

**ADDIS ABABA UNIVERSITY  
SCHOOL OF GRADUATE STUDIES  
COLLEGE OF SOCIAL SCIENCES  
DEPARTMENT OF SOCIAL ANTHROPOLOGY**

**CUSTOMARY CONFLICT RESOLUTION AMONG THE HARO  
LIMMU OROMO OF NORTHWEST WALLAGA: THE CASE OF  
QAALLUU INSTITUTION**

**BY  
GONFA EBSA**

**JUNE 2014  
ADDIS ABABA**

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**BY: Gonfa Ebsa Hika**

**Advisor: Fekadu Adugna (PhD)**

**A Thesis Submitted to the School of Graduate Studies of Addis Ababa  
University in Partial Fulfillment of the Requirements for the Degree of Master  
of Arts in Social Anthropology**

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**Approved by Board of Examiners**

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## TABLE OF CONTENTS

<b>Content</b>	<b>Page</b>
ACKNOWLEDGEMENT .....	i
List of Maps, Tables, Diagrams and Case Studies.....	vi
List of Pictures .....	vii
ACRONYMS .....	viii
GLOSSARY .....	ix
ABSTRACT.....	xii
<b>CHAPTER ONE</b>	
INTRODUCTION .....	1
1.1 Background of the Study .....	1
1.2 Statement of the Problem.....	2
1.4 Objective of the Study .....	5
1.4.1 General Objective .....	5
1.4.2 Specific Objectives .....	5
1.5 Research Methodology .....	5
1.5.1 Data Sources .....	5
1.5.2 Methods of Primary Data Collection .....	6
1.5.2.1 Interview .....	6
1.5.2.2 Observation.....	7
1.5.2.3 Focus Group Discussion (FGD) .....	8
1.5.2.4 Case Study .....	8
1.6 Methods of Data Analysis.....	9
1.7 Significance of the Study .....	10
1.8 Scope of the Study .....	10
1.9 Limitations of the Study.....	10
1.10 Ethical Consideration.....	11
1.11 Field experience .....	12

1.12 Organization of the Thesis .....	14
<b>CHAPTER TWO</b>	
Review of Related Literature .....	15
2.1 Defining Terms and Concepts: Conflict and Dispute .....	15
2.2 Forms and Methods of Conflict Resolution.....	17
2.2.1 Forms and Approaches of Dealing with Conflict .....	17
2.2.2 Methods of Conflict Resolution.....	20
2.3 A Critical Review of the Theoretical Approaches on Conflicts in Social Anthropology...	22
2.3.1 First Group: Evolutionist and Structuro-Functionalist Perspectives .....	23
2.3.2 Second Group: Defining Conflicts along Socio-Historical Dynamics .....	25
2.4 Customary Justice and Legal Pluralism: An Overview of the Theoretical Debates on Conflict Resolution in Africa.....	26
2.5 Empirical Studies on Customary Institutions of Conflict Resolution in Africa .....	29
2.6 The Role of Indigenous Religious Institutions and Rituals in Conflict Resolution .....	32
<b>CHAPTER THREE</b>	
DESCRIPTION OF THE STUDY AREA AND THE PEOPLE .....	35
3.1 Brief Overview of the Oromo in General .....	35
3.1.1 The Maccaa Oromo.....	36
3.2 Socioeconomic and Demographic Backgrounds of the Haro Limmu Oromo .....	37
3.2.1 Geographical Location, Topography and Climate.....	37
3.2.2 Population .....	39
3.2.3 Economic Activities and Means of Subsistence .....	39
3.2.4 Descent, Kinship Structure and Settlement Patterns.....	40
3.2.5 Marriage Practices and Gender Relation .....	42
3.2.6 Community Based Social and Labor Organization .....	43
3.3 Oromo Indigenous Religion: Oromo Conception of <i>Waaqaa</i> and <i>Ayyaana</i> .....	45
3.3.1 The Concept of <i>Waaqa</i> .....	45
3.3.2 The Concept of <i>Ayyaana</i> .....	45

3.3.3 Decline of the Gada System and Increasing Power of <i>Qaalluu</i> Institution among <i>Maccaa</i> Oromo .....	46
3.3.4 The Nature of <i>Qaalluu</i> Institution among <i>Maccaa</i> Oromo .....	47
3.3.5 Overview of the <i>Qaalluu</i> Institution among the Haro Limmu Oromo .....	48

## CHAPTER FOUR

### TYPES AND CAUSES OF CONFLICT, AND CUSTOMARY INSTITUTIONS OF CONFLICT RESOLUTION AMONG THE HARO LIMMU OROMO .....

4.1 Perceptions and Types of Conflict among the Haro Limmu Oromo .....	50
4.2 Major Causes of Conflict among the Haro Limmu Oromo .....	51
4.2.1 Land-Related Conflicts .....	53
4.2.1.1 ‘Ownership’ Right of Particular Farmland .....	54
4.2.1.2 Grazing Land .....	56
4.2.1.3 <i>Daarii Dhiibuu</i> (Conflict over Farmland Boundary).....	57
4.2.2 Marital Conflicts .....	58
4.2.3 Inheritance Related Conflicts.....	60
4.2.4 <i>Ragaa Sobaa</i> (False Witnesses).....	61
4.2.5 <i>Amanta Hir’isuu</i> (Breach of Agreement/Trust).....	63
4.3 Customary Institutions of Conflict Resolution among the Haro Limmu Oromo .....	65
4.3.1 The <i>Jaarsummaa</i> System.....	68
4.3.1.1 The <i>Jaarsa Araara</i> (Elders of Reconciliation) .....	69
4.3.1.1.1 Selection and the Role of <i>Jaarsa Araara</i> .....	70
4.3.1.1.2 The Process of Dealing with Conflict in <i>Jaarsummaa</i> system .....	71
4.3.1.2 The <i>Jaarsa Waldaa</i> (Church Elders) .....	73
4.3.2 The <i>Qaalluu</i> Institution.....	75
4.3.2.1 The <i>Salgee</i> ( <i>Qaalluu</i> Judges) and Their Role.....	77
4.3.2.1.1 The Recruitment of <i>Salgee</i> Members .....	79
4.3.2.2 The <i>Jaarsa Araara</i> of <i>Qaalluu</i> Institution.....	80
4.4 Relationships among Customary Institutions of Conflict Resolution.....	81

## CHAPTER FIVE

### THE PROCESSES AND MAJOR RITUALS INVOLVED IN THE PROCESSES OF CONFLICT RESOLUTION AT *QAALLUU* INSTITUTION ..... 83

5.1 Mechanisms of Presenting the Cases to *Qaalluu* Institution: Giving and Taking *Qaali*.... 83

5.2 The Processes of Handling Conflicts at *Qaalluu* Institution ..... 86

5.2.1 Interaction among *Salgee*, *Qaalluu* and *Jaarsa Araara* of *qaalluu* institution..... 88

5.3 Rituals Involved in the Processes of Conflict Resolution and Reconciliation ..... 92

5.3.1 The Ritual of *Kakaa* (Swearing an Oath) ..... 93

5.3.2 The Ritual of *Waamata/Abaarsa* (Curse) ..... 96

5.3.3 The Ritual of *Hiiko /Aagii Baafachu*(Forgiveness/ Purification) ..... 100

5.3.4 The Rituals of *Wareega* (Vow)..... 104

5.4 The Interaction between Customary and Formal Institutions of Conflict Resolution ..... 105

5.4.1 The Formal Institutions of Conflict Resolution ..... 105

5.4.2 The Relationship between Customary and Formal Institutions of Conflict Resolution ..... 107

5.4.2.1 The Use of Cultural Materials in Formal Court..... 110

5.4.3 Rationale behind Persistence Use of *Qaalluu* Institution for Conflict Resolution .... 111

5.4.4 Weaknesses of *Qaalluu* Institution ..... 114

5.4.5 Changes and Continuities in the Mechanisms of Conflict Resolution at *Qaalluu* Institution ..... 114

## CHAPTER SIX

SUMMARY AND CONCLUSION ..... 116

References..... 122

Appendix One: Interview Guidelines ..... 131

Appendix Two: Profile of Key Informants..... 135

Appendix Three: some parts from oath taking ritual ..... 136

## List of Maps, Tables, Diagrams and Case Studies

### List of Maps

### Page

Map 1 Geographical Location of the Study Area, Haro Limmu District, Oromia, Ethiopia..... 37

### List of Tables

Table 4.1 Civil and Criminal Cases Taken to the Court in the Last Two Years and Half..... 52

Table 5.1: The *Qaalii* (Summon) that *Qaalluu* Institutions Use to Call the Defendant..... 84

### List of Diagrams

Diagram 3.1: Genealogy of the Maccaa Oromo ..... 36

Diagram 4.1: Relationship among customary institutions of conflict resolution ..... 82

Diagram 5.1: Interaction among Actors of Conflict Resolution at *Qaalluu* Institution ..... 89

Diagram 5.2: Interaction between customary and formal institutions ..... 108

### List of Case Studies

Case 1: marital conflict over sexual incompatibility ..... 59

Case 2: Truth revealed after guilty is released from prison ..... 62

Case 3: Conflict over delayed loan resolved after ritual of curse is performed ..... 63

Case 4: The same plot of farmland sold to the Same Person three times ..... 64

Case 5: The decision made by the *salgee* is modified by the *qaalluu* ..... 90

Case 6: Conflicting parties performed *hiiko* ritual after ostracized from iddir ..... 101

## **List of Pictures**

Picture 1: qaalluu of Bokkuu Gaiben giving orientation for the gatherings regarding the customary and religious law of the society (february 16, 2014).....	137
Picture 2: conflicting parties presenting their case before salgee assembly at Irressa qaalluu institution (march 9, 2014).....	138
Picture 3: oath taking ritual (march 16, 2014).....	138
Picture 4: conflicting parties attending reconciliation proceedings by qaalluu at Gdiben qaalluu institution (February 23, 2014) .....	139
Picture 6: conflicting parties taking an oath after resolution and reconciliation .....	140
Picture 5: jaarsa araaraa of qaalluu institution dealing with case referred to them from qaalluu .....	140

## ACRONYMS

ACCORD	African Centre for the Reconstructive Resolution of Disputes
ANRS	Amhara National Regional State
BGNRS	Benishangul Gumuz National Regional State
CSA	Central Statistical Agency
ERA	Ethiopia Road Authority
FDRE	Federal Democratic Republic Of Ethiopia
FGD	Focus Group Discussion
ITDG-EA	Intermediate Technology Development Group-Eastern Africa:
OECD	Organization for Economic Co-operation and Development
OED	Oxford English Dictionary
OSSREA	Organization for Social Science Research in Eastern and Southern Africa
PA	Peasant Association
USAID	United States Agency for International Development

## GLOSSARY

<i>Aadaa</i>	custom, culture, way of life
<i>Aagii baafaqchu</i>	forgiveness
<i>Aantee</i>	close relatives
<i>Amoole</i>	salt bar
<i>Araara</i>	reconciliation
<i>Ayyaana</i>	spirit
<i>Ayyana qabeessa</i>	lucky
<i>Abbaa Mudaa</i>	father of anointment among the Oromo
<i>Afaan</i>	language/mouth
<i>Arfaasa</i>	autumn, season when rainfall begins usually from March to May
<i>Aseennaa</i>	a type of marriage by which the girl willingly go to boy's house and conclude marriage
<i>Badda daree</i>	middle highland
<i>Baddaa</i>	highland
<i>Balbala</i>	minimal lineage
<i>Birraa</i>	autumn, season when rainfall starts to decrease
<i>Bona</i>	winter, dry season
<i>Biqila</i>	livestock, children
<i>Birqaba</i>	ritual expert
<i>Barreessa</i>	secretary
<i>Caffee</i>	Oromo parliament
<i>Daari</i>	Physical boundary
<i>Daadoo</i>	organized labor for mutual support
<i>daakuu biqilaa</i>	flour of germinated cereal especially barely
<i>Daboo</i>	organized labor cooperation
<i>Dhaala</i>	inheritance/ levirate marriage
<i>Daboo</i>	organized labor cooperation
<i>Daadoo</i>	organized labor for reciprocal labor
<i>Darba</i>	unfair compensation
<i>Dhugaa</i>	truth

<i>Dhuga dubbeessa</i>	honest
<i>Eker</i>	spirit of the dead
<i>Eker-dubbiftu</i>	the person who can communicate with the spirit of the dead
<i>Eeboo</i>	spear
<i>Fira</i>	relatives
<i>Gumaa</i>	revenge/ ritual of purification after homicide
<i>Gadaa</i>	Oromo indigenous socio-political organization
<i>Gammoojjii</i>	lowland
<i>Ganamee</i>	morning communal work
<i>Ganna</i>	summer, rainy season usually from June to August.
<i>Galgalee</i>	afternoon communal work
<i>Galme</i>	files/documents
<i>Hiyyeessa</i>	poor
<i>Hiiko</i>	forgiveness
<i>Iddir</i>	self-help voluntary association
<i>Ilaaf-ilaame</i>	negotiation
<i>Jaarsa</i>	elder(s)
<i>Jaarsa araara</i>	mediators, elders of reconciliation
<i>Jaarsa waldaa</i>	church elders (protestant)
<i>Jaarsummaa</i>	elder's council, setting of conflict resolution through elders.
<i>Kakaa</i>	<i>oath</i>
<i>Koree</i>	committee
<i>Kiisii</i>	fine, compensation paid for doing wrong
<i>Kisaara</i>	compensation paid for being absent from appointment
<i>Siidaa</i>	the sacred place in qaallu compound where rituals take place
<i>Laguu</i>	religious observance
<i>Lafa bajjii</i>	virgin land
<i>Lafa</i>	land, earth
<i>Lafa gammojji</i>	farmland found in lowland area
<i>Lafa badda</i>	farmland in highland and middle highland area
<i>Lafee</i>	skeleton/bone
<i>Maatii</i>	extended family

<i>Maaddii</i>	a dish/ a container with food
<i>Maatii</i>	family or extended family
<i>Naqata</i>	betrothal, marriage arranged by families of couples
<i>Qaalluu</i>	a person on which spirit ( <i>ayyaana</i> ) descends
<i>Qoraan</i>	firewood
<i>qaalii</i>	summons
<i>Seera</i>	law
<i>Seera Waaqa</i>	the law of God
<i>Seera aada</i>	customary law
<i>Salgee</i>	<i>qaalluu</i> judges/ <i>qaalluu</i> court, assemble of nine individuals
<i>Waaqa</i>	the creator, God
<i>Warra</i>	lineage
<i>Waamata</i>	curse
<i>Wareega</i>	solemn promise made to god/spirit, vow
<i>Waaqeffannaa</i>	a belief in <i>Waaqa</i>

## ABSTRACT

*This study deals with the customary institution of conflict resolution among Haro Limmu Oromo of Northwest Wallaga with particular emphasis on the role of qaalluu institution. The functions that Oromo indigenous religious institution service for the society other than religious purpose have rarely been treated in Oromo literature. Thus, this thesis aims to fill this gap by examining the role of qaalluu institution in conflict resolution and its interaction with other customary institutions and the formal institution in the area. To realize the intended objectives, the study employed qualitative approach. Important data for the study were collected from both primary and secondary sources. The primary data were collected using instruments such as semi-structured in-depth interview, observation, focus group discussion and case study. The data collected from both sources were organized thematically and analyzed qualitatively. The findings of the study reveal that economic and socio-cultural factors are the major causes of conflict. Land related conflicts such as conflict over land 'ownership' right, claiming tracts of adjacent farmland, grazing land and inheritance are the main causes of conflict related with economic interests. Other causes of conflict like breach of agreement, false witnesses and marital conflicts which are associated with either socio-cultural or economic factors are also prevalent. The study demonstrates that diverse cases of civil and criminal matters among the Haro Limmu Oromo are resolved at customary institutions according to the long lived customary and religious laws. Qaalluu institutions play a very important role in conflict resolution and reconciliation. In spite of massive conversion of the people to the modern religions, especially Protestantism, qaalluu institution continues to serve as a setting of conflict resolution for the society regardless of their religious and ethnic backgrounds. The regular court hearing sessions of every Saturday and Sunday continue to resolve various cases ranging from simple to complex that come from broad geographical areas. The study also showed that the rationale behind persistence use of qaalluu institution for conflict resolution is deeply rooted in the effectiveness of the institution in dealing with conflicts.*

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Conflict is a common phenomenon and quite frequent in human relation. It is inevitable in any community with different cultural background or within the same ethnic group with the same culture. Conflict can occur between individuals, groups or nations. It can be caused due to the incompatible human need, and the control of scarce resources and the dominance of one on the other (Assefa, 2005:50). Many scholars hold up the importance of conflict. For instance, for Marxists conflict is the precondition for social change (Seymour-Smith, 1986). Here, my concern is not the importance of conflict, rather the way to resolve it. There may be many strategies to deal with conflict such as resolution, settlement, prevention, management and transformation. From these, my point of focus is conflict resolution through customary mechanisms. Though conflict is common and inevitable in every human interaction, it has to be resolved in order to prevent a violent action or distraction and thereby to ensure the peaceful, harmonious and stable co-existence of the society. To this end, apart from the formal government courts, different societies have developed and used different customary mechanisms of resolving conflict based on their social, economic, religious, political and cultural contexts.

In Africa, many customary conflict resolution mechanisms have been developed and employed by the society since ancient time. Research showed that, almost all over Africa, formal government courts have been shaped on an originally western model and, therefore, alien to African societies. Due to this, only small numbers of conflicts are taken to and dealt with by formal government structure (Alula and Getachew, 2008). Hence, the customary conflict resolution mechanisms in Africa have played and still playing a significant role in resolving conflicts of various degree and thereby maintain the peace of the society.

As part of Africa, different ethnic groups in Ethiopia have established and used various customary institutions of conflict resolution mechanisms which are unique to their own culture (See Gebre et al, 2011; Alula and Getachew 2008). Similarly, the Oromo, being the largest ethnic group of Ethiopia, have had a variety of customary institutions of conflict resolution

mechanisms. Many researchers who studied the Oromo's customary institutions of conflict resolution identified that *jaarsummaa* (council of elders), *Gadaa* System (Oromo socio-political organization), *qaalluu* (religious institution), *siinqee* (ritual stick used by women), *gumaa* (ritual of purification after homicide) and *ilaa fi ilaamee* (negotiation) are the well known mechanisms, among many other mechanisms, that the Oromo use to deal with conflict. They further elucidate that the Oromo not only use these mechanisms to deal with the conflict among themselves but also with the people living in their neighborhoods. These customary institutions have been serving for resolving conflicts since long time, and are still continuing to function parallel with the formal structures.

In Oromo society in general and *Maccaa* Oromo in particular there were two categories of customary mechanisms through which conflicts have been resolved. These are: the secular aspect legislated by customary laws and religious laws administered by religious institution, *qaalluu* institution. Morton (1975) and Knutsson (1967) noted that, apart from its religious duties *qaalluu* institutions among *Maccaa* Oromo have been playing a significant role in conflict resolution, political leadership and community organization. Moreover, Lewis (1984:424) stated that the court of *qaalluu* is a place of "conflict resolution, litigation and the hearing of court cases." Therefore, this study is designed to deal with customary conflict resolution among Haro Limmu Oromo of Northwest Wallaga with particular emphasis on *qaalluu* institution.

## **1.2 Statement of the Problem**

At present, the *Maccaa* Oromo of Wallaga is generally perceived as a Christian community, and Christianity has been contrasted to the indigenous cultures and religions. In the last one century, the people have been converted to one of the modern world religions overwhelmingly. Particularly, in the last three decades there has been mass conversion to Protestantism. This, together with other elements of modernity such as education, led to the perception that customary practices and institutions such as the *qaalluu* do not function any more in Wallaga. This thesis, to the contrary, shows a lively function of the *qaalluu* institution by taking the issues of conflict resolution. *Qaalluu* institution services as a setting of conflict resolution for people who practice different religions, both modern and indigenous, in addition to religious service it gives to those who practice indigenous religion. However, as far as my knowledge is concerned, little or no ethnographic studies have been undertaken on the function of *qaalluu* institution in

conflict resolution in the area, and even in Northwest Wallaga. Undeniable, Temesgen (2011) has worked on ‘*qaalluu*’, smith and metal: traditional conflict resolution mechanisms in the medium of metal among the Oromo of northeast Wallaga. However, he did not deeply explain the role the *qaalluu* institution plays as customary conflict resolution mechanism from the perspective of socio-cultural, economic and political life of the society. Rather, he focused on the investigation of the use of metals and other large collection of materials at *qaalluu* institution from archaeological point of view.

Even, those scholars who have researched *qaalluu* institution from historical and anthropological perspective mainly focused on the religious function the institution gives to the Oromo society. For instance, Mohammed (2005) studied the pilgrimage Oromo made to a historical Oromo *qaalluu* institution which resided in *Bale*. He conspicuously presents the religious function of *qaalluu* institution. Knutsson (1967), Lewis (1984) and Morton (1975), on the other hand, studied the *qaalluu* institution and how it functions as an institution among *Maccaa* and *Tuulamaa* Oromo extensively. Nevertheless, though they touch upon the issue of conflict resolution at *qaalluu* institution very briefly, they also concentrated on the study of the *qaalluu* as a religious institution. However, it is also important to study how particular *qaalluu* institution at a particular place also gives the function of resolving conflict to the surrounding society. Therefore, this study attempts to present customary conflict resolution mechanism among Haro Limmu Oromo of Northwest Wallaga with particular emphasis on the role of *qaalluu* institution.

Recently, many studies have been carried out on Oromo customary mechanisms of conflict resolution. Of these studies, the work of Dejene (2002) ‘some aspects of conflict and conflict resolution mechanism among *Waliso Oromo* of eastern *Macca* with particular emphasis on *Guma*’ and *Girma*’s (2008) work ‘customary setting for dispute settlement: *Gadaa*, *Qaalluu* and Elders among Torban-Kutaye Oromo of Ambo Area’ are more important to my study. In their study, both Dejene and *Girma*, in one way or another, touched upon the role of *qaalluu* institution in conflict resolution as one aspects of Oromo customary institution, though their study is conducted in an area where also Oromo *Gadaa* system is functioning side by side with *qaalluu* institution. Within a short sub-title of their chapter both of them, but independently, made a significant contribution to our understanding of the role of *qaalluu* institution in resolving conflict. However, the detailed study of the role that *qaalluu* plays in conflict

resolution, in an area where *Gadaa* system does not exist, needs further study. In addition the point that neither Dejene nor Girma did touch will be addressed in this study. These missing gaps include; firstly, they did not clearly explain the rationale behind persistence use of *qaalluu* institution for conflict resolution and bringing long-lasting peace in the society. Secondly, they did not also show the ritual processes undertaken at *qaalluu* institution in the process of conflict resolution and reconciliation.

In line with this, the study attempts to investigate factors that helped the *qaalluu* institution bring long-lasting resolution of conflict and reconciliation in the society by describing various ritual activities involved in the process of conflict resolution and reconciliation at *qaalluu* institution. The *qaalluu* institution is in constant change in response to internal dynamics and external influences. This thesis also examines both the continuity and change at *qaalluu* institution with special emphasis on its conflict resolution aspect.

### **1.3 Research Questions**

The following questions are addressed in this study

- What are the major types and causes of conflict in among Haro Limmu District?
- What are the major customary institutions of conflict resolution?
- How conflicts are resolved at *qaalluu* institutions?
- What are the major rituals involved in the process of conflict resolution at *qaalluu* institution?
- How the customary and formal institutions of conflict resolution interact?
- What are the rationales behind persistent use of *qaalluu* institution for conflict resolution?

## **1.4 Objective of the Study**

### **1.4.1 General Objective**

The general objective of this study is to discuss, examine, and analyze customary conflict resolution among the Haro Limmu Oromo of Northwest Wallaga with particular emphasis on the *qaalluu* institution.

### **1.4.2 Specific Objectives**

The specific objectives of the study are:

- ❖ To find out the types and causes of conflict and the major indigenous institutions of conflict resolution in the study area.
- ❖ To explore the process and procedure of conflict resolution and reconciliation mechanism at *qaalluu* institution and the major rituals involved in the processes.
- ❖ To examine the interaction between customary and formal institutions of conflict resolution from the perspectives of legal pluralism.
- ❖ To analyze the rationale behind persistent use of *qaalluu* institution for conflict resolution and reconciliation.
- ❖ To examine changes and continuities in *qaalluu* institution concerning conflict resolution mechanism.

## **1.5 Research Methodology**

Researchers identify three different approaches to the social science research: qualitative, quantitative and mixed method. In order to attain the intended objectives of the study, I employed qualitative approach. Qualitative approach is selected because of its very helpful contribution to gather firsthand and rich ethnographic information, and to understand the social, economic, political and religious life of the society.

### **1.5.1 Data Sources**

Important data for this research were collected from both primary and secondary sources. The primary data were obtained from *qaalluu*, *Salgee* (*qaalluu* judges), government officials, conflicting parties, knowledgeable elders and ordinary residents of the area who are familiar with the socio-cultural aspects of the society. Secondary data sources included both published and

unpublished materials such as books, articles, journals, thesis and dissertations. The information gathered from these sources helped me build conceptual and theoretical frameworks of the study as well as review of related empirical literature to substantiate data with first hand information. In addition, documents kept at different government offices and *qaalluu* institutions were consulted.

## **1.5.2 Methods of Primary Data Collection**

In the course of my three months stay in the field important data were gathered by using various types of qualitative data collection techniques which include; interview, observation, focus group discussion and case study.

### **1.5.2.1 Interview**

Interview is the major method of data collection techniques in qualitative research. It is very helpful to elicit firsthand information from informants. Interview leads to more extensive process that enable participants to construct more sophisticated and detailed account of their situation, enabling them to see interactions and activities within which problematic events are played out (Stringer, 2007:83). Therefore, in this research, both informal and in-depth interview were employed.

**Informal Interview-** as Bernand (1994:166) argued, informal or unstructured interview is an important method of data collection technique on the sensitive issue like conflict. Using this type of interview essential information were collected from different categories of the society (old, and young as well as men and women) who are familiar with the culture of the society under consideration. In this context, informal conversation was made with randomly selected informants at different settings such as work place, market center, and church yard. By using this type of interview valuable information regarding people's perception or attitude toward conflict resolution at *qaalluu* institution were gathered. In addition, this method helped me identify or select the resourceful and knowledgeable key informants from the society for in-depth interview.

**In-depth Interview-** In ethnographic research key informant interview is an important method. It helps the researcher gather sufficient information concerning issues under study (ibid). Therefore, in this study, in-depth interview was conducted with key informants. Key informants

were selected for the interview with the help of the society, on the basis of their level of understanding and knowledge about Oromo culture in general and the *qaalluu* institution in particular. Key informants were selected from different category of population and they were diverse in terms of their social status and authority (see appendix two). Generally, key informants were selected from *qaalluu* institution, (*qaalluu*, *salgee* and ritual experts), knowledgeable elders (elders of reconciliation, church elders), government officials (court judges, police and social court of the *kebele*). Accordingly, a total of 25 male key informants whose age ranges from thirty eight to sixty five years were interviewed independently. Females were not selected as key informants due to the reason that they have little or no role in conflict resolution and reconciliation.

The interview with government officials helped me understand the types, causes and magnitude of conflicts in the study area. It also enabled me understand the interaction between the formal and customary institutions of conflict resolution particularly *jaarsummaa* system and *qaalluu* institution. Similarly, the outlooks of government officials towards the role of *qaalluu* institution in conflict resolution were understood.

In this method, semi- structured interview guides were prepared before going to the field (see appendix one). They were set with the intention of guiding the informants, rather than restricting them to answer what were just asked. Thus, through this method valuable information beyond the scope of the specific questionnaires were collected. So, the interview guides were prepared in a manner that it gives higher opportunity for the informants to provide what they have without limiting themselves to specific question.

### **1.5.2.2 Observation**

Observation is an important technique to collect original data. This is because sometimes the information that the informants provide may contradict with that of the real situation. According to Stringer (2007:76), observation in ethnographic research enable an observer to build a picture of life world of the societies being observed and an understanding of the way the ordinary go about their everyday activities. Therefore, the kind of partial participant observations have been made to the three research sites and the natural settings of actual conflict resolution proceedings have been attended repeatedly. This significantly helped me collect valuable information

concerning the types and magnitude of conflict handled at *qaalluu* settings as well as the processes of its resolution and reconciliation. Beside, major rituals of conflict resolution were attended. This method was employed side by side with examining, recording, photographing case studies of conflicts and the ritual practices taking place at *qaalluu* institution. Hence, it enabled me to analyze record and photograph important detailed information that became the base for the description of the actual processes of conflict resolution proceedings. However, I was a passive participant in such conflict resolution proceedings. I did not have a role to play in any way, although my presence might have made some difference.

### **1.5.2.3 Focus Group Discussion (FGD)**

According to Bloor and Fiona (2006:88), focus group discussion is a series of audio recorded group discussion held with differently composed group of individuals and facilitated by the researcher. They also point out that the aim of FGD is to provide data (via the capture of intra-group interaction) on group belief, and group norms in respect to a particular topics or issues. Therefore, focus group discussion was employed in this study as a major technique of data collection. Accordingly, I conducted two focus groups discussion with members of *salgee* and *qaalluu* institution's elders of reconciliation. This is because the responsibility of resolving conflicts at *qaalluu* institution is primarily the role of these two actors. The first focus group discussion was conducted at Guuto Jorga *qaalluu* institution with seven *salgee* participants. The second was held at Bokkuu Gadiben *qaalluu* institution and it comprises eight participants (four *salgee* and four *qaalluu* institution's elders of reconciliation). The participants were selected with the help of *salgee* assembly and *qaalluu* on the basis of their knowledge of the issue under study and willingness to take part in the group. During the entire discussion, my role was limited to facilitating the discussion and posing questions when needed.

### **1.5.2.4 Case Study**

Case study is another method of data collection technique that aims to understand social phenomena within a single or small number of naturally occurring settings. In this research, case studies were conducted to collect, analyze and document the nature of conflict cases resolved at *qaalluu* institution. This method enabled me to collect detailed qualitative data concerning the processes, and practices of ritual activities, and actions and relationships involved in conflict

resolution. Analysis and documentation of these cases also helped me clarify the overall process of conflict resolution mechanism at *qaalluu* institution into the subject matter of the issue under discussion,

In line with this, Bloor and Fiona (2006:7-8) stated that the purpose of case study is to get the detailed understanding of the process involved within a setting. But, this can involve studying a single or multiple cases and numerous level of analysis. Using this method, various cases were collected and recorded during the actual observation of conflict resolution proceedings at *qaalluu* institution. Generally, out of the many cases collected, six cases were documented and analyzed in this research, and placed into categories according to the subject matter of the causes of conflict and its mechanism of resolution.

### **1.6 Methods of Data Analysis**

The method of data analysis is largely determined by the research approach one used and the methods of data collection employed and types of data collected. Therefore, in this study, all the data were collected through the qualitative techniques of data collection methods and thus were analyzed qualitatively. The primary data gathered through various methods and the secondary data were organized thematically and analyzed through triangulation in order to increase the validity and reliability of the findings of the study. Findings gathered through different qualitative techniques of data collection were mixed in the analysis and interpretation section. In this method, I used those data collected by making cross check of the different information that I collected from different people through different tools of data collection.

Bernard (1994:363) argued that qualitative data analysis heavily depends on the presentation of selected anecdotes and comments from informants- quotes that lead the reader to understand quickly what it took the researcher months or years to figure out. Therefore, quotes from the qualitative data and particular cases presented to *qaalluu* institution and get resolved were also included to give an insights to personal experiences and attitudes, and the processes of conflict resolution at *qaalluu* institution. Finally, conclusion was drawn based on the major findings of the study to show the far reaching implication of the undertaken research both in bringing to light fresh perspective on the study of conflict resolution at *qaalluu* institution among Hro Limmu Oromo and stretching the horizon of the existing knowledge on the subject.

## **1.7 Significance of the Study**

The study will be significant from the following points of view. In the first place, it will contribute to the limited literature on the customary conflict resolution mechanism in general and *qaalluu* institution in particular in the study area. Thus, it will help the concerned body who want to carry out further study on the same or other functions of *qaalluu* institution as an input. Moreover, it may serve as important ethnographic account of the role of *qaalluu* institution in conflict resolution and its distinctive approaches of dealing with conflict. Lastly, it will help the formal government structures and law makers understand the contribution of *qaalluu* institution and thereby to recognize and integrate it into the mainstream law.

## **1.8 Scope of the Study**

The study is limited to investigate, describe and analyze the customary conflict resolution among the Haro Limmu Oromo of Northwest Wallaga with particular emphasis on the role of *qaalluu* institution. Haro Limmu district comprises of seventeen *kebele* and there are many *qaalluu* institutions in most of these *kebele*. However, this study was delimited only to three *kebele*, namely *Oda Gudina*, *Sagiyo Gudina* and *Gorba Gudina*. These *kebele* are selected as case studies due to the reason that the three major *qaalluu* institutions in the district are located there. Here, the rationale behind selecting the three *qaalluu* institutions should also be clear. Historically speaking, it is believed that these *qaalluu* institutions were descended from and represent the three different major clans/lineages resided in the district, though they function cooperatively for the well being of the society as a whole. Therefore, they have some slight differences on the processes and mechanisms of conflict resolution.

## **1.9 Limitations of the Study**

The study was conducted in the area where I was born. I am an Oromo and a native speaker of Oromo language. Therefore, I had no problem with regard to language constraints and culture barriers. Nevertheless, it does not mean that I have accomplished my work without any difficulties. Hence, I do not claim my study to be complete and comprehensive.

Conducting such a study obviously demands time and financial resources. I faced problems of time and finance. Time constraint was particularly the major problem because the time given for

fieldwork was only three months, which is too short to collect information for such an anthropological study. Due to shortage of time, I was not able to observe the social relationship in the post conflict resolution and ritual practices. In addition, I have initially desired to compare the three qaalluu institutions and to discuss the slight differences that exist between these *qaalluu* institutions concerning conflict resolution. However, due to time constraints, instead of comparison I focused on dealing with qaalluu as an institution regardless of the slight differences one can find between them.

On the other hand, inaccessibility of transportation within the district, particularly between the three sites of the study was the most serious challenge. But, I have solved this problem by using mule. In the qaalluu compound I was given a guest house that is in fact also used by people who come to attend the ‘court’ hearing on Saturday and Sunday. The strict law of religious observance of *qaalluu* institution, especially of Guuto Jorga *qaalluu* institution was another challenge during data collection. I faced a problem there to enter the compound and undertake interview with qaalluu, who usually stay in the compound. However, I have overcome the challenge by repeatedly returning back to there on other days on which *qaalluu* is allowed to come out of the compound.

Another limitation of the study is that, although *qaalluu* institutions among Haro Limmu Oromo play important role in the resolution of interpersonal conflicts of both intra-ethnic and inter-ethnic types, however, this study did not address the contribution of *qaalluu* institution in inter-ethnic conflict resolution.

### **1.10 Ethical Consideration**

The study was conducted by considering the ethics of the research. Accordingly, in the courses of primary data collection, every informant was informed about the purpose of the study. I interviewed them and arranged FGD as well as conducted observation only based on their informed consent. Besides, I kept the confidentiality of those informants involved in the case studies. The full names of conflicting parties involved in the case studies were revealed. Rather, I used pseudonyms.

### **1.11 Field experience**

In this section, I will give short account of my field experience briefly. My journey to the field started on the third February, 2014 from Addis Ababa bus station to the Nekemte, the capital of East Wallaga zone. On the second day, I went culture and tourism office of the zone. I interviewed Ato Cherinet Wakwaya, the researcher and expert of the office, who provided me a general highlight of Qaalluu institution, nature, function, distribution and classification among macha Oromo in general and Haro Limmu woreda in particular. On the third day, while I was travelling from Nekemt to Haro town, unfortunately I met a brother of a current qaalluu of Irressa qaalluu institution called Lamma Raji, who is serving as chairperson of the same qaalluu courts (sagee). Although he knew me while I was learning at Haro high school, he didn't remember me. Since I know very well I introduced myself to him after greeting him. I had informal discussion with him on the general issues concerning, the session of conflict resolution at qalluu institution, the causes of conflict presented to them and how the salgee deal with different conflict cases and their interaction with other actors. In general, my encounter with Lamma made my data collection from the qaalluu setting simple as he introduced me to the important persons with whom I made in-depth interview.

During my first stay I mainly contacted the staff of the Culture and tourism officials who have been working closely with qaalluu institutions in the district and, knew their norms and values very well. They were very eager in assisting me since they were also interested in the outcome of my research and therefore they proved me different documents concerned with the origin and historical development of qaalluu institution in the area. During my two months stay in the field I resided in Haro Town by renting a small room paying 200 Birr per month. Although my families are also in the district I preferred to live in my own independent room. This is mainly due to the plan that I needed to organize and analyze during the night time the data I was collecting during the day time as electric service was available. In addition, in order to accomplish my task on time, I did not want to kill my time in playing and enjoying recreation with my families. Therefore, I made regular travels to the three research sites from this center. Approaching qaalluu institutions for the first time to collect information was difficult. But I made use of field assistant who knew them and can introduce me to them. On my first day of data collection, I tried to approach Bokku Gadiben qaalluu institution. But, the qaalluu was suspected and asked

me official letter of support from the kebele administration. He even refuses to accept my letter of support from Addis Ababa University and district administration claiming that their very close relation and cooperation concerning my topic of research was with kebele level government officials rather than that of the district. On the second day, I went there with my field assistance who works as development agent of the Sagiro Gudina kebele and letter of support from the manager of the kebele. I approached Guto Jorga qaalluu institution with the help of my mother who know and introduced me to them.

Through these different mechanisms I approached to each qaalluu institution and later on I developed a rapport in the process of working with each other. All of them invited me to participate in the annual ritual ceremonies which take place during the month of February. Hence, I had a chance to observe the prayers, blessing and cursing rituals undertaken by the their respective qaalluu that associated with minimizing the occurrence of conflict, teaching the Oromo customary laws, norms, values, and the laws of waaqa. In addition, I was also invited by qaalluu of Bokkuu Gadiben to observe the annual thank giving ceremonies, irrecha which take place at the top of Gadiben Mountain, the highest and reserved area for ritual purpose in the district. During my fieldwork, I had a chance to converse with many individuals who were kind hearted and supportive of what I was looking for. In addition, it was fascinating to watch critically the processes and proceedings involved in the mechanism of rituals of conflict resolution at qaalluu institution. Furthermore, it gives natural color and intrinsic observation amongst the parties in conflict and actors of conflict resolution uttering blessing, taking the oath of promise and prayers in the course of the deliberation of rituals in conflict resolution and purification rituals to resort to binding peace. I appreciated there the respect and mutual tolerance of the elders, religious functionaries and ritual specialists to one another and the overall course of the ceremonies.

Finally, on the later days of my fieldwork, after I discussed everything with the study participants and making sure that sufficient data was gathered, I conducted interviews district officials in order to triangulate the existing relationships between formal court system and indigenous institutions for resolving conflicts that are still in operational in the study area.

## 1.12 Organization of the Thesis

The thesis is organized into six chapters. The abstract outlines the overall findings and summary of the research so that readers can grasp the core theme of the thesis. The first chapter introduces the readers to the background of the study, statement of the problem and objectives of the study. The chapter also outlines the research methodology and the tools employed to collect primary data, the scope and significance of the study, ethical consideration and limitation of the study as well as my field work experience.

Chapter two is devoted to the review of related literature in the area of the research topic. It discusses the definition of terms and concepts of conflict and dispute, various approaches and methods of conflict resolution, theoretical frameworks, and empirical studies on customary institutions of conflict resolution in Africa as well as the role of religious institutions and rituals in conflict resolution. Chapter three deals with description of the study area and the people. It presents the historical overview of the Oromo in general and the *Maccaa* Oromo in particular with regard to *Gadaa* system and *qaalluu* institution, Oromo conception of *waaqa* and *ayyaana*, the nature of *qaalluu* institution in *Maccaa* Oromo in general and its brief overview in the study area. The chapter also discusses the geographical location, topography, climate, population and economic activities of the Oromo of Haro Limmu district including their socio-cultural organizations such as descent, kinship, settlement patterns, marriage and community based social and labor organizations.

Chapter four assesses the understanding of conflict by the local people and the types and major causes of conflict in the study area as well as the major customary institutions of conflict resolution and the interaction between them. Chapter five is devoted to the process and rituals of conflict resolution at *qaallu* institution. It deals with mechanism of presenting cases, the processes of handling conflicts, interaction among the various structures of conflict resolution and the major rituals involved in the processes of conflict resolution at *qaalluu* institution. This chapter also presents the interaction between the formal structure and customary institutions, rationale behind persistence use of *qaalluu* institution as well as the changes and continuities of *qaalluu* institution in relation to conflict resolution. Finally, the last chapter summarizes and concludes whole discussio

## CHAPTER TWO

### Review of Related Literature

#### 2.1 Defining Terms and Concepts: Conflict and Dispute

Several and often controversial definitions of conflict and dispute exist in literature. Thus, to avoid the possibility of misconception, I opted to highlight on the definition of the concepts of conflict and dispute forwarded by different scholars. According to the Oxford English Dictionary (OED), the term conflict is defined as a 'serious disagreement or argument'. It can involve an incompatibility between opinions or principles. The word can also be used to describe a 'prolonged armed struggle'. The meaning of the term dispute is almost identical. It is defined as an argument or a disagreement. Therefore, to dispute something is considered as to argue about a statement of fact or to 'question the truth or validity of' that statement. Thus, like conflict dispute can also involve competition for something.

From these definitions, it is clear that a dispute or conflict involves a situation in which the opposing parties feel entitled to something, and they are prepared to enter into a contest in order to obtain or 'win' that to which they feel entitled. This contest may involve more than words and even violent actions.

Some scholars describe that the term conflict and dispute are very interrelated. For instance, Kestner and Ray (2002), state that conflict is the heart of most disputes. These researchers have explained how the two terms are interconnected, and how most disputes existed within the broad and violent conflicts (in Yihunbelay, 2009:16). Similarly, Tedwell (1998:47) state that conflicts and disputes are "part of the same continuum with the main differentiating factor being that conflicts tend to be of greater intensity than disputes and are less subject to negotiation."

There are also other researchers who draw the distinction between conflict and dispute. For example, Tillet (1991:54) highlights the difference between conflicts and disputes by drawing attention to the contrasting sources of tension. He argues that disputes occur when there are competing interests or goals whereas conflicts are their origin in basic disparities in human values and needs. For Burton (1996) dispute is a short term disagreement in which disputants can arrive at some sort of resolution and, thus it involves issues that are negotiable. Conflict, in

contrast, is a long term disagreement which involves deeply rooted issues that are seen as non-negotiable. Burton further elaborates on and notes that “dispute does not involve series institutional problem and it can be settled through bargaining and negotiation” (Burton, 1996:35). Therefore, though the term dispute and conflict have nearly the same meaning and used interchangeably in many conflict studies, based on the above mentioned differences between the two terms, this research employ the term conflict.

The concept of conflict is understood differently by different scholars and in different fields of studies. Tsongo (2012:23) argued that, approximately, each academic field of study has its own conceptual and theoretical approaches of understanding conflicts. But, it is obvious that in everyday language the term conflict is usually related with dysfunctional aspects like disorder, hostility, violence, dispute or fight. In short, in the daily language, conflict has no positive intonation. Tsongo further states that though it is universal phenomena of human beings’ lives, there are a lot of controversies and debates on the exact notion of conflict.

Some researchers view conflicts narrowly as violent conflict while others have a wider view of it, encompassing violent and non violent conflict. Bohannan (1967:xi) describes conflict as fundamental element which can be managed and used positively for advanced cultural make up and maintaining or preserving peace. Similarly, conflict is also defined as “a primary source of stimulus for social change, for when it cannot be handled by institutionalized mechanism of dispute settlement, the opposing parties will be forced to create new strategies either to resolve the conflict or avoid the situation which produces it” (Smith, 1968:51).

Swanstram and Weissmann (2005:7) forwarded the definition of conflict based on the traditional perception of the concept. Accordingly, conflict is the product of opposing interests involving scarce resources, goal divergence and disappointment. Moreover, they added the more recent perception of the conflict concept by citing Czempiel (1981), in which he argued that conflict should not be defined simply in terms of violence (behavior) or hostility (attitude), but also include incompatibility or differences in issue position. Such definition is designed to include conflicts outside the traditional military sphere and is based on behavioral dimension. Swanstrom and Weissmann defined conflict as “perceived differences in issues positions between two or more parties at the same moment in time” (2005: 9). They pointed out that conflict is a situation in which two or more parties endeavor to acquire the similar scarce resources at the same time.

Edossa, et al (2007) and Grimble and Wellard (1997) point out that conflicts may be classified based on whether they take place at the micro-micro, micro-mezzo, mezzo-macro or micro-macro levels (among individuals, individuals and groups, groups and communities, and between community groups and government); or within private or civil society organizations (in Walsh, 2011:125). Therefore, for the purpose of this study, conflict is understood as disagreement, opposition and physical violence takes place at micro-level (within the same ethnic group) between two individuals, which arises because of incompatible goals or due to the various social, cultural, and economic factors.

## **2.2 Forms and Methods of Conflict Resolution**

As I have tried to present in the foregoing pages the forms of conflicts are varied. Therefore, the forms and approaches of dealing with conflicts as well as methods of conflict resolution are as diverse as the forms, nature, causes and levels of conflict.

### **2.2.1 Forms and Approaches of Dealing with Conflict**

The forms of approaching and dealing with conflicts could be of very different nature. In conformity with this, Reimann (2005:7) identifies different forms of dealing with conflict. These include: conflict prevention, conflict management, conflict settlement, conflict transformation, and conflict resolution. Many scholars consider and use these concepts interchangeable with conflict resolution. However, though they are very interrelated, these concepts have also difference. Therefore, in the following pages, attempts have been made to highlight on the definition of these concepts as well as the differences and similarities among them so that the concept used for this research will be presented.

To start with, conflict prevention is used to refer to the effort of reducing the happening of conflicts as well as alleviating conflicts. Different scholars consider that the conflict prevention is restricted to the official activities while others think it as it involves other non-official mechanisms. Carment and Schnabel forwarded the more comprehensive definition of conflict prevention. They defined it as “a medium and long-term proactive operational or structural strategy undertaken by a variety of actors, intended to identify and create the enabling conditions for a stable and more predictable social security or environment” (2003:8). Swanstram and Weissmann (2005:21-22) categorized conflict prevention into direct and structural prevention.

Accordingly, direct prevention is aimed at avoiding short-term, often forthcoming, escalation of a possible conflict whereas the structural prevention focuses on more long-term procedures that aimed at dealing with the fundamental causes of conflict. In short, from this definition, we can say that conflict prevention is intended to control the escalation or re-escalation of violent conflict (Jeong, 2000:168).

Conflict management, according to Rabar and Karimi (2004: Vi), focuses on measures aimed at reducing the intensity of violent conflict. For them, the expression also shows pre and post-conflict prevention efforts. Tanner, in similar way, has defined conflict management as the “limitation, mitigation and/or containment of a conflict without necessarily solving it” (Tanner, 2000:52). Swanstrom (2002), on the other hand, argued that conflict management should imply a change, from destructive to constructive, in the mode of interaction (in Swanstrom and Weissmann, 2005: 24). In this case, the effort is made nearly at the beginning of the conflict rather than in the late phase. It is aimed to increase trust between the conflicting parties so as to bring about change in their interaction, from negative to positive. This definition may hold true both in the customary and formal mechanism of conflict management.

Drawing a distinction between conflict management and conflict resolution is, however, helpful as the two concepts are often interchangeable used in the literature. According to Wallenstein (2002), conflict resolution refers to the resolution of the root causes of a conflict and mutual understanding of each party’s existence (in Swanstrom and Weissmann, 2005: 25), while conflict management refers to procedures that limit, mitigate and/or contain a conflict without necessarily solving it. Zartman (2000), however, has explained that both the process of conflict resolution and conflict management work towards bringing a positive effect. He suggests that “they are both ends of the same continuum. One end seeks to control the existing conflict to maintain peace while the other aims at resolving the deeper underlying conflict over time” (Zartman, 2000:40). In general, we can conclude that the two concepts are highly interconnected though they are not the same in some instances. In line with this, Swanstrom and Weissmann (2005:26) write that “Conflict management and conflict resolution are different concepts, but at the same time they are closely interrelated. They are two mechanisms at different sides of a continuum, used to deal with the same conflicts but at different stages of these conflicts”

The concept of conflict settlement covers all strategies that aim at definite end of the direct violence, without necessarily coping with the basic causes of the conflict (Reimann 2005: 8). Here, the violent conflict is seen as a pure result of the existing incompatible interests or as a consequence of a struggle for scarce resources or power. According to Rabar and Karimi (2004:16) conflict settlement largely focuses on the third-party activities to finding out the strategies that facilitate the transformation of zero-sum games and consequently the end of the conflict and achievement of the political agreement. The strategies include both peaceful measures (negotiations, mediation or facilitation) and coercive. Therefore, this definition largely focuses on the peaceful and violent measurements to settle macro level conflicts.

Conflict transformation implies outcome, process and structure oriented long-term peace-building activities, which aim to accurately prevent revealed types of direct, cultural and structural opposition (Reimann, 2005:10). So, its aim is more comprehensive than the above mentioned approaches. For many scholars, conflict transformation not only aims to end violent and change negative relationships between the conflicting parties but also to change the political, social or economic structure that cause such negative relationships. For example, Lederach (1995:29) stresses that “rather than seeing peace as static and end state, conflict transformation views peace as a continuously evolving and developing quality of relationships” whereas conflict resolution is aimed at examining the exact root cause of the conflict and identifying creative solutions that the parties in conflict may have missed to recognize in their interaction.

Similar to the term conflict, discussed above, the concept of conflict resolution is perceived differently by different scholars. Some scholars perceive conflict resolution as particular kind of activity such as mediation, negotiation and arbitration. Others consider it as a process followed while resolving conflicts and focus on joint action to bring about acceptable solution to all parties. Others, still, regard that conflict resolution deals with various mechanisms of transforming conflicts so as to maintain secure and fair and just relation (Tsongo, 2012:5). As such it can therefore be applied to all stages of conflict.

In a more comprehensive way, Ramsbotham et al (2005) state that conflict resolution implies different pathways to deal with, transform and to change the underlying causes of conflict to the extent “where behaviors will no longer be violent, attitudes no longer hostile, and the structure of conflict will be changed” (quoted in Tsongo, 2012:67). However, According to Burton

(1990:89), although Conflict resolution aims to move the violent conflict toward solution that may be acceptable to all conflicting parties, it does not necessarily seek to avoid future problems in social life or to remove the existed hostility.

Conflict resolution refers to all process oriented activities that aim to address the underlying causes of any conflicts. Accordingly, there are various types of processes of conflict resolution and they can be seen on a continuum ranging from mediation, conciliation and third party negotiation which are characterized by collaborative, participatory, informal, non-binding processes to the process of courts and tribunals institution which focus on adversarial, fact oriented, legally binding and imposed decisions (Boulle, 1996:35). Basically, non-adversarial process such as mediation negotiation, arbitration and conciliation are practices which have been associated with conflict resolution or alternative dispute resolution.

Despite the availability of various processes through which conflicts are handled, some scholars argue that conflicts are not often resolved. Schellenberg (1996:122), for example, argues that “neither peaceful nor violent mechanisms of conflict resolution can always totally resolve conflicts.” To him, even though decisions are made and agreements are arrived at, the conflicting parties often complain and feel that it has been unjustly treated. Wallenstein (in Tsong, 202:62), on the other hand, powerfully disagrees that conflicts are solvable. He says “this is not necessarily naive or optimistic position. Rather it is a realistic proposition” (ibid). Most actors in conflicts will find themselves in need of negotiations at one time or another. Even if a conflict results in violent and destruction, there may have been other options and alternative paths for the conflict

### **2.2.2 Methods of Conflict Resolution**

The variety of methods of conflict resolution such as negotiation, mediation, arbitration and conciliation are usually employed in customary institutions. Each method involves a definite practice, procedure and time and not just a one way approach (Best, 2006). Therefore, in the following section various methods of conflict resolution will be elaborated.

Negotiation is a process where two or more parties in conflict open a dialogue, and use offers and counter-offers in an effort to build a mutually acceptable agreement (Horowitz, 2007:56). For ABA (2006), negotiation can also be a process of communication whereby the

representatives of conflicting parties seek to resolve their conflicts, and work to bring a mutual agreement for the parties (in Tsongo, 2012:68).

Mediation is a consensual conflict resolution method in which an independent neutral third party intervenes the situation in order to facilitate negotiation and assist the parties in conflict to resolve their conflict and reach a mutually acceptable agreement (ibid). According to Moore (1986), in the process of mediation the mediator must be accepted by all parties. He/she does not have decision making power about the conflict. Rather the task of a mediator, according to Moore, is creating the conditions for an open dialogue. It also includes; assuring the parties involved in the conflict freedom of speech, clarify issues, identify and manage emotions, and create options, thus making it possible to reach an agreement (in Horowitz, 2007:56). Therefore, some researchers argue for mediation as it helps the parties in conflict to arrive at an agreement. For instance, Fisher and Ury (1981), speak of joint problem solving to reach a win-win solution.

However, different writers criticize the role of mediation in bringing mutually acceptable agreement and, thus categorize mediation into less directive and directive mediation or pure mediation and mediation with power. Accordingly, a less directive mediation, in which the mediator facilitates the flow of dialogue as the traffic lights facilitate the flow of cars, and a more directive one, in which the mediator concerned with the result of the mediation, thus he provides personal opinions and even offers guidance on the content of the agreement (Horowitz, 2007:58). According to Ramsbotham et al. (2005), in pure mediation, the conflicting parties maintain control over the outcome, even though it is sometimes combined with positive and negative incentives in mediation with power (in Tsongo, 2012:69). As Horowitz addresses the win-win resolution of mediation is not always possible as dates, deadlines, scarce resources, different needs, and especially emotional issues that raise feelings such as hate and resentment, prevent reaching an agreement (Horowitz, 2007:54).

Reconciliation is another method of conflict resolution which is close in meaning to pure mediation. In this process, conflicting parties assisted by a neutral conciliator identify the issues, explore options and attempt an agreement. In turn, reconciliation is a longer term process of overcoming hostility and mistrust between conflicting parties (Ramsbotham et al. 2005, in Tsongo, 2012:69). According to Santa-Barbara (2007), reconciliation is the restoration of a state of peace to the relationship, where the parties are at least not harming each other, and can begin

to be trusted not to do so in future. Reconciliation in this case is a situation in which revenge is foregone as an option and conflicting parties come back together to work harmoniously together. Central to reconciliation is forgiveness in which the moral debt is cancelled, anger and resentment are dropped and thus, there will be no revenge (in Webel and Galtung, 2007:174).

Arbitration, according to ABA (2006), is a process for obtaining a ruling of judicial character without going before a court. In this process the arbitrator has decision-making power to resolve a conflict after considering the representations of the parties (in Tsongo, 2012:.69). The elected but unpaid judges decide cases "without written law, resolving conflict by minimizing the sense of injustice and outrage felt by the parties of a case" (Nader 1990:121).

There is a common characteristic that cuts across all negotiation, mediation, arbitration and conciliation. That is, the fact that the decision arrived at is not binding. Thus there is an alternative to these mechanisms which is adjudication. Adjudication involves an authorized third party, judges or administrators, who possess the power to impose a resolution on parties based on legal principles. It is sometimes depicted as the antithesis of negotiation. With this medium of resolution, the decision, award or judgment is binding.

In general, aforementioned conflict resolution methods are not ready-made intervention designs that effectively function in any conflict. Therefore, the necessity and effectiveness of using the combination of various methods with a flexible adjustment to the different context is essential. Actors or practitioners, directed by the will of parties in conflict and the conflict situation, must decide whether it is best to engage in negotiation and/or mediation, to offer arbitration and/or conciliation, etc.(Tsongo, 2012:70)

### **2.3 A Critical Review of the Theoretical Approaches on Conflicts in Social Anthropology**

According to Levine (1961:3) recent theoretical work by anthropologists on the subject of conflict has been influenced primarily by the structural-functional theory of social systems and indirectly by the psychoanalytic theory of personality (including its behaviouristic revision in the frustration-aggression hypothesis). Since the emergence of social anthropology in the second half of the 19<sup>th</sup> century, conflicts constitute a central and highly debated issue. Here is a brief synthetic presentation of the main theoretical approaches:

### 2.3.1 First Group: Evolutionist and Structuro-Functionalist Perspectives

(a) **Social evolutionists** - associate conflicts with the societies found in the 'savage' and 'barbarian' stages. According to the evolutionist perspective, violent conflicts are often related to the lack of social organization that characterizes the 'primitive people'. Along their 'evolution', human societies would develop the complexity of their social structures: thus, by implementing legal devices and judicial institutions, the 'modern' or 'developed' societies would be able to peacefully solve conflicts and strengthen their social cohesion and reproduction.

For example, when attempting to classify types of societies based on the type of internal regulation within them, Spencer categorized societies into militant and industrial. The trait characterizing the militant structure is that its units are coerced into their various combined actions. The cooperation by which the life of the militant society is maintained according to him is *compulsory* cooperation . . . just as in the individual organism the outer organs are completely subject to the chief nervous centre. The industrial type of society, in contrast, is based on voluntary cooperation and individual self-restrain (Spencer, 1885:123).

Later on, Durkheim (1976) adopts Spencer's evolutionary perspective and argues that changes in the nature of 'social solidarity' change the structure of society. He distinguished between mechanical solidarity whereby smaller communities are linked by tradition and personal relationships and organic solidarity where a society exercises a denser form of integration and differentiation and, consequently, individuals must adopt more specialized roles in order to complement each other (Durkheim, 1976:55). Henry Maine, English jurist and social theorist, also focused on the development of legal systems as the key to social evolution. His scheme traces society from systems based on kinship to those based on territoriality, and from status to contract and from civil to criminal law. Maine contrasted with other evolutionists in that he was not a proponent of unilinear evolution (Seymour-Smith 1986:175-176).

(b) **Functionalist approaches**- functionalists define societies as harmonious 'integrated bodies' and conflicts as 'social pathologies'. They believe that each part of society has a function to make sure that society runs smoothly and everything stays in harmony. They look at society on a large scale or macro scale. They want to generalize their ideas to the whole of society.

Functionalism addresses society as a whole in terms of the function of its constituent elements; namely norms, customs, traditions, and institutions (McGee and Warms, 2008:161)

There were two versions of functionalism: Malinowski's biocultural (or psychological) functionalism; and structural-functionalism, the approach advanced by Radcliffe-Brown. Malinowski suggested that culture and cultural practices fulfilled an individual's biological needs which include nutrition, reproduction, bodily comforts, safety, relaxation, movement, and growth and those social institutions exist to meet these needs. There are also culturally derived needs and four basic "instrumental needs" (economics, social control, education, and political organization), that require institutional devices. Each institution has personnel, a charter, a set of norms or rules, activities, material apparatus and a function. Malinowski argued that satisfaction of these needs transformed the cultural instrumental activity into an acquired drive through psychological reinforcement (Voget 1996:573). Malinowski's concept of psychological functionalism is represented by "The Essentials of the Kula," chapter 3 of his groundbreaking ethnography, *Argonauts of the Western Pacific* (1922). In this chapter, Malinowski offers a description of the trade in kula valuables that has become a classic of anthropology.

According to structural functionalists, each of the social institutions such as family, education, religion politics, economics and etc contributes important functions for society. Radcliffe-Brown (1952:124) defined human societies as 'integrated totalities assuming that the basic 'function' of the 'social structures' is to maintain the unity and the social equilibrium of the society as a whole (social holism). He stressed that social phenomena constitute a domain, or order, of reality and that it must be explained in terms of other social phenomena rather than by reference to psychobiological needs, drives and impulses. In his study of the Andaman islanders Radcliffe-Brown argues that structural relations between people in certain positions in kinship systems lead to conflicts of interest. Such conflict could threaten the stability of society. However, this problem is solved through ritualized joking or avoidance between people in such positions. Thus, when conflict threatens stability, society develops social institutions to mediate oppositions and preserve social solidarity (McGee and Warms, 2008:165).

### 2.3.2 Second Group: Defining Conflicts along Socio-Historical Dynamics

(a) **Marxist Conflicting Theories** – Marxist theories stated that conflicting issues related to production constitute the central engine of the history of human societies. According to this theory social life is based upon "conflicts of interest" between the society's two-class system, the Bourgeoisie (those who own and control the means of production in society) and the Proletariat (those who simply sell their labor power in the market place of Capitalism). Unlike the structural functionalists, the concept of social class is more than a descriptive category; social class is used to explain how and why societies change. The theory believed that humans make their own history and considers that conflicting issues related to production constitute the central engine of the history of human societies, historical materialism, revolutions, end of conflicts with abolition of private property (White, 2008:226).

(b) **Interactionist and Dynamic Approaches** - Interactionist perspectives reject the macro-social (holist or functionalist) theories and Rather they promote investigations of the everyday micro-social interactions between individuals called 'actors'. Interactionist is concerned with the social psychological dynamics of individuals interacting in small groups and was largely influenced by the work of early sociologists and philosophers such as Max Weber, Georg Simmel, Erving Goffman, and Howard Becker( Rapport and Overing, 2000:230). They a state that human societies are considered as changing series of individual interactions and social networks, reshaped everyday in diverse social contexts.

Balandier (1920) Dynamic approaches constitute a real revolution in the field of social theories, opposing the biologically centered fixed categories and apprehensions of human societies produced by former classical models. Dynamic approaches are characterized by the emergence of contesting voices rejecting the prejudices of Western Evolutionist and Structuralist perspectives and their political implications in the designing process of the political stakes. They contribute to invite social researchers to focus, in their studies of local political orders, on change, competing political projects, and plural social practices of human institutions and norms. According to dynamic approach human societies are not harmonious stable units, as all are embedded in tensions and conflicts – they carry 'the political stigmas of history. For example Balandier (1920) states that societies are based on instability and tensions, as they are all the products of plural historical layers, competing ideal models and social practices. He also added

that in all human societies, politics carries the stigma of history. In other word, dynamic approaches reject the assumption that non-Western “primitive” societies do not have historical consciousness and remain trapped in a perpetual reproduction of the same mono-historical “traditional” cycle, in opposite to the so-called “civilized” societies, aware of their past and conducting reflexive evaluations and representations on it (explaining conflicts and contradictions in the “modern world”).

To conclude, in this thesis, ‘conflicts’ are not seen as a particular feature of the ‘traditional’ Oromo peoples, living in the mostly rural areas of Northwest Wallaga as I have tried to show in the evolutionist and functionalist approaches. The local conflicts rather reveal the present locations and stakes of social tensions caused by different issues such as land and inheritance related, false witness and marital issue. Through these dynamic/interactionist perspectives, the main focus of this study is conflict resolution in Oromo customary justice devices particular focus on the three qaalluu institutions among Haro Limmu Oromo of Northwest Wallaga.

## **2.4 Customary Justice and Legal Pluralism: An Overview of the Theoretical Debates on Conflict Resolution in Africa**

(a) *Functionalist Approaches*: Many functionalist anthropologists such as Malinowski (1926), Evans Pritchard (1940b) Gluckman (1977) and etc. have studied the role of kinship to resolve conflicts in the so called ‘traditional societies’ as opposed to the ‘civilized’ justice systems of the ‘modern societies. For example, Gluckman (1977:236) characterized simple societies by their multiplex ties where moral dilemmas were more complex and each individual must simultaneously fill a number of varied roles within the society. He observed that within the different spheres of relations, for example: political, kin, and religious, a person in a simple society would have ties to the same people in many of these different spheres where as a person in a more complex society will have fewer overlapping relations among spheres. He suggested that within multiplex societies that ritual functioned best, because it simultaneously marked roles and convinced people that despite their many conflicts, they shared overarching values. According to Kapferer (1988:65), Gluckman saw law and ritual as the main upholders of the social order, because they contain in them the functional, mediating mechanisms that allow harmony to be reinstated after breaches of the social order have occurred.

E. Pritchard (1940b:145-48) also discussed that among the Nuer as individuals are linked in a wide-flung web of kinship ties which unite members of different agnatic groups and local groups have common local interests. He noted that these common and local interests are represented by a category of arbitrators called men of the earth, who may be called on to resolve conflicts through customary mechanisms. They are political as well as ritual functionaries. Evans-Pritchard (1940:94) says, "law operates very weakly outside a very limited radius and nowhere very effectively." But he shows that there is a law that represented in the person of the "man of the earth". This functionary also represents the need for communal peace.

*(b) Dynamic Approaches:* In his study of *Political Systems of Highland Burma* (1954), Edmund Leach indicated the shift to a more Process oriented, more dynamic form of analysis. In the Kachin Hills area of Burma, he found three different political systems: a virtually anarchic traditional system, an unstable and intermediate system, and a small-scale centralized state. According to Leach, there was constant tension and change within and between the various subsystems the political systems (Leach, 1954: ix). Leach's novel approach to theories of social structure and cultural change, the notion of culture as consisting of competing and contradictory ideologies in an unstable political environment most associates him with ideas espoused by Gluckman and colleagues.

Gluckman (1963) realized that the rules by which people are expected to live and function are often contradictory and ambiguous, and conflicts are inevitable in social systems and may actually serve toward the maintenance of these social systems (Kapferer, 1987:88). He described 'social systems' as replete with ambivalence: as fields of tension, cooperation and struggle.

*Every social system is a field of tension, full of ambivalence, of co-operation and contrasting struggle. This is true of relatively stationary -- what I like to call repetitive -- social systems as well as of systems which are changing and developing. In a repetitive system particular conflicts are not by alterations in the order of offices, but by changes in the persons occupying these offices. The passage of time with its growth and change of population produces over long periods realignments, but not radical change of pattern (Gluckman, 1963: 128)*

*(c) Customary Ambivalence and Law as a Process: Contemporary Trends*

In the early 20<sup>th</sup> century there has been a lively debate between anthropologists and colonial historians on the notion of legal pluralism- the existence of more than one legal system in single political unit. The concept is originated as a reaction to an exclusionary state centralism which regarded only state law as a law (Santos, 1995:126). In opposition to a unitary view of the legal order, Malinowski (1926:56) asserted that social norms in non-state societies perform the same regulatory functions as legal norms. He therefore raised uncodified social rules to the status of ‘law’ and advanced the important insight that law does not have absolute privilege in dealing with conflict.

However, Legal anthropology in the colonial context often saw state law and informal law as co-existing but unconnected spheres of authority and adjudication, which employed different procedures embedded in distinct moralities. Discussions of the relationship between state and informal law often portrayed the two systems as static and isolated, thus fueling parallel debates about universalism and cultural relativism in the area of human rights. Nevertheless, recent studies have conceptualized the relationship between state and non-state legalities in increasingly sophisticated ways that each pursuing their own interests, with the result being a ‘complex patchwork of overlapping legal jurisdictions’ (Mann and Roberts, 1991:16).

In her study of the Chagga society of Kilimanjaro Moore (1978, 1986), deconstructed the ambivalent nature of ‘customary justice’ and their plural regimes of historicity along its local and state dynamics in Tanzania. Moore takes us away from a static view of plural legal systems to look at the historical transformations of regulatory practices, and her work oscillates between small-scale events (individual court cases) and large scale social processes such as colonialism, and decolonization. In Moore’s view, customary law is the product of historical competition between local African power holders and central colonial rulers, each trying to maintain and expand their domains of control and regulation. She suggested that we must not over-estimate the power of law to exert its will, as the connection between native courts on Kilimanjaro and the British colonial high court was often ‘nominal rather than operational’ (1986:150). Moore largely focused on the profound transformation of customary law by colonial rule, yet her more interactionist allows room for local strategizing in pursuit

of greater political autonomy. She concludes that ‘local law cases reflect the local history of African peoples rather than the history of the Europeans who ruled them’ (ibid: 125). Similarly, Chirayath et al (2005:8) argue that: “Our aim is (...) not to give definitive description of what a particular system looks like in a given area, but rather to draw out some of the historical dynamics that have lead to the emergence of particular-or multiple-systems. In most cases customary systems have, in fact, been substantially altered and re-shaped by different (political) eras”.

## **2.5 Empirical Studies on Customary Institutions of Conflict Resolution in Africa**

Most African countries have developed and still hold onto various customary laws under which the application of customary institutions of conflict resolution mechanisms is regularly performed. It has been said that, throughout Africa, the customary institutions have since ancient time contributed to the social harmony/togetherness and humanness which can be explained in different terms such as *Ubuntu* in South Africa and *Utu* in East Africa (Muigua, 2010:2). Customary institutions of conflict resolution, as stated by Fred-Mensah, are the “capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship... sustainability, facilitates collective action for achieving mutually beneficial ends” (Fred-Mensah, 2005:1).

For many scholars customary institutions of conflict resolution basically exist within a particular cultural context and are unique to particular societies, and reactive to the justice desires of societies (Mutisi, 2011:2). Oruwari (2006:8) also confirm that, since societies have diverse cultures and historical experiences, the processes of conflict resolution mechanisms that have been developed by various societies eventually are different. He also added that some customary institutions are likely to work efficiently outside their own cultural contexts.

Many empirical studies show that most African countries have their own institutions of conflict resolution which are rooted in their respective culture and custom. According to Busia, et al (2006:3), the Ibo village assembly in eastern Nigeria, the Eritrean village *baito* (assembly), the *gada* (age-set) system of the Oromo in Ethiopia and Kenya, as well as the council of elders (*kiama*) of the Kikuyu in Kenya, the Teso and Lango of Uganda, and the Tonga of Zambia, are among well-known examples where decisions are largely made democratically by customary

institutions. Mutusi (2011:2) listed other African customary institutions such as the *dare* in Zimbabwe, *abunzi* and the *gacaca* courts of Rwanda, and the *bashingantahe* in Burundi, which play remarkable roles in conflict resolution. As Mutusi further explains some of the customary institutions of conflict resolution are fully recognized under the government law. The best examples he mentions are the South Africa's Truth and Reconciliation Commission, the Rwanda's endogenous *gacaca* courts while in other countries they exist extra-judicially.

Customary institutions are known by different terms, such as 'traditional mechanisms' or 'traditional approaches', 'indigenous institutions'. For the purpose of this study, customary institutions are defined as those institutions that have been experienced for long period and have developed within societies, rather than being the product of external importation. In essence, these institutions are implanted in the culture, traditions and history of societies, and are embedded in the socio-political and economic setting of a given society.

Scholars agree that customary institutions employ the use of customary knowledge, norms, values, beliefs and traditions in order to manage or resolve conflict and are thus applicable to the local realities. Due to this, Zartman (1999:5) labels these institutions as 'African conflict medicine' emphasizing that, such institutions are essential to heal African societies who are affected by conflict. These institutions have been used at the grassroots level to resolve conflicts of various cases. These may include; conflicts over land, water, grazing-land rights, fishing, marital problems, inheritance, ownership rights, murder, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts (Rabar and Karimi, 2004:6). Despite their significant contribution, customary institutions faced gradual erosion and mixed with the modern values due to external and internal factors and this inevitably affected their role (Brock-Utne, 2001:4).

In distinguishing customary institutions of conflict resolution and formal procedure, Castro and Ettenger (1996) affirm that customary institutions of conflict resolution are not only about adjudication of who is right or wrong and the punishment of offenders. In addition, they reconcile the conflicting parties to avoid reoccurrence of conflict. In other words, these institutions are aimed at transformation of conflict in which both parties are satisfied and ready to let go their pain and forgive each other (in Bukari, 2013:90). In line with this, Choudree (1999:1) states that the importance and utility of the processes lie in the fact that these institutions strive "to restore a balance, to resolve conflict and eliminate conflict." Similarly,

Boege (2006) explains this as ‘recitative reconciliation’. Thus, according to Boenge, customary institutions of conflict resolution work towards restorative justice and the maintenance of relationships through reintegrating conflicting parties for true reconciliation (in Bukari, 2013:90)

Like other African societies, in various ethnic groups of Ethiopia, there were and still are many customary institutions of conflict resolution (Trist, 2004:49). As Trist noted, people obey customary institutions, leaders and elders rather than modern government system. Although many ethnic groups of Ethiopia have their own distinct indigenous institutions of conflict resolution, council of elders is a common institution in almost all communities in Ethiopia. These elders council are known as *Jaarsummaa* among the Oromo (Mamo 2008), *Shemgilinna* in Amhara (Alula and Getachew (2008), *Shongo* among the Sidama (Ambaye 2008) and *Deria cimma* in Walayta (Mellese 2008) are among the few to mention (in Alula and Getachew, 2008)

Kelemework (2011) who work on the Afar customary law (*mad’aa*) indicates how intra-clan conflicts are resolved at the community level through customary mechanism. According to him, the majority of Afar prefers customary institution of conflict resolution through which negotiation or arbitration is made in reference to Afar norms and values. Furthermore, he discussed the role of other indigenous institution which is solely concerned with the resolution of inter-ethnic conflict between afar and Tigray called *Gereb* institution. Melaku and Wubshet (2008) described the customary conflict resolution institutions of *woffa Legesse* in Amhara focusing on its decision making and enforcement mechanism.

The Gurage people, according to Bahru, have its own customary mode of governance known as the *Yajoka Qicha* of the Sebat Bet Gurage and the *Gordanna Sera* of the Kestane. The two systems appear to play legislative and judiciary role. The representatives who composed of both the Sebat Bet and the Kestane were periodically gathered to concur on the basic rules governing their society and to revise the laws when believed to be essential. *Yajoka* and *Gordana* systems acquired standard procedures for the conduct of assembly (*Shango*) meetings (Bahru 2002:22).

Coming to the Oromo customary institutions of conflict resolution, Alula and Getachew (2008: 28-29) stated that Oromo society is very rich and diverse in culture, history and legal traditions. They identified three major indigenous mechanism of conflict resolution that serve the role of judicial activities in Oromo society.

## **2.6 The Role of Indigenous Religious Institutions and Rituals in Conflict Resolution**

In Africa, according to Coe et al (2013:116), there were defined indigenous religious institutions that had for millennia been helpful resolving conflicts. They further stressed that, any discourse of customary mechanisms of conflict resolution must be based on a consideration that religion play a central role in resolving conflict behaviors and influencing the cooperative social behavior of hundreds of millions of people. In relation to this, Smith (1998) noted that "... Religion did not exist for the saving of souls but for the preservation and welfare of society..." Therefore, religion could help the society to manage conflicts and boost their hope to live together peacefully in the future (in Douglas, 2002:24).

According to Kendie and Guri (2006:43), among Ghana society conflicts which are related with spiritual aspects such as incantations, curses, witchcraft and oath-taking are usually brought before the indigenous religious leaders to be resolved. They discuss that, among the Ghana, when one party invoke a curse by using the name of a deity to harm another person for perceived wrong doing, once the afflicted party realizes through divination that they have been cursed, the accused is requested to reverse or remove that curse by performing the necessary rituals and going through the necessary cultural processes.

In the mechanism of indigenous religious institutions, it is common to invoke an oath during conflict resolution. Either a plaintiff or a defendant may swear an oath to support his/her claim. When that happens, it is expected that the other party, if innocent will also swear an oath against that claim. In that case, the conflicting parties having sworn the oath have to go to the supreme chief to carry out the required rituals and resolve the conflict. However, failure to react to an oath is perceived to be admission of guilt until reversed by the custodian of the oath (ibid: 40).

Rituals play an important role in the customary processes of conflict resolution. They serve to connect people to the past, present and future. The spiritual dimension of conflict resolution mainly concerned with making and re-establishing damaged connection with God, the spirits, ancestors, family and neighbors (Mbiti, 1991:78). According to Victor Turner, ritual involve "a stereotyped sequence of activities involving gestures, words, and objects, performed in a sequestered place and designed to influence supernatural entities or forces . . ." (1973: 1100). In other words, rituals involve a series of events carried out according to customary or prescribed

procedure. Rituals do not just involve any form of stereotyped behavior; they are distinguished by stereotyped cooperation, an important consequence of which or the aim is to promote future non-stereotyped cooperation among participants (Steadman and Palmer, 2008:63). Rituals of reconciliation thus were performed not only to bring about reconciliation, but to also prevent the acceleration of interpersonal or intergroup conflict and remind people the importance of reconciliation and continued cooperation (Coe, et al, 2013:118).

Rituals for Turner (1957) are social drama that resolves crises by dramatizing the advantages of values and social agreements. It is performed in response to the breach of law during times of social conflicts to restore the social order. Through rituals, social values are given sacred authority. According to him, the drama of dispute settlement passes through four phases: (1) the breach of peace, (2) the crises that result from the breach, (3) the practice of resolving the crises and (4) the re-establishment of the unity of the groups (in Dejene, 2002:22).

According to Barihun (2004:65), among the Gumuz ethnic group, reconciliation through ritual of oath called *Shirt'a* is an institution used to resolve claims and counterclaims and bring about reconciliation through simultaneous cursing and blessing, particularly in the case of marriage dispute and potential abuse by husbands. When there is a deadlock in resolving a conflict, as he indicates, the system is used through reference to the supernatural *misa* which is seen as revealing the truth through the oath and prevents the escalation of violence allowing for the parties to be reconciled. Among the Nuer ethnic group of Gambella Region, *Guc* which is a legal right with spiritual base play important role in conflict resolution. Dereje, (2008:138-9) identified three types of *Guc* which are specialized in different aspects of dealing with conflict. These include; *Guc Kuoth*, *Kir* and *Ji Wall*. *Guc Kuotha* are principally considered as peace makers. They mediate homicide cases, perform the sacrifices which compose feud and ensure that compensation is paid. The *kiir* are possessed by a spirit and believed to be able to solve conflicts and the *Ji Wall* are believed to possess a proactive spirit and are solicited by elders to enforce collective decisions in conflict resolution

Indigenous religious and spirit mediums in Amhara also play a significant role in conflict resolution. As Alula (2001) indicates *Abagar* religious leader in south Wollo called *Dem adriq* or blood dryers are often involved in conflict resolution particularly in homicide cases. They are

feared for their curses and are involved in seeking out guilty person through *bele* institutions (in Alula and Getachew, 2008:24)

Like other ethnic groups of Ethiopia, the Oromo have had indigenous religious institution called *qaalluu* to resolve conflicts and interpret the law of *Waaqa* and *ayyaana* in its mechanism. Mohammed (1990:6) defines a *qaalluu* as "high priest who was spiritual leader of Oromo indigenous religion." The same has been stated Lewis (1970, 1990) and Asmarom (1973, 200). According to these scholars, whatever its origin the *qaalluu* institution has been in function since time immemorial, as one of the most important institutions in guarding and interpreting the law of the creator (*Waaqa*). Various scholars state that *qaalluu* is the most senior and knowledgeable person who knows and applies both the Oromo customary laws and religious laws. For example, according to Assefa (2005: 62), *qaalluu* is believed to be all- knowing and one who easily identifies whose claim is true and whose is false. On top of this, there is a belief among the Oromo people that, using its divine power, the *qaalluu* penalizes a party who give false statements. This belief forces the conflict parties to present accurate and true cases concerning the conflict before *qaalluu* institution that helps to provide justice and fair decision.

Though *qaalluu* institution is historically native or unique to Oromo culture (Mohammed, 1990:21), it is serving to resolve conflicts across different ethnic groups of Ethiopia either with the same name or another. The *Wofa* spiritual institution among North Showa of Amhara Region (Malaku and Wubshet, 2008), *qaalluu* among *Ma'o*, *qoollaa* among Shinasha and *Gafla* among the Gumuz of Benishangul Gumuz Region (Tsega, 2002) and are believed to come from transformed *Maccaa* Oromo *qaalluu* institution with spirit mediumship role (Knutsson, 1967), (Morton, 1975) and (Lewis, 1970).

## CHAPTER THREE

### DESCRIPTION OF THE STUDY AREA AND THE PEOPLE

#### 3.1 Brief Overview of the Oromo in General

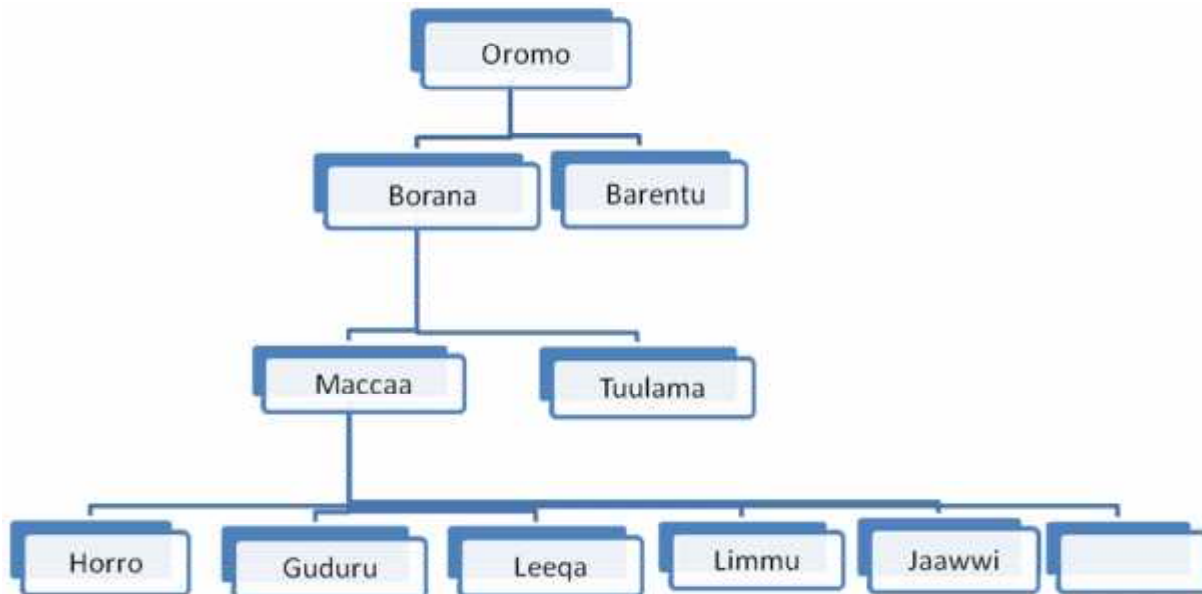
The Oromo are the largest ethnic group in the Horn of Africa (Mohammed, 1990 xi). Gada also states that the Oromo are one of the most numerous nations in Africa which enjoys a homogenous culture and shares a common language, history and descent and once shared common political, religious and legal system called *Gadaa* system (Gada, 1988:1). According to Baxter et al (1996:7), geographically, the Oromo territories, though they are not always contiguous, extend from the high lands of Ethiopia in the north, to the Ogden and Somalia in the east, to the Sudan border in the west and across the Kenyan border to the Tana river in the south. The Oromo nation has a single common language, Afaan Oromo, which belongs to the eastern Cushitic group of Afro Asiatic family. Afaan Oromo is the most extensive of the forty or so Cushitic languages, and is the third most widely spoken language in Africa, next to Arabic and Hausa (Gada, 1988:8-9). Ethnologists and historians claimed that the original homeland of the Oromo was in the fertile valley of *Madda Walabu*, in the present day Bale zone (Haberland 1963, in Gadaa. 988: 7 and Mohammed1990: 4).The Oromo have rich culture. Among others, the Gada system which organizes Oromo society into age groups and rotates leadership in egalitarian democracy every eight years is most remarkable.

During 16<sup>th</sup>c ‘migration’ Oromo consisted of two major confederacies named Borana and Barentummaa. The Borarana migrated to *Walal* from their original home in the highlands of historical Bale, where they must have lived for a long time with the Barentu group (Mohamed, 1990:84-88). Both were divided and sub divided into many braches with a wide network of genealogical ties. Among the Borana division are found Sabo, Gona, Maccaa and Tuulama. The Borana in general, are concentrated in the areas called western Showa, Kafa, Gamogofa, Sidama, Ilubabor, Wallaga and the Gibe region. On the other hand, Barentuma includes Karrayyu , Dhumuga, Murawa, Arsi, Humbana, wallo and Ackichu. They inhabit largely in Harage, Arsi, Bale, Northern and Eastern Showa and Wallo.

### 3.1.1 The Maccaa Oromo

Before they have formed their respective Gada centers, the *Maccaa* and *Tuulama* had one *Gadaa* center located at *Oda Nabe* in *Fatagar*, in present day Duukam and share a common *Caffee* and common laws (Mohammed, 1990). After they were separated from the Tuulama, the *Macca* Oromo formed two confederations: the *Afre* (the confederacy of the four) and the *Sadacha* (the confederation of the three) who began to intensify their expansion in all directions. The *Sadacha* settled to south and southeastern of *Oda Bisil* (in the present day western Showa) and spread over the Gibe region and established the five Oromo Gibe kingdoms in the first half of the nineteenth century. The *afre*, on the other hand, settled to the south and southwest of *Oda Bisil*, in the present day Ilubabora and Wallaga zones of ONRS as well as Wembera and Gojjam zones of ANRS and established the Oromo kingdoms of *Leqa-Naqamte* and *Leqa-Qellem* in the mid-nineteenth century in the Wallaga region. (Alemayehu, et.al, 2004: 209; Tesema, 2006: 18). Alemayehu, et.al (2006) has also indicated that the *Maccaa* Oromo is divided into Guduru, Jawwii, Horro, Limmu, Leeqaa, and other sub-clans. Haro Limmu district, a subject of this study, which was separated from Limmu in 2007, is inhabited by the sub clans of *Maccaa*.

**Diagram 3.1: Genealogy of the Maccaa Oromo**



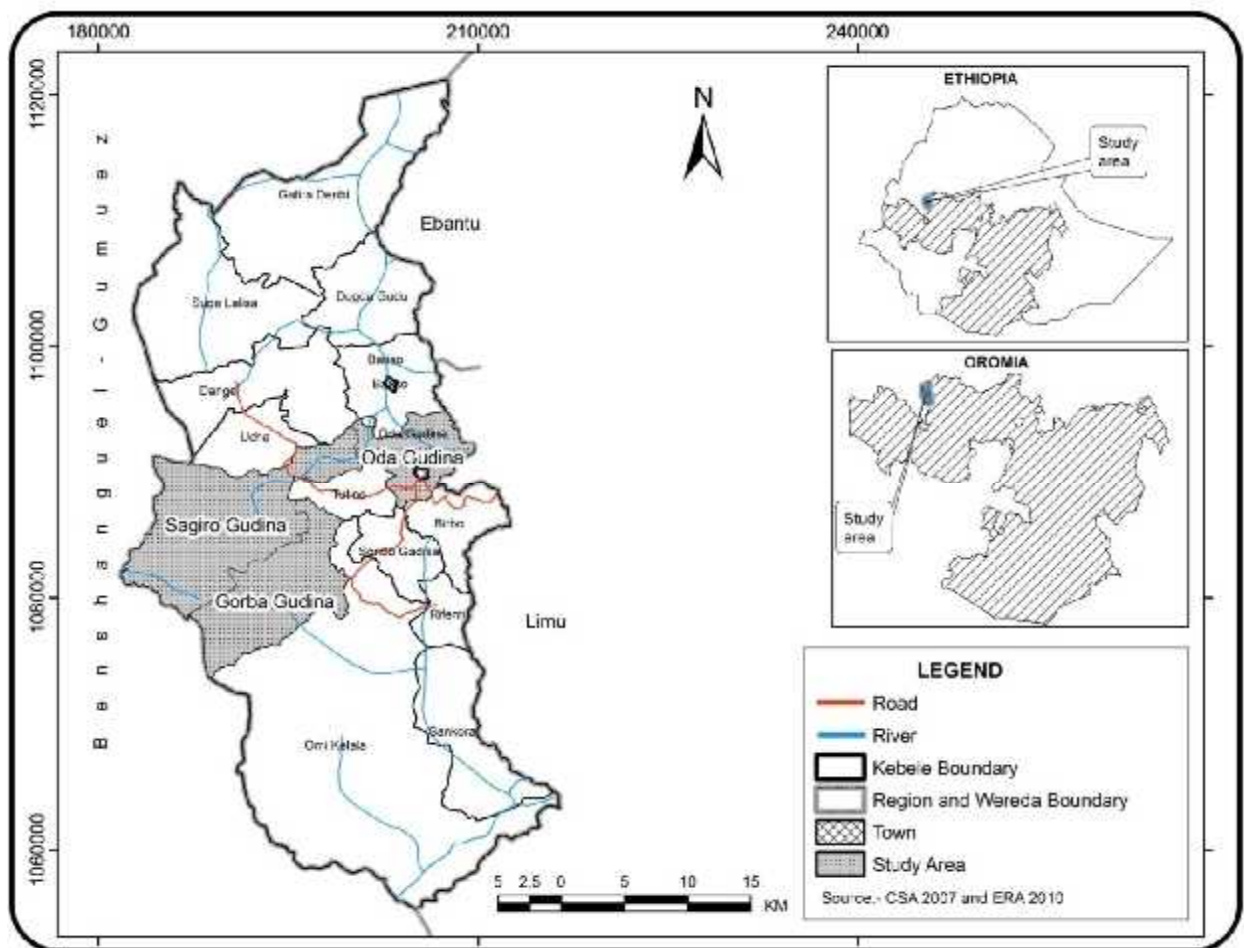
**Source:** adopted from Alemayehu et al (2006)

## 3.2 Socioeconomic and Demographic Backgrounds of the Haro Limmu Oromo

### 3.2.1 Geographical Location, Topography and Climate

The research sites are located in Haro Limmu district of East Wallaga zone. Haro Limmu is one of the 17 districts of the zone. The district is located to the North West of Nekemte, the capital of East Wallaga zone, at a distance of 158 kms. The district has the total area of 123,589.501 hectares. It was separated from Limmu district and established as independent district in 2007. Haro Limmu district shares boundary with Limmu district in the east, Benishangul-Gumuz National Regional State in the West, Sasiga district (Anger River) in the South and Ebantu district in the north (see map 1).

**Map 1 Geographical Location of the Study Area, Haro Limmu District, Oromia, Ethiopia**



Source: 2007 and and ERA 2010

The administrative center of this district is Haro town, which is located at 489 km west of Addis Ababa. According to the current administrative divisions, Haro Limmu district consists of 17 *kebele*. Out of these 15 *kebele* are rural PA and 2 *kebele* are urban administrations. Concerning agro-ecological information, Haro Limmu district is characterized by medium to high altitude dissected with some hill blocks generally covered by well-drained, medium to hearty textured soils with high sub soil activity. Growing periods are adequate for medium to long maturing annual crops and for mainly perennials. The altitude of the district ranges from 1,000 to 2400 meters above sea level.

Like all other districts of Western Oromia, Haro Limmu district gets rainfall from the onshore moisture laden south westerly winds blow in over the region during summer in the northern hemisphere. The total annual rainfall raining over the district usually ranges between 1,300 to 1,600 mm and the main rainy and lower temperature months in the districts are June, July and August. The district experience heavy rainfall during summer and dry conditions during winter. The district experiences average yearly temperature of about 22.5<sup>0</sup>c. Based on the climatic condition of the area, simply the whole district lies under the temperate and warm temperate.

According to the District Agriculture and Rural Development Office, the district has three climatic zones — *baddaa* (highland), *badda-daree* (middle highland) and *gammoojjii* (Lowland), each constituting 7%, 58% and 35% of the total climatic zones respectively. The majorities of the population live in the middle highland and highland, and use the lowland for production of cash crops. The topography of the district is plateau in the middle highland with mid temperature and red soil while that of lowland area is hill land with sandy soil and hot temperature. Highland area, on the other hand, is relatively hilly surface area with black soil and cool temperature. However, the society only recognizes two climatic zones, highland and lowland. Despite the lower percentage of highland, they consider the middle highland as highland. Therefore, hereafter, the term *baddaa* (highland) is used to refer/ to represent both the highland and middle highland. The district has four seasons, namely *Ganna* (summer), *Birra* (autumn), *Bona* (winter) and *Arfassa* (spring). There are two rainy seasons: the main rainy season summer and a shorter rainy season spring where as winter and autumn are dry seasons.

### **3.2.2 Population**

According to the 2007 national census report, a total population of Haro Limmu district is 62,679, of whom 30,350 are men and 32,324 are women. The population of the district mainly comprises of Oromo people while there are very few other ethnic groups like the Amhara coming from the neighbouring Amhara National Regional State to work as daily laborers in peasants' farms. At present, according to the district culture and tourism office, the majority of the inhabitants are followers of protestant religion with 40% while Muslims are second with 25% and 20% follow orthodox Christianity and 15 % practice traditional religions. Apart from orthodox churches and mosques, some of the popular protestant churches that operate in the district include; *meserete-kiristos*, *mekane-yesus*, *kiristos-andinet* and *mulu-wengel*.

### **3.2.3 Economic Activities and Means of Subsistence**

Of the various economic activities, agriculture is the dominant in the district. Almost all population of the district, except some merchants and government officials in Haro and Bariso town, gets their means of life from agriculture. Agriculture is basically based on rain fed. But, there is also some traditional irrigation agriculture along riversides which is called bone. The term bone comes from the word bona (winter). Thus, bone refers to a type of agriculture done in the winter season, when there is no rain. The type of crops grown in bone mainly include; maize, onion, potato, sugarcane, cabbage, redroots. Haro Limmu district is endowed with relatively good agro-climatic conditions and soil types that create a good situation for the community to practice mixed agriculture, crop production and rearing of livestock. Therefore, almost all farmers of the districts are mixed farmers.

Crop production is the major activity usually undertaken each year. The dominant crops produced in the district are cereals, oil and pulse crops. Among the cereal crops cultivated in the area are sorghum, wheat, barley, *teff*, maize, and finger millet while pulses crops include peas, haricot beans, horse beans, field peas and *bolokke*. Oil crops produced in the districts are sesame, niger seeds, flax and cabbage seed. Also commonly grown are fruit trees such as lime, orange, mango, avocado, banana, and papaya, pumpkin, and spices, such as cardamom, long pepper, chilies, and ginger. Varieties of vegetables like cabbage and mustard seed are also cultivated. The relatively higher rainfall in the district encourages cultivation of roots crops, such as

*anchote*, Oromo potatoes, Irish potatoes, sweet potatoes, yam, and taro. The major cash crops cultivated in the district are coffee, niger seeds and sesame.

Livestock rearing also plays a key role in a day-to-day life of farmers in the district. The most widely reared animal in the district include; cattle, sheep, goats, poultry, donkey and equines. They provide meat and milk, manure, skins and hide, transport and furnish regular and easily realizable income. In a similar way to crops, animals are also categorized into three groups based on their primary purposes of use. These are agricultural, reproduction and income generating and transportation animals. The first groups are oxen, calves, and heifers. They are meant for ploughing, threshing, and walk over prepared land to sow seeds. The second groups are cow, sheep, goats, and chickens. Cows are meant for both reproductions of calves and diary product while sheep and goat are used for generating income for family clothing, fertilizer fees and expenses related to sickness whereas chicken and its product eggs are meant for small household expense managed by women. They are also used for consumption purposes. Donkeys, mules, and horses are the third categories of animals, which are used for transportation purposes.

Farmers use oxen for plowing. However, starting from the recent years, donkey is serving for plowing like oxen, especially in lowland areas. People usually rent oxen and donkey for farmers who farms cereal and cash crops in the lowland through agreement that allow them to take a given amount of cash or crops after harvesting. This is known by different names such as *daayillaa*, *dugda* and *qurxii*. Similarly, those farmers who have a land from lowland rent their farmland for those who move to there from highland and they take different crops in return after harvesting. In any case, crop production and animal rearing are inseparable for the livelihoods of the community as crop production relies on animal power for traction, ploughing, threshing, and other related activities.

### **3.2.4 Descent, Kinship Structure and Settlement Patterns**

Kinship system is another form of social organization. According to Asmarom (1973) and Knutson (1967), the Oromo describe their genealogy beginning from the largest kinship system, *gosa*, which is subdivided into moiety, sub-moiety and *qomo* (clan) (in Assefa 2012: 139). These subdivisions have lower-order branches of kinship known as *mana* (lineage), *balbala* (minor lineages), and *warra* (minimal lineage or extended family). Ethnographic research among the

Arsii Oromo also reveals the kinship structure from the family to clan as *mana/warra* (family/extended family), *aradaa* (minor lineage), *balbala* (lineage), and *gosa* (clan) (Hirut 2000: 62-65; Mamo 2006:81-82).

The *maccaa* Oromo of Haro Limmu are also further sub-divided into different clans, sub-clans and lineages. According to key informants the society uses kinship structures terminologies in ascending order as *Mana* (family), *Maatii* (extended family), *warra* (minimal Lineage), *balbala* (lineage) and *qomoo* (clan). The lowest in the kinship relation is the *mana* (family). Sometimes the term *mana* and *maatii* are interchangeably used by the society. However, according to most informants the term *mana* refers to biological parent-children relationship mostly those living in a home where as *maatii* is extended family of one mother and father having their own independent *mana*. These extended families have strong blood ties next to *mana*. The next kinship layer is the *warra* (minimal lineage). It consists of several extended families, which could include maternal and paternal uncles. The members consider each other as *fira aantee* (closest relatives). *Balbala* (lineage) is another wider kinship layer. It consists of several minimal lineages. They consider each other as *fira fago* (distant relatives). The final kinship layer is the *qomoo* (clan) which is the largest kinship structure.

The *maccaa* Oromo of Haro Limmu identify their descent both from father's line and mother's line as *fira* (relative). In relation to this Tesema stated that the obligations of immediate patrilineal kinship are of great importance but they do not dominate all other relationships. Oromo should, and generally do, hold maternal kin and affines in equal regard with their agnates (Tesema, 1996:202).

Hirut (2000: 47) indicates that patrilineality and patrilocality defines the basic patterns of the Oromo Society. Similarly, With regard to the kinship organization, the *Maccaa* Oromo of the Haro Limmu sort out themselves based on their blood relationship, though there is the adoption of non kin through *guddifacha* mechanism. Like any other Oromo groups, they trace their descent through patrilineal line and are patrilocal and patriarchal. The newly married male set up his new family close to his father's homestead. In this case, the settlement patterns of the successive married boys are arranged in such a way that they share their father's land and resources among themselves. The first married boy inhabits closest to his father's home and the others go on in the same manner. However, practically, persons construct their house wherever

land is accessible and social circumstances are suitable regardless of their kinship organization. The affiliates of any lineage are, therefore, distributed over the area. In their everyday life, they depend on neighborhood and voluntary associations rather than their blood relatives, though neighbors could be relatives. In this regard my data confirms Lewis (1967: 165) who states that among the *Maccaa* Oromo descent groups are not localized groups both in principle and in practice. Theoretically, however, different areas in the district are partitioned among different clans and even they are called after the name of the specific clan. For example, *guutoo*, *kubee*, *bariisoo*, are the name of a place and the clan at the same time.

### **3.2.5 Marriage Practices and Gender Relation**

Marriage is one of the most important rituals in the Oromo culture. There are three things Oromo consider most important in life: birth, marriage, and death. These are the events that add to or take away from the family. In line with this, Asmarom (1973:19) states that one gets married for the purpose of raising children and maintaining the continuity of one's line. This is also true in the people of the study area. Bartels (1983:208) in his writing on *Maccaa* Oromo shows that marriage of a woman descended from an ancestor less than the seventh ascending generations on the father's line and five on the mother's line is incest. Bartels explanation is partly true in the case of Haro Limmu Oromo. In that, the society follows the rule of exogamy. However, among Haro Limmu Oromo marriage within the same clan is forbidden and thus counting generation depth for marriage purpose is unthinkable. In-clan marriage is considered as incest which is locally known as *haraamu*. If such an incest marriage takes place, they believe that it brings severe punishments from the creator (*Waaqa*) that a child born to such a union would be unhealthy, lame, blind, moron, and would not grow up. The couple would be infected with leprosy or suffer early death. Haro Limmu Oromo practice different forms of marriage. Among these, *kadhata/naqata*, *hawwii*, *butii*, *aseenna*, *dhaala* and church marriage are the major.

*Kadhata* is the most common, culturally respected and acceptable form of marriage in the area which is mainly arranged by the families of the bride and families of the groom through negotiation. It relatively demand high amount of bride price compared to other form of marriage. *Hawwii* is a marriage by self-selection without prior knowledge of the boy's and girl's parents. If the two agrees, the boy can take her at one time when she is ready to do so. In most cases, the girl takes this form of marriage as a final option when her parents want to engage her to another

boy whom she does not want. Recently it becomes the most frequently practiced form of marriage among Haro Limmu society.

*Butii* is marriage by force where the boy abducts the girl without her consent or out of her consciousness due to various reasons like when a boy falls in love and she is not aware at all and when a girl's parent are unwilling to give their daughter for the boy. It is one of the causes of conflict between kin groups belonging to the man and the girl. However, according to most informants, the frequency of its occurrence is decreased in the area. *Aseennaa* is a form of marriage when a girl enters in to the house of the unmarried boy family without the consent of the groom and his family. She takes this initiative if she goes beyond the standard age of marriage sets for girls, as socially agreed upon. Second, if she is not asked by anybody, either due to problems of beauty or due to her family's social background. *Dhaala* (levirate), which is considered as unconditional marriage, is a type of marriage between a women and a brother of a deceased husband. In this case the widow is inherited by a brother of a deceased husband to secure children to perpetuate the father's line, since the society is patrilineal.

The recently developed form of marriage in the area is church marriage which is arranged by *jaarsa waldaa* (church elders). If a boy or a girl fell in love, he/she may inform the *jaarsa waldaa* to bring them together and mediate the issue. Through this processes the *jaarsa waldaa* arrange the marriage with the consent of the groom and the bride but without the consent of parents of both parties. Thus, the marriage ceremony is also organized by the *jaarsa waldaa* and takes place in the church, usually in the evening to keep the secret in order not to make it known to the parents of couples. This usually creates conflict between *jaarsa waldaa* and parents of the couples and it is severe when the parents are not member of the church, not protestant.

### **3.2.6 Community Based Social and Labor Organization**

Although household labor is the basic unit of production among sedentary mixed agriculturalist families, the cooperative effort in economic and social activities are common among Haro Limmu society, like other Oromo societies. The society cooperatively shares their labor during the activities like ploughing, sowing, weeding, harvesting and house construction. The society in the study area supports each other in different types of labor cooperation which are based on reciprocal services such as *daadoo*, *daboo* and *qorree*.

*Daadoo* is labor cooperation that takes place on equal basis. It is organized among able-bodied male and female (Tesema, 1996: 206). In the study area, most *daadoo* is organized by neighborhoods that show agreeable manner to support each other or work together in rotational basis, to cooperate and make an activity faster. It is the duty of *abbaa daadoo* to feed the group on the day of his/her turn. The work could be harvesting, weeding, ploughing or clearing the forests for a new farm plot. At the initial stage, the members are expected to agree as to whom they provide service first and other subsequent members turn-by-turn. If they fail to agree, it is decided by lottery system. The size and types of activities to be done also determine the size of *daado* but in most cases, the size is less than the *daboo* cooperation. Unlike *daboo*, which involves large number of people and preparation of local drinks, any forms of *daadoo* would not be followed by preparation of local drink, but similar to *daboo*, the participants are expected to come with material and non-material things that are necessary for the activity.

*Daboo* is economic and social means of mutual help in which the head of the household request the labor of several able bodied men and women in the community to work on his/her farm (Tesema, 1996: 205). Tesema also explains that the *daboo* help is given according to the person's agreeable manners, love of friend and generosity and sociability. According to the ethnographic data, the most important intention of *daboo* is to raise agricultural labor power and to prevail over intensive agricultural activities. The major agricultural activities undertaken by the *daboo* are ploughing, harvesting and threshing. In the study area, all ages and sex categories of individuals (except immature children, aged woman and unhealthy individuals), participate in the *daboo*. Unlike *daadoo* and *qorree*, *daboo* work usually takes place for a day and in the evening eating and drinking is arranged by the *abbaa dabo*. Drinking during this time usually results in drunkenness and consequently leads to conflict.

*Qorree* is another form of labor cooperation in which an individual requests the labor of his/her neighbors or friends for support. The term *qorree* comes from *qorra* which literally means cold. So, *qorree* is a type of cooperative labor activity performed for a limited number of hours in a day, usually in the morning and afternoon which is locally known as *ganamee* and *galgalee* respectively. The *ganamee* and the *galgalee qorree* are organized mostly for the participants to spend the remaining hours of the day on their own fields. Unlike *daboo*, *qorree* does not require preparation of special food and drink, but *abbaa qorree* is responsible to feed the participants.

### **3.3 Oromo Indigenous Religion: Oromo Conception of *Waaqaa* and *Ayyaana***

#### **3.3.1 The Concept of *Waaqa***

Conventionally, like other Oromo groups, the *Maccaa* Oromo believe in one Supreme Being known as *Waaqa* (God) within their indigenous African religion, *Waaqeffannaa* (Tesema, 1980:34, Gemetchu, 1993:78). The Oromo believe that *Waaqa* is creator of all things, source of order and justice, omnipotent, omniscient, omnipresent (Daniel, 1984:43; Gada, 1988:35). Daniel observes that the Oromo believe that *Waaqa* put everything in order and if anybody breaks his order, it results in sin, which in turn leads to punishment. He added that the Oromo also believe that *Waaqa* could punish anyone who commits sin, because they consider him as the one who guards the truth. The punishment may be in the form of a bad harvest, disease, famine and other hazardous events. The relationship between *Waaqaa* and the Oromo is not only reflected through the belief system, but also through their social organization (Gemetchu, 1993:80). According to him, there are many saint-like divinities called *ayyaana*, each seen as manifestation of the same *Waaqa* or divine reality

#### **3.3.2 The Concept of *Ayyaana***

The *ayyaana* (spirit) is an intermediary between human beings and *Waaqa*. The *ayyaana* is attached to individual *qaalluu* and speaks through his mouth during possession. Both are inseparable. *Qaalluu* serves as an intermediary between human and the *ayyaana*. According to Gemetchu (1993:75), to the custodians of the long-established wisdom, “*ayyaana* is what causes the thing to come into existence as well as becoming that which it has caused.” However, for Workine (2001:26) *ayyaana* alone cannot cause anything, hurt or kill individuals. But with the help of *Waaqa*, *ayyaana* can be invoked to bring misfortune upon the person unwilling to comply with the custom of the society. He argued that the role of *ayyaana* is only to communicate the problems of humans to *Waaqa*. On the other hand, Lewis reports that the *ayyaana* “can directly affect all aspects of life. They can kill a man or cure him; slay his ox or increase his herd; make him mad or destroy his enemy. They can be vengeful toward the impious or benevolent to the faithful” (Lewis, 1970:174). Thus, the Haro Limmu Oromo attitude toward *ayyaana* is at variant with Workine’s view and agrees with Lewis’ conception of *ayyaana*. People in the study area think that *ayyaana* has active role in their everyday activities. So,

throughout this thesis, I employ the term *ayyaana* to denote such a powerful divine being or spirit.

### **3.3.3 Decline of the Gada System and Increasing Power of *Qaalluu* Institution among *Maccaa Oromo***

In the Oromo socio-political system, there are two powerful organizations: the *Gadaa* system and *qaalluu* institution, which are the secular and ritual respectively. These are what Mohamed terms “the special mark” of the Oromo nation” (Mohamed, 1990:9). *Gadaa* is a system that organized the Oromo society into groups or sets that assume different responsibilities. It guided the religious, social, political, military and economic life of Oromo for many years and also their philosophy, art, history and method of time keeping. It is the law of the society, a system by which Oromo administer, defend their territory, maintain their rights, and guard their economy and through which all their aspirations are fulfilled (Gada, 1988:10-11) Mohamed believed that the *Gadaa* system existed because of its political importance and the rituals stressed in it were part of the politics. He argued that the *qaalluu*'s roles in the *Gadaa* system were to legitimize different Gada officials, bless the community members and play the role of advisors and ritual leader (Mohamed, 1990:11)

According to Bartles, the famous Oromo *Gadaa* system was gradually deprived of its power because of different factors that reduced its political and judicial power to a merely ritual institution among *Maccaa Oromo*. However, as he noted, the system was best preserved among the Borena and to lesser extent, among the Gujji and part of the Arsi (Bartels, 1983:15). Among the factors that had contributed to this decline include various external and internal factors such as; Abyssinian conquest, the influence of the two world religions (Islam and Christianity), trade activities and cash economy, a gradual shift from cattle herding to agriculture and the growth of population (ibid). For example, Atseme (1989) noted, "Menilek outlawed the major *caffee* meetings in the Oromo areas he conquered" and observance of *Gadaa* ceremonies has been prohibited by proclamation (in Knutson, 1967:61).

These and other related factors led to reduction of political power and usefulness of Gada system in the administrative affairs and management and increasing power of *qaalluu* institution to encompass such aspects of life among *Maccaa Oromo*. Bartels also noted, "*Gadaa* ... was

gradually deprived of most of its political and judicial powers and reduced to merely ritual institution" (Bartels, 1983: 23). Therefore, as the *Gada* has progressively declined among *Maccaa* Oromo, the function of the *qaalluu* institution has been broadened in several aspects. Thus, it is not limited to religious function as such (Dejene, 2002:26). Scholars who have conducted research among *Maccaa* Oromo for many years believed that *qaalluu* institution was not true reflection of the historical Oromo religion, rather a reaction to the decline of the Gada system, the rise of political particularization and the growth of Ethiopian Orthodox Church (Lewis, 1984b: 96; Bartels, 1983: 23).

### **3.3.4 The Nature of *Qaalluu* Institution among *Maccaa* Oromo**

It becomes very difficult to understand fully the judicial function of *qaalluu* institution, which is the main purpose of this thesis, without being acquainted with the feature of the institution and its place in the society. Thus, I would like to elucidate different concepts which have direct relevance to this institution and which have certain bearings on the same institution under discussion. It is only after having grasped the ideas under this section that one may appreciate different functions undertaken by *qaalluu* institution and the effectiveness of the institution.

The *qaalluu* institution is the Oromo indigenous religion that serves as the preserver and protector of Oromo culture. According to Mohammed (2005:142) Oromo indigenous religion is centered on a belief in a supreme deity called *Waaqa* (God). *Waaqa* is considered as “pure, intolerant of injustice, crime, sin and falsehood”, the source of everything- the source of all life and knowledge and He can do and undo anything (ibid). It is believed that *Waaqaa* speaks through the *qaalluu* to the people. *Qaalluu* guards and interprets the law of *Waaqaa* and *ayyaana*. *Qaalluu* is also said to be knowledgeable about the customs and laws of the Oromo.

Historically, the Oromo used to have *qaalluu* institution called *Abbaa Muudaa* (father of anointment) at their cradle land in Bale. He used to anoint and bless those who came to him with butter. Even after they were dispersed to the different corners of the Horn of Africa, the Oromo pilgrims called *jiila* used to visit the land of *Abbaa Muudaa*. The Oromo made pilgrimages to the area from as far as Wallaga in the West, Wallo in the North, Hararghe in the East and Kenya in the South. However, following the conquest, Minilik saw that such maneuver could lead to stirring up of pan-Oromo rebellion against him and banned the pilgrimage to the land of *Abbaa*

*Muudaa* in 1900 (Mohamed, 2005:142-154). The Oromo historical *qaalluu* were the hereditary leaders of the kinship system and were responsible for rituals and the election of Gada leaders.

Consequently, different *qaalluu* started to emerge after 1900s as the other Oromo groups were not able to contact the *Abbaa Muudaa* because of the Minilik's ban. The first of such *qaalluu* emerged among the Oromo of *Macca*. It was from *Macca* that *qaalluu* expanded to the Oromo of *Tulama* (Serawit, 2009:24). However, there is difference between the historical and the contemporary *qaalluu* in some respects. As to some sources, for example, spirit possession was not part of the historical Oromo *qaalluu*. Neither is it part of the today's *qaalluu* of Borana Oromo (Knutsson, 1967:64-65; Serawit, 2009:17). A possible explanation for the introduction of spirit possession to *Maccaa qaalluu* should thus be sought in the contact that Oromo cultures and institutions have made with various peoples and cultures in Ethiopia. Thus the *qaalluu* we find today among the Oromo of *Macca* is of recent origin that came into being after 1900s. The same is true to the *qaalluu* in Haro Limmu, which is the subject of this study.

### **3.3.5 Overview of the *Qaalluu* Institution among the Haro Limmu Oromo**

According to the information obtained from the documents of Haro Limmu district culture and tourism office, *qaallu* institution is believed to have existed in the area since 16<sup>th</sup> century and it counts the age of 18 *qaalluu* generations in the area. However, according to key informants it was only before 8 generations that *qaallu* emerged in the area. The first *qaallu* institution introduced to the area was *Waaka Akkee Risaa* (the God of *Akke Risa*) who came from *walal* and settled in particular place called *Irreessa*. These generation include; Akke Risaa, Tuulam Dolu, Morka Fajigo, Abbaa Maallimmo<sup>1</sup> (Turii Diskiis), Dheeressa, Raajii, Tasfaaye. According to the *qaallu of Irreessa*, the age of the first emerged *qaallu* institution is divided into two; the first four generation and the last four generation. The former is considered as *yero dukkana* (the dark age), when there was no spirit possession. The later is *yero mul'ataal/ifaa* (the bright age), a time after spirit possession. Thus, according to this ethnographic account, spirit possessed *qaalluu* emerged only four generations ago. This is approximately the same with the findings of many

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<sup>1</sup> Abba Maallimmo is the first spirit possessed *qaalluu* of Irreessa *qaalluu* institution. The spirits he was possessed by were *balfino* and *ayole*. As a result, it is also believed that the institution is the senior of all other *qaalluu* institutions in the district.

scholars (Knutson, 1967, Lewis, 1983 and others) who argued that the first spirit possessed *qaalluu* emerged in *maccaa* Oromo at the beginning of twentieth century.

Now days, there are many *qaalluu* institutions in Haro Limmu district. Among these, this research focuses on the three major *qaalluu* institutions which are said to be playing significant role in conflict resolution. These include Irreessa, Guuto Jorga and Bokku Gadiben *qaalluu* institutions which are located in Oda Guddina, *Gorba Guddina* and *Sagiyo Guddina kebele* respectively. Historically, the Irreessa *qaalluu* institution is believed to be religious center for seven clans commonly known as *kube torba* (the seven *kube*) which include; *bidaru*, *kambu*, *bora*, *inisayi*, *inango*, *inacino* and *amara*<sup>2</sup> clans. Therefore, the spirits of *irreessa qaalluu* institution, *balfinoo* and *ayole*, is considered as the *ayyaana* of these clans. Guuto Jorga *qaalluu* institution, on the other hand, represents *Guutoo* lineage which consists of 18 minimal lineages. This *qaalluu* possesses many *ayyaana*, but *Uumoo*, *Seeqaa* and *Oofa Sarba Shaarri* are the major and they are commonly considered as *ayyaana* of the *Guuto* clan. Bokku Gaddiben *qaalluu* institution is a recently developed, compared to the other, *qaalluu* and it is considered as the *ayyaana* of another four clans. Practically, however, these institutions are open to anyone and give service to all people who come to them regardless of their genealogical, ethnic and religious backgrounds.

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<sup>2</sup> Amara not refer to Amhara ethnic group, but a specific Oromo clan that practice its religious ritual at Irreessa *qaalluu* institution together with other clans.

## CHAPTER FOUR

### TYPES AND CAUSES OF CONFLICT, AND CUSTOMARY INSTITUTIONS OF CONFLICT RESOLUTION AMONG THE HARO LIMMU OROMO

As noted in the literature part, the understanding of conflict differs from society to society depending on the values, customs, traditions, history and geographical location, economic and political situations. Although conflict is a common phenomena in in every human interactions, its types as well as its causes may vary from one societpy to the other. In some societies, economic factors are the major sources of conflict and in others socio-cultural and political factors are the dominant causes. Regardless of how the society perceives a conflict and whatever the causes of conflict; every society has its own institutions of conflict resolution mechanism which is rooted in the socio-cultural, political and religious life of the society. Hence, this chapter deals with the Haro Limmu Oromo's conceptualization of conflict, the types and major causes of conflict in the area, and major customary institutions of conflict resolution as well as the inter-relationship between these institutions. Quotes from the key informants and documents of the district offices are included to support the data and to give an insight about the types and causes of inter-personal conflicts and their magnitude in the study area.

#### 4.1 Perceptions and Types of Conflict among the Haro Limmu Oromo

The perception of conflict by the local community can be seen from two ways. Some informants perceived conflict as a misunderstanding of and disagreement on issues by parties that directly leads to violence, disturbance of livelihood and destruction of properties. Some other informants described that conflict is a situation where two or more parties perceive that their interests are incompatible and express hostile attitude towards each other. For these two categories, they use two different local terms. For the first category, they say '*walitti bu'insa*'. The phrase is derived from two words '*walitti*' means 'together' '*bu'insa*' means 'clash'. Therefore, the term literally mean that clash with each other which is equivalent to conflict. The second category is represented by the local term '*wal-dhabbii*' which literally means disagreement. Unlike the first category (*walitti bu'insa*) which refers to the actual conflict or fighting that arises between people, the second category (*wal-dhabbii*) represents disagreement or conflict that occurs at the

level of attitude and perception without physical fighting. However, though there is slight difference between the two terms, the society uses them interchangeable to refer to conflict.

The people in the study area perceive conflicts as natural phenomenon in everyday life of human interaction. Hence, they believe that the occurrence of conflicts between or among community members is normal. They use different sayings to show the natural existence of conflicts between people who interact or come into contact with each other. For example, they say '*dhala namaa dhiisiii gomjiin illee walitti bu'a*' literally means 'let alone the human beings the mum's hearth stones clash with each other'. The mum's hearth stones are put close to each other and collide in the processes of performing their function. The analogy is people run here and there to win their daily bread or the challenges of everyday life which is impossible without interaction. They recognize that each individual is different, think differently, and has needs and wants that sometimes do not match but that needs to be fulfilled. This common and inevitable human interaction accompanied by divergent interests and needs leads to the conflict.

The types of conflicts observed among Haro Limmu Oromo include; interpersonal conflict, intra-family, inter-family and intra-ethnic conflict. The Haro Limu district is inhabited by the *maccaa* branch of Oromo. It is more or less an ethnically homogenous district with a common culture, customs, norms and values. Thus, the types of conflict that usually take place in the district are mainly intra-ethnic conflicts in nature. However, conflicts have been reported between the Oromo of Haro Limmu district and the neighboring Gumuz of Yaaso district of Benishalgul Gumuz National Regional State (BGNRS) around their ethnic borders (Daba, 2013). This type of conflict is beyond the scope of this study as the emphasis of this thesis is limited to conflicts within the district. My emphasis is on conflicts that occur between individuals in their daily lives. They are less political.

#### **4.2 Major Causes of Conflict among the Haro Limmu Oromo**

Most of the time, conflicts do not have single reason. Some of the conflicts, due to their nature, are multifaceted. They have different causes. The causes of conflict in the study area can be grouped into two major categories, economic related (resource based) conflicts and socio-

cultural conflicts. However, it is difficult to draw a clear cut distinction between causes of conflict as to which is economic, social and cultural regarding the study area.

According to the information collected from the documents of Haro Limmu district court's annual report of the last two years and half, land related, physical violence, theft, inheritance, marital and breach of agreement are the major conflicts that occurred frequently in the area. The following table shows the causes and the magnitudes of conflicts that are presented before the district court in the last two years and half.

**Table 4.1 Civil and Criminal Cases Taken to the Court in the Last Two Years and Half**

No.	Cause of conflict	Years		
		2011/2012	2012/2013	Mid 2013/2014
1	Land related	201	230	121
3	Marital	50	67	22
4	Physical violence	89	75	28
5	Inheritance related	66	59	32
6	Homicide	2	1	-
7	Attempted homicide	15	10	4
8	Robbery	7	9	2
9	Theft	65	52	26
10	Breach of agreement and trust	49	53	23
11	Rape	3	2	-
12	Breaking rule of law	37	45	16
13	Clearing forest	51	60	17
14	Arson	2	3	1
15	Others	89	92	30
<b>Total</b>		<b>726</b>	<b>758</b>	<b>331</b>

**Source:** Haro Limmu District court's reports of 2012, 2013 and mid 2014.

The above table shows the various causes of conflicts and its prevalence. These could be categorized into civil and criminal cases. According to informants, most civil cases are usually handled at customary institutions and majority of these type of conflict do not present before the court. Therefore, the magnitude of civil cases reported to the court might not show the real occurrences of such types of cases as it will be discussed latter.

According to the information gathered from the district court and the police office, the primary cause of conflict in the study area is in the area of economic interest, especially land related conflicts. The economic causes of conflict include conflict over land 'ownership' right, claiming tracts of adjacent farm land, grazing land, intentional or accidental damage to property and/or livestock, inheritance, theft and marital conflict involving right to property. Other causes of conflict like breach of agreement, false witnesses, committing adultery and raping which are associated with other socio-cultural or economic factors are also prevalent. These types of conflicts are usually taken to customary institutions to be resolved, and therefore considered by the customary institutions as the major causes of conflict.

#### **4.2.1 Land-Related Conflicts**

Land is a very strategic socio-economic asset, particularly in agricultural societies where wealth and survival are determined by control of, and access to, land. In this connection OECD (2003:35) states that "land is a central element in the varied and complex social relations of production and reproduction within which conflict between individuals and groups are bred." As a result, conflict over land often combines strong economical and emotional values.

According to the information obtained from official documents and primary sources, the above statements also holds true in the case of Haro Limmu society. Land related causes of conflict are typically complex in the study area. Some degree of conflict usually characterizes a situation involving competing claims to the ownership or use of the same piece of land. This situation significantly increases the possibility of violent conflict between individuals. Others are linked to farmland boundary, grazing land, livestock and human's road, and the like. The prevalence as well as the complexity of land related conflict in the district varies between *baddaa* (highland) and *gammoojji* (lowland). In the following pages, attempts have been made to highlight how the

most prevalent land related conflicts such as ownership right, grazing land and claims of farmland boundary give rise to interpersonal conflict in the context of Haro Limmu District.

#### **4.2.1.1 ‘Ownership’ Right of Particular Farmland**

Compared to highland, the conflict over ownership right of particular farmland is the most serious problem in lowland area, where land is fertile and relatively unoccupied. The need for acquiring ownership right of new parcel of farmland typically results in increased competition between the people. This can be seen from two different perspectives in the context of Haro Limmu society.

On one hand, those people who occupied considerable amount of farmland in highland during the past regimes, Haile Silasie and Dergue, are involving in active competition to have extra ownership right over another plot of land. This is because of the reason that; first, the productivity as well as the fertility of previously used land is decreased due to repeatedly farming and overgrazing.. This necessitates the farmers to use the required amount of various chemical fertilizers. In the past, of all kinds of crops which are produced in the district, only *teff* and maize needed fertilizers. However, at present, all types of crops produced in the highland area of the district need fertilizers. Without chemical fertilizers households cannot ensure food self-sufficiency, let alone surplus production that can cover the various costs of household expenditure. Second, compared to the older days, the cost of chemical fertilizer has increased at unexpected rate. Therefore, the diminishing fertility of land and the even increasing cost of fertilizer forced the ‘land owners’ to look for virgin lands (*bajjii*) and obtain its ownership right by moving to lowland. This creates a competition over access to ownership right of particular farmland in lowland which inevitably causes a conflict between people.

On the other hand, young generations who did not get the opportunity to obtain a piece of land are struggling to get some. In the study area only the old generation obtained land ownership right during the past regimes. There is no recent or new land distribution in rural Oromia. Even, the recent rural land measurement and approval of land use right by giving identity card (*waraqaa eenyumma abbaa qabiyyee lafaa*) to those occupying land did not help the young generation. As a result, newly married couples and jobless people who returned back from school

and who want to participate in agricultural activities are landless. Therefore, they also compete to obtain some ownership right of particular farmland moving to lowland where land is relatively unoccupied, fertile and productive, and in fact they formally appeal to the concerned body to be allocated land.

According to the information obtained from court officials, about ninety five percent of land related cases presented to the court are related to the access to ownership right of lowland. The same informants relate the reason behind the severity of conflict over access to ownership of farmlands in lowland area with the poor land management system of the district. For example, the court president stated that:

*The district land is not legally registered. The land and environmental conservation office of the district does not have any land use plan that shows which one is government land, communal land, grazing land, free (unoccupied) land, privately<sup>3</sup> owned land and road of livestock's or human's.*

In connection with this, the abuse of power by *kebele* officials in allocation of farmland of lowland is another problem that leads to inter-personal conflict. All categories of people I have interviewed including the court officials raised the seriousness of the issue. While allocating the virgin land, the *kebele* officials give legal right of the same parcel of farmland for different individuals at different times. This creates a conflict between individuals who have the “legal right” signed by *kebele* officials. This type of conflict is evident especially in *kebele* where land measurement is not undertaken yet such as Homi Kalala, Gappo, Nadhii Dammi, Jimmaa Dalota and in the area inhabited by the settlers from Hararge and Northern Showa zone like Sankora and Rifenti *kebele*.

Although it is difficult to know why the *kebele* officials do such legally punitive and socially unacceptable activity, according to one of my informants, who suffered from the same problem two years ago, they do it for two things. First, to minimize the potential control of wide range of farmland by the same person. From their experiences the *kebele* officials knew that once they

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<sup>3</sup> Refers to a farmland over which someone obtained a legal use right.

get a legal right over particular farmland in lowland, people usually do not cultivate it immediately. Instead, they cultivate other unoccupied farmland in the nearby. Their main intention is to ask for additional legal right over the new land they have cultivated, claiming that ‘*kun qarmii adii koti natu bajjii baase*’ (this is the virgin land I have cultivated for the first time). Through this technique, people try to control the legal right of many farmlands. So, to avoid this, the *kebele* officials give the ownership right of the lands that is not under cultivation for other individuals without considering whether its ownership right is previously given to someone or not. In connection with this, Mamo (2005:128) elucidates that lands which were not under actual cultivation of crops tended to be more disputed than those under effective cultivation of crops. He also added that farm fields provide relatively better defined rights to the holders.

Second, to gain personal advantage. Since the demand for farmland in lowland area is high, as everyone wants to have it, government officials are using this opportunity. As the same informant said “there is the silent but widespread transaction of farmland in lowland area between the government officials and the local peoples.”

#### **4.2.1.2 Grazing Land**

Conflict over grazing land is a typical problem in the highland, where land is scarce. Among Haro Limmu society the conflict over grazing land is a recent phenomenon. Until very recently, the society had been enjoying free grazing land. Land not covered by crop has been communally used by anybody for grazing purpose. Even when there is no sufficient grazing land which is considered as *lafa waliini* (communal land) and *lafa mootummaa* (government land) in the district, the society has been using forest land which is not convenient for farming purpose. This type of land is known as *lafa boqqollo* (the maize land) which has been used for maize production through slash and burn: people use it as communal grazing land during its fallow period. Currently, however, with the increasing scarcity of land and introduction of land measurement and approval of land use right, the conflict over grazing land is becoming a complex issue. Land enclosures are also the major cause of conflict in recent years. Enclosures are often built around plots of farmlands under the guise of protecting crops from damages, but practically it is intended to enclose pasture lands. This is due to the reason that most of the people who hold land ownership right certificates are not willing to share their land with others for grazing

purpose. As a result, if some one's livestock graze over their land the conflict arises between the 'owners' of the land and the owners of livestock. As the information obtained from interview and focus group discussion reveal, conflict over grazing land can take different forms.

On one hand, it can occur either when the 'land owners' beat some one's livestock or when they sue the owner of the livestock at the formal court by extremely exaggerating the number of livestock grazed over their land and the destruction they caused. As the informants described, the government's law does not encourage grazing over some one's land. Through this formal grazing right one can seek to take unbalanced compensation which contradicts with the customary practices of grazing right. The custom of the society does not encourage taking compensations for grazing grass. In connection with this, there is the society's saying that '*dhalli nama gatii margaa nyaatee hin margu*', literally mean "the offspring of a man who took compensation for grazing grass does not prosper. As both the grass and the livestock are considered as the gift of God, in the society's custom, taking compensation for grass is considered as unfair compensation. The person who takes this unfair compensation is believed to be destitute throughout his life. If someone leads a destitute life, despite his/her hard work, people ask "did he/she take unfair compensation?" There is a saying '*darbaa nyaatte kan siif hin darbiin hafe?*' literally it mean that "have you received unfair compensation that you remained poor?"

The second form of conflict over grazing land happens in the situation when those who suffer from shortage of grazing land intentionally graze their livestock over someone's land. This usually takes place in secret, in the absence of evidence. The favorable events people use are on the occasion such as market days, wedding days, burial days and the like. The conflict caused through such types of act cannot be taken to the formal institution, as the case has no evidence. Therefore, if the land owner suspects a particular person or a group of individuals, he/she usually take the case to *qaalluu* institution to confirm the suspicion through *kakaa* (oath taking) ritual.

#### **4.2.1.3 Daarii Dhiibuu (Conflict over Farmland Boundary)**

Conflict over farmland boundary is another serious land related cause of conflict between farmers who share common territory. The common means of demarcating boundary of farmland in the area is using mechanisms like putting stones, *gobdee dhaabu* (planting stick), *bo'ii* (simple

canal) and leaving a piece of land on the boundary. However, those instruments are easily removable and/or easily destroyed. This creates conducive opportunity for those farmers who want to expand their own farmland at the expense of their neighbors and this could inevitably leads to conflict.

Conflicts over farmland boundary are rarely resolved through the formal court. Because of the fact that the act of tress passing one's territory is a gradual practice and lack of tangible boundary demarcation, it is difficult to get clear and real evidence. Most of the time, the neighbors of the conflicting parties and *kebele* officials who distributed that land in the past regimes were called for to give their witness. But, it is difficult for them to provide the exact evidence, since it happened many years ago. Therefore, most of the time, farmers would prefer to take this type of conflict to indigenous institution, especially *qaalluu* institution, to get decisions as the case is related with issues of hiding the truth.

#### **4.2.2 Marital Conflicts**

Marital conflict in the study area could be seen from two directions. On one hand, it refers to conflict arises between husband and wife. On the other hand, it refers to conflict which results from the practice of abduction, early marriage, rape and getting unmarried girl pregnant and denying the fatherhood of a born child. Marital conflict in the former category can happens when the need, desires, wants of either of the spouses remains unfulfilled and when the understanding of the partner's capabilities, goals and state of mind are being ignored. Regarding the sources of conflict between spouses, Habtamu (1998) stated that sexual incompatibility, misbehavior of either a husband or a wife, resource like land and animal, and polygamy are usually the common causes of marital conflict in different ethnic groups of Ethiopia.

The above explanation also holds true in the case of Haro Limmu Oromo. During focus group discussion with the members of *salgee* at Guuto Jorga *qaalluu* institution, the participants agree that more than half of marital conflict cases taken to the institution are related with sexual incompatibility. This type of conflict takes place not only between newly married couples but also between those spouses who lived with each other for many years. For example, during my

fieldwork, the following marital conflict case was presented before the *salgee* for resolution and the *salgee* dealt with the issue.

### **Case 1: marital conflict over sexual incompatibility**

*Daba and Toltu are husband and wife who live in Bariso kebele. They married to each other 27 years ago and now they have ten children. Later on, conflict has begun to arise between them when she (the wife) denied to give him (the husband) food and other financial sources. One of the members of their coffee group reported their case to the jaarsa araara for recondition. But, they failed to do so. Because, they didn't find out the root cause of the problem as the wife presented to them simply a lot of petty issues as the source of the conflict, putting aside the sexual life which was actually the fundamental cause. On the next time, the wife presented the case before the district court to be divorced by saying "every time my husband comes home he is too drunk and disturb my family. In addition, he failed to participate in farming, and as a result we are becoming exposed to hunger." After hearing the case, the district court tried to refer the case back to the jaarsa araara. But, the parties failed to accept, as the case is already seen there. Then, the court gave them a grace period of three months to think over and decide on the issue. During this period, the husband, on his turn, presented the case before qaalluu institution saying that "my wife accused me at the court with false statement. So, she has to admit here, if the case is true or compensate me otherwise for the crime she has committed." The salgee deeply investigated the case. They called the wife to them and ordered the husband to stay at a distance for a moment. The salgee asked her to tell them the real cause of their conflict by promising to keep the secret things silent. Admitting the wrong action she has made, the wife told them the issue saying "this place is the place of truth. I cannot conceal it from you, for the God sees all my life. It is obvious that Daba is my husband. We have lived together for twenty five years. However, for the last three years we are not husband and wife, rather, it is fair to say, brother and sister. I have my own bed and he has also his own. I have nothing to say more. So, you have to decide whatever appropriate decision you think." The salgee made a discussion with the husband separately and understood a problem. At the end, the salgee brought them together and told them the decision they have agreed up on, that is, to finish their case through the court decision. Beside, the salgee gave advice to them to pay special attention to the care of children while they share the resources among themselves (Source: case presented at Guto Jorgaa qaalluu Institution, March 09, 2014)*

The above case shows how sexual incompatibility gives rise to conflict between the husband and wife. It also clearly explicates that although it is the underlying cause of their conflict, the parties do not usually present sexual matters/cases before other persons. This could be due to the reason that in the society's culture sexual life is surrounded by some secrets, norms and values. In the above case, the wife presented false allegation and testimony before both *jaarsumma* and court putting aside the real cause of the conflict. But, before *qaalluu* institution she admitted that she accused him on false ground and presented the genuine reason behind the conflict. So, the case implies the possibility of false allegation and testimony before the *jaarsummaa* and the court and

for which *qaalluu* institution is the efficient setting that search for/reveal once truth. Although they the *salgee* disclosed the root cause of the conflict, they did not give the final decision. As it will be discussed in chapter six, *qaalluu* institution is less interested to give verdict on divorce due to the current government's attention to women's right. However the case is still important as it shows how sexual incompatibility causes conflict and how it is treated among the society.

Other cause of marital conflict between husband and wife is related with adultery, which happens when either the husband or wife have a sexual intercourse with another individual. That is, having sexual relation outside the legal marriage. Economic factors and resource administration is still another source of marital conflict. It can occurs either when husbands sell resources such as livestock and land without the consent of the wife or when the wives do the same thing, especially, cereal crops without the consent of the husbands. When such acts take place, conflict could arise between the husband and the wife.

#### **4.2.3 Inheritance Related Conflicts**

Compared to affinal kin inheritance related conflicts in the study area primarily take place between or among consanguinal kin. This is due to the fact that society follows the rule of patrilineal descent. According to key informants, the most complex and prevalent conflicts over inheritance usually happen among family members, especially when father dies without handing over his land to any of the family members. This type of conflict becomes multifarious if the father is polygamous. In this case, conflict may takes place between the widows, the widows and their husband's brother/s, children and their stepmother, or between stepbrothers. According to informants, it is difficult to resolve this type of conflict in the formal court and, usually customary institutions are preferred as they concerned with later relationship of the members.

As most informants indicate conflicts between girls and their families over inheritance of resources, especially land is an emerging issue in the study area. This is mainly due to the contradiction between current government's women inheritance right and the customary women inheritance right practiced in the society since a long time. Culturally, girls did not have the right to inherit land. Because it is believed that; first, girls go away from their families' land through marriage, second, if a girl is given a land, she will bring a man who is out of the family to the

land through marriage. So, the father does not hand over land to his girl. Even if the father wants to include her in the inheritance of his land, her brothers may not agree or allow her to establish her own family and live on that land.

The 1995 constitution of FDRE (Federal Democratic Republic of Ethiopia) article 35, sub-article 7, however, grants women equal rights with men with respect to the use, transfer, administer, and control of land. Because of this constitutional right, girls (women) are becoming more conscious on how to claim land from their families. Therefore, the contradiction between government law and customary practices leads girls and their families to have divergent position and consequently causes conflict. This problem happens not only in the case of land inheritance but also other resources such as livestock and house. Conflicts over resource inheritance can also take place between brothers when the elder and younger brothers are not satisfied with fair distribution of land and other properties handed over to them by their family. It can also arise between children and step-mothers, especially, when the step-mothers are denied the right over the resource they inherited from their husbands.

#### **4.2.4 *Ragaa Sobaa* (False Witnesses)**

Reliance on witnesses can be misleading or challenging. According to Lerche, witnesses may present biased data or distorted information because some witnesses may be guided by self-interest or fear (Lerche, 2000:13). In this case, it appears to be difficult to get true evidence regarding the cause of conflict and the motivating factors and, thus it directly affect the decision. The information collected from key informants and focus group discussants other techniques also confirm this argument.

In the study area, sometimes, conflicts arise between individuals following the decision made by the formal court. In order to give decision on particular case, the court follows a set of rigid and formal principle and procedure. It sees the causes of conflict through the punitive lens created from the existing rigid legal framework. Ultimately, the decision will depend on information gathered from the witness and on other incidental evidences. However, reliance on witnesses and evidence involve the possibility of false accusation and testimony. Because, the witnesses may sometimes fail to present the genuine information due to various reasons. Consequently, the

biased or distorted information that the witness provide leads to unjust/biased decision. This creates conflict between a person who gives his witness and either a plaintiff or a defendant who lacks just as well as between the conflicting parties. During my field work, the following case was presented before qaalluu institution for resolution and get resolved. The documented shows the limitation of the formal court in its reliance on witness and the potential and effectiveness of qaalluu institution in resolving such types of conflict.

### **Case 2: Truth revealed after guilty is released from prison**

*Tullu Gurmessa is a 25 years old young man who lives in Magibo Kebele of Limmu District. In may 2013. he was accused of theft at a formal court in Limmu district. A plaintiff was Jirata whose sheep was stolen. Having heard the case the court collected evidences from eye witnesses and gave the last decision. Accordingly, Tullu was sentenced to six months imprisonment and 5000 birr fine. After he was released from prison in March 2014, Tullu accused three individuals named Dinka, Tadesse and dabala at qaalluu institution for giving false witness. He presented his case to the salgee demanding the three to take an oath supporting/confirming their position as an eye witness. Otherwise, he demanded compensation for the time he spent in prison and for furnishing his name. At the beginning, the defendants defended their position that they saw him slaughtering the sheep. Having heard the case the salgee first decided that the two parties have to swear. The defendants agreed with the decision and they expressed their willingness to take oath if the plaintiff is ready to do the same. Confirming the decision Tullu responded that “this is a golden opportunity for me through which I can prove my innocence.” However, finally the defendants failed to take oath admitting that they didn’t see him committing the crime and they agreed with the decision of the salgee, on compensating<sup>4</sup> the plaintiff. Hence, the guilty became innocent after serving the prison sentence (Source: case presented and get resolved at Guuto Jorgaa qaalluu institution, March 09, 2014).*

From the above case one can infer that false witness that people provide can affect the decision of the formal court which largely relies on evidence to give verdict. It also shows how false witness leads to the punishment of innocent person. In similar ways, due to false witness the guilty person could be free from any punishment. The court does not have any mechanism to check the truthfulness of the witness statements. Rather, it concerns more with whether the case presented by either party is supported by the witness statements and the existing formality of legal framework. In the study area, people whose truth is buried because of false witness usually take their cases before qaalluu institution, where people do not conceal the truth.

The court officials in the district are also conscious that people sometimes give them false evidence. In relation to this, one of my key informants, the president of the district court, states

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<sup>4</sup> The amount of compensation is not addressed in the case since the appointment for deciding on it is postponed.

that the judges in the court, are aware of the existence of false witness which eventually leads to biased decision. According to him, even the court sometimes rely on the logic of arguments instead of witnesses. As the information collected from FGD shows people present false witness before formal court because of either to do favor to their relatives or bribed. This act may escalate the conflict and even expands the nature of conflict from interpersonal to inter-family or inter group. The participants agree that, in the study area, the crucial solution that helps to bring these kinds of persons to justice is the *qaalluu* institution.

#### **4.2.5 Amanta Hir'isuu (Breach of Agreement/Trust)**

In the processes of living with each other people usually make informal agreement on different things. These sorts of agreement included agreement on land rent, land sell and land exchange and agreements on share crops. The main intention of this practice is to help each other in the time of difficulties, as it gives timely solution to the person in difficulty and when it is difficult or impossible to get relief through other means. Culturally, the practice is considered as normal, acceptable and valued. Most of the time people make informal agreement and lend money or materials to be returned on specified date. However, sometimes, individuals may show a delay or may not return what they have borrowed and even breach the agreement. When either parties breach the agreement conflict may arise. This type of conflict cannot be resolved at a formal court as it lacks formal agreement or evidence. The following case shows conflict over breach of agreement made on loan and get resolved at *qaalluu* institution.

#### **Case 3: Conflict over delayed loan resolved after ritual of curse is performed**

*Warku Kenea and Dinsa Lamma are youngsters who live in Timijo kebele of Yaso District, Benishangul Gumuz National Regional State. In November, 2011 Warku took 4000 birr from Dinsa after he made informal agreement with lender that to do business and share the profit between them, and to return the initial amount in five months. However, he failed to share the profit as well as to return the principal. Then, Dinsa sued him at the court in Yaso District in 2012. But, defendant denied taking the money from the plaintiff. Alternatively, Dinsa present the case to jaarsa araara where he admitted the case and signed agreement to return the money, and date was set by jaarsa. But, he still refused to repay. Having tolerated him for one year Dinsa accused Warku at Bokku Gadiben qaallu institution. Warku failed to appear. As a result, Dinsa performed a ritual of curse in September 2013. Fearing the punishment of ayyaana, as soon as he heard that he was cursed, Warku brought the money and gave it to Dinsa at his home. But, Dinsa refused to take it, as he cursed him already. On his turn, warku went to the qaalluu institution where he was cursed, and accused Dinsa demanding him to take the money and forgive him. The two parties presented their case before salgee and warku was fined 1500 birr and returned a total of 5500 birr. Lastly, they performed the ritual of*

*hiiko/forgiveness which is the symbol of actual resolution of conflict and reconciliation (.Source: case resolved at Bokku Gadiben qaalluu institution, February 16, 2014)*

From the above case it is possible to understand that people may breach the agreement they make with each other and the effective institution to resolve such type of conflict in the study area is *qaalluu* institution. This type of conflict cannot be taken to the formal court due to lack of formal agreement that used as evidence. Since *qaalluu* institution does not require evidence or witness statement to deal with conflict and the possibility of speaking truth at *qaalluu* institution is high, as the society fears the punishment by ayyaana, the plaintiff usually take his/her truth at *qaalluu* institution. The plaintiff not only gets his/her truth but also gets compensated.

The other source of conflict on breach of agreement that is prevalent in Haro Limmu district is land sale agreement. According to the constitution of FDRE (Article 40(3)) “the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange”. In addition, Oromia Rural Land Use and Administration proclamation No.130/2007, Article sub article (2b) states that “the product on particular land shall be sold for three (3) years only”.

However, sometimes, the local communities sell their land by transgressing the laws specified above through two ways. First, by making informal agreement of the price and transfer of land use right with each other secretly, without including another individual in the agreement. Second, by signing formal agreement that contain price and term of land use in the name of renting, because both parties are aware that selling and buying land is illegal under state laws. Through these methods the seller transfers the land use right to the buyer for the specified years stated in the agreement. However, as soon as the specified time is completed usually the sellers claim the right to use the land, breaching the agreement. Because, he /she knows that the buyer cannot accuse him/her before formal court. Such conflicts are the common problem in the study area, and the plaintiffs usually take the case to the *qaalluu* institutions.

#### **Case 4: The same plot of farmland sold to the Same Person three times**

*Biru Bikila and Abdana Biftu are the residents of Gida 02 kebele of Gida Ayana District and Kello 01 kebele of Ebantu District respectively. In 2004 Biru sold his farmland found in Kello to Abdana, signing the formal agreement in the name of renting land for three years term. In 2007, as the term of*

*agreement completed, Biru claimed the right to use the land. Abdana begged him and re-bought the land by adding much more money on the previous price, but without any formal agreement. In 2010, they did the same thing but with formal agreement in the name of renting like the first sale. Starting from the first sale up to this year (2010) Abdana was using the land for farming and grazing purpose. But, from this year onwards he built a house on it. Breaching the agreement Biru again asked Abdana to leave the land warning him that he would sue him at the court. Abdana, for the third time, bought the same land in 2014 because he had no other option. As he took the money, Biru accused Abdana at the court claiming the ownership right over the land by presenting their renting agreement paper as evidence. Accordingly, the court gave verdict that Abdana should destroy his house and leave the land. Then Abdana was forced to leave the land and settled in a place called Agamsa Gojji in lowlands of Kello. On his turn, Abdana accused Biru for his breaching the agreement at Bokku Gadiben qaalluu institution. But Biru refused to appear. As a result, Abdana was allowed by the salgee to perform ritual of curse and he performed immediately (source: case presented to Bokku Gadiben qaalluu institution, February 16, 2014)*

The result of the above case is pending. However, it still explains the perpetual problem of the society that could not be resolved in the formal court and for which the *qaalluu* institution is the last resort. The actual resolution of this type of conflict is possible *qaalluu* institution through the intervention of the spirit. As it will be discussed in the next chapter, once the case is appealed to it through cursing ritual, the spirit punishes the offender on the behalf of the wronged. Therefore, the conflict is resolved with restoration of truth when the defendant comes to *qaalluu* institution and asks forgiveness by confessing the wrong he/she did. It can take long or short time. But, usually, as they heard that they were cursed by someone, people immediately come to *qaalluu* and ask for resolution and reconciliation.

#### **4.3 Customary Institutions of Conflict Resolution among the Haro Limmu Oromo**

There are two different forms of administration of justice among the Haro Limmu: the customary institution and the formal court. My ethnographic data demonstrates that though referring to formal court to resolve conflict is open to all people, most cases of inter-personal conflict are resolved outside the formal court. In relation to this, Cotula points out, “given the often limited accessibility of courts, customary and other local institutions continue to play a key role in conflict resolution throughout sub-Saharan Africa” (2004: 16). The society in the study area generally tend to channel conflicts to customary institutions where conflicts are handled in a less rigid manner, compared to the formal court where adjudication is based on largely standardized and formal legal frameworks. On top of that, as it is revealed in the case above, some issues such as land based litigations that involves land sale are not legally convenient to take to formal court.

In the study area, there are many mechanisms through which conflict can be resolved. Peoples' decision about selection of the appropriate mechanism to be used is largely depends on their preference and the nature and types of conflict. This practice is what legal scholars call forum shopping, which is a key part of any litigation strategy. According to Sotomayor (2009:2), forum shopping is an act of strategically choosing among different and overlapping institutions to litigate a claim. The societies' preference to a given institution to get verdict depends on two things: plaintiff's preference concerning the outcome of the conflict and his/her expectation concerning the future value of the precedent. Noyes (1998:110) also defined Forum shopping as a plaintiff's attempt "to have his action tried in a particular court or jurisdiction where he feels he will receive the most favorable judgment or verdict." Generally, the forum shopping theory deals with choice making among the society to present their cases to different conflict resolution institutions. Among the Haro Limmu Oromo, is the previous cases showed the society choose among many institutions of conflict resolution that best fits its case.

A minor case which is believed to be unimportant for others to take part in and for parties in conflict to request others for intervention is resolved through negotiation (*ilaaf-ilaamee*). This mechanism is usually used when the parties in conflict voluntarily agree to solve their problem by themselves and want to keep the issue at hand secret from third party for whatsoever reason. At the same time, if conflict is between the people who have strong relationship, either through blood ties or friendship, and their affiliation seems important to maintain, negotiation is the most effective mechanism. If the two parties failed to resolve their case by themselves, close relatives or neighbors mediate the problem and help the parties in the process of negotiation to bring peace and reconciliation. But, they could not take any decision rather than coordinating the ideas raised by both parties and bringing the constructive idea acceptable by both parties. Most simple conflict cases such as disagreement between neighbors and family members, insult, accidental or spontaneous quarrels are resolved at kinsmen and neighborhood level. If the case is more complex and beyond the capacity of kinsmen and neighbors, it can be referred to either the major customary institutions or the formal court.

Allula and Getachew (2008: 13-14), in discussing the customary conflict resolution in Ethiopia, identified four forms of indigenous conflict resolution institutions namely council of elders, religious leaders, community gatherings and voluntary associations. My data partly confirms

their explanation. In the study area, these four forms of customary institutions directly or indirectly play a great role in resolving conflicts. But, the nature and types of these institutions, especially the council of elders and church leaders, are quite different from what the above authors have discussed. Among Haro Limmu society, though there are other customary mechanisms of conflict resolution, the two major and well known customary institutions are *jaarsummaa* system and *qaalluu* institutions. These institutions have been working in the area since long time, independently or cooperatively, to resolve conflicts of various degrees ranging from civil matters to complex criminal cases such as homicide.

The common characteristics of Oromo customary institutions of conflict resolution is that they are guided by specific rules and procedures rooted in the history and culture of the society referred to as *seera* (laws) and *aadaa* (custom). However, in the study area, the society uses the terms *aadaa* and *seera* interchangeably, though *aadaa* is a general term to refer to way of life or culture in general and *seera* is the specific concept that related with rules and regulation. These laws have legal characteristics that govern the activities of individuals. Like other societies, the Haro Limmu social system contains a legal aspect. In this regard, Sally Moore once commented that “Not only does every society have law, but virtually all significant social institutions also have a legal aspect” (Moore,1969:253). Though they do not exist in printed copy, there are two major types of laws among Haro Limmu Oromo that governs and manages the activities of individuals. These are *seera aadaa* (customary laws) and *seera waaqa*<sup>5</sup> (religious laws) through which the society resolves conflicts, identify and penalize wrong doer, enforce decision, make reconciliation and, thereby ensure the peaceful and harmonies of the society.

As interview with key informants demonstrate, the Oromo of Haro Limmu district have made the distinction between different types of customary laws such as *seera yakkaa* (the law of crime), *seera gumaa*(the law of homicide), *Seera Gadaa*<sup>6</sup>(the law of *Gadaa*), *Seera gaa'ela* (the law of marriage), *Seera Daa'ima Guddifanna* (the law of adoption). Similarly, religious laws include different specific laws such as *seera bokkuu* (the law of *bokkuu*), *seera laguu* (the law of

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<sup>5</sup> It refers to the law of Oromo indigenous religion, *qaalluuinstitutionio*

<sup>6</sup> The law of Gada is used in the study area only in theory; the societies have little or no knowledge of its practical application.

religious forbidden), *seera waamataa* (the law of cursing), *seera kaka* (the law of oath taking), *seera wareega* (the law of vow) and *seera hiikool/ aagii baafachuu* (the law of forgiving or purification) which are accomplished through complex ritual activities (see chapter five). In relation to this, Gemetchu classified the Oromo knowledge of society and the world into two; *beekumsa aadaa* (cultural and customary knowledge) and *beekumsa seera* (knowledge of laws). As he noted, Oromo customary knowledge is a public and common knowledge that guides and regulates the activities of members of society; some elements of this customary knowledge can develop into rules or laws depending on the interest of society (Gemetchu, 1993: 20-22).

Among Haro Limmu Oromo these laws (customary and religious) are put in to practice by the two major indigenous institutions of conflict resolution (*jaarsummaa* and *qaallu*). Most of the time, the *jaarsa* are guided by customary laws in dealing with conflicts though they include some aspects of religious laws. In the case of *qaalluu* institution, however, the two laws are simultaneously applied in a specific setting. In the following discussion attempts have been made to discuss the *jaarsummaa* system, various types of *jaarsa* and criteria of their recruitment, and the *qaalluu* institution as well as the interplay between *jaarsummaa* system and *qaalluu* institution.

#### **4.3.1 The *Jaarsummaa* System**

*Jaarsummaa* system is among one of the most widely used institutions of conflict resolution in in the study area. The term *Jaarsummaa* refers to the process of conflict resolution through the use of *jaarsa*. The setting in which *jaarsummaa* process takes place is also called *jaarsummaa*. Here, *Jaarsa* are those elderly individuals of the society who mediate and solve conflict cases. Although the term ‘*jaarsa*’ literally mean ‘elderly’ refers to old age, in the context of conflict resolution one should not necessarily be of old age to be recruited as *jaarsa*. Instead, the term *jaarsa* is used more as a symbol here. In connection with this Mamo elucidates that among the Oromo, elderly members of the community are respected for their knowledge of customary laws and are perceived as symbols of wisdom, peace and reconciliation. As he further argued, it is because of this symbolic significance of the elderly that any person who is involved in conflict resolution and reconciliation process is called *jaarsa* regardless of his actual age (2005:131).

Therefore, a young adult man could be considered by the society as *Jaarsa* as there is no restriction of age to be *jaarsa*.

What is crucial to assume the position of *Jaarsa* is his knowledge on how to resolve conflicts, for instance, his rhetorical ability in the search for *dhugaa* (truth), his ability to articulate and politeness and carefulness not to provoke the parties in conflict. The *jaarsa* know the norms of the society, they are impartial and have a wealth of experience. They also hold fair public hearing and make decision. First the *jaarsa* call upon the participation of the public and wise people. They use this participation to make their decision that largely follows certain procedures to find out the possible solution. Among Haro Limmu society, *jaarsummaa* system can take different forms based on the nature of the *jaarsa* involved in the process. Accordingly, there are two types of *jaarsa*, *jaarsa araara* (elders of reconciliation) and *jaarsa waldaa* (church elders) that give the service of conflict resolution.

#### **4.3.1.1 The *Jaarsa Araara* (Elders of Reconciliation)**

The phrase *jaarsa araara* comes from two terms '*jaarsa*' literally means 'elderly' and '*araara*' literally means 'reconciliation'. The phrase, thus, means elders of reconciliation. Hence, *jaarsa araara* refers to respected elders who have the right and capacity to deal with conflict cases and give decision. They are those *jaarsa* who are well experienced in conflict resolution and decision making practices. Sometimes, the two seemingly interrelated terms, *jaarsa araara* and *jaarsa biyyaa*, are interchangeably used by the society, despite the slight differences between them.

According to the interview with the district court officials, the court itself has the responsibility to encourage the society in establishing institutionalized *jaarsa biyyaa* what the court termed 'restorative justice'. According to them, such types of *jaarsa biyyaa* work cooperatively with the court and should be given legal recognition like legal stamp from the district court. Besides, they added that this type of *jaarsa* should have permanent place, date and time of dealing with conflict. However, there is no *jaarsa biyyaa* that are established in this manner in Haro Limmu district. Describing the reason, the president of the district court explained that;

*Although the attempt was made repeatedly to establish the institutionalized jaarsa biyya, it was not successful. According to the need assessment we collected from the society, majority of the*

*population in the district need to take their cases to qaalluu institution, which has been working effectively since long time rather than the institutionalized jaarsa biyya.*

It is difficult to distinguish the differences between the two types of *jaarsa*, as the function of the two is the same. That is, to serve the role of reconciliation. Moreover, among Haro Limmu Oromo, the term *jaarsa araara* is the most widely used term and it is also used to refer to *jaarsa biyyaa* in most cases. Therefore, hereafter, I employ the term *jaarsa araara* to refer to *jaarsa biyyaa* too.

My key informants and FGD discussants explained that the function of the *jaarsa araara* is not one; they perform two things sequentially in one setting. The first one is conflict resolution. *Jaarsa araara* effectively resolve conflict by giving fair decision that ensures the interests of the parties in conflict. This argument confirms Brock-Utne's (2001: 11) who reveals that elders' role is not only taking decision and giving assessment and conveying suggestions on behalf of the parties. In addition, they do well in resolving the conflict because their decision is based on the background and the social situation of the conflicting parties. The second is reconciliation. *Jaarsa araara* play enormous role in bringing long-lasting peace and stability in the society through reconciliation. Reconciliation is the central objectives of *jaarsummaa* as it avoids vengeance and revenge from the society. In this regard, my ethnographic data confirm Yacoob's explanation that reconciliation in its simplest form is about restoring friendship and harmony between the parties in conflict after conflict resolution, or transforming relations of hostility and bitterness to friendly and harmonious ones (Bar-Siman-Tov, 2004:4)

#### **4.3.1.1.1 Selection and the Role of *Jaarsa Araara***

*Jaarsa araara* are selected from the society on the bases of their knowledge of the societies' culture, honesty, oratorical skill, knowledge of customary law, ability to convince some one and to understand others idea. They hold *Jaarsummaa* meeting when called upon by the conflicting parties or their relatives, by their own initiatives or when the formal court refers the case to them. In relation to this, Mamo (2005:131) identified two types of the *jaarsa araara*, what he termed as volunteer *jaarsa* and solicited *jaarsa*. Accordingly, volunteer *jaarsa* resolve conflicts between individuals or groups through its own initiatives. It arbitrates either on the spot when and where a conflict happens or receives the case up later. Solicited *jaarsa*, on the other hand, is *jaarsa*

*araara* that either of the parties in conflict approaches and solicits to get help to resolve the conflict. He also stated that the two categories of *jaarsa araara* are not mutually exclusive.

In the *jaarsummaa* process, the *jaarsa araara* apply the customary law of the society. Unlike the formal court which depends on written statements of charge, personal witnesses and written evidences to win cases, *jaarsa araara* might not need these forms of proof. Rather, they depend on their own knowledge of cases and personal experience to make their judgments. They also put cases in contexts and consider events, circumstances, relationships, expectations, and values to resolve cases. In line with this, Lewis (1989) and Jetu (2012: 120) state that the main feature of *Jaarsummaa* system is the presence of *jaarsa araara* who are chosen by virtue of their good reputation, their extensive and good knowledge of custom, precedent and *seera* (law) of the Oromo. Besides, the individual talent and experience in dealing with conflict and willingness to give his time to reconcile the disputants are also other qualities expected of *jaarsa*. Most conflict cases are therefore resolved locally using customary conflict resolution mechanisms in the study area. After all, the role of *jaarsa araara* is to achieve reconciliation through a search for truth.

#### **4.3.1.1.2 The Process of Dealing with Conflict in *Jaarsummaa* system**

The nature of *jaarsummaa* and the process of dealing with conflict may vary depending on space and time. In the context of Haro Limmu Oromo the following procedures are common. First, once agreement to reconcile is reached, each conflicting party solicits members of *jaarsa* of his/her own. A specific *jaarsa* selected by the plaintiff should be accepted or approved by the defendant and vice versa. Otherwise one party is obliged to solicit another *jaarsa* to whom the other party is interested. The number of *jaarsa* sit for *jaarsummaa* meeting varies based on the complexity of the conflict. But, most of the time, five *jaarsa* are solicited to undertake *jaarsummaa*. These include two *jaarsa* from both the plaintiff and the defendant side, which are commonly known as *jaarsa mirga* (elders of the right) and *jaarsa bitaa* (elders of the left). However, there is no actual distinction between which side is referred as right and which one is left. Instead, it simply refers to elders from both sides. Though they represented and are solicited by each party, *jaarsa araara* are considered as representative of the interest of both parties. The fifth *jaarsa* is the one who is solicited by the joint effort of both parties. He is called *barreessa* (secretary) and his role is writing the reconciliation agreement, in addition to the mediation role

he plays with members of *jaarsaa*. However, in case of homicide, the selection criteria and number of *jaarsa* involved in *jaarsummaa* is different from other ordinary conflicts. In this case, *jaarsa araara* are selected from the clan of slayer, the clan of the victim and from neutral clans and their number could be large.

As the two parties select the members of *jaarsa araara*, they decide the date, time and place of *jaarsummaa*. Each party is responsible to take the *jaarsa* he/she has already solicited to the place on time. The preferred place for *jaarsummaa* session is usually an open air in hilly areas or under big tree found away from village. The centrality of the place for the parties in conflict as well as for *jaarsa araara* is the major criteria for selection of the *jaarsummaa* setting. The actual *jaarsummaa* proceedings start with the coming together of *jaarsa araara* of the two parties. Although opening the *jaarsummaa* process with the blessing of the elders is common in other Oromo societies Girma (2009), Dejene (2002) and Yihunbelay (2010), among Haro Limmu Oromo it is not regularly practiced. Once the deliberation is started, the *jaarsa araara* stipulate the parties in conflict to be honest in presenting information and to be logical in claiming and counter claiming. The *jaarsa araara* have certain procedure of hearing cases.

The plaintiff and the defendant come in front of the *jaarsa araara* and present their case by standing there. The plaintiff stands on the right side, and presents his/her case first. While one party is speaking the other party is expected to listen carefully for which he/she responds later and not to speak against. The defendant, who stands on the left side, is the second to presents his/her case. After hearing the cases, the *jaarsa araara* may ask both parties turn by turn for clarification. Besides, if the case needs further investigation and one or the two parties conceal the truth, the *jaarsa araara* try to convince one party by sending the other away. In this process, they use their personal skills and knowledge of cultural norms, values and custom and warn the party by referring to customary laws.

As they identified the basic cause of the conflict, *jaarsa araara* require both parties to stay away from them for a moment. During this time, they discuss what they have observed, including what they knew before, and propose the possible solution. Then, the parties are called and the proposed decision is presented to them, with detail explanation and advice. If the parties are satisfied with the decision, the reconciliation process would take place. The reconciliation

process often involves oath-taking rituals, making of pledges to honor agreement reached and payment of compensation by the wrong-doer. Finally, the *jaarsa* write the reconciliation agreement which include the whole content of the reconciliation (date, name and signature of *jaarsa araara* and conflict parties, and amount of compensation). The agreement also includes how much birr each party has to pay for the government as well as for individual if he/she disobeys the decision, appeal the same case to other institutions or repeat the same act another time.. At the culmination of the reconciliation ceremony the *jaarsa araara* let the two parties to shake hands with each other and kiss one another. Then, the conflict parties swear oaths as a sign of joint commitment to peace and reconciliation.

#### **4.3.1.2 The *Jaarsa Waldaa* (Church Elders)**

*Jaarsa waldaa*<sup>7</sup> literally mean ‘church elders’ are the recent form of *jaarsa* that are playing important role in conflict resolution among Haro Limmu society. They are elected from the church members by the church leader to undertake church related activities. According to my elderly informant, the establishment of protestant church and its *jaarsa waldaa* in the area is not new phenomenon. However, until the recent years, *jaarsa waldaa* were not concerned with other socio-cultural and political aspects of the society except the spiritual matters of the church. Nevertheless, in the recent years, the power and activities of church elders have become widened to encompass other aspects of socio-cultural life outside spiritual matters. As the same informant puts “*jaarsa waldaa* are responsible to take the principles and the word of God and apply them to specific matters of social life like administration and decision making.” Conflict resolution and reconciliation is one among the major extra-spiritual function of *jaarsa waldaa*.

Here, it is clear that the protestant church is not indigenious to the area and *jaarsa waldaa* are the recent invention. So, one can ask how can we classify *jaarsummaa* system processed by the *jaarsa waldaa* under customary institution? The reason is that; first, its overall mechanism and procedures of conflict resolution are similar with the mechanism of ordinary *jaarsa araara* except very few differences (discussed below). Second, the process of conflict resolution has no biblical or doctrinal bases. Third, the process of conflict resolution is open for everybody

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<sup>7</sup> *Jaarsa waldaa* mainly refers to the elders of various branches of protestant church. though there exist the elders of orthodox church in the area, according to informants, they are not active participants in conflict resolution.

regardless of his/her religious background. Even, the members of *jaarsa waldaa* are preferred by the society to be selected as a *jaarsa araara*. From the above views we can conclude that despite the wide spread of new religion, the indigenous knowledge, culture and religion is still functioning, but with some modification and hybridization, due to the response to adaption to the changing environment. In relation to this, Bennett (2004:5) notes that “as changes occur to the physical and institutional structures in which customary law is talked about, so changes will also occur in the meanings and applications of the rules.” He further explains that changes that have taken place in the specific area, whether these are internal or provoked by forces external to the society’s culture, significantly impacted their customary legal system.

The selection and the process of conflict resolution by *jaarsa waldaa* are almost similar with that of *jaarsa araara*. The difference lies in the fact that *jaarsa waldaa* are selected from the followers of particular protestant church. In addition to the quality of *jaarsa araara*, mentioned above, the spiritual quality is another additional requirement expected of a person to be selected as a *jaarsa waldaa*. Besides, the parties in conflict are not expected to solicit *jaarsa waldaa* of their interest, as *jaarsa waldaa* are already there selected by the church herself. Therefore, compared to *jaarsa araara*, members of *jaarsa waldaa* are more permanent, though the time and place of conflict resolution is not fixed.

Most of the time, it is the *jaarsa waldaa* who initiate the parties in conflict to take their case to the table of resolution. However, either or both parties can also present their case before the church or directly to the *jaarsa waldaa* for resolution. Another point of difference is that, *jaarsa waldaa* opens and ends the *jaarsummaa* process by praying to Jesus Christ where as *jaarsa araara* starts with blessing and pray to *waaqa* (God) and *lafaa* (earth)<sup>8</sup> and ends with oath-taking by the parties to obey the agreement made. The *jaarsa waldaa* not only deal with a conflict that arises among/between the members of the church but also conflicts among/ between nonmembers of the church. Therefore, the two types of *jaarsa* discussed above are not mutually exclusive. They are highly interrelated. One person could be a member of both types either simultaneously or sequentially.

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<sup>8</sup> Opening and ending *jaarsummaa* proceeding with blessing and praying to *waaka* is not uniformly practiced in different kebele of the district. In some areas opening any type of meeting by praying to Jesus is common.

To conclude the *Jaarsummaa* system, the *jaarsa* of whatever category hearten the society to live peacefully with one another. If individuals offend each other, they encourage them to resolve and reconcile through *jaarsummaa* proceedings. Most of the time, it is the wrongdoer who initiates the *jaarsa* to bring them together with the offended. As soon as the question of resolution and reconciliation is raised, the *jaarsa* communicate with the wronged party to make sure his/her willingness. Right away after they secured his/her willingness, the resolution and reconciliation process comes to play. The *jaarsa* also make an effort to resolve conflicts with their own initiative without waiting for the request of reconciliation from either party. In whatever cases they are informed that there is conflict, the *jaarsa araara* try to bring wrongdoers and wronged together and resolve the case with principal objective of re-establishing peace and harmony in the society.

#### **4.3.2 The *Qaalluu* Institution**

Although *qaalluu* institution is the centre of Oromo indigenous religion and *qaalluu* is a ritual expert, the institution and *qaallu* as an individual has other extra-ritual functions in the area of socio-cultural, administrative and judicial activities. In fact, it is difficult to make a clear-cut categorization between the two activities of *qaalluu* institution, ritual and extra-ritual, as they are interdependent. One of the social functions of the *qaalluu* institutions among Haro Limmu Oromo, besides the religious service it gives to those who believe in and accept it, is conflict resolution. My emphasis here is the intertwined nature of the conflict-regulating body and how the spiritual institution develops a kind of fear among the people about consequences of conflicts. It is this strong value attached to the *qaalluu* institution that makes peace making more lasting and binding. The multidimensional nature of this institution seems to have an integrative function.

Every *qaalluu* institution among *Maccaa* Oromo is the center of conflict resolution (Dejene, 2002:76). Like *qaalluu* institutions in other *maccaa* branch of Oromo, *qaalluu* institutions among Haro Limmu society also play considerable judicial function or service as the provision of justice for the surrounding communities. It is common to see a large number of people gathered at *qaalluu* setting to have their cases heard. There are three major hierarchical, but highly intertwined, structures of conflict resolution at *qaalluu* institution. These are *qaalluu*, *salgee*

(*qaalluu* judges) and what I would like to call *jaarsa araara* of *qaalluu* institution<sup>9</sup> (*qaalluu* institution's elders of reconciliation) to differentiate them from other ordinary *jaarsa araara*. *Salgee* are the judges or courts of *qaallu* institution that make the service of resolving conflicts and maintaining social order at the *qaalluu* institution.

Alula and Getachew are correct that, unlike other indigenous institutions of conflict resolution in Ethiopia which take place on ad hoc bases, the court of *qaalluu* institution held regularly (Aluula and Getachew, 2008:52). Similarly, in Haro Limmu district there are regular court hearing sessions at the *qaalluu* institutions on every Saturday and Sunday from 8: am to 7: pm depending on the numbers and types of cases. On these days, conflicts of various degrees which are brought from different areas, ranging from inside the district to neighboring districts, zones and regions, and even from far distance, are dealt with and get resolved. In this regard, it bears a resemblance to what Meron has said about the Shrine of *Tiru Sina* in *Jille Dhumugaa* district of Kamise Oromo. She states that the Shrine of *Tiru Sina* has a weekly conflict resolution session, handling diverse cases ranging from simple to criminal matters and serving broad geographical areas (Meron, 2010:66).

The rationale behind selecting these days, according to informants from *qaalluu* institution, is associated with cultural, social and economic significance. Culturally, these days are considered as *guyyaa ayyana qabeessa* (lucky days) and it is believed that on these days Gad is ready to hear the word of *hiyyeessa* (the poor) and *dhuga dubbessa* (the honest), be it their prayer, curse or forgiveness. As a result, He gives timely response for those who have truth. Socially, since the government offices do not work on these days, it gives opportunity for those people who have another appointment from the court as well as for those who are government employers to present their case before *qaalluu* institution. Similarly, among Haro Limmu society, Saturday and Sunday are weekend and business including farming do not take place, as they are resting days for farmers. Farmers do not participate in agricultural activities such as plowing, digging

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<sup>9</sup> These are the elders who gathered in the compound of *qaalluu* institution on court hearing days (Saturday and Sunday). They include elders of the local area who regularly participate in the setting and elders who come from distance area to resolve their conflict or for other purposes. The main objective of *jaarsa araara* is to reconcile the conflicting parties and to prevent them from oath taking and curse which can seriously affect their life.

and cultivating on these days. Therefore, arrangement of the conflict resolution is made by considering the economic importance of these days.

The number of cases presented before *qaalluu* institutions per the ‘court’ hearing days is different from one *qaalluu* institution to the other. During my stay in the field I have attended, many times, the conflict resolution processes held at each research sites, the three major *qaalluu* centers in the district (Bokkuu Gadibeen, Irreessa and Guutoo Jorgaa). Accordingly, I observed that, in average, about 70-90 persons come to Bokkuu Gadibeen *qaalluu* institution every Saturday and Sunday to resolve their conflicts. Similarly, at Irreessa and Guuto Jorga center about 45- 60 individuals present their cases on every court hearing days.

According to FGD discussants, the prevalence of different types of conflict cases as well as the number of cases presented before *qaalluu* institutions to be resolved significantly varies from one season to the other. For example, at the beginning of *arfaasaa* (spring) season, when farmers start farming, the conflict over farmland is very high and consequently the numbers of cases come to *qaalluu* institutions increase. On the other hand, during *bona* (winter) season, the resting season for farmers, the conflict caused by theft, rape, physical injury, breaching of agreement made during working seasons such as renting of farm land, renting oxen and crop sharing is very high. As a result, since majority of these agreements are usually made informally, the numbers of cases taken to *qaalluu* institutions during this season is high. Besides, other types of conflicts which have taken place during the working seasons are usually postponed for winter.

#### **4.3.2.1 The *Salgee* (*Qaalluu* Judges) and Their Role**

*Salgee* is the assembly of nine individuals who are responsible to perform different activities in *qaalluu* institution, religious and extra-religious. Each of the major *qaalluu* institutions in Haro Limmu district has its own *salgee* which includes the male *salgee* and the female *salgee*. The religious function of *salgee* such as praying, giving service for guest, dancing and initiating the spirit to possess the *qaalluu* by circulating around the fire seven times called *torbii bu’u* is commonly practiced by both the male and the female *salgee*. However, dealing with conflict is exclusively the function of the male *salgee*. Female do not participate in conflict resolution at *qaalluu* institution except in ritual of *Gumaa* reconciliation. Therefore, the term *salgee* used in

this thesis only represents the male *salgee*. There is power division among members of *salgee* which include chairperson, secretary, cashier and members.

The setting of *salgee* for conflict resolution is held in open field under a shade of big tree known as *Oomii* (*pygeum africanum*). This tree is considered as pure and holy. Bull and sheep are slaughtered under this tree during annual ritual ceremony. Besides, the *qaalluu* bless the public, curse the wrong doers, teaches *seera waaqa* and *seera aadaa*, and announce *seera ayyaana* by sitting under this tree on the day of annual thanks giving ceremony. Alternatively, sometimes, the *salgee* deal with conflict by sitting under the fence of the compound, from outside. This is due to its proximity to *qaalluu*, who sit inside the compound, to refer the cases and to the *siida* where rituals of conflict resolution and reconciliation take place. *Qaalluu* institution of Guuto Jorga and Irreessa use these two settings to deal with conflicts. However, in the case of *qaalluu* institution of Bokkuu Gadiben, there is an office that is built for the purpose of conflict resolution and reconciliation. They are only the *salgee* members who are authorized to resolve conflicts in this office. This was already the same when Morton did field work in the 1970s. He explicates that similar to *jaarsummaa* system, the court of *qaalluu* proceedings are held in open field under a tree at *qaalluu* ritual center. But major *qaalluu* have also halls constructed for this purpose (Morton, 1975: 78).

According to Dejene (2002:79) the *qaalluu* proceeding has no filing system; rather it is the parties in conflict, mostly, the plaintiff that reminds the *qaalluu* or the *salgee* that he/she has a case to be called on. However, my data do not confirm this argument. In their filing system, the mechanisms and processes of conflict resolution at *qaalluu* institutions among Haro Limmu Oromo resonates with the formal system. There are two types of files that I would like to call *galmee yeroo* (a temporal file) and *galmee guddaa* (the basic file). A temporal file is a file on which clients are registered according to their order of reaching the *qaalluu* compound. Most clients from remote are usually reach the place one day earlier to the appointment date and there are also peoples from the surrounding area. Therefore, this registration helps them to present their cases before *salgee* in order of their coming without disturbing each other. As the clients presented their case before *salgee* they are registered on *galmee falmii* (the file of cases).

There are three types of *galmee guddaa* (basic files) that contain three different issues. The first file is *galmee murtool araaraa* (the file of decision or reconciliation). It contains the date of decision or reconciliation, name and address of plaintiff and defendant (region, zone, district and *kebele*), content of decision or reconciliation. The second one is *galmee falmii* (the file of cases) which contains date of presentation of the case, name and address of the plaintiff and the defendant, the basic theme of the case presented and the claims and counter claims presented by the parties, and date of future appointment, if not finished. This file includes the detailed information about causes of conflict and related problems between the conflicting parties. The third is *galmee waamata* (the file of curse). It contains; name and address of curser and cursed person, date of cursing and the reason or cause of cursing. The purpose of this file is to help someone who want to check whether he/she has been cursed or not and to ask the offended for reconciliation and forgiveness.

#### **4.3.2.1.1 The Recruitment of *Salgee* Members**

According to Morton (1975: 78), Personal relations with the *qaalluu*, one's good reputation, wisdom, honesty, thoughtfulness and willingness to serve at *qaalluu* court are the basic criterion to select *salgee*. He further states that a person serves as a judge in this court if and only if the spirit validates the selection on moral ground. Nevertheless, the reality of *qaalluu* institution among Haro Limmu district is not compatible with Morton's explanation. Here, *Salgee* are selected from the senior clan/lineage on the bases of hereditary system. The clan/lineage members are responsible to select the *salgee*, as they know each other who is senior and who is junior of their respective clan/lineage. The appointment of *salgee* is for life. Even if the *qaalluu* dies and the *ayyaana* (spirit) possesses another person or *qaalluu*, the same members of *salgee* will continue to serve. Similarly, if a given member of *salgee* dies his son will continue to serve regardless of his age and level of knowledge and wisdom. Sometimes problem occurs when a person has no son who can inherit his position. In this situation, it is customary that the closest relatives of the person, especially, his brother or his brother's son is appointed to serve. The spirit is expected to approve the power of the selected person as a member of *salgee*.

Like the male *salgee*, female *salgee* are also selected from the senior clan/lineage on hereditary base. In this case, since the society apply the rule of exogamous marriage and patrilineality, the

seniority of the women is determined by the seniority of her husband. If a husband is a senior of his own clan, his wife can be the senior. In this way, both of them can be appointed as *salgee*.

Therefore, the major criteria that one person should have to fulfill to be a member of *salgee* include; clan/lineage membership, seniority, sex and follower or supporter of indigenous religion. However, there was a special situation when the *qaalluu* himself and members of *salgee* randomly appointed a *salgee* from the society without considering these criteria. This was a time when the institution lose influential person due to death or voluntary withdrawal of experienced *salgee*, and when substituting a knowledgeable person using the existing rule is difficult. In this case, the criteria mentioned by Morton may be used in addition to the person's knowledge of customary law, religious law, education and experience and skill in conflict resolution.

#### **4.3.2.2 The *Jaarsa Araara* of *Qaalluu* Institution**

The other structure that play significant role in conflict resolution at *qaalluu* institution in cooperation with *qaalluu* and *salgee* is *jaarsa araara* of *qaalluu* (*qaalluu* institution's elders of reconciliation). These are a group of elders that regularly attend the court hearing session of *qaalluu* institution. The rationale behind establishment of *jaarsa araara* at *qaalluu* institution is to keep away the conflicting parties from oath taking and curse, to minimize the case load of *salgee* and/or *qaalluu*, and to give timely decision for clients without postponing appointment. To this end they give the service of resolution and reconciliation to the cases that are referred to them either from the *salgee* or *qaalluu*. *Jaarsa araara* of *qaalluu* institution use similar processes and mechanisms of conflict resolution with that of other ordinary *jaarsa araara*. But, unlike ordinary *jaarsa araara* they only deal with cases referred to them either from the *salgee* or the *qaalluu* by sitting in the compound of *qaalluu* institution. Besides, cases are referred to them orally and reported back orally immediately whether reconciliation is arrived at or not.

*Jaarsa araara* of *qaalluu* institution are selected by the *qaalluu* and the *salgee* from the clan/lineage of the *qaalluu*. However, unlike *salgee*, their office is not hereditary and seniority based. The criteria of selection depends on the bases of their knowledge about the values, norms and beliefs of the society, honest, behavior, purity, good reputation among the society and willingness to deal with the conflict at the *qaalluu* setting. In addition, like members of *salgee*, these types of *jaarsa* are permanent and they have also permanent court hearing sitting, date and

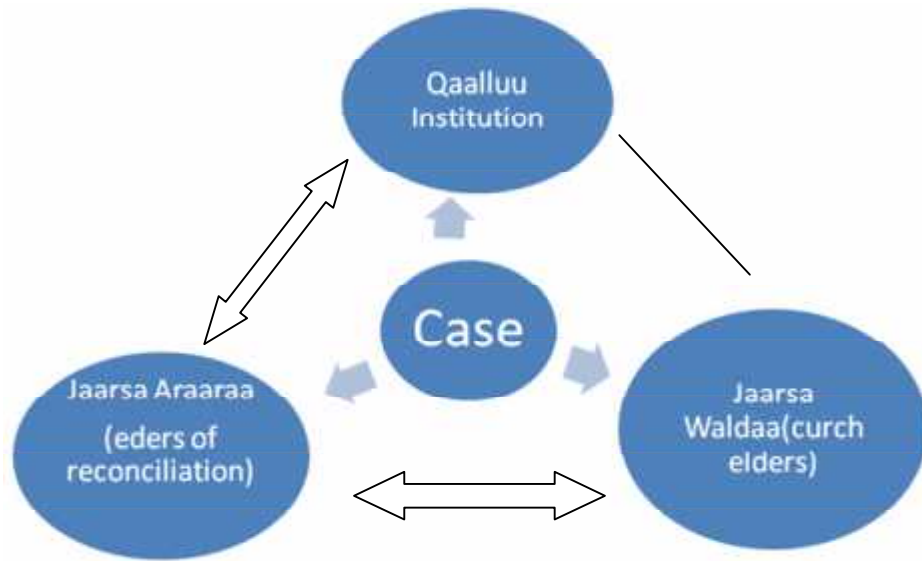
time. Nevertheless, sometimes, they may also include other temporary *jaarsa* who come to *qaalluu* institution from whatever area for their business and are able to deal with conflict. These are usually those *jaarsa* who know the conflicting parties and their cases.

#### **4.4 Relationships among Customary Institutions of Conflict Resolution**

In the above section, attempts have been made to discuss the major indigenous institutions of conflict resolution and how various actors in these institutions independently function to maintain peace in the society. However, these institutions do not only work independently. Rather they are interdependent and mutually supporting. Therefore, in this section, the interaction between *jaarsummaa* system and *qaalluu* institution in general and the interaction between various actors of *jaarsummaa* and *qaalluu* institution in particular will be addressed.

Among Haro Limmu society, once a conflict is arisen between individuals, there are many alternatives where the plaintiff can take his/her case to be resolved. The question of to which indigenous institution a particular case has to be taken is determined by the individuals' preference and nature and type of the conflict. Nevertheless, most of the time, simple cases are supposed to be resolved by *jaarsa arraara* or *jaarsa waldaa* while the more complex one are taken to *qaalluu* institution. But, there is no recognized hierarchy of power relationship among these actors. A single case can be referred back and forth among all of these institutions. Because, they have different knowledge of the *seera aadaa*, *seera waaqa* and knowledge of the case at hand. For example, if the cause of conflict is related with boundary of farmland or roads of livestock and human, the *qaalluu* institutions usually refer the case to *jaarsa araara*, as they know the case more and can physically go to the area to observe, identify the problem and thereby resolve the issue. On the other hand, if the source of conflict is found to be theft, physical damage, rape or value related conflict, the *qaalluu* institutions are usually consulted.

**Diagram 4.1: Relationship among customary institutions of conflict resolution**



Among Haro Limmu society, there is no interaction between *qaalluu* institution and *jaarsa waldaa*. Even, according to most informants, if a members of a given protestant church takes his/her case to *qaalluu* institution to be resolved; it is common that the *jaarsa waldaa* punish him/her. The punishment is in the form of dismissing him/her not to come to church for a given period of time. However, the time of punishment differs from one place to the other and from one church to the other in the same area. According to the informants from Horo Guduru wallaga, in their area the punishment ranges from six months to one year where as those who are from Eebantu, Gida Ayyana, Limmu and Haro Limmu districts of East Wallaga said it ranges from the minimum of three to five months.

Most of the time, the *jaarsa araara* may not be able to resolve a conflict. Consequently, the case is referred to the *qaalluu* institution and the outcome will be sent back to them. Similarly, occasionally, there can also be cases which are processed at the *qaalluu* institution to some degree and then referred back to *jaarsa araara* to be handled there. Such cases usually takes place when the *salgee think* that they are not able to bear fruit because they have inadequate information about the problem and at the same time when they are not interested in forcing the parties take an oath. Occasionally, *jaarsa waldaa* transfer the case to *jaarsa araara* and seek the report back. For further understanding see the above diagram.

## CHAPTER FIVE

### THE PROCESSES AND MAJOR RITUALS INVOLVED IN THE PROCESSES OF CONFLICT RESOLUTION AT *QAALLUU* INSTITUTION

The processes of conflict resolution at *qaalluu* institution involve a set of rules and procedures which guide both the secular and spiritual<sup>10</sup> mechanism of dealing with conflicts. The secular form of conflict resolution at *qaalluu* setting is completed at the level of *salgee*, *jaarsa araara* of *qaalluu* institution and *qaalluu*, among which cases are referred. Thus, it does not involve complex ritual activities. In this case, the mechanism followed is the same as the *araaraa* (reconciliation) process undertaken by ordinary *jaarsummaa*. But, actors of conflict resolution sometimes pronounce the name of specific spirit. The spiritual form of conflict resolution, on the other hand, demands the spiritual intervention. Thus, cases are appealed to the *ayyaana* through complex ritual activities. Therefore, in this chapter, attempts have been made to examine different mechanisms through which cases are presented before *qaalluu* institution, the procedure of handling conflicts in secular mechanism and the interaction among various actors in secular mechanism of conflict resolution at *qaalluu* setting as well as various rituals involved in the processes of spiritual mechanism of conflict resolution and reconciliation.

#### 5.1 Mechanisms of Presenting the Cases to *Qaalluu* Institution: Giving and Taking *Qaali*

The process of conflict resolution at *qaalluu* institution starts with presenting one's case to the *qaalluu* setting. A plaintiff presents whatever cases he/she has before *qaalluu* institution regardless of the restriction by the government not to deal with the criminal cases. The information from key informants and actual observation of the process demonstrate that individuals present three different categories of cases before *qaalluu* institution. First, if he/she suspects that someone has committed a crime against him/her. Second, if he/she exactly knows who committed the crime against him/her, whether he/she has an evidence or not. Third, if he/she does not know and/or does not have any suspicion about who committed a crime against

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<sup>10</sup> Spiritual mechanism of conflict resolution in this thesis refers to the resolution made by spiritual intervention after cases are appealed to the spirit through ritual of cursing, oath taking, forgiveness and vow. Unlike the *qaalluu* of eastern *Maccaa* Lewis (1970), Morton (1975) and Girma (2009), *qaalluu* in the study area never participate in interpersonal conflict resolution when possessed by spirit(during the possession)

him/her. The resolution of the first and the second categories of cases require a longer process of mediation at the level of secular mechanism of conflict resolution at *qaalluu* settings. The third category, however, does not require longer process of mediation at the secular level, as the defendant is not known and/or there is no concrete suspicion. Thus, the resolution of this type of case is possible only through spiritual intervention. The plaintiff appeals the case to the *ayyaana* through the ritual of curse.

In all categories, the first step towards the resolution starts when the plaintiff brings his/her case before *qaalluu* institution and asks for *qaalii* (summon) to call the defendant to *qaalluu* institution. This process is called *qaalii fuudhu* (taking the word of summon). This summon is considered as the word of the *ayyaana*. A plaintiff can take a *qaalii* either by physically appearing before *qaalluu* institution or using telephone<sup>11</sup>. Among the actors of conflict resolution, the *qaalluu*, the head of *salgee* and the secretary of *salgee* are the ‘authorized’ individuals who can give a *qaalii* for a plaintiff. A *qaalii* involves the date and place of appointment which is notified in the name of specific spirit. Therefore, a *qaalii* employed to summon the defendant varies from one *qaalluu* institution to the other, as the spirits they possess vary. The following table shows the *qaalii* each of the three *qaalluu* institution regularly uses.

**Table 5.1: The *Qaalii* (Summon) that Qaalluu Institutions Use to Call the Defendant**

Qaalluu institution	A qaalii given to a plaintiff	Translation
Irreessa	qaaliin qaalii Balifinnoo fi qaalii Aayyoleeti gaafa (guyyaa) bakka aadaa oromo Ireessa jedhamutti dhiyaadhu	This is a call of <i>Balifino</i> and <i>Ayole</i> make yourself available on (date) at Oromo cultural center called Irreessa
Guuto Jorga	qaaliin qaalii Uumo fi qaalii Seeqaati gaafa (guyyaa) bakka aadaa oromo Jorgaa jedhamutti dhiyaadhu	This is a call of <i>Umo</i> and <i>Seqa</i> make yourself available on (date) at Oromo cultural center called Jorga
Bokkuu Gaddiben	qaaliin qaalii Bokku Gaddibeeni gaafa (guyyaa) bakka aadaa oromo Gaddiben jedhamutti dhiyaadhu	This is a call of <i>Bokku Gaddiben</i> make yourself available on (date) at Oromo cultural center called Gadiben

<sup>11</sup> Using telephone in the giving and taking *qaalii* is a recent invention but widely using mechanism of calling a defendant. As the people usually fear and respect the *qaalii* of qaalluu institution, it is equally effective with other mechanisms of summon and the most economically advantageous.

There are four possible ways through which a *qaalii* can be taken to the defendant to appear before *qaalluu* institution. They are used in different situations based on the preference of the plaintiff, the social relationship between the plaintiff and defendant, and the geographical distance between them. First, the plaintiff can tell the *qaalii* to the defendant orally. This is the most widely used mechanism to summon the defendant. Second, through the use of messenger. In this case, the one who gives a *qaalii* orders a plaintiff to select someone who can tell a *qaalii* to a defendant. The messenger thus tells the *qaalii* to the defendant. This mechanism is used usually when the plaintiff and the defendant are far from each other or do not want to approach each other. Third, the Plaintiff can tell the *qaali* to the defendant using telephone or text message. The plaintiff uses this mechanism if he/she does not know the defendant's addressees or they are at a far distant from each other. Fourth, through written letter. The *salgee*, sometimes, write a letter of summon or case charge to the defendant. They write a letter usually if the *qaalluu* and/or *salgee* suspect that the defendant will not appear before *qaalluu* institution to notice him/her to take care of the issue.

Once a *qaalii* is told to the defendant, through one of the mechanisms mentioned above, he/she has two options, either appearing before *qaalluu* institution or refusing to come. However, most of the time, people respect the *qaali* of *qaalluu* and are afraid of the effect of refusal. Therefore, they usually tend to appear before *qaalluu* institution. The chance of appearing before *qaalluu* institution is tolerated up to the third round of calls. If the defendant is failed to come at the first call, but appears at the second round call or failed to appear at both the first and the second call, but appears at the third round call, he/she is expected to pay compensation for the plaintiff. This type of compensation is locally called *kisaara*. The amount of compensation is determined on the basis of the total expenses that a plaintiff spent to come to the *qaalluu* institution, including transportation costs. Unless the party who failed to appear on the previous appointment compensates the one who appeared, the case cannot be processed.

However, there are some instances that have especial consideration which make the absent party free from paying *kisaara*. If the defendant claims that he/she failed to appear due to a serious problem he/she faced such as sickness, funeral, government work, formal court appointment and the like, he/she could be free from paying *kisaara*. But he/she has to come up with tangible evidences or swear an oath to show the truthfulness of his/her claims. Besides, if the defendant

informs the plaintiff that he/she was busy at that day and notified that he/she might not appear on the appointed day, he cannot be penalized.

In case the defendant fails to appear during the first three rounds of calls and failed to give any response to *qaalluu* or *salgee* the plaintiff is given the permission to perform the ritual of curse (see 5.3.2). But, in case the defendant has accepted the order but busy during the first three calls and if he/she notified the problem to *qaalluu* institution, he/she might be given the fourth chance.

## 5.2 The Processes of Handling Conflicts at *Qaalluu* Institution

Although the process of conflict resolution at *qaalluu* institutions is rather complex and there exist slight variation among *qaalluu* institutions, the general procedure is similar. The most common process of conflict resolution at *qaalluu* institution starts when the plaintiff and the defendant appear before the *salgee*. It is the normal mediation, arbitration and reconciliation process undertaken by the three actors of conflict resolution; *salgee*, *jaarsa araara* of *qaalluu*, or *qaalluu* just in the form of *jaarsummaa*. These approaches of dealing with conflict at *qaalluu* setting is pursued if the defendant admits what he/she has committed given the fear of the *ayyaanaa* and the strong persuasion efforts of the actors of conflict resolution. In this case, the role of actors of conflict resolution at *qaalluu* setting is more or less similar to any ordinary *jaarsumma* except that they at times employ the name of specific *ayyaanaa*.

Hearing of a conflict case at the *qaalluu* institution follows a certain order. As both the plaintiff and the defendant appeared at *qaalluu* institution, they are called up on by the *salgee*, to present their case before the assembly. First, the plaintiff and the defendant swear an oath in the name of the *ayyaana* that they do not present false cases and/or conceal the truth. This process is called *waadaa bokkuu seenuu*( promising the *bokkuu*). At this point, each party is expected to swear by repeating the following statements guided by one of the *salgee* members.

<i>Dhugaa malee soba hin dubbadhu</i>	I never present false case but only the truth
<i>Yoon soba dubbadhe</i>	if I present false statement
<i>Bokkuun qee kanaa na qabu</i>	may the <i>bokku</i> of this place catch me
<i>Sansalani isaa na hidhuu</i>	may its chain fasten me
<i>Eeboonsa na waraanu</i>	may its spear pierced me

*Waraane na keessaa hin buqqa'in* may it continue to hurt my life as it pierced me

After each party has sworn an oath, the assembly of *salgee* jointly blesses the parties that God may help the one who has truth. They say;

*Dhugaa keessanin isin haa gargaaru* may God (*ayyaana*) helps you with your truth

*Dhugaan keessan isinif haa mul'atu* may God (*ayyaana*) makes your truth reveal

Then, the plaintiff and the defendant are made to stand side by side in front of the *Salgee*. Like in the case of *jaarsummaa*, the plaintiff usually stands on the right side while the defendant is on the left. The plaintiff is the first to present his/her case before *salgee*. Each party is expected to speak when allowed or asked to. In practice, of course, contenders often break this rule and interrupt each other, but *salgee* are tolerant of it. In the meantime, conflicting parties are supposed to show respect for the *salgee*. Here, unlike the formal government court, the plaintiff has the right to present more than one case on the same defendant, usually up to three cases. Having heard the claim of the plaintiff, the *salgee* give the opportunity to the defendant to react. In all the processes, the *salgee* usually remind the conflicting parties that they should not conceal the truth. Having listened to the claim and counter claim presented by the parties, the *salgee* can call the parties turn by turn to ask for clarification, if there is some controversies.

In the next step, the *salgee* separately discuss the issue presented by both parties to investigate the case thoroughly. It is common that, in the process of conflict resolution, the *salgee* discuss the issue among themselves and give jointly agreed decision. When the *salgee* agree among themselves that they have found a better compromise to reconcile the conflicting parties, they make the plaintiff and the defendant sit side by side and notify the decision. If the defendant admits that he/she has committed the claim presented by the plaintiff, he/she is punished by paying a given amount of compensation for the plaintiff. The decision and the amount of compensation to be paid are determined based on the seriousness of the crime committed or the wrong done. But, usually what is important at *qaalluu* institution is not the amount of compensation but the truth revealed. When they are about to announce the decision, the *salgee* try to simplify the matter and appease the conflicting parties using different sayings and proverbs. If the *salgee* successfully reconcile the conflicting parties in this way, at the end of the reconciliation they make the conflicting parties kiss and embrace each other and finally bless them.

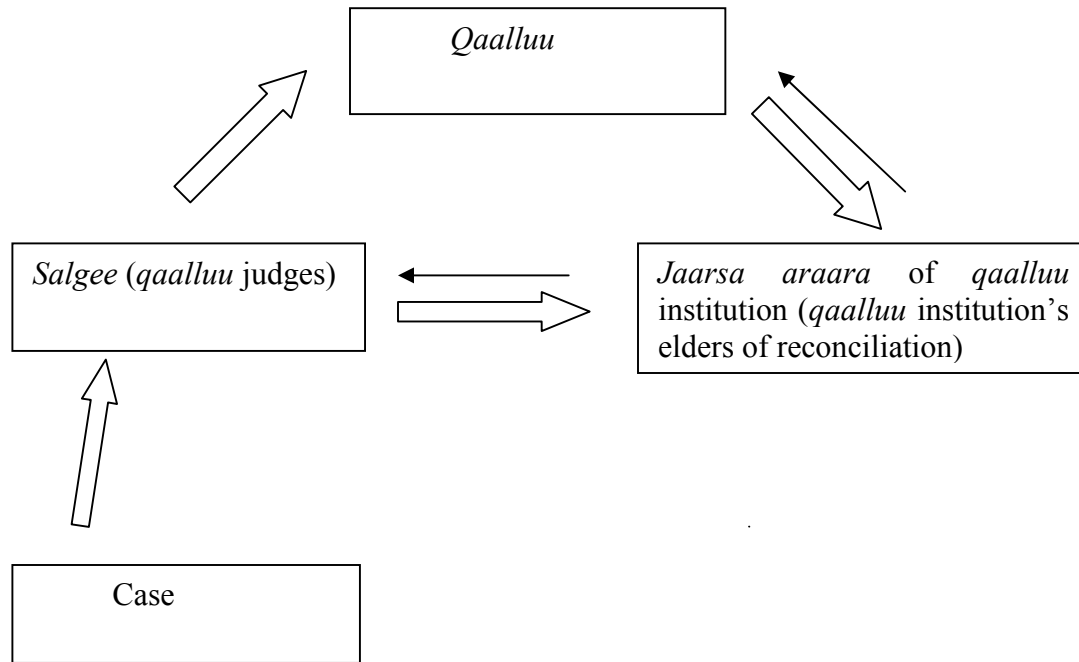
In case if the defendant fails to confess the claim presented by the plaintiff, the *salgee* thoroughly investigate the case to persuade him/her. If the attempt is failed they usually propose two possible options for the defendant and give him/her to choose one. That is, performing ritual of oath taking to prove his/her innocence or appealing to either *jaarsa araara* of *qaalluu* institution or *qaalluu*. However, most of the time, swearing an oath is not advisable as it believed to cause serious problem to the one who swear on false evidence. Therefore, if they suspect that the defendant has committed the claim presented, the *salgee* do not usually send him/her to the place of oath taking, rather they refer the case to either *jaarsa araara* of *qaalluu* or *qaalluu*. Even if the defendant complains and ready to take an oath, they do not allow him/her to take an oath at that day. Rather, they give him/her a gross period of at least fifteen days to think and rethink over the issue before swearing.

### **5.2.1 Interaction among *Salgee*, *Qaalluu* and *Jaarsa Araara* of *qaalluu* institution**

Mention has been made above that *salgee* (*qaalluu* judges), *qaalluu* and *jaarsa araara* of *qaalluu* (*qaalluu* institutions' elders of reconciliation) are the three major bodies/actors that are highly intertwined structures of conflict resolution at *qaalluu* institution. They have also some form of hierarchy. These actors deal with conflict cases separately and independently, though they are found in the same *qaalluu* compound. Therefore, cases are referred among these actors based on their, types, causes and magnitude/seriousness.

The functions of these actors is negotiating, mediating, arbitrating and reconciling the conflict parties. In the hierarchical order *qaalluu* is placed at the top. He has authority over the others and sometimes refers the case to his *jaarsa araara*. *Jaarsa araara* of *qaalluu* institution are placed at the bottom and cases can be referred to them from the above. *Salgee* are in the middle of the two. They are the *salgee* who first distinguish between and deal with any conflict cases that come to *qaalluu* institution for resolution. In the previous pages, I have tried to explain how a particular case comes before *salgee* and gets resolved at *salgee* level. Now, an attempt is made to look at how and in what situation cases are referred from *salgee* to *qaalluu* or *jaarsa araara* of *qaalluu* institution and how they get resolved there

**Diagram 5.1: Interaction among Actors of Conflict Resolution at *Qaalluu* Institution**



⇒ Shows the direction of referring cases

→ Shows reporting of the result back

There are three different situations when cases are referred to *qaalluu* or *jaarsa araara* of *qaalluu* institution. First, if the *salgee* themselves direct the cases to where they would fit. Having heard the case from the conflating parties, the *salgee* distinguish the type, cause and magnitude of the conflict. Then, they discuss among themselves that which case is most likely resolved by whom? For example, they usually refer simple cases such as conflict over property, marital conflict and insult to *jaarsa araara* of *qaalluu* institution. On the other hand, more complex conflicts such as theft, breach of agreement, false witness, physical injury and those conflicts which involve spiritual intervention are usually referred to *qaalluu*. In fact, the *salgee* themselves are also able to handle these types of conflict. Second, if the *salgee* fail to resolve the case after dealing with it, they may also refer the case to others. Third, if the conflicting parties are not satisfied with the decision of the *salgee*, they have the right to appeal to other actors.

In the entire situations of referring cases, the *salgee* should secure the consent of the conflicting parties. Sometimes, the cases referred from *salgee* to *qaalluu* can be referred down to to *jaarsa araara* which is placed at the bottom of the hierarchy. The *salgee* orally present the reference to the *jaarsa araara* of *qaalluu* or *qaalluu*. They seek the result back from *jaarsa araara of qaalluu*

institution but not from *qaalluu*. In similar ways, *qaalluu* needs the report back from *jaarsa araara* of *qaallu*. In the process of referring, one elder selected from the *salgee* assembly takes the conflicting parties to *jaarsa araara* of *qaalluu* or *qaalluu* and presents their case in a short and brief manner. In his presentation, he has to explain who accused whom? What crime is committed? What are the claims and counter claims presented before *salgee*? How the *salgee* dealt with the case if not resolved? For example, having heard the appeal, the *qaalluu* takes a time to discuss the issue with conflicting parties. He uses his knowledge of customary law and the law of *waaka* as well as his rhetorical skills in persuading the conflicting parties. Besides, he tells the parties about the advantages of reconciliation and warns them on the problem that comes following swearing an oath and curse by supporting his arguments with practical evidences or examples. *Qaalluu* also uses different proverbs and sayings to notify the significance of speaking truth. In this case, he uses proverbs like; *qullaa lafa hin dhoksan dhugaa waaqa hin dhoksan* literally means “it is impossible to hide truth from God as it is impossible to hide sex organs from ground.” *Qaallu* usually works towards discovering the truth and warns the parties about the risk of hiding truth.

*Qaalluu* is value oriented. During conflict resolution he regularly employs the norms, values, laws and customs of the society and he always order the parties in conflict to abide by these customary laws. Having dealt with conflict thoroughly, the *qaalluu* gives a final ratification. Sometimes, he may reverse the decision made by the *salgee*. Other times he may amend the decision. But, mostly, he accepts the decision of the *salgee*.

#### **Case 5: The decision made by the *salgee* is modified by the *qaalluu***

*Burka and Kebede are from Arbu Nagaso kebele of Jaarte Jaardega district, Horo Guduru Wallaga zone. Burka is a 45 years old man. He is a follower of protestant Christianity and served the church for 16 years as a jaarsa waldaa. Kebede is a 28 years old young man and is Orthodox Christian. Burka accused Kebede at Irreessa qaalluu institution. Burka presented his claim “Kebede made a magic on me by destroying my fence and taking the trees” and demanded Kebede to take an oath confirming his position. Asked to react, Kebede responded “I don’t conceal the truth stopping here! It is true that I destroyed his fence and took the tree but not for doing magic, though not without reason.” The salgee again asked him to make his claim clear. Kebede said “the tree he collected and built his fence is mine. Regarding this case we have already reconciled by jaarsa araara.” On his turn, Burka complained that they haven’t reconciled. After debating on the issue, the salgee fined Kebede with 150 birr for destroyed the fence and decided that both should take an oath supporting their position. Both parties agreed with the decision. Then the salgee informed the ritual expert that Kebede has to swear an oath that he didn’t make a magic on Burka, and Burka has to swear that he hasn’t reconciled with Kebede on the same case. They went to the siida and Kebede sworn*

*accordingly. But, Burka refused to do so. The ritual expert reported back to the salgee immediately and they fined Burka with 120 birr for he broke the seera bokkuu(the law of bokku). But, he refused to accept the decision and appealed to qaalluu. The qaallu asked Burka why he refused to take an oath. Admitting the case, Burka responded “I don’t take an oath on false ground because I have already reconciled with Kebede. But, my intention here is to make Kebede take an oath because I have suspicion that he is a magician.” Qaallu gave the final decision that the punishment of paying compensation is canceled from both parties. The oath taking decision on Kebede is appreciated and finally the parties are reconciled. (Source: Case presented and get resolved at Irressa qaalluu institution, March 01, 2014)*

From the above case one can infer that *qaalluu* can change, improve or approve the decision made by the *salgee* and provide the last decision. It also shows the role of *qaalluu* in resolving such value related conflicts which cannot be resolved through other mechanisms. Besides, it also reveals the reason why the followers of different religion take their case to *qaalluu* institution. For example, the plaintiff in the above case who served the Protestant church for sixteen years came to *qaalluu* institution to resolve his case. From the same case one can also understand that people who are officially the followers of another religion and fear to swear at *qaalluu* institution as they are afraid of the punishment of the *ayyaana*. After the resolution and reconciliation of the above case, *qaalluu* notified the gathering that someone who suspects somebody for doing a magic, sorcery and witchcraft has the right to bring him/her there and make to take an oath. He notifies no compensation is paid for accusing somebody suspected of such kinds of acts even if he/she proves his innocence by swearing an oath. Because these acts are antisocial, damage social relationship and enhance conflicts that cannot be seen by any external observer.

At the beginning of this chapter, I have listed down the types of cases that can be taken to *qaalluu* institution to be resolved. So far I have been discussing the types of cases that can be resolved at the level of *salgee*, *qaalluu* and *jaarsa araara* of *qaalluu* institution. These are what I would like to categorize as secular mechanisms of conflict resolution at *qaalluu* settings. But, the resolution of conflict at this level is possible if and only if the defendant appear before *qaalluu* institution and admit the wrong/ crime he/she has committed. In this case, the processes of conflict resolution and reconciliation do not involve spiritual intervention, though actors pronounce the name of specific spirit sometimes. So, one can question that how conflicts are resolved if 1, the defendant failed to admit the crime he/she has committed (see 5.3.1) 2, the defendant refused to appear before *qaalluu* institution and 3, the offender is exactly not known or no concrete suspicion (see 5.3.2). These types of cases cannot be resolved at the secular level of the three actors of conflict resolution. So, the plaintiff has to appeal his/her case to the *ayyaana*

by performing different ritual activities so that the resolution is made through supernatural intervention.

### **5.3 Rituals Involved in the Processes of Conflict Resolution and Reconciliation**

In studying the role of rituals in inter-ethnic conflict Shank (1979) declared that rituals play an important role in the process of conflict resolution and reconciliation mechanisms mainly in indigenous institutions (in Augsburg 1992: 275-276). He stated that a prolonged conflict between the Masai and the Luo at the end came to resolution through ritual mechanism. This argument also holds true when we take it to the resolution of inter-personal level conflict at *qaalluu* institution. Historically, *qaalluu* is known by the name 'ritual expert' of Oromo indigenous religion. Even today ritual has central importance in the everyday activities of *qaalluu* institution, both religious and extra religious. Here, my focus is not rituals that are performed for religious purpose, rather, rituals associated with conflict resolution

In relation to this, Mamo (2005:131) stated that *Wayyuu* (*qaalluu*) resolve conflicts through ritual practices. He further argued that *Wayyuu* performs the rituals only if attempts at reconciliation fail because of the failure of either of the conflicting parties to abide by *yaa'a wayyuu's* decisions. However, my data do not lead me to this conclusion. *Qaalluu* institutions among Haro Limmu Oromo perform ritual practices not only because of failure to abide by the *salgee's* decision. Because, there are different rituals that are performed before the actual mediation arbitration and reconciliation is made by the *salgee*. Cursing ritual, for example, can take place either if the defendant fails to appear before *qaalluu* institution or if the offender is not known and/or concrete suspicion is not available. Of course, there may be some instances when ritual is performed following the refusal of accepting the *salgee's* decision. For example, oath taking.

The major rituals of conflict resolution and reconciliation at *qaalluu* institution include; *kakaa* (oath taking), *waamata/abaarsa* (curse), *hiiko* (forgiveness/purification) and *wareega* (vow). These rituals are pronounced in the name of the spirit (*ayyaana*) at a particular sacred place called *siida*. The actual resolution and reconciliation of conflict through ritual practices is possible only with the intervention of the *ayyaana*. Therefore, its resolution could be sooner or later. Of course, in some cases, rituals have paramount importance to bring a considerable immediate resolution and reconciliation between the conflicting parties as will be discussed later.

### 5.3.1 The Ritual of *Kakaa* (Swearing an Oath)

*Kakaa* is one of the rituals of conflict resolution at *qaalluu* institution through the intervention of the divine power. According to Alula and Getachew (2008: 55), ritual of oath-taking is most common in Ethiopian societies especially in cases when the guilty and innocent one is not identified, and when some concrete suspicions are available. My data also confirm with this argument. In the study area, oath taking ritual takes place at *qaalluu* institution if the defendant insists that he/she is innocent and did not commit the alleged crime. As the *qaallu* and *salgee* informants argued, it is not advisable to resolve conflict situation either with swearing an oath or curse. Because, they are believed to be very bad particularly for the one who committed the crime and his/her family. Therefore, in the situation when the defendant appeared before *qaalluu* institution using curse or oath is the last option in the conflict resolution process. In this regard, Mamo's (2005:131) affirmation, cited above, that ritual is performed at *qaalluu* institution only if an effort at reconciliation fail because of the breakdown of either of the conflicting parties to abide by *salgee's* decisions is correct. Therefore, while cursing is resorted to after strong attempts to bring the one who committed a crime before the *salgee*, swearing an oath is resorted to after the *salgee* deeply enquire the defendant and the defendant insists that he/she is innocent. Usually, even if the defendant denies a charge at the first instance, he/she does not insist given the strength of the persuasion taking place there.

The *salgee* usually start mediation activity reminding the defendant about the power of the *ayyaana*. They make clear what the *ayyaana* is capable of doing against him/her if he/she denies speaking the truth. However, if the defendant is totally confident that he/she is free of the alleged crime, he/she can say that he/she has never committed the crime. At that point, the plaintiff has the right to ask the *salgee* the following question: *namni kun seera qe'ee kanaatti naaf haa siqu/siqtu* (let him/her be judged according to the law of this place). In that case the defendant should prove his/her innocence by swearing an oath in the name of the *ayyaana*. If the defendant swore it is believed that he/she is innocent. However, unlike in the *jaarsummaa* and the formal court, the plaintiff is not expected to compensate the defendant for he/she wrongly accuses

him/her at the *qaalluu* institution. Because, according to *seera bokkuu*<sup>12</sup> (the laws of *bokku*) of *qaalluu* institution someone who suspects somebody for doing whatever crime has the right to make him/her swear an oath for free.

The ritual of oath-taking at *qaalluu* institution involves a set of rules and procedures. This ritual takes place at the place called *siida*, a sacred place in one quarter of the *qaalluu* compound surrounded by its own fence. Only people who observe *laguu*<sup>13</sup> are allowed either to pray or curse at this place. Therefore, both parties are expected to abide by *seera laguu* (the law of religious forbidden) at the date of swearing an oath. For example, a person who swears an oath is not allowed to eat for that day until he/she performs the ritual. Because it is believed that he/she is considered as impure, dirty and sinful. So, he/she has to swear and tell the *ayyaana* his/her purity and cleanness by fasting so that the *ayyaana* set him/her free with his/her truth.

Ritual of oath taking is performed using different materials in which each material carries its own symbols and meanings that are rooted in the society's culture, custom, and belief system. These include; *Sansalata*(chain), *Luugama*(harness), *Faanaa*(stirrups), *kasala*(char-coal), *alangaa baallammii*(double striped whip), *muka boqqallo/fixata*(empty corn cob), *jabanaa cabaa*(broken coffee-pot), *muraa*(ax), *gubaa*(burner), *shookkisa*(trap), *albee*(knife), *qoraattii*(thorn), *eeboo*(spear), *lilmoo*(needle), *moora kormaa*(entrails of the bull), *lafee*(skeleton), *rasaasa*(bullet), *goraadee*(sword), *maxxanne*(glue). These materials are placed in sacred place found in *galma* (ritual hall). No one is allowed to touch them except the ritual expert called *birqaba*.

Procedurally, as the decision to swear an oath is approved either the salgee or the *qaalluu* call the ritual expert and inform him the main content of the issue under consideration. The ritual expert then brings and puts these materials on the gate of the *siida*. The person to swear an oath and the plaintiff are called to approach to the *siida*. With the guidance of the ritual expert the defendant is made to sit down on the stone, kick on the stone and fasten his/her two legs with chain.

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<sup>12</sup> The law of Bokkuu is a broad religious law that include different specific laws and rules, but does not exist in printed copy

<sup>13</sup> *Laguu* refers to a set of prohibitions. Some states of affair are believed to make someone impure. For instance one who performed sex the previous night, a menstruating woman, etc are not allowed to enter the *siidaa* because such things are considered *laguu*.

During the ritual, the defendant is expected to hold these materials in his hand turn by turn while he/she is swearing an oath in the name of the *ayyaana* repeating what the ritual expert is saying. Although what has to be said during swearing an oath varies based on the subject matter of the case under consideration, the following are the common constituents that a given oath taker has to swear during oath taking ritual.

<i>Yoon yakka kana raawwadhera ta'e</i>	if I have committed this crime
<i>Dhaga'e gurraa qaba yoon ta'e</i>	if I had heard about the case
<i>Argee ijaa qaba yoon ta'e</i>	if I have seen it
<i>Yaade garaa qaba yoon ta'e</i>	if I have thought it
<i>Itti maleera yoon ta'e</i>	if I have plotted against him/her
<i>itti malsiisera yon ta'e</i>	If I made someone to plot against him/her
<i>balaan siidaa</i>	may the evil spirit of the <i>siida</i>
<i>jabaan diidaa</i>	may the powerful stranger
<i>jandhisa, gamnisa, lugamnisa</i>	his brave, his wise his harness
<i>naa qabu</i>	catch me
<i>qabee nan gadhisiin</i>	may it continues to hurt my life as it caught me
<i>sansalannisa naa hidhu</i>	may his chain fasten me
<i>ateetiin dhagaa natti haa ta'u</i>	may my marriage be tough/hard
<i>qannaan dhagaa natti haa ta'u</i>	may my harvest be bad if I farm <i>teff</i>
<i>cirraan dhagaa natti haa ta'u</i>	may my harvest be bad if I cultivate maize
<i>daldallaan dhagaa natti haa ta'u</i>	may my business be hard if I trade
<i>duudaan akka dhagaa kana naaf haa dhalatu</i>	may I give birth to deaf children as this stone
<i>kan dhalate naaf hin guddatiin</i>	may children never grow up for me
<i>kan guddate naaf hin dubbatiin</i>	may the grown one never speak for me
<i>bokkuun qe'ee kanaa na duuka haa galu</i>	may the <i>bokku</i> of this place come to my home

...<sup>14</sup>

<i>yoon sobeen kakadhe ta'e</i>	if I swore falsely
<i>waanti ani hanga ammaatti jedhe kun</i>	may what I have been saying so far
<i>maxxanse na haa qabatu</i>	attached to me

Immediately after the ritual of swearing has been completed, the conflicting parties go to *qaalluu* and take blessing. *Qalluu* blesses both the plaintiff and the defendant saying *ayyaanni qe'ee kanaa dhugaa kee siif haa barbaadu* (may the *ayyaana* of this place search for your truth) and *ayyaanni qe'ee kanaa dhugaa keetiin siin haa ofkolchu* (may the *ayyaana* of this place<sup>15</sup> makes you free with your truth) respectively. By swearing an oath the defendant proves his/her innocence and therefore he/she is considered as innocent by others including the plaintiff. Whether he/she swore genuinely or not is the business of the *ayyaana* as the case is already appealed to it. Therefore, the whole idea of swearing an oath is that even if someone can lie to the *salgee*, *jaarsa araara* of *qaalluu* or *qaalluu*, he/she cannot lie to the omnipresent *ayyaana*. If he/she does so, he/she shall be punished by the *ayyaana* itself. The punishment will come sooner or later on the one who committed the crime or on his family members.

### 5.3.2 The Ritual of *Waamata/Abaarsa* (Curse)

The ritual of *waamata* (curse) is another mechanism of conflict resolution and reconciliation process at *qaalluu* institution. This ritual is performed in two different situations a) if the defendant refused to appear before the *qaalluu* institution b) if the wrong doer is exactly not known and/or any concrete suspect is not available. In both cases, the plaintiff appeals his/her case to the *ayyaana* by performing the ritual of curse locally known as *waamata* or *abaarsa*. In the former case, the defendant refused to appear to tell the truth and thus the case of the plaintiff is not heard by the *salgee*, *qaalluu* or *jaarsa araara* of *qaalluu*, it is believed that the case will be heard and accordingly treated by *ayyaana*. In the later case, the wrong doer committed the crime secretly or in the absence of eye witness and thus the case cannot be resolved by anybody other than the *ayyaana*.

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<sup>14</sup> Since each material involved in cursing ritual has its own meaning and the text appears to be lengthy some parts were taken to appendix section (see appendix three)

<sup>15</sup> In place of the *ayyaana* of this place the society usually use the name of specific *ayyaana* of that place.

As cursing ritual is performed, it is believed that, the *ayyaana* hears the curses of the plaintiff and punishes the offender. It may take long or short time for the *ayyaana* to punish the defendant and expose him to the public. According to the informants, the punishment by the *ayyaana* can be in the form of sickness of the wrong doer and/or his/her families, death of livestock, destruction or diminishing quantity of crops, abnormality/mad and the like. It is believed that the punishment by *ayyaana* is not only harming the living generation but also it continues to damage the next generations of the wrong doer, usually up to seven generations. Even if the defendant dies, the consequence of his/her wrong doing can be incurred by his/her family. So the wrath of the *ayyaana* is believed to come on the living family and the next generation.

Cursing ritual, like other rituals, involves a set of rules and procedures. It is performed in the *siida* and is allowed only for the one who observed *laguu* to curse somebody. At the date of cursing, the plaintiff is expected to come to *qaalluu* institution with different materials such as *amoole cimdii* (double salt bar), *filaanjo* (chili, hot pepper) and *rasaasa* (bullet). In addition, materials used for swearing oath in *qaalluu* center, listed above, are also used in cursing ritual.

To perform cursing ritual, procedurally, the plaintiff has to get permission either from the *salgee* or *qaalluu* first. With the consent of either the *salgee* or *qaalluu*, the ritual expert then prepares the necessary precondition such as catching the fire from *qoraan hoomii* (firewood of *pygeum africanum*) and bringing all the required materials to the *siida*. Until the actual cursing ritual begins, the plaintiff informs the ritual expert the concern of cursing. In the process, the one who performs the ritual is expected to hold skeletal jaw of the *caw* in to his left hand and break one of the salt bars he brought in to smaller pieces with that jaw. At this point, he/she says *lafee isaa/ishee naaf caccabsi* (may you (*ayyaana*) break down his/her bones in to pieces for me). Then, he/she puts the pieces of broken salt bar and the chili in to the fire with his/her left hand while saying *marrummaan isaa/ishee naaf gubii* (may you (*ayyaana*) burn his/her stomach for me with your burner). Next, he/she points the bullet at the fire while saying *rasaasa keetin naaf rukkuti* (may you (*ayyaana*) shoot him/her for me with your bullets). The following are the set of statements that the curser has to invoke while performing cursing ritual.

*Yaa Guddaa qe'ee kanaa*

oh the great *ayyaana* of this place

*Balaan siidaa*

the devil *ayyaana* of the *siida*

<i>Nama na yakke kana</i>	the one who wronged me
<i>Haalo ba 'uuf ani humna hin qabu</i>	I have no power to revenge him/her
<i>Ati gumaa koo naaf baasi</i>	may you take revenge on my behalf
<i>Qotee/ttee lafarraa haa dhabu/du</i>	may he/she loose harvest if he/she cultivates
<i>Dubbatee/ttee hiriyyaarraa haa dhabu/du</i>	may he/she loose trust from his/her friends
<i>Falmee/tee daanyaarra haa dhabu/du</i>	may he/she miss Verdict from judge if he/she litigates
<i>Baratee/ttee barruu haa dhabu/du</i>	may he/she miss grade if he/she learns
<i>Alaa manaa naaf golgoleessi</i>	may you make him/her empty from inside and outside
<i>Balbalaan seenii boron ba'i</i>	enter his/her home through the gate and get out from the back
<i>Karaa guutuu lixi warra guutu fixi</i>	enter his/her home through the roof and finish off all family
<i>Haadha qabdee abbaa hin dhiisin</i>	catching the wife may you never leave the husband
<i>Obboleessa qabdee obboleettii hin dhiisin</i>	catching the brother may you never leave the sister
<i>Ilma qabde intala hin dhiisin</i>	catching the son may you never leave the daughter
<i>Ameessa qabdee qotiyyoo hin dhiisin</i>	catching the cow may you never leave the ox
<i>Angafa qabdee eegoo hin dhiisin</i>	catching the senior may you never leave the junior
<i>Dibicha qabde goromsa hin dhiisin</i>	catching the young bull may you never leave the heifer
<i>Alaa manaa naaf golgoleessi</i>	may you make him/her empty from inside and outside
<i>Ciisuf cinaachisa/she siree haa hanqatu</i>	may his/her rib never touch the bed to sleep
<i>Adeemuuf miillisa/she lafa haa hanqatu</i>	may his/her legs never touch the ground to walk
<i>Nyaachuuf harkisa/she afaan haa hanqatu</i>	may his/her hands never reach his/her mouth to eat
<i>Lafee isaa/she naaf cabsi</i>	may you break his/her bones for me
<i>Qonnaan, horraan, nyaannaan,</i>	if he/she farms, rears, eats, drinks
<i>Dhugnaan gubaa itti naaf godhi</i>	may you make all burn him/her
<i>Ari'ii naaf qabi</i>	may you chase and catch him/her for me
<i>Fiigi naaf qaqqabi</i>	may you run and get to him/her for me
<i>Gumaa koo naaf baasi</i>	may you take revenge on my behalf

Immediately after the cursing ritual is completed, the curser has to perform another ritual which is highly interrelated with cursing ritual. This ritual is known as *daarii kaayyachuu* (setting the boundary). The reason behind performing this ritual is that it is believed that if someone who cursed somebody comes into contact with the cursed one, the curse will be diverted to him. Therefore, it is thought that, demarcating the boundary helps the curser not to be caught by the curse if he/she comes into contact with the one who is cursed by him/her. In this ritual, the curser is expected to put the second salt bar on the gate of the *siida* and performs the ritual by pronouncing the following statements guided by the ritual expert.

<i>Yaa Guddaa qe'ee kanaa</i>	oh the great <i>ayyaana</i> of this place
<i>Daarii kaayyadheera</i>	I have demarcated the boundary
<i>Daarii natti hin darbiin</i>	may you never trespass to me the boundary
<i>Gulanta kayyadhera</i>	I have demarcated the <i>gulanta</i>
<i>Gulanta natti hin darbiin</i>	may you never trespass to me the <i>gulanta</i>
<i>Daarii naaf buufadhu</i>	may you demarcate the boundary for me
<i>Daarii natti hin darbiin</i>	may you never pass to me the boundary
<i>Daarii qonnaan, daarii cirraan</i>	if we farm or cultivate adjacent plot of land
<i>Baabura tokkotti daakkannaan</i>	if we ground our cereals at the same millstone.
<i>Maaddii tokkotti nyaannaan</i>	if we eat from the same dining table
<i>Daari natti hin darbiin</i>	may you never pass to me the boundary
<i>Gaaddidduun ko isa/isherra buunaan</i>	if my shadow shade on him/her
<i>Ilkee kaannisa, hadhaa marrata itti godhi</i>	may you make it a poison to him/her
<i>Kan isaa/ishee narra buunaan</i>	if his/her shadow shade on me
<i>Aannaan qoraasumaa naaf godhi</i>	may you make it a fumigated milk for me

Resolution of conflict through spiritual intervention could take long or short time. However, cursing ritual itself can also be considered as the immediate resolution of conflict. According to the information obtained from *qaalluu*, *seera ayyaana* (the law of *ayyaana*) forbid the plaintiff/curser from seeking revenge and to hold hostile attitude against the defendant once the cursing rituals is performed. It is believed that it is the *ayyaana* who is responsible to take

revenge, as the case is already appealed to it. Therefore, seeking revenge by the plaintiff is believed to reverse the curse back to him/her. In this case, though the conflict is not actually resolved, the parties are not in the state of violent conflict.

### **5.3.3 The Ritual of *Hiiko* /*Aagii Baafachu*(Forgiveness/ Purification)**

*Hiiko* is a ritual of conflict resolution and reconciliation performed following the cursing ritual. As noted above the main purpose of cursing is appealing the case to the *ayyaana* to punish someone who committed a crime against somebody. On the other hand, in case such thing happen the *hiiko* ritual is performed such that the wrath of the *ayyaana* is lifted. Therefore, the one who has been cursed by somebody has to perform the *hiiko* ritual to get freed from cursing. *Hiiko* ritual is a point at which truth is revealed, the offended forgive the offender after gaining the truth and receiving compensation from him/her. It is also a point at which the real resolution and reconciliation takes place between conflicting parties. Based on the time at which the ritual takes place there are two types of *hiiko*/forgiveness ritual. That is, *hiiko* ritual that takes place before punishment by *ayyaana* and after the wrongdoer is punished by *ayyaana*.

Most of the time, the wrongdoer him/herself confess the wrong he /she has committed by going to *qaallu* institution that he has been cursed by someone before punishment buy *ayyaana*(see case 3). This type of *hiiko* ritual is the most commonly used mechanism of asking for *hiiko* ritual. Many people in the district and the surrounding area are aware of the power of the *ayyaana* and fear its punishment. So, as someone heard that he/she is cured by somebody, he/she does not keep silent and wait for punishment. The *qaalluu* and the *salgee* themselves also order and encourage the one who performed cursing ritual to inform his/her neighbors and relatives that he/she cursed the offender. This is to pave the way for the offender to hear that he/she was cursed. Hence, he/she performs the *hiiko* ritual before exposed to punishment by the *ayyaana*. Even if the offender keeps silent his/her relatives, neighbors and his/her social and labor groups initiate or pressurize him/her to go to *qaalluu* institution and perform *hiiko* ritual (see case 6). In this case, the wrongdoer is not expected to pay compensation for the *ayyaana*, as he/she is not penalized. But, the compensation he/she pays for the wronged may be high as it includes another additional compensation called *kiisi*. It is added over the normal compensation determined based on the magnitude of the crime.

## Case 6: Conflicting parties performed *hiiko* ritual after ostracized from iddir

*Guuta Gemechu and Assefa Kenea are from Dirre Guda kebele of Gida Ayana district. They are neighbors, relatives and members of the same iddir. One year ago, Guuta accused Assefa at Irressa qaalluu institution claiming that Assefa's cattle damaged his sugarcane in the absence of witness. But, Assefa refused to appear before qaalluu in the first three calls. Then, Guuta performed cursing ritual immediately. Although he was aware that he has been cursed, Assefa kept silent without asking Guuta for forgiveness. A year later, the iddir members heard and repeatedly asked him to go to qaalluu institution and perform hiiko ritual. Because, they fear that since the two are relatives, the curse may harm both parties' descendants. But, he refused. Then, the iddir sanctioned and excluded him from iddir membership until he performs hiiko. Thus, he was prohibited from participating in different labor cooperatives such as daboo, qorree and daado. Lastly, he brought a qaali to Guuta to forgive him. Accordingly, they forgave each other and performed hiiko ritual after the resolution and compensation is made. Finally, they provided a letter written to iddir that shows they forgave each other and are now free from curse. (Source: case presented and get resolved at Guuto Jorga qaalluu institution march 15, 2014)*

From this case it is possible to understand that the people fear the spiritual punishment that comes following the curse. Different categories of people who are related to each other through various means of social interaction do not want someone to be punished by the curse. Therefore, they try their best to make him/her free from curse either by politely encouraging or enforcing using different mechanism such as ostracism.

The second form of *hiiko* ritual is which takes place after the offender has suffered from some punishment by the *ayyaana*. The punishment could be simple or serious. If the punishment goes to the extent of death of human being, either the wrong doer himself or his family member, the wrong doer or his families are expected to pay compensation for the *ayyaana* in addition to the normal payment of compensation for the wronged. In a situation when the offender dies before performing *hiiko* ritual it is his family members who are obliged to perform the ritual, as the curse continues to punish the next generation. Sometimes, due to the fear of identifying him/herself before the public as guilty, the offender knowingly keeps silent and waits for punishment.

However, in a situation when the offender dies of curse without performing *hiiko* ritual, it is customary for family members to consult those people who are able to communicate with the spirit of the dead which is locally called *eker-dubbiftu*. The Oromo of Haro Limmu district believes that after death individuals exist in the form of a spirit called *ekera*. They do not believe in suffering after death as in Christianity and Islam. If one commits sin he/she is punished while still alive. It is believed that once one has died his/her *ekeraa* (spirit of the dead) lives on.

Therefore, when the family members consult the *eker- dubbiftu*, the spirit of the man/women died from curse speaks and warns his/her family that they should go to the *qaalluu* in whose name he/she was cursed and perform *hiiko* ritual. This is taken as a confirmation that he/she has died from a curse. At that point, the family of the one who died from curse should go to the *qaalluu* and address the crime committed to set themselves free from what has been committed. In this case *hiiko* implies declaring or concluding something or an event not to happen again.

In both types of *hikoo* rituals, the wrongdoer has the right to take a *qaali* to the one who cursed him to lift the curse from him. It is the one who was wronged at the beginning who now lifts the curse through the ritual of *hiiko*. Through the intervention of *ayyaana*, truth reveals for the wronged and the conflict is resolved with the restoration of truth. In addition, if someone believed that some misfortune has befallen him/her because someone has cursed him/her in the name of a certain *ayyaana*, he/she has the right to appeal to the *qaalluu* to have the curse lifted. When the two parties appeared before *qaalluu* institution, the wrong doer presents the case admitting the crime he has committed and asks the defendant for *hiikoo* (forgiveness). Then, having dealt with the root cause of the conflict and level of crime committed, either the *salgee* or the *qaalluu* penalize the wrong doer and decide the amount of compensation to be paid for the wronged. Lastly, the conflict parties get permission to undertake the ritual of *hiikoo* which is the actual resolution and reconciliation after truth is prevailed.

The *hiiko* ritual has complex procedures and symbolic representation of purification of curse and reconciliation of conflicting parties. It is performed not only as a mechanism of purifying the curse from the guilty but also as a method of conflict resolution. Through this ritual processes, the guilty would be reconciled with the offended. Hence, ritual of *hiikoo* is bounded by sets of rules and regulation. In the process, both the curser and the cursed have to come up with single *amoole* (salt bar), *daakuu biqilaa* (a flour of germinated cereal especially barely) and a bread or *injera*. Each party dissolves flour in two different glass of water. Then, guided by the ritual expert they exchange the dissolved flour. In this context, germinated cereal symbolizes children and resource mainly livestock. Next, each puts this dissolution into his /her mouth nine times and spit it nine times turn by turn while saying *biqila dhalan na tufi* (may you (*ayyaana*) spare my children) *biqila horiin na tufi* (may you (*ayyaana*) spare my resource). The remained dissolution and the two *amoole* are taken to and put into the *siida*.

In the single processes of *hiikoo* ritual three types of forgiveness take place. First, the curser (wronged) forgives the cursed (wrong doer) by calling his/her name. Second, the *ayyaana* forgives the cursed for the crime or wrong he/she has committed. Third, the cursed person forgives the curser for the enmity he/she has developed once against him/her. For each type of forgiveness the conflicting parties pronounce different set of statements with the help of the ritual expert. The following are set of statements that the curser pronounces while he forgives the cursed person in the *hiiko* ritual.

<i>Yaa Guddaa qe'ee kanaa</i>	oh the great <i>ayyaana</i> of this place
<i>Balaan siidaa</i>	the devil <i>ayyaana</i> of the <i>siida</i>
<i>Jabaan diidaa</i>	the powerful stranger
<i>Jadhikee gamnikee</i>	your brave, your wise
<i>Humanako oltaan</i>	the things that has been beyond my capacity
<i>Kanin sitti himadhe</i>	as I have appealed to you
<i>Gumaan koos ba'eera</i>	my <i>guma</i> is revenged
<i>Dhugaan koos ba'eera</i>	my truth is revealed
<i>Wal-biras nu dhaabdetta</i>	you brought us together
<i>Amma immoo</i>	hereafter, however,
<i>Ani hiika godheera</i>	I forgave him/her
<i>Atis hiika godhiif</i>	may you forgive him/her too
<i>Qonnaan lafarratti</i>	may you forgive him/her if he/she cultivates
<i>Daldallaan gabaarratti</i>	may you forgive him/her in his/her trade
<i>Nyaannan maaddiirratti</i>	may you forgive him/her when he/she eats
<i>Dhugnaan waancarratti</i>	may you forgive him/her when he/she drinks
<i>Haadhamanaa guutuu</i>	may you forgive every members of his/her family
<i>Durba qarree</i>	may you forgive his/her virgin girl
<i>Gurbaa rogee</i>	may you forgive his/her unmarried boy
<i>Ameessa okolee</i>	may you forgive milk-pots of his/her caw
<i>Sangaa qambarrii</i>	may you forgive his/her oxen in yoke

<i>Hoola gorbaa</i>	may you forgive his/her sheep
<i>Jabbii gooranaa</i>	may you forgive his/her calves
<i>Ani hiika godheerafi</i>	I forgave him in all direction
<i>Atis hiika godhiif</i>	may you forgive him too

At the end the parties are expected to eat the bread/*injera* they brought sharing with each other. This symbolizes hereafter (after *hiiko* ritual is performed) they are one, united, and completely reconciled.

### 5.3.4 The Rituals of *Wareega* (Vow)

Like other forms of ritual, discussed above, *wareega* (vow) ritual is also playing significant role in conflict resolution through the intervention of the *ayyaana*. It is the process in which the applicant appeals his/her case to the *ayyaana* to harm, expose (identify) the offender, or search for his/her truth by making solemn promise for the *ayyaana* to provide something in return. For instance when the offender is not exactly known the plaintiff can perform the *wareega* ritual asking the *ayyaana* to expose him/her. Most of the time, the ritual is performed in the *siida*. But, sometimes, the plaintiff performs it being anywhere. Unlike all the other rituals, discussed above, *wareega* ritual does not involve complex procedures and rules. It is the wronged him/herself who tells his problem to the *ayyaana* by making solemn promise to offer something if the *ayyaana* accomplishes the issue accordingly.

The materials used for *wareega* are not common or fixed. However, in conflict cases it may include; chain, harness, a pair of needle, thorn, awl, chili or hot pepper, a pair of flash light, rope, a pair of salt bar, sheep, bull, a pair of candle. People often promise a pair of material because of the meaning they attached to a pair. Accordingly, a pair symbolizes *guutuu* (full). So, the meaning implies the reciprocal exchange between people and the *ayyaana*. Therefore, symbolically, a pair denotes a full response - a demand fulfilled. A person states hi/her demand; *yoo waanan jedhe naaf guutte guutun siif galcha*. Literally mean if you (the *ayyaana*) fulfill what I have appealed for, I will offer you full of (a certain) material (object). In *wareega* ritual it is not the value or amount of the promised material which is important but the meaning that attached to the material.

If the wrong doer refused to appear before the *qaalluu* institution and the wronged, however, does not want the spirit to harm him/her but to bring him/her before *qaalluu* institution, he/she may perform *wareega* ritual by saying, *yaa ayyaana qe'ee kanaa yoo ati nama na yakke kana finyoo keetiin hiite qe'ee kana naa fidde finyoo meetira tokkon siif galcha*, (Oh the *ayyaana* of this place if you bring the one who wronged me to your compound with your rope, I will offer you one meter long rope). Similarly, if he/she want the *ayyaana* to penalize the wrong doer he/she may perform the *wareega* ritual saying *yaa ayyaana qe'ee kanaa yoo ati nama na yakke kana eeboo keetiin naa waaraante eeboo cimdiin siif galcha* (Oh the *ayyaana* of this place if you hurt the one who wronged me with your spear I will offer you a pair of spear). .

People in the study area usually go to *qaalluu* institution if one of their members is killed or injured, if their properties are robbed, stolen or burned down by the unknown offender to perform *wareega* ritual than taking revenge simply after suspecting somebody. Because it is believed that the *ayyaana* can expose the one who committed a crime.

The overall idea of the *wareega* is that once the *ayyaana* heard the appeal through *wareega* ritual and accomplished effectively then the offender is identified so that the process of conflict resolution and reconciliation takes place immediately at *qaalluu* institution

## **5.4 The Interaction between Customary and Formal Institutions of Conflict Resolution**

Before dealing with the interaction between the customary and formal institutions of conflict resolution, it seems helpful to make a distinction between the two institutions and highlight the formal institutions at the local level. Formal institutions, as elucidated by Brinks, are those institutions that work on the bases of rules that are openly codified, in the sense that they are established and communicated through channels that are widely accepted as official. By contrast, customary institutions are socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channel (Brinks, 1990:9-10).

### **5.4.1 The Formal Institutions of Conflict Resolution**

The major customary institutions of conflict resolution were thoroughly discussed in chapter four. In this section, the formal institutions in the study area will be highlighted first so as to

make discussion of the interaction between the two easier. With regard to formal institutions, I can mainly talk of the government political structures ranging from the highest to the lowest in terms of power and proximity to the local people. Socio-politically, the present Constitution of FDRE (1995) distributes sovereign authority to the people and extensive powers of self-governance to regional states. The regional states are, in turn, sub-divided into zones, districts and *kebele* for the purpose of decentralization of power and governance to the grassroots level as stipulated in the Constitution. Besides, there are recently developed structures below the *kebele* such as *gooxii* (sub- *kebele* administration) and *garee misoomaa* (the development committee) which is the smallest administrative structure

Accordingly, Haro Limmu District is formally structured into *kebele*, *gooxii* and *garee*. The district has seventeen *kebele* administrations, fifteen rural and two urban. A single *kebele* administration has 1-3 *gooxi*, based on its area and population size. The *gooxi*, in turn, is sub-divided into 10-35 *garee* based on the size of the *gooxi*. The *garee* are made up of a unit of household head. One *garee* consists of 20-30 household heads. The *garee* have administrative structures of five representatives consisting of chairperson, secretary, and other three-subcommittee members. They help the *kebele* officials in resolving minor conflicts.

The *kebele* has both administrative and judiciary structures. The administrative unit of *kebele* is *bulchiinsa ganda* (*kebele* administration) and the judiciary organ of the *kebele* is known as *koree hawaasummaa ganda* (social court of the *kebele*). The social court, as its name implies, is mandated to resolve non-criminal conflicts or civil disagreements. It is run by a board of social judges selected by the inhabitants of that *kebele* under the support of district and *kebele* administration. The lowest possible level of a judiciary organ mandated to resolve criminal offences and civil matters beyond the mandate of a social court is *mana murtii Aanaa* (a district court). My interview with the *kebele* officials revealed that the social court has limited mandates and is allowed only to deal with non-criminal matters such as conflicts over property, private and family cases which are associated with civil matters. It is not even allowed to deal with property conflicts exceeding 1500 Ethiopian *birr*.

#### 5.4.2 The Relationship between Customary and Formal Institutions of Conflict Resolution

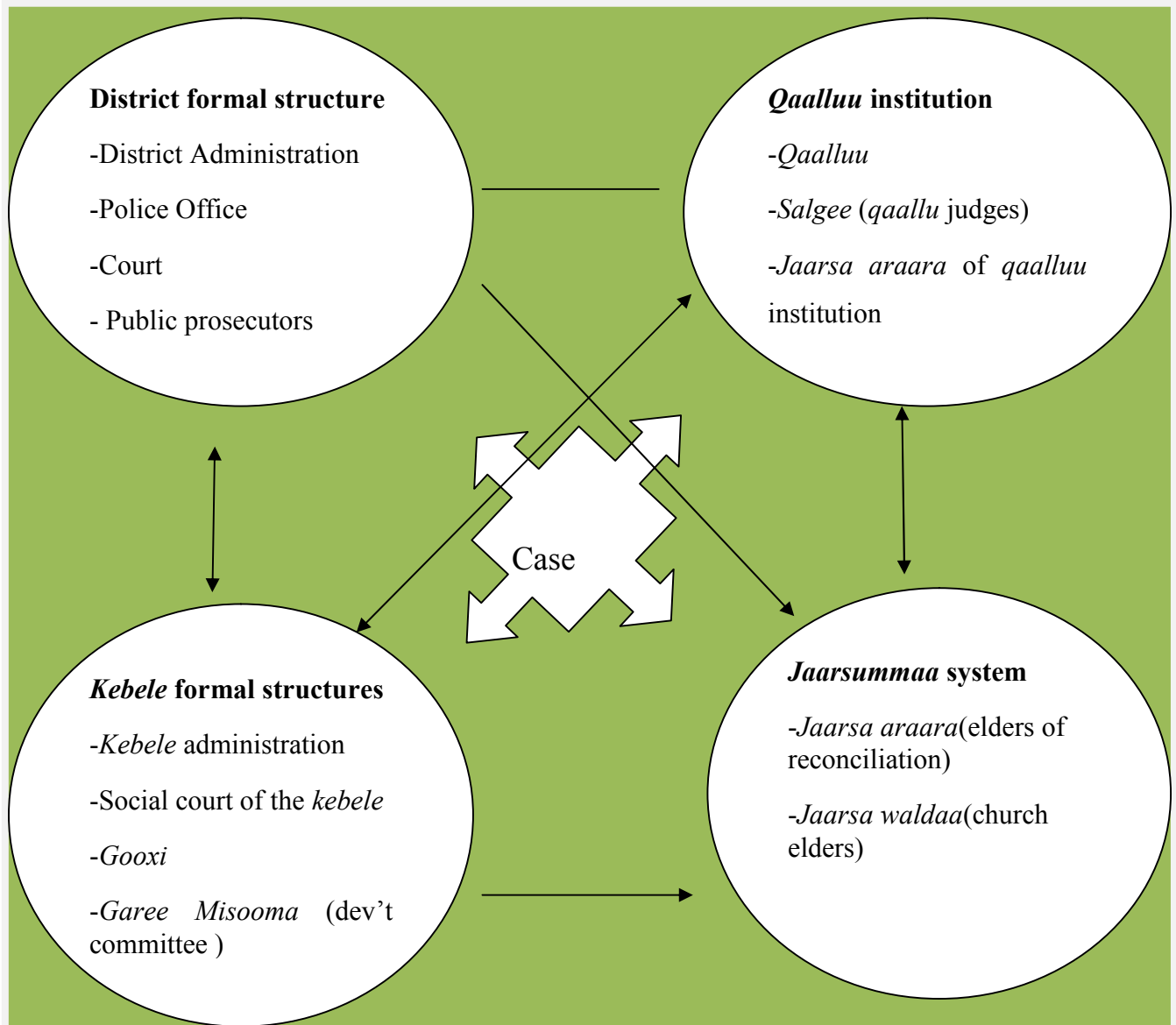
As noted above, the customary institutions are guided by the *seera aadaa* (customary law) and/or *seera waaqa* (the law of God) where as adjudication in the formal court system is based on largely standardized formal legal system. In this section, attempts have been made to look at how these different laws work together in the same setting, what anthropologists call legal pluralism. Besides, how the customary law is legitimized by the state law in principle and how it functions practically in the study area will also be discussed.

Lauth identified four different possible ways through which customary and formal structures interact: complementary, accommodating, competing, and substitutive (Lauth, 2000:15). The interaction between customary institutions and formal structures in the study area could be categorized under complementary. Because, the customary institutions co-exist with the formal structures and actors expect that the formal rules that exist on paper will at least respect, if not enforce the decision of the customary conflict resolution institutions. Lauth also declared that complementary customary institutions “fill in the gaps left by formal institutions-addressing problems or contingencies that are not explicitly dealt with in the formal rules-without violating the overarching formal rules” (ibid). In this regard, my ethnographic data partly confirm Lauth’s statement. In the study area, different cases that lack evidences or related with spiritual matters, false witnesses and breach of informal agreement are exclusively handled by *qaalluu* institutions. Hence, *qaalluu* institutions contribute to the resolution of conflicts that cannot be effectively handled through the formal court.

On the other hand, in addition to filling the gaps left by the formal structures customary institutions also handle cases that can also be treated by the formal court. Sometimes, the court writes a letter to the *jaarsa* to resolve the conflict and report back the result with the consent of the conflicting parties. Besides, in all simple criminal cases the court, police office, and the persecutors encourage the conflicting parties to resolve their conflict through *jaarsummaa* system and formally refer the case to *jaarsa*. Even if the *jaarsa* reconciled criminal cases by their own initiatives, the court closes the allegation charge if the two parties bring their reconciliation agreement to it. Similarly, if the offended and the offender reconcile in criminal case, the public prosecutor uses the reconciliation agreement as an explanatory condition for the

reason that the offender has already apologized for his/her wrongdoing and compensated the offended.

**Diagram 5.2: Interaction between customary and formal institutions**



→ shows one direction of referring a case and seeking the result back.

↔ shows two directional referring of a case as well as seeking the result back

The interaction between *qaalluu* institution and the formal structures varies between the district level and below the district level structures. On one hand, *qaalluu* institution and formal

structures below the district level such as the kebele administration, *gooxi*, and *garee misooma* have remarkable formal interaction. They refer the cases to each other and seek the result back. Even, most of the social court of the *kebele* are usually selected from the *salgee* members on the bases of their skills of conflict resolution and work simultaneously in the two positions.

On the other hand, *qaalluu* institution and the formal structures at a district level have no formal interaction. But, they do have informal recognition that each understands and respects the works and decisions of the other without having official contact. Actors of conflict resolution at *qaalluu* institution, who are guided by the customary laws and the laws of *waaqa*, usually take care of not to break the formal laws. When they notify the parties about the seriousness of the case at hand, the actors also refer specific government laws that match with the same, though they do not put into effect the formal laws. Similarly, the court is aware that *qaalluu* institutions handle criminal cases, despite the mandate provided by the state law to handle only civil cases. However, the court does not demolish any decision *qaalluu* institutions make including criminal cases.

During the interview with the court officials, they unequivocally appreciate the role that *qaalluu* institutions play in conflict resolution and reducing the regular case load of the court. Besides, they admittedly addressed that the conflict resolution at *qaalluu* institution is effective both in providing justice and ensuring long-lasting peace and harmony in the society. Asked for why the court doesn't have any formal interaction with *qaalluu* institution if they are aware of its contribution and effectiveness, the court president raised the issue of state legitimacy granted for the customary institutions and integrating them into the mainstream structure by the constitution of the country. Accordingly, as customary institutions were still in use anyway, the 1995 constitution made specific provisions for their inclusion. By doing so, the government was attempting to integrate these systems but in a way that defined and regulated their use. The following constitutional articles directly address the authority of customary laws:

Article 34 (5)

*This constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.*

#### Article 78 (5)

*Pursuant to Sub Article 5 of Article 34 the House of People's Representatives and State Councils can establish or give official recognition to the religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adaptation of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.*

The impact of these Articles means that the Ethiopian constitution formally accepts a parallel legal system, allowing customary laws and religious laws to be used in personal and family matters. However, although these articles limit the power of indigenous institutions to handle only civil cases, according to key informants, the customary institutions among Haro Limmu Oromo also handle the criminal cases by transgressing their mandate. The court does not interfere and prevent them from treating criminal cases. As the court official elucidated, the court is flexible to consider customary mechanism of conflict resolution. Moreover, one judge added that “we never interrupt the resolution made by customary institutions, be it *qaalluu* institution or *jaarsummaa* system, as long as long as it resolves the case peacefully and ensures the harmonious living of the society.”

##### **5.4.2.1 The Use of Cultural Materials in Formal Court**

According to Alula and Getachew (2008:62) oath taking is the best mechanism to avoid giving false statement. The district court has been applying this mechanism to make witnesses take an oath not to present false statement. But, the oath taking practice it has been employing is simple and did not involve any material that carries symbolic meaning. Therefore, according to most informants, including the court officials, this failed to bear fruit as the witnesses swear before the court on false evidences.

What is interesting is that, to reduce this problem the district court adapts the oath taking mechanism from *qaalluu* institution with which the societies are familiar and fear its effect. To this end, all materials used for swearing an oath at *qaalluu* institution (see 5.3.1) are taken to court by the court officials. Since these materials symbolize different meanings that are rooted in the society's culture, custom, and belief system, it is believed that people do not swear using these materials when they give false evidence. Since the court is not familiar with the

mechanism, the materials are kept in the office for one year without use. Currently, however, as the court informally contacts the ritual expert of the *qaalluu* institution and learns how to use these materials, the court is now practicing similar practices of oath taking with *qaalluu* institution. The exception is that in court they are the witnesses who are expected to swear an oath where as in *qaalluu* institution the conflicting parties swear an oath.

According to the court officials the problem in using this mechanism is that the government laws do not oblige anybody to swear an oath by holding specific materials, it only requires him/her to swear an oath. Nonetheless, someone who comes to the court to give his/ her eye witness is expected to swear an oath using these materials regardless of his/her religious backgrounds. Consequently, the court becomes successful in minimizing the problems related to false witness and thereby providing fair decision. Thus, this could be considered as one of the major influences of *qaalluu* institution on formal government structure.

#### **5.4.3 Rationale behind Persistence Use of *Qaalluu* Institution for Conflict Resolution**

As noted above, *qaalluu* is indigenous Oromo religious institution that has been serving the society since time immemorial. At present, majority of the people in the study area are officially converted to modern religion. According to the district culture and truism office, the religious composition of the district is 40% Protestant, 25% Muslims, 20% Orthodox and 15 % indigenous religions. However, Different categories of people, regardless of their religious and ethnic background, resolve their conflicts at *qaalluu* institution. During my stay in the field, it was observed that different ethnic group such as the Oromo, Amhara, Tigre, Gumuz, Shinasha and Gurage who follow different religious tradition were at *qaalluu* institution to get their conflict resolved. So, *qaalluu* institution is still serving as the major institution of conflict resolution despite massive conversion of the people to modern religion and availability of other mechanisms of conflict resolution. Therefore, one can ask the question that what are the rationales behind persistence use of *qaalluu* institution for conflict resolution?

Based on the data collected, I believe that the rationale behind persistence use of *qaalluu* institution for conflict resolution is deeply rooted in its advantage or strengths. However, its

strength should be measured in its context. Different reasons, both internal and external<sup>16</sup> to *qaalluu* institution, appear to contribute to the strength of *qaalluu* institution in conflict resolution. Many scholars have explicated various advantageous of customary institutions of conflict resolution. For example, Alula and Getachew (2008:260) summarized the strength of the indigenous conflict resolution in Ethiopia which includes accessibility, timeliness, limited cost, legitimacy and appropriateness, restorative capacity, participatory procedures, predictable processes and outcomes, enforceable community based sanctions, avoidance of harsh sentences and physical punishment, and building community cohesion. In the study area, these qualities have also been observed in the case of *qaalluu* institution. However, to avoid repetition of the general advantages of indigenous institution, I try to focus on the contextual strength of *qaalluu* institution from the perspective of the society under study.

According to most informants, proximity and cost effectiveness may not be the primary advantage of *qaalluu* institution. Because, many people come to *qaalluu* institution from distant area of other districts, zones and regions crossing hundreds of kilometers and paying much money for transportation and other expenditures. In fact, the parties pay little fee at *qaalluu* institution. It ranges from 2-5 *birr* for *gatii qaalii* (charge fee) and 10-60 *birr* to perform rituals of curse and forgiveness. The major advantages of *qaalluu* institution that contribute to the persistence use of *qaalluu* institution for conflict resolution, according to key informants and FGD participants, include the nature of cases it handles, its effectiveness in discovering the truth, promoting long-lasting resolution and reconciliation through complex ritual practices, its contribution in identifying guilty and innocent, and its power in spiritually punishing or sanctioning the offenders who offended people in secret.

As discussed in the foregoing pages, false allegation and false witness are serious problems in the area that hinders the formal court from giving *murtoo haqaa* (reasonable decision). This leads to the condemnation and punishment of innocent people (see case 2). In addition, there may be a time when the guilty people set free by the formal court for the absence of evidence. From this perspective, one of the internal strengths of *qaalluu* institution in conflict resolution is

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<sup>16</sup> The internal factors are the strength of *qaalluu* in dealing with conflict where as external factors refer the weakness of other institutions of conflict resolution including the formal court.

that it deals with cases that have no evidences and thus cannot be handled through other mechanisms including the formal court and even *jaarsumma* system.

Similarly, *qaalluu* institution is the most advantageous specialist in the area that works efficiently towards searching for/discovering the truth. Because, the concepts and laws it utilizes in the resolution of the conflict is very nearer to peoples' thought and world view, and as such easily win their confidence and acceptance. *Qaalluu* is seen as a legitimate and appropriate body in finding truth. It is believed that *qaalluu* have access to the truth through the *ayyaana*. As described above, *qaalluu* is also regarded as the guardian of the truth. Therefore, as someone who has access to the truth, the appropriateness, acceptability and legitimacy of the *qaalluu* is undisputed not only by those who practice the indigenous religious practice but also by the followers of other religious traditions. The conflicting parties, regardless of their religious background, do not present false statements or swear before *qaalluu* institution based on false evidences due to the fear of punishment by the *ayyaana* (see case 1&5). On the other hand, as a religious figure, *qaalluu* commands respect and fear among those who believe and have confidence in the institution. Accordingly, the likelihood of admitting a crime at the *qaalluu* institution is very high. So, these strengths consequently contribute to maintain *qaalluu* institution for conflict resolution.

Promoting long-lasting peace and harmony between the conflicting parties is strength of *qaalluu* institution. After a conflict is resolved at the *qaalluu* institution, it means that it has got a divine sanction. It is clear that the *qaalluu* institution has no police force of its own with which it enforces its decisions, but it has a spiritual and moral authority over the conflicting parties. They respect the *qaalluu* and its decisions because they believe that the *ayyaana* of the *qaalluu* sees them and punishes them if they transgress the promise they made to the *qaalluu*. Beside, at *qaalluu* institution, the party whose truth is buried not only gets his/her truth revealed but also get compensated. Seen from these points of view, the permanence of the conflict resolution at the *qaalluu* institution seems to be good and concurrently contribute to the persistence use of *qaalluu* institution for conflict resolution.

Most of the time, customary institutions are criticized for lack of documentation or files (Alula and Getachew, 2008; Dejene, 2002). However, *qaalluu* institutions among Haro Limmu Oromo experienced a fascinating technique of documentation based on the thematic classification of

cases. The way they document every case presented, resolved and reconciled there resonate with the modern formal mechanism. Therefore, this can also be taken as the strength.

#### **5.4.4 Weaknesses of *Qaalluu* Institution**

The *qaalluu* institution has also some weak spots in relation to conflict resolution. To begin with, the gender factor is one important case where there is limitation. As the data collected shows, there is no a single female who serve in conflict resolution settings at *qaalluu* institution. Although, each *qaalluu* institution has its own female *salgee*, the function of resolving conflict is exclusively reserved for male *salgee*. Similarly, females do not have participation in the *jaarsa araara* of *qaalluu* institution.

In addition, there is no standardized mechanism to fix payment of compensation for different crimes at the *qaalluu* institution. The members of *salgee* propose different amounts of compensation and finally reach on consensus.

Cases failed to be resolved at a secular level are appealed to *ayyaana* through rituals of curse, vow and swearing an oath. Although this mechanism play significant role in discovering one's truth and identifying the guilty and innocent through spiritual sanction, it has also some weaknesses. That is, the sanction of *ayyaana* is believed to go beyond a person who commits a certain wrongful act, but extends to his relatives, descendants or the succeeding generations, usually up to seven generation. In such case, for the crime someone committed many innocent people appeared to be punished.

#### **5.4.5 Changes and Continuities in the Mechanisms of Conflict Resolution at *Qaalluu* Institution**

With changes in time, *qaalluu* institution has undergone through various changes in order to adapt to the changing environment. To start with, in the previous time the mechanism of presenting the case to *qaalluu* institution/giving and taking *qaalii* was only possible through oral summon and using messenger. That is, a plaintiff is used to take a *qaalii* by physically appearing before *qaalluu* institution and summon the defendant orally or by using messenger. However, now days, with the introduction of telecom service, a plaintiff can take a *qaalii* and tell it to the

defendant using telephone or text messages. In addition, *qaalluu* institution also uses a written charge to summon the defendant like the formal court mechanism.

In the past, *qaalluu* institution used to resolve conflicts of whatever case. However, at present, there are many cases that cannot be handled at *qaalluu* institution. For example, with the attention given to women's right by the current government's law, *qaalluu* institution does not give the decision on divorce, rape and abduction cases. Even if marriage was concluded through customary mechanism, *qaalluu* institution cannot divorce the spouses.

Similarly, in the previous days, someone who performs cursing ritual brings bullet and put it in to the fire while performing ritual of cursing. But, now days an individual is not expected to bring bullet. Instead, he/she uses a single bullet saved in the institution for this purpose and while performing cursing ritual he/she points it at the fire rather than putting it into the fire. According to the *salgee* and *qaalluu* informants, this change occurred due to the reason that, in the first place, buying, selling, carrying and shouting the sound of bullets are illegal before the government law. On the other hand, the price of bullets is becoming very expensive and putting it into the fire is economically a loss and technically dangerous.

The other thing is that in the previous days the *qaalluu* institution keeps no record of the proceedings of conflict resolution and reconciliation. But today they are doing it. They write cases they reconciled and the *salgee* sign on it. Accordingly, there are three different files that serve for different purposes.

## CHAPTER Six

### SUMMARY AND CONCLUSION

The study explored and examined the types and causes of conflicts as well as customary institutions of conflict resolution among Haro Limmu Oromo of Northwest Wallaga with particular emphasis on *qaalluu* institution. Haro Limmu district is more or less an ethnically homogenous district with a common culture. Thus, the common types of conflicts that usually take place in the district are intra-ethnic in nature.

Economic and social/cultural factors are the major causes of conflict in the study area. The primary cause, however, appears to be in the area of economic interest, of which land related causes are the most prevalent. The study reveals that the prevalence as well as complexity of land related conflicts in the district varies between lowland and highland. Conflict over ownership right of farmland is a complex problem in lowland area, where land is fertile, productive and relatively unoccupied. The reasons are; first, those people who occupied considerable amount of farmland in highland are competing to obtain a legal right of virgin land moving to lowland. This is mainly due to the combined effects of diminishing fertility of land in the highland and the increasing cost of fertilizer. Second, young generations who did not have a piece of land are also struggling to get some from the lowland areas. Third, poor land management regarding land use plan and allocation of the previously unoccupied farmland in lowland area. Specifically, the farmland allocation practice of kebele officials is a severe problem. That is, they provide a legal right of the same parcel of farmland for different individuals at different times which inevitably create a conflict between individuals who have the “legal right” signed by *kebele* officials.

On the other hand, conflict over grazing land is a typical problem of the highland. The study demonstrated that, the currently increasing scarcity of land together with introduction of land measurement and approval of land use right aggravated conflict over grazing land. This is due to the reason that people who obtain the certificate do not allow others to graze it. Besides, the contradiction between the formal and the customary grazing right is also another cause of conflict. Conflict between married couples over sexual incompatibility, resource administration, and polygamy are the common causes of marital conflict in the study area.

The study explores that inheritance related conflict primarily take place between consanguinal kin and is prevalent between family members, particularly when father dies without handing over his resource to the family members. Conflicts between girls and their families is a rising issue due to the disparity between women's formal right and their customary right of inheritance. Furthermore, false witness that people give at a formal court either to do favor for their relatives or bribed which inherently leads to unjust decision is also another cause of conflict. The study disclosed that the important mechanism that helps to bring such kind of people to just and reveal the buried truth in the study area is the *qaalluu* institution. Similarly, conflict over breach of agreement is usually resort to this institution which is the only desired mechanism that efficiently resolves such type of conflict which lacks evidence.

Regarding sources of conflict, many theories have been developed and identified various motives behind human conflict. My ethnographic data undoubtedly showed that the understanding of the motive behind conflict requires the deliberation of how different causes interact within social environment. From the time when social anthropology developed in the second half of the 19<sup>th</sup> century, conflicts constitute a central and highly debated issue. Different anthropological theories like social evolutionism, functionalism, marxism, interactionists and dynamic theories are the few among many anthropological theories concerned with the causes and resolution of conflicts among or between human beings. Functionalist theorists are highly concentrated on on how different social institutions of the society function to maintain the peace and solidarity of the hole society. Nevertheless they do not focus on conflicts at the micro level, rather the macro- social level or holism. At the same time they also regarded society as stable, static and equilibrium.

The interactionist perspectives, on the other hand, reject the macro-social and organic analogy proposed by functionalist and evolutionst theories and rather promote analysis of the everyday micro-social interactions between individuals. It considers human societies as changing series of individual interactions and social networks, reshaped everyday in diverse social contexts. For interactionists a society is not a 'biological cell' but rather the confrontation of plural values and competing social projects, human societies are not harmonious stable units, as all are embedded in tensions and conflicts – they carry 'the political stigmas of history.

Regardless of the controversy on the causes of conflict, scholars agree that every society has developed and employed its own mechanisms of conflict resolution. Among Haro Limmu

Oromo, apart from government's law, there are two major types of laws, customary and religious laws, which govern the activities of individuals. *Jaarsummaa* system and *qaalluu* institution are the two major customary mechanisms that put into practice these laws in conflict resolution. The former is guided more by customary law and less by religious law whereas in the latter case the two laws area simultaneously applied in one setting.

Based on their nature, there are two types of *jaarsa* (elders): *jaarsa araara* (elders of reconciliation) and *jaarsa waldaa* (church elders), that give the service of conflict resolution in the study area. *Jaarsa araara* are selected from the society on the bases of their knowledge of the societies' culture, norms, values, honesty, oratorical skill, and knowledge of customary laws. Unlike the formal court, *jaarsa araara* depend on these qualities to mediate or give verdict. *Jaarsa* hold *jaarsummaa* meeting when initiated by conflict parties or their relatives, by their own initiatives or when cases are referred to them from elsewhere. *Jaarsa waldaa* are the recently developed types of *jaarsa*, but playing significant role in conflict resolution in addition to their church administration role for which they are primarily selected. They resolve conflict not only between members of the church but also outside the church regardless of the religious background of the conflicting parties.

*Qaalluu* institutions among Haro Limmu Oromo are the place where large number of people gathered to resolve their conflict. There are permanent conflict resolution sessions on every Saturday and Sunday. On these days, diverse cases from broad geographical areas, ranging from inside the district to the nearby districts, zone, region and even a far beyond are dealt with. These days are selected because of the cultural, social and economic significances attached to them by the society. In this case, this study confirms the explanation of Alula and Getachew (2008) that the court of *qaalluu* is held regularly. As they point out, this is not the case in other customary institutions in Ethiopia.

The mechanism of conflict resolution at *qaalluu* institutions can generally be divided into two, the secular and spiritual. The secular mechanism of conflict resolution takes place at the level of the three hierarchical but highly intertwined structures of conflict resolution, among which cases are referred. These are *salgee*, *jaarsa araara* of *qaalluu* institution and *qaalluu*. The *salgee* literally mean 'the assembly of nine individuals' is the judge/court of *qaalluu* institution who

deal with cases first and refer to the others when needed. *Salgee* is selected from the clan/lineage of *qaalluu* on seniority base. Thus, even if *qaalluu* dies or changes, the office of *salgee* is for life. *Jaarsa araara* of *qaalluu* (*qaalluu* institution's elders of reconciliation) are selected by *qaalluu* and *salgee* from the clan/lineage of *qaalluu* on the bases of their knowledge of conflict resolution. *Qaalluu*, who sit in his compound, independently resolves the case referred to him from *salgee* and he sometimes refer the case to *jaarsa araara* and request to report back to him.

The secular mechanism is the most common form of conflict resolution at *qaalluu* setting. In this case, the mechanism is more or less similar to ordinary *jaarsummaa* process with the only difference that actors sometimes pronounce the name of specific *ayyaana* (spirit). In secular mechanism, the role of actors in the resolution process is negotiating, mediating, arbitrating and reconciling the conflict parties. Actors, guided by the motivation of conflicting parties and the context of conflict, are required to decide whether it is best to engage in negotiation and/or mediation, to offer arbitration and/or reconciliation. Therefore, with regard to Haro Limmu Oromo, one may come to the conclusion that these methods are not so exclusive in their nature. Instead, they are simultaneously employed in a one proceeding.

My ethnographic data, therefore, confirms Tsongo's (2012:70) view of the possibility and effectiveness of using simultaneously the combination of various methods with a flexible adjustment to different context. However, it should be noted that although actors of conflict resolution at *qaalluu* institution use all these mechanisms, the decision arrived at is not binding, as the conflicting parties have the right to appeal to another actors within the same setting or to the government structures. The enforcement of decision at the secular level is made through the strong persuasion efforts of actors that take place in reference to customary law and the law of *waaqa*, and fear of punishment by the *ayyaana*.

Regarding the resolution of conflicts, the Basic Need Theory is most relevant theory for this study, as it focuses on the peaceful mechanism of dealing with conflicts to bring resolution. The theory also addresses that dealing with the root cause of the conflicts via the intervention of the third party who is different from government authority is the sole means of resolution of conflict. Among Haro Limmu Oromo, people usually take their cases to customary institutions where actors intervene to negotiate, mediate and arbitrate. At both the *jaarsummaa* and *qaalluu*

institutions, the mechanism is based on the principle of cooperation, participatory and nonviolence approach. The role of actors of conflict resolution at *qaalluu* setting, for example, is to encourage what Deutch (2002:308) called ‘win-win solutions and what others also termed ‘problem solving approach’ (Zartman, 1999, Schellenberg, 1996)

Cases that cannot be resolved at secular level are appealed to the spirit. Different cases that call for spiritual intervention include; 1, if the defendant failed to admit the offence he/she has committed. 2, if the defendant refused to appear before *qaalluu* institution. 3, if the offender is exactly not known and/or no concrete suspect. In these cases the victim appeals to *ayyaana* by performing different ritual activities so that the cases are treated through spiritual intervention. The major rituals of conflict resolution and reconciliation at *qaalluu* institution include; *kakaa* (swearing an oath), *waamata* (curse), *hiikoo* (forgiveness/purification) and *wareega* (vow). These rituals are pronounced in the name of the *ayyaana* at a particular sacred place called *siida*. All of these rituals involve a set of rules, procedures and different materials that symbolizes various meanings and take place with the consent of *qaalluu* or *salgee* and with the support of ritual expert. Cursing and *wareega* (vow) rituals take place if the defendant refuse to appear before *qaalluu* institution or if the offender is exactly not known and/or concrete suspicion is not available. However, cursing is performed only to harm the offender but *wareega* can take place either to harm or to make the defendant appear to *qaalluu* institution. A defendant performs oath taking ritual if he/she fails to admit the wrong he/she has committed. Ritual of *hiikoo*/forgiveness is performed to make someone free from curse or to lift the wrath of the *ayyaana*.

The theoretical issue with regard to the function of ritual in resolution and reconciliation of conflict at *qaalluu* institution is worth mentioning concerning various rituals described in the thesis. Many scholars have explained the role of ritual in enhancing oneness and restoring peace. Turner (1957) described ritual as social drama that resolves crises by dramatizing the advantages of values, norms and social agreements. Rituals take place at *qaalluu* institutions also is dramatize and symbolically signifies the resolution of conflict and re-establishment of peace between conflicting parties, especially *hiiko* ritual. The meaning the materials involved in these rituals communicate is highly interconnected with the society’s conception and beliefs. It is these symbolic meanings attached to these materials that influence the district court to adapt these cultural materials and use them in formal court. In this regard, the study confirms Kertzer’s

(1988) observation that despite modern man's illusion of political rationality and of making decisions based on the weighing of objective evidence, symbolism pervades virtually every aspect of modern politics.

The working relationship between the *jaarsa araara* and formal structures of both the district level and below the district level is attractive. The formal structures refer the case to *jaarsa araara* and needs the result back in both civil and minor criminal cases. But, they do not have direct relation with *jaarsa waldaa*. Qaalluu institution and district level formal structures do not have interaction, but unofficial recognition and respect for each other's work and decision is observed. Even, the striking finding of the study is that the district formal court adapted the mechanism of searching for truth through oath taking ritual that helped them to minimize the potential occurrences of false witness. To this end, the oath taking materials that have been used in *qaalluu* institution for centuries were recently taken to court and are now serving there. On the other hand, the formal structures below the district level have a fascinating interaction with *qaalluu* intuition and they work cooperatively.

*Qaalluu* institution has many advantages that other customary institutions also provide for the society. In addition, it has also other extra strengths that are specific to its own context. These include; its contribution in dealing with conflicts that cannot be resolved through other mechanism, its usefulness in revealing truth that enhance enduring resolution and reconciliation, its strength in identifying guilty and innocent, and its spiritual sanction on the wrongdoers who offend people secretly. The study demonstrated that these advantages contribute to the persistence use of *qaalluu* institution for conflict resolution in the area, despite massive conversion of the people into modern religions.

*Qaalluu* institution has also some weaknesses such as limited participation of women/gender biased and lack of standardized rule to fix amount of compensation. Regarding change and continuity, to cope up with the changing situation and improve its working condition, *qaalluu* institution has gone through different changes. These include, using telephone to summon defendant, declining power of the institution to deal with women's right related cases such as divorce, rape and abduction, and documenting cases.

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# Appendix One: Interview Guidelines

## Introduction

This interview guide is prepared to collect information related to customary institution of conflict resolution among the *Haro Limu* Oromo of Northwest Wallaga. The information collected through this interview is only used to prepare MA thesis entitled ‘Customary Institutions of Conflict Resolution: the Case of *Qaalluu* Institution among *Haro Limmu Oromo* of Northwest *Wallagga*’ in partial fulfillment of the requirements of Master of Arts in Social Anthropology, which is basically academic in purpose.

Dear my informants, I promise you that your response will be kept confidential and, therefore I kindly request you to participate actively and voluntarily in all the processes of providing response and sharing your experience as well as in the discussion on the issue to be presented for discussion. Because, the quality of this study will greatly depends on your genuine response. Therefore, I would like to ask your consent. Thank you in advance for your kind cooperation

### 1. Informants’ background and research site identification

Name----- Education backgrounds-----  
Sex----- Kebele-----  
Age----- Place of interview-----  
Marital status----- Role in community-----  
Occupation----- Date and time of interview-----  
Religion-----

### 2. Interview Guide on the Profiles of *Qaallu* and *Salgee*(*qaalluu* judges)

#### 2.1 Interview Guide on the Profiles of *qaalluu*

- ✓ What is *qaalluu*? How the societies see and perceive the *qaalluu* institution?
- ✓ How *qaalluu* is selected? Who has the power to select one person as a *qaalluu*?
- ✓ What are the criteria that one person should have to fulfill to be a *qaalluu*? Are the sex, religion, seniority, wisdom, and other socio-economic aspects of the person matter to be select as *qaalluu*?
  - ✓ Is the age and sex of a person matter to be and serve as a *qaalluu*? Do all persons of sex and age have equal chance to be and serve as a *qaalluu*? If not, why?

## **2.2 Interview Guide on the Profiles of *Salgee* (*qaalluu* judges)**

- ✓ WHAT IS *SALGEE*? WHAT ARE THE CRITERIA THAT ONE PERSON SHOULD HAVE TO FULFILL to be *Salgee*?
- ✓ How many years particular *Salgee* can serve in the *Qaalluu* institution?
- ✓ Is there equal chance for men and women to be selected as *Salgee*? If not why?
- ✓ Is the age is matter in the selection of *Salgee*? If not, why?
- ✓ Is there any specific place where the *Salgee* resolve the conflicts? If so, what is the ritual and other symbolic interpretation assigned to that place?
  - ✓ Is there specific day on which the *Salgee* deal with conflict cases? Why they are selected?
  - ✓ How many *Salgee* can resolve or deal with specific cases?

## **3. Interview guide on the types and causes of conflict and major institution of its resolution**

- ✓ What are the main causes of conflicts do you experience? Which causes are prevalent?
- ✓ What are the major common types of conflicts in this area?
- ✓ Which types of conflicts are likely to be resolved through customary institutions?
- ✓ What are the major customary institutions of conflict resolution in your locality?
- ✓ Do they have interconnection? If so how their relationship is explained?
- ✓ How customary institution and the formal structures interact?
- ✓ How the relationship between *qaalluu* institution and other customary mechanisms of conflict resolution is explained?
- ✓ Is there any type of conflict that cannot be processed by *qaalluu* institution?
- ✓ Do women have roles to play in indigenous conflict resolutions mechanisms?
- ✓ Which form of conflict resolution mechanism do you think is more effective? Why?
- ✓ What are the major reasons that affect (positively or negatively) their relationship?
- ✓ How the appropriateness of conflict resolution at *qaalluu* institution is perceived?
- ✓ From the cases that have evidences and lack evidences which one is mostly taken to *qaalluu* institution to be resolved?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

#### **4. Interview guide on the processes of conflict resolution at *qaalluu* institution**

- ✓ How conflicts are resolved at *qaalluu* setting?
- ✓ How the conflict cases are presented before *qaalluu* institution to be resolved?
- ✓ How the case is resolved if the defendant appears before *qaalluu* institution?
- ✓ If the defendants deny coming to *qaalluu* institution, what steps are to be followed?
- ✓ Do the witnesses are called for or required to justify/clarify the cases?
- ✓ Who are the major actors of conflict resolution at *qaalluu* institution? Is there hierarchy of power relationship among the actors? How these actors work with each other?
- ✓ What mechanisms do these actors use to resolve the conflict?
- ✓ Is the processes of decision making at *qaalluu* institution is participatory and cooperative? Is there a situation where the parties in conflict are made to discuss on their issue and set the direction for resolution by themselves? If so in what way?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

#### **5. Interview guide on the rituals involved in the processes of conflict resolution and reconciliation at *qaalluu* institution**

- ✓ What are the major rituals performed in the process of conflict resolution at *qaalluu* institution? How and in what situations these rituals are performed?
- ✓ What materials are involved in performing these rituals? What they symbolize?
- ✓ What requirements are expected of the parties to perform these rituals?
- ✓ At what place rituals take place? What is the religious and symbolic interpretation attached to the place?
- ✓ Who is the major expert in the application of cursing, taking oath and forgiveness rituals?
  - ✓ What is the relationship between the rituals of cursing, swearing or taking an oath and forgiveness?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

## **6. Interview guide on the rationale behind persistent use of *qaalluu* institution for conflict resolution**

- ✓ What mechanisms are used by *qaalluu* institution to enforce decisions?
- ✓ From the formal government court and the *qaalluu* institution, which one do you prefer? Why? Who are the clients of *qaalluu* institution in terms of ethnicity and religion?
- ✓ Are they only the followers of indigenous religion who take their cases to *Qaalluu* institution for resolution? If not why the followers other religion who do not believe in it take their cases to *qaalluu* institution for resolution?
- ✓ What do you think is the advantages of *qaalluu* institution over other indigenous institutions of conflict resolution and forma structures?
- ✓ What makes *qaalluu* institution unique from the other customary and formal mechanism of conflict resolution?
- ✓ Why and how the values and principles of *qaalluu* conflict resolution influence the formal court?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

## **7. Issues to be raised in the Focus Group Discussion**

- ✓ What are the common types and cause of conflicts in this area?
- ✓ What are the major customary institutions of conflict resolution? How do you explain the relationship between these institutions and their relationship with the formal structure?
- ✓ How d you explain the interaction between *qaalluu* institution and formal government structures?
- ✓ How cases are taken to *qaalluu* institution and get resolved?
- ✓ What are the major rituals performed during the processes of conflict resolution and reconciliation? How and in what cases these rituals are performed?
- ✓ What is the position of women in conflict resolution at *qaalluu* institution?
- ✓ What changes *qaalluu* institution has undergone through time in relation to conflict resolution?

If you have any additional points related to the issue under discussion, please forward.

Thank you very much for your active participation and providing me valuable information!!

### Appendix Two: Profile of Key Informants

No.	Name of informant	Age	Sex	Place of interview	Date of Interview	Remark
1	Abdana Galata	46	M	Guto Jorga	02/03/2014	secretary of salgee
2	Abdisa Aabetu	40	M	Sagiyo	23/02/2014	social court
3	Andualem Kasa	43	M	Haro	10/03/2014	court president
4	Baqala Tolasa	40	M	Gadiben	02/02/2014	secretary of salgee
5	Baqala Wakjira	60	M	Guto Jorga	16/03/2014	Salgee
6	Daba Galata	65	M	Guto Jorga	02/03/2014	Qaalluu
7	Deresa Seqata	65	M	Guto Jorga	27/02/2014	Jaarsa araara
8	Geremu Tolasa	40	M	Sagiyo	15/03/2014	jaarsa walda
9	Goshu Jalata	39	M	Guto Jorga	16/03/2014	ritual expert
10	Hayilu Keno	63	M	Sagiyo	24/02/2014	jaarsa araara
11	Idosa Biratu	40	M	Gadiben	16/02/2014	ritual expert
12	Lama wakgari	43	M	Irressa	23/02/2014	Salgee
13	Lami Yadata	45	M	Gadiben	16/02/2014	Salgee
14	Mosisa Oljira	58	M	Gadiben	02/02/2014	Salgee
15	Nagasu dayas	47	M	Irressa	09/03/2014	secretary of Salgee
16	Negash Tasisa	50	M	Guto Jorga	16/03/2014	Salgee
17	Ragasa Teso	45	M	Haro	28/02/2014	jaarsa araara
18	Tade Gudeta	38	M	Haro	19/03/2014	social court
19	Tadese Amanu	38	M	Haro	19/03/2014	Judge
20	Tesfaye Raji	45	M	Irressa	23/02/2014	Qaalluu
21	Tolasa Faki	60	M	Irressa	09/03/2014	ritual expert
22	Tolasa Hirpa	49	M	Haro	10/02/2014	jaarsa walda
23	Waktola Dabala	55	M	Gadiben	15/02/2014	qaalluu
24	Yadata Tolera	65	M	Irressa	23/02/2014	Salgee

25	Dinsa Tuli	48	M	Haro	19/03/2014	Police
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### Appendix Three: some parts from oath taking ritual

<i>muraansa, gubaansa, shookkisansa</i>	with his ax, with his burner, with his trap
<i>waraansisa, waraantonsa naduuka haa galu</i>	with his sharp, sudden pain, with his needle
<i>rasaasnisaa na dha'u,</i>	may his barrage of bullets shoot me
<i>goraadensa na qalu</i>	may his sword slaughter me
<i>alangaansa na reebu</i>	may his whip strike me
<i>akka jabanaa kanaa nacabsu</i>	may it breaks my bone as this broken coffee-pot
<i>jabaan qe'ee kana naduuka haa galu</i>	may the great spirit of this place come to my home
<i>jabeesse na qabu</i>	may it catches me strappingly
<i>qabee nan gadhiisin</i>	may it never release me as it caught me
<i>jireenyakoo haa fixu</i>	may it finishes my life
<i>qabeenyako haa fixuu</i>	may it finishes my resources
<i>lafeenko haa cabu</i>	may it breaks my bone
<i>laffeen dhalako haacabu</i>	may it breaks my children's bone
<i>faantikoo haa baduu</i>	may it destroys my descendants
<i>faanti dhalako haa badu</i>	may it destroy my children's descendants
<i>ciisuf cinaachiko siree haa hanqatu</i>	may my rib never touch the bed to sleep
<i>adeemuuf miilliko lafa haa hanqatu</i>	may my legs never touch the ground to walk
<i>nyaachuuf harkiko afaan haa hanqatu</i>	may my hands never reach my mouth to eat
<i>eeboon ayyaana kanaa na waraanu</i>	may the spear of this <i>ayyaana</i> pierced me
<i>waraane na keessaa hin ba'iin</i>	may it continues to hurt me throughout my life
<i>hamma jilba torbaatti</i>	up to seven generation

**Appendix Four: Pictures taken by the author during the field work**



Picture 1: qaalluu of Bokkuu Gaiben giving orientation for the gatherings regarding the customary and religious law of the society (february 16, 2014).



Picture 2: conflicting parties presenting their case before salgee assembly at Irressa qaalluu institution (march 9, 2014).



Picture 3: oath taking ritual (march 16, 2014)



Picture 4: conflicting parties attending reconciliation proceedings by qaalluu at Gdiben qaalluu institution (February 23, 2014)



Picture 5: *jaarsa araaraa* of qaalluu institution dealing with case referred to them from qaalluu



Picture 6: conflicting parties taking an oath after resolution and reconciliation

## DECLARATION

This thesis is my original work, has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Name; Gonfa Ebsa Hika

Signature \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

Approved By:

This thesis has been submitted to examination committee with my consent and approval as

University Advisor

Name Fikadu Adugna (PhD)

Signature \_\_\_\_\_

Date \_\_\_\_\_