

Locating Forum Shopping in Land Dispute Settlement among Farmers in the City Outskirts of Addis Ababa: Utilizing Customary Mediation Model and Game Theory

Elias Gudissa Kebede¹, Getaneh Mehari², Tadesse Berisso³

¹Ph.D. candidate in Addis Ababa University at the Department of Social Anthropology, ²principal advisor, Associate Professor at Addis Ababa University, ³Co-advisor Professor of Anthropology at Addis Ababa University

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Abstract

Land disputes settlement involve “forum shopping”, where individuals strategically choose between customary and formal justice system they believe will favor them. This study aims to investigate, land disputants choice of justice institutions and the motivations behind. Employing ethnography and court case review as research design. Data collected from 92 informants and 156 court cases. Findings reveal preference for customary mediation model, particularly among those sharing common cultural values. Game theory provides a framework for analyzing the strategic interactions among land disputants and help to identify players, strategies, and payoffs during settlement and an insight drawn for improving the justice system.

Keyword: Forum shopping; Land Dispute Settlement; Customary Mediation Model; Game theory; City Outskirt Areas

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Elias Gudissa Kebede¹, Associate Professor Dr. Getaneh Mehari², Professor Dr. Tadesse Berisso³

¹Ph.D. candidate in Addis Ababa University at the Department of Social Anthropology,
Email: elias.gudissa@aau.edu.et

²principal advisor Associate Professor at Addis Ababa University,
Email: tadesse.berisso@aau.edu.et,

³Co-advisor Professor of Anthropology at Addis Ababa University,
Email: tadesse.berisso@aau.edu.et,

1. INTRODUCTION

In Ethiopia, the phenomena of speedy city expansion process leads to the transformation of rural areas, small towns, and village interfaces into peri-urban areas and this has caused displacement, and exacerbated the demographic drivers of landlessness. (Lavers, 2024:186-188). The city expansion process has also witnessed land disputes either among farmers or with others.

It is crucial to clarify that a land dispute means a clash or disagreement between two or more parties having differed interest in the property rights of land (Alinon, 2010:1 cited FAO). In the city outskirts, these disputes have distinct feature comprising “informal land acquisition by squatters, often through organized group squatting; multiple sales of land; illegal sale of state land by public officials; expropriation without compensation by the state of land which is perceived to be customary land by the settlers; and land use conflicts” (Wehrmann, 2008:20). When land dispute emerge, disputants utilize plural justice systems, choosing and shifting between justice institutions to settle their disputes and this phenomenon is called forum shopping. Forum shopping reflects the strategic behavior of disputants who select justice institutions based on their perceived advantages, whether to maximize outcomes, and minimize costs.

According to Meinzen-Dick and Pradhan (2002:5), the dynamics of property rights suggest the co-existence and interaction between multiple legal orders. However, individuals may choose one or another of these justice institutions as the basis for their claims on a resource. Merry (1988) also describes that the formal legal system's dominance over land and property-related conflicts is undeniable. Yet, people invoke different customary conflict resolution mechanisms before, during or post formal legal systems processes and the reason for transfer or shift justice venues is not have similar rationales. Disputants shop for forums for their problems and forums compete for disputes, which they use for their own local political ends. In addition, the disputing parties' choice of forum affects justice institutions (Merry, 1988:882-883).

In light of land disputants changing of justice institution, it demands more investigation on the topic because the transfer of cases and switching justice venues are not a random act. Thus it also necessitates more investigation on the topic especially from the perspectives of game

theory. According to Nash (1950), people are rational decision makers and make decisions independently, and each participant's decisions have its own impact. Conceptualizing game theory can assist how disputants choose a certain justice institutions and formulate a legal strategy. Furthermore, Lima (2018:516), asserted that "the theoretical approach can help the mediator to identify the games played by the stakeholders and to better position himself when choosing the techniques to manage the conflict". Hence, game theory provides a structured framework to analyze the strategic decisions of land disputants who assess the costs, benefits, and risks of engaging with different institutions.

Considering that, the main objective of this study is to investigate different types of land disputes that farmers often went for forum shopping in the outskirts of Addis Ababa.

Overall, forum shopping and game theory is not just theory, it is also a model to view the strategies utilized by farmers and mediators to settle land disputes in the outskirts of Addis Ababa. Therefore, this study intends to locate forum shopping practices of land disputants by using game theory and customary mediation model among farmers who lived in the outskirt areas of Addis Ababa.

1.1. STATEMENT OF THE PROBLEM

The rapid expansion of cities has often led to land disputes, particularly in the outskirts of cities where formal and customary land tenure system co-exist and plural justice system is prevalent. The city of Addis Ababa has been receiving rapid population growth, including vertical and horizontal expansion to the outskirts of the city. As the city expands rapidly, land within and around its outskirts is becoming increasingly scarce, making it sensitive issue.

The rapid urbanization has both direct and indirect consequences for various groups of people. Some individuals lose their land or property rights due to land expropriation, city expansion, and urbanization processes. Others, however, acquire land through lease holding arrangements. This process creates tensions within farmers.

For this study, we focus on farmers residing in the outskirts of the city. These farmers are a long-stayed social group. Given the scarcity of land, land disputes are inevitable, whether among themselves or with others. When faced with such disputes, farmers typically choose to settle the dispute through either formal court or customary institutions. However, no previous research has examined forum shopping practices from the perspectives of game theory and customary mediation models. This study aims to bridge this gap.

Nonetheless, in line of the role of customary justice institutions in land dispute settlement, there are studies that highlighted the role of customary justice institution. For example, Melaku (2009) conducted research among Tulama Oromo people around Sululta area, discovers the efficient role of customary conflict resolution during land dispute settlement. Again, Melaku (2020) investigated the interplay between customary and formal legal systems in Jidda district on North Shewa in Oromia regional state. Genanaw & Tadesse (2024) examine the Tulama Oromo customary justice institutions, and illustrated their functions and the symbolic significance of sacred instruments used by mediators or elders.

With regard to the concept of forum shopping there is only few studies. For example, Desalegn (2020) highlighted the impact of forum shopping on conflict management. He describes how disputing parties in the north-central parts of Ethiopia often have the option of choosing between legal forums, and this unrestricted choice can lead to negative consequences. This phenomenon, characterized by the strategic selection and shifting of legal venues, is often exploited to achieve favorable outcomes. While prior studies have explored the customary justice institutions of Tulama Oromo, and their land dispute settlement practices, limited research have examined how forum shopping in plural justice system and how game theory can be applied to analyze disputants decision making process, particularly in the outskirts of Addis Ababa.

Therefore, this study aims to fill the gap in the literature by investigating and locating forum shopping practices, in land dispute settlement among farmers, analyzing them through customary, and game theory models in the outskirts of Addis Ababa.

1.2. OBJECTIVE OF THE STUDY

This study aims to investigate, the land disputant's choices of justice institutions or forum shopping for their land dispute settlement and to analyze them using customary models and game theory.

1.2.1. SPECIFIC OBJECTIVES

In addition to the main objective, this study has three specific objectives:

- To identify specific types of land disputes those are settled within plural justice systems.
- To locate forum shopping practices in land dispute settlement in the outskirts of the city.
- To identify the implications of forum shopping practice for the justice system from the perspectives of customary mediation model and game theory.

1.2.2. RESEARCH QUESTIONS

Alongside the above research objectives, this paper aim to answer issues related to the following research questions:

- Which kinds of land disputes are settled within multiple justice systems?
- Why and how the land disputants prefer a certain justice institutions for their land dispute settlement?
- What are the lessons can be drawn from customary mediation model and game theory while locating forum shopping practices in land dispute settlement?

1.2.3. STUDY AREA AND POPULATION

The primary focus of this study is a farming community those resides in the peri-urban areas or outskirts of Addis Ababa. According to Tavern, these areas are a “transitional zone between the two tenure systems, distinct rural and urban land authorities, whether cultivated rural land within the urban administrative boundary or within the planning boundary that is under threat

of future incorporation” (Tavern, 2024:193). These are the actual circumstances of the study population, and also make this study vital to record their socio-cultural lives from land dispute perspective.

Picture 01: Farmers field cultivating Tef (source author from field stay October, 2024)



Therefore, this study aims to illustrate the experiences of farmers residing in the outskirts of Addis Ababa by conducting a case study of the Shewa Oromo or commonly known as the Tulama Oromo social group. This community primarily relies on subsistence farming. They also engage in small scale farming, animal husbandry, mainly fattening oxen and cattle. Their main agricultural activities include cultivating a variety of crops such as *Tef*, wheat, beans, barely, peas, lentils, chicken peas, and vetch. Besides, they produce various vegetables, including tomatoes, potatoes, onions and cabbages.

Regarding their geographical settlement, the farmers have stayed for long in the area. Some literature (Kennie, 2010; Tuffa, 2021) have stated that they have been there before the genesis of the city (Tavers, 2024:188 cited Zewde 2008). Therefore, the Tulama Oromo social group has been the predominant group in this area. Over time, this area become more diverse with people from various social groups now living alongside the Tulama Oromo. As a result, today, farmers can be found only within 38 *woredas* across six expansion cities within the city limits but also on the administrative boundaries between Addis Ababa and Oromia regional state. The registered total population exceeds 34 thousand.

Table 1: *Number of farmers with expropriated land within expansion sub-cities*

S/N	Sub city	Active farmers	Woredas that have a concentration of farmers
1	Yeka	2700	02,03,05,10,11, & 12
2	Bole	3500	01,07,11, and 12
3	Akaki Kality	6842	01, 02,04, 05, 07, 08, 09, 10, 11, 12, & 13
4	Nifas Silk Lafto	5948	01, 02, 11, 12, 13, 14 & 15
5	Kolfe Keraniyo	870	02, 08, 10, 11,
6	Lemi Kura	15000	05,06,14, 10,11, 13
Total		34,860	38 woredas

Note: The table is prepared by the author (these data's were extracted and organized from Urban Agriculture and Farmers Development Bureaus within six sub-cities)

2. METHODOLOGICAL APPROACH

This study employed a qualitative research approach, combining ethnographic and court case review research designs. Ethnography provides a deep, immersive understanding of farmers' daily lives, cultural practices, and social interactions within their natural settings. Conversely, court case review offers a structured and legal analysis of court decisions, procedures, and precedents. By merging these two research methods, we can compare and contrast real world experiences with legal records, gaining a more comprehensive view of how individuals engage with forum shopping and their underlying motivations. Furthermore, the researchers employed multiple data collection methods to collect both primary and secondary data.

2.1. METHODS OF DATA COLLECTION

Both ethnography and case study allow researchers to use multiple data collection methods. As a result, this study utilized multiple data collection methods including participant observation, observation, in-depth interviews, key-informant interviews, informal conversations, and Focus Group Discussion (FGDs).

As a result, participants of this study are 92 informants, including 52 farmers, 12 experts from six sub-cities within two bureaus - Land Development and Administration Bureau and Urban Agriculture and Development Bureau; 18 public defenders, 4 judges and lawyers; 6 customary mediator elders. Furthermore, 3 FGDs were conducted with legal experts, experts on the topic of farmers and land issues; and mediator elders.

Additional information also collected from nine benches and four tiers of judicial system (Federal First Instance Court, Federal High Court, and Federal Supreme Court, as well as the Urban Land Clearance and Compensation Matters Commission (ULCCMC) or Land Tribunal

Commission. The data extracted from these judicial bodies underscores a wide range of matters. The table below demonstrates the distribution of these disputes extracted from diverse courts.

Table 2: Different types of land disputes based on their sub-city (data from field work)

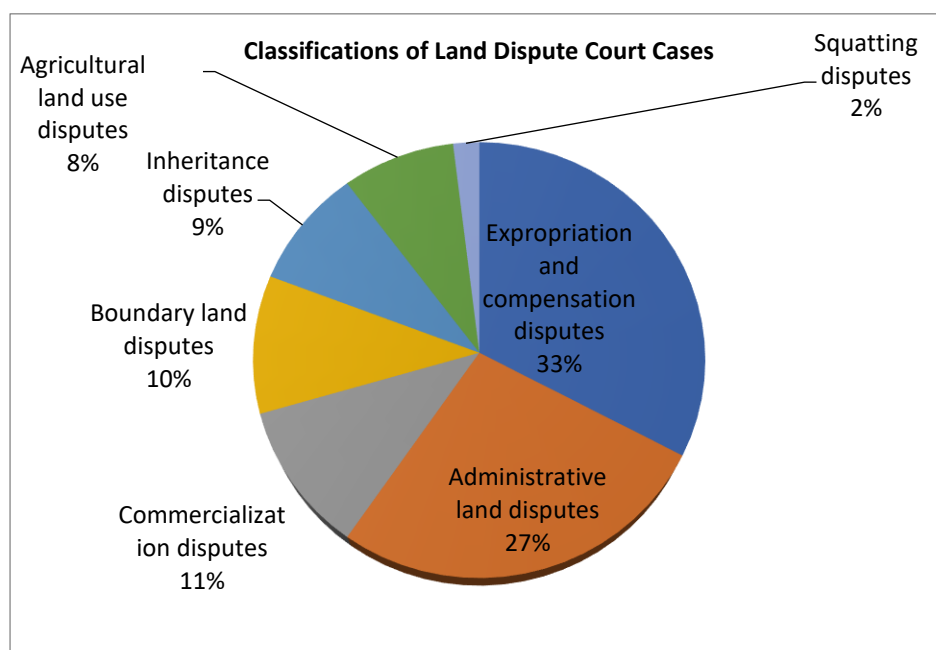
S/N	Courts Bench	Types of land disputes	No. of cases
1		Inheritance case	1
1.	Akaki Kality-FFIC	Boundary related cases	3
		Land Administration related cases	8
		Expropriation and compensation related cases	3
		Agricultural land use cases	3
		Total	18
	Bole - FFIC	Inheritance case	3
		Boundary related cases	4
2.		Administrative related cases	1
		Expropriation and compensation related cases	4
		Agricultural land use cases	3
		Commercialization and rent related cases	3
		Total	18
	Kolfe	Inheritance case	4
	Qeraniyo- FFIC	Administrative related cases	5
3		Expropriation and compensation related cases	1
3.		Commercialization and rent related cases	1
		Squatting	1
		Total	12
	Nifas Silk	Inheritance case	2
	Lafto- FFIC	Boundary related cases	4
4.		Administrative related cases	7
		Expropriation and compensation related cases	6
		Squatting	1
		Total	20
5	Yeka- FFIC	Inheritance case	1
		Boundary related cases	1
		Administrative related cases	3
		Expropriation and compensation related cases	1
		Commercialization and rent related cases	6

		Invasion and squatting	1
		Total	13
	Lemi	Inheritance case	2
	Kura- FFIC	Boundary related cases	4
		Administrative related cases	10
66.		Expropriation and compensation related cases	9
		Agricultural land use cases	1
		Commercialization and rent related cases	2
		Total	28
		Inheritance cases	1
		Expropriation and Compensation related Cases	6
		Administrative related Cases	2
	Federal Higher	Agricultural land use cases	1
7.	Court	Total	10
		Inheritance Cases	3
		Expropriation and Compensation related cases	15
		Administrative related cases	6
		Agricultural land use cases	5
	Federal	Commercialization and rent related cases	5
8.	Supreme Court	Total	31
	Land Tribunal	Expropriation and compensation related cases	6
9.	(ULCC)		
	Total		6
	Total cases		156

In summary, the collected data indicates that the most prevalent land disputes are expropriation and administrative related disputes that are redundant across nine judicial systems and administrative courts. Conversely, disputes related to boundaries, inheritance, commercialization and rent, agricultural land use, and squatting are less frequent.

Overall, it is classified into seven categories. The majorities of land dispute cases are expropriation related issues 33 %; 27 % are administrative related, 11 % are commercialization related; 10 % are over boundary disputes; 9 % are inheritance related; 8 % are over agricultural land use disputes; and the remaining 2 % are land disputes over squatting.

Figure 1: Court cases distribution via their type



In light of data analysis, this study employed thematic analysis to identify frequent land disputes in the outskirts of Addis Ababa across nine justice institutions. The analysis involved systematic coding and quantifying key issues from court documents, local administration bureau records, proclamations, regulation, and informant responses. This process allowed for the identification and recording similar land disputes within their categories. To gain a deeper understanding of the findings, diverse discourses were incorporated into analysis, drawing on ethnographic data, and court case analysis.

Also, triangulation technique was applied to interpret the findings and to unfold nuance interrelations between existed land disputes and the ways of land dispute settlement within formal and customary institutions. Therefore, by linking the customary and formal legal systems, the study aimed to shed light on the dynamics of land dispute settlement among farmers in the outskirts of Addis Ababa.

In summary, this study data collection spanned twelve months across three phases, involving 92 informants through interviews, three Focus Group Discussions (FGDs), and the analysis of 156 court cases. The three phases of data collection were as follows:

Phase 1- (January – May 2024): observation, interviews, and court case review.

Phase 2 (May – August 2024): interviews, FGDs with experts from various offices.

Phase 3 (August – November 2024): interview, participant observation, and FGDs.

3. RESULT AND DISCUSSION

3.1. DIFFERENT TYPES OF LAND DISPUTES

The primary goal of this study is to identify what types of land disputes frequently appeal to plural justice system. According to assistant judges, experts at sub-cities, land disputant farmers, and court case materials in relation to land dispute from civil cases only five types of land disputes are frequently appeal within plural justice system.

Additionally, an ethnographic data suggested that among diverse types of land dispute cases farmers utilize forum shopping for these five types of land disputes such as: 1) inheritance dispute; 2) boundary dispute; 3) agricultural land use dispute; 4) land dispute over commercialization, and 5) squatting related disputes.

Therefore, in the following pages the researchers will present the identified land disputes.

A) INHERITANCE LAND DISPUTE

The data from interviews, FGDs, participant observation and court cases suggested that there are disputes among close or distant family members over inheritance distribution, transfer of inheritance and legalizing inherited property.

In addition, out of 156 court cases, twelve cases are inheritance related. Out this twelve cases eight cases demonstrates the disputes over legalization of inheritance either seeking verification for bequeath and embark into dispute with the local administration. However, the remaining four distinct legal cases, each involving separate court benches are arising from inheritance distribution and transfer among both close and distant family members.

Court cases reveal recurring themes in inheritance disputes, including challenges to legalizing inheritance, conflicts over equitable distribution, and disputes involving family members seeking legal recognition of property rights. These cases demonstrate the prevalence of deep-rooted family tensions that often escalate into legal disputes¹.

B) BOUNDARY RELATED LAND DISPUTES

Under this sop-topic, the observed type of land dispute is related with boundary. The synthesis of the collected data suggested that there is a boundary dispute in the outskirts of Addis Ababa, which also comprises provision of overlap map, inaccurate or outdated surveys or unclear property lines that lead to a dispute between neighbors.

Of the 16 court cases reviewed from five different federal first instance benches, the predominant land dispute involved encroachment, fencing, plot transfers, and the provision of overlapping land maps to neighbors. Specifically, the ten cases indicated that plaintiffs initiated legal action against their neighbors, sometimes including local administrative bodies, alleging property damages, destruction of vegetables, and encroachment on grazing land and crops. Furthermore, defendants in these cases were not exclusively individual neighbors but also including religious institutions and a real estate organization². The remaining six cases illustrate the transfer of a parcel or a portion of a property, frequently involving the provision of an overlap map to the neighboring property owner. These legal cases reveal the existence of transferring of property right. Some cases demonstrate that the transfer results in registration

¹ Inheritance dispute sources (BFFIC-case no-00392; KFQFFIC-case no-138505; NLQFFIC-case no-183094; & LKFFIC-case no-150885)

² Boundary dispute sources: (1) case number-110913- AKFFIC; (2) case number-109439-AKFFIC; (3) case number – 00106-BFFIC; (4) case number 02469 –BFFIC; (5) case number-155891 – BFFIC; (6) case no-158450-NSFFIC; (7) case no-139750-LKFFIC; (8) case no-148144-LKFFIC; (9) case no- 91014-LKFFIC; (10) case no-103445-LKFFIC).

and certification for the neighbor. Others show that individuals have actively managed more than half of a plot certified by a neighbor or a new lease land right holder. Furthermore, in instances where farmers have sold portions of their land, local administration has issued registration and certification for the entire plot.³

C) DISPUTE OVER AGRICULTURAL LAND USE

A synthesis of qualitative data and case review findings suggests that agricultural land use disputes, particularly in the outskirts of the city involves farmers and their neighbors or institutional bodies, frequently result in the destruction of crop and vegetable products.

The observed disputes primarily revolve around forceful seizure of agricultural and grazing plot by neighbors, individuals, investor, or other farmers for personal farming purpose. There is also an administrative interference is the transferring and legalizing farming plots without the knowledge of the farmer the local authorities transfer farmland to other farmers or individuals.

The remaining disputes show the prevalence of destruction of crops and vegetable. An interesting thing is when farmers have resentment sometimes they deliberately release cattle's on the field and destroy a farmers products. There is also dispute stems from waste materials disposal on the farmers agricultural land. Unlike other disputes few cases suggested that there is a breach of oral agreements regarding, equivalent share on farming a land and sharing the products are violated among these farmers in the outskirt areas of Addis Ababa.

Of course, these disputes involve a diverse range of actors, including individual farmers, family members, Real Estate Company, religious institution, and condominium owners associations⁴.

D) DISPUTE OVER COMMERCIALIZATION OF LAND

Another observed dispute is over the commercialization of land. A synthesis of qualitative data and court case reviews indicates that land disputes frequently arise from the commercialization of land, including activities such as renting, leasing, selling, and purchasing farmland, grazing land and residential properties.

Court cases extracted from three federal first instance courts illustrates that people buy and sale properties with farmers and they also look for legalization. Hence, the land disputes may arise pre-commercialization, during commercialization and post –commercialization.

The pre-commercialization type of dispute entails denial of agreement after receiving down payment, changing the lease to ownership, one person from a family sell the entire land without the knowledge of other family members, or deny the agreed contractual agreement and using the land after promising for sell or receiving the money or re-selling it for multiple persons.

³ Boundary dispute Source: (1) case number-110533-AKFFIC; (2) case number 151345-NSFFIC). (3) Case number -179392-NSFFIC; (4) case number-166806-NSFFIC; (5) case no-132445-YFFIC; (6) Case number-01282-BFFIC).

⁴ source: (1) case no-116546; (2) case no-01004-BFFIC; (3) case no-149124-LKFFIC; (3) file no 011/12- BSCW11SC; (5) File no 037/11- BSCW11SC) (6) case no-106987 – AKFFIC; (7) case no- 116546- BFFIC).

During commercialization the observed land dispute is increasing the price on the spot and maximizing the plot size against the agreement. After commercialization related dispute comprises denial of the trade, the contract, and attempt to use it, resell it, (some cases after purchasing it with low price, resell it to other person with high price by new buyer), and sue to diverse legal systems. In some areas (*Bole Woregenu, Belo, or around Bole Lemi*) renting a plot for quarrying and stone mining is common and embark into dispute due to breach of contract or conversion of the agreement from rent to entire purchase.

The finding suggested that commercialization and rental of land has emerged as significant source of land dispute in the outskirts of the city. These disputes underscore the complex nature of prevalence of informal land sales within these areas. Discussions with land purchasers, disputants, legal counsel specializing in land cases, and land brokers indicate that land commercialization and rental activities in these expanding zones constitute a strategy for securing land tenure. This distinctive practice sometimes suggests the manipulation of statutory laws.

The Ethiopian legal frameworks prohibit outright land sales and purchases, permitting only the sale of property built on the land (FDRE constitution, 1995, article 40/3). Hence, individuals must take proactive steps to secure their land tenure. A primary strategy involves formalizing transactions. Often, land is sold through informal local contracts. To legitimize these transactions and obtain official land registration and certification, buyers and sellers engage in various tactics.

One common approach involves manipulating loan agreements. Buyers may agree to purchase land for certain amount but sign a local contract indicating significantly larger loan amount. For example, a buyer might purchase land/property for 100,000 Birr but sign a contract for 1,000,000 Birr to prevent denial. Another tactic is to frame the transaction as a gift, with the seller 'gifting' the property to the buyer and signing a village contractual agreement to this effect.

Once the transaction is formalized, individuals seek to legitimize the land or property. This process may involve both direct and indirect methods. Directly, they submit necessary documentation to local authorities and request registration and certification. Indirectly, they may employ brokers to connect them with experts and officials who can facilitate the legalization process. To bolster their claims, individuals often use documents issued by the Addis Ababa Water and Sewerage Authority and the Electric Utility as evidence of property ownership, even though these documents are not explicitly use for legalizing the registration and certification, people documents it. If their requests for legalization are denied, individuals may resort to formal legal systems or courts by filing lawsuits.

One informant stated that ...

"If farmers embark into land dispute with neighbors especially with the new comers due to the selling of a land the cause might be during the selling of the land the price might be very low to the market price. And after years the children's of farmers become young and learned about the selling of the price

and they asked additional money from the new buyer” (Wondeson, Bole subcity woreda 11 expert).

These disputes underscore the complex nature of land commercialization, particularly in contexts where customary land tenure system intersect with modern market based approaches. Issues such as lack of clear legal documentation, illegal commercialization, and dispute over property rights clearly observed as sources of dispute.

In summary, the ethnographic data, and ten court cases drawn from diverse courts, and bureaus, indicate that commercialization, both through the sale and rental/leasing of land, is a significant source of land disputes. Besides, illegal occupation of farming land by individuals also observed and refuse to vacate premises⁵.

E) LAND DISPUTE OVER SQUATTING

The final type of land dispute is over squatting. A synthesis of primary data's indicates that squatting is more prevalent in the outskirt areas of Addis Ababa.

A review of four court cases from diverse jurisdictions reveals a recurring pattern of land disputes arising from squatting. In these instances, agricultural landowners have initiated legal proceedings against individuals or groups who have forcibly occupied their land, constructed dwellings, and established residence. In some cases, the plaintiffs have also sued the local administrative bodies, alleging that these entities have facilitated the illegal land appropriation by issuing official registrations and certifications. Besides, group of individual have taken the land and when the farmer appeal to the local administration he would be asked to present a tax receipt, and other documents to proof the land belongs to him and this tax receipt documents might in his father or other relative names this caused for the loss of many plots⁶.

Another farmer and informant stated that ...

“Early, one Sunday morning, a group of people came to my 3,500 square meters agricultural land. They were well-prepared with materials and began fencing off the land. A villager informed me of this, and I confronted them. Despite our efforts, we were unable to prevent them. A white V8 car was parked nearby, observing the situation. They stated that the government needed the area. The following day, I went to the woreda office, only to be told that they were not providing land-related services at that time. I am currently appealing this decision, starting from woreda level and progressing to the sub-city level.”

(Farmer, in Nifas silk, woreda 01-found him in sub-city when he was appealing).

In summarizing both the qualitative data and the court cases suggested that, a group of individuals have been sued for seizing an agricultural land and construct house on it; family members have sued a religious institution for invading and taking the family agricultural plot

⁵ Commercialization dispute (Sources case no. 142036-BFFIC; case no. 00669-BFFIC; Case no. 00670-BFFIC; case no. 14019517-KFFIC; case no. 158667-YFFIC; case no. 154721-YFFIC; case no. 151274-YFFIC; case no.170528-YFFIC; case no. 170747-YFFIC; and 129367-YFFIC).

⁶ Squatting related dispute (Sources: 1) Case no. 116546 – AKFFIC; 2) case no-139885 – KQFFIC; 3) case no. 192539; NLFFIC; and 4) case no. 151216-YFFIC).

in addition assert that the placed used to serve for traditional religious place, an association and group of individuals have seized the land illegally and built house on it. In these instances the plaintiffs often accused the local administration for cooperating with the defendants.

In concluding this sub topic, land disputes in the outskirt areas of Addis Ababa encompass a wide range of issues, including inheritance, boundary, agricultural, commercialization, and squatting. The root causes of these disputes might relates to population growth, rapid urbanization, competition, land right insecurity or clash over property right claims that emanates from diverse sources i.e. customary right Vs statutory laws (lease landholding right), family dispute over ownership and so on. These disputes often traverse plural justice systems and disputant's forum between customary justice institutions and potentially progressing to formal courts. The factors influencing the choice of forum shopping are complex and multifaceted and require further investigation. The next section will explore forum shopping in relation to these specific types of land disputes.

3.2. LOCATING FORUM SHOPPING IN LAND DISPUTE SETTLEMENT

The presence of diverse land disputes has led individuals to seek settlement through various institutions. Some choose to file their cases in formal courts, while others turn to customary institutions. In other instances, individuals may simultaneously pursue claims in both forums, such practice theoretically considered as 'forum shopping'.

According to Meinzen-Dick and Pradhan (2002), the contemporary anthropological approaches towards property rights suggest the co-existence and interaction between multiple legal orders. However, individuals may choose one or another of these legal frameworks as the basis for their claims on a resource, in a process referred to as "forum shopping". Similarly, Merry (1988) describes that the formal legal system's dominance over land and property-related conflicts is undeniable. Yet, people invoke different customary conflict resolution mechanisms before, during or post formal legal systems processes. The reason is not often similar.

Literature highlighted that forum shopping do not merely conducted by disputants as well as the forums compete for disputes to settle (Merry, 1988:882-883). In addition, empirical studies by Dahal & Bhatta, (2008); (Lasuba, 2016) and Desalegn, (2020) noted that the practice of using formal and informal justice systems concurrently has an impact on the success of justice or maintaining the rule of law.

Forum shopping is not only a choice between legal forums but also the indicator of the status of multiple institutions and individuals, families, and groups in relation to land rights security. In addition, unclear relationship between different tenure types and institutions such as traditional authorities, local government officials, and informal land developers each of these institutions has authorities that emanate from customary law, statutory law, and project law respectively. (UNIFPA, 2012:20)

Other crucial aspect of forum shopping is the pushing factors that drive conflicting parties to choose between multiple justice systems. The perspectives that anthropological studies rationalize are their "accessibility, affordability, anticipated settlement outcomes, cost of venues, physical distance influence decision-making for dispute resolution venues, and speed

of resolution customary justice systems are chosen based on norms, values, and venue characteristics ” (Lasuba, 2016:7-8).

Interestingly, during my discussion with assistant judges at diverse federal first instance courts they stated that disputes over inheritance, boundary, commercialization, agricultural, and squatting, often primarily attempted to reconcile through elders in their village. The plaintiff filing of the case to the court is usually a second move.

One assistant judge said...

“I was at Lemi Kura (former bole) for the past one year, I came here (Bole) recently following the readjustment, compare to other bench, judges here frequently direct disputes to assistant judges. We try to mediate them, especially property related cases frequently change its nature, for first time they might mediate and go home ... after a while they appeal by changing the essence of the content, if they were under boundary issues was denying of agreement, when he file for second time change it to possession of property” (Key informant Genet, May, 2024)

Similarly, another informant from Bole worda 11 stated that ..

“Farmers often reconcile their land related disputes by the intervention of peasant committee or mediator elders in the village. However, when they go home and consult their children’s, they do not agree and submit to courts” (key informant Eyob, expert, October, 2024).

Majority of the reviewed court cases materials that involve disputes over inheritance, boundary, agricultural land use, commercialization, and squatting suggested that judges directed the case for mediation to assistant judges. Conversely, assistant judges on their side stated that “majority of the cases first tried by village elders, they appeal hear to threat the defender or vice versa” (Assistant judge Chekol, May, 2024).

Therefore, below, we present five land dispute settlement cases that are settled within plural justice. Two of the cases are extracted from customary institution, two cases from *woreda* level social court and one case formal federal first instance courts. These cases were obtained through interview, participatory observation, and court case reviews.

Case One: This case involves an inheritance dispute initiated by extended relatives. The disputants resides in the peri-urban areas of *Bole* sub-city (*Weregenu* area), where the government was expropriating land. A farmer has three children from a new wife and two adult sons from a previous marriage. During the identification, registration and compensation process for affected farmers and their children, these two adult sons came forward and registered as the farmer’s sons, triggering a dispute. The local administration intervened, involving the peasant committee to mitigate the matter. The committee ultimately decided that only the children who had lived with the father would be recognized by the village. (#W1-informant, Wondowsen, May, 2024).

Case Two: The disputant claims equivalent share over agricultural land to council of elders found in the Tulama Oromo customary institution. The case presenter brought her *Gudiffecha* father in front of the *Gedda* elder’s court seeking reconciliation. The case presenter was a

gudiffecha daughter now leading her own family. She asserted that the father raised her, but now distributed all agricultural and grazing plot to his blood children's because the place will be expropriated and the government will give them compensation due to this the father distributed the land to his origin children's to prevent that the children's are in lack. Due to this she asserted that the father needs to share to her the equivalent distribution. The Abba Gedda's reconcile the matter after repeated question and answer; they mediated them to give her equivalent of what other children's get. (Participant observation at Gadda Court, October, 7.2024).

Picture 02: Tulama Oromo's Abba Gadas case hearing



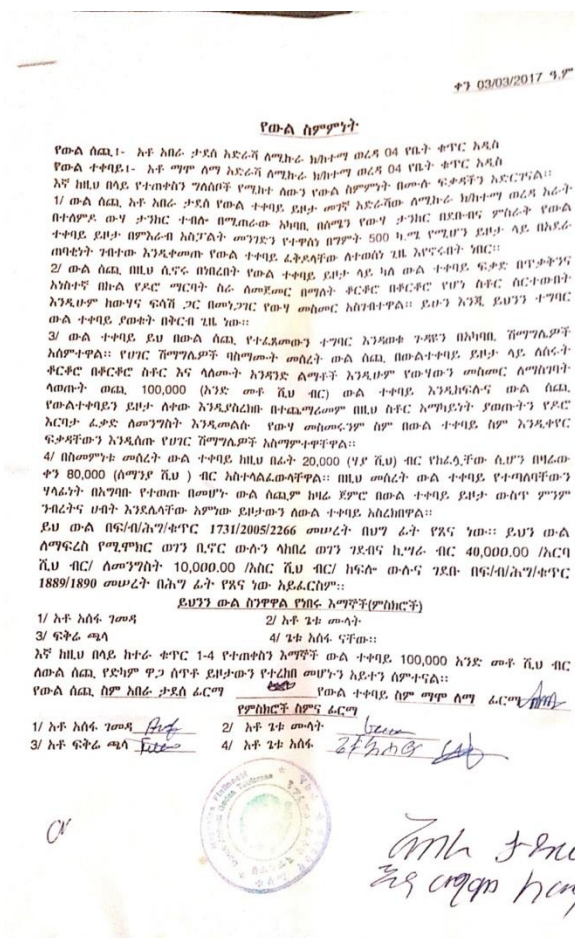
Case three: The plaintiff of this case was a farmer *EM*, residing at Bole sub-city *woreda* 11. The defendant was Farmer *DA* at Bole sub-city *woreda* 11 commonly known as *Biekie* area. As the plaintiff stated, he owns an agricultural plot in this area and frequently farms vetch. The two had entered into land dispute due to agricultural product. The substance of the case stems from the defendant causing harm by allowing the ox and cattle to consume the vetch product. Primarily the plaintiff try to resolve their dispute through village elders but the defendant refuse to pay him compensation. As a result, the plaintiff brought the case before social court of the *woreda*. The cases stated on October 06/2019, the defendant deliberately releases the cattle and oxen, allowing them to eat and destroy the vetch products. The total amount of destruction is estimated to be 2,500 ETB. As a result, the plaintiff is asking the jury to compensate for the eaten and destroyed agricultural product. On the date of On December 23, 2019 the two disputants agreed to settle their dispute through elders of their own choice and switch to customary justice system. As a result, the selected elders have reported to the court. According to the mediators elders' minute attached to the file, "we elders of the area have been selected by the land disputants to settle this dispute, and the two parties have agreed with our reconciliation idea. Nonetheless, the of plaintiff's enquiry was reduced to 900 ETB, and the defendant consented to pay this money. As a result, we announce that the two parties' disputes

have been reconciled”. The paper was submitted on December 24/2019. (Source: File number 011/12- Bole woreda 11 social court).

Case four: The plaintiff of this case was farmer *w/ro BB*, who lived in Bole sub-city *woreda 11*. The defendant was Farmer *W/ro LL* at Bole sub-city *woreda 11*. The agricultural area located in Bole sub-city, *woreda 11*, commonly known as *Bole Lemi*. The court case began on January 15/2019. This case concluded by formal court decision. This case frequently switched from customary to formal court because of the disagreement between the disputants. The essence of the case is the plaintiff owns agricultural land but handed it to the defendant by oral agreement to undertake agricultural work and share the equivalent of the harvest product. Nonetheless, the defendant did not keep her commitments to share the harvest the product of *Tef*, which was estimated to be worth of three thousand birr. Thus, she asked the court the defendant to pay her the three thousand birr. The defendant admitted that the land belongs to plaintiff, and accepted the litigation, and indicated that during the product harvesting season, another person abruptly visited my home and took the *Tef*. But now, I will take from him and give it to her. Finally, on the date of January 30/2020, the court highlighted the defendant’s acceptance of the claim and ruled the defendant to pay three thousand birr, or two quintals of *Tef* to the plaintiff. Also, the defendant orders to cover the expenses of the plaintiff with 350 ETB. (Source: File Number 037/11- Bole woreda 11 social court).

Case five: A person named AT initiated a legal dispute against the defender ML, the defender address is commonly known as Beshale area or Wuha tanker at Bole Arabsa. The source of dispute was on the breach of oral agreement to administer a property when he was not around for few years. The plaintiff is a farmer; he gave the defender 500 square meters of residential house to administer it for few years. However, the defender build additional house and rented it then started a poultry business on the property. Besides, obtain business registration and license from the concerned government office. When the defender returned to country and asked for the return of the house they disputed. In addition, the plaintiff was not happy with the development he saw on the property. Due to this the two disputed in Lemi-Kura first instance court. The judge directed the case for mediation through assistant judges. However, the plaintiff brought the case to customary institution to the Tulama Oromo Abba Geddaa courts. The elders conduct three consecutive hearings and mediated the matter. In addition to that, elders made them to sign contractual agreement.

Picture 03: contractual agreement made by Abba Gedas for the disputants



In summary, the above cases illustrates that farmers embark into inheritance, agricultural land use and property related disputes. However, they choose justice institutions based on their rationales. As the cases demonstrates four cases frequently changes from formal to customary institutions, transferring, referring, and switching cases is visible. However, one cases settled in customary institution and the rest mediated within customary institutions. Also, Peasant Committee observed as mediator. More importantly, the rationale behind the choice of formal or customary justice institutions is often more complex than it appears. There are multiple underlying factors that influence these decisions. In the following sub-topic, we will delve deeper into the motivations of disputants when selecting a forum for their cases.

3. IMPLICATIONS OF FORUM SHOPPING FROM CUSTOMARY MEDIATION MODEL AND GAME THEORY

3.1. CUSTOMARY MEDIATION MODEL IN LAND DISPUTE SETTLEMENT

Customary Mediation Model is a customary justice institution led by council of elders. These elders have distinct features such as intervention of third parties, passing binding decisions, and the ability to create harmony among conflicting parties (Wehrmann, 2008:68).

Another important aspect of customary justice systems is its diversity and culture-specific approaches. Therefore, the customary justice institutions of Shewa (Tulama) Oromo farmers

in the outskirt areas of Addis Ababa have distinct features. Yet, few studies have investigated and illustrate the role of customary justice institutions such as Dejene, (2007); Eskedar (2008); Melaku (2009 & 2020); and Genanew & Tadesse (2024). These all studies focus on the farmers those reside on the rural side of the country.

A)THE 'TULAMA' OROMO MEDIATION MODEL

The Tulama Oromo employs a robust customary justice system to negotiate and mediate land disputes. This system is deeply embedded in the Gedaa system, spiritual institutions, and cultural values. Besides, its application is alongside with the formal legal system. These institutions have their own structures and procedures to hear, and settle disputes. For this paper, the researchers only demonstrate the land dispute settlement from village elders (*Jaarsa Biyyaa*) and *Shanacha* (one of its kind found in “Finfinneee Tulama Gedda Gelma Centers”).

Picture 04, & 05: Finiffine Tulama Abba Gaddas Gelma located at Semit photo taken on November, 15/2024 by researcher

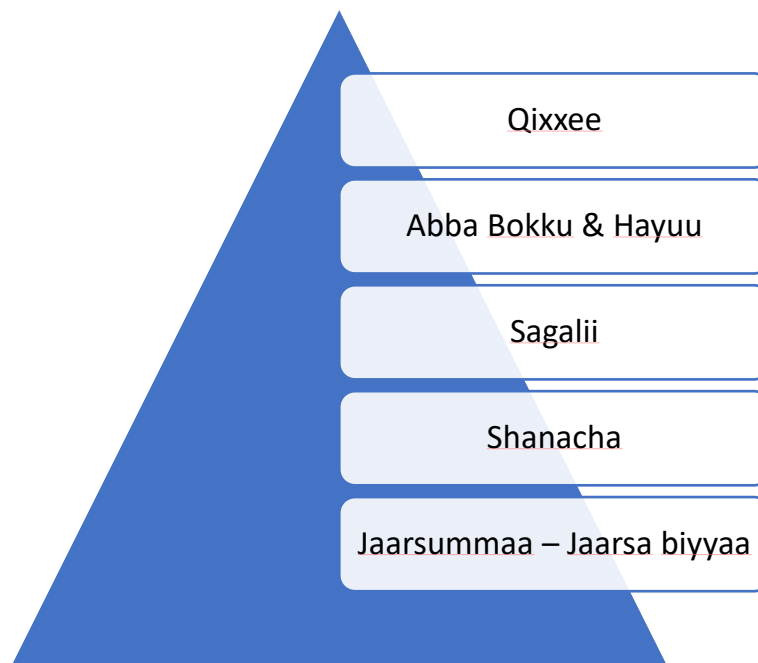


Mostly farmers appeal their land dispute cases to the *jarsa* found in their village and if the case could not get settlement through the elder, they appeal to the council of elders or customary institutions.

The customary institutions comprise *ilafi-ilame* which is the judicial aspect of Gedaa system, the *Qalluu* institution, *jaarsummaa*; and *Shanacha* are the primary institutions (Melaku, 2009: 19-20). Besides, customary mediation institutions have five distinct institutions with an elaborated duties, responsibilities and hierarchies. The lower level is *Jaarsummaa* it is also a council of elders or organized based on villages. *Qaalluu* and *Qaallittii* are spiritual leaders. *Shanacha* is the next level it comprises *Abba Gedaa*, *Abba sera*, *Abba Alanga*, and *Adda Sinque*. Another customary institution is *Saglii*: they are executive cabinet organized with nine council of elders for tentative issues. *Abba Bokku* and *Hayuu* and another institution, a disputant appeal to *Abba Bokku* when seeking justice and when they donot get reconciliation

at the lower level institutions. The final institution is *Qixxee* it is an approach or techniques use for mediating siblings. (Genanaw & Tadesse, 2024:233-242).

Figure 02: Hierarchies of the Tulama Oromo Dhaddacha Gedaa (source adopted from Genenew & Tadesse, 2024:234-242)



With regard to the farmers in the peri-urban areas of Addis Ababa they often submit their land dispute cases to “*Jarsa Aba Biyas*” found in their own village then appeal to Abba Gadaa’s found in a place commonly known as the *Shanacha* or to *Tulama Oromo Gelma*. The researchers have visited this place, and it is located in the outskirts of the city but recently built with a compound and in the center there is a ‘Galma’ that a place ‘*Abba Geddas, Abba Boku Hayu’s, and Adda Sinqqe*’ sit and mediate.

To give you a brief picture of the inside place, when you entered into the Galama it is built in a circular shape in the center there is pillar and encircling with numerous symbolic instruments. To the left and right side there are chairs six chairs each corner for the council of elders to hear and mediate disputes. In between the chairs there is a shelf with two compartments the left compartment comprises the cloths that elders wear them when they do have case hearings and to right side of the shelf holds different files in organized manner for example; five categories of file are the first thing that catches any visitor. The files category read as the following: file number 001 – murder related cases; file number 002 – women’s, children’s and abduction related cases; file number 003 – inheritance; file number 004 – land disputes and file number 005 – financial related cases.

On the day of participant observation, more than fifty individuals present their case to the council, the procedure has distinctive character; they start with blessings and end the reconciliation with blessings. There are five mediator elders each for two groups. In addition among the council of elders two ‘*Adda Sinqqees*’ are included among the members of the council of elders, they have all traditional clothes, and symbolic stick on their hand. According

to Abba Gedaa Seboka Leta “*Adda Sinqeess*’ give special attention for cases in relation to women’s, children’s and abduction issues...they have mediated multiple related issues”.

The other instrument found in the center of the Galma encircling the room is symbolic instruments that serve to make a sworn testimony for disputants or testifiers. The materials encompass bible, cross, ashes, chains, arrow, bone, and so on. According to Abba Gedaa Sebokka (2024), the customary mediation institution is a long stayed institution handed by great grandfathers to keep the communities peace and justice based on the truth of the people.

“In this house, elders only stick to the truth. People come to this institution across diverse social group in seeking justice. We mediate them. Unlike any other justice systems, when disputants come here they make oath with ashes, bibles, cross, arrows, bones, *difen kil* each one of them has their own meanings.” (*Abba Geda, Seboka leta, October, 2024*).

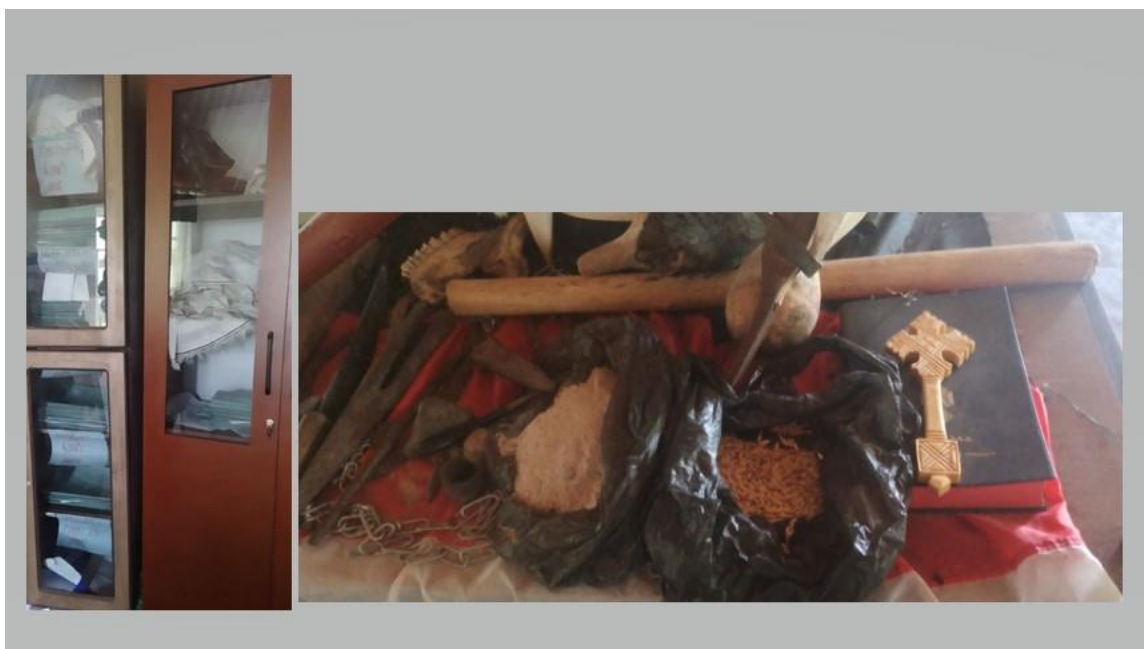
Land disputants also have confidence and if they believe they are unfairly treated they bring their counter parts to this institution.

“To be mediator in this Gelma the Abaa Gedaa must complete his 8 years mission. When he is assigned here who ever comes to here he is responsible to maintain the truth including for his family, all are mediated based on the truth, we all take oath to serve equally, justly, all kinds of community, ... different kinds of people come here and reconciled their disputes we don’t see their financial status, religion, gender or other things.” (Tesema - October, 2024; mediator in the Gelma).

Another mediator also stated ...

“Testifiers or disputants, when they arrived, they didn’t just swear on a Bible. They also used various symbolic items, such as ashes, calabashes or *difin qil*; chains, arrows, and etc. each item carried a specific meaning. For example, *difin qil* symbolized infertility or the inability to have children if one lies under oath. The chain represents imprisonment, and the ashes signify uselessness. Even if someone dares to swear falsely, their relatives might stop him, as the consequences could extend to seven generations. Therefore, all of them make testimony based on the truth”. (Mediator Desalegn, in the Gelma, October, 2024).

Picture 06 & 07 : sacred instruments in the customary institution (source researcher, October, 2024)



Besides, the Hayyuu will make the “Alenga” to the air and make blessings for the sustainability of the reconciliation. This act is highly feared by the disputant parties. One informant stated that

“No one can lie in front of the Abba Gedaa’s they would have made the *alengas* to the air” (*Million land disputant case presenter, October, 2024*).

The cases that are presented in the previous discussion such as case two and five were extracted from this customary institution. For example, in the case of number five the disputants brought their cases to this institution because of their shared cultural values and have upper trust on the elder’s resolution capacity.

During the FGDs, the researchers learned that all types of civil and criminal cases presented to the customary institution. They also stated that they have been reconciling all types of disputes majority of cases primarily situated in inheritance, and land disputes.

One of Adda Siqqe told that ...

“We mediated a million birr property the disputants prefer this institution for the speedy solution, and we work for free, justice, and truth” (FDG3, Addaa Sinqee, mediator, October, 2024)

This customary institution works two days a week i.e. Tuesday and Wednesday. However on the days of Friday they mediate cases related to murder and disability or causing physical harm related issue.

The procedure of appealing is anyone who has dispute and needs resolution can apply for negotiation or settlement through writing to the institution, but the case has to be not simultaneously under formal court review. The elders won't start the mediation or case hearing process if both disputants are not present. The disputing parties come before elders and register their name for the coordinators, the coordinators call name in order and they present before elders, after both parties present and case hearing conducted, elders raise questions, clarify the cases, if the case needs further investigation they give them another appointment mostly within a week. Within one session they hear multiple cases, majority of these cases related with land disputes and breaching of oral agreement.

Picture 08, 09, 10, & 11- Case hearing by aba Gaddas picture taken by the researcher on November 15, 2024 (FGD with researcher, case hearing, youths presenting their cases, & participant observation)



Other vital issue is youths present their cases to elders/council of elders for mediation when they experience dispute among themselves.

Another interesting issue that the elders have been mediating was a case related to the breach over oral contractual agreements among farmers including inheritance issues, distribution of residential house, agricultural plots, cases similar to the person bought the land with low amount of money but now the price is high and I need him to pay me the remaining amount cases were mediated; a person who denied the land sell and changed it to gift, in front of formal court confessed here and return the plot. Based on the country law if someone leave a property for more than 15 years the property become the one who administers it. Yet, the elders negotiate the property between the original owner and the handler to return the plot. Orally loaned property/money and denied in the court here with elders returned to the owner based on informant's information.

Elders stated that “we do not intervene within court issues; we don’t reconcile the issue under court dispute argument” (Abba Geda Seboka, October, 2024).

When disputants supposed to present before elders and if they were absent, elders refer the plaintiff to submit his case to formal court/police but within that time frame, however, if the defender present to the elders they are willing to negotiate them.

The synthesis of data suggests that farmers present their land dispute cases to customary institutions for mediation. However, their rationale for bringing to this institution is based on the cultural values, and trust they have towards customary institutions. For example, in case number 02, a ‘*gudiffecha*’ daughter presents her case in the trust of customary laws and the shared values among the family members. Seemingly, the presenter assessed the advantages or disadvantages to go to the formal court with the essence of this case. Another land dispute case number 05 also reconciled in this institution. The peculiar character of this case was it was switched from formal to customary institutions and the defender changes his defense and submitted the property. This also implies how truth prevails in the institution and a shared belief system can mediate a dispute with complex nature.

In summary, customary mediation model among Tulama Oromo have been playing pivotal role in settling land disputes among farmers. Some cases suggested that the shared value and norms among community members contributes for the success of mediation process. Below an attempt made to draw insight from game theory for the justice system regarding land dispute settlement in the outskirts of the city.

3.2. GAME THEORY AND ITS INSIGHT FOR LAND DISPUTE SETTLEMENT

The main interest of this sub-topic is to draw a lesson from game theory and shed more light on the topic of land dispute settlement and forum shopping practices.

Game theory is either thought or couched for legal experts to get insight how the disputing parties think, strategize and make decisions. Their main rationale might involve coaching them to effectively mediate disputants and reduce length court case hearings, high financial costs during litigation, and unnecessary involvement of disputing parties in the formal courts. Hence, this sub-section needs to answer; is there any lesson that we can draw from game theory for the enhancement of justice system?

From this aspect, the following discussion would make an attempt to shed light on these issues. The development of game theory is linked to mathematician Nash. According to Nash (1950), people are rational decision makers and make decisions independently, and each participant’s decisions have its own impact. Conceptualizing game theory can assist how disputants choose a certain justice institutions and formulate a legal strategy.

Furthermore, Lima (2018:516), asserted that game started when people embark into dispute ...

“two or more people, when faced with a problem to solve, tend to behave themselves in response to what they expect their counterpart will act. This situation where either people have to think in response to the other’s actions is the so-called game that gives the name to the theory”.

This theory has evolved through time by comprising diverse categories like competitive and cooperative theories. To set clear understanding about the theory, the presence of different

types of games, and its complexity, its relation to land dispute settlement. Primarily it is crucial to bring background knowledge about the topic.

Lima (2018:521) discusses how game theory could be applied in the context of mediation. This theory sought how a rationale person makes decision and the process he/she uses to reach, when considering two or more people in any conflict”.

Likewise, in line of this paper interest, game theory used as a lenses to show land disputants why they choose a certain justice system to settle their dispute as a player, what strategy they applied, and what are the payoffs of their strategy would be discussed on the land dispute settlement cases presented under sub-topic 3.2.

It also helps to describe the land disputant's cooperative or competitive approach within social, economic, and political systems. Besides, policy makers in the justice system could learn how the justice system is positively utilized or manipulated by disputants during their settlement procedures.

According to Binmore (2007), when we think about game theory there are infinite elements to consider: players are rational persons; the presence of different types/categories of games; number of rounds played etc. such as cooperative game theory, non-cooperative game theory, zero-sum game theory, Nash equilibrium, extensive form games, and dynamic games.

When we consider a certain land dispute settlement case, we only focus on the given aspects of the game: otherwise the infinite perspective would lead us not meet the objective of this sub-topic which is to draw an insight for the justice system. However, this paper only focuses on the general understandings assumptions or modeling of game theory and this will help to draw a lesson from the mere concept of the theory.

Binmore, (2007:3) highlighted that the ‘possibility of modeling the behavior in game theory only emerges when “people play games rationally’. Furthermore, the concept comprises stakeholders or players, utility, strategy, and payoffs. In line with land dispute settlement, the disputants are stakeholders or players – decision makers in the game; there is a strategy – the disputants plan or decide or take actions; there is payoffs- the final outcome from the process either a court decision or mediation; and also Nash equilibrium this refers a situation where no player (land disputant) can benefit by changing their strategy unilaterally, given the strategies of the other disputant; there might be dominant strategy that provide better payoff for a player regardless of the other disputants choice or action; and the other type zero-sum-game can be understood a situation where one player gain is equivalent to another's loss (Lima, 2018:519-521).

In line to land dispute settlement, the relevance mainly centered on making strategic decision making; analyzing outcomes, negotiating strategies; and predicting judicial behavior. We can discuss the cases presented under the findings of this paper; here with the mentioned elements. The land disputants seem anticipated their counterpart would react either to suit the case to formal court or mediate in customary institutions. Also analyze the procedure and final outcomes considering multiple factors such as litigation costs, duration of the litigation, probability of winning and the previous similar court decisions. Another element disputants consider is their counterpart actions or preferences whether he/she prefer negotiation or

mediation and present a settlement offers. Cases also shows that land disputants employ prediction by relying how the court functions and connecting the nature of the dispute and the cultural backgrounds, values of the disputing parties. Seemingly, if they shared similar values and norms they prefer customary institutions than the formal courts or if their cases help them to win in formal courts they avoid customary institutions.

Overall, it is crucial to analyze the cases from game theory, and identify actors, strategies, payoffs, and equilibrium. Furthermore, simulate what would be the equilibrium if they choice a certain justice venue for certain types of land dispute.

Case one: the players of this case are farmer, two children's, local administrative bureau, and peasant committee. The strategy utilized is to handle the case through third party intervention i.e. peasant committee. The player didn't anticipate the stakeholder's change of strategy. And the payoffs are loss for the plaintiff and win for the defender.

Case two: in this case the players are *gudiffecha* daughter, father, and mediator elders. The strategy used by the player is to settle the dispute through customary institutions mediation. The strategy focuses on the choice of justice venue and pays off the case presenter.

Case three: in this case the players are multiple the plaintiffs, the defendant, the legal counselor at local administration bureau, and mediator elders because the disputants clash emanates from deliberate destruction of crop products. These stakeholders put an estimation of 2,500 birr for the crop product. Nonetheless the actual market price is high they did this in a collaborative action, the court can only see cases below 5000 birr and these individuals put an estimation within that frame, so they collaborated.

Case four: similar to case three the players are multiple plaintiff and defendant, mediators, legal counselor at local administration bureau, because again the estimation for *Tef* product estimation indicates lower price to meet the standard of social court.

Case five: in this case the players are the plaintiff, the defendant. Elders are mediator. Regarding the strategy applied by the plaintiff, at first he prefers formal court system to regain his property. However, the defendant presented his case the property was further developed by him and defended that the property is a gift. At this moment, the plaintiff switches to customary institution for mediation. Similarly, the defendant first argues the property was a gift but agreed to return at customary institution. The payoffs or outcome is – the plaintiff, effectively regained his property. Nonetheless, the defendant, attempt to hold on the property but when the justice institution switched stopped the dispute and mediated. The game has diverse equilibrium depending on the strategies chosen. Hence, the plaintiff has chosen formal court, and switches justice venues and effectively settled the dispute in his favor.

In summary, game theory suggests that during the endeavor of land dispute settlement there are players, strategies, and payoffs. Often, players during land dispute settlement often choose diverse available justice venues as the case highlighted between customary institution and formal courts. Formal courts also consider Alternative Dispute Resolution (ADR) mechanisms through professional mediators. On one side the Ethiopian Federal Supreme Court has issued a "Court-Led Mediation Directive No. 12/2021", which aims to promote court-led mediation across various courts. This directive comprises an elaborated regulation to facilitate mediation

between disputants. On the other side this directive issued mediation to be held by professional who has first degree in Law with five years of experience and 80 hours training in mediation. Furthermore, the cases to be handled are demarcated within civil cases such as labor, commercial, family, succession, contract and extra-contractual, bankruptcy cases. However, a significant concern is the directive's apparently disregarded the existing and embedded customary mediation models just like the 'Tulama Oromo' Customary mediation model. More importantly, it requires the justice system to accept, acknowledge, and inculcate and provide a working space such mediation models.

Therefore, the knowledge and understanding of game theory has a lot of significance for the justice systems specifically for mediator, stakeholders and customary institutions, and local administrations to especially in land disputes settlement. It has benefit to reduce the burden of land related legal suits, to minimize litigation costs, and assist for having speedy trial. Legal experts could do a thorough investigation and inculcate the context into formal legal system.

CONCLUSION

The phenomena of swift city expansion have direct impact for diverse types of land disputes. This study highlighted that five types of disputes such as inheritance, boundary, agricultural land use dispute, commercialization related dispute and squatting disputes are recurring and settled through plural justice systems. The stakeholders within the identified types land disputes are not usually farmers, companies, religious institutions, real estate companies, and local administration sought as disputing parties. These disputants switch justice venues, judges directed disputants for mediation. These frequent transfer, switch and directing of court cases in some cases bear positive land dispute settlement, in other times impacting disputants also observed. Furthermore, the cases suggested that customary institutions are highly preferable among farmers their shared value led them to choose this institution and settle land disputes. The young social group also observed as the main actor in choosing justice venues. Therefore, land dispute and dispute settlement in the outskirt areas of Addis Ababa among farmers managed through multiple justice system. The justice system has to acknowledge the customary institutions and inculcate their role within the legal frameworks and support it with policy.

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