

**THE CHARACTERISTICS, FUNCTIONS AND CONFLICT RESOLUTION
ROLE OF CUSTOMARY COURTS: THE CASE OF HARAMAYA
DISTRICT, EAST HARARGHE ZONE, OROMIA, ETHIOPIA**

MA THESIS

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ABBREVIATIONS

ADR: Alternative Dispute Resolution

CC: Customary Court

CCR: Customary Conflict Resolution

CDR: Customary Dispute Resolution

CR: Conflict Resolution

FGD: Focus Group Discussion

HU: Haramaya University

KII: Key Informant Interview

ONRS: Oromia National Regional State

PDRM: Popular Dispute Resolution Mechanisms

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ABSTRACT

Ethiopia has been practicing various kinds of customary conflict resolution management. Different customary conflict resolution mechanisms have distinct functions and procedures. This study aimed to explore the characteristics, functions, and conflict resolution's role of customary court (Mana Murtii Aadaa Oromoo) in Haramaya district of Oromia regional state. The study employed a qualitative research approach with a case study research design. The study also used both primary and secondary data that was collected through key informant interviews, focus group discussions, and observation. Thematic analysis was employed to analyze the data. Customary court has been playing a vital role in settling conflicts among individuals and groups and in promoting peace, stability, and tolerance in the communities of the study area. The findings reveal that customary court is significant due to its characteristics of producing win-win results for the conflict parties, saving time, re-establishing harmony among conflict parties, revealing crimes committed without witnesses, social stability, and lasting peace among the people of the study area. Customary courts have unused potential for settling conflicts in Ethiopia in general and in the study area in particular. However, absence of clear boundary between legal and customary court, unclear mandate of customary court and lack of clear policy directions, lack of capacity building training for customary elders on the issues of human rights, poor infrastructure, lack of budget and poor working place have been identified as a limiting factor that are affecting the functionality of customary courts in the study area.

Key words: *Role of Oromo Customary Court, Conflict Resolution, Haramaya*

1. INTRODUCTION

1.1 Background of the study

The term "conflict" refers to an altercation or potential clash between two or more parties who have competing or conflicting goals. It is an inevitable natural aspect of life (Udegbonam, K., 2017). Conflict is the outcome of people or groups having different attitudes, values, beliefs, or needs. It is true that conflict is undesirable and has terrible consequences. It's also true as conflicts always exist and it cannot be avoided. There is widespread agreement among academics that conflict has always existed in human history. According to Murithi, 2019 conflict is an inevitable part of life and coexist always with the people.

Any civilization that happened in the globe have inevitably experience of conflict due to the heterogeneous nature of individual and group interests (Kariuki, 2015). Conflict can be prevented and managed by adhering to the values and principles of the constitution and other laws, and identifying the common shared values interest and goals and working together on common problems (Macfarlane, 2007). As noted by Gebremariam, and Kidanemariam, 2023, resolution of conflict is crucial day-to-day coexistence as human societies are in constant search of resolution mechanism of conflicts. Indigenous social institutions play a crucial role in the pursuit of conflict resolution by mediating and resolving various conflicts, hence offering robust social security and safety in a community susceptible to a wide range of disputes (Ramani and Zhimin, 2010). Every community encounters disputes for different reasons. Individuals, families, groups, clans, individuals, and lineages can all be involved in conflict.

Human civilizations do, however, have conflict resolution methods. Around the world, several strategies are used to mend breaches of peace (Stewart, 1998). Various societies around the world have created their conflict resolution systems. Furthermore, it is important to highlight that conflict in African communities takes on diverse forms and aspects, making it challenging to characterize. Africa, with its vast landscapes and diverse cultures, bears witness to a symphony of conflicts (De Blij, 2008).

The Landmass of Africa has been profoundly vulnerable to intra and associate-state wars and clashes. This has hinted that Africa is the domestic of wars and flimsiness. Clashes in Africa may be said to have been caused by an assortment of components such as: self-assertive borders made by the colonial powers, heterogeneous ethnic composition of African states, clumsy political

authority, debasement, negative impact of outside obligation burden and destitution (Ramani and Zhimin, 2010). People from diverse backgrounds, cultures, classes, ages, and other factors clash in Africa, just like in other parts of the world (Pankhurst and Getachew, 2008). The parties involved in the conflict could be individuals, families, clans, ethnic groups, or groups.

Throughout Ethiopia's history, community conflicts have emerged due to competition over resources, territorial disputes, and ethnic tensions. (Abbink, 2006). In Oromia, particularly in the East Hararghe Zone, conflicts have often revolved around land ownership and access to water. The scarcity of cultivable land has led to disputes among neighboring communities, sometimes escalating into violent confrontations. In Haramaya district, land-related conflicts have been prevalent, with disputes arising over farmland boundaries, breaches of agreements on land rent, and disagreements over land sales and exchanges. (Nigusie, and Jeylan, 2018). These conflicts are deeply rooted in historical grievances and the increasing pressure on limited agricultural resources (Amano, 2021).

Next to the above discussions of conflict from general to specific, researcher of this study was collected different literature to mention the characteristics, functions and customary courts roles in conflict resolutions through specific focused on Haramaya district. In order to come to the specific area researcher was reviewed about the customary courts from the global to the specific point of this study.

Customary courts have long served as a cornerstone of community justice systems across the world. These informal judicial mechanisms operate on culturally embedded norms and values, emphasizing restorative practices and locally accepted dispute resolution procedures over strict penal measures. In many societies, customary justice systems coexist with formal state legal systems, contributing to what scholars' term as legal pluralism where multiple legal orders are recognized to address community-specific needs (Merry, 1988). These courts not only resolve everyday conflicts but also reinforce traditional social bonds and provide accessible justice in areas where state institutions may be distant or under-resourced (Merry, 1988).

Additionally, Customary courts, also known as traditional courts, have a long history and play significant roles in various cultures and regions. These courts operate based on customary laws or unwritten legal norms and practices that have evolved over time within specific communities. In regions like India, customary law was integral before the establishment of formal legal

systems (Ermakova., *et al*, 2020). Village panchayats (councils) administered justice based on local customs. Early medieval European societies relied heavily on customary law. For instance, the Germanic tribes used assemblies of free men to adjudicate disputes according to tribal customs (Ramani and Zhimin, 2010; De Blij, 2008).

Many African societies use traditional methods of conflict resolution to resolve disputes of all kinds and intensities. That means Africans have created their own indigenous systems to handle their disputes. To put it another way, such native institutions for resolving disputes assisted them in resolving their disputes. This indicates that Africans formerly had unique, customary methods for resolving disputes. Conventional dispute resolution organizations uphold and promote social harmony within society by modelling peaceful cooperation (Ajayi, and Buhari, 2014; De Blij, 2008). Among different system of customary of conflict resolutions, one is customary court.

Customary courts in Africa have deep roots, often linked to pre-colonial times. Chiefs or elders typically presided over these courts, using oral traditions and communal values to resolve disputes. During the colonial period, European powers often recognized and incorporated customary laws into their colonial administrative systems (Emanuel, 2013). In Africa, for example, colonial authorities frequently allowed customary courts to continue functioning to manage local affairs. In some cases, customary laws were codified or adapted to fit colonial governance structures, leading to hybrid legal systems (Chirayath., *et al*, 2005). After gaining independence, many countries retained customary courts as part of their legal systems, recognizing their importance in maintaining social order and cultural identity. Efforts to formalize and integrate customary law within national legal frameworks have varied, with some countries embracing a dual legal system while others have sought to harmonize customary and statutory laws (Jeong, 2008; Bonge, 2006).

Similar to other African nations, Ethiopia's diverse ethnic groups have created and followed their own set of norms and structures to handle disputes. The Oromo are rich in traditional methods for resolving disputes and promoting peace. Oromia, the Oromo people's ancestral homeland, is the largest and most populous region of modern-day Ethiopia (Gedafa, 2008), with a total population of approximately 35 million according to the 2007 Census (Central Statistics Agency 2008). The Oromo people are among the largest nations (or ethno-nations) in Africa (Debisa, 2022).

The Oromo people, who make up the majority of Ethiopia's ethnic population and have a sizable settlement area, possess a diverse range of traditional knowledge and cultural practices. The Oromo people were entirely dependent on their own indigenous mechanisms, such as *Jarsummaa*, *Siinqee*, *Ateetee*, *Gumaa*. They had been using these indigenously devised dispute resolution techniques to resolve conflict (Etefa, 2002).

Ethiopia's federalism allows for the establishment of Customary Courts alongside formal state courts. Oromia Regional State has established Customary Courts by law. These courts operate based on customary laws, traditions, and practices specific to the Oromo community. They handle cases related to family matters, land disputes, and minor criminal offenses. It primarily handles cases within the Oromo community, focusing on local customs and norms. It differs from formal state court. Formal State courts operate under the legal framework established by the Ethiopian federal and regional laws in A Proclamation No. 240/2021 (Oromia Regional National State, 2021). These courts operate based on customary laws, traditions, and practices specific to the Oromo community. They deal with civil, criminal, and administrative proceedings, among other types of case (Debsu, 2011).

The Customary court system was one of the Oromo peoples' traditional means of resolving disputes. The traditional method of resolving disputes among people, known as the customary court system, goes beyond promoting harmonious cohabitation. The residents of the Haramaya district followed the same values and belief systems as other Oromo communities, using a traditional court.

The customary court system in the Haramaya district of Eastern Hararghe, Oromia Region, Ethiopia, presents a fascinating and underexplored area of study. This traditional form of conflict resolution through customary court plays a crucial role in maintaining social harmony within the community. By selecting this topic, researcher aim to shed light on the effectiveness and cultural significance of customary courts, providing valuable insights into their contributions to conflict resolution in the region. So, this research focused on several key aspects of the customary court system in the Haramaya district through understanding the organizational framework and procedural aspects of the customary courts; analyzing the methods and strategies employed by these courts to resolve conflicts; investigating the role of customary courts in fostering social

cohesion and community harmony; comparing the effectiveness of customary courts with formal legal systems in the region.

To conduct this research, researcher was employed qualitative approach that combines interview and FGD tools to collect data. Researcher of this study was conducted a review of existing literature on customary courts, and conflict resolution in Ethiopia and similar contexts to strengthened it. Engage in fieldwork in the Haramaya district to observe the customary courts in action, researcher was conducted interviews with local judges, community leaders, and participants in the customary court process to gather firsthand insights and experiences. Researcher, analyze the collected data using thematic analysis to identify patterns, trends, and key findings. Develop case studies of specific conflicts resolved by the customary courts to illustrate their processes and outcomes. Accordingly, it provides a comprehensive and nuanced understanding of the customary court system's role, functions, and characteristics in conflict resolution in the Haramaya district. It also contributed to the academic discourse on traditional justice systems through focused on customer court.

1.2. Statement of the Problem

Customary Dispute Resolution (CDR) mechanisms are informal systems of justice making that are based on local customs, traditions, and values, and are often run by elders or other respected community members (Muigai, 2017). CDR mechanisms have been widely practiced in Ethiopia for centuries, and have been recognized by the Constitution and other legal frameworks as complementary to the formal legal system. CDR mechanisms are valued for their accessibility, affordability, flexibility, and restorative nature, as they aim to repair the harm caused by crime and restore the relationships among the parties involved when compared to the regular court (Mamo, 2020).

There are many scholars who worked on the roles of customary dispute resolution mechanisms. Some of the scholars who have contributed to the literature on Customary Dispute Resolution (CDR) in Ethiopia are: Alula Pankhurst and Getachew Assefa, in their work titled *Grass-roots Justice in Ethiopia: Understanding Customary Dispute Resolution*, provides an overview of CDR in different regions and ethnic groups of Ethiopia, and explores the relationship between CDR and the formal legal system (Alula and Getachew, 2008). Despite its comprehensive exploration, the book acknowledges that CDR served as informal without being recognized

within the legal framework for several centuries. Endalew Lijalem in his article titled “Ethiopian customary dispute resolution mechanisms: Forms of restorative justice,” examines the features and principles of CDR in Ethiopia, and argues that they are aligned with the concept of restorative justice, which focuses on repairing the harm caused by crime and restoring the relationships among the parties involved (Endalew, 2014). Despite their alignment with restorative justice ideals, these customary mechanisms have not been institutionalized within Ethiopia’s criminal justice system.

Gebreyesus Teklu Bahta in his article titled “Popular dispute resolution mechanisms in Ethiopia: trends, opportunities, challenges and prospects” analyses the historical and contemporary context of CDR in Ethiopia, and discusses the potential and challenges of integrating CDR with the formal legal system (Gebreyesus, 2014). In this paper the researcher evaluated the following gaps. Those are: The relationship between PDRMs and the state judicial system needs clarification and also the legitimacy of informal justice systems lacks legal clarity. In "Working Towards Restorative Justice in Ethiopia: Integrating Traditional Conflict Resolution Systems with the Formal Legal System," Julie Macfarlane examines the parallels and discrepancies between restorative justice and conflict resolution as well as offers a model for cooperation between the two systems in Ethiopia (Macfarlane, 2006).

Muradu Abdo papers on “Major Themes in the Study of Ethiopian Customary Laws” in 2022 was critically examines the recognition and integration of customary laws within Ethiopia's legal framework. The study emphasizes the instrumental value of customary legal systems in preserving collective identity and addressing local disputes. It also highlights the need for government-led and financed studies to ensure the preservation and improvement of these systems. The author provides recommendations for legal and institutional reforms to enhance the role of customary laws in national development (Muradu Abdo, 2022). The strong side of his study was: thoughtful analysis of the recognition and integration of customary laws; emphasis on the preservation and improvement of customary legal systems; recommendations for legal and institutional reforms. In other way the gaps of his study were: limited investigation into the interface between customary and state legal systems; insufficient focus on balancing individual rights with collective identity in customary legal systems; the study does not address the role of international institutions in supporting research on customary laws (Muradu Abdo, 2022).

Another author that related to this study was the study of Yntiso Gebre in 2014 on “Systematizing Knowledge about Customary Laws in Ethiopia” This paper provides a systematic review of customary laws in Ethiopia, focusing on their historical development, current practices, and potential for integration into the formal legal system. The author emphasizes the growing interest in customary laws and the need for conceptual clarity and comparative research to enhance their understanding and application (Yntiso, 2014). The strength of this study offers a comprehensive review of existing research on customary laws in Ethiopia. He also highlights the legitimacy and enduring popularity of customary laws among local communities. In additionally, in this paper researcher was advocates for comparative research to produce results that are scientifically generalizable and practically applicable. Despite this study have the above-mentioned strengths, it has the following gaps. Accordingly, the gaps of this study were: limited focus on the challenges of integrating customary laws into the formal legal system; insufficient exploration of the impact of modernization and globalization on customary practices; and also, the study does not address the potential conflicts between customary laws and international human rights standards (Yntiso, 2014).

Moreover, the paper of Derara Ansha Roba in 2024 on “The Status of Traditional Dispute Resolution Institutions under the Ethiopian Legal System” was examines the legislative framework governing the relationship between traditional dispute resolution institutions (TDRIs) and the formal justice system in Ethiopia. It explores the jurisdictional mandates of TDRIs and their role in addressing civil and criminal matters (Derara, 2024).

The strengths of this study were: provides a detailed analysis of the legislative framework for TDRIs in Ethiopia; highlights the progress made in clarifying the jurisdiction of TDRIs over criminal and civil matters; advocates for harmonizing traditional and formal justice systems to ensure respectful coexistence. Even though this paper has the following gaps. Those are: limited focus on the autonomy and legitimacy of TDRIs in the face of expanding formal justice systems; insufficient exploration of the cultural and social factors influencing the effectiveness of TDRIs; the study does not address the potential risks of undermining traditional practices through excessive formalization (Derara, 2024).

In light of the aforementioned example studies and the research conducted by other academics on customary conflict resolution and related subjects, prior research on CDR in Ethiopia has shed

some important light on the concepts, characteristics, and difficulties of CDR as well as its historical, sociocultural, and legal background (Gashaw, 2012). The majority of these studies, however, have not specifically examined the role and impact of customary courts in conflict resolution, particularly in the case of Haramaya district of Eastern Ethiopia's, which has a distinctive and varied socio-cultural and legal landscape. Instead, they have concentrated on the general overview of CDR in Ethiopia's various regions and ethnic groups.

This is evident from the paucity of empirical studies on the function of customary courts in resolving disputes, particularly in the complex and varied conflicts that exist between many communities and groups in the Oromia National Regional State and the Haramaya district. In addition to that, the Oromia National Regional State give high attention to the customary methods of conflict resolution called *Mana Murti Aadaa Oromoo* 2021 in Proclamation No. 240/2021 Oromia (Regional National State, 2021). Even the Oromia National Regional State give high focus to establish and form as it works in each and every district and *kebeles* of different province of the Oromia National Regional State, there is limited scholar who has studied on the *Mana Murti Aadaa Oromoo*.

In order to close the aforementioned gap, this study was examined the characteristics, functions and conflict resolutions role of customary courts: the case of Haramaya district, East Hararghe Zone, Oromia, Ethiopia called locally, *Mana Murtii Aadaa Oromo* in conflict resolution by focusing on the Haramaya district. It was also explained what these courts are, how they operate, and why they are significant for conflict resolution the study area.

The researcher of this study to fill these gaps through offered the first empirical and analytical study on the characteristics, function and also roles of customary courts in conflict resolution in the Haramaya district. Additionally, the study hence aimed and investigated the importance and significance of this customary institution as well as examined its interaction with the formal legal system to administer restorative justice.

1.3. Objectives of the Study

1.3.1. General Objective

The general objective of this study is to examine the characteristics, functions, and conflict resolution's role of customary court (*Mana Murtii Aadaa Oromoo*) in Haramaya district of Oromia regional state in Ethiopia.

1.3.2 Specific objectives

The specific objectives of the study:

- To identify the sources and types of conflicts that are handled by customary courts in Haramaya district.
- To analyze the structure, procedure, and principles of customary court in Haramaya district.
- To identify and assess the challenges, strengths, and weaknesses of customary court in conflict resolution in the study area.
- To assess the relationship and interaction between customary court and formal court in conflict resolution in Haramaya district.

1.4. Basic Research Questions

The following research questions were addressed in this study

- What are the sources and types of conflict resolved by the customary court in Haramaya district?
- How does customary court operate in the study area?
- What are the challenges, strengths, and weaknesses of customary court in conflict resolution in the study area?
- How do customary court and formal legal systems interact in conflict resolution in the study area?

1.5 Significance of the Study

This study highlights the role, function and characteristics of customary court in conflict resolution in Haramaya district as well as the strengths and challenges facing customary court in conflict resolution. Therefore, this study may help both government and non-governmental organizations to be aware of the major challenges facing customary court in resolving conflict so that they can take appropriate corrective engagements against the problem. The findings of this study were served as an empirical basis for future policy making in the study area on issues related to customary court.

Academicians and policy makers will use the study as the source of references while dealing with issues related to customary court and its functions conflict resolution. This study may serve

as a stepping stone for other research works in the study area. It may fill the existing literature gap on the issue of customary courts.

1.6 Scope of the Study

An effort has been made to define the study's scope, the area to be covered, the respondents to be examined, and the topics to be investigated in order to make it more manageable in terms of the research purpose and questions, the time available, and the funding. Any study from the early beginning were have its own scope to determine the level and extent of the study, similarly this study has also its own focus. It is difficult to cover the whole region of the study area within this short period of time so; it is very important to limit the study area and issues. Therefore, this study has its own geographical and thematic scope. In terms, of geographical coverage this study limited to Haramaya District. Thematically, the study and analysis mainly focused on the role, functions and characteristics of customary court in conflict resolution in the study area.

1.7. Limitation of the Study

The limitations of this study were mentioned as give below: Not covered all other types of conflict resolution mechanisms, in Haramaya district; Not compared the characteristics, functions and conflict resolution's role of customary in the case of Haramaya district with other districts or regions in Ethiopia; Not generalized the findings and recommendations of this study to other contexts or cultures without further validation and adaptation.

1.8. Operational Definitions of the Study

Appellant Customary Courts: These courts function as higher-level traditional judicial institutions that review and deliberate on cases escalated from First Instance Customary Courts.

Characteristics of Customary Courts: Specific traits and features that define the structure, practices, and cultural significance of customary courts in the Haramaya District.

Conflict Resolution Role: The processes, methods, and strategies employed by customary courts to mediate disputes and achieve reconciliation within the community.

First Instance Customary Courts (*Mana Murtii Aadaa Jalqaba*): These courts refer to the initial level of traditional judicial institutions that located in each kebele of the Haramaya

District, tasked with resolving disputes based on customary laws and practices. They are characterized by their localized operations, cultural relevance, and emphasis on community reconciliation, often addressing cases within specific clans or communities.

Functions of Customary Courts: The roles and responsibilities undertaken by customary courts, including the administration of justice, enforcement of societal norms, and dispute management.

1.9. Organization of the Study

The study is divided into five chapters. A study's background, problem statement, research questions, objectives, significance, scope, limitations, and organization are all covered in the first chapter, which serves as an introduction. A literature review is covered in the second chapter, which also covers the concepts of conflict, theories of conflict and conflict resolution, forms of conflict resolution, and the opportunities and challenges of using customary systems in conflict resolution. Along with a description of the study area, the third chapter covers topics pertaining to the research methods and materials used in this study. The results, conclusions, and arguments are the main topics of the fourth chapter. In this chapter General Characteristics of Sampled Respondents, the establishment, principles, structure and function of customary court in the study area; the sources and types of conflict resolved by customary court; the interplay among customary and legal court in conflict resolution in the study area; roles and effectiveness of customary court in conflict resolution in the area under discussion; the strengths and challenges facing customary court in conflict resolution process in the study area were clearly and deeply discussed. This study brought to be closed with summary, conclusion, recommendation and remarks, which was part of chapter five of this research.

2. REVIEW OF RELATED LITERATURE

In this chapter the researcher reviewed many literatures for important ideas, concepts and findings from the previous research related to the topic under discussion. It includes the concept and definition of conflict; theories of conflict and conflict resolutions, Conflict resolution and its forms as well as the Challenges and Opportunities of Customary Systems in Conflict Resolution.

2.1 Concepts of Conflicts

An explanation of conflict's definition, causes, and solutions can be found in a notion of conflict (Bar-Tal *et al.*, 2012). Accordingly, an aspects or intensities of conflict, such as its causes, players, dynamics, or consequences, may be emphasized differently by various conflict ideas. Several prevalent notions of conflict include: Conflict as a clash of interests: This concept defines conflict as a situation where two or more parties have incompatible or opposing goals, needs, or desires. Conflict can occur when there is scarcity of resources, competition for power, or disagreement over values or beliefs. Conflict can be resolved by finding a mutually acceptable solution, such as negotiation, compromise, or cooperation (Ratt, 2023).

Conflict as a social process: This concept views conflict as a dynamic and interactive phenomenon that involves communication, perception, and behavior of the parties. Conflict can be influenced by the context, the history, the culture, and the emotions of the parties. Conflict can be resolved by improving the quality and quantity of communication, such as dialogue, mediation, or facilitation (Moore, 2014). The idea of conflict as a productive or destructive force assesses conflict according to how it affects the persons involved and their relationship. If conflict results in beneficial change, like invention, creativity, or learning, then it can be constructive. When conflict leads to bad things like violence, hatred, or trauma, it can be harmful. By changing a problem into something positive, like peacebuilding, reconciliation, or empowerment, it can be resolved (Lederach, , 2003).

2.2 Theories of Conflict and Conflict Resolutions

Theories provide structured ways of understanding contentious relationships, expressed through spoken or written ideas. These range from broad perspectives to systematically organized principles that influence both research and practice (Kriesberg, ,2019). A theory constitutes a comprehensive framework of knowledge that includes basic definitions, paradigms, axioms, and

logically interconnected principles (Naidu, 1996). In the field of conflict resolution, theoretical insights have been developed to examine the origins and dynamics of conflict and propose peaceful methods for achieving long-lasting solutions.

2.3 Conflict Resolution and Forms of Conflict Resolution

Understanding the nature of a conflict and not just its symptoms has a major role in both conflict management in general and conflict resolution in particular (Kotze, 2000). According to Burton and Dukes (1990), conflict resolution is the process of resolving a disagreement or dispute by removing its root causes. In the sense that violence is reduced, rivalry between parties is resolved, agreements are reached that both parties can live with, and settlements are long-lasting, Conflict Resolution (CR) aims to handle conflicts in a constructive, even creative, manner (Kriesberg, 1997).

The goal of conflict resolution is to pinpoint the root reasons of a dispute in order to resolve it and establish a lasting peace. As per the United Nations Department for Economic and Social Affairs (2001), a conflict is deemed settled after its underlying causes are recognized and tackled. The goal of conflict resolution is to create solutions by working together to solve problems. When a dispute is effectively settled, it is changed and serves as a trigger for long-lasting, beneficial changes in people, relationships, and systems (Jemila, 2010). Therefore, a conflict's successful resolution was guaranteeing enduring peace, which was enhance security and foster positive interpersonal relationships, all of which may contribute to human well-being and overall growth. When the disputing parties are pleased and the dispute is honestly and truly settled, the conflict is brought to an end through conflict resolution (Kriesberg, 1997). In conflict resolution, a variety of strategies and techniques could be applied. These consist of cooperation, arbitration, conciliation, negotiation, mediation through a third-party intervention, and alternative dispute resolution (Best, 2006).

2.3.1 Forms of Conflict Resolution

Conflict resolution typically comes in two kinds: traditional/customary and modern/formal. Traditional/customary refers to any informal dispute settlement process that is outside the purview of the current legal system, whereas modern is western or formal. According to Macfarlane (2007), these two systems differ from one another in terms of adjudication, value judgment, mediation, and other areas.

2.3.1.1 Formal Conflict Resolution Mechanisms

Formal conflict resolution is a well-defined method that emerged in the post-Cold War era in the 1950s and 1960s, when it was founded by a small group of scholars and practitioners in North America and Europe, and further developed in the 1970s and 1980s. According to Ramsbotham (2003), formal dispute resolution is ingrained in western ideals and conventions, primarily those of Europeans and Americans. Formal denotes modernity, which is primarily a colonial heritage. It is directed by the constitution and codified laws. Lawyers, highly skilled experts, and hierarchical institutions are used to administer justice. With a few codified exceptions, all technicalities use formal conflict resolution. The verdict, which emphasizes individual rights, is predicated on a lose-win scenario in punitive justice. Since the formal system takes a rational approach, emotion is never discussed. Moreover, the formal legal system is predicated on personal obligations and interests. The purpose is punishment rather than the reconstruction of society, and participation is not required. According to Tusso (2011), professional expertise and impartiality are also seen as elements of legitimacy, and as a result, power is the essential component of conflict resolution in contemporary systems.

2.3.1.2 Traditional/Customary Conflict Resolution Mechanism

Conflict is always arise because of disparities in needs, goals, prejudices, and interests among members of a community or organization. Therefore, how such a difference of interest is resolved depends on the strategy used to avoid or resolve it. In other words, the effective adoption of the necessary principle of the resolution should be the pivotal point when a conflict arises. Conventional processes are community-based methods of resolving disputes. The most crucial components of this system are the custom of forgiveness, deference to elders due to their symbolic power to impose rulings, and the distribution of resources as payment (Zartman, 2000).

Traditional dispute resolution procedures are a component of a well-organized, tried-and-true social structure designed to promote, preserve, and strengthen interpersonal ties. African peoples' customs and traditions are strongly ingrained in the procedures, rules, and methods (United Nations, 2007; Nwolise, 2005). The processes' significance and usefulness stem from their efforts to "restore a balance, to settle conflict, and eliminate disputes." Conventional procedures are less formal and so less frightening. They also help users feel more comfortable in familiar surroundings. In addition to resolving disputes, the job of chiefs, elders, heads of families, and

others is to predict, prevent, or intercept disputes. Restoration of ties and group reconciliation are prioritized, and group rights and relationships are just as significant as individual ones (Choudree, 1999).

Traditional conflict resolution offers not only alternative means of resolving conflicts but an entirely more efficient way of doing business with each other. The phrase is used to promote justice throughout the community, but it is still frequently misinterpreted, which is perhaps why the state initially treats it with less respect. Since these institutions are run honestly and practically, they are primarily defined by public was and associational trust (Brainch, 2006).

Traditional conflict resolution comprises a range of processes fashioned and structured to meet the specific needs of parties in a conflict; each process being an alternative to litigation but commonly mediation and arbitration. An essential principle of conflict resolution is that the methods employed must be compatible with the nature of the conflict, taking into account its significance, complexity, and worth to the parties involved. According to Osi (2008), this suggests that traditional conflict resolution mechanisms are the collection of methods a culture uses to settle disputes outside of official court proceedings or litigation.

The goal of traditional conflict resolution techniques is to bring the community's peace and order back. Future cooperation between parties to the conflict must be ensured. According to Tsega (2002), traditional dispute resolution is therefore focused on the future. Therefore, restitution as a foundation for reconciliation rather than punishing offenders for previous actions is the matter at hand. Reconciliation is necessary for the restoration of social harmony in the community in general and of social relationships between conflicting parties in particular (Assefa, 2005). The goal is "not to punish," which would be seen as hurting the group twice. The aberrant members must be reintegrated to restore harmony. "Restoring good relations is the ultimate matter" (Faure, 2000). For this reason, traditional methods generally adopt a restorative justice approach rather than a punitive one. "As a compensation for loss, not as a retribution for the offense" is how restorative justice must be interpreted (Zartman, 2000).

2.4 Concepts of Customary Conflict Resolution Mechanisms

The phrase "Customary Conflict Resolution" (CCR) refers to the legal and conflict-resolution processes that take place outside of the official framework of state-based laws and courts. These processes can include local alternative dispute settlement procedures as well as traditional and indigenous systems. People who are impoverished, illiterate, or reside in rural places frequently favor CCR systems over formal ones because they are more reliable, accessible, and affordable (Lahunou, 2016).

Additionally, CCR systems have a significant value on agreed upon, culturally appropriate solutions, flexible norms and procedures, and restorative justice. (Henkeman, 2012). The Customary Conflict resolutions have their own Characteristics. The following are some traits of CCR systems: voluntary and consensual processes, parties' participation in choosing local mediators, narrowly defined constituency locally, involvement of the public, established yet adaptable standards, laws, and morals, collective accountability, Compromise and negotiation, in addition to recompense and forgiveness (Ogbaharya, 2010).

There are several instances for the customary conflict resolution systems. Some of some certain illustrations of CCR mechanisms are: Ethiopia's traditional dispute resolution procedures, which are overseen by elders, entail reuniting the disputing parties with their respective families through a variety of customary rites (Alemie, and Mandefro, 2018). The Somalian Alternative Dispute Resolution (ADR) Centers offer mediation and legal assistance to individuals in conflict with one another or with land, family, or personal concerns (Jama, 2022). In Niger local chiefs, religious leaders, and community representatives are highly involved in conflict resolution procedures to resolve disagreements over livestock, natural resources, or criminal charges (OYITSO, 2013). Additionally, a few of the beginnings of customary problems are: the oral evidence of community leaders, elders, or other representatives who are qualified to understand and implement customary norms and practices (Assefa, 2012).

Customary methods play a crucial role in conflict resolution by offering accessible and alternative approaches to settle disputes that are rooted in regional customs, norms, and 9 values. Rather than punishing or placing blame on the offenders, customary approaches frequently seek to repair the connections and peace between the parties in conflict and their communities. Customary procedures might alter depending on the nature and intensity of the conflict and

represent the diversity and complexity of various cultures and circumstances (Ajayi, and Buhari, 2014).

Depending on the particular mechanism, the process of using customary procedures in conflict resolution may vary, however some typical processes are as follows: The process of identifying and choosing the mediators or facilitators, who are typically regarded community leaders, elders, or representatives, The starting and inviting of the discussion or bargaining between the parties, who might have friends, family, or supporters with them, The facts, concerns, and interests of each side are presented and clarified, the roots and causes of the dispute are identified, and potential solutions, options, or results that are acceptable and satisfying to the community as a whole are explored and generated. The agreement to and execution of the selected course of action, alternative, or result, which may entail payment, reimbursement, an apology, pardon, or reconciliation, and then the agreement's effectiveness and compliance was be monitored and evaluated, and if necessary, it may need to be revised or renegotiated (ACCORD, 2011).

The potential for manipulation by elites or outside parties, the failure of nations to conform to international human rights standards, and the representation of disparities in power relationships and traditional social principles are just a few of the numerous disadvantages of CCR systems. Working with CCR systems therefore necessitates a cautious, situation specific approach that reconciles the promotion of equality and human dignity with the preservation of regional customs and traditions (Penal Reform International, 2000).

2.5. Theories of This Study

There are different theories for this study. Each of them discussed in the following form in separated form

2.5.1. Conflict Resolution Theory

Conflict resolution theories serve as essential frameworks for understanding and addressing disputes across various contexts, including interpersonal, organizational, and international settings. These theories delve into the root causes of conflicts and provide strategies for resolving them constructively. One notable approach is the Interest-Based Relational (IBR) approach, which underscores the importance of maintaining relationships during conflict resolution. This theory focuses on shared interests rather than individual positions, thereby fostering

collaboration and mutual understanding. It is particularly effective in workplace environments where professional relationships are vital for long-term success (Deutsch and Coleman, 2000).

Another prominent theory is the Dual Concern Theory, which suggests that individuals' conflict-handling styles are shaped by their concern for themselves and others. This model identifies five distinct styles: competing, collaborating, compromising, avoiding, and accommodating. Among these, collaboration is considered ideal for achieving win-win outcomes, while avoidance might be suitable for addressing less significant disputes (Thomas, 1976). This theory provides valuable insights into the diverse ways individuals manage conflicts, emphasizing adaptability based on the situation's demands.

Transformative Mediation takes a different approach by prioritizing the empowerment of parties and fostering mutual recognition. Rather than merely resolving the immediate issue, this theory aims to transform the relationship between disputants by enhancing communication and understanding. It is particularly effective in community and family disputes, where ongoing relationships play a crucial role (Bush and Folger, 1994). This approach promotes a deeper, more sustainable resolution by addressing underlying relational dynamics.

Human Needs Theory offers another perspective, asserting that conflicts often arise due to unmet fundamental human needs, such as security, identity, and recognition. According to this theory, resolving conflicts requires addressing these underlying needs rather than focusing solely on surface-level issues. This framework has been widely applied in international conflict resolution, where addressing the root causes of disputes is essential for achieving long-term peace (Burton, 1990).

Finally, Game Theory provides a strategic lens through which conflicts can be analyzed. It views disputes as interactions where parties make decisions based on anticipated actions of others. This theory is particularly useful in understanding negotiation dynamics and identifying optimal strategies for cooperation. Its application is often seen in economic and political contexts, where calculated decision-making plays a critical role (Axelrod, 1984).

The Oromo people, the biggest ethnic group in Ethiopia, have a customary law that serves as the foundation for Oromia's customary courts (Ayana, 2023). The *Gadaa* system, an egalitarian and democratic system that chooses intelligent and talented persons to serve as leaders and judges for eight years, is the most well-known Oromo institution for government and dispute resolution. There is a sub-structure inside the *Gadaa* system headed by the *Abba Seeraa* (Father of law), who mediates conflicts between individuals, groups, clans, and sub-clans. But the *Gadaa* system isn't working anywhere in Oromia. In places without a *Gadaa* system, disagreements are settled by the *Jaarsa Biyyaa*, or community elders, who utilize their wisdom and experience to help the parties come to a mutually agreeable understanding (Legesse, 1973; Abebe, 2018).

Customary courts play a crucial role in conflict resolution by offering accessible and alternative means of settling disagreements rooted in regional customs, norms, and values (Tamanaha, 2008). Rather than punishing or blaming the offenders, customary courts frequently seek to mend the connections and peace between the disputing parties and their communities (Isser, 2011).

Customary courts can differ based on the nature and intensity of the dispute and reflect the diversity and complexity of many cultures and circumstances (Isser, 2011). The following are some advantages of using customary courts to resolve disputes: In particular, for disenfranchised or underprivileged populations, they are more trustworthy, inexpensive, and accessible than regular courts. In response to the requirements and preferences of the parties and the community, they are more adaptive, flexible, and responsive. They involve the general public and stakeholders in the process and are more inclusive, transparent, and participatory. Their approach is more restorative, reconciliatory, and preventive, emphasizing the restoration of relationships, mending of damage, and averting more confrontations (Price 2018).

Customary courts have several obstacles when it comes to resolving disputes, including the possibility that they do not adhere to international human rights norms, particularly when it comes to matters like gender equality, children's rights, and minority rights. They may be influenced or interfered with by external factors, such as political parties, armed groups, or foreign donors; they may also reflect unequal power dynamics and conservative social norms, favoring the interests of the elites, the elderly, or men over others; they may also lack

coordination and cooperation with formal courts, causing confusion, duplication, or contradictions between the legal systems (Day, 2001).

2.5.2. Restorative Justice Theory

Restorative Justice (RJ) is a theory and practice that emphasizes repairing the harm caused by criminal behavior through inclusive processes that engage all stakeholders. Unlike traditional punitive justice systems, which focus on punishment and deterrence, restorative justice seeks to address the needs of victims, offenders, and the community. This approach is rooted in the belief that crime causes harm to relationships and that justice should aim to heal these relationships (Braithwaite, 1998).

One of the core principles of restorative justice is the active involvement of victims, offenders, and community members in the resolution process. This is often achieved through restorative practices such as victim-offender mediation, family group conferencing, and community circles. These practices provide a platform for victims to express their feelings and needs, for offenders to take responsibility for their actions, and for the community to support the reintegration of offenders (Cohen, 2012). The emphasis on dialogue and mutual understanding distinguishes restorative justice from retributive approaches, which often exclude victims from the justice process.

Restorative justice also incorporates the concept of reintegrative shaming, which aims to hold offenders accountable while avoiding stigmatization. This approach encourages offenders to acknowledge their wrongdoing and make amends, thereby fostering their reintegration into society. Research has shown that restorative justice practices can lead to lower recidivism rates and higher levels of victim satisfaction compared to traditional justice systems (Saulnier and Sivasubramaniam, 2018). However, the effectiveness of restorative justice depends on various factors, including the willingness of participants to engage in the process and the availability of trained facilitators.

Another significant aspect of restorative justice is its adaptability to diverse cultural contexts. By incorporating indigenous practices and community-based approaches, restorative justice can address the unique needs of different populations. For example, many indigenous communities have long-standing traditions of restorative practices that emphasize collective responsibility and

healing. Integrating these practices into modern justice systems can enhance their relevance and effectiveness (Braithwaite, 1998).

Despite its many benefits, restorative justice is not without challenges. Critics argue that it may not be suitable for all types of crimes, particularly those involving severe violence or power imbalances. Additionally, there is a need for more empirical research to understand the long-term impacts of restorative justice on participants and communities (Saulnier and Sivasubramaniam, 2018).

2.5.3. Legal Pluralism Theory

Legal pluralism is a theoretical framework that recognizes the coexistence of multiple legal systems within a single social field. These systems may include state law, customary law, religious law, indigenous law, and transnational law, among others. Legal pluralism challenges the notion of a unified legal order by highlighting the diversity and complexity of legal practices across different societies (Merry, 1988). This theory is particularly relevant in postcolonial contexts, where colonial legal systems often coexist with indigenous and customary laws.

One of the key aspects of legal pluralism is its emphasis on the interaction between state and non-state legal systems. In many developing countries, non-state justice systems handle the majority of disputes and retain substantial autonomy. These systems often operate alongside state law, creating a dynamic and sometimes contentious relationship between the two (Swenson, 2018). Legal pluralism provides a lens through which these interactions can be analyzed, offering insights into the governance and policy implications of such arrangements.

Legal pluralism also highlights the role of cultural and social factors in shaping legal practices. For example, indigenous communities often have their own legal traditions that emphasize collective responsibility and restorative justice. These practices may conflict with state law but are deeply rooted in the social fabric of the community. Recognizing and integrating these traditions into the broader legal framework can enhance the legitimacy and effectiveness of justice systems (Tamanaha, 2021).

Despite its strengths, legal pluralism is not without challenges. Critics argue that the coexistence of multiple legal systems can lead to inconsistencies and conflicts, particularly in cases involving human rights violations or power imbalances. Additionally, the lack of formal regulation in non-state justice systems may result in unequal access to justice for marginalized groups (Swenson,

2018). Addressing these issues requires a nuanced approach that balances the need for legal diversity with the principles of fairness and equality.

Legal pluralism has significant implications for the rule of law and judicial state-building. By acknowledging the diversity of legal systems, policymakers can develop strategies that constructively engage non-state justice networks. This approach can promote sustainable development and good governance, particularly in post-conflict settings where legal pluralism is most pronounced (Swenson, 2018).

2.5.4. Social Capital Theory

Social Capital theory explores the value of social networks and relationships in facilitating cooperation, trust, and mutual benefit within communities and organizations. It emphasizes the importance of social connections as a resource that individuals and groups can leverage to achieve collective goals. Pierre Bourdieu (1986) introduced the concept of social capital, defining it as the aggregate of actual or potential resources linked to possession of a durable network of relationships. This theory highlights how social capital contributes to social cohesion and economic development.

One of the key aspects of Social Capital theory is its focus on trust and reciprocity within social networks. Trust acts as a lubricant for social interactions, reducing transaction costs and fostering collaboration. Reciprocity, on the other hand, ensures that individuals contribute to the network with the expectation of receiving support in return. These elements are crucial for building strong and resilient communities (Putnam, 2000). For instance, communities with high levels of social capital often exhibit better governance and lower crime rates.

Social Capital theory also distinguishes between bonding, bridging, and linking social capital. Bonding social capital refers to the relationships within homogeneous groups, such as families or close-knit communities. Bridging social capital involves connections between diverse groups, promoting inclusivity and access to new opportunities. Linking social capital pertains to relationships with institutions or individuals in positions of power, enabling access to resources and influence (Woolcock, 2001). These dimensions illustrate the multifaceted nature of social capital and its impact on various aspects of society.

Despite its benefits, Social Capital theory is not without criticism. Some scholars argue that excessive bonding social capital can lead to exclusion and reinforce inequalities. Additionally,

the measurement of social capital remains a challenge, as it involves subjective and intangible elements (Portes, 1998). Addressing these issues requires a nuanced understanding of the dynamics within social networks and the broader societal context.

Social Capital theory has significant implications for policy and practice. By fostering social capital, governments and organizations can enhance community resilience, improve public health outcomes, and promote economic growth. For example, initiatives that encourage civic engagement and volunteerism can strengthen social networks and contribute to societal well-being (Putnam, 2000).

2.5.5. Transformative Mediation Theory

Transformative Mediation theory is a conflict resolution approach that emphasizes empowering the parties involved and fostering mutual recognition between them. Developed by Robert A. Baruch Bush and Joseph P. Folger in the early 1990s, this theory shifts the focus from resolving specific disputes to transforming the quality of interaction between the parties. The transformative model is grounded in the belief that individuals have the capacity for self-determination and the ability to improve their relationships through constructive dialogue (Bush and Folger, 1994).

The core principles of Transformative Mediation are empowerment and recognition. Empowerment refers to enabling parties to regain a sense of control over their decisions and actions during the mediation process. This involves creating an environment where individuals feel confident and capable of addressing their issues. Recognition, on the other hand, involves fostering an understanding and acknowledgment of the other party's perspective, emotions, and experiences. Together, these principles aim to transform the interaction between disputants, leading to more meaningful and sustainable outcomes (Folger and Bush, 1996).

One of the distinguishing features of Transformative Mediation is its non-directive approach. Mediators in this model do not impose solutions or guide the parties toward a specific outcome. Instead, they facilitate open communication and support the parties in exploring their own needs and interests. This approach contrasts with problem-solving mediation, which focuses on achieving a resolution to the immediate conflict. Transformative Mediation prioritizes the relational and emotional aspects of conflict, recognizing that addressing these dimensions can lead to deeper and more lasting changes (Bush and Folger, 1994).

Transformative Mediation has been applied in various contexts, including workplace disputes, community conflicts, and family mediation. For example, the United States Postal Service's REDRESS program has successfully implemented this model to address workplace grievances. Studies have shown that Transformative Mediation can lead to higher levels of satisfaction among participants and improved relationships compared to other mediation approaches (Bush and Folger, 2005). However, the effectiveness of this model depends on the willingness of the parties to engage in the process and the mediator's skill in facilitating empowerment and recognition.

Despite its benefits, Transformative Mediation is not without criticism. Some practitioners argue that its non-directive nature may prolong the mediation process or fail to address urgent issues effectively. Additionally, the emphasis on relational transformation may not be suitable for all types of conflicts, particularly those involving severe power imbalances or safety concerns (Folger and Bush, 1996).

2.6 Types of Conflicts Resolved by Customary Conflict Resolution Mechanisms

Customary methods are conventional, informal dispute resolution techniques that are derived from the mutual norms, values, and behaviors of the parties concerned (Moonga, 2022). Elders, chiefs, religious leaders, and other well-respected individuals who serve as facilitators, arbitrators, or mediators frequently take part in them. Rituals, rites, restitution, and reconciliation are some examples of customary techniques (Irani and Funk, 1998). Among the disputes that can be settled through traditional means are the following:

2.6.1. Land and Resource Conflicts

Disputes over land or resources between various communities or groups are a prevalent form of conflict that can be settled through customary means. Customary methods are conventional, informal dispute resolution techniques that are derived from the mutual norms, values, and behaviors of the parties concerned. Rahman, *et al.*, 2018). Elders, chiefs, religious leaders, and other well-respected individuals who serve as facilitators, arbitrators, or mediators frequently take part in them. Rituals, rites, restitution, and reconciliation are examples of customary techniques (IDLO, 2020). Typical approaches to settling disputes over land or resources include the following: These are disagreements between various communities or organizations regarding

who owns, has access to, or uses land, water, resources for farming, or grazing. Customary techniques, such as discussion, negotiation, arbitration, mediation, or conciliation, can aid in the management of these disputes. Additionally, they can rely on accepted and acknowledged customary laws, conventions, and principles.

Traditional chiefs in Niger, for instance, employ a range of strategies to resolve disputes over territory and resources (USAID, 2018). Traditional chiefs in Niger handle disputes over land, water, farming, and grazing by employing a range of strategies. Among these are conversations, negotiation, arbitration, mediation, and conciliation. Additionally, they rely on mutually acknowledged and understood customary laws, conventions, and principles. To guarantee a just and peaceful resolution, the chiefs may confer with other authorities, such as religious authorities, municipal officials, or civil society organizations (USAID, 2018). There has long been hostility between the pastoralist Turkana and Pokot communities in Kenya regarding cattle, pasture, and water. They have created a system of cross-border peace committees, made up of women, youth, elders, and local leaders, to address these problems. These committees meet on a regular basis to discuss and settle conflicts. To promote trust and collaboration, the peace committees also plan cooperative events including trade, sports, cultural festivals, and peace caravans (ACCORD, 2011).

The indigenous Nasa people of Colombia have a long-standing institution known as the Cabildo, a council of elders and authority that oversees their area and settles disputes. The Cabildo incorporates the entire community in the decision-making process through the use of a dialogical and participatory method. The Derecho Mayor, a collection of customary laws and values that direct the Nasa people in their interactions with one another and the environment, is also enforced by the Cabildo (Rodríguez, 2006).

2.6.2. Ethnic and religious conflicts

These are disputes between various ethnic or religious groups resulting from differences in identity, culture, values, or beliefs. By encouraging tolerance, respect, and understanding between parties, customary practices can aid in the resolution of these disputes. In order to foster collaboration and confidence, they can also support cooperative endeavors like trade, sports, cultural festivals, and peace caravans. For instance, to settle disputes over resources and

ethnicity, the Turkana and Pokot pastoralist communities in Kenya have established a system of cross-border peace committees (ACCORD, 2011).

Conflicts between the state and its institutions and non-state actors, including rebel organizations, militias, or indigenous peoples, are referred to as state and non-state conflicts. By encouraging communication and negotiation between the parties and involving regional or global organizations like the African Union or the United Nations, traditional approaches can aid in resolving these problems. In addition, they have the ability to uphold and defend the customary rules and institutions of non-state actors, as well as their rights and interests. For instance, the Cabildo, a customary organization among the indigenous Nasa people of Colombia, oversees their area and settles disputes with the government (Rodríguez, 2006).

2.7 The Challenges and Opportunities of Customary Systems in Conflict Resolution

Customary conflict resolution techniques are conventional or informal approaches to settling disputes that are grounded in the shared beliefs, customs, and behaviors of the parties concerned. Elders, chiefs, religious leaders, and other well-respected individuals who serve as facilitators, arbitrators, or mediators frequently take part in them. Rituals, rites, restitution, and reconciliation are examples of customary techniques (IDLO, 2020). Conventional approaches to conflict resolution, however, also encounter certain difficulties, including: Absence of official recognition and support: State institutions and the formal legal system frequently do not acknowledge or support traditional conflict resolution techniques. Their legitimacy, authority, and efficacy in handling intricate or violent issues may be restricted as a result. Confusion, inconsistency, or contradiction between official laws and processes and customs may also result from it (IDLO, 2020; GSDRC, 2017).

2.7.1. Incompatibility with human rights and constitutional standards:

Conventions and national and international laws that uphold human rights and constitutional norms may not be compatible with traditional dispute resolution techniques. Customary procedures have the potential to discriminate against women, children, or minorities, as well as to breach their legal rights to equality before the law, due process, and a fair trial. Additionally,

harmful practices including child marriage, female genital mutilation, and accusations of witchcraft may be supported or encouraged by customary ways (IDLO, 2020; ALRC, 2010).

Although the conventional dispute resolution methods face the aforementioned difficulties, they also present opportunity. Among the advantages of traditional dispute resolution methods are: Accessibility and affordability: For disenfranchised or underprivileged communities that might have no other alternatives for redress, traditional dispute resolution methods are frequently more accessible and affordable than formal ones. Customary systems typically have little or no costs, are situated close to the people, and make use of the local languages and traditions (IDLO, 2020; USAID, 2018).

2.7.2. Trust and legitimacy

Because they are based on the values, customs, and expectations of the populace, traditional dispute resolution methods are frequently seen as having greater legitimacy and trust than formal ones. Additionally, customary systems prioritize restorative justice, reconciliation, and social peace and are more adaptable and responsive to the demands and interests of the parties (IDLO, 2020; ACCORD, 2011). Innovation and adaptability: Conventional dispute resolution methods are frequently creative and flexible enough to meet the demands of evolving environments and issues including urbanization, migration, modernization, globalization, and competing political and economic agendas. To increase their efficacy and accountability, customary systems can also collaborate and learn from formal systems, civil society, or international actors (IDLO, 2020; PON, 2023).

Many various topics are brought up about the aforementioned discussion points on the potential and difficulties faced by customary courts for conflict resolution. However, no academic study has found the advantages or disadvantages of the customary court system for resolving disputes. Thus, the primary focus of this research was on the potential and difficulties of customary courts, or the study's topic would be determined regarding the Haramaya district case.

2.8 Interplay between Customary Court and Formal Legal Court in Conflict Resolution

A judicial system that upholds customary law a body of regulations and standards drawn from the traditions, customs, and practices of a certain community or group—is known as a customary

court system. A legislature or a constitution's set of rules and regulations is known as formal law, and it is applied by judges in modern court systems. A customary court system and a modern court system differ primarily in the following ways (Matavire, 2012; Gombe, 2006): Source of law: Long-standing traditions, practices, and norms of a community or group serve as the foundation for unwritten or oral law in a customary court system. Written or codified law, which is based on laws, rules, or constitutional requirements of a state or country, is the foundation of a modern judicial system (Matavire, 2012). The contrasts between the topics were accurately discussed as a given below to aid in the clarity of the conversation.

Structure and procedure: Local or regional courts with varying organizational, jurisdictional, and decision-making characteristics make up a customary court system, which is typically informal and decentralized. According to Matavire (2012), a modern judicial system is often formal, centralized, and composed of national or federal courts that adhere to a set hierarchy, structure, and procedures. Judges and parties: In a customary court system, judges are chosen or appointed by the community or elders, and they also serve as facilitators, arbitrators, and mediators. These processes are frequently collaborative and consensual. Frequently, the parties are represented by friends, family, or oneself. With judges who are objective, independent adjudicators who are qualified or trained in the law, today's judicial systems are frequently forceful and hostile. Attorneys or advocates frequently represent the parties (Gombe, 2006).

Enforcement and appeals: Decisions made in a customary court system are typically restorative and reconciliatory, with an emphasis on forgiveness, restitution, or recompense. They are also commonly enforced by the elders or the community. There may be no or few opportunities for appeal, and the rulings are frequently final and binding. Punitive and retributive rulings that prioritize punishment, deterrent, or correction are frequently made by the state or the law in a modern judicial system. Courts at different levels frequently review and hear appeals of the decisions (Matavire, 2012).

Two distinct judicial systems, the traditional court system and the contemporary court system, use separate legal sources and procedures. Still, they also have certain commonalities (Matavire, 2012; Gombe, 2006).

Both aim to resolve disputes and maintain justice: Customary courts and modern courts both serve the function of resolving disputes and maintaining justice in their respective communities

or societies. They both provide a forum for the parties to present their cases and seek a fair and peaceful outcome (Matavire, 2012; Gombe, 2006). Both traditional courts and contemporary courts have the same purpose: to settle conflicts and uphold the rule of law in their particular communities or cultures. Both offer a venue where the parties can argue their positions and look for a just and harmonious resolution (Matavire, 2012; Gombe, 2006). Both are subject to the impact of outside actors and factors:

Both contemporary courts and customary courts function in larger social, political, and economic environments that may have an impact on how well they do their jobs. External actors and forces, such as industrialization, urbanization, migration, globalization, and political and economic interests, may present possibilities or difficulties to them both. Additionally, they might communicate or work together with civil society, foreign actors, or other legal systems (Matavire, 2012; Gombe, 2006).

The aforementioned remarks provide a clear overview of the distinctions and parallels between the modern and customary legal systems. As a result, this study needs to precisely define the differences and similarities between the Oromo traditional court system and the modern court system concerning the Haramaya district case, which has never been thoroughly examined in our nation before.

2.9 Conceptual Framework

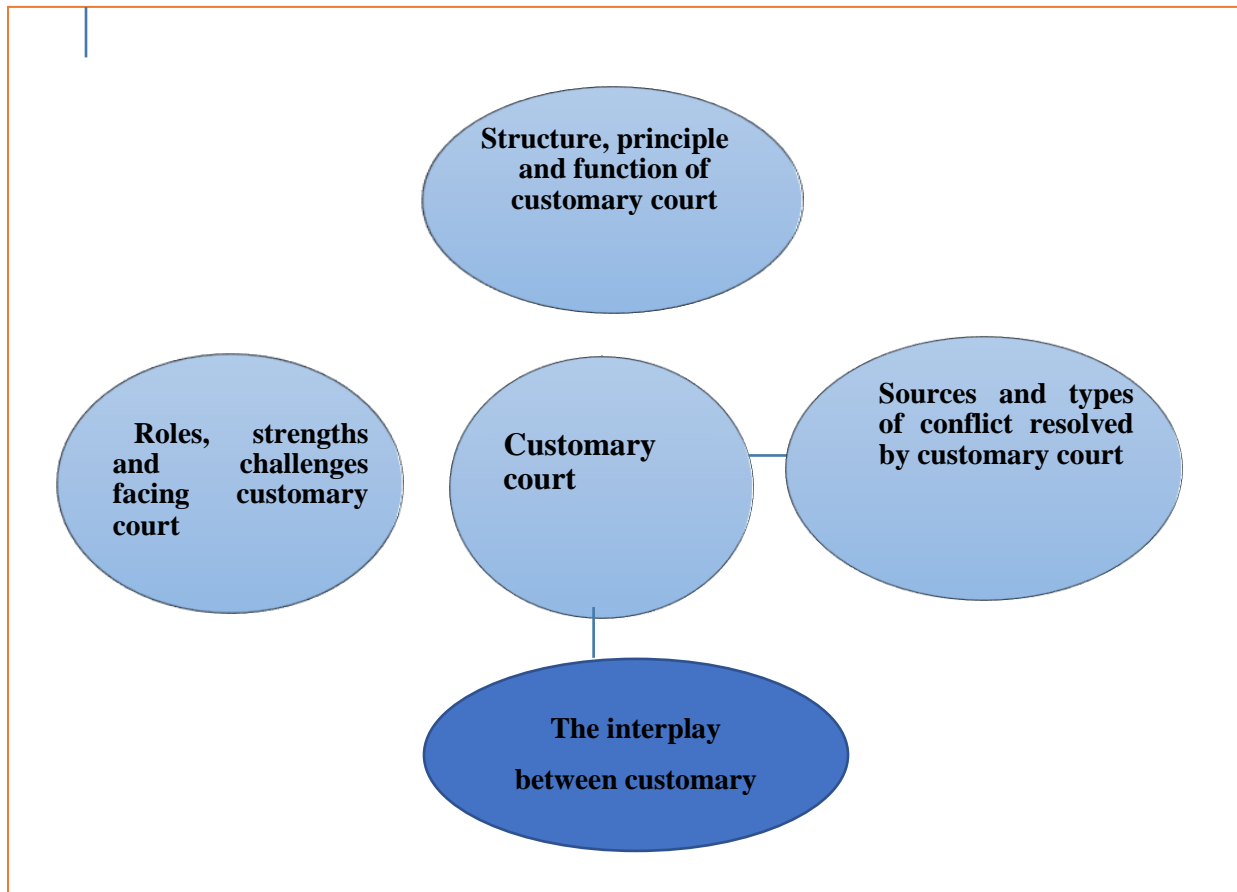
A conceptual framework is a critical tool for organizing and presenting ideas clearly and coherently. It outlines the key concepts underpinning your research question or problem and illustrates their relationships. Additionally, it helps identify gaps in the existing literature and guides both data collection and analysis (Ager and Strang, 2008).

In this study, the conceptual framework focuses on the functions, characteristics and the role of customary court or *Mana Murtii Aadaa Oromoo* in conflict resolution, specifically in the Haramaya district of East Hararghe, Eastern Ethiopia. The framework is built around objectives that directly align with the study's basic research questions. These objectives include: Identifying the types, causes, and consequences of conflicts handled by customary courts in Haramaya district, Analyzing the structure, procedures, and principles governing the customary courts in Haramaya district, Evaluating the effectiveness, efficiency, and fairness of customary courts in

resolving conflicts in Haramaya district and assessing the relationship and interaction between customary courts and formal courts in Haramaya district.

Based on these objectives, the researcher developed the following diagram to represent the study's conceptual framework.

Figure 1 Conceptual Framework



Source: Developed by Researcher

According to this diagram, this study was mainly focused on the following important issues. Those are: the establishment, principles and functions of customary court in Haramaya district. Secondly, the diagram clearly identified as the researcher discussed a type of conflict handled by CC system, the cause of conflicts in Haramaya district with its consequences. Thirdly, a researcher analyzed all the procedures of CC and the main Role CC with its actors to resolve conflicts in Haramaya district. At the finally stage, as indicated in the above diagram the

researcher mentioned the relationship between CC and modern court system clearly as well as the strengths and challenges facing customary court.

The details discussions of those mentioned the above paragraphs stated in the following manner for more clarifications of the issues that stated in the above diagram or graphics of the conceptual framework. Each and every issue mentioned in that diagrams of conceptual framework was justified as given below.

This study centers around a multifaceted analysis of the roles and functions of customary courts (CC) in Haramaya district, shedding light on their historical evolution, present-day relevance, and intricate relationship with the modern judicial system. The conceptual framework outlined in the study offers a structured approach to examining these dimensions by categorizing the issues into interconnected themes, as detailed below:

The foundational pillar of this research is an exploration of the historical trajectory of customary courts in Haramaya district. By delving into their origin, evolution, and transformation over time, the study seeks to trace the socio-cultural and legal factors that have influenced the establishment and adaptation of these courts. The focus is not merely on a linear historical analysis but also on unraveling the nuanced interactions between these traditional institutions and the broader socio-political landscape. This examination provides a rich contextual backdrop to understand how these courts continue to function as a vital component of local dispute resolution mechanisms.

The study systematically categorizes the types of conflicts that are traditionally handled within the customary court system in Haramaya district. These conflicts could range from familial and marital disputes to land ownership and resource allocation issues. By identifying and classifying these conflicts, the research aims to uncover recurring patterns that reflect underlying socio-economic and cultural dynamics. Furthermore, the study examines the root causes of these conflicts, such as economic pressures, resource scarcity, or cultural misunderstandings, alongside their consequences on individuals and the community at large. This dual focus on causation and impact offers a comprehensive perspective on the critical role of customary courts in addressing these conflicts.

Another key area of focus within this framework is the detailed examination of the procedural aspects of customary courts. This includes an analysis of how cases are initiated, deliberated upon, and resolved within the customary system. By investigating the roles of key actors, such as

community elders, mediators, and disputing parties, the study highlights the participatory and context-sensitive nature of customary court proceedings. Additionally, the research considers the principles and values underpinning these procedures, such as fairness, reconciliation, and cultural norms, to elucidate how these courts maintain legitimacy and trust within the community.

Finally, the research turns its attention to the interplay between customary courts and the formal legal system. By analyzing the points of convergence and divergence between the two systems, the study seeks to illuminate the complexities of their relationship. This includes an assessment of how customary courts complement, supplement, or conflict with the modern judiciary in terms of jurisdiction, legal principles, and societal acceptance. The framework emphasizes the need to understand this relationship within the broader context of legal pluralism, where multiple legal systems coexist and interact within a given society. The exploration of this dynamic interaction provides critical insights into the potential for harmonization and the challenges of integrating customary and formal legal systems.

This conceptual framework establishes a comprehensive and systematic foundation for the study. By addressing the historical roots, operational dimensions, and systemic relationships of customary courts, the framework offers a holistic understanding of their role, functions, characteristics and significance within the Haramaya district. Furthermore, the detailed focus on causes, consequences, and procedural aspects provides actionable insights that can inform both scholarly discourse and policy-making efforts aimed at fostering equitable and effective conflict resolution mechanisms in the study area and also as the country.

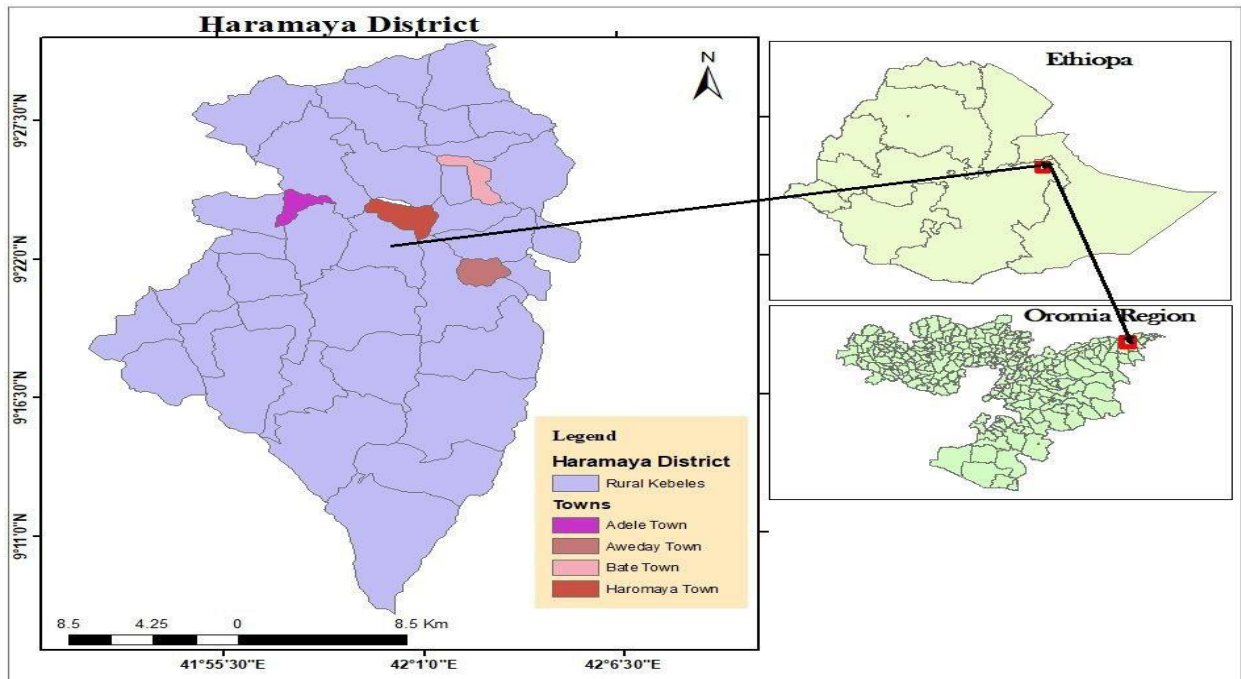
3. RESEARCH METHODS AND MATERIALS

This chapter presents a brief description of the study area and approaches used to conduct and complete this study. In the beginning, the geographical setting of the study area is clearly discussed. In this chapter, the researcher briefly presents the research design, research approach, data sources, sample size, and technique, data collection tools, and data analysis method.

3.1 Description of the Study Area

The study was conducted in Haramaya District East Hararge Zone in Oromia Regional state. The district covers an area of about 1,800 square kilometers and has a population of about 300,000 people, mostly from the Oromo ethnic group (Enyew, 2014). The district is known for its agricultural production, especially of *chat*, a stimulant plant that is widely consumed and traded in the region (Gebissa, 2004). The district is also prone to various types of conflicts, such as land disputes, resource competition, clan rivalry, and inter-ethnic violence.

Figure 2 Study Area Map



Source: Haramaya District Administration Office

3.2 Research Paradigm

Paradigms are a set of beliefs, world views, and assumptions about the world (Goduka, 2012). The design of any research can be decided based on the research paradigm (Bryman, 2006). Moreover, research methods and approaches are guided by paradigms and related philosophical assumptions (Shah and Khaskhelly, 2019). A paradigm, in the context of research, is a set of beliefs, values, and assumptions that shape how researchers understand the world and conduct their investigations. It's a lens through which researchers view their subject matter, influencing their research questions, methodologies, and interpretations of findings. The research paradigm is the philosophical framework that guides the research process and the choice of methods. (Davies, and Fisher, 2018). The choice of a research paradigm significantly impacts the research process. It determines the kind of questions researchers ask, the methods used to collect and analyze data and the techniques used to interpret the data as well as the nature of the conclusions drawn from the research. (Bryman, 2006).

The research paradigm for this study is the interpretive paradigm, which focuses on understanding the meanings, beliefs, and contexts of the participants, rather than on measuring and testing variables. The interpretive paradigm allows the researcher to use a qualitative approach, which is more suitable for exploring the characteristics, functions, and conflict resolution role of customary court in the case of Haramaya district, as well as the perspectives and experiences of the people involved. A philosophical perspective known as the interpretative paradigm places a strong emphasis on comprehending the individualized experiences and interpretations that people make of their social environment. Research that aims to investigate intricate social phenomena, like cultural practices, attitudes, and behaviors, is especially well-suited for it (Goduka, 2012).

The Interpretive Paradigm recognizes the subjective nature of human experience and knowledge. it also emphasizes the importance of understanding phenomena within their specific social and cultural contexts as well as relies on qualitative research methods, such as interviews, observations, and document analysis (Shah and Khaskhelly, 2019).

The interpretive paradigm is well-suited for studying customary courts because Customary law is often complex and nuanced, varying across different communities and regions. An interpretive approach allows researchers to delve into the intricacies of these legal systems. Understanding

the perspectives and experiences of individuals involved in customary court processes requires a focus on subjectivity and meaning-making (Kothari, 2006). The effectiveness of customary courts is influenced by various contextual factors, such as cultural norms, social relationships, and economic conditions. An interpretive approach can help to uncover these contextual factors. Qualitative methods, such as interviews and observations, are ideal for gathering rich, detailed data on the practices and beliefs associated with customary courts (Creswell and Clark 2017). By adopting an interpretive paradigm, researcher can gain a deeper understanding of the characteristics, functions and conflict resolution role of customary courts in the study area and their impact on communities.

3.3. Research Design

The theoretical plan, framework, scheme, structure, and strategy that guide research is the main emphasis of research design. Its purpose is to control variation and find answers to research questions by creating a blueprint for data collection, measurement, and analysis (Kothari, 2004). Research designs are types of inquiry within approaches that provide specific direction for procedures in a research study (Asenahabi, 2019). The design of any research can be decided based on the research paradigm (Bryman, 2006). A research design is a plan for using empirical data to answer research questions. The research design for this study is the case study design, which is a type of qualitative design that involves collecting in-depth and contextual data from a specific case or phenomenon. The case study design enables the researcher to understand the dynamics and outcomes of customary court in conflict resolution in the case of Haramaya district and to generate new insights and recommendations.

Researchers use case study designs in qualitative research to deeply examine a particular phenomenon within its real-life context. It's ideal when studying complex, unique, or rare cases, or when detailed insights into processes, behaviors, or relationships are required. Case studies are particularly valuable for exploring new areas of research, generating hypotheses, or providing rich, contextualized understandings that other methods may not offer.

3.4 Research Approaches

According to Abutabenjeh and Jaradat (2018), research approaches are plans and procedures for conducting research that covers the phases from general hypotheses to specific techniques of data collecting, analysis, and interpretation. In addition, the method in the interpretive paradigm of this research was qualitative because aims to understand and uncover ongoing methods of court-based conflict resolution in the Oromo peoples of Haramaya district specifically.

3.5. Study Target Group

According to Kothari (2006), the term population/target group refers to all elements that meet certain criteria for inclusion in a given universe. This study focused on the role of the customary court in conflict resolution in the Haramaya district. To achieve the intended aims, the researcher has selected the respondents directly or indirectly associated with the customary court in the study area. Accordingly, local elders, religious fathers, conflict parties, *haadha siinqee*, and *Abba Gadaas*, government officials were subjects of the study in this investigation. The population/subject of the study mentioned above was selected with the assumption that they are the key possessors of information related to the characteristics, functions, and conflict resolution role of customary court in the study area.

3.6. Source of Data

Both primary and secondary data were sources for the study. For the study, relevant primary data was collected from *Abba Gadaas*, *Hadhaa Siinqee*, conflict parties, government officials, religious leaders and local elders through both semi-structured and structured interview key informants' interviews and Focus Group Discussions. For the study, secondary data was collected through extensive reading and analysis of different written materials. The researcher reviews different written sources such as books, journals, articles, and dissertations, to cross-check and corroborate the information that the researcher obtained from informants.

3.7. Sampling Technique and Size

The population as a whole is ideal to research. But this is not possible. Thus, one has to be content with a sampling (Kothari, 2004). In this study, purposive sampling techniques were employed. Because the method is very important to find people who are willing to provide validation by knowledge or experience (Hancock *et al.*, 2009). Devers and Frankel (2000) state

that purposive sampling involves selecting information-rich cases individuals, groups, organizations, or behaviors—that provide the most valuable insights into the research question. In this study, respondents were chosen purposefully based on specific criteria, including their willingness to participate, age, knowledge, experience, and involvement in conflict resolution through customary courts in the study area. According to Rescoe (1975), as cited in Sakaran (2000, p. 296), sample sizes between 30 and 500 are generally appropriate for most research. Accordingly, this study selected 45 respondents.

3.8. Methods of Data Collection

The methods of data collection are the techniques and tools used to collect data from the sources of data. For this study, the relevant data was collected through direct personal observation, interviews (both structured and semi-structured interviews), Focus Group Discussion (FGD), key informants’ interviews, and document review (both published and unpublished reports).

3.8.1. Key Informant Interview

The key informant interview is a qualitative method of data collection that involves conducting a semi-structured interview with a person who has specialized knowledge or experience on the research topic. Semi-structured interviews are useful in qualitative research when exploring complex topics, balancing consistency and flexibility, capturing personal experiences, adapting to diverse participants, and identifying themes or patterns for further study.

The key informant interview allows the researcher to obtain in-depth and contextual information on the role and functioning of customary court in conflict resolution in the study area, and to explore the perspectives and interests of the different actors involved in the customary court and the conflict resolution processes. The key informant interview was conducted with 17 key informants, who were selected by using the purposive sampling technique, based on their roles and interests in the customary court and the conflict resolution processes, such as the customary court judges, elders, disputants, witnesses, formal court officials, local administrators, and civil society representatives. That means, 17 individuals from customary court judge (5 individuals), elders (2 individuals), disputants (3 individuals), witnesses (2 individuals), formal court officer (2 individuals), local administrator (2 individuals), and civil society representative (1 individuals).

The key informant interview was guided by an interview guide, which contained a list of open-ended questions that covered the main themes and sub-themes of the research. Before commencing the key informant interview, the researcher carried out a literature review of existing studies related to the role of the customary court in conflict resolution to develop an outline and formulate interview questions for the study. Then after, an interview guide was developed, as a tool to maintain the focus of the interview and to ensure that all themes and issues were covered during each interview. Questions in the interview guide were written in English first and then translated into Afaan-Oromoo to convince and to avoid the language barrier. During interview time, the voices of the respondents were recorded by using voice tape recorder tools, after permission was obtained from each respondent.

3.8.2. Focus Group Discussion (FGD)

The focus group discussion is a qualitative method of data collection that involves conducting a group discussion with a small number of people who share similar characteristics or experiences on the research topic. The focus group discussion allows the researcher to obtain collective and interactive information on the role and functioning of customary court in conflict resolution in the study area, and to explore the opinions and experiences of the people who are directly or indirectly affected by the conflicts that are handled by the customary court. For the study, as one means of primary data collection method, FGD was conducted with different participants. The informants for FGD were selected purposively, based on their knowledge and experience and participation in conflict resolution through customary court. Consequently, for the study one FGD was conducted with the customary court judges; two FGD with elders and formal court officials as well as one FGD with conflict parties.





Figure 3 FGD with Conflict Parties and Elders of Haramaya District Appellant customary court (source: By Kedir Mohammed May, 2024).

The detail discussion of those focus group discussion participants are stated as the following: The Focus Group Discussion included 28 Individuals. That means, Customary court elders (9 Individuals), Formal Court (9 Individuals), and Conflict Parties (10 Individuals).

3.8.3. Observation

Observation was another method of primary data collection for this study. As noted by Patton (1990) cited in Patrick (2003), observation is one of the qualitative research techniques in which a researcher conducts first-hand activity to get access to the sources of study. Creswell (2014) further explained observation as a fundamental and highly important method in qualitative inquiry. For this study, the researcher conducted observation during the whole process conflict resolution through customary court in the study area. Sun (2012) has explained that any study without site investigation (observation) has no convincing. Thus, in this study bulk of data was gathered through direct personal observation. The researcher has observed the overall conflict resolution process by both first instant and appellant customary courts located in the study area at large.

3. 8. 4. Document Analysis

Document review is also the most important data collection instrument. In this study different published and unpublished documents, journals, customary methods of conflict resolution workshop manuals were reviewed. The researcher has analyzed public documents (e.g. Court memos, records, archival material). In document analysis there was detail review of the formal court files related to compare it with the customary court methods called Mana Murti Aadaa

Oromoo in the study area. Moreover, documents and reports available in the court office and justice office of Haramaya district was reviewed in order to recognize the producers formal court system were resolve conflicts and also to compare the customary methods with the formal court system.

3.9. Methods of Data Analysis

For the study, the researcher used the qualitative method as the primary means of data analysis. Ideas and abstract concepts of the research as well as the relevant primary data collected through interview, direct observation, and FGD were analyzed by using the steps of qualitative data analysis (organization, description, and finally interpretation). The collected data of this research was analyzed thematically in a coherent manner. Generally, for this study, the researcher employed a thematic method of data analysis.

3.10. Ethical Consideration

Ethical issues are the concerns and dilemmas that arise over the proper way to execute research, more specifically not to create harmful conditions for the subjects of inquiry, humans, in the research process (Schurink, 2005: 43). He points out, research ethics is a complex matter to which there is unlikely to be clear solutions. He believes that it is useful for researcher to follow a practical approach in which they ask questions and push themselves hard to reach answers. Any research conducted with the involvement of human beings/hosts need to be guided by ethical principles; informant consent, confidentiality and anonymity (Abiy *et al.*, 2009).

Furthermore, official authorization is required for conflict study from the host as well as from other locations, including the town and district (David and Kramer, 2001). Accordingly, to carry out the study on the characteristics, functions, and conflict resolution role of customary court in Haramaya district, permission was obtained from Haramaya University. Each informant gave informed verbal consent after being told about the purpose of the study. Besides, as anonymity and confidentiality of informants seriously taken into account in any research chiefly social research (work, 2010). Prior to commencing interview, the researcher has told informants as their information that are going to deliver is for educational purpose. In particular, the researcher ensured the following throughout this study: (i) explicate the aim and objectives of the study as well as the procedures to be followed up front to everybody taking part in the research; (ii) made it clear to them that participating in the study is voluntary, and that should they for some reason

want to withdraw from it, they have the right to voluntarily do so at any time; (iii) that everybody participating in the study complete an informed consent form complete together with my promoter; and (iv) that their privacy was respected at all time and that everything they share was treated as confidential.

4. FINDINGS AND DISCUSSION

This section presents the findings and discussion on the characteristics, Functions and Conflict Resolutions Role of Customary Courts: The case of Haramaya district, East Hararghe Zone, Oromia, Ethiopia. Findings from FGD, observation, and key informant interviews were analyzed and discussed to understand the topic under discussion. The finding's part has four main sections. The first section describes customary courts' establishment, procedures, and functions in settling disputes in the Haramaya District. The second section accounts for the causes and types of conflict settled through customary court in the study area. The third section deals with the interaction and relationship between customary and formal legal courts in conflict resolution in the study area. The fourth section describes the strengths and challenges facing customary courts in conflict resolution in the study area. The final section of this chapter deals with the role of the customary court in settling conflict in the Haramaya district.

4.1 The Overall Characteristics of Sampled Respondents

The total number of Study participants was 45. Consequently, relevant data was collected from a total of 45 potential informants. Accordingly, interviews and Focus Group Discussions were conducted with 45 informants. The following is a survey of the respondent's demographic characteristics: gender, age, educational background, and occupations.

Table 1 Demographic characteristics of the respondents who participated in the study

Sex of Respondents			Professionals of The Respondents		
Sex	Frequency	Percentage	Professionals	Frequency	Percentage
Male	38	84.5	Lawyer	4	8.8
Female	7	15.5	Farmer	15	33.5
			Traders	8	17.7
			Government officials, <i>abba gadaa</i> , <i>hadhaa siinqee</i> and religious leaders	18	40
	45	100.0	Total		100.0
Age of respondents			Educational Background of The Respondents		
Age range	Frequency	Percentage	Level of education	Frequency	Percentage
30-40	12	26.6	Standard 1 – 4	8	17.7
50-60	24	53.4	Formal Education	13	28.8
Above 60	9	20	No modern education	14	31.3
			Degree	10	22.2
Total	45	100.0	Total	45	100.0

Source: The Researcher's survey, 2024

As it can be seen from above Table 1, in terms of occupations/jobs of the respondents of this study 33.5% were farmers, 17.7% were traders, 8.8% were lawyers and 40 % were government officials, Abba Gadas, *hadhaa siinqee* and religious fathers. Among the total number of respondents to the study, 84.5% were male and 15.5 % were female. It is clear from the above table that the majority of the respondents of the study 24 (53.4%), fall under the 50-60 age range, 12 (26.6%) is between the 30-40 age range, and also 9(20%) of the sampled respondents above 60. Regarding the educational background of the sampled informants, as seen from above table 1 majority of the respondents 14 (31.3%) have no modern education, 13 (28.8%) have only formal education, 8 (17.7%) have standard (1-4) level of education, 10(22%) are degree holder. This indicated that the majority of the sampled respondents who participated in this study were farmers who experienced different conflicts and served as elders in customary courts and they are uneducated and only some of them have informal education. All interviewed individuals were selected by using the non-probability sampling method.

4.2 The Establishment of Customary Court in Oromia

Even though they are later acknowledged and controlled by the state, traditional justice systems are typically non-state, community-level dispute resolution processes. While some states maintain a parallel system where the formal court and the traditional forum coexist and give the parties a choice of forums, others maintain a vertical structure where the traditional system is the lowest level of the court system (Bekker, 2014). Religious and customary courts may be established or granted official recognition by the State Councils and the House of Peoples' Representatives, according to the Federal Democratic Republic of Ethiopia Constitution Art. 34(5) (the Federal Democratic Republic of Ethiopia, 1995). Furthermore, it was added under the same clause that religious and customary courts that operated before the Constitution's adoption and had official recognition would be arranged by the recognition this Constitution grants them (Federal Democratic Republic of Ethiopia, 1995) (Indaalammaa, *et al.*, 2021).

The Oromia Regional National State Constitution (Oromia Regional National State, 2001) contains the same clause in Article 62. The purpose of this study is to discuss the functions of customary courts and outline the organizational framework that the Haramaya district's customary courts should have. The legal underpinnings for the court were excellently outlined in A Proclamation to Provide for the Establishment and Recognition of Oromia Region Customary Courts, No. 240/2021 (Oromia Regional National State, 2021). This proclamation outlines its overall characteristics as well as its particular qualities and powers in the following manner: This Proclamation establishes the Oromia region's Customary Courts, which render decisions under customary laws. 2. Social structures that function as customary courts and resolve conflicts under customary laws may be recognized (Indaalammaa, *et al.*, 2021).

The regulation and order to be issued was establish the specifics. 3. This proclamation does not restrict social institutions that have participated in conflict settlement by customary laws from carrying out their usual duties, notwithstanding the provisions of sub-articles 1 and 2 of this article. The following goals was be pursued by the Customary Court: 1. To empower the local community, and settle conflicts by customary laws and cultural values; 2. To support the upholding of human rights and the rule of law by administering justice under customary law, which is superior in terms of fact-finding and justice, and fostering the social ties between the parties involved; 3. To provide the people in the area with affordable, easily available legal

services; 4. To establish a legal and judicial system that supports the development of the Oromo people's customs, values, and language while also ensuring a sense of ownership (Indaalammaa, *et al.*, 2021).

4.3 The Establishment, Structure, and Functions of Customary Court in Haramaya District

Conflict occurs in all kinds of human relationships and social settings. However, the manner in which conflict is handled is vital. Conflict can be prevented and managed by adhering to the values and principles of the constitution and customary laws. Every society in the world has created its conflict resolution system. Like other people, even before the introduction of the modern legal justice system, the Oromo had their customary institutions that dealt with disputes under the framework of the Gadaa system. In Ethiopia, the 1995 Constitution (Article 34(5)) recognizes the limited application of traditional law and encourages people to use customary and religious laws for marital, personal and family rights.³¹ Article 78(5) of the Constitution also states that: Pursuant to sub-Article 5 of Article 34(5), the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts.

Religious and customary courts that were recognized by the state and operated before the Constitution was ratified and reorganized using the recognition that this Constitution grants them. According to oral information customary court was established in Haramaya district in 2014 based on Oromia Region Customary Courts Proclamation No.240/2021. In Haramaya district Customary Court has two structures namely - First Instance Customary Court (*Mana murtii Aadaa Jalqabaa*) and Appellate Customary Court (*Mana murtii Aadaa oldabrafataa*). There is one appellate customary court located in Haramaya town alongside a First Instance customary court located in each of the district's *Kebeles*. Informants state that, the chairperson of the customary court, the elders of the customary court, the customary court secretary, and *Hadhaa siinqee* are the major organs of both the first instance and appellate customary courts. *Hadhaa siinqee* are selected as a customary court elders were selected based on her experience and contributions in the community.

As for the key informants, the election for elders of both the first instance and appellate customary courts is led by the coordination of a committee established by Haramaya District Legal Court. The elders of customary court elected by the people of Haramaya district from age 40 to 70

years; familiarity with and respect for the customary law; social acceptance, competence and experience in rendering traditional justices; language potential (influenced in Afaan Oromoo) willingness to serve as a customary court elder and political impartiality. Informants stated that, the term of office of the elders of customary court is the same with the year of service of *Abba Gadaa* or eight years. However, an elder of customary court against whom complaint is made due to capacity and ethical limitations will remove from duty even before the lapse of their term of office.

Traditional conflict resolution in Africa is founded on the customs, traditions, and beliefs of the community's members. The methods, processes, and regulations are deeply rooted in the customs and traditions of the peoples of Africa (Choudree, 1999). Similarly, the approaches, procedures, and principles of the study area's customary court (*Mana murtii Aadaa*) are extremely embedded in the philosophies and values of the *Gadaa* system. Currently, the first instance customary courts are found and work in all *kebeles* of Haramaya district as well as manage almost all kinds of conflicts ranging from petty offenses up to homicide in the study area. In customary court, the process of conflict resolution is led by customary court elders. According to the informants, elders hold key positions in the conflict resolution process of customary court and are chosen according to their social status, background, respect within the community, age, and familiarity with local customs and culture.

Informants of customary court stated that, different kinds of conflicts have varied natures and procedures in customary court conflict resolution mechanisms. For instance, in the case of physical harm, the customary court elders instructed the offender not to leave his home for the market, river, or public gathering until the matter was resolved. According to informants, the primary goal of preventing the offender from leaving his home is to avoid revenge, further conflict, and destruction in the community.

The conflict case could be brought to the first instance customary court by the victims. The First Instance Customary Court has jurisdiction over civil and family cases, as well as minor infractions and offenses that are subject to penalties. However, the appellate customary court's jurisdiction is limited to appeals against the First Instance Customary Court's final decisions. Informants state that the disputing parties must consent for the Customary Court to have jurisdiction over them. The following table summarizes the conflict cases that are resolved at each

and every first instance customary courts of the study area, as well as the cases that are transferred to Haramaya district appellant customary court.

Table 2 First Instance Customary Court (Mana Murtii Aadaa Jalqaba) in Haramaya district

No	Name of First Instance Customary Courts	Year: 2016			Cases transferred to appellant customary court
		Cases taken to FICC	Decided cases	Interrupted cases	
1	Dire kabso First Instance Customary Court	305	301	0	4
2	Ido Balina First Instance Customary Court	323	319	2	2
3	Haka fila First Instance Customary Court	150	139	6	5
4	Malka Gemachu First Instance Customary Court	141	137	0	4
5	Karo dada First Instance Customary Court	200	195	2	3
6	Karo tarkafi First Instance Customary Court	166	160	6	0
7	Keransa First Instance Customary Court	95	92	1	2
8	Adu Bate First Instance Customary Court	237	232	2	3
9	Kalid First Instance Customary Court	77	73	2	2
10	Gobele First Instance Customary Court	102	97	2	3
11	Kersa Getata First Instance Customary Court	176	173	1	2
12	Awumara First Instance Customary Court	107	104	3	0
13	Gobe cala First Instance Customary Court	109	105	3	1
14	Kersa kajima First Instance Customary Court	85	76	5	4
15	Ugeza lenca First Instance Customary Court	122	118	1	3

Source: *Gabbasa Mana murtii Aadaa oldabrafataa Aanna Haramaya* (Haramaya district Appellant Customary Court report)

As it can be seen from the above Table 2, in the study area there are 15 first instance customary court which is found in each and every *kebele's* of the district. Conflict case occurred among individuals or group taken to first instance customary court. If the case is complex and not resolved at any of the first instance customary court, then it was be taken to appellant customary

court. As you have seen from the above table, in this year alone a number of conflict cases were resolved by first instance customary courts of the study area. However, disputes that are not resolved at first instance customary court may go to the district's appellant customary court. According to informants, any aggrieved party who is not satisfied with the outcome at any of the first instance customary court may appeal the cases to district's appellant customary court. Then after, the elders of appellant customary court was see and examined the case-based evidences.

4.4 Sources and Types of Conflicts Resolved by Customary Court in Haramaya District

The researcher has made an effort to examine and discuss the various reasons why people in the Haramaya district dispute. People in this societies experience conflict for a variety of reasons at different times, and conflict is seen as an unavoidable occurrence. According to informants of customary court, people might ignore the interests of others in their daily activities, which could result in conflicts between groups or between individuals.

Literature demonstrates that interpersonal conflict arises in all social contexts and human relationships. Due to the vast array of possible differences between people, the absence of conflict typically indicates a lack of engagement. Conflict is neither good nor evil in and of itself. But whether a disagreement is helpful or detrimental depends on how it is managed (Deutsch and Coleman, 2000). Conflict among the local population in the study region arises for a variety of reasons.

With the types of conflicts, according to the informants, the majority of the conflicts that have been observed among the community of study area are interpersonal and inter-family. According to the information obtained from focus group discussion, boundary conflicts on farm lands and problems of access to water irrigation are also bones of contention among the community of the study area. According to many informants' lands and its related issues, dispute over inheritance, family dispute, spouse case and sharing of natural resources are the major sources of conflict among the people of the study area.

Table 3 Civil and Criminal Cases Taken to customary courts and legal court in the study area

Kinds of Conflict	2015		Total	2016		Total
	Customer court	Modern court		Customary court	Modern court	
Land related conflicts	209	141	350	224	71	295
Spouse case (marital).	84	76	160	78	34	112
Family dispute	112	33	145	81	17	98
Inheritance related	47	92	139	35	88	123
Physical violence	91	49	140	67	58	125
sharing of natural resources	85	39	124	79	29	108
Breach of agreement	13	32	45	12	20	32
Theft	17	11	28	8	11	19
Intimidation	22	15	37	17	5	23
Others	82	71	153	97	51	148
Total	762	559	1321	648	435	1083

Source: From Haramaya district police office

The table above illustrates the prevalence of conflicts and their many sources. These could be categorized into civil and criminal cases. According to informants, most civil cases are usually handled by both first instance and appellant customary courts and majority of these type of conflict do not present before the legal court. Therefore, the magnitude of civil cases reported to the court might not show the real occurrences of such types of cases. The data gained from the Haramaya district legal court and customary court reports indicate that the primary cause of conflict in the study area is in the area of economic interest, especially land related conflicts. The economic causes of conflict include conflict over land ownership right, claiming tracts of adjacent farm land, grazing land, inheritance, theft and marital conflict involving right to property. Other causes of conflict like physical violence and breach of agreement. These types of conflicts are usually taken to customary court and to be settled.

As reported by the participants of FGDs, farming land is one cause of conflict in rural area of Haramaya district. It is clear that competition over land have been a critical cause of violence. In an agrarian society, land is a fundamental or essential component. The dispute also stems from issues surrounding the sharing of natural resources. For example, FGD discussants stated that

throughout the winter, there is a scarcity of water for crops and other agricultural products because of the need of water for irrigation. Couples may have conflict because of various circumstances. According to informants, Absence of faithfulness between the husband and wife when one of the spouses being to have another marry. Focus group discussants in their part argued that the other reason for divorce is the family interference on the affairs of spouse. Although, controversy and disputes is inevitable or certain to happening between husband and wife, sometimes family of one spouse interferes and this leads to the family relation become an end.

4.5 The Interaction Between Customary Court and Legal Court in Conflict Resolution in Haramaya District

This section presents the interplay and cooperation between customary and legal courts in settling disputes in the study area. The interplay and interaction between customary courts and legal courts in conflict resolution in Haramaya district is a complex and multifaceted issue. The fundamental aims of both customary court and formal legal system are to settle conflicts and prevention of crime. Thus, there are areas of cooperation and interactions between customary court and legal court in study area in settling conflicts including selection of elder's customary court, case transfer and notification the decision transferred case. For this, customary and legal court statistics as well as selected cases are used to illustrate the areas of the cooperation between the customary and legal court in Haramaya district. One of the cooperative aspects between the customary and legal court in the study area is election of elders of First Instance and appellant Customary Courts.

According to informants, the election of elders of First Instance Customary Courts of each and every *kebelles* of the district led by the coordination of a committee that established by a District Legal Court. Haramaya District Legal Court organize a committee responsible for the election of elders of an Appellate Customary Court. The other area of interaction and cooperation between customary and legal court in Haramaya district is case transfer and notification of the decision of the transferred cases to one another. According to informants, there are several cases that transferred from legal court to customary courts and vice versa. The cases transfer occurs in different contexts, for instance when the disputed parties invited customary court elders or when the elders convince the disputants to move the case from the formal legal court to the customary

court. The following table presents a summary of the total number of criminal cases over two years transferred from formal court to customary court and vice versa.

Table 4. Conflict Cases are taken to legal court and transferred to customary court and vice versa

Year			
	2015	2016	Total
Total case	458	397	855
Case taken to legal court	175	145	320
Transferred case to customary court	69	70	139
Case taken to customary court	214	187	401
Transferred case to legal court	18	22	40

Source: From Haramaya district legal court annual report

As can be seen from above Table 4, case transfer is common between legal and customary courts. In this year (2016) alone 70 conflict cases are transferred from legal court to customary court. And also, 22 conflict case transferred from customary court to legal court. However, the magnitude of transferred case from formal legal court to customary is not the same. As it can be seen from the above Table, a number of conflict case transferred from legal court to customary court in the study area. This implies that, initial people take their conflict case to legal court but later on they transferred the case to customary court due to time, cost and procedure.

One element of the two systems' cooperative cooperation is case transfer and reporting of the settlement decisions of transferred cases to each other's jurisdiction. The above Table 4 demonstrate that in Haramaya people use both legal forums: taking their disputes from one forum to another. The interviews made with several people in the study area showed that people take their cases to the formal court in order to give weight to their cases before the elders. Subsequently, they take the case out of the legal court and settled their conflict case by customary court.

The other areas of cooperation between customary court and formal legal court are the enforcement of the judgement given by elders of customary court. Informants stated that, the Customary Court enforce its judgment using customary structures for the implementation of

judgment such as ‘*Foollee*’, ‘*Jaallaba*’, ‘*Jalkaawaa*’ and ‘*Makkala*’ where the defendant fails to perform a judgment made against him/her. Where it is hardly possible to execute the judgement by customary structure, without the violation of the human rights of the defendant, the Customary Court send the copy of the judgment and notify the Haramaya District Legal Court for implementing it. With regarding to the implementation of customary court’s judgement by Haramaya District Legal Court, the president formal court stated as follows:

The customary court and the legal court collaborate in numerous ways in Haramaya district. For example, legal court employees oversee and manage the entire election process for customary court elders. Furthermore, formal legal court support and collaborate with the customary court in carrying out its decision. Defendants occasionally rejected the decisions made by the customary court. In this situation, legal courts accept the customary court's decision and implement it at all if the judgement given by customary not violate the human right of the defendant. Elders and FGD participants provided data indicating that the formal judicial system and the customary court have a relationship and work together. Because the formal mechanism has its own legal means (police force, military) to maintain order in the area, the informants contended that one of the institutions cannot succeed without the other. However, the customary court has the experience and traditional authority to improve social cohesion and balance out the relationships between the people.

The key area of union of customary court and formal court is that both are largely agree upon basic values of society and social norms. It is this common feature and the belief that the both are fundamentally explaining society’s willingness to stand by them. Customary courts go much further than the Legal procedure in terms of ensuring social justice and peace. For instance, beside dispute resolution customary court also focuses on restoring community’s peace. In order to maintain peace in the community, it seeks to mend broken relationships. It addresses the tangible and immaterial reasons of conflict as well as values, beliefs, needs, interests, and suspicions.

The value loaded conception of customary court goes much further than the Legal procedure in terms of ensuring social justice and peace. Since it aims not only at settling disputes among parties but also focuses resolving conflicts and restoring community peace. The formal courts often emphasize the resolution of the material causes of conflicts (resource and power are often

the focus) without dealing with the psychological and cultural shock that often activate revenge. Customary court deal with values, beliefs, fears and suspicions, interests and needs, as well as with both material and nonmaterial causes of conflicts. Issues related to status, honors, recognition and respect often play critical role in conflicts and are the focus of customary court in the process of conflict resolution and healing wounds.

In the case of the study area most of time disputants prefer to take their dispute to the customary courts. In particular, the defendant was take an oath to show the truth if the plaintiff is unable to locate a witness. That cannot be done in a formal court. Due to various mistakes made by judges, witnesses, and other relevant parties, the victim's facts may be hidden even in cases when there are witnesses and supporting documentation.

To the contrary, in customary courts there is no such kind of error since the elder uses different mechanism from both religious and judicial procedures. Because of this many cases are referred to customary court from District legal courts. In table 1 the researcher tried to show the circulation of cases between customary court and formal courts in the study area.

According to information obtained from FGD participants, in the study area sometimes both customary court and legal court has complementary roles. The following case studies best illustrate how customary and legal court complement each other in Haramaya districts.

Case study: 1 Land Dispute

A land dispute arose between two neighboring families in a rural area of Haramaya district. The dispute, rooted in historical land ownership claims, escalated into physical confrontations and threats. The families initially sought resolution through the local customary court and brought their conflict case to Adu Bate first instant customary court. After hearing, the customary court elders convened a meeting involving both families and their extended kin. They listened to both sides, identified the root causes of the conflict, and facilitated dialogue. Then, the elders proposed a compromise solution, dividing the disputed land based on historical usage patterns and considering the needs of both families. Despite the efforts of the customary court, tensions persisted, and one family filed a formal complaint with the Haramaya district legal court. The court conducted a formal hearing, collecting evidence and applying legal principles. Ultimately,

the court's decision largely aligned with the customary court's proposed solution, reinforcing the legitimacy of customary practices.

This case study illustrates a customary court's emphasis on mediation and reconciliation rather than punishments. Moreover, the above case study demonstrated that the customary court's deep understanding of local customs and social dynamics allowed for a more nuanced and context-sensitive resolution. This case study is also showing the legal court's involvement provided a formal framework for enforcing the agreed-upon solution, ensuring compliance. To sum up, the above case study illustrates the complex interplay between customary and legal courts in the Haramaya district. While customary courts often provide initial and informal resolution mechanisms, legal courts can play a crucial role in enforcing decisions, addressing complex legal issues, and ensuring justice. The effective interaction between these two systems is essential for promoting peace, stability, and sustainable development in the study area.

In spite of various areas of cooperation between customary court and legal court, there are also problems and competition between customary and formal legal systems including mutual undermining, confusion and dispute over jurisdiction, double jeopardy, lack of mutual trust and failure of both systems to settle certain disputes.

As reported by the participants of FGDs, despite there are numerous areas of cooperation, the two legal systems also undermine each other in various ways and in both directions. The formal legal institutions hinder the activities of the customary court by disregarding customary court elders' decisions by the name of human right. Many cases have been reported in which disputants resorted to the state court after having been found guilty by the decisions of customary court elders. According to informants, this was particularly true of disputants who purportedly lacked the facts and sought to win a case by corruption.

Case Study: 2 land Dispute

A land dispute occurred between two farmers in Melka Gemachu rural village of Haramaya district. The case is initially heard by a customary court. After careful deliberation, the customary elders issue a judgment based on local customs and traditions. However, one farmer who is dissatisfied with the outcome of customary court appeals to a formal court. The dissatisfied farmer argues that the customary court's decision violates his human rights, citing specific provisions of the Ethiopian Constitution or international human rights law. Then after,

the legal court of Haramaya district claimed that the decision was unfair and discriminatory, or that they were not given a fair hearing. Ultimately, the formal court, influenced by the human rights argument, overturns the customary court's decision and issues a new ruling.

The aforementioned case study, highlights the tension between customary court and formal legal systems, particularly in the context of human rights. As we can understand from the above case study, the overturned initial decision of the customary court undermines the authority of the customary court and erodes the trust of the community in its ability to resolve disputes effectively. As clearly stated in the above case study, sometimes dissatisfied party's use of human rights arguments to challenge the customary court's decision and particularly the formal court's intervention can erode the legitimacy of customary courts and undermine their ability to resolve disputes peacefully. To sum up, the aforementioned case study illustrates the complex interplay between customary and formal legal courts in the study area. While both systems have their strengths and weaknesses, it is essential to find ways to harmonize them and ensure that justice is served in all cases.

Confusion and dispute over jurisdiction is another problematic area among customary and legal court in the study area. There exist cases that neither the formal nor the customary legal system wish to deal with, as they are considered as trivial. Informants stated that, plaintiffs have complained to the court that the police and public prosecutors do not accept cases that they consider unimportant, such as verbal insult, personal quarrels, minor assault, petty theft and petty damage to property. Instead of taking the plaintiffs' statements, they usually send them back to the community to have the case resolved by first instance customary court. The customary elders, however, are also sometimes unwilling to deal with such minor cases.

Disputes between spouses provide another kind of cases that both systems do not like to deal with. When, for example, women reported that they were insulted or harassed by their husbands or close relatives without being able to provide strong evidence, the offices of prosecution and women's affairs sometimes sends them to the customary elders, whom they consider better suited to settle private disputes. Customary elders, however, are sometimes reluctant to deal with marital and domestic disputes. The fact that some elements of civil law are categorized under personal and family law creates yet another misunderstanding. The 1995 FDRE Constitution and the 2001 Constitution of Oromia have allowed customary courts to deal with personal and family

matters, with the consent of the parties in dispute. They left particulars to be determined by law, but this issue has so far not been addressed by the concerned bodies. Thus, there is some uncertainty and confusion on the side of elders to identify matters that fall within their jurisdiction.

In the study area, In the case of serious crimes (homicide and bodily injury), double jeopardy can be observed even though Art. 23 of the 1995 Ethiopian Constitution and the 2001 Revised Constitution of Oromia state that no one was be subjected to double jeopardy for the same offense if found guilty. At the same time, the Ethiopian law gives an exclusive jurisdiction over such criminal cases to the formal law. One of the interviewed customary elder had this to say:

A man killed his neighbor in a rural area of Haramaya district in 2015. Their initial disagreement originated from a boundary issue concerning agricultural land. The customary court settled the dispute by paying the victims' families a blood price. Following the customary elders' resolution of the dispute, the legal court reopened the case by the name of human rights and punished the defendant to 12 years in imprisonment. Informants stated that, mistrust is another aspect of the conflicting relationship between elders and the state officials. This mistrust is on both sides: actors in the formal legal system do not trust local elders because of the latter's involvement in disputes that do not fall within their jurisdiction. To sum up, by addressing the aforementioned challenges and promoting effective collaboration between customary and formal courts, it is possible to create more just and efficient dispute resolution systems that respect diverse cultural traditions and legal principles.

4.6 Strengths and Challenges Facing Customary Court in Conflict Resolution

Customary court restores and strengthens relationships and rebuilds mutual trust: The study discovered that the concepts of social coherence, social harmony, peaceful cohabitation, transparency, respect, tolerance, and humanism are essential to the customary court. Conflict resolution by customary court has its own strength in which the communities are benefited. According to Muiguana, (2015) the practice of customary dispute resolution in resolving disputes and access to justice in Africa is still important. Customary court provides restorative justice: The informants asserted that, the natures and aim of customary court is restoring broken relationships between or among the disputants by healing their issue from its sources. In

supporting this, Zehr, (1985) stated, customary or traditional restorative justice views criminal conflict as a violation of a relationship between or among victims, offenders and the community.

In addition, the informants said; the practices of negotiation, mediation and reconciliation within customary court institutions are mainly working to rebuild the broken peace and creating peaceful relations between or among the disputants through forgiveness, tolerance honesty, and faithfulness for settling the disputes based on forwarding a win-win solution to both parties of the disputes. In customary court, there are methods for changing disagreement into harmonious relationships. According to informants, the ultimate goal of customary court is to restore peace and relationships amongst the conflict parties. The process of mending the shattered relationship between conflict parties began at the end of the assembly, when both offenders and victims were ordered to exchange property and eat and drink together for the purpose of restoring the broken relationship among the conflict parties. Yet, the formal conflict resolution system is adversarial to the disputant's future relationships and its approach to settle the dispute is mostly win-losing and cannot consider the effects of the decision in the future all over interaction of the parties.

Informants said that, the most interesting part of customary court is that, the selected of customary court elders preach the values of peace, tolerance, mutual understanding and impacts of conflict at the end of reconciliation for the conflict parties, participants and member of the community to restore the broken relationship and prevent further conflicts in the society.

The data gained from focus group discussion participants revealed that customary court elders have playing great role in providing advice for the community to minimize local conflicts. According to informants, for the sake of reducing conflict in the community, the Customary Court order the defendant to discharge penalty imposed on him, to effect *Gumaa*, to cover the costs and economic damages he caused to the plaintiff through '*hirpha*' where it believes that this can prevent the defendant or other persons or such is capable of awaking the community of their role in preventing criminal acts. *Hirpha* refers to a procedure whereby an individual, as a result of his wrongdoing, approaches his clan or community members for financial or in-kind support. He does this by going door-to-door or to a marketplace, explaining his wrongdoings and the penalties imposed on him, and offering to pay the victim "*Gumaa*," or compensation or price, or to carry out the penalty that has been imposed.

Customary court provides restorative justice: In the study area, both first instance and appellate customary court focus on reconciliation, stability, harmony and safety; and try to reconcile individuals and groups based on cultural norms and practices. As Emanuel (2013) emphasizes, repairing interpersonal or intergroup ties is a critical goal of any long-term conflict resolution effort. According to informants, the main goal of both first instance and appellate customary court is to restore trust between conflict parties, address the root causes of conflict, and foster friendship and peace among community members. Thus, customary court deeds assist considerably to the restoration of justice and the avoidance of further conflict. The customary court dispute settlement system is based on restorative justice ideas and principles such as inclusion, involvement, recompense, and reintegration.

The customary court's function extends beyond punishing the perpetrators to compensating the victims, restoring community harmony, and reconciling the two disputing parties. The study's conclusions agree with Bonge (2006), who stated that the traditional dispute resolution technique aims to restore communal order and peacefulness. Thus, in customary court the issue at hand is not punishing perpetrators for past actions, but rather providing compensation as a foundation for rehabilitation. Customary court conflict resolution procedures typically follow the restorative justice model rather than punitive justice, with the ultimate goal of rebuilding relationships.

In customary courts, elders oversee the resolution of conflicts; the parties involved are reconciled; victims' compensation and offenders' reintegration are prioritized; and the goal is to preserve peaceful relationships within the community in the future by refraining from retaliatory actions. As noted by Sesay, M. (2016). experiences in different regions of Ethiopia show that people, even after passing through the procedures and penalties in the formal criminal court, tend to use the customary courts for reconciliation and to control acts of revenge. In the study area, conflict resolution by customary courts has values that resonate well with the values and principles of restorative justice, namely encounter, inclusion, participation, restitution or compensation, and reintegration. One of the qualities that are given top attention in the process of resolving disputes through customary court encounters is a peaceful conclusion between the parties. consistent with restorative justice's inclusiveness and participation objectives or concepts.

Unlike formal court systems, customary court conflict resolution mechanisms rely on restorative justice and it is effective through active participation (face-to-face interactions) on the part of both offenders and victims. Therefore, in the study area customary court very vital in providing a space where people can actively participate in the reflection process.

Other strengths of the customary court in conflict resolution method include a search for genuine sources of conflict and transparency. According to informants, the primary goals of customary courts are to eliminate the root causes of conflict, resolve the conflict parties honestly, and stratify everyone involved in the conflict resolution process. In customary court, if the matter is complex and requires more investigation, the customary court elders investigate the sources of conflict from community members. Preventing conflict begins with understanding its causes, which are realistic cause's that are characterized by material scarcity and non-realistic cause's that are characterized by the expression of anger (Jeong, 2008). As observed by Jemila (2014), conflict resolution by customary courts play an important role in discovering proximate and permissive causes of conflict, as well as sophisticated post-conflict reconstruction and comprehensive healing.

The data obtained from focus group discussions and interviews indicated that the elders of customary court allow the presence of the victim, the offender, their respective families, and other community members, and encourage their active involvement in the process of resolving disputes. The focus group participants said that intending to discover the whole truth about the wrongdoing, the elders of customary courts give the conflict parties maximum freedom to clarify and describe every aspect of the dispute and allow them to express their emotions without restricting them to pertinent topics.

In customary court, it is also common to appeal to an oath during conflict resolution at both first instance and appellant customary court. In the customary court conflict resolution process, a plaintiff may swear or take an oath to support the truth of his/her claim. The defendant is also expected to establish his innocence by taking an oath. A refusal to answer an oath is interpreted as a confession of guilt.

Oath-taking is one of the extrajudicial methods that usually assists the elders of the customary court in locating areas of weakness in the conflict. In the study area, customary elders used

various cultural objects such as knives, dry-wood, stone, and other materials for the process of taking oath in testimony see below picture.



Figure 4. Cultural materials such as knives, dry wood, “Buqgee Duudaa” and etc were used for the process of Oath taking at the Customary Court

According to a key informant, Customary courts, rooted in local traditions and community values, often excel at restoring broken relationships and uncovering the truth in the study area. Here are a few case studies that illustrate the Customary Court's role in restoring relationships and finding truth in the Haramaya district.

Case Study 3: The Theft Case

When Mr. X taken Mr. Y's property in the middle of the night in Adu Bate Kebelle in the Haramaya area in October 2016, Mr. Y became suspicious and charged Mr. X, taking the matter to a first instance customary court without an eyewitness. Following that, a letter responding to Mr. Y's accusation was written to Mr. X by customary elders. He showed up on schedule, rejected Mr. Y's accusations, and the elders then mandated that the defendant and plaintiff take an oath. However, after Mr. X declined to take the oath, he verified Mr. Y's accusation and gave back Mr. Y's property.

Case Study 4: The Family Dispute

A long-standing disagreement between two families in a rural community of Haramaya district which had led to years of tension and mistrust. Initially, both conflict parties required resolution through the local customary court and taken their conflict case to Malka Gemachu first install customary court. After hearing the case, customary court elders convened a meeting with conflict parties and some community members to investigate the matter deeply. The elders

facilitated open dialogue between the families, encouraging them to express their grievances and seek forgiveness. They used traditional reconciliation rituals and storytelling to foster empathy and understanding. Finally, through patient listening and probing questions, the elders were able to uncover the underlying causes of the conflict, which had been obscured by years of misinformation and misunderstanding.

Case Study 5: Land dispute

A land dispute arose between two neighboring farmers in the rural village of the study area, leading to accusations and counter-accusations. The families initially sought resolution through the local customary court and brought their conflict case to Dire Kabso first instant customary court. After hearing the conflict case customary court elders arranged date of gathering. The elders emphasized the importance of maintaining peaceful coexistence and encouraged the parties to reach a compromise. They facilitated negotiations, focusing on finding a solution that would satisfy both parties. The elders carefully examined the evidence presented by both sides, considering local customs and historical land ownership patterns. They used their knowledge of the community to identify inconsistencies and ultimately uncover hidden truths.

The aforementioned case studies demonstrate the effectiveness of customary courts in restoring broken relationships and uncovering the truth. By drawing on local knowledge, traditions, and social norms, customary court can provide a more culturally appropriate and restorative approach to justice. As the focus group discussants indicated, conflict resolution by customary courts is cost effective to the rural poor people. However, the formal legal system is not equally important to the rural poor farmers to run their cases.

One of the interviewed informants who settled his case through customary court had this to say:

“We decide to settle disputes through traditional courts since they provide free services and are an effective means of resolving our issues without having to pay hefty fees”. However, the formal legal system is expensive and needs extra resources in the procedures of the cases up to its final decision. The following case best illustrates how formal legal court consumes money and time of the conflict parties and in contrary, how customary court saves the time, money and energy of the conflict parties”.

Case Study 6: Dispute over farming land

In Malka Gemachu kebele, two farmers conflict over the border of their farming land. First they are bringing their case to Haramaya district's legal court. After heard, their case legal court gave 20 days' appointment to see their conflict case. After 20 days the legal court asked them to bring three people as witness and other supportive documents that show the border of their farming land in 10 working days. On the scheduled date both farmers brought three persons as witness but they are unable to bring any documents that shows boundary of their farming land. Then after, the Haramaya district legal court gave 25 appointment days to investigate their case. Before the appointment date one farmer report their case to Malka Gemachu first instant customary court. Then after, the elders of customary court asked the other farmer his willingness to see their conflict case, he also accepted their request. After, 15 days the elders of customary court resolved their conflict case by dividing borderland into two equal portions.

In conflict resolution process, customary court saves the time, money and energy of the conflict parties. To solve a case, customary court uses a short period of time (less than a month). Customary court saves not only time but also the money and energy of the conflicting parties. The conflict resolution process of customary court takes less amount of money and energy of both sides. The study's finding is lined with the works of Dahal and Bhatta (2008) who stated that, conflict resolution mechanisms by customary courts are pro-poor, affordable and easier for local people to access than the formal system since legal courts are overloaded with cases and inaccessible. For instance, in the study area, first instance customary court found in each and every *Keblle's* of the district thus, it reduced time as well as transportation and other cost of conflict parties. On top of these, FGDs and interview participants clearly stated that the rural people of the study area choose Customary courts as compared to the legal systems (court) for conflict arising at *kebele* level. The findings of this study is in lined with the works of Macfarlane (2007) and Mapara (2009) stated that in a society where the majority of the population is poor with widespread illiteracy culminating in lack of access to justice and the high cost and scarcity of lawyers, customary conflict resolution stands out as the best method of conflict resolution.

Despite the vital role of customary court in conflict resolution in the study area, their reliance is undermined by various factors. Informants indicated that, in Haramaya district customary court has been playing a significant role in resolving conflicts for the vast section of community. But as a social institution with multiple responsibilities its practice or implementation has been challenged by capacity and resources related constraints, lack of policy direction and absences of clear boundary between legal and customary court.

Capacity and Resource Constraints: lack of capacity building training is one of the major factors affecting the practice and implantation of customary court in the study area. Informants said that, since the foundation of customary court, the capacity building training is not offered for the elders of customary court so far. The data obtained from focus group discussion and interview also assured that, the individuals who serve in the customary courts are uneducated and have not capacity building training on the issues of human rights and solving conflicts. Simply they solve conflicts based on their own traditional experiences. With regard to capacity building training from government and other organizations, one of the interviewed elder of customary court had this to say:

“We do not get any capacity building training on the issues of human rights, financial, material and moral support from government and non- governmental organizations so far. short paragraph This lack of capacity building training on the issues related to human rights for elders created confusion, double jeopardy and unnecessary intervention between legal and customary court in the study area. Lack of budget and poor working place is another challenge to the practice of the customary court in the study area. During filed work, the researcher observed the working place (office) of both first instance and appellant customary courts found in the study area. The elders of customary court have no any payment and they offered free services or without any incentive which might affect working motivation and moral of the elders. The office of customary courts is poor in quality, small in size (could not hold many people) and without basic material such as chairs and tables.

Absences of boundary between customary and legal court. Informants stated that, there is no borderline between the formal legal system and customary court in their operations which resulted unnecessary intervention into customary court by the name of human right protection from legal court. Due to lack of clear boundary between legal and customary court sometimes

conflict parties subjected to double jeopardy. Art. 23 of the 1995 Ethiopian Constitution and the 2001 Revised Constitution of Oromia state that, no one was be subjected to double jeopardy for the same offense if found guilty. In spite of this fact, in the study area a number of disputants subjected to double jeopardy by name of human right protection. Informant mentioned that, the multifaceted interplay between customary and formal legal courts in Haramaya district often leads to overlapping jurisdictions, causing confusion and potential injustice. Here are a few case studies illustrating this phenomenon:

Case Study 7: The Land Dispute in rural village

A family in Adu Bate rural village of Haramaya district had traditionally owned a piece of land for generations. However, a dispute arose with a neighboring family who claimed ownership based on a recent government land allocation. The families initially sought resolution through the local customary court and brought their conflict case to Adu Bate first install customary court. After hearing the case, based on local customs and traditions customary elders reached on decision and the land was allocated to the original owners. Dissatisfied with the customary court's decision, the neighboring family filed a case in the Haramaya district formal court system. The formal court, unaware of the previous customary resolution, proceeded to hear the case and issued a conflicting decision.

Case Study 8: The Family Dispute

A family dispute arose over inheritance rights in Malka Gemach rural village of Haramaya district, with two siblings claiming ownership of a property. The family initially wanted resolution through the customary court and took their conflict case to Malka Gemachu's first instance customary court. After hearing the case, based on customary inheritance laws customary elders reached a decision, and the property was divided among the siblings. One of the siblings, dissatisfied with the customary court's decision, filed a case in the Haramaya district legal court system. The formal court, applying different legal principles, issued a conflicting decision.

As outlined in the above case studies, the overlapping jurisdiction caused confusion, delays, and unnecessary legal costs. Moreover, it created uncertainty, hindered the resolution of the dispute, led to inconsistencies in the application of justice, and undermined the effectiveness of both systems. To sum up, the aforementioned case studies highlight the challenges posed by

overlapping jurisdiction between customary and formal legal systems in the study area. To address this issue, it is crucial to clarify the roles and responsibilities of each system, establish effective communication channels between them, and promote a more integrated approach to justice delivery.

Unclear mandate of customary court: Informants said that there is no clear and limited directives given for customary court in their operations. This created some problems between legal and customary court. Due to lack of clear policy and mandate, sometimes the elders of customary court make an effort to resolve all kinds conflicts including criminal cases such as homicide and physical injure cases. Informants stated that, sometimes due to the coexistence of both customary and legal court disputants may resort their conflict cases from legal court to customary court and vis versa if they are dissatisfied with the judgment. This can undermine the legitimacy and credibility of both systems and add unnecessary time, expense, and complexity to actions.

The other problems created due to lack of clear policy directions is that, customary courts cannot resolve any conflict without the consent of both conflict parties. For instance, if the defendant has no interest in settling his case by customary courts they couldn't operate. One of the interviewed customary elders had this to say:

“Nuti Abbootin mana murtii Aadaa akka namaa milaa tokkooti” Meaning, that we the elders of customary courts are just like a man with one leg. Informants said that customary court cannot resolve conflict if one of the conflict parties has no interest in solving his conflict case through customary court. In the study area, sometimes rich people want to bring their conflict case to legal court to win the case by giving corruption. To sum up, limitations in resources, lack of capacity-building training, absence of a clear boundary between the legal and customary court, lack of clear policy direction, and poor infrastructure are affecting the functionality of customary courts in the study area.

5. SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

The primary purpose of this research is to examine the characteristics, functions, and conflict resolution's role of customary court (*Mana Murtii Aadaa Oromoo*) in Haramaya district of Oromia regional state in Ethiopia. To reach the intended result, a qualitative research design was used. The data were gathered through interviews, focus group discussions, and observations. The study found that competition for natural resources such as land, theft, physical violence, and other factors were the primary sources of conflict in the studied area. In Haramaya district both first instance customary court (*Mana Murtii Aadaa jalqaba*) and appellant customary court (*Mana Murtii Aadaa oldabarfaata*) established in 2014 based on Oromia region customary courts proclamation No 240/2021. In the study area, customary court has two structures namely first instance and appellate customary court. The first instance customary courts (*Mana murtii Aadaa Jalqabaa*) found in each and every *kebele*'s of the district. But, the study area has only one single appellate customary court (*Mana murtii Aadaa oldabrafataa*) which is found in Haramaya town.

The chairperson of the customary court, the elders of the customary court, the customary court secretary, and *Hadhaa siinqee* are the major organs of both the first instance and appellate customary courts. They are elected by the people of the district's based on various criteria's such as age, experience, willingness, social acceptance, economic status and political impartiality. Their term of office only limited to eight years. Currently, the first instance customary courts are practiced in all *kebelles* of Haramaya district and handling all types of disputes, from simple to complex. However, disputes that are not resolved at first instance customary court may go to the district's appellant customary court. Any aggrieved party who is not satisfied with the outcome at any of the first instance customary court may appeal the cases to district's appellant customary court.

The study discovered that, there are interplay and relationships between formal legal court and customary court in their conflict resolution process in the study area. However, the relationship between customary and formal legal courts in the Haramaya district has both cooperative and problematic aspects. In the study area, there are several areas of cooperation and interactions between customary court and legal court including the election of elder's customary court, enforcement of the judgement given by elders of customary court, case transfer and notification

of the decision of the transferred cases to one another. Not only this but also, Cooperation take place between legal and customary court in the de-escalation of dispute and crime prevention in the research area. In spite of various areas of cooperation between customary court and legal court, there are also some problematic aspects between them including mutual undermining, confusion and dispute over jurisdiction, double jeopardy, lack of mutual trust and failure of both systems to settle certain disputes.

In the study area, customary court plays a crucial role in resolving conflicts generated by a variety of causes and maintaining peace. The study reveals that customary courts in the Haramaya district play a vital role in resolving conflicts, fostering social harmony, and promoting justice. They are deeply rooted in local traditions and customs, making them highly effective in addressing local disputes. The restorative justice approach employed by customary courts, which emphasizes reconciliation, restitution, and reintegration, contributes to the healing of relationships and the prevention of future conflicts.

Customary courts remain vital for maintaining social cohesion and resolving disputes effectively in the research area. Informants stated that the main goal of customary court is to restore trust between conflict parties, address the root causes of conflict, and foster friendship and peace among community members. Thus, customary court deeds assist considerably to the restoration of justice and the avoidance of further conflict. In customary court the issue at hand is not punishing perpetrators for past actions, but rather providing compensation as a foundation for rehabilitation. Customary court conflict resolution procedures typically follow the restorative justice model rather than punitive justice, with the ultimate goal of rebuilding relationships. The desired end result of customary court is a sense of harmony, solidarity and shared dialogue among conflicting parties not punishment. Consequently, customary courts are compatible with the values and principles of restorative justice and can be used as a basis to develop restorative justice programs.

According to informants, local people prefer indigenous conflict resolution over formal legal systems because it is more accessible, affordable, and less formalized in the conflict resolution process. The study's findings imply that sustainable conflict resolution, particularly in developing nations, requires a focus on customary court and other traditional conflict resolution mechanisms. The study's findings revealed that customary courts are very important means of

conflict resolution by increasing social harmony, and tolerance, and addressing common problems of the community of the study area. Customary courts have significant untapped potential for conflict resolution in the study area

Notwithstanding, the vital role of customary court in conflict resolution in the study area, their reliance is challenged by numerous factors. Absences of boundary between customary and legal court, unclear mandate of customary court and lack of clear policy directions have been identified as limiting factors. Furthermore, capacity and resource related constraints such as lack of capacity building training for customary elders on the issues of human rights, and poor infrastructure including poor working place are affecting the functionality of customary courts in the study area at large.

5.2. Conclusions

Research on the characteristics, functions and the role of customary courts in conflict resolution in Haramaya district, Oromia, highlights their crucial impact on social harmony and justice. These traditional courts, rooted in local customs, effectively address conflicts over natural resources, theft, and violence. Operating through a structured system of first instance and appellate courts led by respected community members like Elders, *Hadhaa Siinqee*, and Abba Gadaa, they employ restorative justice principles. This approach focuses on restitution, and reintegration, fostering relationship through healing and conflict resolution.

The interaction between customary courts and formal legal systems reveals both cooperation and challenges. While cooperation exists in elder elections, judgment enforcement, and crime prevention, jurisdictional disputes and mutual trust issues persist. Nonetheless, customary courts remain essential due to their accessibility, affordability, and informal processes. To enhance their effectiveness, issues like unclear mandates, policy direction, and resource constraints must be addressed through capacity-building training for elders and improved infrastructure. Customary courts are invaluable for restoring trust, addressing conflict roots, and promoting sustainable peace in Haramaya, aligning with restorative justice principles.

5.3. Recommendations

Based on the results, the following recommendations are made and forwarded;

- ✚ According to the findings of this study, sometimes disputants may resort their conflict cases from customary and legal courts and vice versa, if they are dissatisfied with the judgment. This can undermine the legitimacy and credibility of both systems and add unnecessary time, expense, and complexity to proceedings. Thus, to avoid the above-mentioned problems both customary and legal court should have to work collaboratively by communicating to each other.
- ✚ Absences of clear boundary between customary and legal court as well as lack of clear policy directions are one of the limiting factors in the study area. A Constitutions of Ethiopia in the Art. 34(5) did not provide the details of personal and family matters that fall within the remit of customary courts and left those to legal formal courts. Consequently, this has contributed to dispute and confusion over jurisdiction between customary and formal legal systems in the area. This study suggests that the governments should specify by law detailed lists of personal and family matters that fall under the customary courts.
- ✚ Reforming customary courts to align with human rights standards while respecting cultural traditions is compulsory.
- ✚ The government needs to concentrate on developing a clear legal guideline on the operation of customary courts on criminal cases such as s homicide, bodily injury (loss of body parts like eye, tooth, leg, hand, etc.).
- ✚ Government, non-government agencies and educational institution should arrange and provide capacity building training for the elders of customary court on the issues of human rights.
- ✚ Allocate adequate resources to support the operations of customary courts, including office space, equipment, and financial support to ensure the sustainability of customary courts.
- ✚ Promote public awareness about the role of customary courts and their benefits.
- ✚ Clear Delimitation of Jurisdiction: The government should establish clear guidelines and regulations to delineate the jurisdiction of customary and legal courts.

- ✚ Regular communication and coordination between customary and legal court officials can help prevent unnecessary interventions and ensure a smooth transfer of cases.

By implementing the aforementioned recommendations, it is possible to enhance the effectiveness of customary courts, promote social justice, and contribute to the overall development of the community of the study area and beyond.

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APPENDIX

HARAMAYA UNIVERSITY

SCHOOL OF GRADUATE STUDIES

M.A. IN PEACE AND DEVELOPMENT STUDIES

Dear Respondents,

I am an M.A. In Peace and Development Studies Student at Haramaya University Researching The characteristics, Functions and Conflict Resolutions Role of Customary Courts: The case of Haramaya district, East Hararghe Zone, Oromia, Ethiopia

List of Key Informants

No	Name	Age		Place of interview
1	Ame Mohammed	39	He resolved his conflict case by customary court	Haramaya town
2	Ahmed Musa	48	Government official (lawyer)	Haramaya town
3	Mume Bakar	53	Elder of appellant customary court	Haramaya town
4	Kedir jermal	55	Secretary of appellant customary court	Haramaya town
5	Mohammed Ahmed	32	Government official (lawyer)	Haramaya town
6	Adem Ahmed	47	Elder of appellant customary court	Haramaya town
7	Baharudiin Alii	32	Culture and Tourism Official	Haramaya town
8	Abdela Mume	46	Elder of first instance customary court	AduuBate
9	Fami Ame	42	He resolved conflict by customary court	gobeelee
10	Ahmed Abdula	47	Elder of first instance customary court	Malka Gamachuu
11	Fatuma	43	She resolved conflict by customary court	AduuBate
12	Hindiya Mume	42	Hadha siinqee	Koroo Dadaa
13	Abdi Ahmed	65	He resolved conflict by customary court	Malika.GaMachu
14	Ame Haji	52	He resolved conflict by customary court	S/kalid
15	Famii kadir	57	Elder of first instance customary court	Dire Qabso
16	Musa Ame	65	Abba Gadaa	Haramaya town
17	Ahmed Adem	58	Elder of first instance customary court	Diree Qabsoo

APPENDIX I

Informed consent

Title of the study: The characteristics, Functions and Conflict Resolutions Role of Customary Courts: The case of Haramaya district, East Hararghe Zone, Oromia, Ethiopia.

Dear respondents! You are invited to participate in research entitled “The characteristics, Functions and Conflict Resolutions Role of Customary Courts: The case of Haramaya district, East Hararghe Zone, Oromia, Ethiopia” You were selected as a possible participant because of your ideas and explanations are vital for the success of this study. I ask that you read this form and ask any questions you may have before agreeing to be in the study. The purpose of this study is to to examine the characteristics, functions, and conflict resolution’s role of customary court (*Mana Murtii Aadaa Oromoo*) in Haramaya district of Oromia regional state in Ethiopia. You do not anticipate any risks for you participating in this study, other than those encountered in day-to-day life. The Indirect benefits you can obtain to participate in this study is that, it was contribute a lot to your knowledge and you can learn a lot how research conducted. Your decision whether or not to participate was not affect your current or future relations with me. If you decide to participate, you are free to withdraw at any time without affecting those relationships. The Research records was be kept in a locked file (or password protected computer file or other secure location); only the researcher was having access to the records. Please ask any questions you have now. If you have questions later, you may contact me at this address. Phone No: or 0966139776. I have read the above information, and have received answers to any questions I asked and I consent to participate in the study. Signature of Participant:

_____ Date: _____ Signature of Researcher:
_____ Date: _____

APPENDIX II

Questions in the interview guide

Objective 1: To analyze the structure, procedure, and principles of customary court in Haramaya district.

A). Focus group questions:

- ✚ How long has the customary court been operating in your community?
- ✚ How does the customary court reflect the values, norms, and traditions of your community?
- ✚ What are the roles and responsibilities of the elders, religious leaders, and other actors in the customary court?
- ✚ What are the principles or values that guide the customary court's decision-making?

B). Key informant questions:

- ✚ How are the members of the customary court selected or appointed?
- ✚ What are the steps or stages of the customary court's process of conflict resolution?
- ✚ What are the roles and functions of the different members or committees of the customary court?
- ✚ How are the rules and procedures of the customary court documented and communicated?
- ✚ How are the decisions or verdicts of the customary court enforced and monitored?

Objective 2: To identify the types, causes, and consequences of conflicts that are handled by customary court in Haramaya district

A) Focus group questions:

- ✚ What are the most common types of conflicts that you or your family have experienced or witnessed in your community?
- ✚ How do these conflicts affect your personal, family, and community life?
- ✚ What are the benefits or drawbacks of bringing these conflicts to the customary court?

B). Key informant questions:

- ✚ How do you identify and classify the conflicts that are brought to the customary court?
- ✚ How conflicts impact the social cohesion, peace, and security of the district?

- ✚ How do you measure and evaluate the outcomes and impacts of the customary court's interventions in these conflicts?

Objective 3: To assess the relationship and interaction between customary court and formal court in Haramaya district

A). Focus group questions:

- ✚ Have you ever used or considered using the formal court instead of or in addition to the customary court for your conflicts?
- ✚ What are the advantages or disadvantages of using the formal court compared to the customary court?
- ✚ How do you perceive the compatibility or complementarity of the customary court and the formal court in terms of their laws, procedures, and principles?

B). Key informant questions:

- ✚ How do you describe and characterize the relationship and interaction between the customary court and the formal court in Haramaya district?
- ✚ What are the factors or conditions that influence or determine the choice or preference of the people between the customary court and the formal court?
- ✚ How do you coordinate and collaborate with the formal court in terms of case referral, information sharing, and dispute resolution?