



**ST. MARY'S UNIVERSITY**  
**SCHOOL OF GRADUATE STUDIES**

**ALTERNATIVE DISPUTE RESOLUTION SERVICES FOR SOCIAL  
COHESION: THE CASE OF ADDIS ABABA CHAMBER OF COMMERCE  
AND SECTORAL ASSOCIATIONS**

**BY: MISTIR MOHAMMED ZEYEDE**

**JULY, 2024G.C**  
**ADDIS ABABA, ETHIOPIA**

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**ID.NO.SGS/0564/2015A**

**A THESIS SUBMITTED TO ST. MARY'S UNIVERSITY, SCHOOL OF  
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## Declaration

I, the undersigned, declare that this thesis is my original work, prepared under the guidance of Asaye Legese (PhD). All sources of materials used for the thesis have been duly acknowledged. I further confirm that the thesis has not been submitted either in part or in full to any other higher learning institution for the purpose of earning any degree.

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## **Endorsement**

This is to certify that **Mistir Mohammed**, a student of **Master of Social work** from St. Mary's University was working under my supervision and guidance throughout her thesis work. Her thesis work entitled "Alternative Dispute Resolution Services for Social Cohesion, the case of Addis Ababa Chamber of Commerce" is her genuine and original work. This thesis has been submitted to St. Mary's University, School of Graduate Studies for examination with my approval as a university advisor.

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**Signature**

**July 2024 G.C**

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### **List of Acronyms**

- AACCSA AI – Addis Ababa Chamber of Commerce and Sectoral Association Arbitration Institute.
- ADR- Alternative Dispute Resolution
- Ad-hoc- created for a specific or one-time purpose to address issues that fall outside the scope of other existing committees or commissions.
- B4P- Business for Peace
- CSR- Corporate Social Responsibility
- ICC- International Court of Arbitration of the International Chamber of commerce
- UNGC-United Nation Global Compact
- IDI- In-depth interview
- FGD- Focus Group Discussion

## Abstract

*This study investigates the role of Alternative Dispute Resolution (ADR) in promoting social cohesion, with a specific focus on the Addis Ababa Chamber of Commerce and Sectoral Association (AACCSA). The primary objective is to assess how AACCSA utilizes ADR to resolve disputes and its contribution to post-dispute relationships within the business community and broader society. To achieve the intended objectives of the study, Qualitative approach were used in order for the data to be collected, analyzed and interpreted. IDI and FGD were prepared for Arbitrators, Mediators, conciliator, practitioners and individuals that have experience and exposure to ADR. The research questions address the role and contributions of AACCSA AI's ADR services, the challenges faced, and the roles of government, private organizations, and society in promoting ADR. Key findings indicate that AACCSA AI's ADR services significantly strengthen social cohesion by providing efficient, cost-effective dispute resolution that preserves relationships. However, challenges such as lack of awareness, limited resources, and insufficient integration of ADR into formal legal systems hinder its full potential. The study emphasizes the need for greater public education on ADR, enhanced support from the government, and active involvement of private organizations to foster a more cohesive society. The implications of these findings suggest that a well-supported ADR framework can play a crucial role in maintaining social stability and preventing conflicts from escalating. By addressing the identified gaps, this study provides a foundation for any interested stakeholders to enhance the efficacy of ADR mechanisms in Ethiopia, ultimately contributing to sustainable peace and development. The study concludes that strengthening ADR infrastructure, recognition and awareness can significantly enhance social cohesion, offering a viable path for conflict resolution and the promotion of harmony within diverse communities.*

**Key words:** *Conflict, Alternative Dispute Resolution, Social cohesion, Addis Ababa Chamber of Commerce and Sectoral Associations*

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

A dispute has been an unavoidable part of societal interaction since the development of human settlement. If a dispute is not handled properly and resolved early, two individuals' disagreement will grow and become a threat to national security, peace, and stability. Conflict is a process that begins when one party perceives that another party has negatively affected, or is about to negatively affect, something that the first party cares about (Slabbert, 2004). Conflict should be wisely resolved before it moves out of control and turns to be destructive. Resolution of conflict is crucial for day-to-day coexistence as human societies are in constant search of resolution mechanisms for conflicts (Pankhurst and Getachew, 2008).

Historically, societies have resolved disputes through private tribunals, a practice that continues alongside formal courts and administrative tribunals. These are known as Alternative Dispute Resolution (ADR) mechanisms. ADR resolves conflicts amicably, allowing parties to preserve their relationships post-dispute. It offers an efficient, cost-effective means for parties to assert their rights, fostering trust and unity within communities. The term "alternative dispute resolution," or "ADR," encompasses a variety of conflict resolution methods that serve as adjuncts or alternatives to formal legal processes. It includes a spectrum of processes from arbitration, which mimics court proceedings, to facilitated settlement negotiations, where parties are encouraged to negotiate directly prior to any legal action. ADR also covers procedures aimed at promoting community development or managing internal conflicts. The primary ADR methods are arbitration, conciliation/mediation, and negotiation (Nancy H. Rogers, 1992; Eshetu & Getu, 2009).

An essential component of a prosperous and peaceful country is social cohesion. Mercy Corps' 2011 definition of social cohesion is "a sense of shared purpose and trust among members of a given group or locality and the willingness of those group members to engage and cooperate to survive and prosper." It strengthens ties between and within various groups and increases public confidence in institutions. In nations where various identity groups coexist geographically, governmental policies, civil society involvement, and interactions between various organizations must all prioritize fostering or reinforcing social cohesion. When there has been or is currently

antagonism, mistrust, or conflict between various identity groups or between the state and its population, it is even more crucial (Mercy Corps, 2011).

The role of the business community in keeping the peaceful coexistence of members of society should be taken into consideration nowadays. The United Nations Business for Peace (B4P) initiative actions and within business institutions' deed of Corporate Social Responsibility (CSR) tasks both national and international corporations are being encouraged to take more active roles in framing new global peace-building and development agendas (Aaron, Kilikpoye and Patrick, 2013). Solving the business community's disputes will help peace-building development of a country.

The importance of resolving disputes has become increasingly evident in today's globalized world, where the rapid growth of population, economy, and technology has created a complex web of interconnected issues that can easily escalate into conflicts (Friedman, 2005). The need for effective dispute resolution mechanisms is particularly pressing in the context of social cohesion, as conflicts between different groups can quickly become entrenched and difficult to resolve (Putnam, 2007).

Globally, Alternative Dispute Resolution (ADR) has gained recognition as a valuable tool for resolving conflicts and promoting social cohesion (Bourdieu, 1999). ADR refers to a range of dispute resolution processes that are alternative to formal litigation, including arbitration, mediation, and negotiation (Rogers, 1992). These processes are often less formal and less expensive than litigation, and can be tailored to the specific needs of the parties involved (Croley, 2010).

In Africa, ADR has been embraced as a means of resolving conflicts and promoting social cohesion (Kihato, 2013). The African Union has recognized the importance of ADR in promoting peace and stability on the continent, and has called for the development of ADR mechanisms that are tailored to African cultural and legal traditions (African Union, 2008). In many African countries, ADR is already an integral part of the legal system, with traditional dispute resolution mechanisms existing alongside modern ADR processes (Oragwu, 2014).

In Ethiopia, ADR has a long history, with traditional dispute resolution mechanisms having been used for centuries to resolve conflicts between communities and individuals. However, the modern ADR system in Ethiopia is still in its infancy, with a lack of awareness and understanding of ADR processes among the general public and legal professionals (Melaku, 2016). Despite this, there are efforts underway to promote ADR in Ethiopia, including the

establishment of the Addis Ababa Chamber of Commerce and Sectorial Associations Arbitration Institute (AACCSA AI) in 2002 (About Arbitration Institute (AI)-Addis Chamber, n.d.).

Established on 26 January 2002 to realize one of the oldest legal mandates conferred to the Addis Ababa Chamber of Commerce since 1947, the AACCSA AI has been serving as a commercial dispute resolution body that is making immense strides over the past twenty-two years to provide its services to various sectors of the business community. AACCSA AI provides ADR services that are designed to be rapid, non-continuous, and inexpensive dispute resolution method that allows parties to avoid the expense of continuous proceedings, and help reserve relationships (About Arbitration Institute (AI)-Addis Chamber, n.d.).

This study explored the key question of what is ADR contribution for social cohesion. By exploring this question, this study hopes to deepen our understanding and instigate legal practitioners and the government to prioritize the need to use and strengthen the use of ADR for Peace full coexistence of society.

## **1.2 Statement of the Problem**

According to Robin (1996), conflict is the process that starts when one party perceives that the other party harmfully affected something the first party cares about and it's inescapable in human life in which it comes up from interest clashes. Given that conflict appears to be inevitable, we must undoubtedly be able to identify its root cause, assess its potential for both good and bad, understand how to manage it, and practically use conflict resolution strategies. Conflict Resolution Mechanisms are often related to the social, cultural, economic, and way of life of the particular community (Bukari, 2013).

In recent years in Ethiopia, conflict and violence have led to mass loss of life, loss of public and private infrastructures, and resulted in the breakdown of societies. The bonds that link people together have been broken, and internal displacement, caused by conflict, has become a major issue and threatens the sustainability and peaceful coexistence of the society (Woodeneh, 2022).

Ethiopia has been using traditional methods of dispute resolution for many years. The institutions of the Gadaa system among the Oromo, the Shimagelle by the Amhara, and the other ethnic groups use traditional conflict resolution methods. Recently, incorporating Alternative Dispute Resolution into legal policy has attained significant attention and position in the modern judiciary and civil society. The term Alternative Dispute Resolution (ADR) refers to a range of

non-litigation-based dispute resolution methods that strive to resolve problems in a way that is workable, efficient, acceptable, and durable to foster reconciliation. It promotes social cohesion by bringing people together from opposing groups through the facilitation of dialogue between many actors at the local and national levels. ADR appears to be a viable reform measure for resolving disputes on time. People can spend more time engaging in other social and economic activities because of the shortened trial times and increased fairness. In the end, this advances the nation's social and economic development. It makes sense, then, to evaluate the opportunities, difficulties, and strategies for implementing ADR in dispute resolution to promote social cohesion and the research gaps in the area as to the best knowledge of the researcher. ADR focuses on more than just resolving disputes or applying punitive measures. Instead, it aims to maintain harmony between the parties involved so that animosity and hatred both within and between parties involved will disappear. Thus, promoting collective social stability and cohesion is the top goal of the study in conflict resolution mechanisms.

This study tries to address: Theoretical Gap: Previous studies in the Ethiopian context have focused primarily on the importance and role of traditional conflict resolution mechanisms in fostering harmony and peaceful relations. For instance, the study conducted on *The Role of Indigenous Conflict Resolution Mechanisms for Peace, Security, and Sustainable Development in Ethiopia: The Case of the Mareko and Meskan-Gurage* explores indigenous conflict resolution mechanisms of the region and their role for harmony, solidarity, and shared dialogue among conflicting parties in the region. The other instance is a study by titled *Traditional Conflict Resolution Mechanisms in the Kaffa Society of Ethiopia*. This paper is aimed at investigating the traditional conflict resolution mechanisms of Kaffa society. The findings of this study show that traditional conflict resolution mechanisms are most effective among older people; younger people disregard the mechanisms due to 'modernity' and religious reasons. However, these studies were conducted with certain regional areas and may not be conclusive to the rest of the country's context and not enough studies have been conducted about the role of ADR and its role in addressing, conflicts to bring lasting social cohesion in the society. However, this study specifically examines the role and implications of the Alternative Dispute Resolution (ADR) mechanism in promoting social cohesion, which is the main objective. This represents a shift in theoretical focus from just resolving disputes to maintaining long-term harmony and stability within communities.

It also tries to address Methodological Gap: Past studies have been limited to specific regions, making their findings less generalizable to the broader Ethiopian context. This study takes a more comprehensive approach by evaluating the ADR mechanism and its impact on social cohesion across a wider geographical area. This allows for a more holistic understanding of the dynamics at play.

Empirical Gap: While prior research has shown that traditional conflict resolution methods are more effective among elders, the younger generation's utilization and perceptions of these mechanisms are less clear. This study aims to collect additional empirical data to better understand the nuances in how different demographic groups engage with and view both traditional and ADR approaches to conflict resolution.

The Application Gap: The underutilization of ADR mechanisms can be partially attributed to the lack of awareness among the general public, government, law officials, and organizations regarding its significance and importance (Asnake, 2010). As a result, the diminished status and functions of ADR lead to the underutilization of already established institutions and the extension of these services by the community, government, and organization levels, all of which can be sufficient prerequisites for resolving conflicts. By addressing these multifaceted gaps, the study seeks to provide a more comprehensive and impactful understanding of conflict resolution dynamics in the Ethiopian context, with a focus on leveraging ADR mechanisms to foster long-term social stability and unity.

### **1.3 Research Question**

1. What is the role of Addis Ababa Chamber of Commerce and Sectoral Association utilizing Alternative dispute resolution to solve disputes?
2. What are the contributions of Addis Ababa Chamber of Commerce and Sectoral Association's Alternative dispute resolution services for strengthening social cohesion?
3. What are the challenges of Addis Ababa Chamber of Commerce and Sectoral Association in utilizing Alternative dispute resolution services for dispute resolution and social cohesion?
4. What are the roles of government, private organizations, and society in promoting Alternative dispute resolution?

## **1.4 Objectives of the Study**

### **1.4.1 General Objective**

The general objective of this study is to assess the role of Addis Ababa Chamber of Commerce and Sectoral Association Arbitration Institute utilizing Alternative dispute resolution services to solve dispute and its contribution to post dispute resolution relationships among the business community and the society at large to create social cohesion.

### **1.4.2 Specific Objective**

- To find the role of Addis Ababa Chamber of Commerce and Sectoral Association utilizing Alternative dispute resolution to solve disputes,
- To assess the contribution of Addis Ababa Chamber of Commerce and Sectoral Association's Alternative dispute resolution services for strengthening social cohesion,
- To identify Addis Ababa Chamber of Commerce and Sectoral Association's challenges of utilizing Alternative dispute resolution in dispute resolution and social cohesion,
- To assess the roles of government, private organizations, and society in promoting Alternative dispute resolution.

## **1.5 Significance of the study**

In recent years, in Ethiopia violence has led to the breakdown of societies, loss of life, infrastructures has been destroyed, education and health services have suffered, social solidarity has collapsed, political tension has been generated, and the environment has been damaged (Woodeneh, 2022). These concerns demand urgent intervention to protect social values and the peace of the communities. This study will enable society to build social solidarity if the conflicts are understood deeply and managed thoroughly through the use of alternative dispute resolution services. This thesis; therefore, aims to provide interested parties with tangible and concrete evidence on how to improve social cohesion via the utilization and solving of business community disputes by Alternative Dispute Resolution Mechanisms. Hence, any interested stockholder can make use of the results to advocate for policy decisions in matters about the peril on peace and security among the communities. Above all, the study's findings will help society maintain its initial position on dispute resolution and observe the post-dispute ways of life of the various societies. A sense of social cohesion within the community can be fostered by the

research as long as the disputes are recognized and managed effectively. It is expected that the study's findings will close a knowledge gap in this field. This study will serve as a direct reference point for future research projects.

### 1.6 Scope of the Study

The study examines how ADR plays a significant role in social cohesion, showcasing the experience of the Addis Ababa Chamber of Commerce and Sectoral Association Arbitration Institute where they settle disputes of the business community using ADR. Prior studies showcased the role of traditional methods of dispute resolution mechanisms, while this study was focused on the modern form of ADR that has been accepted in legal policy. Even though there are organizations that provide ADR services, this study is delimited to AACCSA, since it is the oldest legally recognized dispute resolution service provision institute.

### 1.7 Limitation of the Study

Among the things that restrict this research are: Lack of prompt and complete cooperation from pertinent parties and organs especially for the focused group discussion the researcher faced the difficulty of participants canceling at the last moment on different occasions forcing the discussion to take place with the number of participants. There is also insufficient research on ADR's ability to foster social cohesion and inadequate and disorganized data about the potential and difficulties of AACCSA ADR services. However, the researcher lessened the detrimental effects of the aforementioned limitations by using alternative mechanisms.

### 1.8 Operational Definition

**Alternative Dispute Resolution (ADR):** refers to the processes and techniques used to resolve disputes outside of the traditional court system. ADR methods include mediation, arbitration, negotiation, and conciliation.

**Social Cohesion:** refers to the bonds that hold a society together, including shared values, norms, and institutions. It is the glue that keeps communities together and enables them to function effectively.

**Legal Pluralism:** refers to the coexistence of multiple legal systems within a single society. In Ethiopia, for example, there are both traditional and modern legal systems, with each system having its own rules and procedures.

**Traditional Dispute Resolution:** Traditional dispute resolution refers to the methods and processes used to resolve disputes within a community, often through the use of customary law and traditional practices.

**Hybrid Dispute Resolution:** Hybrid dispute resolution refers to the use of a combination of traditional and modern methods to resolve disputes. This can include, for example, the use of mediation and arbitration in combination with traditional dispute resolution methods.

### 1.9 Organization of the paper

The research paper is organized into different components or categories and contains five basic chapters; chapter one contains the background of the study, statement of the problem, research questions and objectives of the study, significance of the study delimitation/scope of the study, and limitation of the study. Chapter two covers literature that applies to the subject dealing with previous studies and literature relevant to the study, and it includes theoretical and empirical evidence related to the study. Under Chapter Three the research methodology, study area, research approach, research design, sampling design, population of the study, sampling frame, sampling size determination, sampling technique, methods of data collection and instruments, data collection analysis, method of data analysis, ensuring quality of qualitative data, ethical considerations are discussed. The findings of the study were presented, analyzed, and discussed in chapter four. Finally, in chapter five conclusions, implications for practitioners, and recommendations were also forwarded based on the study findings; followed by the list of references used and appendixes.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **Introduction**

This chapter deals with reviewing various kinds of literature, which tries to address all the issues specified under the specific objective of the study. This part aims to provide suitable literature which is expected to function as a relevant framework for the current research. In each of the parts of the literature, an attempt is made to clarify the concept of the study with the specific study area.

#### **2. Defining Terms and Concepts**

##### **2.1. Conflict vs. Dispute**

According to Morris et al. (2004), the human condition has shown that both men and women experience intrapersonal and interpersonal conflict daily. It's important to clarify the differences between the terms, which are frequently used interchangeably, before looking at the reasons behind conflict and disputes. A dispute, according to John Burton (1990), is a brief disagreement involving negotiable issues that may lead to a resolution between the disputants. Contrarily, conflict is persistent and involves deeply ingrained problems that are viewed as "non-negotiable."

The Maslow hierarchy of needs (1943) is where the term "non-negotiable" first appeared. Without these needs, life cannot exist or be sustained. Everything from food and water to community and belongingness can be quantified in terms of sustainability. Thoughts that are non-negotiable are ingrained in the mind and are difficult, if not impossible, to change. The difference is that while reason and communication can often resolve many conflicts, they do not always address the problems that lie at the heart of a conflict. Disputes can quickly escalate into conflicts if they are not addressed and explained. However, without help, conflicts seldom turn into disputes again (Burton, 1990).

##### **2.2 The Concept of dispute**

Human societies have been engaged in disputes for as long as they have existed. Throughout history, people, social classes, and societies have fought and vowed to outdo each other for limited goods and resources like land, money, political influence, and ideologies. To gain control

over these resources and commodities, they have even engaged in violent conflicts and fervently pursued the eradication and domination of rivals (Reichel, 1998). Cognitive conflict is another major source of dispute. It is how one interprets a circumstance. Disputes can also result from differences in religious and cultural beliefs (D. Paul Emond 1986).

Comparably, conflict is described as an instance where two or more parties attempt to simultaneously obtain the same limited resources. It happens in all social contexts and human relationships between people. Owing to the vast array of individual differences, the lack of conflict typically shows the absence of meaningful interaction. In terms of itself, conflict is neither good nor bad. But whether a conflict is constructive or destructive depends on how it is handled (Deutsch & Coleman, 2011). Conflict arises when two or more opposing values, viewpoints, or opinions are incompatible; it can also result from unease brought on by a lack of fulfillment or a fear of the unknown. Good teams, for example, always go through a "form, storm, norm, and perform" phase. Conflict is inevitable and frequently beneficial. Making the most of diversity frequently entails balancing opposing beliefs, viewpoints, and opinions (Macfarlane, 2006).

On the contrary, Nathan (2007) argued that dispute is a natural byproduct of significant reform and public pressure for fundamental changes in the political or economic system. Non-negotiable problems like basic human needs, intolerable moral disagreements, or contentious disputes over the distribution of vital resources, like land or water often lead to conflict. As a result, a dispute exists in every society. Groups will naturally differ from one another in terms of interests and viewpoints, but how these differences are communicated and handled will determine whether conflicts turn violent or peaceful.

### **2.3 Theoretical perspectives underlying the study**

A theory is an explanation that is used to clarify and comprehend the relationships between variables, how they function, and the procedures involved. The value of theory comes from its capacity to help researchers find and make sense of the connections between seemingly unrelated phenomena (Kawulich, 2016). The theories that offer the theoretical framework for examining the origins, causes, and functions of dispute resolution from various theoretical angles are covered in this section of the thesis.

Understanding the various causes of disputes is crucial to developing the relationship between dispute and its resolution mechanism. To implement and create a dispute resolution mechanism, it is also essential to have a thorough understanding of the causal factors that lead to disputes. It's a common belief that half the battle won't be won until the issue is understood. In this situation, comprehending the root causes of disputes is the first step toward resolution. Scholars have endeavored to offer frameworks for comprehending disputes through diverse social dispute theories, focusing on the origins of disputes, the circumstances of their occurrence, and occasionally the requirements for their resolution. The various conflict theories that explain the causes of conflict include the following ones.

One of the most important theoretical frameworks for examining the causes of conflict is the structural-functional theory. According to the structural functionalist theory, people will adapt to the structure of any institution, organization, or society. Any alteration to an organization's or institution's structure sparks conflict and undermines the organization. The theory is in line with the system approach, in which every component has a job to do. It is centered on issues that will keep the organization's equilibrium and teamwork intact (Durojaye et al., 2013). Furthermore, Nader (1968) asserts that structural functionalism stresses both the structural causes and the structural purposes of conflict. According to structural functionalists, society is an equilibrium system, with each of its constituent parts contributing to the upkeep of the whole. Thus, disputes also contribute to the upkeep of the current social structure because they are a part of social life (Lewellen, 2003). The authors of this theory advise the use of organizational structure to provide structural mechanisms for resolving disputes.

Interaction is the alternative theory that explains the origins of conflict. Conflict arises primarily from interaction within a society. Organizations, by nature, would foster more interaction and conflict. The conflict resulted from the society's concentration of power and limited resources, which may not have been distributed fairly among all members. A greater total population meant that there would be more conflicts for the leaders to mediate (Cohen, 2015). The likelihood of conflict, annoyance, and privacy violations rises when there is a lot of interaction or relationship between various members of the community (Eitzen 1990).

Innateness theory rejects interaction as the source of disputes, contending that our internal causes for disputes reside outside of "the social dynamics of human interaction" (Jacoby, 2007). Schellenberg (1996), among other academics, argues that since aggressive behavior is innate in all humans, dispute results from this behavior. The social learning theorists refuted this theory by arguing that aggressive behavior is socialized rather than inherited biologically. Furthermore, they emphasized that disputes arise from competition for resources, as well as from ecological and cultural factors (Eitzen 1990).

In describing the origins of disputes, the other theoretical school, known as Human Needs theory, links dispute to the achievement of individual or collective goals. The premise of this theory is that basic human needs must be satisfied to preserve a stable society. Human participants in conflict situations, at all social levels, are compulsively striving in their respective institutional environments to satisfy basic human needs like identity, development, security, and recognition. Institutions are working harder and harder to take back the authority over their surroundings to guarantee that these needs are met. This conflict cannot be contained because it is fundamental (Yewubneh, 2016). This method shows how fundamental human rights violations, such as those involving sociopolitical and economic concerns, can serve as the main cause of conflict. This argument is further strengthened by Cohen (2015), who states that when men fight, it is usually over some basic disagreements about the allocation and use of power, whether it be social, political, or economic. This shows that a lack of resources may contribute to conflict. Yewubneh (2016) also reveals that the materialistic idea of conflict as a source emphasizes the importance of economic motives as deciding factors in all disputes. Yewubneh (2016) cites Malone & Berdal (2000), who further contends that low income, insufficient resources, and a lack of access to outside economic resources can all serve as catalysts for dispute.

Disputes, which are caused by different triggering factors, as expressed in the theories, seek dispute resolution mechanisms to end them. This research is, therefore, an effort to address different methods of dispute resolution for different sources of dispute, their interrelations, and their role in peace-making within the context of the existing theoretical framework.

## 2.4 Evolution of Dispute Resolution Mechanisms

Humans have historically engaged in disputes and used a variety of strategies to resolve them. Usually, a dispute ends when one side violently or coercively imposes its will on the other side. All societies, however, have long employed a variety of alternative dispute resolution techniques, such as mediation or adjudication. Negotiations have been used historically, even between opposing societies, to reach agreements regarding points of contention.

Many traditional dispute resolution techniques differ from contemporary dispute resolution in several ways. Among the distinctions is the emphasis placed in dispute resolution on procedures that produce outcomes that benefit both parties equally. The modern dispute-resolution approach also draws from both conventional and novel practices, as well as scholarly research and theory. It usually emphasizes using violence sparingly, if at all, to wage war and settle disputes. Last, it frequently highlights the importance of outside mediators in resolving disputes. The field of dispute resolution has a long history and a wide range of influences that have contributed to its current diversity and depth. Its modern incarnation began with the goal of putting an end to violence, but it has now expanded to address creating the conditions for peace, which include establishing dispute resolution procedures, improving justice, and reuniting victims of violence, among many other issues. There is a long history of calls and actions for peaceful resolution of disputes rather than war; significant exemplary documents dating back to classical Grecian times are available in Chatfield and Ilukhina (1994).

The idea that there is a significant relationship between the dispute and the dispute resolution mechanism forms the basis of dispute resolution mechanisms. The underlying assumption of dispute-resolution work is that there are many methods and organizations available for carrying out a single social function, namely resolving disputes. To help the aggrieved party return to their pre-dispute status, most dispute resolution procedures are started only after an issue has developed into a dispute. Nonetheless, the dispute resolution process may foresee conflict and attempt to minimize conflict with management and structure, or by attempting to avoid disputes altogether. Of the two, logic contends that a process yields better results the sooner it is triggered. Therefore, it is more effective to prevent conflict whenever it arises than to try to resolve it after it has (D. Paul Emondv1986).

Diverse approaches exist for settling conflicts. For instance, by giving up, fleeing, using violence to subdue your opponent, or bringing legal action. Over the past 100 years, filing a lawsuit has become a popular strategy for reaching a settlement. However, for a variety of reasons, lawsuits are now costly, have a slow pace of success, and are vulnerable to misuse. Therefore, departing from the traditional legal processes has become "en vogue" in these modern times.

A movement known as the Alternative Dispute Resolution (ADR) campaign was born because of this change. Sometimes, it's just called "conflict resolution." This movement originated from the idea that settling disputes amicably is preferable to resorting to force or going to court. These days, the terms "conflict resolution" and "alternative dispute resolution" are used to describe a variety of procedures involving peaceful dispute resolution outside of the established legal system. The field of conflict resolution has recently expanded to include initiatives to lessen violence and support young people's communication and problem-solving skills in workplaces, schools, and communities in helping build sustainable relationships and bring social cohesion. Though it is still viewed by some as falling outside the traditional mainstream of state jurisprudence, alternative dispute resolution is becoming more and more accepted by the public and the legal community. Because of the ever-increasing volume of cases, which also puts a significant burden on traditional courts, many now view dispute resolution as a viable way to reduce caseloads, while resolving conflicts fairly and equitably that lets people reserve their relationships. (Gowak, S. M. 2008)

Alternative dispute resolution (ADR) is a phrase that is frequently used to refer to a broad range of dispute resolution procedures that are used as a substitute for full-scale court procedures. The phrase can describe anything from mediated talks for a settlement where direct negotiation is advocated between disputants with one before another legal procedure, to mini-trials or arbitration systems that appear and feel a lot like a courtroom procedure. Procedures intended to oversee community strife or promote community Development-related topics might be incorporated into the ADR's rubric. ADR platforms could be classified as negotiation, arbitration, mediation, or conciliation procedures (Pirie, 2000).

By establishing a framework, negotiation systems help parties to a dispute engage in direct communication with one another without the help of a third party. Systems of conciliation and mediation are similar in that they involve the intervention of a third party to mediate a particular

disagreement or to mend the parties' relationship. Mediators and conciliators do not have the power to decide or render judgment on a settlement; instead, they can only serve as channels of communication or offer guidance and structure to a settlement. It depends on the willingness of the parties to reach a voluntary agreement. The arbitration system gives a third party the authority to resolve disputes the disputants must follow, even if they disagree with the result.

## **2.5 Historical Development of ADR**

Alternative forms of conflict resolution are not new; non-judicial, indigenous techniques have long been employed by societies all over the world. Since ADR has been practiced for thousands of years, it has been driven by several concerns. These include efficiency, flexibility and customization of results, party empowerment, legitimacy and participation of the parties, and occasionally, privacy and the avoidance of other people's precedents. Indigenous dispute resolution mechanisms are methods used at the local level by society to resolve disputes. The custom of forgiveness, respect for elders because of their symbolic power to impose rules, and transferring resources as a reward are the most crucial components of this mechanism (Zartman, 2000).

To resolve conflicts, indigenous people usually use open dialogue to establish consensus and define issues. Because an elder's decision is supported by social pressure and does not involve any loss of face, disputing parties are more likely to accept guidance from these mediators than from other sources. Ideally, the outcome is mutual understanding, a sense of unity and accountability, and communication between groups that might otherwise be at odds (USAID, 2005). Some writers link the origins of the modern field of ADR to the cultures of ancient Greece and China. While Chinese mediation dates back to the Zhou Dynasty, which predates the Christian era by 1,100 years, Sri Lankan antecedents date back approximately 425 years before Christianity. Some academics describe indigenous cultures and early Jewish, Christian, Islamic, Hindu, Buddhist, and Confucian religions as having a common face for pre-colonial forms of dispute resolution. These types of dispute resolution have long been used by ethnic groups and indigenous tribes before more recent settlers arrived (Osi, 2008).

Formal complaints before local chiefs were not forbidden, but they were also not suggested or promoted under the Confucian legal system of the ancient Far East, which was employed by the peoples of China and Japan. Social values bound the societies together, therefore anyone who filed cases before these chiefs was viewed as intolerant and useless, and they might even be excluded from communal life. However, if a person uses informal measures to settle their dispute amicably, society will support them and they will be seen as tolerant people. The society's prescribed course of action for such behavior compelled the parties involved to seek a resolution through compromise, as opposed to filing a formal complaint with the local chiefs to address their concerns. This shows us the importance of compromise and peaceful conflict resolution in the day-to-day activities of ancient society and how it promoted harmonious relationships among members of the group (Liu, Z. 2018).

Africans, who are thought to be the ancestors of all people, have a long history of resolving conflicts amicably. The history of Ancient Egypt had a more structured legal system. Minor cases were tried by a local council of elders, with a local Kenet in charge of the legal process for each town or village. Typically, these cases involved small issues like loan default. The African continent was ruled by customs that shared certain traits before the era(s) of discovery and colonization. The customs that governed the African continent shared certain characteristics. ADR plays a very important part in African law since community life and group isolation give rise to a need for solidarity. Because conciliation is the only way to resolve conflicts, Africans therefore constantly strive for unanimity through dialogue. This was an alternative to bringing complaints before the village or local chiefs. African customs were all based on shared ideas about what was right and wrong, including resolving conflicts (Murado, 2009).

## **2.6 ADR in Ethiopia**

There are many ethnic groups living in Ethiopia. Nearly every ethnic group has created its internal dispute-resolution procedures. Many ethnic groups, including the Oromo, Afar, Amhara, Benishangul-Gumuz, Hareri, Somale, Sidama, Walayeta, Gamo, Tigray, and others, create their own unique indigenous dispute resolution processes. These elements, social customs, values, norms, beliefs, laws, and rules are shared and acknowledged by the various communities to promote peaceful coexistence. For centuries, Ethiopia's primary legal framework was composed of these native dispute settlement organizations from various ethnic groups. The customs, cultures, and traditions of Ethiopia's many ethnic groups are strongly ingrained in using

indigenous conflict resolution mechanisms, which have the potential to be very effective in resolving violent conflict. One of the conflict management strategies used in Ethiopia to settle intra- and inter-ethnic disputes at the state and local government levels is the use of indigenous conflict resolution mechanisms. While Indigenous dispute resolution techniques vary from society to society, region to region, and culture to culture, they all share some characteristics, according to Indigenous institutions. (Jembere, 2000) Indigenous conflict resolution methods come from long-standing customs that the people have followed and have been accepted by the community as guiding principles. As a result, they bind society and, if broken, will cause negative societal responses or even punishment. (Dagne and Bapu, 2013)

Alternative Dispute Resolution has been part of the Ethiopian legal system. In the olden days, and most especially under the Fetha Negast, disputes between individuals or communities were encouraged to be settled amicably. This process usually entailed the comity of elders-Shimagelle - or people appointed on an ad-hoc basis to settle particular disputes that have arisen either in matrimonial cases or between communities. There are other traditional methods of settling disputes through religious leaders. All these options provide a good forum for conflict resolution. (Tzadua, Paulos, et al., 1968)

The functions of traditional methods of resolving disputes became completely different because of the official establishment of institutions in the second half of the 20th century, such as courts with state-nominated judges and administrators. When we introduce the official administration of justice, these alternative dispute resolution methods have received the proper recognition. The most common forms of alternative dispute resolution (ADR) that are used instead of going to court are arbitration and conciliation, which are covered in various sections of the regulations from the 1950s and 1960s. This shows how these alternative methods are developing in tandem with the official adjudicative litigation system (Halefom, A. 2022)

The main issues impeding Ethiopian courts' effectiveness are case backlogs, unpredictable outcomes and processes, accessibility issues, and subpar proceedings and results. Additionally, there exist additional fundamental and particular issues with the administration of justice in Ethiopia that are not efficient enough to fully capture society's faith. Alternative conflict resolution may be considered a solution to address these challenges.

## 2.7 ADR practice at AACCSA

Founded in 1947, the Addis Ababa Chamber of Commerce and Sectorial Associations offers advocacy and technical support to entrepreneurs and company owners as they launch, manage, and expand their enterprises. Currently, the AACCSA is the only organization in the nation offering a broad range of non-financial aid to businesses. Additionally, the AACCSA is a key player in communicating corporate issues to the government. The AACCSA is Ethiopia's largest and oldest chamber of commerce, boasting over 17,000 registered members. It is the sole organization that represents corporate interests and has the right to advocate on their behalf. Acting on behalf of its members, the AACCSA is a self-governing, non-political, and nonprofit organization. It has assisted its members in advancing socioeconomic growth and trade ties with other countries ever since it was founded. Its main goal is to encourage the creation of environments that can support the growth of business, both generally and specifically in Addis Ababa. One of the most active civil society groups now representing business in Ethiopia is AACCSA, which is involved in significant issues that go beyond its immediate geographic area.

The Addis Ababa Chamber of Commerce creates a partnership between the public and private sectors with the goals of enhancing the city's overall physical condition; fostering business ventures that contribute to a large employment base; strengthening Addis Ababa's economy throughout its zones; and promoting a more accommodating environment for small and medium-sized enterprises. This will be accomplished, in part, by assembling a group of exceptionally skilled and committed employees, but primarily by bringing all relevant parties together to agree on the most effective means of accelerating and broadly distributing economic growth. The Addis Ababa Chamber of Commerce creates a partnership between the public and private sectors with the goals of enhancing the city's overall physical condition; fostering business ventures that contribute to a large employment base; strengthening Addis Ababa's economy throughout its zones; and promoting a more accommodating environment for small and medium-sized enterprises. This will be accomplished primarily by bringing all relevant parties together to agree on the most effective means of accelerating and broadly distributing economic growth (About Arbitration Institute (AI)-Addis Chamber, n.d.).

The Chamber founded the Arbitration Institute in January 2002 in response to the growing demand for dependable, efficient, quick, and adaptable commercial dispute resolution mechanisms. The institute is the first of its kind in Ethiopia and offers the full spectrum of

commercial dispute resolution services. The primary goals of the institute are to ensure the correct and efficient application of the applicable AACCSA Rules, administer and facilitate the settlement of disputes in accurate accordance with the Arbitration Rules of the AACCSA, and promote and disseminate the resolution of commercial disputes through Alternative Dispute Resolution (ADR) mechanisms (AACCSA rules, 2008).

ADR offers business disputes a lot more advantages and benefits than any traditional state-backed court system. It allows the parties to resolve their disagreement without disclosing the reasons behind it, which could damage their ability to do business with other clients, and it may even keep the viability of an already-existing business relationship. It offers a distinct chance for parties to be adjudicated in their preferred language instead of one selected by an outside party, and it also provides specialized judges who are well-versed in the dispute's subject. The goal of the Addis Ababa Chamber of Commerce is to foster an atmosphere that will enable Addis Ababa's business community to expand and flourish considerably more quickly. By doing this, the Chamber will exhort the business community in Addis Ababa to focus its resources on the pressing problems that our city faces.

## **2.8 Types of ADR and their effects**

Alternative Dispute Resolution is generally classified into sub-types, namely, negotiation, mediation, conciliation and arbitration (Gowak, 2008).

### **2.8.1 Negotiation**

When disagreements arise, the parties will attempt to reach a mutually agreeable resolution. Negotiation is typically used when parties attempt to resolve the issue amicably through their efforts. In this case, involvement is optional, and a third party either supports the resolution process or imposes a resolution. If negotiations come to a standstill, the parties will return to their previous situation. That's where the conflict stands. The parties may choose not to use alternative dispute resolution during negotiations, but its main goal is to prevent parties from using violence to settle their differences (Goldberg et al., 1995).

### **2.8.2 Mediation**

Participation in mediation is voluntary. A third party, called a mediator, assists in the resolution process but does not force a resolution on the parties. Negotiation experts, or mediators, bring

disputing parties together to reach a settlement or agreement that both sides may accept or reject. Many situations, including minor criminal offenses, conflicts between states and communities, labor disputes involving employers and employees, business disputes, etc., are resolved through mediation. One feature of mediation is that it's a voluntary process where a third party who is impartial helps the disputing parties come to a peaceful agreement. Steps in the mediation process include getting data, defining the problems, creating options, negotiating, and supporting agreements. The mediator does not have decision-making authority over the negotiation's conclusion; instead, the parties in mediation develop their solutions (Mattl, 2006).

### **2.8.3 Arbitration**

Arbitration is a procedure wherein a neutral third party evaluates the evidence and arguments presented by both parties and then decide whether to settle the dispute. This ruling is known as an arbitral award. In actuality, one of the first methods of resolving disputes was arbitration. Many traditional Ethiopian societies, such as the Amhara elders, Shimagelle, and the Oromo nations, under the Gadaa system, practiced it and continue to do so. The Roman Empire's jury consults employed it, and it existed for at least a millennium before the adversarial system of common law. Certain alternative methods of resolving disputes were also permitted by the continental/civil law inquisitorial system (Gowak, 2008).

### **2.8.4 Conciliation**

Arbitration is a procedure wherein a neutral third party evaluates the evidence and arguments presented by both parties and then decide whether to settle the dispute. This ruling is known as an arbitral award. In actuality, one of the first methods of resolving disputes was arbitration. Many traditional Ethiopian societies, such as the Amhara elders, Shimagelle, and the Oromo nations, under the Gadaa system, practiced it and continue to do so. The Roman Empire's jury consults employed it, and it existed for at least a millennium before the adversarial system of common law. Certain alternative methods of resolving disputes were also permitted by the continental/civil law inquisitorial system (Gowak, 2008).

## 2.9 Advantage and disadvantage of ADR

### 2.9.1. Advantage of ADR

**Reducing the expense and duration of dispute resolution** is one of the driving forces behind ADR systems. A new dispute resolution system is desirable if it can save costs while producing results that are on par with those of the previous system. Lawsuits can be very costly; in certain cases, the expense can even surpass the amount of the judgment, rendering a party's victory meaningless. Besides other expenses, there are filing fees, court costs, and lawyer fees. Both parties would suffer losses because of the prolonged litigation, losses that might not be made up for by the court's rulings. However, using an ADR system can enable the use of procedures that only cost a small portion of the litigation and still yield results that are on par with or better than those of the litigation. Usually, the parties in the dispute split the Arbitrator's fees. Because of this, the overall cost of the process in this case is much lower than the cost of litigation (Mark, 2022).

**Maintaining relationships:** ADR procedures' non-adversarial nature explains why they are so good at preserving relationships. In a lawsuit, the parties are placed against one another with the goal of winning at any costs. Relationships may suffer permanent harm as a result of this hostile process. ADR techniques, on the other hand, concentrate on coming up with a solution that benefits all sides. The parties can find a solution that satisfies their respective needs and maintains their relationship by cooperating. The fact that ADR procedures are confidential is another factor in their ability to preserve relationships. The specifics of the disagreement are made public during litigation. Both the parties' relationships and the reputation of a business may suffer as a result of this. On the other hand, ADR procedures maintain confidentiality. Without worrying about tarnishing their relationships or reputations, the parties can resolve their differences in private (Barnes, 2023).

**Result satisfies both disputing parties:** Barnes (2023) also states after a court renders a decision, one side is almost always left feeling let down, agitated, furious, and even resentful. When using ADR, the technique makes every effort to maintain the goodwill between the parties. ADR can, in fact, support the maintenance of a wide range of relationships, including those between employers and employees, associations, and business partners. Whatever method

is employed, the solution needs to address the current issue. The processes typically involve the parties in an effort to reach a settlement.

**Avoids future dispute:** ADR systems can provide us with strategies for successfully resolving conflicts without destroying relationships. The procedure followed in the current dispute can offer a framework for handling future disputes. The system might assist in using the previous dispute resolution as a guide for future disputes or recurrent conflicts so that lessons can be learned from the past (Reeve, 2023)

**Expert oriented decisions:** Disputing parties can choose their own specialized mediator, conciliator, arbitrator etc... that are well acquainted and familiar with the particular problems, needs and interests of the parties to the dispute resulting in convincing and concrete awards.

**Disputing parties are also at liberty to choose** the language, Venue, procedural rules, etc... of resolving their dispute. ADR also **maintains the privacy or confidentiality** of the dispute of the parties so that harm to future relationships could be avoided (Bello, Temitayo, 2019).

### 2.9.2 Disadvantage of ADR

**Non-binding Nature:** ADR outcomes might not automatically be enforceable by law, in contrast to court rulings. To guarantee the enforceability of their agreements, parties must carefully draft them. It might take further legal action to enforce the resolution if one party doesn't follow the terms of the agreement. It has also **restricted Legal Protections:** court proceedings may offer greater legal protections and remedies than alternative dispute resolution (ADR) processes. The effects on their rights must be considered, and the enforceability of any agreements must be carefully considered. Throughout the ADR process, legal counsel must be sought to guarantee a just and legally sound resolution (Fotohabadi, 2022)

**Complex Legal Disputes:** ADR is useful in many situations but in certain situations, such as when there are complicated legal or factual issues at stake, a court's knowledge and authority may be needed. ADR procedures might not be appropriate in cases involving important legal precedents, or situations where a legally binding precedent is necessary (Petrenko, 2021).

**Power Imbalance:** In certain cases, a considerable disparity in power between the parties may impact how impartial the ADR procedure is. Negotiation and compromise are key components of ADR's effectiveness, and if one party has a significant advantage over the other, the result might not be fair (Petrenko, 2021).

## **2.10 Business community contribution for peaceful sustainable environment**

Peace and business going hand in hand are becoming more and more commonplace worldwide. Companies should contribute to the creation of peace in the regions in which they operate is gaining ground quickly. This is seen in initiatives such as the UN Business for Peace (B4P) program, as well as in the company itself, through the adoption of conflict-sensitive business practices and Corporate Social Responsibility (CSR) assignments. Both domestic and foreign corporations are being urged to play a more active role in defining new global development and peacebuilding agendas, as donors grow weary of the conventional aid delivery mechanisms. UN Secretary-General Ban Ki-Moon is "counting on the private sector" to help achieve the Sustainable Development Goals (SDGs), which exemplifies the change. (UNDP 2015).

B4P was introduced by the UNGC in 2013, formalizing advancements with the goal of B4P to provide a leadership platform that will expand and deepen private sector action to support peace by "mobilizing high-level corporate leadership to advance peaceful development through actions at the global and local levels to galvanize progress and scale up positive impacts," which is arguably the best way to express the business-peace philosophy (UNGC 2013). Establishing a "epistemic community" of development is the UNGC's aim for establishments and companies to promote peace (Dahan et al. 2006; UNGC 2013). The "business community" as defined here comprises regional, national, and worldwide companies. CSR frameworks, which advocate that businesses should practice good corporate citizenship by contributing to positive governance in operational areas, are commonly used by businesses to operationalize peace building (Carroll 1998). Businesses can contribute to a sustainable environment by-

### **2.10.1 Economic Engagement**

Businesses help provide fragile nations with the essential building blocks of development, which cement peace through trade, economic growth, and financial infusions. That economic entrepreneurship will bring about peace and progress originated with John Locke and his Second Treatise (1689). That economically integrated democracies positively correlate with peaceful foreign policies is also linked to Immanuel Kant, Joseph Schumpeter, and, more recently, Francis Fukuyama. These scholars combined aspects of republican or democratic politics and the "spirit of commerce" in different ways (Doyle 1986).

Firms can consider corporate expansion as carrying a peace building "value-added" by using the well-established links between economic development and integration to peaceful relations between states, as well as the idea that infusions of economic development can mitigate intrastate conflict. These initiatives do not make up particular peace building initiatives; rather, they seek to enhance the conditions for peace. Examples include businesses that move into post-conflict or nearly post-conflict environments to solidify fragile economies like investment in Kurdistan and Afghanistan, or that create economic interdependence across geographic boundaries and social lines of division, businesses that assist the transition from war to peace economies by helping to normalize trade and provide essential revenue streams in fragile environments. Some argue that businesses can promote peace by lowering poverty and fostering local economic growth through foreign investment or local economic help, such as by helping to facilitate the macroeconomic recovery following a conflict (ILO 2010).

### **2.10.2 Promoting local growth and empowering local peacemaking capabilities**

Through community engagement that "gives back" resources to underprivileged groups, projects aim to improve the fundamentals of society. They encompass a wide range of activities, industries, and levels of local business integration. IGOs and NGOs support them because they think that addressing local societal needs through development leads to broader societal peace and that minimizing harm is a conflict-sensitive peacebuilding endeavor (MercyCorps 2011; International Alert 2015). Employment creation is promoted as a way to advance peace as a key component of local economic development, particularly when it comes to creating inclusive and diverse work environments or encouraging cooperation between parties involved in conflict to strengthen social cohesion thinking that taking part in these activities will lessen support for or involvement in violence by fostering interpersonal relationships, fostering trust, and reducing stereotypes. Effectiveness essentially controls motivation. (Fearon et al. 2009).

### **2.10.3 Importing international norms or other tools for democratic accountability**

By bringing in international standards, norms, and ethics that enhance the structural conditions for peace and alter corrupt local mindsets, businesses can promote peace. These actions are specific and stem from broad regional or global frameworks that specifically ask for the private sector to be involved directly (Rettberg 2016). Businesses have the option to punish bad behavior by withdrawing and eliminating the tax bases that such operations provide, or they can reward

good behavior by states as determined by international guidelines through increased investment. According to Liks et al. (2013), indirect initiatives involve business compliance and risk mitigation strategies. The underlying assumption is that local society will be influenced by international firms setting an example by adhering to global best practice norms. Instead of negotiating through rebel groups or other less predictable actors, this strategy emphasizes engagement with governments to prevent abuses and promises a level playing field, which appeals to businesses seeking predictable and attainable peace-building buy-ins.

#### **2.10.4 Limit the underlying causes or motivators of conflict**

Here, proponents assume companies can take particular steps to suppress conflict-inducing factors. These forces may be structural, political, or economic, and they may or may not be connected to the main activities of the company. Business and peace examine how companies respond to, impact, and alter the material circumstances of conflict situations. A widely held belief is that by addressing the underlying causes of conflict and lowering the incentives for it, local conditions can be improved by attempting to stop financial flows that fund conflict actors (Wenger and Mockli 2003; Ghimire and Upreti 2012).

#### **2.10.5 Making direct diplomatic attempts with parties involved in the conflict**

Businesses have a direct stake in fostering peace as well as maintaining it. This can involve acting as mediators, taking part in the peace process, forming alliances with former conflict elites to support their mainstreaming or reintegration into society, or using their power to persuade recalcitrant actors to attend peace negotiations. According to BfP (2015), business executives who actively work for peace are seen as game-changers in their organizations and communities, and their example inspires others to take similar action (Oetzel and Breslauer 2015).

#### **2.10.6 The Role of ADR for Social Cohesion**

Dispute is an unavoidable part of coexistence. Most of the time, things are settled without using the formal court system. Resilience, or the ability to reinforce and improve one's own capacity for conflict resolution, should be a component of access to justice. Nonetheless, the government must make sure that procedures are in place for resolving conflicts in a way that is legal, peaceful, and equitable, as well as for upholding the core values that underpin legislation. Therefore, a readily available and efficient means of settling conflicts is essential to the rule of

law. Without it, conflict resolution either goes unsolved or becomes concealed. Either way, the result is a decline in trust in the rule of law and the belief that society can guarantee that cooperation is upheld. Regardless of the justice of the result, individuals with resources or other advantages would likely win in this situation, robbing people of their opportunity to pursue their legitimate interests and rights and fostering a culture of lawlessness. This affects people in terms of current conflicts, but it also negatively affects social cohesiveness and the core of economic cooperation, which is the cornerstone of social advancement. ADR promotes economic growth, strengthens democratic government and the rule of law, makes justice more accessible, and fosters a society that is more cohesive and equitable. (Access to Justice | ADRAC, n.d.)

ADR systems can be created with a wide range of objectives in mind. A few of these objectives have a direct bearing on how well the legal system operates and how specific conflicts are resolved. Some, on the other hand, are connected to other development goals, such as managing tensions and disputes in communities or economic restructuring. Creating a productive, amicable method to settle property disputes, for example, might be essential not because of its dedication to boosting the rule of law, but because disputes jeopardize the nation's social and economic stability. Similarly, where judicial delays or corruption hinder foreign investment and economic restructuring, effective dispute-resolution processes may be essential to achieving economic development goals.

ADR programs, when used with rule of law initiatives, can: Support and enhance court reform, escape inefficient and tarnished courts, raise public satisfaction with ADR, promote justice access for marginalized groups, reduce delay in dispute resolution, and reduce the cost of resolving disputes. ADR programs can help reduce tension and conflict in a community, manage disputes and conflicts that could directly harm development initiatives, increase civic engagement, create public processes to facilitate economic restructuring and other social change and reduce conflict in other development goals.

## CHAPTER THREE

### 3. RESEARCH METHODOLOGY

This chapter deals with the research methods that were employed in conducting this study. The study used a qualitative research method to explore the role of ADR in resolving or settling conflicts and its implication for social cohesion. A purposive sampling technique was used to identify participants and interviews, discussions, and document review are the tools for data collection. The chapter also deals with the study area, research approach, research design, sampling design, population of the study, sampling frame, sampling size determination, sampling technique, method of data collection instruments, data collection procedures, method of data analysis, ensuring quality of qualitative data and ethical consideration.

#### 3.1. Study Area

This study was conducted at AACCSA in Addis Ababa, Ethiopia. AACCSA was chosen as a study area since it has valuable experience in solving business community disputes by using ADR and is playing a great role in rebuilding relationships and creating social cohesion.

Across Ethiopia's diverse nations and ethnicities, alternative dispute resolution (ADR) has long been a common practice. Family, clan, tribe, nation, and nationality disputes have been settled by the most revered traditional institutions, the Shimagele in central and northern Ethiopia and the Gadaa in the west, central eastern and southern Ethiopia. These institutions were frequently used to settle disputes involving claims to the use or ownership of private or public land, water, cattle, grazing areas, local customs, religious issues, etc. Ancient Ethiopian religious institutions also played significant roles in settling disputes and/or preventing wars. Ethiopia has experienced periods of post-Italian occupation characterized by the establishment of contemporary legal frameworks and institutions. Along with other contemporary conflict resolution techniques, even archaic and now outdated legal institutions like Awchacign and Afersatta received legal approval and were put into use. However, significant steps were only taken to adopt laws for the recognition and modernization of alternative dispute resolution (ADR) practices after Ethiopian laws were heavily codified at the end of the 1950s and at the beginning of the 1960s. (Gowak, S. M. 2008)

The most remarkable piece of legislation that merits special consideration is Imperial Order No. 90/1947, which established the Addis Ababa Chamber of Commerce. This order, which required a private chartered body to use institutional ADR for "commercial and industrial disputes," may be the oldest law still in existence. With the help of alternative dispute resolution (ADR), this landmark legislation established the first contemporary legal framework to resolve commercial disputes. However, administering ADR on commercial disputes with a specific and dedicated work unit within the chamber system is nevertheless a recent history of not more than 21 years old. Today we have the Addis Ababa Chamber of Commerce and Sectoral Associations Arbitration Institute (AACCSA AI) as an autonomous organ but part of the AACCSA, as the legally authorized and mandated commercial disputes settlement body. Established as a pioneer disputes settlement body in January 2002, this institute is an ADR service provision body.

Currently, Proclamation No. 341/2003 requires Chambers of Commerce and Sectoral Associations to resolve business disputes upon request from disputing parties. This law expressly grants chambers of commerce and sectoral associations such authority. The AACCSA AI currently provides arbitration, adjudication, mediation, and conciliation dispute resolution alternatives when requested by parties. Parties that are using the services of the institute include private organizations, public bodies, individuals, and nongovernmental bodies (About Arbitration Institute (AI) – Addis chamber.(n.d.).

Since its establishment the AACCSA AI has been very much involved in providing its services mostly to - the **construction sector** -Roads, public and private building construction, water, power distribution, and other construction contracts concluded between public and private bodies, AACCSA AI is designated both as dispute resolution and arbitrator or adjudicator appointing body. - **Disputes arising from contracts**- between parties are diverse. AACCSA AI has been providing dispute resolution services to various kinds of contractual disputes arising from contractual breaches on consultancy works, procurement and delivery of goods, and similar other contracts. -**Disputes among shareholders**- in a private limited company and share companies.

-**Insurance disputes** - Currently, AACCSA solves within a year over 75 business disputes using arbitration, mediation, and negotiation and advocates for the creation of a conducive business environment. It also consults with government and members on economic development and

business issues and promotes and plays a role in the peaceful harmonized sustainable business environment. (About Arbitration Institute (AI) – Addis chamber.(n.d.).

### **3.2 Research Approach**

To attain the objectives of the study, this study used a qualitative research, case study, to examine the characteristics of ADR methods and their contribution towards peaceful coexistence, sustainable relationships, and, ultimately, social cohesion. This is because the qualitative method helps to develop an in-depth understanding of individual's experiences, beliefs, attitudes, and behavior (Chawla and Sondhi, 2011). Moreover, this method was selected as it helps to address both the main and specific objectives of this study with more degree than quantitative. It also offers a great opportunity to elicit concepts and perspectives of different ideas on ADR and its role in social cohesion. The study is centered on the relationships, attitudes, beliefs, and opinions of the experts and other stockholders. It facilitates a more profound and analytical comprehension of social phenomena, which are frequently observed in their natural environments. It also makes it possible to delve deeply into the information and expertise that AACCSA institutions employ. Denzin and Lincoln (2008) explain that, qualitative research tends to be interpretive and seeks to understand a phenomenon in its context in greater depth. Moreover, it seeks to elucidate the nature of social practices, relationships, and beliefs along with the meaning of human experiences from the participants' point of view.

### **3.3 Research Design**

Each study component is descriptive in nature to gain in-depth information of the role and challenges of ADR. The study can be considered as a formative assessment that employs exclusively qualitative research methods. The key advantages of using a descriptive research design include: Providing rich, detailed insights about the characteristics, behaviors, and attributes of a particular population or phenomenon; Uncovering relationships and associations between different variables without establishing causality, revealing patterns and trends that can inform future research; Generating hypotheses for more advanced, explanatory or experimental studies, offering a solid foundation for further investigation; Establishing baselines that enable the tracking of changes and evaluation of interventions over time in longitudinal or comparative research; Informing decision-making, policy development, and problem-solving by stakeholders and policymakers with the detailed, descriptive information generated; Exploring and understanding the what, where, when, and how aspects of a subject matter, especially when little

is known about the phenomenon; and Accommodating a flexible approach with a variety of data collection methods tailored to the specific research objectives (Creswell & Creswell, 2017)

### **3.4 Sampling Design**

According to Gay (1992), a sampling design is a procedure of selecting a sample from a listing of all elements in the population from which the sample is to be drawn. For the present study therefore, Non probability sampling was used among it Purposive sampling was utilized to identify participants. The researcher targeted participants from key stakeholder groups service professionals and direct expertise in the study area. It is a technique used in qualitative research to select a specific group of individuals or units for analysis. Participants and the institute are chosen “on purpose,” not randomly. Even though there are other institutes that provides related services AACCSA is chosen on purpose because it is the oldest institute with longer experience and working structure concerning the study area. And the participants are also chosen purposively seeking their expertise in the study area.

#### **3.4.1 Population of the study**

The study was conducted at AACCSA AI located at Addis Ababa, Ethiopia which is located around Mexico area. A total population of 75 registered ADR experts in the roster of the organization as well as other experts, academicians and practitioners of ADR are included in the study.

#### **3.4.2 Sampling Frame**

AACCSA was selected because it is a pioneer body authorized institution to shoulder such a daunting task of solving disputes using ADR at a time when Ethiopia had no substantive and procedural laws governing the procedure. The participants were 75 AACCSA’s registered Arbitrators, Mediators, Adjudicators, Negotiators and practitioners at ADR area.

#### **3.4.3 Sampling size determination**

The number question is not easily answered, according to experts in qualitative research, and sample size depends on a variety of practical, methodological, and epistemological considerations (Gergen et al., 2015). Dr. Margarete Sandelowski in her research on sample size in qualitative research recommends that the size of qualitative sample sizes is such that a new, richly detailed understanding of the phenomenon being studied can emerge, but it is also small

enough to allow for the thorough, case-oriented analysis of qualitative data. Fewer participants are required when more valuable data is gathered from each individual. She encourages researchers to consider factors like the study's scope, the topic's nature (i.e., accessibility and complexity), the data quality, and the study design. Research from empirical studies shows that open questions, which are asked later in the interview, tend to produce richer data, showing that the structure of questions in qualitative interviewing influences the richness of data generated and thus requires attention (Sandelowski 1995).

"Saturation" is the prevalent notion regarding sample size in this qualitative investigation. Saturation is directly related to a particular methodology that uses the idea of "information power" to determine the right sample size for qualitative research. Information power suggests that fewer participants are required, the more information the sample contains that is pertinent to the actual study. We propose that the following factors may influence the size of a sample that has adequate information power: (a) the study's purpose; (b) sample specificity; (c) application of accepted theory; (d) dialogue quality; and (e) analysis strategy. The researcher offers a model that links information power to these informational components and their pertinent dimensions. The utilization of this model in the preparation and data collection stages of a qualitative investigation was discussed. Thus, participants are selected depending on their experience in the study area, and when the data gathered added nothing concrete, the data was saturated and gave the signal to end that we won't need to proceed.

#### **3.4.4 Sampling Techniques**

Purposive sampling was used to identify participants. This thesis aims to get the opinions of dispute professionals on how ADR is key to a sustainable, productive, and cohesive environment. ADR encompasses all dispute-resolution techniques. It was chosen to interview a mix of conflict and business specialists. My broad network of experts in the area allowed me to pinpoint the right parties that helped me gather the data for the research at hand.

#### **3.5 Methods of Data Collection and Instruments**

The main data for this study was generated through both primary and secondary sources. As the primary source, information was collected from In-depth interviews (IDI) and focus group discussions (FGD) by asking the same questions to gather different perspectives. In supporting the information gathered through primary sources, secondary data related to ADR were collected

from concerned sources. This method is very important to gain richer information and understanding of the study area.

### **3.5.1 In-depth Interview (IDI)**

IDI was used to gather qualitative data to comprehend people's viewpoints and experiences, as well as their terminology and judgments regarding the topic of interest. To support this, Rutledge & Hogg, (2020) state that IDI assists the researcher in getting detailed information that sheds light on an individual's perspective, experiences, feelings, and the derived meaning of the study topic or issue. The selection of participants was based on their familiarity with the subject and previous involvement with alternative dispute resolution (ADR) mechanisms. Thus, Arbitrators, Mediators, Conciliators practitioners, and formal court judges were the sources of information. The researcher interviewed people who have over fifteen years of practice in the area were interviewed independently. Therefore, IDI was used to identify the final unit of analysis to gather pertinent data on historical events and circumstances and the reality of today. To achieve this, information was gathered via IDI regarding the significance of ADR, the contribution and challenges faced by AACCSA, integrating ADR in conflict resolution methods of the existing system, and its contribution to social cohesion.

### **3.5.2 Focused Group Discussion (FGD)**

Different people may have different concerns about certain particular issues. Thus, the researcher employed focus group discussions (FGD) as an additional data collection method for this study in order to examine the concerns of various homogeneous individuals and even to investigate their level of understanding on a given issue. Focus group participants with homogeneous synergy may submit ideas, and can help the researcher understand why people think the way they do (Bryman, 2004). He went on to say that group dynamics interactions are more like the real-world process of "sense making" and understanding. Thus, in light of the benefits of focus group discussions (FGD) and the time fixed for finishing the research, a focus group discussion was held in order to gain insight into differing perspectives regarding the function of ADR in resolving conflicts and to gather a substantial amount of data relevant to the research topic in a comparatively short amount of time. Eligibility criteria for FGD is Inclusion comprise the characteristics or attributes that prospective research participants must have in order to be included in the study. Focus group discussion was held with people who are practitioners,

Arbitrators, Mediators, Conciliators and other stockholders to examine the study area functions and productivity. FGD gave the researcher the opportunity to talk directly to the respondents to clarify, elaborate, and better understand ideas and views about the more focus area of the study focusing on ADR contribution beyond the evident resolution of existing disputes and it also helps participants to create a dynamic ‘synergistic’ effect.

### **3.5.3 Document Analysis**

Apart from interviews and focus group discussions, to enhance the research and provide new insights, secondary data was gathered from various written documents that were also used to get additional data by reviewing different documents and records. Documents that apply to observe ADR mechanism were consulted and analyzed. These documents were drawn from AACCSA AI that shows the profile of causes of conflict that occurred in the business community and from different sources.

### **3.6. Data Collection Procedures**

The study used a qualitative research approach to achieve its targeted goals. Different techniques and strategies were used to gather primary and secondary data. IDI was the method used to gather primary data. Purposively, informants were chosen from ADR area experts. Respondents were chosen by the researcher based on their gender, age, educational attainment, and social standing. In-depth interviews with other practitioners were done for cross-triangulation. FGD was also held with Arbitrators, Mediators, conciliators, and practitioners. Furthermore, a comprehensive analysis of existing literature and reports was conducted to gather secondary evidence about contemporary concerns regarding the use of ADR systems for conflict resolution. The researcher attained the consent of the participants in both IDI and FGD and also chose a comfortable, silent place to not disrupt data and an easily accessible location for the participants.

### **3.7 Method of Data Analysis**

The researcher used a qualitative data analysis method to look at, analyze, and explain the role of ADR in social cohesion in the study area. Transcribing and going through the data is the first significant step in the data analysis process in qualitative research, according to Creswell (2003). Subsequently, themes emerge that seem to be significant discoveries, and these should be backed

up by a variety of quotes and particular evidence. Thematic analysis was the method employed to examine the qualitative data. The interviews' notes and recordings were all verbatim transcribed.

Following the reading of the interview transcripts, the data was summarized and categorized into themes. The translated data was categorized case by case to prepare for analysis. The themes that pervaded the data were found to facilitate analysis and discussion. Subsequently, the themes were categorized based on the goals of the research. The themes were categorized according to the goals of the research, and then the findings from the qualitative data were presented and examined. Ultimately, the study's recommendations and conclusions were developed considering its findings and discussions.

### **3.8 Ensuring Quality of Qualitative data**

Naturally, the validity and dependability of the data collected for a research project are crucial. Robson (1993) references Lincoln and Guba (1985), who suggested using conformability, credibility, transferability, and dependability as standards to evaluate the reliability of qualitative research. According to Robson (1993), the credibility of research findings is determined by their validity as a construction of reality. He claims problems like this frequently arise in qualitative research. Triangulation is a recommended method of assessing credibility by Taylor and Bogden (2015). This means that besides the interviews, the researcher should compare data from several sources. In this research project, this transpired. Because the interviewees came from a range of backgrounds, triangulation was feasible. The substantial literature served as the primary source of triangulation.

Transferability, which is defined as the research's capacity to be repeated outside of its particular research context, is frequently seen as being unachievable in qualitative research (Bryman & Bell, 2007). Given that some of the project participants will have somewhat distinct backgrounds, it is unlikely that the information obtained from their interviews could be precisely repeated. This research is susceptible to the criticisms noted by Bryman and Bell (2022). The participants' opinions regarding the reliability of the data's interpretation are what dependability is all about (Ghauri & Gronhaug, 2005). According to Lincoln and Guba (1985), proving one's credibility is enough to address the dependability problem. Since dependability is hard to establish on its own, using credibility to satisfy dependability is helpful. According to Ghauri and Gronhaug (2005), conformability addresses the risk that the analysis is fabricated by the

researcher and distorts the data. This problem was solved by addressing it with several direct quotes, which allowed the participants' words to address the conformability issue.

### **3.9 Ethical consideration**

Relevant ethical considerations were considered when conducting this study. The process of informing each potential participant about the study and its goals comes before any data is gathered. Discussions and interviews with participants were only used to collect data with their permission. Thus, after the respondents' consent, In-depth interviews and focus group discussions were taken place. In this regard, the researcher first clearly and concisely explained to interview subjects the goals and purposes of the study. Furthermore, the information obtained from respondents via discussions or interviews was treated with the utmost confidentiality and used exclusively for this study.

## **CHAPTER FOUR**

### **RESULTS OF THE STUDY**

In this chapter, the study results, which include the characteristics of the respondents, findings from the interviews, and focus group discussions, will be discussed. The results are classified into themes supported with direct quotes from the participants, which were arranged in line with the research question, literature review & logically constructed questionnaire and necessary secondary data triangulation has been made to support the explanation.

#### **4.1 Background Information of Participants**

The total number of participants that took part in the study was 12. The participants were taken by using a purposive sampling method. These made-up 7 people were chosen for IDI based on their familiarity with the subject matter and previous involvement with alternative dispute resolution (ADR) mechanisms. These are Arbitrators, Mediators, Conciliators practitioners, and formal court judges. To meet the objectives of the study, 5 people were chosen for FGD who are homogeneous individuals who have experience and exposure to ADR. The sample respondents were selected from AACCSA's registered Arbitrators, Mediators, Adjudicators, Negotiators, and practitioners in ADR area. Of the total 12 participants, eight of them were male while the remaining four were female. Their age range is between 37 to 59. Concerning the educational background, the highest level of education was PHD while the least was degree level.

**Table 1: Demographic Characteristics of Participants**

| <b>Code</b> | <b>Sex</b> | <b>Age</b> | <b>Educational Background</b> | <b>Participation</b> |
|-------------|------------|------------|-------------------------------|----------------------|
| Int. 01     | M          | 57         | LLM                           | Interview            |
| Int. 02     | M          | 41         | LLM                           | Interview            |
| Int. 03     | M          | 59         | PHD                           | Interview            |
| Int. 04     | M          | 48         | LLM                           | Interview            |
| Int. 05     | M          | 53         | LLM                           | Interview            |
| Int. 06     | M          | 54         | LLM                           | Interview            |
| Int. 07     | M          | 53         | LLB                           | Interview            |
| FGD 01      | M          | 38         | LLM                           | FGD                  |
| FGD 02      | F          | 40         | LLB                           | FGD                  |
| FGD 03      | F          | 37         | LLM                           | FGD                  |
| FGD 04      | F          | 42         | LLM                           | FGD                  |
| FGD 05      | F          | 39         | LLM                           | FGD                  |

## 4.2. In-depth Interviews and Focus Group Discussion Findings

From the thematic analysis of the IDI and FGD data, five major themes namely: The Role of ADR in resolving disputes, challenges or barriers of utilization of ADR, AACCSA AI ADR services contribution to social cohesion, roles of government, private organizations, and society in promoting Alternative Dispute Resolution (ADR) and other initiatives that could complement ADR and support social cohesion were identified. Those themes are listed below, followed by descriptions of selected extracts and about the reviewed literature.

### 4.2.1 The Role of ADR to resolve disputes

The results of the study from both IDI and FGD showed that there are different roles of ADR in resolving disputes. In the major findings regarding the role of ADR, three major roles were identified: maintaining and strengthening relationships, alleviating the pressure of the judicial system, and avoidance of undue delay of trials.

#### 4.2.1.1. Maintaining and Strengthening Relationships

Findings from IDI highlight the negative consequences of traditional litigation, including feelings of defeat, hurt feelings, public humiliation, and forced execution of judgment. These consequences can lead to resentment and revenge, which can perpetuate conflicts and hinder long-term resolution. In contrast, alternative dispute resolution (ADR) methods prioritize communication, trust, and mutual understanding between disputing parties. By involving the parties themselves in the resolution process, ADR can lead to more effective and lasting solutions.

Studies have shown that ADR can be an effective way to resolve disputes and promote long-term peace and coexistence. For example, a study by Carneiro et al. (2018) found that ADR can lead to higher levels of satisfaction and compliance with agreements compared to traditional litigation. This is because ADR allows parties to have a greater say in the outcome and to work together to find mutually beneficial solutions. Additionally, ADR can promote greater understanding and communication between parties, which can help to reduce tensions and improve relationships (Lundquist et al., 2014).

IDI 4 explained his opinion on the role of ADR on maintaining and strengthening relationships in the following way:

*“When a person goes to court and argues about his case, there is sense of defeat, there is hurt feelings, public humiliation, forced execution of judgment; these things do not solve the dispute in the long run, so a person stays with resentment and revenge. I think that alternative dispute resolution will eliminate disputes between litigants for the long run because people can talk to each other and resolve disputes in trust. It is parties that are involved in the saying of the whole process, not a third party that makes a binding decision on them. When a court makes a decision, you don’t have a say in the results. It is only heard once. The court decides once. In an alternative dispute resolution, it is the disputing parties themselves who lead the process. It is a conflict resolution that they can reach with mutual trust. It is very important for lasting peace and coexistence.”*

Findings from FGD showed ADR will make the future relationship between the parties good because both parties will get a positive result or there will be a win-win outcome because any

conclusions that will be reached at the end will be by the full participation and understanding of both parties. Also during the FGD, it was revealed that because ADR procedures are confidential; they are good at preserving relationships. In a legal proceeding, the specifics of the disagreement are made public information. Both the relationships between the parties and the reputation of a business may suffer. On the other hand, ADR procedures are private. The parties don't have to worry about destroying their relationships or reputations as they attempt to resolve their differences in private.

To support these findings, Barnes & Barnes, 2023 states its non-adversarial nature is one reason alternative dispute resolution (ADR) techniques are so good at preserving relationships. In a lawsuit, the parties are placed against one another to win at any cost. Relationships may suffer permanent harm because of this hostile process. ADR techniques, on the other hand, concentrate on coming up with a solution that benefits all sides. The parties can find a solution that satisfies their respective needs and maintains their relationship by cooperating. The fact that ADR procedures are confidential is another factor in their ability to preserve relationships. The specifics of the disagreement are made public during litigation. Both the parties' relationships and the reputation of a business may suffer because of this. Conversely, ADR procedures maintain confidentiality. Without worrying about tarnishing their relationships or reputations, the parties can resolve their differences in private.

#### **4.2.1.2. Alleviating the Pressure of the Judicial System**

The findings in IDI highlight the role of Alternative Dispute Resolution (ADR) in alleviating the pressure of the judicial system. IDI 5 and 02 emphasize that the court's workload is significant; resulting in long delays in resolving cases, and that ADR can help ease this pressure by resolving disputes quickly. IDI 06 further stresses the importance of ADR in addressing the capacity issues faced by the court, suggesting that the government should provide greater recognition and support for ADR, including the implementation of ADR at the regional and district level, and involving experts from various fields.

The finding also touches upon the role of the media in raising awareness of ADR and its potential to address national disputes. Interviewee 06 suggests that the media has the potential to play a significant role in promoting ADR, not only in political propaganda but also in creating awareness of the importance of ADR in resolving disputes.

This finding shows the importance of ADR in ensuring the timely resolution of disputes and reducing the pressure on the judicial system. By providing a platform for parties to resolve disputes outside of the court system, ADR can help ease the workload of the court and ensure that cases are resolved quickly and efficiently. There is a need for greater recognition and support for ADR, including the implementation of ADR at the regional and district level, and involving experts from various fields. The role of the media in promoting ADR and raising awareness of its potential to address national disputes by creating awareness about the benefits of ADR, the media can help promote the use of ADR and encourage parties to resolve disputes through this mechanism.

The other role of ADR is to ease the pressure of the judicial system. IDI 5 stated that since the court's workload is big, it takes three to four years for one case to be completed, and if the case is complicated; it takes more than that. But ADR finishes their business quickly and goes on to provide service. IDI 02 explained his idea as follows:

*“if every case goes to court it will add to the existing workload and it will create a lot of pressure so cases will not get settled. Therefore, ADR has a major role to play, not to make the business from stopping, to make it continue, to get the cases resolved quickly. If there was no ADR, the court would not exist in its current status.”*

IDI 06 also states ” *When we see what the justice system looks like at present, even the Court has established Court Annexed Mediation and the work load is still beyond its capacity. The court has been providing training in the case of commercial investment cases, with the exception of serious criminal cases. What this shows is that solving these conflicts by the government alone is delaying the issues cases beyond their control. Therefore, the government should give great recognition and support ADR with the law and budget, and the government should implement it up to the regional and district level. Legal experts, social work experts, economists, all experts should work here. Media has a great potential to work not only on political propaganda, but national disputes are established at the commission level because it understands the importance of it, and therefore creating awareness in all society is through research is great if we all take on a shared responsibility.”*

By providing a platform for parties to resolve disputes outside of the court system, ADR can help ease the workload of the court and ensure that cases are resolved quickly and efficiently. The need for greater recognition and support for ADR, including the implementation of ADR at the regional and district level, and involving experts from various fields is prevalent.

#### **4.2.1.3. Avoidance of Undue Delay of Trials**

The participants of the FGD discussed that arguments in court require long-term energy and financial resources. The community may not have the specific capacity and energy to do this. Therefore, using ADR or Alternative Dispute Resolution has a significant role, as it saves time, money, and energy.

The main things that undermine public trust in courts are inaccessibility, unfairness, unpredictability, excessive cost, and delays in the litigation process. Case backlogs make these issues worse. One of the main issues with federal courts' dispute resolution services is the slow pace of justice. The social and economic lives of citizens are impacted both directly and indirectly by delayed services. Inadequate numbers of judges, litigation patterns, including trial lawyers' use of delay tactics, and other issues are listed as contributing factors to the backlog of cases in federal courts. Some cases of inconsistent Federal Supreme Court of Cassation rulings and hearing schedule delays, where a client appointed at 9 AM might have to wait until 12AM, are among the other significant issues (Yoseph Aemiro December 2012). However, ADR gives disputants authority throughout the dispute and its resolution, as well as a sense of ownership over the process. Win-win, clear, dependable, adaptable, and exact mediation and conciliation procedures cut down on unjustified time, money, and emotional expenses, which can enhance parties' trust and level of satisfaction. The parties to the dispute can then devote their time to other social and economic endeavors when the length of the litigation is reduced. The post-litigation relationship between disputants is also preserved by win/win outcomes of the court ADR process (Samuel, 2023).

#### **4.2.2 Challenges or barriers of utilization of ADR**

Regarding the challenges of the application of ADR, the current study revealed that the challenges revealed by both IDI and FGD are lack of awareness, shortage of proper recognition from stockholders, and lack of sufficient professionals and well-organized centers.

#### 4.2.2.1. Lack of awareness

The participants in the FGD highlighted the importance of awareness and training in implementing Alternative Dispute Resolution (ADR) mechanisms in Ethiopia. IDI 06 noted that, despite the recognition of ADR in the law, there is a lack of awareness and understanding of its significance, leading to limited implementation and effectiveness. Similarly, FGD participants acknowledged that there has been a campaign to create awareness about ADR, but emphasized the need for continued training and capacity building for professionals, including judges, to effectively implement ADR mechanisms.

Awareness campaigns can help to educate the public and professionals about the benefits and processes of ADR, increasing its visibility and acceptance. Training can equip judges and other professionals with the skills and knowledge to effectively facilitate ADR processes, leading to better outcomes for disputants.

Moreover, the participants' emphasis on the role of media in creating awareness highlights the potential for media to play a critical role in promoting ADR mechanisms. Media campaigns can help to reach a wider audience and promote a better understanding of ADR, its benefits, and its role in resolving disputes.

*IDI 06 indicated, “even though it is already recognized in our law, the civil procedure law and the civil law, neither the society nor the government has done much to make it work properly and there is a lot of lack of awareness. Legal experts, social work experts, economists, all experts should work here. Media has a great potential to work not only on political propaganda, but national disputes are established at the commission level because of the importance of it, and therefore creating awareness in all society through research is I think the most importance so we all take on a shared responsibility.”*

#### 4.2.2.2. Shortage of proper recognition

The other challenge identified was the lack of proper recognition from stockholders. The statement made by IDI 02 highlights the importance of government recognition and support for Alternative Dispute Resolution (ADR) to be effective in resolving disputes. The participant notes ADR is not given the same value as the court system for enforcing orders to different

organizations and summoning witnesses. This suggests that there is a lack of recognition and support from government institutions, which hinders the effectiveness of ADR in resolving disputes. One of the significant challenges faced by the institution in implementing ADR mechanisms is the lack of respect for orders or summons issued by the institution. This challenge is not unique to Ethiopia, as similar concerns have been raised in other countries where ADR mechanisms are used. The participants in the focus group discussion (FGD) agreed on the idea of establishing clear and consistent procedures for issuing orders and summons by the institution. This can help to ensure that the orders and summons are well-reasoned, fair, and enforceable.

To address this challenge, the institution can work with other stakeholders, such as the judiciary and law enforcement agencies, to ensure that their orders and summons are respected and enforced. This can be achieved through various means, such as:

**Collaboration and coordination:** The institution can work closely with the judiciary and law enforcement agencies to ensure that their orders and summons are aligned and coordinated. This can help to avoid confusion and ensure that the orders and summons are enforced effectively.

**Training and capacity building:** The institution can provide training and capacity building programs for the judiciary and law enforcement agencies on the importance of ADR and the procedures for enforcing orders and summons. This can help to build trust and confidence in the ADR process and ensure that the orders and summons are respected and enforced.

**Legal framework:** The institution can work with the government to establish a legal framework that recognizes and supports ADR mechanisms. This can help to ensure that the orders and summons issued by the institution are legally binding and enforceable.

**Awareness and education:** The institution can raise awareness and educate the public and stakeholders about the importance of ADR and the procedures for enforcing orders and summons. This can help to build trust and confidence in the ADR process and ensure that the orders and summons are respected and enforced.

Overall, addressing the challenge of lack of respect for orders and summons issued by the institution requires a collaborative effort between the institution, the judiciary, law enforcement agencies, and other stakeholders. By establishing clear and consistent procedures, providing

training and capacity building, establishing a legal framework, and raising awareness and education, the institution can help to ensure that its orders and summons are respected and enforced and that ADR mechanisms are effective in resolving disputes.

#### **4.2.2.3. Lack of sufficient professionals**

The issue of lack of sufficient professionals in the field of Alternative Dispute Resolution (ADR) is a concern that has been raised by several participants in IDI. IDI 04 expressed his idea as follows:

*“Lack of sufficient professionals is one of the problems. I think it would be better if not only legal professionals but also psychology professionals, social work professionals support the process. And there is a shortage of trained people in this sector.”* IDI 03 also states *“lack of expertise is the lack of skills required by psychologists, other professions and ADR experts to understand the process and take into account the interests of the parties.”*

This challenge is not unique to Ethiopia, as it is a common issue faced by many countries. A study by the International Bar Association (IBA) found that a lack of trained professionals is a major challenge facing ADR in many countries, including developing countries (IBA, 2018). The study noted that ADR requires specialized skills and knowledge and that the lack of trained professionals can hinder the effectiveness of ADR mechanisms. To address this challenge, some participants in IDI expressed the institution can consider several strategies, such as Capacity building: The institution can provide training and capacity-building programs for legal professionals, psychology professionals, social work professionals, and other individuals who are interested in ADR. This can help to build a pool of trained professionals who can support the process. The Researcher suggests Collaboration with universities and colleges: The institution can collaborate with universities and colleges to establish courses and programs that focus on ADR. This can help to develop a pipeline of trained professionals who can enter the field.

Mentorship and coaching: The institution can establish mentorship and coaching programs that pair experienced professionals with newer professionals. This can help to build the skills and knowledge of newer professionals and ensure that they are equipped to handle the demands of ADR.

Recruitment and retention: The institution can implement strategies to recruit and keep trained professionals in the field of ADR. This can include offering competitive salaries and benefits, providing opportunities for professional development, and creating a positive work environment. Overall, addressing the challenge of the lack of sufficient professionals in ADR requires a multi-faceted approach that includes capacity building, collaboration with universities and colleges, mentorship and coaching, and recruitment and retention strategies. By building a pool of trained professionals and creating a supportive environment for their growth and development, the institution can help to ensure that ADR mechanisms are effective and efficient in resolving disputes.

#### **4.2.2.4. Lack of well-organized centers**

The statement made by FGD participants highlights the scarcity of well-organized centers for Alternative Dispute Resolution (ADR) services in Ethiopia, apart from the Addis Ababa Chamber of Commerce. The participant suggests that the success of the AACCSA in the construction sector could be replicated in other areas, such as family disputes, schools, hospitals, employer-employee issues, and share companies. The participant also recommends that other institutions learn from the AACCSA's experience and expertise in resolving disputes in a healthy manner, specifically in inheritance issues, family negotiations, and divorce.

This shows the significance of ADR services in addressing various types of disputes constructively and efficiently. By acknowledging the accomplishments of the AACCSA, it can be deduced its potential benefits of ADR services in promoting conflict resolution and minimizing the need for litigation. Furthermore, other institutions could learn from the AACCSA's experience and expertise highlights the importance of knowledge sharing and collaboration in the development of ADR services. This notion is supported by various studies that emphasize the value of inter-institutional collaboration and knowledge transfer in enhancing the effectiveness and efficiency of ADR services (Komesar, 2017; Oette, 2017).

The participants' opinions also echo the findings of previous studies that have identified the lack of well-organized ADR centers as a major obstacle to the effective resolution of disputes in Ethiopia (Tsegaye, 2014; Yohannes, 2017). The scarcity of ADR centers is seen as a significant challenge, particularly in rural areas, where access to justice is often limited (Yohannes, 2017).

### 4.2.3 AACCSA AI ADR services contribution to social cohesion

According to the results of the study, AACCSA AI ADR service has a mandate to solve the business communities' dispute. The current study from IDI and FGD indicated those AACCSA service roles are creating social ties and fostering a positive business environment,

#### 4.2.3.1 The contribution of AACCSA in Dispute Resolution

FGD participants 03 and 05 stated that AACCSA has played a significant role in promoting private sector development and investment in Ethiopia. One way it has achieved this is by establishing a dispute resolution mechanism that allows businesses to resolve conflicts through arbitration, mediation, and other forms of alternative dispute resolution (ADR). This mechanism has been widely adopted by the business community, and it has had a positive impact on resolving disputes in the region. The role of the institution in dispute resolution has an inherent advantage in resolving disputes between businesses, as they are familiar with the needs and concerns of the business community. They also have a deep understanding of the legal and regulatory framework that governs business activities, which allows them to provide informed and impartial decisions.

*IDI 06 states –“AACCSA represents the business community in the development and investment of the country, which have an irreplaceable important role in the business and investment activities. These kinds of relationships can be seen through their own institution, so that they can feel a great sense of belonging by the judges who are chosen by them. From the point of view of having them judged by people with different professions, instead of being judged by a judge appointed by the government, having them be judged by a business community institution that has its own facilities has an important role for building community relations, especially in terms of maintaining confidentiality, it allows different experts to participate, and makes efficient decisions. It is a great example model outside of the business community, and the service provided by the business community has paved the way for other communities to use it.”*

The AACCSA's dispute resolution mechanism is a prime example of how business community institutions can contribute to resolving disputes. The mechanism provides a fair and transparent platform for businesses to resolve conflicts, and it has several key features that make it effective.

First, the mechanism allows businesses to choose their judges. This ensures that the parties involved in the dispute have a sense of ownership and control over the process. It also allows them to choose judges who are familiar with their industry and the specific issues they are facing. Second, the mechanism maintains confidentiality. This is important because businesses may not want their disputes to be made public, especially if they involve sensitive information. By maintaining confidentiality, the mechanism allows businesses to resolve their disputes without risking damage to their reputation. Third, the mechanism allows for the participation of experts from different professions. This is important because business disputes can be complex and require specialized knowledge to resolve. By allowing experts to take part, the mechanism ensures that the decisions are informed and based on the best evidence.

FGD participants discussed AACCSA's dispute resolution mechanism benefits, both for businesses and the wider community. They pinpoint the benefits firstly providing a platform for businesses to resolve disputes efficiently and effectively. This can help to reduce the cost and time required to resolve disputes, which can be a significant burden for businesses. Second, the mechanism promotes community relations. By providing a platform for businesses to resolve disputes, the mechanism helps to build trust and cooperation between different members of the business community. This can help to promote collaboration and partnerships, which can be beneficial for businesses and the wider community. Finally, the mechanism sets an example for other communities to follow. By demonstrating the effectiveness of business community institutions in resolving disputes, the AACCSA's mechanism can inspire other communities to establish similar institutions. This can help to promote dispute resolution and reduce the burden on the legal system.

The finding shows the role of AACCSA in dispute resolution is vast. This institution has a unique ability to understand the needs and concerns of the business community. Establishing dispute resolution mechanisms can help to promote private sector development and investment, and they can contribute to the growth and prosperity of the wider community.

#### **4.2.3.2 Creating social ties and fostering a positive business environment**

FGD participants highlight the benefits of the Addis Ababa Chamber of Commerce's conflict resolution methods in creating social ties and fostering a positive business environment.

FGD participants note that the business community values quick and efficient conflict resolution, as they prioritize spending time on their work rather than on disputes. This suggests that the business community views conflict resolution as an end, rather than an end in itself. Concerning the importance of maintaining relationships, the participants believe that the Chamber's conflict resolution methods help to maintain relationships between businesses, which are crucial for creating a positive environment for future business interactions. This implies that the parties value the long-term benefits of conflict resolution, rather than just focusing on short-term gains.

This emphasizes the importance of trust in the conflict resolution process. When problems arise in the future, they can be easily resolved through conflict resolution systems, which will help to build trust and credibility among the business community. By resolving conflicts efficiently, businesses can focus on their work instead of arguing, leading to increased productivity and collaboration. Therefore, conflict resolution can have a positive impact on business performance. In their statement, the participants, they imply the Chamber's conflict resolution methods could be applied in other contexts, providing a valuable tool for conflict resolution in a variety of settings. This highlights the versatility and wide-ranging applicability of the Chamber's conflict resolution methods.

By resolving conflicts in a way that maintains relationships, the Chamber's methods help to create a positive reputation for the business community, which can lead to increased collaboration and cooperation among businesses. Maintaining relationships and fostering a positive business environment will have a result of the Chamber's conflict resolution methods can help to create opportunities for future business collaborations and partnerships.

#### **4.2.3.3 AACCSA ADR systems benefit for the business community and the wider community.**

The Findings from IDI and FGD showed that the ADR system can help the business community save time and money by resolving disputes more efficiently and effectively. This can be achieved through streamlined processes, reduced legal fees, and minimized costs associated with dispute resolution. By using ADR, businesses can focus on their core activities and avoid the distractions and disruptions caused by disputes. This can lead to increased productivity, better customer service, and improved overall performance.

*IDI 04 stated “Addis Ababa Chamber of Commerce can save time and money for the business community and do their jobs better by using the alternative dispute resolution system and it will be of great value. The business community serves the community, not itself, so if it is busy with disputes, how can it serve the community? Therefore, whether it is a hospital or a school, the business community serves the community and if it can easily solve the business community's problems and carry out its work without interruption, then the beneficiary is the community and the benefit to the community is immeasurable.”*

The business community serves the community, and ADR can help ensure that businesses can continue to provide valuable services without interruption. This can include schools, hospitals, and other essential services that are critical to the well-being of the community. The benefits of ADR extend beyond the business community and can have a positive impact on society. By resolving disputes quickly and efficiently, businesses can continue to serve the community, contributing to its overall well-being and prosperity. This can include improved public services, increased economic activity, and a better quality of life for community members. The ADR system can encompass various methods, such as mediation, arbitration, and negotiation. This allows businesses to choose the most appropriate method for their specific needs, ensuring that disputes are resolved in a fair, efficient, and cost-effective manner.

FGD participants emphasized the idea of embracing ADR; the Addis Ababa Chamber of Commerce can show its commitment to dispute resolution and customer satisfaction. This can enhance the reputation of the business community, attracting new investors and customers, and giving businesses a competitive advantage. And pointed out ADR can promote good governance by ensuring that disputes are resolved in a transparent, accountable, and ethical manner. This can help to build trust and confidence in the business community, fostering a positive business environment.

Using ADR can contribute to sustainable development by promoting peaceful and collaborative resolution of disputes. This can help to reduce conflict and promote social cohesion, contributing to the long-term well-being of the community and the environment.

In summary, IDI FGD findings show the potential benefits of AACCSA ADR for the business community and the wider community. By saving time and money, improving productivity, enhancing community service, and promoting sustainable development, ADR can contribute to the well-being and prosperity of society.

#### **4.2.4 Roles of government, private organizations and society in promoting ADR**

In progressing ADR, the Ethiopian government ought to take the lead. The government, at all levels, should play a multifaceted role in this situation. It should actively support ADR procedures to lighten the caseload in traditional courts; implement real judicial reforms to improve the effectiveness of ADR institutions and remove obstacles to justice; and it must reform the institutions and individuals that make up its legal system. University curriculum should include ADR courses, according to higher education establishments. In this sense, public and private universities need to be supported. The rationale behind this is that some graduates who will work as private practitioners after learning about ADR procedures can launch ADR consulting businesses expanding the service provision. (Gowak, 2008).

The results from both FGD and IDI also shared this idea as well and added some points to others contribution. To start with IDI 02 states –

*“The government knowledge problem is not knowing the benefits of ADR, only the court means that if all the government's executive body knew about this and supported it, great results would come, but that is not being done. It is being worked on now, but if More off is promoted through various means of communication, there will be results, this has not been done.”* IDI 03- *“when we say the government there is the executive. They play an important role in enforcing arbitration decisions. The legislature has a role to play in the issue of legal gaps by enacting a clear law that is suitable for ADR and amending any existing law. When we go to the courts, it means that they should give priority to party autonomy by not interfering in matters that should not be interfered with in ADR matters, and this comes through training. When it comes to private organizations, they need to develop a habit, which does not just come, but to grow their understanding of the use of ADR, because the generation changes every now and then. They are also required to invest for ADR to grow.”*

The two interviewees (IDI 02 and IDI 03) highlight the challenges faced by the government and private organizations in promoting Alternative Dispute Resolution (ADR) in Ethiopia. IDI 02 notes that the government's executive body is not fully aware of the benefits of ADR, and therefore does not support it as much as it should. This lack of knowledge and support has hindered the promotion of ADR, and as a result, the potential benefits of ADR are not being realized. The interviewee suggests that if the government were to promote ADR more effectively through various means of communication, it would lead to positive results. IDI 03 emphasizes the role of the executive, legislature, and judiciary in promoting ADR. The executive should enforce arbitration decisions, while the legislature should enact clear laws that support ADR and amend existing laws to address legal gaps. The judiciary, on the other hand, should prioritize party autonomy and avoid interfering in ADR matters, which can be achieved through training. The interviewee also highlights the need for private organizations to develop a habit of using ADR and invest in its growth. This is important because the younger generation may not be aware of the benefits of ADR, and it is essential to educate them and promote ADR to ensure its continuity. The two interviewees highlighted the need for increased awareness and support for ADR among the government and private organizations in Ethiopia. They emphasize the importance of education and training, as well as the need for a conducive legal framework to promote ADR. Additionally, they stress the need for private organizations to invest in ADR and develop a habit of using it to resolve disputes.

IDI 05 states- *“The government role is to enact laws, to create awareness of the government's own offices, to facilitate their honest response to orders, to simplify the procedures of the courts. It is better if you get involved in private professional association in arbitration because the Chamber's work is bigger and smaller disputes and other disputes outside of the business needs involvement of others. If it is recognized by the community to solve the problems in alternative ways, if law enforcement works, If everyone knows the law, if they applies it, knows their duty, knows their rights, does it without being forced, does their duty, goes to arbitration, respects judges there will be great result in social cohesion.”*

This shows the importance of government involvement in promoting alternative dispute resolution (ADR) methods, such as arbitration, to resolve disputes more efficiently and effectively. The participant suggests that the government's role is to enact laws that support

ADR, create awareness of the government's offices, and facilitate their honest response to orders. Simplifying court procedures and recognizing the role of private professional associations in arbitration can help to promote ADR.

The participant emphasized the importance of community involvement in ADR, suggesting that if the community is aware of the law and their rights and duties, and if they can resolve disputes in alternative ways without being forced, there will be greater social cohesion. And that if law enforcement works and everyone knows and applies the law, there will be a positive impact on social cohesion.

Overall, the participant's comments suggest that the government and community must work together to promote ADR and create a more efficient and effective legal system. By simplifying court procedures, recognizing the role of private professional associations, and promoting awareness of the law and individual rights and duties, the participant believes that ADR can be a powerful tool for promoting social cohesion.

*IDI 06 – “It is necessary to support private institutions through training and development through research. Empowerment of private NGOs and institutions, both commercial and non-commercial, cultural ones, media institutions, providing media coverage to closely accessible services, creating awareness in the community, promoting the importance of resolving their issue, what is the benefit of resolving it through alternative resolution will make their continuous relations resolved in a peaceful manner. Getting the community involved, making it available through the media, getting the community to support it, up to the district kebele structure. The people with local experience, people with experience about the subject are to judge. It is not without reason that ADR is being encouraged in our world. Even in our country, ordinary matters take five to ten years in a regular court. But in ADR, since both of them consider themselves as winners, they will also have moral satisfaction, so the government's support for this in the city and in the countryside will play a very important role in its implementation.”*

The participant is emphasizing the importance of supporting private institutions through training and development, research, and empowerment of private NGOs and institutions, both

commercial and non-commercial, cultural ones, media institutions, and providing media coverage to closely accessible services. This support will help create awareness in the community, promote the importance of resolving disputes, and highlight the benefits of resolving them through alternative dispute resolution (ADR) methods. Involving the community, making ADR accessible through the media, and getting the community to support it are crucial steps in promoting peaceful resolution of disputes. People with local experience and subject experts should be involved in the ADR process and that the government's support for ADR in both urban and rural areas will play a vital role in its implementation.

The participant notes that ordinary court cases can take five to ten years to resolve, whereas ADR can provide a faster and more efficient resolution, with both parties considering themselves as winners and having moral satisfaction. The speaker suggests ADR is being encouraged worldwide, and that the government's support for it is essential for its success.

*IDI 07- “the overall benefit is for all institutions to help, especially to reduce the number of cases that go to court and to provide easy solutions to cases, and because it reduces government spending and personal losses, these activities should be widely promoted and used. They will have a big role to play. When government institutions, private institutions and community-based associations are used in this way, everything will not be solved by the government alone, and the government's high budget for that sector can be reduced. By understanding, giving responsibility in this regard will contribute.”*

The participant IDI 07 highlights the benefits of alternative dispute resolution (ADR) mechanisms in reducing the number of cases that go to court, providing easy solutions to cases, and minimizing government spending and personal losses. The participant emphasizes the importance of promoting and using ADR mechanisms widely, suggesting that they can play a significant role in reducing the burden on the government and improving the efficiency of the legal system. The participant also notes that ADR mechanisms can be used in conjunction with government institutions, private institutions, and community-based associations, which can help to distribute the responsibility and reduce the financial burden on the government. By empowering these institutions and associations, the participant believes that the government's high budget for the legal sector can be reduced, and the overall efficiency of the legal system can

be improved. This shows ADR mechanisms can help to promote greater collaboration and shared responsibility between different institutions and stakeholders in the legal system, which can ultimately lead to better outcomes for all parties involved. By promoting ADR mechanisms, the government can reduce its spending, improve the efficiency of the legal system, and provide better solutions to disputes.

#### **4.2.5 Other initiatives that would complement ADR and support social cohesion**

According to the findings both in FGD and IDI revealed that majority of disagreements in the society are solved outside of formal court litigation and individuals, communities and society at large settles disputes by informal means of dispute settlement. It was revealed different cultures having indigenous dispute settlement mechanism, religious institutes settling disputes of their pupils and other few organizations establishing their own ombudsman arbitration panel to address issues. Some expressed we need justice transformation or legal pluralism to have recognition by the law their contribution and having recognition of their results but others expressed every culture is different from the other as well as religion so integrating this systems like AACCSA institutional decisions needs its own research and clear mapping of implementation. In the major findings regarding other initiatives that would complement ADR for supporting social cohesion, three major roles were identified: the role of informal dispute settlement mechanisms in resolving conflicts in diverse societies, the potential for legal pluralism in addressing disputes in multicultural societies and the importance of cultural and religious sensitivity in dispute resolution.

##### **4.2.5.1 The role of informal dispute settlement mechanisms in resolving conflicts**

*IDI 03- “We need to broaden our alternative dispute resolution process, not only modern ADR, but in fact, like Ethiopia, we need to focus on reconciliation and mediation between religious communities, and not only the majority of the people, but also the business community, if we go to Mercato area, there are businessmen who are connected to religion. From Islam to Christianity, there are conflicts that are resolved in the church area, there are business disputes that are resolved by religious means in the community, and it means that we have to look at them as well. I think that if we widen our ADR lens, how do we identify them, how do we develop them, let them be passed on to the next generation, and make them widely used by*

*the business community, if we see our definition in a broader way, their contribution will be very high. I am not very comfortable with the term Alternative or Complementary, in fact, they are primary dispute resolution in the Ethiopian context.”*

The participant's response highlights the importance of broadening the ADR process to include traditional and cultural methods of dispute resolution as majority of disputes are resolved informally through this means. The participant emphasizes the need to recognize and value these methods, which have been used for generations, and to pass them on to the next generation. The participant suggests that these methods are not only effective in resolving disputes but also contribute to the preservation of cultural heritage and community values. The participant's reflects a desire to recognize and value traditional dispute resolution methods as primary methods of dispute resolution, rather than viewing them as secondary or supplementary to the formal legal system.

This shows the importance of recognizing and valuing informal traditional dispute resolution methods in the Ethiopian context, and the need to broaden the ADR process to include these methods and it is also important to focus on reconciliation and mediation between communities, and addressing disputes in the community through traditional dispute resolution methods.

#### 4.2.5.2 The potential for legal pluralism in addressing disputes in multicultural societies

*IDI 05- “Of course, there are many dispute resolution methods and traditional dispute resolution methods in our country. These are not limited to arbitration they have their own cultural rules. These side by side can help. Especially the lower communities in the rural areas are judged by these laws. Now in other countries, they call it legal pluralism which is having the opportunity to be recognized by other laws and the culture is supported to grow in its own way in a traditional way. Another thing is that there are many district-level justice offices that try to resolve disputes by mediation, but if they work hard on it, it would be even better if they get recognition of the system that can resolve disputes of up to ten thousand birr orally.”*

This shows the existence of traditional dispute resolution methods in Ethiopia, which are not limited to arbitration and have their own cultural rules. This suggests that there are diverse

methods of dispute resolution in the country, and that these methods are deeply rooted in the cultural and traditional practices of the communities.

The participant mentions the concept of legal pluralism, which refers to the coexistence of multiple legal systems within a single society. This suggests the importance of recognizing and respecting the diversity of legal systems and dispute resolution methods in Ethiopia. There is the existence of district-level justice offices that try to resolve disputes through mediation. This suggests that there are efforts to provide alternative dispute resolution methods at the local level, which can be more accessible and effective for the communities they serve.

The participant also suggests that traditional dispute resolution methods should be recognized and supported by the legal system. This implies that there is a need to formalize and legitimize these methods, so that they can be used effectively in resolving disputes. This is due to the current dispute resolution systems in Ethiopia have limitations, and that there is a need to improve them. This suggests that there is recognition of the need for reform and improvement in the justice sector, and that there is a need of exploring alternative methods of dispute resolution.

The participants in the FGD discussed that it is important to combine traditional methods of conflict resolution, such as those used in religion and culture, with modern methods. This can help to create a more inclusive and effective approach to conflict resolution. But the researcher suggests while doing this there is a need to conform to certain gender roles or economic power dynamics in traditional mediation processes, but that modern approaches can help to mitigate these issues. There is also the importance of continuous improvement and adaptation in order to create a more equitable and sustainable approach to conflict resolution.

#### **4.2.5.3 The importance of cultural and religious sensitivity in dispute resolution.**

*IDI Participant code Int. 6- “Well, since ancient times, what we call ADR is in the capital cities, but in the rural areas, eighty-five percent of our society in Ethiopia is mostly farmers. The farmers are very strong religiously based, in Christianity, Islam and religiously based on land and money disputes, disputes are very strong, starting from family relationships, elders and religious leaders are highly respected. Even those who condone murderous crimes, theft, which are not allowed by the criminal law, reconcile them and maintain the social order so that the community can live in peace. Therefore, there is a situation in the rural areas and cities that have*

*negligible contributions; even simple matters end in agreement. In religious institutions, traditional institutions, even though there is a provision in Article 38 of the Constitution that religious institutions are recognized, they are not being recognized. There are religious and cultural adhoc institutions that make their decision to have power, although they are not permanent. To ensure that they get legal support is to ensure that the means by which their decisions are carried out have legal recognition. Needs Update Justice Transformation is needed.”*

The significance of alternative dispute resolution (ADR) mechanisms in Ethiopia, particularly in rural areas where farmers are deeply rooted in religious and cultural traditions, is immense. ADR is prevalent in urban areas, but its effectiveness in rural areas is hindered by the lack of recognition of religious and cultural institutions. The participant cites Article 38 of the Constitution, which recognizes religious institutions, but notes that these institutions are not being recognized in practice. Instead, ad hoc institutions have resolved disputes, but their decisions are not legally binding. The participant suggests that support for these institutions is necessary to ensure that their decisions are legally recognized. There is a need for a justice transformation in Ethiopia, which would require a comprehensive approach to address the challenges faced by the justice system. This transformation should prioritize the recognition of traditional and religious institutions, as well as the provision of legal support for ADR mechanisms.

## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 SUMMARY OF MAJOR FINDINGS

This study attempted to investigate Alternative Dispute Resolution Services for Social Cohesion: The Case of Addis Ababa Chamber Of Commerce and Sectoral Associations. Five major thematic areas were identified in line with the objectives of the study: the Role of ADR in resolving disputes, challenges or barriers of utilization of ADR, AACCSA AI ADR services contribution to social cohesion, roles of government, private organizations and society in promoting Alternative Dispute Resolution (ADR) and other initiatives that could complement ADR and support social cohesion.

To achieve the intended objectives of the study, both primary and secondary data were collected, analyzed, and interpreted. To collect the primary data, IDI and FGD were prepared for professional informants. As a result, 7 people were interviewed and took part in IDI who are Arbitrators, Mediators, Conciliators, practitioners, and formal court judges. And also 5 people for FGD who are homogeneous individuals that have experience and exposure to ADR.

Using the qualitative thematic analysis method, the following major findings were identified:

1. The findings regarding the role of ADR in resolving disputes, the study showed that maintaining and strengthening relationships: by giving a win-win outcome because of the full participation and understanding of both parties, confidential proceedings that avoid public humiliation and protect the reputation of parties and conflict resolution that the disputing parties can reach with mutual trust helps to preserve relationships. ADR also eases the pressure on the judicial system and avoids undue delay of trials. The results from the IDI and FGD showed that there is a caseload in courts using ADR saves time, money, and energy.
2. Regarding the challenges of the application of ADR, the current study revealed that the challenges as per both IDI and FGD findings are lack of awareness from sides of disputants, lawyers, judges, and the public. Because of this, some disputants do not relay and choose the mechanism. Further, some lawyers and judges may not promote and assist the program. These can hold back the reform measure from achieving its intended purposes. Shortage of proper recognition from stockholders is the other challenge identified. Not being given a value equivalent to court for enforcing orders to different

organizations and summoning witnesses. Lack of sufficient professionals as a challenge absence of psychology professionals and social work professionals to support the process was identified and the lack of well-organized centers is also identified as a challenge in the study.

3. The current study from IDI and FGD revealed the following findings regarding the AACCSA AI ADR services' contribution to social cohesion: by resolving business community disputes through the use of specialized experts in the dispute, upholding the confidentiality of the matter and preserving their goodwill, helping parties negotiating and coming up with the solution themselves, creating win-win situations helps maintain relationships, which in turn contributes to social cohesion since the business community works on a variety of sectors, including schools, hospitals, infrastructure building issues, share companies, and so on. These institutions experience helps to promote social cohesion.
4. Regarding the roles of government, private organizations and society in promoting ADR the response obtained from the study participants has shown that the government should execute meaningful judicial reforms to enhance the efficiency of ADR organizations and eliminate barriers to justice; and it needs to reform the units and individuals comprising its legal system. ADR courses ought to be part of the university curriculum, Universities, both public and private, must be support for the growth of ADR by working on the next generations. The reasoning behind this is that some graduates can start ADR consulting businesses to expand the service provision after learning about ADR procedures and working as private practitioners.
5. Concerning the other initiatives that would complement ADR and support social cohesion the result showed that Individuals, communities, and society as a whole resolve conflicts through informal means; most disagreements in society are resolved outside of official court proceedings. It was discovered that various cultures had built-in systems for resolving conflicts; religious institutions arbitrated disputes; and a small number of organizations set up their own panels of ombudsmen to handle conflicts. Some said that in order for the law to recognize their contributions and results, justice transformation or legal pluralism is necessary. Others countered that since every culture and religion is unique, integrating systems like the AACCSA institutional decisions requires independent research and well-defined implementation plans.

## 5.2 CONCLUSIONS

This study has explored the critical role of Alternative Dispute Resolution (ADR) services in promoting social cohesion showing the experience of Addis Ababa Chamber of Commerce and Sectoral Associations. The analysis reveals that ADR mechanisms, such as arbitration, mediation, and negotiation, have significant potential to resolve conflicts and foster peaceful coexistence within Ethiopian society.

The document highlights how traditional dispute resolution methods have long been practiced in Ethiopia, providing a foundation for the development of modern ADR systems. The establishment of the Addis Ababa Chamber of Commerce and Sectoral Associations Arbitration Institute (AACCSA AI) in 2002 is identified as a notable step towards institutionalizing ADR in the country. The research underscores the importance of ADR in the current context, where conflicts and violence have led to devastating consequences, including loss of life, destruction of infrastructure, displacement of vulnerable groups and the breakdown of social bonds. ADR is recognized as a viable reform measure that can resolve disputes in a timely, efficient, and acceptable manner, allowing parties to preserve their relationships and fostering reconciliation.

The document highlights the need to prioritize the use and strengthening of ADR mechanisms in Ethiopia, given the country's rich tradition of traditional dispute resolution and the ongoing efforts to establish modern ADR systems. Improving awareness and understanding of ADR processes among the public and different professionals will be crucial in ensuring the widespread adoption and effective implementation of these methods.

The results provide important new information about the effectiveness, difficulties, and societal effects of Alternative Dispute Resolution (ADR), based on a thorough investigation into its use for social cohesion. Using a multimodal approach that includes interviews, focus groups, and thematic analysis, the study highlights several important findings. First, the use of alternative dispute resolution (ADR) in conflict resolution is essential for maintaining confidentiality, building relationships, and lightening the load on legal systems. ADR's collaborative style promotes win-win solutions, preserving resources and time while fostering trust between parties in conflict.

Second, the obstacles related to implementing ADR are revealed, such as inadequate knowledge, inadequate acknowledgment, and a shortage of skilled experts. Stakeholders must work together

to raise awareness, offer sufficient support, and build a strong infrastructure in order to overcome these obstacles. Third, by settling commercial disputes, maintaining confidentiality, and encouraging mutual negotiation, the Alternative Dispute Resolution (ADR) services provided by the Addis Ababa Chamber of Commerce and Sectoral Associations show notable contributions to social cohesion. By fostering goodwill and preserving relationships across various sectors, such initiatives not only support societal cohesion but also lessen conflicts within the business community.

Fourth, judicial reforms, educational integration, and cooperative partnerships are critical to the advancement of ADR, as highlighted by the roles played by the government, private organizations, and society. Enhancing Alternative Dispute Resolution (ADR) by judicial reform, curriculum inclusion, and private-sector involvement can boost its influence and accessibility.

Lastly, the research emphasizes supplementary programs that enhance alternative dispute resolution (ADR) and foster social harmony. These programs include institutional ombudsman panels, cultural and religious arbitration, and informal conflict resolution mechanisms. The need for inclusive approaches and flexible legal frameworks to accommodate diverse cultural and organizational contexts is highlighted by the recognition of the diversity of conflict resolution techniques.

The study concludes by highlighting the potential for change in ADR in promoting social cohesion and outlining practical approaches to overcome obstacles and maximize its benefits for society. In Addis Ababa and beyond, alternative dispute resolution (ADR) can become a pillar of social cohesion and conflict resolution by adopting collaborative approaches and making use of a variety of resources.

## 5.3 Recommendation

On the basis of the analysis's, the following recommendations were forwarded:

### 5.3.1 Recommendations for Policy

The government should establish a comprehensive legal framework that recognizes and supports the use of ADR mechanisms in conflict resolution, provides sufficient funding and resources for the development and implementation of ADR services, establishes a national ADR center, promotes awareness and education about ADR mechanisms, and encourages the use of ADR in various sectors.

**Establish a comprehensive legal framework:** Lawmakers ought to create a framework that acknowledges and encourages the use of alternative dispute resolution (ADR) techniques. This framework should include clauses for the enforcement of ADR agreements and the defense of parties' rights, as well as a clear and uniform set of rules and guidelines for the use of ADR.

**Provide enough money and resources:** To support the creation and application of ADR services, the government should give enough money and resources. This includes tools for parties in conflict over accessing ADR services and training and capacity-building programs for ADR professionals.

**Establish a national ADR center:** The government should establish a national ADR center that provides information, resources, and support for parties in conflict and ADR professionals. This center should serve as a hub for the promotion of ADR mechanisms and the provision of ADR services.

**Promote awareness and education:** Educating the public and professionals alike about ADR mechanisms and their advantages should be a priority for the government. Public awareness campaigns, educational and training initiatives, and other initiatives that support the use of ADR can accomplish this.

**Encourage the use of ADR in various sectors:** The government ought to promote the application of ADR in several fields, such as business, education, and healthcare, by offering rewards and help to institutions that implement ADR practices. This can include grants, tax breaks, and other types of help that promote the application of ADR. By putting these suggestions into practice, the government can encourage the application of ADR in several industries and foster an atmosphere that is conducive to its use in conflict resolution. This can facilitate the use of

alternative dispute resolution procedures, lessen the load on the judicial system, and increase the effectiveness of conflict resolution.

### **5.3.2 Recommendation for Education and Awareness**

It's critical to address the lack of knowledge about ADR. To create educational programs and awareness campaigns that highlight the advantages and procedures of alternative dispute resolution (ADR), stakeholders including governmental bodies, academic institutions, and professional associations should work together. As a result, people and organizations will be more inclined to view alternative dispute resolution (ADR) as a viable option for resolving disputes.

1. **Professional Development:** Steps should be taken to offer training, certification, and opportunities for ongoing professional development so as to address the lack of qualified professionals in the field of ADR. In order to guarantee the availability of qualified arbitrators and mediators who can support impartial and efficient dispute resolution procedures, standardized training programs and accreditation organizations must be established.
2. **Recognition and Support:** Governmental and non-governmental organizations need to give alternative dispute resolution (ADR) institutions like the Addis Ababa Chamber of Commerce and Sectoral Association Arbitration Institute (AACCSA) more recognition and assistance. Parties may be encouraged to participate in voluntary dispute resolution procedures and confidence in ADR outcomes may be increased by formal recognition of ADR agreements and awards.
3. **Infrastructure Improvement:** To increase the effectiveness and accessibility of ADR services, ADR institutions must make infrastructure improvements. To guarantee fair access to dispute resolution services, this involves the digitization of case management systems, the provision of contemporary arbitration facilities, and the construction of additional offices in various places.
4. **Collaborative Partnerships:** Enhancing ADR and fostering social cohesion necessitates cooperation between public and private sectors as well as civil society actors. It is important to work together to integrate ADR into community-based conflict resolution programs, curriculum for schools, and judicial reforms. ADR can become the go-to

process for resolving conflicts at all societal levels by utilizing the combined knowledge and resources of multiple stakeholders.

5. **Promotion of Diversity:** Efforts should be made to promote inclusivity and diversity in ADR processes in light of the various cultural and organizational contexts that give rise to disputes. This entails taking into account cultural customs and values, offering language interpretation services, and including a range of viewpoints in panels that make decisions. All parties involved in ADR can benefit from increased accessibility and equity through embracing diversity. Furthermore, utilizing social workers and psychologists in addition to technical experts for positions as arbitrators, mediators, conciliators, and negotiation specialists can aid in determining the underlying reasons of disagreements and help prevent conflicts, thereby enhancing conventional efforts at conflict resolution.
6. **Continuous Evaluation and Improvement:** Lastly, to guarantee ADR mechanisms' efficacy and applicability in a changing socioeconomic environment, continuous evaluation and improvement are imperative. Continuous learning and adaptation to changing needs and circumstances will be made easier by periodically reviewing ADR policies and procedures, asking stakeholders for feedback, and monitoring ADR outcomes.

### **5.3.3 Recommendations for Social Work Education**

ADR (alternative dispute resolution) procedures are becoming a more and more crucial tool for resolving disputes in a variety of contexts, including social work practice. Thus, courses on alternative dispute resolution (ADR) mechanisms and their applications in conflict resolution must be included in social work education programs. This will give social work students the information and abilities they need to resolve disagreements and conflicts in their field.

First, giving social work students training in alternative dispute resolution (ADR) mechanisms and their applications in conflict resolution will give them a thorough understanding of the various conflict resolution techniques. They will then be able to determine which ADR mechanism best suits the needs and preferences of the parties involved in a particular situation. Among the ADR techniques that can be applied in conflict resolution are mediation, negotiation, and cooperative problem-solving. Through an awareness of the advantages and disadvantages of

each strategy, social work students can choose the best method for settling disagreements and conflicts.

Second, fieldwork and internships should provide social work students with hands-on experience in ADR. They will gain practical experience by applying ADR mechanisms and techniques in real-world situations. For instance, they can collaborate with courts, community mediation centers, or other ADR service providers. They can hone their abilities in conversation facilitation, conflict resolution, and reaching win-win agreements through these experiences.

Third, ADR experts and social work educators ought to work together to create and present ADR education courses for social workers. As a result, social work students will receive instruction that is up to date with the most recent findings and industry best practices in ADR. These partnerships may give social work students the chance to interact with ADR specialists and gain knowledge from their experiences. As a result, social work students will gain a deeper understanding of the real-world applications of ADR mechanisms, helping to close the knowledge gap between theory and practice.

Fourthly, the value of diversity and cultural competence in ADR procedures ought to be emphasized in social work education programs. This is because ADR procedures are frequently applied in a variety of settings involving individuals with various cultural backgrounds. As a result, to effectively work with diverse populations, social work students must possess the abilities and knowledge necessary to consider their particular cultural norms, values, and beliefs. Social work students can gain a deeper understanding of how cultural factors can affect conflict resolution and learn how to adjust their practice by incorporating cultural competence and diversity into ADR training.

Lastly, instructors in social work should push students to investigate how ADR might advance social harmony and conflict resolution. ADR procedures can strengthen communities and foster social cohesion, besides resolving conflicts between individuals or groups. Students studying social work can gain a deeper understanding of the role that alternative dispute resolution (ADR) can play in addressing systemic issues and promoting social justice by being encouraged to investigate the broader potential of ADR. This may encourage them to become change agents in the future, using ADR techniques to advance social cohesion and conflict resolution.

#### **5.3.4 Recommendations for Social Work Practice**

Understanding the value of Alternative Dispute Resolution (ADR) procedures in fostering amicable and successful conflict resolution is crucial for social workers. As a result, social workers ought to participate in alternative dispute resolution (ADR) processes as conciliators, facilitators, and mediators. They should also work with ADR experts to support and assist parties in conflict, raise community awareness of and understanding of ADR mechanisms, push for legislative changes that encourage the use of ADR, and offer parties in conflict resources and support, such as information about ADR mechanisms and referrals to ADR services.

Resolving conflicts within communities and fostering social cohesion are important tasks for social workers. Social workers can assist parties in conflict in navigating complex issues and coming to mutually beneficial solutions by working with ADR professionals. Additionally, social workers can help communities become more aware of and knowledgeable about alternative dispute resolution (ADR) processes, which will improve access to justice and lessen the need for litigation.

Another crucial responsibility for social workers is to advocate for legislative changes that promote the use of ADR. Social workers have the power to contribute to the development of a more just and peaceful society by advocating for laws that support the use of ADR. Lastly, social workers can help parties to a conflict by offering resources and support, such as information about ADR mechanisms and referrals to ADR services. This helps to guarantee that people have access to the tools they need to settle conflicts amicably.

#### **5.3.5 Recommendation for Future Research Direction**

The study had some limitations that should be considered for future research. One limitation is the potential for omitted variables. Including additional variables that were not considered in this study may lead to more accurate predictions and a deeper understanding of the benefits of ADR mechanisms in fostering social cohesion. The study's geographic scope was limited to the Addis Ababa Chamber of Commerce, which may limit its generalizability to the country. Therefore, future studies should consider other regions, including rural areas, to account for their unique experiences and factors. While this study relied solely on qualitative data and open-ended questions, incorporating quantitative data and methods, such as Likert scale-type questions, may provide further insight into the topic.

Future research should focus on empirical studies to understand the long-term impact of ADR on social cohesion and community resilience. Assessing the effectiveness of ADR in diverse social conflicts and conducting cost-benefit analyses to evaluate the economic and social returns on ADR investments are crucial. Exploring the integration of customary and formal ADR practices can provide insights into hybrid approaches that enhance local conflict resolution. Investigating the sustainability and scalability of ADR-based interventions will further contribute to its development and implementation.

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## Appendices

### Appendix A

#### ST. MARY'S UNIVERSITY

##### SCHOOL OF GRADUATE STUDIES MASTERS OF SOCIAL WORK (MSW).

I would like to thank you for taking the time to have this interview with me. My name is Mistir Mohammed Zeyede, a graduate student in Masters of Social Work. I would like to talk to you about Alternative dispute resolution for social cohesion: the case of Addis Ababa Chamber of Commerce and Sectoral Association. This interview is part of the data required in the study I am pursuing for my Masters' Degree.

The interview should take less than an hour. I will be taping the session because I do not want to miss any of your comments. Although I will be taking some notes during the session, I cannot possibly write fast enough to get it all down. I kindly request you to be willing for this. I assure you that all the information of the interview shall be kept confidential and your anonymity shall be secured. This means that your interview responses will by no means pass to a third party and any information I include in my report does not identify you as the participant. Remember, you do not have to talk about anything you do not want to and you may end the interview at any time.

Please sign here to affirm your consent. Thank you.

Signature\_\_\_\_\_

Date\_\_\_\_\_

## Appendix B

### Interview Guide for the In-depth Interview Informants of the Study

Interview date: \_\_\_\_\_

Interview time \_\_\_\_\_

#### Part one: Demographic Characteristics of Participants identification:

- Age : \_\_\_\_\_
- Sex : \_\_\_\_\_
- Highest Educational Attainment
  - Primary education \_\_\_\_\_
  - Secondary education \_\_\_\_\_
  - Vocational and Technical training/ College diploma \_\_\_\_\_
  - Bachelor's degree and above \_\_\_\_\_

## **Part Two: In-depth Interview Questions for ADR practitioners and experts**

### **Guidelines:**

Before starting the In-depth interview questions, copies of informed consent and confidentiality forms will be provided to each participant and read aloud for the benefit of those who cannot read. Participants will also be provided an opportunity to ask any questions. Verbal agreement should also be taped. Before proceeding to the questions, the interviewer explains the ground rules as follows:

Before we start, I would like to thank you for agreeing to participate in this interview and would like to remind you that there is no right or wrong answers in this discussion. I am interested in knowing what you think and getting your perspective, so please feel free to be frank and to share your point of view. It is very important that I hear your opinion.

1. Can you tell me a little bit about your experience with alternative dispute resolution (ADR)?
2. What is the role of ADR to solve dispute?
3. How do you think ADR can contribute to build trust, cooperation in general strengthen social cohesion among community members?
4. What are challenges of utilizing ADR in dispute resolution and social cohesion?
5. What is the role of AACCSA AI ADR services in solving the business community's disputes and what is its contribution for social cohesion?
6. Have you observed any challenges or barriers of AACCSA to the use of ADR in the business community? If so, how these be addressed?
7. Are there any other community-based initiatives or strategies that you think could complement ADR and support social cohesion in the business community and society at large?
8. What are the key roles of the government, private organizations, and the community in promoting alternative dispute resolution (ADR) and providing support for its implementation?
9. You are free to add any other additional thoughts you might have regarding things that might not have been covered and mentioned during our discussion.

***Thank you for your time!!***

## Appendix C

### Focus Group Discussion Questions for ADR practitioners and experts

#### Part One: Demographic Characteristics Questionnaires

Age: \_\_\_\_\_

Sex: \_\_\_\_\_

❖ Highest Educational Attainment:

Primary education \_\_\_\_\_

Secondary education \_\_\_\_\_

Vocational and Technical training \_\_\_\_\_ College diploma \_\_\_\_\_

Bachelor's degree \_\_\_\_\_

Master's degree and above \_\_\_\_\_

❖ Position : \_\_\_\_\_

❖ Years of services: \_\_\_\_\_

## **Part Two: Focus Group Discussion Questions Guidelines**

- Each person has the right to self-expression during the discussion.
- You don't need to agree with others, but we must respect their opinion and listen as they speak.
- This group discussion will be tape recorded; therefore only one person should speak at a time. Let us start by discussing about ADR for social cohesion.

1. Please introduce self and share your experience with alternative dispute resolution (ADR) processes?
2. How can the use of ADR methods contribute to more effective dispute resolution and increase awareness of available options?
3. What are some of the benefits of using AACCSA's ADR services in resolving conflicts within the business community, particularly in terms of social cohesion?
4. How can AACCSA's ADR processes help to build trust and cooperation among businesses, organizations, and community members?
5. What are some of the challenges or barriers to the use of AACCSA's ADR services in the business community, and how can they be addressed?
6. How can ADR processes be integrated into existing business structures and institutions, such as corporate social responsibility initiatives or industry associations?
7. What are some of the success stories or best practices of AACCSA's ADR processes in building social cohesion in the business community, and how can they be replicated in other contexts?
8. How can AACCSA's ADR processes be used to address systemic issues that contribute to social conflict, such as discrimination or inequality and unequal access to resources or opportunities?
9. You are free to advance any questions and other additional thoughts you might have regarding things that might not have been covered during the discussion. And you have also the opportunity to review and provide feedback on the discussion notes or recording.

***Thank you for your time!!***

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ቅድስተማሪያም ዩኒቨርሲቲ

የማህበራዊ ስራዎች ድህረ ምረቃ ትምህርት ቤት

ይህን ቃለ ምልልስ ከእኔ ጋር ጊዜያችሁም ወስዳችሁ ለመሳተፍ ፈቃደኛ ስለሆናችሁ ለማመስገን እወዳለሁ። ሚስጥር መሐመድ ዘየደ እባላለሁ፤ በቅድስተ ማሪያም ዩኒቨርሲቲ በማህበራዊ ስራዎች የድህረ ምረቃ ፕሮግራም ተመራቂ ተማሪ ነኝ። ለማህበራዊ ትስስር አማራጭ የውዝግብ መፍቻ ዘዴዎች፣ የአዲስ አበባ ንግድና ዘርፍ ማህበራት ምክር ቤት ያለውን አስተዋጽኦ ጋር በተያያዘ ላነጋግርዎ እፈልጋለሁ። ይህ ቃለ መጠይቅ ለድህረ ምረቃ በምክታተለው ጥናት ውስጥ ከሚፈለገው መረጃ ውስጥ አንዱ ነው።

ቃለ-መጠይቁ ከአንድ ሰዓት ያነሰ ጊዜ ሊወስድ ይገባል። የትኛውም አስተያየቶ እንዳያመልጠኝ ስለማልፈልግ ክፍለ ጊዜውን የድምጽ ቅጂ አደርጋለሁ። ምንም እንኳን በክፍለ-ጊዜው አንዳንድ ማስታወሻዎችን ብወስድም ሁሉንም ነገር ሳልስት በመያዝ በፍጥነት መጻፍ አልችልም። ለዚህ ፈቃደኛ እንድትሆኑ በትህትና እጠይቃለሁ።

የቃለ መጠይቁ መረጃ በሙሉ በሚስጥር እንደሚጠበቅ እና ማንነትዎ አለመታወቁ እንደሚጠበቅ አረጋግጣለሁ። ይህ ማለት የእርስዎ የቃለ መጠይቅ ምላሾች በምንም መልኩ ለሶስተኛ ወገን አይተላለፍም እና በሪፖርቱ ውስጥ ያካተትኩት ማንኛውም መረጃ እርስዎን እንደ ተሳታፊ አይገልጽም። አስታውሱ፤ ስለማትፈልጉት ነገር ማውራት የለብዎትም እና በማንኛውም ጊዜ ቃለ መጠይቁን ማቆም ይችላሉ።

ስምምነቱን ለማረጋገጥ እባክዎ እዚህ ይፈርሙ ።

ፊርማ \_\_\_\_\_

ቀን \_\_\_\_\_

**አባሪ ለ**  
**የቃለ መጠይቅ መመሪያ**  
**ለጥናቱ መረጃ ሰጭዎች የቀረበ ቃለ መጠይቅ**

የቃለ መጠይቅ ቀን:- \_\_\_\_\_ የቃለ መጠይቅ ሰዓት \_\_\_\_\_

**ክፍል አንድ: የተሳታፊዎች መለያ**

. ዕድሜ: - \_\_\_\_\_

• ጾታ: - \_\_\_\_\_

የተፋታ/ች \_\_\_\_\_ • ባል የሞተበት/ባት \_\_\_\_\_

**የትምህርት ደረጃ**

• የመጀመሪያ ደረጃ ትምህርት \_\_\_\_\_

• የሁለተኛ ደረጃ ትምህርት \_\_\_\_\_

• የሙያ እና የቴክኒክ ስልጠና \_\_\_\_\_

• የኮሌጅ ዲፕሎማ \_\_\_\_\_

• የመጀመሪያ ዲግሪ እና ከዚያ በላይ \_\_\_\_\_

**ክፍል ሁለት: ለአማራጭ የውዝግብ መፍቻ ባለሙያዎች ጥልቅ የመረጃ ሰጭ ቃለ መጠይቅ የጥያቄ መመሪያዎች**

ጥልቅ የመረጃ ሰጭ ቃለ መጠይቅ ጥያቄዎችን ከመጀመርዎ በፊት በመረጃ የተደገፈ የስምምነት እና ሚስጥራዊነት ቅጾች ቅጂዎች ለእያንዳንዱ ተሳታፊ ይቀርባሉ እና ማንበብ ለማይችሉ ሰዎች ጮክ ብለው ይነበባሉ። ተሳታፊዎች ማንኛውንም ጥያቄ እንዲጠይቁ እድል ይሰጣቸዋል። የቃል ስምምነትም መቀዳት አለበት። ወደ ጥያቄዎቹ ከመቀጠልዎ በፊት ቃለ-መጠይቅ አድራጊው መሰረታዊ ህጎችን እንደሚከተለው አብራራለሁ። ከመጀመሪያችን በፊት በዚህ ቃለ መጠይቅ ላይ ለመሳተፍ ስለተስማማችሁ ላመሰግናችሁ እወዳለሁ እና በዚህ ውይይት ውስጥ ትክክለኛም ሆነ የተሳሳተ መልሶች እንደሌላ ላስታውሳችሁ እወዳለሁ። ምን እንደሚያስቡ ለማወቅ እና የእርስዎን አመለካከት ለማግኘት ፍላጎት አለኝ፤ ስለዚህ እባክዎን በነፃነት ለመናገር እና የእርስዎን አመለካከት ለመጋራት ነፃነት ይሰጣል። የእርስዎን አስተያየት መስማት በጣም አስፈላጊ ነው።

1. በአማራጭ የውዝግብ አፈታት (ADR) ሂደቶች ላይ ስላሉት ልምድ ትንሽ ሊነግሩኝ ይችላሉ?
2. አለመግባባቶችን ለመፍታት የአማራጭ የውዝግብ አፈታት ሚና ምንድን ነው?
3. በአማራጭ የውዝግብ አፈታት ውስጥ ምን ተግዳሮቶች አሉ?
4. የአዲስ አበባ ንግድ እና የዘርፍ ማህበራት ምክር ቤት (አአንዘማም) አማራጭ የውዝግብ መፍቻ አገልግሎት መተማመንን ለመገንባት፣ ትብብር በአጠቃላይ በማህበረሰብ አባላት መካከል ማህበራዊ ትስስርን ለማጠናከር ምን አስተዋጽኦ ሊያደርግ ይችላል ብለው ያስባሉ?
5. የንግዱ ማህበረሰብ አለመግባባቶችን ለመፍታት የአአንዘማም አማራጭ የውዝግብ መፍቻ አገልግሎቶች ሚና ምንድን ነው እና ለማህበራዊ ትስስር ያለው አስተዋፅኦ ምን ይመስላል?
6. በንግዱ ማህበረሰብ ውስጥ አማራጭ የውዝግብ መፍቻን ለመጠቀም ተግዳሮቶች ወይም እንቅፋቶች አይተዋል? ከሆነስ እነዚህን እንዴት ማስተናገድ ይቻላል?
7. አማራጭ የውዝግብ መፍቻን የሚደግፉ እና በንግዱ ማህበረሰብ እና በህብረተሰቡ ውስጥ ማህበራዊ ትስስርን ይደግፋሉ ብለው የሚያስቧቸው ሌሎች ማህበረሰብን መሰረት ያደረጉ ውጥኖች ወይም ስልቶች አሉ?
8. አማራጭ የግጭት አፈታት (ADR)ን በማስተዋወቅ እና ለተግባራዊነቱ ድጋፍ በመስጠት ረገድ የመንግስት፣ የግል ድርጅቶች እና ማህበረሰቡ ቁልፍ ሚናዎች ምንድን ናቸው?
9. በውይይታችን ወቅት ያልተካተቱ እና ያልተጠቀሱ ጉዳዮችን በተመለከተ ያለዎትን ማንኛውንም ተጨማሪ ሀሳብ ማክል ይችላሉ።

ለጊዜዎት አመሰግናለሁ!!

## አባሪ ሐ

የትኩረት ቡድን የውይይት ጥያቄዎች ለአማራጭ የውዝግብ መፍቻ ባለሙያዎች

ክፍል አንድ: የተሳታፊዎች መለያ

. ዕድሜ: - \_\_\_\_\_

• ጾታ: - \_\_\_\_\_

የትምህርት ደረጃ

• የመጀመሪያ ደረጃ ትምህርት \_\_\_\_\_

• የሁለተኛ ደረጃ ትምህርት \_\_\_\_\_

• የሙያ እና የቴክኒክ ስልጠና \_\_\_\_\_

• የኮሌጅ ዲፕሎማ \_\_\_\_\_

• የመጀመሪያ ዲግሪ እና ከዚያ በላይ \_\_\_\_\_

**ክፍል ሁለት፡ የትኩረት ቡድን የውይይት ጥያቄዎች ለአማራጭ የውዝግብ መፍቻ  
ባለሙያዎች**

**መመሪያዎች**

- እያንዳንዱ ሰው በውይይቱ ወቅት ራሱን የመግለጽ መብት አለው።
- ከሌሎች ጋር መስማማት አያስፈልገዎትም፤ ነገር ግን ሃሳባቸውን ማክበር እና ሲናገሩ ማዳመጥ አለብን።
- ይህ የቡድን ውይይት በቴፕ ይቀዳል። ስለዚህ በአንድ ጊዜ አንድ ሰው ብቻ መናገር አለበት ስለ አማራጭ የውዝግብ መፍቻ ለማህበራዊ ትስስር ያለውን ሚና በመወያየት እንጀምር።
- 1. እባክዎን እራስዎን ያስተዋውቁ እና በአማራጭ የውዝግብ አፈታት (ADR) ሂደቶች ልምድዎን ያካፍሉ?
- 2. አለመግባባቶችን ለመፍታት አማራጭ የውዝግብ መፍቻ ሚና ምንድን ነው? አለመግባባቶችን ለመፍታት ከተለመደው የውዝግብ መፍቻ አሰራር ውጪ ያሉትን አማራጮች ግንዛቤ ለመጨመር እንዴት አስተዋጽኦ ያደርጋል?
- 3. በንግድ ማህበረሰብ ውስጥ የሚፈጠሩ ግጭቶችን ለመፍታት የአዲስ አበባ ንግድ እና የዘርፍ ማህበራት ምክር ቤት (አአንዘማም) የአማራጭ የውዝግብ መፍቻ ሂደቶችን መጠቀም አንዳንድ ጥቅሞች ምንድናቸው? በተለይም ከማህበራዊ ትስስር አንጻር?
- 4. የአአንዘማም የአማራጭ የውዝግብ መፍቻ ሂደቶች በንግዶች፣ ድርጅቶች እና የማህበረሰብ አባላት መካከል መተማመን እና ትብብር ለመፍጠር እንዴት ሊረዱ ይችላሉ?
- 5. በንግድ ማህበረሰብ ውስጥ የአአንዘማምን የአማራጭ የውዝግብ መፍቻ ሂደቶችን ለመጠቀም አንዳንድ ተግዳሮቶች ወይም እንቅፋቶች ምንድን ናቸው እና እንዴት ሊፈቱ ይችላሉ?
- 6. የአማራጭ የውዝግብ መፍቻ ሂደቶችን እንደ የኮርፖሬት ማህበራዊ ሃላፊነት ተነሳሽነት ወይም የኢንዱስትሪ ማህበራት ባሉ የንግድ መዋቅሮች እና ተቋማት ውስጥ እንዴት ሊጣመር ይችላል?

7. በንግዱ ማህበረሰብ ውስጥ ማህበራዊ ትስስርን በመገንባት ረገድ የአክቲቪስትም የአማራጭ የውዝግብ መፍቻ ሂደቶች አንዳንድ የስኬት ታሪኮች ወይም ምርጫ ተሞክሮዎች ምን ምን ናቸው እና በሌሎች ሁኔታዎችስ እንዴት ሊደገሙ ይችላሉ?

8. የአክቲቪስትም አማራጭ የውዝግብ መፍቻ ሂደቶችን እንደ አድልዎ ወይም እኩልነት አለመኖርን እና እኩል ያልሆነ የሀብቶችን ክፍፍል ወይም እድሎችን ማጣት ለማህበራዊ ግጭት አስተዋፅዖ የሚያደርጉ ችግሮችን ለመፍታት እንዴት መጠቀም ይቻላል?

9. በውይይቱ ወቅት ያልተካተቱ ጉዳዮችን በሚመለከት ማንኛውንም ጥያቄ እና ሌሎች ተጨማሪ ሀሳቦችን ለማቅረብ ነፃ ነዎት። እና በውይይት ማስታወሻዎች ወይም ቀረጻ ላይ ለመገምገም እና አስተያየት ለመስጠት እድሉ አለዎት።

ለጊዜዎት አመሰግናለሁ!!