problem and other related factors, traditional conflict resolution mechanisms are nearest to the people. Hence, local communities can easily access them and submit their cases to the concerned local actors of traditional conflict resolution mechanisms. They avoid the unnecessary costs which could be taken in the court proceeding, such as court fee, lawyers fee, costs of transportation, costs for preparation of pleading, payments in relation to witness as allowance, etc (ibid). Another importance in connection with this fact is that conflicting parties can get solved their dispute without taking longer time which would have otherwise been taken in the court proceeding.

Traditional conflict resolution mechanisms have a vital role for social stability as solutions are given based on the social norms. These mechanisms take into account not only facts but also values involved in the dispute. Hence, when the dispute is resolved conflicting parties will reconcile not only with each other but also with the social value they have deviated. By considering the values and norms of the society they can create better solution. In the contrary, the court system looks into law and evidence and, hence, passes verdict without due regard to the values of the society.

As far as the shortcomings of traditional conflict resolution is concerned, Ebissa (2014) noted that traditional ways of conflict resolution are oral practices and has no documentation, thereby leading to some problems. Besides, they lack enforcement mechanism.

## Conclusion

Conflicts have occurred in Ambo town between different actors like other parts of the country. Several forms of conflict have been experienced. These conflicts are associated with household/private matters, resource related problems, and other day to day problems of social life. These conflicts have been resolved through both traditional mechanisms and modern court system. Both systems have their own advantage and disadvantages.

Ambo town community strongly believes on traditional mechanisms as a better option to court proceeding for the following reasons. Traditional methods are important as they are better to produce win-win result which is instrumental for conflicting parties' future cordial relationship, easily accessible, time saving, less costly, and vital for social stability, though they have their own blemishes like lack of documentation and enforcement mechanisms. Those advantages mentioned above do not hold true for court system though it is important to pass just decision based on law and evidence only.

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