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

**THE ROLE OF INDIGENOUS INSTITUTIONS IN DISPUTE  
SETTLEMENT AMONG THE TULAMA OROMO OF SULULTA  
DISTRICT: THE CASE OF *QAALLUU OOFAA ABBUUKKO***

**BY GEMECHISA ETICHA**

**JUNE 2014**

**ADDIS ABABA  
ETHIOPIA**

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**ATHESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES  
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ANTHROPOLOGY**

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**The Role of Indigenous Institutions in Dispute Settlement among the Tulama  
Oromo of the Sululta District: the case of *Qaalluu Oofaa Abbuukko***

**By Gemechisa Eticha Jogora**

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## **ACRONYMS**

CSA	Central Statistics Authority
FGD	Foucs Group Discussion
Km	Kilometer
PA/s	Pesant Association/s
UNDP	United Nation Developmental Program

## **GLOSSARY OF LOCAL TERMS**

<i>Aanaa</i>	<i>district</i>
<i>Aannan</i>	<i>milk</i>
<i>Aantee</i>	<i>minimal lineage of Oromo Sululta</i>
<i>Abba Muda</i>	<i>father of Anonitment</i>
<i>Abarsa</i>	<i>curse of Qaalluu elders</i>
<i>Abba Alanga</i>	<i>among Qaalluu elders who had a right punished the accuser.</i>
<i>Abba Chaaffe</i>	<i>among Qaalluu elders who had a responsible to keeptime at meeting</i>
<i>Abba Duula</i>	<i>among Qaalluu elders who had a right to secure the institution</i>
<i>Abba Fuunyo</i>	<i>among Qaalluu elders who had a right to check cases at their home</i>
<i>Abba Sa`aa</i>	<i>among Qaalluu elders father of cow (responsible on cases of livestock)</i>
<i>Abba Seera</i>	<i>among Qaalluu elders father of court (a person who referre the cases)</i>
<i>Abba Warra</i>	<i>father of families among Sululta Oromo</i>
<i>Afaan</i>	<i>means of communication /Language/</i>
<i>Afaan Oromoo</i>	<i>Oromo language, mother tounge of Sululta Oromo</i>
<i>Amoolle</i>	<i>kind of salt bar that was use as medium of exchange</i>
<i>Angafa</i>	<i>senior or first-born</i>
<i>Araara</i>	<i>reconciliation</i>
<i>Araqee</i>	<i>home made liquor</i>
<i>Aseenna</i>	<i>marriage type arranged by perferance of the would-be wife</i>
<i>Ayyaana</i>	<i>spirit</i>
<i>Balbala</i>	<i>sub-clan</i>
<i>Birr/Qarshii</i>	<i>Ethiopian monetary unit, composed of 100 Cents</i>
<i>Bokku</i>	<i>scepter made up of olive Tree</i>
<i>Borranna</i>	<i>head of Qaalluu ofa Abuko institution</i>
<i>Borru</i>	<i>another branch of Qaalluu Ofa Abuko</i>

*Caabsa*      *the second powerful spirit among Qaalluu spirit.*  
*Chancho*      *settlement of the institution*  
*Daliddallaa*      *trader*  
*Dhibbayyuu*      *Scarification for Ofaa spirit*  
*Dhugaa*      *truth some thing that is based on factual evidence*  
  
*Eebbaa*      *blessing*  
*Eeboo*      *spear of Ofaa Abbukko family*  
*Fayyiida*      *advantage*  
  
*Gachanna*      *sword*  
  
*Gada*      *democratic political organization of Oromo people*  
  
*Galma*      *ritual house of Qaalluu Ofaa Abuko*  
*Gimmbiichuu*      *land in between Sululta and Salale*  
  
*Gosa*      *Sub- Moiety/Clan*  
*Gumaa*      *blood price*  
*Gurraacha*      *Qaalluu Oofaa Abbuuko branch at Nole kaba (in Gimbi)*  
*Hadha-Wrra*      *mother among Sululta Oromo*  
*Harka Dhiqa*      *washing hand, a ritual of purification*  
*Horii*      *cattle/Livestock*  
*Ilafi-Ilaame*      *negotiation*  
*Jaarsa Biyyaa*      *mediators/ reconciliations through mediation/*  
  
*Jaarsaa*      *elders dispute settlers*  
  
*Jaarsummaa*      *secular dispute settlement institution*  
*Jiddaa*      *people, which live in northern part of Sululta*  
  
*Kakaa*      *an oath practiced by Qaalluu elders during in the process of reconciliations*  
  
*Koree*      *committee*  
*Lafa*      *the Earth*  
*Maatii*      *family or extended family of Qaalluu institution in Oromo Sululta*  
*Maddalii*      *kilogram/mesurement*  
  
*Mahiber*      *association among Oromo Sululta*  
*Muritti*      *decision of elders among the disputants*  
  
*Nagaa*      *peace, which is processed Qaalluu*  
*Nagassaa (Abbayyee)*      *Qaalluu Oofa Abbuuko branch (in Gindabret district)*

*Oofaa*                    *the first power ful spirit among Qaalluu spirit*  
*Noolee kabba*        *origion of Qaalluu Oofa Abbuuko*  
*Qaalluu*                *spiritual leader of Oromo*

*Qilleensaa Oofaa*   *impire of Oofaa (from Entoto to Salale)*  
*Qote Bula*            *farmer*

*Qooree Roobaa*    *settlement of Qaalluu Oofa Abbuuko institution*

*Quxisuu*             *junior*

*Sadeen*              *three*

*Safuu*                *a moral category showing respect and distance*  
*Salgee*              *the nine Qaalluu elders*

*Seera Tumuu*      *making law by ealders of Qaalluu instituition*  
*Seera*                *law*

*Sullulaa*            *valley*

*Sulultaa*            *the study area*

*Tokko Shane*      *group of people organized by the government*

*Ulfaa*                *special materials of previous people of Qaalluu families used*

*Waabeekaa*        *the knowledgeable fortune teller of Oromo Sululta*  
*Waadaa*            *promisses of disputants*

*Waaqa*              *creator*  
*Waaqeezata*      *worshipers among Sululta Oromo*

*Walleensuu*        *Qaalluu Oofa branch (shouth shewa) mulo*

*Wesengala, xequar*   *another name of Ofa by Amharic*  
*&adalmoti*

*Wases*              *gurantors*  
*Xaarmusii*            *bottle of local drink*

## ABSTRACT

*This thesis attempts to explain the role of indigenous institutions in dispute settlement among the Tulama Oromo of the Sulultadistrict the case of Qaalluu Oofaa Abbuukko. There are various local dispute settlement institutions in sululta district such as jarsumma, peace settlement at lineage; tokko shanne, Qaalluu institution and dispute settlement among different religious institutions. However, due to limitation of time and resource this study mainly focused on the role of Qaalluu institution to settle the dispute. The main focus of the thesis is to explore the causes of disputes and indigenous dispute settlement mechanisms with particular area on the role of Qaalluu Oofaa Abbuukko institution in the study area. For this study I employed both primary data and secondary resources. The relevant primary data were collected through qualitative tools such as in-depth interviews, observations, focus group discussion and selected case studies. The secondary data were published and unpublished articles, journals, news papers, books, MA thesis and PHD researches. In this study I tried to set out different types of disputes taking place in the area such as, money borrowing or lending, property like land, livestock and cereals, in appropriate sexual relations, marital dispute, and inheritance and theft cases. The study also explores different mechanisms of dispute settlement, which are generally divided into formal (state-based) and indigenous (informal) dispute settlement mechanisms. In Qaalluu institution, the disputants do not call wases (guarantors). However, insecular institution, and formal court the disputants call upon their wases (guarantors), the process takes short period compared to the formal state structures. Active decision-making and quicker decision are given to the disputants. Arbitration in the context of Qaalluu court is quicker.*

*The procedures are generally easy and more economical, those disputants who cannot afford the above in the formal structure mostly bring their cases before this customary institution; court structure is takes place at district level. Discussing settlement the dispute and reconciliation (araarsuu) are not complex like formal courts. The last process, reconciliation, is not available in the formal dispute settlement setting. All disputants are equal before this customary institution and it is free from corruption.*

*There are many advantages of indigenous institutions with regard to equality before customary laws. In Qaalluu Ofaa Abbuukko institution post-reconciliation the disputants and elders are enjoy together in the same room by taking traditional or local drinking this show that to confirm the reconciliation. However, in the formal court, the judge and disputants are very far apart, no freely contact and discuss with them, in addition, no false witnesses in Qaalluu. In the government system, it is usually difficult for the plaintiff to win the case because of the false evidences arranged by the accused. In the absence of evidence, the Qaalluu look at the case whereas in the absence of evidence the government court dismisses the case. Therefore, the Qaalluu court is the best choice particularly if there is no evidence for some plaintiff. Cases without evidences have no values before the formal dispute settlement mechanism. Due to this, the local people preferre to employ this strategy as the principal approach to manage dispute that they come across in their every encounters.*

*In this thesie, we accuired the knowledge how Sululta Oromo practices customary and spiritual laws, rules and regulation in the indigenous judicial system to confirm peace and reconciliation among the disputants by using Qaalluu Oofaa Abbkko institutions. The institutions deal with some disagreements which araised from the communities. They serve equally, without payment, at village or local, safe time, solve unwitnessed issue, using native language and make oth, curse and blessing to confirm peace. The studies thus give description on how the Oromo in general and Sululta Oromo traditional institutions interact to settle the dispute, focus on harmony and knowledge of reconciliation inorder to resolve dispute.*

# CHAPTER ONE

## INTRODUCTION

### 1.1 BACKGROUND OF THE STUDY

Dispute is a common phenomenon among all human around the globe. People experience dispute in their day-to-day life while they are existing conditions and courses of interaction. David (2001:75) states, that it is common to observe confrontation in schools and work places, in families and religious institutions, at international and domestic levels. Other authors (e.g.) Gluckman 1956; Gulliver (1963) and Nanda (1994) express dispute as a way of social interaction among different members of the community.

Marx (in Symour-smith 1986) states that dispute is not only serving as the ways of social connections but also as the mechanisms of social changes. Hence, dispute seen as part of social life that could not be avoided (Girma 2010:15). Similarly, Bohannan (1967) describes that it is impossible for society to live together without confrontation or disagreement. Many things can cause it, including, social, economic, and political and religious matters mentioned by scholars in the field.

According to Marx (in David's 2001:77), there are three important things in order to understand social disputes: first, erupted over valuable resources. Second, dispute over the ownership of these resources. Third, marked in equalities by looking at who benefits and who loses using this resource. However, depending on socio-economic and cultural settings of a society, causes and types of dispute and mechanisms of dispute settlement may vary.

Most of the disputes are resolved at local levels by using indigenous institutions of dispute settlement (Yihun, 2011). Dispute is said to be related with day- to- day activities of the peoples. As people may confrontig on different issues, there are various approaches to resolve disputes at international, national and local levels. For this thesis, mainly I focused on the causes of dispute and the role of indigenous knowledge in restoring peace between disputants.

In Africa, as in other parts of the world, people with different backgrounds, cultures, classes and others come into dispute. The parties in a dispute may be individuals, groups, or states. Indigneous institution has now had moral authority and varying degrees of legal rights. Africans have also practiced indigenous institutions to settle their disputes. In addition, Dejene (2002:

xiv) state that traditional African societies apply indigenous laws in their administration of justice.

Almost all societies, regardless of their location in time or space, have laws for handling disputes and achieving resolution of differences (e.g., Melaku 2009; Gulliver 1979:1).

In addition, according to Asmarom (1973:9), Borana Oromo still practice almost all of the Oromo culture, social institution, political arrangement, traditional laws, and belief systems.

According to Gemetchu (1993), the Oromo is divided into five major groups: the Macha and the Tulama, the Sabbo and the Goonaa, the Rayyaa and the Aseboo, the Sikoo and the Mandoo and the Ituu and the Humbanna. This division is based on location and their economic activities as well as some cultural differences.

The Oromo people settle various disputes through indigenous institutions that they have developed through long years of experience. As Mamo (2006) notes, the Oromo people solve most of the problems of human relations through their own institutions and mechanisms outside of state structure.

Other scholars (Lewis, 1984; Knautsson, 1967) also suggested that some of the disputes among the Macha Oromo settled through indigenous process. Asefa (2005) describes, about the rituals of Oromo people and claims that in the earlier times all Oromo had one chief *Qaalluu* called *Abba Muda* and a deputy *Qaalluu* called *caabsaa* (litrary meant 'representative').

In addition, *Gadaa*, *Qaalluu* and *Jaarsummaa* play paramount roles in maintaining social harmony and stable life among the Oromo. The various Oromo group, the spiritual institutions called *Qaalluu* play a vital role Asebe (2007:24). *Qaalluu* the primary means through which either secular or spiritual play a vital role among the community. Especially in Oromo society economic, political and legal system were controlled by *Qaalluu*. Because, they believe as the spiritual leader. Therefore, individual as well as groups would go to this institution to settle dispute (Country Dossier Ethiopia 2011:134).

Therefore, this thesis investigated the role of *Qaalluu* institution in dispute settlement among the Tulama Oromo of Sululta district particularly *Qaalluu* in (Chancho Buba Pesant Administration of Qooree Roobaa area).

## 1.2. STATEMENT OF THE PROBLEM

There are different mechanisms of dispute settlement in the world. The Oromo of Sululta district uses various systems of dispute settlement, which can generally be categorized into two settings; formal (state-based) and the informal (custom-based) institutions. People use either or both of these institutions under different circumstances in order to settle disputes. This study deals with the indigenous institute for dispute settlement focusing on the role of *Qaalluu* institution in Sululta district *Qaalluu Oofaa Abbuukko*.

For instance, first Tesema (1997) studied on some features of the *Qalluu* institution and its role in conflict resolution among the macca Oromo of Ginda Beret district, the case of Ofa Sarba. The second Meseret (1995) on *Qaallu* as a dispute settling institution among Oromo with specific reference to macca tuullama of East Shewa and Morton (1973) work on spirit sanctioned adjudication in Shewa Oromo are more or less similar to my topic.

The works of Ibsa (2003), Giday (2000) and Knutsson (1967) also deal with the juridical role of the *Qaalluu* institution. Recently Serawit Bekele (2009) worked on the hybridization of *Qaalluu Caabsa* and Ethiopia Orthodox Church in Debre Lebanos district. Similarly, Chala Olani (2011) studied on 'the role of *Qaalluu* in Conflict Resolution in Oromo of Eastern Wallagga: The case of Haro- Limu Area'.

There are two MA theses written on the Sululta Oromo. One was by Demissie Guddisa (2005) this work to some extent discusses the *Qaalluu* and its role in making peace. The other work is by Melaku Abera (2009) on 'land disputes and dispute settlement mechanism among the Tulama Oromo of Suluta district'.

However, there is no specific study setting on the role of *Qaalluu Oofaa Abbuukkoo* institution in dispute settlement among the Oromo of Sululta District. These authors mentioned the appearances different types of disputes from simple cases to major conflicts involving homicide before spirit possessed *Qaalluus*.

The target populations of this study were the residents of Sululta district. These include *Qaalluu, jaarsa biyyaa* (elders), disputants and their relatives. The researcher was collecting the data or information through various directions to identify the attitudes of the communities toward *Qaalluu Oofaa Abbuukkoo* institution.

Various types of dispute in Sululta district. Therefore, it is to settle by formal Court. The involvement of indigenous institution is essential to settle the dispute in the community, because, these institutions are more links with the society through their day-to-day activity and communicate work each other's.

*Qaalluu Oofaa Abbuukoo* institution is among the indigenous institutions that play a vital role in dispute settlement in Sululta District. However, the researchers had not studied the institution as dispute settler. In this study, I want to describe the contribution of kalu Ofa Abuko institution in dispute settlement. Because some of the populations having the information that the institution is used only for spiritual (purposes), or as a religious institution. They donot understand it as of dispute resolution. In this thesis, the researcher explains how *Qaalluu Oofaa Abbukoo* settles disputes, using both spiritual and secular activites.

There are some factors, which are interesting the me to select the district. 1) Sululta is the abundance of indigenous institutions like jarsumma, Guma and *Qaalluu*. *Qaalluu Oofaa Abbuukkoo* institution is among them. The second driving factor proximity and pirior that attributed to site selection.

This thesis therefore, is aimed at addressing the following key research questions, such as

- What are the major cause's disputes among the people of the study area?
- What are the main indigenous dispute settlement institutions in the Sululta District?
- How is *Qaalluu Oofaa Abbukoo* processing dispute?
- What are the similarities and difference between the indigenous institution and legal court system while they are practicing dispute settlement?
- What are the specific advantages, demerits change and continutiy of the *Qaalluu Oofaa Abbukoo* institution in order to settle the dispute in the study area?

### **1.3. OBJECTIVES OF THE STUDY**

The study has the following general and specific objectives:

#### **1.3.1 GENERAL OBJECTIVE**

The general objective of this study is to investigate causes of disputes and indigenous dispute settlement mechanisms among the Tulama Oromo of the Sululta District: the case of Qaalluu Oofa Abbuukko

### **1.3.2. SPECIFIC OBJECTIVES**

The specific objectives of this study was

- ❖ Investigate the causes and types of disputes in Sululta district
- ❖ Explore the role of *Qaalluu Oofaa Abbuukkoo* institution for dispute resolution in the study area.
- ❖ Investigate the interaction of Qaalluu institution with other formal dispute settlement mechanisms in the study area.
- ❖ Identify changes and continuities in the Qaalluu dispute settlement mechanisms in relation to the formal legal system.

### **1.4 SIGNIFICANCE OF THE STUDY**

The study was having the following significances.

- ❖ It was on the causes of dispute and strategies for settling it.
- ❖ It was add new body of knowledge on the plural approach of addressing disputes.
- ❖ It fills the gap of limited literature sources on the living indigenous cultural practices to amicably of dispute
- ❖ It provides the ground for their researchers and scholars in the field to embark on conducting further inquiry.

### **1.5. SCOPE OF THE STUDY**

This study focuses on Qaalluu institution, who play vital role in Oromo indigenous with regard to Oromo traditional law in the dispute settlement procedures. The study is limited on Sululta District due to some factors; Time, resources, the existence of some indigenous institution in general and specifically, *Qaalluu Oofaa Abbuukkoo* and other constraints are limit on the geographical coverage and extent of the study area. As to the study area, the thesis had done among the Tulama Oromo of Sululta district. This means other districts of Oromia special Zone around Finfine area are excluded from the study due to limitation of time and resources. In the study area, there are 23 PAs. However, only Chanco Bupa peasant administration is the site of the study area because Chanco is the existence of Qaalluu Oofaa Abbuukko institution.

In the study area, there are many dispute settlement institutions. Such as, jarsuma, tokko shanne and formal dispute settlement institutions. However, this study deals mainly with the role of

*Qaalluu* institution in dispute settlement. This means other dispute settlement institutions in the district are given little attention due to the above mentioned.

## **1.6. METHDOS OF DATA COLLECTION AND ANALYSIS**

I employed various qualitative techniques of data collection. Because; the nature of the study is more approached with this methodology. Forinstance, Johann (1988:32) states that a research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the quality of the research. This means the aim of research design is to plan and structure a given research. Therefore, for this study I used qualitative methods of data collection.

### **1.6.1. INSTRUMENTS OF PRIMARY DATA COLLECTION**

Using multiple methods is that it provides the opportunity to look for corroboration in the results from different methods (Brewer& Hunter, 1989: Denzin, 1978: Greene, Caracelli& Graham, 1989: Rossman&Wilson, 1985, 1994) to acheive the stated objectives and to answer research questions both primary and secondary data were used.

#### **1.6.1.1. IN- DEPTH INTERVIEWS**

The scholars like Lapan and Kathleen (2004:59) state that interview is the way that the researchers select people to talk who have broad knowledge and experience of the specific culture in a given study area. In order to obtain relevant information 12 key informants were selecte from the study area (see the interview guide appendix-II). To gather the raw data, two types of interview were employed. One is informal conversation and the other formal approaches. Formal key informants is selected from ealders or Salge, disputants, servants, families of Borena and Borena him self. Informal informants are peoples on the Rod around the institution, childrens who is attending cattles, peoples in bus, women and Sululta administrative office. The advantage gathering information about the institution from neutral bodies is to develop analysis of the study.

Interview tool helped me to identify personal reflection and public discourses on dispute settlement strategies. In formal /structured / interview technique and dispute resolution specialists were interviwed. Interview guidelines used for this purpose and missing elements were filled by employing cross checking approach using informal conversation.

The interviewees were by taking into consideration different criteria while the select to respond answer the question such as age, sex, occupation and residence. Indepth interview were made with the head of Qaalluu, elders, disputants, youth and “servants” of the institutions.

As I tred to mention the FGD discussants are selecte from the Salge of Qaalluu Oofaa Abbuukko institutions. Because they had long expereances about the dispute resolution and almost all the time processing recouncilation, so they elaborate detail about Qaalluu Oofaa Abbuukko institution.

### **1.6.1.2. OBSERVATION**

Johann (1988:81) state that observation effects in abroad sense to indicate researcher, participant, measuring and instrument and context effects. It is important the researcher to describe the effects of working condition. Observation is one of the instruments to get authentic data. Since what people say and do may sometimies contradict with each other. Therefore, direct observation is the best solution. Observation is more sophisticated strategy which is frequenc encountered in arguments.

For anthropologists’ participant observation is method in which a researcher takes part in the daily activities, ritual interactions, and events of group of people as one of learning the explicit and tacit aspects of their life style and their culture (Dewalt, et al.2002).

Even if participant observation is one of the most appropriate methods to gather valuable information in anthropological studies. However, I didn’t employe participant observation. Since it was difficult for me to act with the dispute settlers in dispute settlements with in short period. So simply I observed what they processed and how they processed a recouncilation or dispute settlement process. Forexample while the ealders resolving the dispute among wife and husband (case.D)

The other reson is in the compound of *Oofaa Abbuukkoo*, every thing is linked with spiritual so for as a anthropologists it is difficult to practicing the spiritual activities, so for this thesis I selected only observation method. Therefore, the researcher observed the conversation among the disputants during the negotiation, while the disputants present their cases in front of the elders (*saalgee*) and Borena Agari the head of Qaalluu institution. The disputants are free from

frustration while the presenting their cases. Fore instance, they used proverbs to elaborate their cases (see case A-F).

In addition, I observed while the disputants kiss each other after recouncilation were processed, while head of the institution give name for new borne children's "*Ammachiisaa*", different Galmas(room for attending while the spirit come up on Borena) and scared places (see picture-13), Ritual materials, *Gaalichii (gift) peoples* and the social value of drinking of *saalgee* (elders), also I observed settlement of the population in the study area(*Qooree Roobaa*), cattel, crops, Fabrics and topography of the district. Moreover, I observed the compound of *Qaalluu* institution with the servant.

I conducted observation on sitting arrangements of *saalgee* and disputants, while they are taking their cases from the disputants and I observed the meettings of *Jaarsaa(saalgee)*,while they are taking traditional drinking, I observed while the peoples come with a kinds of gift like coffee, sugar, grass, butter, Milk, *Amoollee* (a kind of bar salt), sheep, cows (see picture-2).

As informants, the gift is for two purposes. The first is materials, which support the head of the institution during ritual pocessess; this kind of gift is simply practiced by every body that follows him as religious institutions or believers. The second is the special gift because they ask any thing the spirit of *Oofaa Abbuukoo* and they waiting for given period, then if they were success, and they come with price or gift according to their promises. This is very strict because, they donot bring the gifts beyond and under their promises. They said that "*Oofaan kan isaa malee keenyaa hin fedhu*" the Oofaa does not want our property, but he needs only his property. Means the promised is his property if he had gained succession.

### **1.6.1.3. FOCUS GROUP DISCUSSIONS**

According to Morgan (1988), the focus group discussion method is used for both exploratory and descriptive social sciences research. In addition, the focused group discussion method of inquiry has become immensely popular and influential in contemporary culture (Lapan, 2004:59). It is use ful tool to probe people to explain their interinistic feelings and group refletion on certain issue.

Due to limitation of time, only two focus group discussions composing of 12 key informants were arranged (see the appendix-II). The purpose of this is to gather diverse information on the merits, demerits, features and procedures of *Qaalluu* dispute settlement institution.

On top of this, this method is used to fill the gap that other methods could not cover. The interview questions were prepared to guide the FGD (see appendix -III).

#### **1.6.1.4. CASE STUDIES (A-F)**

According to Lapan and Kathleen, (2004:219) case studies are unlike ethnographies in that they seek answer-focused questions by producing indepth descriptions and interpretation in other words it is the way to describing the real life of the community, by using the native words, it may be culture of marriage, culture of songs, drinking, social support, blessing and making the law. This method is the holistic method because it fills the gap which is jump by the other methods through detail descriptions of their practices in their day-to-day activities.

In order to generate reliable data on the role of the *Qaalluu* institution in settling dispute, I conducted and analyzed only six cases are due to the shortage of time. These cases are described and analyzed in detail to provide information about the contribution of *Qaalluu* in resolving disputes.

For ethical reasons, the full names of the disputants (men and women) involved in the case study were not revealed. Rather, I used the first latter of their names. The first latter of the disputants starts with letters “Bo, Ab, Za, Sh, De, and Shi”. Mr and Miss. Therefore, I used the first letter and the second letter of their first name for example Mr.Bo (plaintiff) and Mr.de (defendant).

I employed observant photography as a method of data collection. Because, words are not sufficient as photo in expressing the real situations. Therefore, to fill the gap of overlooking some points, I took some photos of ritual objects. For instance, Ritual house (*Galma*), and the structural set up of the *Qaalluu* institution, thrown (chair) of Borena in *Galma*, *Gaalchii* children’s while they are keeping the cattle, while the elders were drinking local (*araqee*) drinking after they finished *Jaarsuuma* “negotiation process”, while mother of Borena seating in *Galma* house, while *Gaalchii* women preparing food and making a coffee, bases of the *Galma* in center of the main *Galma*, when I interviewed informal informants at warriso malima, while the cattles grazing, Main get of Ofa Abuko. These pictures are attach 16 of them under (see appendix -IV).

## **1.6.2 SECONDARY SOURCES**

Emphasis on written materials is providing guidelines for the most effective way of doing research Johann (1988: ix). For this thesis, I used both published and unpublished documents to supplement the primary data. Sources like Books, journals, research reports and theses were used.

Information from this literature is used to construct theoretical frameworks and empirical literature for the study. In addition, documentary data from Sululta District Administration Office and Sululta Agricultural Office.

## **1.6.3 DATA ANALYSIS**

It is apparent that in a given research, data collection is indispensable. However, a research should go beyond data collection. Any researcher has the responsibility of analyzing data to meet his/her objectives as well as to make the findings ready for scholarly consumption. Therefore, in this study after data collection was completed, I transcribed information from tape record. I translated raw data from Afaan Oromo to English. Proper edition and organization of the data followed. Finally, the data were interpreted and analyzed using qualitative analysis.

## **1.6.4 FIELD EXPERIENCES**

Before I went to the field to gather the actual data, I had gathered the information about the Sululta people and surroundings from many directions. Such as the first information was addressed to me through one of my classmates also I read the reported research from library and from electronic materials which is written on Sululta.

From this information, I understood that no any study had stated on the role of *Qaalluu Oofaa Abbuukkoo* institutions in Dispute settlements. Later I secured the permission to visit Borena Agari, my principal informant and spiritual leaders of *Qaalluu*; this is processed through telephone by one of my friends who knew the study area.

In May 2013, I started the journey from Addis Ababa taking City-bus which was heading to Chanco town. It is 40 km from Addis Ababa city. Chanco Buba PA (*Qaalluu*) is located in between Chanco and Sululta towns' *Qooree Roobaa* kebele. A compound of Ofaa Abbukoo is fifty-minute walk from the main asphalt road.

Another challenge that I faced was I missed the direction heading to Chanco Bupa PA. The bus dropped me in wererso Malima PA, one hour from the compound of Ofaa Abbukko. I met three people at wariso Malima PA. They were very cooperative and they were asked about me. I had an informal interview on their attitudes towards local and modern dispute settlement mechanisms. The same people also showed me the road to the compound of Ofaa Abbukko.

Other challenge was lack of the information to protect myself from the following things, unless it is impossible to get the compound. Servants are interviewed the visitors on the second get. For instance, if you eat meat of Got in that week, if you got dead house, if you feed kinds of cereals like “*Taalbaa*” (line seed), “*Daaguzaa*” nuts and women or girls who have menstruation cycle. It is strictly forbidden to get the main compound.

However, on the first day I do not have any information about a rule and regulation to get the compound. So after I crossed the main get on the second get the servant of Borena Agari asked me “*warraa du`aa deemtetaa torbaan kan keessa*”? “Are you visiting death person home in this week? I respond no, he asks me another question; have you eat goat meat in this week? I respond that yes. Because in that occasion I eat it.

Then he was protected me and inform the head of the institution. After I waiting around 15 minutes Borena Agari gave me permission by saying this word, “*Gadii lakkisii inni qoorannoo dhufe*” send me he is researcher not for other purposes.

Third, in Ofa Abuko compound every thing is designed based on the rule and regulation of Ofaa. So the four *Galmas* composed various cult materials, specially, cult stone which is found in the fourth Galma it is impossible to taking the picture (it is a ritual possessed area). However, I used systematic and stand the picture. It is also impossible to taking photography of servants (Galchii or gift Women, children and Adultry).

However, I stand their pictures by using the same system, my system were while I was eating lunch in the main Galma, I switch off light and sound of my Camera taking their picture (see picture-11).

After I passed these challenges, in Chanco Bupa PA, Borena Agari and other people of the area welcomed me and they produced me any information which I need. During I stayed in the field always after I finished my work, Borena invited me to take lunch and drink coffee in his guesthouse. Finally, they gave me fare well ceremony (see pic-16).

In addition I confused while *Saalgee* or *jaarsaa* were speech a mixed word means Amharic with Afaan Oromoo in order to settle the dispute. Means it is not pure Afaan Oromo or Amharic. For instance, words like *xiqimi*, *xiqimi isaaf jedhetti* (for his advantage) “*xiqimi*” is Amharic word it is “*Fayyiidaa* by Afaan Oromo” but “*Isaaf jedhetti*” is oromiffaa. Also while they blessing they used mixed i.e. “*Gaabaree ordaa iraa nuuf haa bubulchu*” we wish long life for our farmers on farming, word *gabare* is Amharic, it is *Qootee Bulaa* by Afaan oromoo, and it is farmers by English.

The other is,” *Naaggadee kiiloo irraa nuuf haabubulchu*” we wish long life for our traders on trading, a word *Naaggaddee* and *kiiloo* is Amharic, it is *Dalidallaa* by Afaan Oromo (traders), *kiiloo* is (*Maddaalii*) by afaan oromoo it is kilogram by English. However, *irraa nuuf haabubulchuu* is afaan Oromo (we wish long live on the real kilogram) they mixed both while they are blessing.

This may leads confusion the researcher who does not know local languages, when they are transcribed in to English language it is difficult to identify an Afaan Oromo words from Amharic words. I asked the reason, Salge said that because of Minelik II almost no *sululta* Oromo are speaking pure Afaan Oromo. Means at that time, he forced them to change their names from Oromo name to Amharic name, also he protects them for speaking of Afaan Oromo.

This is good an opportunity for me to observe the ritual materials in the main *Galma* and having full information for my research (see picture-9). In fact, my fieldwork was very interesting I was very much enjoyed with the people of *Sululta* district.

## **1.7 ORGANIZATION OF THE THESIS**

This thesis entitled “The Role of Indigenous Institutions in Dispute Settlement among the *Tulama* Oromo of *Sululta* District: The case of *Qaalluu Ofaa Abbukko* (*kalu ofa Abuko*) is divided into six chapters. The first chapter introduces background of the study, statement of the problem, objectives of the study, significance of the study, scope of the study, research methodology and methods of data collection and analysis, instrument of data collection, field experiences and organization of the study. In chapter two conceptual frameworks and review of empirical literature discussed. Chapter three includes brief description of *Sululta* and its people; geographical description of *Sululta*, Oromo of *Sululta*; demographic setting, social structure of the Oromo of *Sululta*; kinship, marriage, religion, division of property

among families of Qaalluu Ofa Abbuuko in Sululta, economic practices of the Oromo of Sululta, political system in Sululta; customary political system and Gada in Sululta. Chapter four, the Ofa Abbuuko institute and its role in dispute settlement; structure of dispute resolution in Sululta, the indigenous dispute settlement setting in Sululta, formal dispute settlement setting in Sululta, types of leadership and authority in Sululta, relationship between the customary and formal institution, cases of dispute in Sululta and cases brought before Qaalluu Ofa Abbuuko. Chapter five, merits, demerits, change, and continuity of the Ofa Abuko institution. Chapter six is conclusion of the study.

## **CHAPTER TWO**

### **2. CONCEPTUAL FRAMEWORK AND REVIEW OF EMPIRICAL LITERATURE**

#### **2.1 CONCEPTUAL FRAME WORK**

This section focuses on explaining the conceptual distinction between Dispute and Conflicts. Next, theories of causes of disputes are discussed. Then, these are followed by description of various forms of dispute settlement mechanisms.

##### **2.1.1 UNDERSTANDING CONFLICT, DISPUTE AND DISPUTE SETTLEMENT STRATEGIES**

Different scholars have forwarded different ideas about dispute and conflict. Some scholars use the term dispute and conflict interchangeably. This leads to confusion. For instance, Blockc in Assefa (2005:52) states that, for lawyers, the term conflict is considered as synonymous with dispute and defined as “a conflict or controversy: conflict of claims or right an assertion of right, claim, or demand on the one side met by contrary claims or allegations on the other.

Durkheim (1989) stated that conflict as an abnormal phenomenon. In addition, Schellenberg (1996:9-10) states that conflict is neither important but it is crucial in human social interactions.

###### **2.1.1.1. CONCEPT OF CONFLICT**

According to Assefa (2005:52) stated that conflict can be defined as “clash, competition, mutual interference of opposing of incompatible force or qualities. In addition Kestner and Ray (2002:60) also stated that, conflict the option of forces, is the heart of most conflict. Burton (1996) (as cited in Jeong, 2000:35-36) states that, conflict does not involve serious institutional problems and it can be handled through bargaining and arbitration but, conflict is deep-rooted.

However, Hegle and Marx agree with the functional nature of dispute, they conclude that conflict helps the communities to be creative and achieve greater progress (Coser, 1974; Jacoby, 2008:55). Since the conflict is exists everywhere so my concern is management

of the conflict. The scholars like Kendie and Guri (2006) suggested that; the indigenous and the western models of conflict resolution co-exist and compete for allegiance and control the conflict. In other word, conflict resolutions are interchangeable or they support one each other's. According to Okrah (2003), traditional societies resolved the conflicts through internal and external social controls. He explains that mostly, internal social control of conflict is resolved in the process of deterrence or customary practice like personal shame and fear of supernatural powers.

However, according to Lind Jereny and Starman Kathrynny (2002:1) “There is no single cause of conflict. Nor is there often any single pre condition for susitainable peace. Different factors vary inimportance, and reenforce or neutralise each other. The analysise of each other, the analysis of the situation must therefore include assessing the relative importance of the different indicators and their interrelation ship”.

In general, the behavior of the Conflict is filexable process rather than a static incident, discussion on the anatomy of conflict with a particular references to the meaning, phases and methods of their management would have been necessary Tsegaye, Regassa (2010:58). For this thesis I focus on dispute, so I donot want to go further elaboration more on the concept of conflict.

### **2.1.1.2 CONCEPT OF DISPUTE**

This part deals with the concept of dispute, there are diferrent controvertial theories about dispute and dispute resolution. For instance, according to Burton (1990), the conceptual

difference between disputes and conflict has based on duration and issues in contention. He suggests that disputes are short term disagreements that are relatively easy to resolve where as conflicts, on the other hand, are long term deep-rooted problems that involve seemingly non negotiable issues of basic human needs and are resistant to resolution. Conflict is thus needs complex process to manage. However, dispute is easy to resolve at local level among different societies throught their coustomary practice.

Therefore, Gulliver (1979) differentiates between disagreements, disputes and conflict is based on degree of intensity. Disagreements, whether large or small, are commonly solved by mutual understanding between disputants themselves. When disputants fail to resolve their disagreements by themselves the disagreements grow into disputes and then bring the other party conflicts according to him, happen, when the disputants are unsuccessful to resolve the disputes and mainly those issues involve physical violence or conflict. With regard to me, I agree with the conceptualization.

Haftom (2011:8) confirm that customary approaches to settle the dispute play a vital role in promoting peace and social order in any society. In addition, he provided the rights that have direct impact on fair and equitable distribution of resources.

According to (UNDP.2002:99) the question is how can society give expression to dispute and provide open space for all groups with out generating violence and war. Because some times resources are the sources of dispute among human beings and resource are link with their day-to-day activites. Therefore, no one can free from dispute, so it is important as much as possible to overcome the dispute in infancy stage, immidety unsettled it leads to physical violence. Since armed conflict is the worst enemy of human rights, poor people, minority rights and freedom of information it is necessary to handle at the occassion of it is happen.

It is impossible to predict dispute existed, since time immemorial in every part of the world among any kind of society. Therefore, every one should be ready to recouncilation or open to settle the dispute according to their customary practice of dispute settlement. There had been debate among various scholars regarding the causes of dispute. Different and controversial theories have been forward about the sources of dispute.

Kathryny (2002:26) explains that social structures are thus likely to created which, given the values of those involved and the inevitability of that society to produce more of either the material or positional goods in dispute, lead to frequent, repetative and permanent cleavages with in social structure, as parties pursue that (in avery basic sense) arise from that structure or set of values”.

However, according to Montage (1968) the nonviolence or violence behavior of a given society or individuals can be observed across time, not at birth. In other word montage stated that aggressiveness is another source of dispute, this is never born with human beings and sometimes we learn in different circumstances or it is the behavior which through the process of socialization.

In addition, Valzen and Weltering (cited in Demissie 2005:14) developed a theory of the fraternal interest group. This is mainly focused on interest of agiven group my causes the dispute. For example, power group that related males living in agiven place react aggressively

Whenever the interest of their members is affected by others the dispute happening. However, other scholars as (e.g. Burton, 1990) argue that poverty, unequal distribution of land, depleted and degraded environment could be the fundamental issues that causes insecurity and aggravates disputes.

Interaction, according to Conn (1962), is one cause of dispute within a given society as cooperation is necessary for them. Within a society, resources and power may not be distributed equally to all and hence dispute. As a result, hate, envy, need, desire and competition manifested within such parties give rise to dispute which destabilizes the society.

### **2.1.1.3 DISPUTE SETTLEMENT MECHANISMS**

Lack of stable and peace is affect political, economic and cultural relations of the communities, absence equality and justice, happening of physical violence, avoidance of mutual trust, absence of positive attitudes among peoples, and every one sensitive to attack each other, and no consederation for the other group needs and interests( Yaacov Bar-siman-Tov, 2004:15).

Mamo (2008) in his interview with the Arsi Oromo elders, states that dispute exists as human being interacts with each other and there is the possibility of controlling it. In addition, Gulliver (1979:11) states that each society, regardless of location in time or space, has mechanisms for handling disputes.

This indicates virtually all societies have their own mechanisms of handling disputes and for achieving legal systems which reduces disagreements.

Dispute avoidance is one peaceful mode of dealing with disputes according to Gulliver (1979:2). He states that not all disputes are 'resolved' 'settled' or 'ended' and then dispute avoidance is used by the disputants.

Negotiation is another peaceful mechanism for dispute settlement. A voluntary act permits the disputants to take part directly in decision that affects their interests. This method is aimed at "Win-Win" solutions. The technique is aimed at joint gain and distributes the pain of losing; Negotiation goes beyond the agenda of informal dispute resolution to change the motivations,

goals, beliefs, attitudes and emotions of the relationship between the disputants (Singer 1990:17). This change takes place the reconciliation process and promote the peace as stable foundation for cooperative and friendly acts that symbolized these relations (Bar-siman-Tov, 2004:12).

According to Assefa (2005), the Oromo technique of negotiation (ilaafi-ilamee) belongs to this category. If negotiation is failed, other techniques such as mediation and litigation are employed. According to Schellenberg (1996) mediation is a voluntary dispute settlement process in which a mediator (third party) promotes reconciliation between dispute parties.

Meron (2010:28) says that some criminal accused and penalized at a state legal institution also bring their cases to the court of sheikh (traditional institution) looking for reconciliation. From this, we can understand that, the indigenous knowledge is more acceptable in the communities than the formal legal systems in dispute settlements.

Arbitration is another dispute settlement mechanism. Singer (1990:27-29) explains arbitration is different from mediation and litigation. Here the disputants would agree to submit the dispute for arbitration and to accept the decision of the third party. There is rules of evidence and procedures to be followed. According to Kasner and Ray (2002:229), the disputed parties present their perspectives and portions to the arbitration decision can be binding or non-binding according to the rules of the arbitration program. Litigation, also called adjudication, is another peaceful mechanism for dispute settlement.

In addition, adjudication refers to the processes of decision making that involve a neutral third party to whom compulsorily or voluntarily, the disputants surrender their own ability to decide on the outcome. Singer (1990:29) states that decisions are made by public employees, in public proceedings, and are publicly enforced".

The scholars conclude that; if there are generally supported and well-understood procedure of disputes settlement matters of possible controversial trend to be viewed as competitive and not conflicting or as part of a large exchange relationship, and not simply as a zero-sum relationship” (Lind Jereny and Starman Kathryn, 2002:23). Lewis (1984b:90-92) and Knutson (1967) means it is impossible to make absence the dispute, but we reduce the existence of dispute. The above scholars reported that the majority of the disputes among Macha Oromo were settled through traditional procedures.

## **2.2 REVIEW OF EMPIRICAL LITERATURE**

This section deals with an overview of Qaalluu dispute settlement mechanisms in different parts of Oromia. These settlement mechanisms are divided into *Ilafi-Ilame*, judicial aspect of the *Gadaa* system, the *Qalluu* institution, *Jaarsummaa* and the modern court. However, the topic and space limits me to review only the role of *Qaalluu* in resolving dispute in the study area.

There is no general agreement about the origin of the institution. Some scholars forwarded various ideas on the foundation of Qaalluu in Oromo society. For example, Bartels (1983:123) says that the *Qaalluu* institution appeared as a reaction to the Shewan expansion and the introduction of Orthodox Christianity into the Oromo land. Mohammed (1990), Asmarom (1973) and Knutsson (1967) disagree with Bartels over its origin.

According to Mohammed (1990) after the great movement, the Oromo settled among either Christians or Muslims. Gradually, the Oromo started syncretism their former religion with Christianity or Islam. However, they did not stop to visit the *Qaalluu* centers in their original homeland in Bale. During their movement from their homeland in the 16<sup>th</sup> century, the *Qaalluu* did not leave his center in the Bale highland. Oromo people who are far away from historical Bale and maintained their linkage with Abba Muda through the pilgrimage under taken once every eight years. However, Emperor Menelik abolished the pilgrimage under Abba Muda around 1900(ibid.).

In response to this, various *Qaalluu* institutions established in different parts of Ethiopia to which the researchers agreed.

According to Knutson (1967) that the occupation of Oromo lands by Menelik II in the 19<sup>th</sup> century led to the decline of the *Gadaa* and the increase in power of *Qaalluu*;

The K'allu, however with his base in ritual system of action continued to exist and even to extend his activities into those areas of social life that were left vacant by the disappearing local leadership and were not taken by over new officials (ibid.)

This means with the decline of the *Gadaa* system, the functions of the *Qaalluu* institution have become broader.

According to Bulcha (1995:51), it was that government officials in alliance with the clergy formed which to enforce orthodox as a means of securing Amhara culture and combat Oromo.

However, as Borena Agari told me, the *Qaalluu* institution enjoyed better freedom during the time of Emperor Haile Sellassie comparing to the Derg era. He was very angry with the *Derg* for hnit-religion policy particularly against Oromo religion.

Meseret (1995:18) notes, "The Qaalluuship is one of the most clearly defined offices in the Macca-Tuulamaa Oromo of today. The holders of these offices are recognized as social persons who are given special powers." As Areba and Berhanu (2008:170) indicates as "Muslims believe in message of the Prophet Muhammad or as Christians believe in Jesus Christ's word, the Oromo believe and respect the orders and the words of Qaalluu." Therefore, the *Qaalluu* is a person who serves as a medium for the *Ayyaana* (the spirit) and is believe to have a capacity to communicate with *Waaqaa* (God).

As my informants state that, the institution is as old as the history of the Oromo, as one of the most important institutions in guarding and interpreting the law of the creator (*Waaqaa*). Borena Agari on his part states that Qaalluuship is equal to the history of Oromo people. Linked with the origin of the people it is existed for long period or this means it is as old as the history of the Oromo; it is started from the foundation of *Gadaa* political structure.

The Oromo oral tradition indicates that the first *Qaalluu*, which believed to have a divine origin, fell from the sky, God gifts for Oromo society used as a bridge in between *Waaqaa* and the community.

According to Assefa (2005), described that *waaqaa* is creator for Oromo. The Qaalluu is supposed to serve as a medium between *Waaqaa* and the people. There are a considerable number of studies on the role of the Qaalluu institution in dispute settlement mechanisms in Oromia. In addition to

the above, “The Qaalluu are the most senior men in the kinship system. All major conflicts between clans may be taken to them for adjudication” (Asmerom cited in Asefa 2005: 62).

In the same way if dispute could not be resolved by *Jaarsa biyyaa* level the office of Abba Gadaa and his advisors were the highest court of appeal in traditional Gujii legal system (Hinnant cited in Asebe, 2007:39). Qaalluu is climax court to appeal very difficult cases in Gada system.

Therefore, *Qaalluu* institution, the major focus of this study, is the other dispute settlement institution among the Tulama Oromo in general and the study area in particular. The Oromo have

the institution called *Qaalluu* to interpret a law of *Waaqa* and *Ayyaana*. Mohammed (1990:6) defines *Qaalluu* as “a high priest who was spiritual leader of Oromo traditional religion.”

Knuttsen (1967) on his part gives various meanings for the term *Qaalluu*. *Qaalluu* is a ritual expert who has a special relation with *Ayyaana* which possesses him at certain fixed time. Knutsson (1967) considered the *Qaalluu* institution as complex religious, judicial, political and economic activities which centers on spirit mediums (*Qaalluu*).

According to my informants and FGD discussants, a considerable number of the Sululta Oromo are the followers of the *Qaalluu*. They state that earlier the *Qaalluu* had played a great role in the election of *Gadaa* offices.

This is coincided with the work of Asmarom work:

The most important activities of the Kalluu linking up with the Gada System are first, the muda ceremony, performed by the gada calss in power to honor the Kallu and second, the lallaba ceremony, in which the Kallu organizes and oversees the election of gada leaders (Asmarom, 1973:48).

The above quotation shows me that the *Gadaa* and *Qaalluu* institutions intersected at *Muda* ceremony to honor the *Qaalluu*. The quotation also indicates the role *Qaalluu* played during the election of *gadaa* leaders. This means the *Qaalluu* had political influence and power of supervision in the election processes of the *gadaa* leadership. Mohammed (1990) stated that the *Qaalluu* was called *Abba Muda* (i.e. father of anointment).

He got this name from the ceremony named *muda*, which is celebrated once every eight years in honor of the *Qaalluu*. In the ceremony, the *Qaalluu* gave his blessings and anointed the *gadaa* officials who governed the Oromo for eight years. Thus, the *muda* ceremony was important because it was the point at which the *Qaalluu* institution and the *Gadaa* system intersected.

## **CHAPTER THREE**

### **3. DESCRIPTION OF SULULTA AND ITS PEOPLE**

#### **3.1 GEOGRAPHICAL DISCRIPITION OF SULULTA**

According to the present regional administrative structure of Ethiopia, Sululta district is situated in Finfine Zuria Special Zone structure of Oromia Regional State. Areas administered under this special zone are scattered along the five main gates to and from Addis Ababa. These are organized into eight towns and six rural districts. The eight towns include:- Dukem, Sebeta, Burayu, Gelan, Sululta, Holeta, Sendafa and Lagetafo, whereas the six districts are Sululta, Baerh Aleltu, Akaki, Sebeta Hawas, Wolmera and Mulo. Geographically Sululta is found north of Addis Ababa on the main road of Gojjam (source from Sululta Administrative office in July 2013)

According to the accounts of key informants or *salge*, the name Sululta was derived from Afaan Oromoo word *Sulluulaa* that literary means valley. Because, the district is surrounding by mountains, the name Sululta was given to the place after its natural features. The second major town and the political capital of the district is chanco it is located 40-kilo meters from Addis Ababa especially where Sululta town found (ibid.).

### 3.1 Map of Sululta District.

Source: Taken from Sululta Administrative Office (2013)

Sululta district has a total area of about 975 km<sup>2</sup> (kilometers square). According to Sululta Administrative office (2013), the astronomical location of the district can be expressed as follows. Latitudinal, it is from 9<sup>0</sup>03N 9<sup>0</sup>31 N and longitudinally from 38<sup>0</sup>29 E 38<sup>0</sup>58E. The relative location of the district is express as follows; to the north the district is bound by Wuchale and Yaya Gulele; to the south it is bounded by Addis Ababa; to the West by Mulo and Ada'a Barga districts and to the east by Jidda and Bereh districts (see the map 3.1).

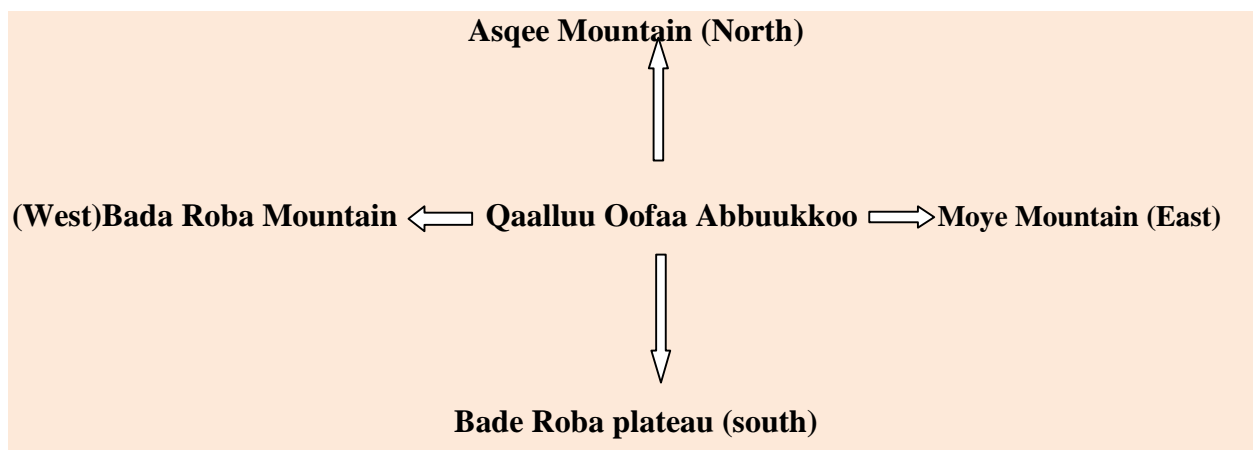
The annual rainfall ranges between 8341, 440mm. Its mean annual temperature is estimate to be about 13.28<sup>0</sup>. The temperature of the district ranges from 27–30 °C with an average of 33 °C. topographically; it is characterized by mountains, plateaus, hills, plains and Valleys. Muger,

Dubar and Samaro are some of the rivers found in the district. There are also many seasonal streams flowing in the district. Altitudinally, the district extends between 1740 and 2660 meter above the sea level. Climatically, Sululta is classified into *Dega* covering (33%) and *Woinadega* (67%) (Sululta Administrative office, 2013).

According to the 2007 population and housing census, the district has a total population of 129,322. As far is concerned; 116,870 people live in rural areas, whereas 12,452 live in urban areas (CSA: 2008). The rural areas are sparsely settled than urban areas. The district is located 30 kilometers north of Addis Ababa. The reserch was conducted in Chancho Buba Kebele, focusing on *Qoore Roobaa* Village.

Administratively, the district is divided into 26 *kebeles*. Out of these, 23 are Peasant administration while the remaining 3 are towns, namely Sululta, Chancho and Derba. In the study area, Oromo are the dominant ethnic group. With regard to religion, the people of the region are largely followers of Ethiopian Orthodox Christianity; there are also followers of Islam, Protestantism and indigenous/traditional belifes.

In addition, around the *Qooree Roobaa*, which is the settlement of the *Oofaa Abbuukkoo* institution, as the key informants told me the populations are the followers of the Ethiopian Orthodox Christianity. Similarly, they attending of Oromo traditional belief called *Waaqeefannaa* (worshipping), this is practicing in the compound of *Qaalluu Oofaa Abbuukkoo* at various occations. According to my informant Borena Agari in the institution in june 2013, with the exception of people in some religious institutions, the majority of local people visit the *Qaalluu*(specilly,Protestants the donot visit the *Qaalluu*), some members of other religion follower's visite the *Qaallu*



*Figure 3.1.2 settlement of Qaalluu Oofaa Abbuukkoo in Sululta district (Qooree Roobaa) area (source taken from Chanco Administrative Office)*

### **3.2. GENERAL OVERVIEW OF OROMO; OROMO SULULTA**

The Oromo are the largest ethnic group in Eastern Africa constituting one third of the Ethiopian population (Mohammed, 1990). According to Haberland (1963), the Oromo speak *Afaan Oromo* which belongs to the Eastern Cushitic group of Afro-Asiatic linguistic family. Historical records show that they were practicing agriculture and herding economy for quite a long period of centuries (Haberland 1963).

Moreover, the Oromo according to Gadaa (1988:8), are divided into two major groups: Borana and Barentu. It is the descendants of these two major groups which form major Oromo clans and sub-clans. The Borana group, for instance, is divided into southern Borana, Guji, Mecha and Tulama.

According to Tsegaye (2002), the Tulama Oromo are divided into three clans, commonly called *sadeen Tulama* (the three Tulama): Dachi, Bacho and Jillee. Dachi had three sons (Galan, Obo and Soddo). More over, Bacho was said to have had six sons (Wajituu, Uru, Meettaa, Illu, Keekuu and Garasuu) and Jillee had six sons (Goonaa, Guusaa, Loyyaa, Siibaa inconsistency, Waaree and Gindo). The informants mentioned, the Sululta Oromo are grouped under the Dachi clan.

### **3.3. SOCIAL STRUCTURE OF THE OROMO OF SULULTA AREA**

#### **3.3.1 KINSHIP**

Like other Oromo groups, among the Sululta Oromo, kinship structure indicate family, lineage, sub-clans and clan. As far as I understand, the Oromo follow a patrilineal pattern of descent .The relatives cooperate with each other in time of hardship and enjoy together in time of happiness. For instance, during time of building a house, farming, harvesting, death, birth ceremony, marriages ceremony they work together exchanging their labor; they also enjoy together during ritual performance in the compound of *Qaalluu Oofaa Abbuukkoo* institutions .

Among the Sululta Oromo, there are two types of families. These are nuclear and extended family. The former comprises of father, mother and children, whereas the latter includes children, parents and grandparents. *Abba-Warraa* (father) is regarded as the head of the family and assumes many responsibilities outside the house. Such as farming, trading and facilitate any work outside houses for his family.

On the other hand, *haadha-warraa* (mother) plays a paramount role in keeping the chores of the family. Culturally and socially, she is expected to undertake domestic activities, like preparing food and drinks for the labourers' guests and taking after children and old aged people.

In addition, *Abba-Warra* carries out major activities like plogging, harvesting, weeding, constructing or repairing houses, maintaining fences and kraals, searching for fertilizer, selling or buying cattle and crops. Similarly, in the house hold division of labor. Children perform various activities based on their age and capacity. Girls are required to assist their mothers in household activities, whereas boys are expected to support their fathers by heading livestock/ protecting cereals from wild animals, fetch water and observing their little brothers and sisters around the home.

### **3.3.2. MARRIAGE**

According to the custom of the Sululta Oromo marriage among blood-kin is strictly forbidden. That means one cannot marry a woman with whom he shares up to seven generations either on father's side or on his mother's lineage side. The main types of marriage include *kadhatani-fuudhuu* (betrothal marriage), *butii* (abduction) and *sabbat-marii* (marriage by plea to the girl's parent) and *aasenna* (marriage by the interest of girls) in the later case when the women has

interest or love towards amale, she is thought to into boys family and by carrying a dove containers “*Qaada Bukoo*”.

Abduction still exists but government intervention is discouraging those who need to form marriage through abduction. *Qaalluu* also condemns such marriage. Currently, betrothal marriage widely practiced in reserch area.

### **3.3.3. RELIGION**

Before the introduction of Christianity and Islam the Oromo used to practice their own religion, which is a monotheistic belief in one God called *Waaqaa*. *Waaqaa* can loosely be translated in to English God. *Waaqaa* for the Oromo stands, as creator of a universe, source of law and justice, ominipotent, ominiscient, omonipresent. Hence, worshipping in such a superime creater is called *Waaqeffanna* (Dejene 2002:44).

According to Knutsson (1967:48-49), *waaqaa* does not have personal form. He is not physically accessible, but simply manifests himself through his work or his power by doing something. Dejene (2002:44) wrote that there are other smaller divinities called *Ayyaana* to deal with day-to-day activities. This study is very much related with Dejene`s work, because it is *Qaalluu Oofaa Abbuukkoo* day-to-day activites. *Qaalluu Oofaa* Abbuukkoo was though to be communicating the attendants through *Ayyaanna*, while the spirit is processing.

However, Gemetchu (1993) said that the word *Ayyaanna* is making a confussion among different scholrs those whose study about Oromo rituals or religion. For instance, Morton (1975: 73-74) explained *Ayyaana* as adivine being with no precise picture that controlled the environment. On other hand, Bartels (1983:112-113) states that for the Oromo society *Ayyaanna* is found everywhere. Any thing in anointment has its own *Ayyaanna* is agiven from birth to guide and guard the possessor. There are many religious institutions found in sululta. Such as Orthodox Christianity, Muslim, Protestantism, Catholic and indigenous. *Qaalluu Oofaa Abbuukkoo* institution is serving as indigenous religious institution. Therefore, some peoples in Sululta using as religious institution but others used as traditional dispute resolution. The childrens who keeping/rearing cattle around hill Asqee in Northern part of the institution, described about *Qaalluu Ofaa* Abbukko accordingly:-

“Naannoo kana Kan jiran maartinnuu Oofaati buluu, kan wal-dhabe  
assummati aararama, bakkaa ragaan tokkoo hin jireeti yoo wal-dhaban  
asiti wal-fiduun dubbii walii-kennuu. Abbaan qee kana nama gaarii/

beekadha, nama cubbuu baaqaataniidha beekaa fi wallaala waalitti qabaani araarisaa ooluu”.

“Almost the whole communities who live around here *Qooree roobaa* believe in *Qaalluu Ofaa Abbukko*, the disputants negotiate here, if there is no any evidences about their confrontation/if they disagree on any issue, they come together here and give their words to Borena or ealders, father of this institution is wise men, a person who oppose sin, always he practicing recconciliation/ negotiation both matured and unmatured while they dispute each others”.

From this, we can understand that the community using the institution for two purpose; one as religion institution, this was visible while the spirit (*ayyanna*) possessed. However, post and pre-spirit possessed serving as a means of dispute settlement among indigineous institutions in sululta district.

### **3.4 ECONOMIC PRACTICES OF THE OROMO OF SULULTA**

Agriculture is the dominant economic activity and the main source of livelihood for the majority of the population in the study area. Because of the altitude and its climate; teff, wheat, barley and srghum are among the cereals; horse, beans, field peas, chickpeas and lentils are among the pulses; and Niger seed and linseed of the oil seeds are the most important crops grown based on rain fed farming in Sululta today. Livestock rearing is another field of agriculture. Sululta is wiedy well known for cattle breeding and the production of milk and it is products. The major livestock include cattle, sheep, goats, chickens, donkeys, horses and mules (Sululta Agricultural office, 2013).

Industrial sector is the second economic activity in Sululta area. Milk product, Steel factory, leather factory, Cement factories, and Agro-Processing and small enterprises. It is strategic place and proximity to Addis Ababa increased it is economic developmental and future prospect of growth. Sululta is relatively, well-developed district due to its geographical proximity to Addis Ababa, capital city of Ethiopia.

### **3.5. POLITICAL SYSTEM IN SULULTA**

### **3.5.1. CUSTOMARY SYSTEM**

As Kottak(2004: 456) notes there are informal political institutions, which are not part of the governmental apparatus, but which substantially influence it. Likewise, among the Tulama Oromo of Sululta district. There are informal (indigenous) political institutions and formal (modern) political institution.

The indigenous institutions among the Tulama Oromo of Sululta district include *Qaalluu*, *Gadaa* and *Jaarsummaa*. In this thesis, the researcher gives emphasis on *Qaalluu* institution in general and *Qaalluu Ofaa Abbukko* in particular. This is because the main aim of this research is to examine how *Qaalluu Ofaa Abbukko* settles disputes arising from different sources.

*Qaalluu* institution is an indigenous social institution in which primarily spiritual activities and non-spiritual activities one are being exercised under the supervision of spiritual leader, *Qaalluu*. Areba and Berhanu (2008:169) state that the *Qaalluu* institution though involved in ritual purposes serves as dispute resolving through the link with Ayyaana (spirit) court.

### **3.5.2. GADA IN SULULTA**

According to Dejene (2002), Gada system composed symbolic cultural system that the Oromo had developed over time and used for long period. The structure is still in practice in the Borena, Guji, and Gabara areas. However, other Oromo groups are not observing of fully due to factors. Such as, the influences religious Ethiopian Christian Orthodox, Muslim, protestant and other religions.

In the sululta area, there are five Gadaa sets such as, Gadaa Roobollee, Gadaa Biirmajii, Gadaa Dulloo, Gadaa Horrataa and Gadaa Kiiloollee. Each Gadaa set passes through similar Gadaa grades. Every Gadaa grade lasts for eight years. Now adays, among the Sululta only the above mentioned grade in which male groups considered as symbolic cultural system and spiritually significant. In Sululta district there is no function of Gada system like that of Gada in other Oromo group this is only symbolic structure.

## **CHAPTER FOUR**

## 4. THE OFA ABUKOAND ITS ROLE IN DISPUTE SETTLEMENT

### 4.1. STRUCTURE OF DISPUTE SETTLEMENT

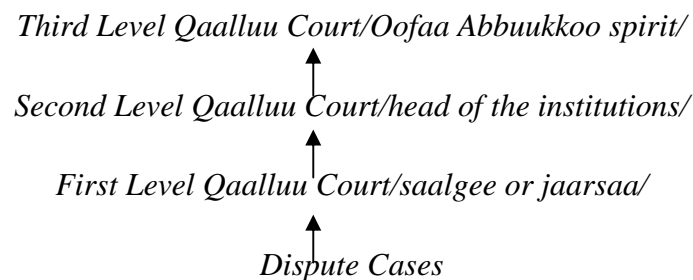
Major indigenous dispute settlements settings in Sululta district are generally divided into two formal court system and informal (*Jaarsummaa* and *Qaalluu*) institutions. In indigenous, the former applies secular ‘customary’ laws, whereas the latter uses ‘spiritual’ laws.

When disputes between individuals or groups of various sizes occurred in Sululta, it has been resolved either by the formal state structures (formal court) or the informal institutions (indigenous institutions). Each of these dispute settlement settings again can be divided into sub, as I shall see below.

#### 4.1.1. INDIGENOUS DISPUTE SETTLEMENT SETTING

The dispute settlement structure of *Qaalluu* court is divided into three levels within the same *Qaalluu* institution. The first level is the court run by the elders (*Jaarsa*) of the institution. The disputants appear before this court first. Then, if they are not satisfied with the decision, they can appeal to the second court. The second level court includes the elders and the *Qaalluu* himself. At this time, the *Qaalluu* is not possessed in spirit but acts as a judge in his own right. If one of the disputed parties is not satisfied with the judgment of this court, they can appeal to the last level for ritual judgment of the same *Qaalluu* institution. The third level court is the highest and sacred court. The mystical authority is invoked at this stage. The judgment rendered by the third level is final and conclusive.

*Figure .4.1.1 Qaalluu Oofaa Abbuukkoo Court Structure*



As the head of the institution told me, *Qaalluu Oofaa Abbuukkoo* institution is migrated in 1973 from West Wallaggaa around Gimbi the special name is called Nole Kaba. As I tried to

mention in the above due to some factors they change the position and settled in Sululta area. The institution was migrated from west Wallagga called them *Gurracha (black)*.

According to the *Salge*, there are many names given for different *Qaalluu* based on the interest of *Ayyaannaa* while the spirit possessed. For example, Oofaa sarbaa in Horroo, Eellemoo in Jaldu, *Nagassaa (abbayyee)* in Gindabret. Therefore, Qaalluu Oofaa Abbuukkoo changes his name from *Gurrachaa* to *Oofaa Abbukkoo*. *Oofaa* and *Caabsaa* is the name of many Qaalluu at different places; it is the power full spirit among the Qaalluu or the father of other Qaalluus. In Amharic, some peoples called wesengala, xequar and adalmoti. As Borena inform me Oofaa (expand) and Caabsaa (break) spirit is the last application for the disputants, the spirit of Oofaa controlled the spaces from Intoto Mountain to salale eastern parts of the institution.

This institution is currently another branch in different places such as South Shewa around Ambo, North Shewa around Salale and East Shewa around Sandafa. In the South Shewa Mulo name of the institutin is “*Walleensuu*” (*walensu*), in Arsi Itayyaa name of the institution “*Boorruu*” (boru) and East Wallagaa Gimbii *Noolee kabbaa* (kaba) the name of the institution “*Gurrachaa*” (*gurrchaa*).

From these institutions; *Walleensuu* in south Shewa (Mulo) and *Boorruu* in Arsi (*Itaya*) areas giving services for the people, *Gurrachaa* in Gimbi (Nole Kaba) is failed because in *Noolee kaabbaa* the followers of protestant religion dominated the area. There are some applications has come from the three branch, since, institution of *Oofaa Abbuukkoo* is the head office for the others and also the home of Borena Agari is in Sululta district functions provided by the *Qaalluu* institution.

In *Oofaa Abbuukkoo*, institution there is special days for dispute settlements. Those are according to the following days in this it is very relating with the special days for those who follow the Ethiopian orthodox Christianity. For instance, in one month with Sunday they had 18 days of dispute settlement.

The the *Saalgee* (Qaalluu nine elders) on these days always there, their children and wives involved on different products and herding the livestock at their home. These special Saint days are:

1. On 5 ( Abo)

2. On 7 (Silaseie)
3. On 12 (Michael)
4. On 13 (Egzaber Ab)
5. On 16 (Kidane Mihret)
6. On 19 (Gabrel)
7. On 21 (Mariam)
8. On 23 (Giorgis)
9. On 24 (Tekle Haymanot)
- 10 .On 27 (Madanialem)
- 11 .On 28 (Amanuel)
- 12 .On 29 (Bale Wold) and observance of Sunday is common.

Sources taken from head of the institution (Borena Agari, 2013)

The selection of those saint days were based on the absence of productivity in the study area or they called the day's holiy days (guyyaa ayyaannaa ykn guyyaa lagu) means on the above mentioned days every one who follow Ethiopian Orthodox Christianity has free from work.

*Qaalluu Oofaa Abbuukkoo* institution is using the *salge* elders (nine elders). These *salge* were processing dispute settlement in the compound of *Oofaa*. As Borena Agari told me the structure of *salge* taken from the political structure of Gada in Sululta district, there were nine Gada political structures in Sululta. Such as *Abba Bookku* (father of stick), *Itti anna Abba Bookku*(vice of father stick), *Abba Chaaffee*(father of meeting), *Abba Fuunyo*(father of measure), *Abbaa Sa`aa*(father of cow), *Abbaa Aalanga*(father of punishment) *Abba Duula*(father of war) *Abba Seera*(father of court) and *Abba mudda*(father of anointment). *Abba bookku* who is leading the elder or presidant of the elders, mainly he opening and closed the meeting of *salge*.

*Abba chaaffee* among the elders who is controlling the meeting, time keeper. Here in the institution there was *Abbaa Funyoo* (measure) who is measuring the cases like dispute over boundary, if the cases were needs reference he is a responsible to check cases at home of disputants with evident and reporting to elders. Oofa had given the right to blessing and curseing on this case. Therefore, he led the ealders by blessing and curse after the recouncilation process were processed. The other is *Abbaa sa`aa*( father of cow) is responsible to check and balance

the dispute over livestock cases. Oofaa had given the right to blessing and curseing on this case. Therefore, he led the ealders by blessing and curse after recouncilation were processed.

*Abba Aalanga* (father of punishment) he has right to decide punishment over the accused and responsible to follow the process of composition. *Abba Duula* (father of war) he has right to leading the guard in the compound to gurant security of visitors the institution. *Abba Seera* (father of court) he has the right and responsibility to refer the cases which donot solved at *Qaalluu court* to formal court and follow the cases. *Abba Mudda* (father of anointment) he has a person who processing spiritual things in the compound; he had the right to facilitating *ulfaa* instruments for Oofaa spirit while the spirit were possessing. It is not mandatory the presence of all *Salgee* to give a decision among the disputants, the presence of all *salge* at it is not mandatory if there number is three and above they had a right to make a decision among the disputants.

The selection criteria of *Salgee* (elders) for dispute settlement were from two groups (1) from the lineage (*balbalaa*) of the head of *Oofaa Abbuukkoo* (Borena Agari) and, (2) from the followers of *Qaalluu Oofaa Abbuukkoo* who have good knowledge of dispute settlement. The elders after they serve the institution for long period and while them come to old age, they representing their elder son or sons. As Borena Agari told me currently, in the institution, from the earlier elder few of them shift their right of dispute resolution to their children. For example, Mr. Workina appoint his son Mr. Girma, Mr. Mengesha appoint his elder son Mr. Tesgaye. The elder has a responsibility to train their son the process of dispute resolution at home.

In families of *Qaalluu Oofaa Abbuukkoo* in Sululta district, inheritance is common for surviving children after their family were lost their life. They practice division of properties among the children, when their parents died, specially their fathers. The eldest son is given special right. As the informants told me, this shows that families of the institution believe that the eldest son has the capacity to carrying responsibility to lead their families after their fathers or mothers separated from them. Therefore, they had given high recognition for the eldest son while the property is shared. The properties like compound of father, horse of father, gun of father, skin of lion, cup of father, chairs, *Eebboo* (spear), bead, *Gaachanna* (sword) and Ring.

In addition the *ulfaa* “special materials or special land, special cows, special sheep, special donkey, special hen, special gold, special silvers” these previous family materials are used only for occasional ceremonies and ritual practices. For instance, “*Dhiibaayuu*” those goods have been widely for processing ritual practices such as sacrifice for *Ayyaanna* (spirit). Any

products of *ulfaa* can not be sold in the market, exchanged with neighbourhood, offered to guests and their relatives. Focus group discussants stated that spiritual leader *Qaalluu* because “God”

speaks to the people through him. *Qaalluu* also organized *Jaarsaa* from his lineage and experienced elders among the society. Their role is to look at different cases which come to the *Qaalluu Oofaa Abbuukkoo* institution before they referred to the spirit possessed *Qaalluu*. Before the spirit is possessing, the processor of *Qaalluu* considered as spiritual leader of the community. Therefore, *Qaalluu Oofaa Abbuukkoo* is considered as the spiritual leader of the Tulama Oromo of Sululta district and the surrounding community as massanger/*Qaalluu*/.

As I tried to mentioned these ritual poses is processed by the ealdest son. For instance, Borena controls the throne of his father Agari in *Qaalluu Oofaa Abbuukkoo* institutions. This *ulfaa* reserved in special places. It is handled by the eldest son and the processed “*Gabbarsuu* or *dhibaayuu*” for Oofaa spirit within a year two times. This is takes place on spiring and automn seasons in the familes of *Qaalluu Oofaa Abbuukkoo*. Since my fieldwork did not conclude with *dhibbayyuu*, special scarification time I did not have the opportunity to observe the ceremony of *dhiibaayyuu*. However, as my informants told me, the main objective of this *dhiibaayyuu* is to baging God on automn seson to get rain and on spiring seson they baging God for blessing their harvesting.

*Dhibbayyuu* is processing on the following special days; on Mondays, Wednesdays, Fridays and Sundays. This is special days for the *Qaalluu Oofaa Abbuukkoo*, on these days the spirit of *Oofaa Abbuukkoo* communicates with the people. This is the same as other religious institutions are their own special days for praying. For instance, Muslim use praying on Friday, Protestants and Orthodox on Sunday, Adventist on Saturday. When I come to my point, the elder son after he controlled all the above mentioned they share other properties equaly with their brothers and sisters.

From this the reader may conclude that the segregation between eldest son and the other among the families of *Qaalluu Oofaa Abbuukkoo* leads to brought disagreement among the children, may be broght the dispute among the children, the eldest undermine the others, the children ignor their familes except the eldest and this may lead to physical violences.

However, this familes in Sululta has other Oromo familes they give recognition for their ealdest, higly they concentrated on respectation of the ealdest, according to their perception the eldest is

the unique, knowledgeable and they have capacity to carrying responsibility to process the spiritual or secular activities after their fathers died.

This institution is surviving many years in the study area. As my informant, the Qaalluu Ofaa Abbukoo institution lived for more than 40 years in insululta district and 39 leaders lead the institution.

The origin of Qaalluu *Oofaa Abbukoo* was from Western Wallaga, special place Noolee *Kaabbaa* (Nole Kaba). They migrated from there 41 years ago because of the Derg policy which highly disgraced some religious institutions. Then, the Derg arrested Agari Tullu, father of Borena (current Oofaa Abbukoo), then he migrated to Shewa and settled in Sululta district.

The other factors are the expansion of Protestants through Western Wallaga by crossing south Sudan and their move it to other Wallaga areas. Borena expressing the influence of protestant mentioned “*Haafurri keenyaa wal-dhiibbaata*” the spirit of *Oofaa Abbuukkoo* and the spirit of Protestants disagree to each other. So, they destroyed many times our grandfather stage. In addition he argued that they converted the followers into protestant and they offer the same help missionaries provided kind of support like missionaries school, hospital, hostels, road and other services. So, they cannot afford that the above mentioned as the missionaries for the followers of the institution.

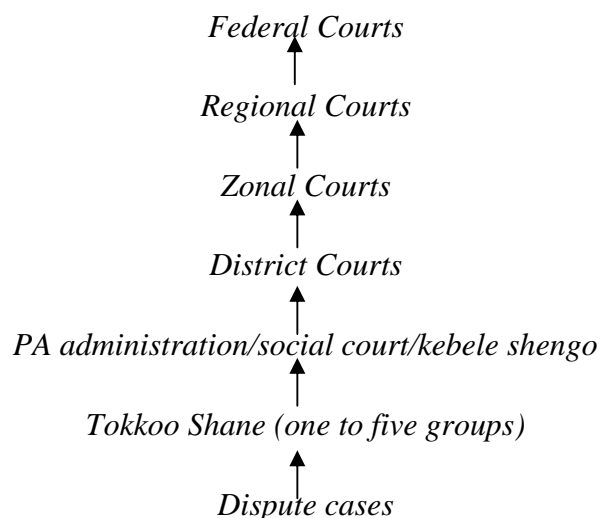
Bulcha describe the expansion of protestant through Wallaga it is accordingly; the aim of the Swedish Evangelical mission when it arrived in 1865 in northeast Africa was to convert the Oromo people to Christianity. However, the way to Oromo country was closed in the north by Abyssinian kings and warlords---Onesimos was the first pupil at the school opened by the Swedish Evangelical mission-----he studied religion, history, geography, arithmetic and languages-----the second Oromo expedition was made through Sudan to Wallaga ----cross Nubia desert---- arrival at frontier of Oromo land (Bulcha 1995:35-37).

In addition, according to oral sources, obtained and personal observation had been little grounds of equality among followers of different religions. There was no equal right among the religious institutions according to the previous Ethiopian constitutionalism.

#### **4.1.2. FORMAL DISPUTE SETTLEMENT SETTING**

Disputes can be dealt at different levels of the formal dispute settlement. These include *tokkoo Shaane* (one to five groups), PA administration and social court, district, zone, region and federal courts as seen below. This are listed according to ascending order or start from lower level to the federal levels.

**Figure.4.1.2 Formal Dispute Settlement Settings**



*Sources taken from Melaku Abera (2009:62)*

According to informants and discussants of FGD, PA administration or the *Tokkoo shaanee*, *Koree Hawaasummaa Seera Murtii Gandaa* (literally the Village Social Affairs one to five) is the lowest state structure to deal with minor civil dispute cases, not criminals. The government officials and members of the PA were selecting the members of this court. Another formal dispute settlement setting at the lowest level is peasant administration.

The PA administration, according to Oromia Rural Land Proclamation 130/2007, is given to the right to deal with land disputes. Criminal cases started to be seen first at the office of the district court. In fact, dispute cases both civil and criminal cases could climb up through all the court hierarchies as my informants told me. According to them, minor disputes are solved at the lower structure of administrative hierarchies (PA or District). The major ones like homicide do not fall under the jurisdiction of district, started to be seen at zonal court.

## 4.2 RELATIONSHIP BETWEEN THE INFORMAL AND THE FORMAL INSTITUTIONS

As my informant, Borena Agari (head of *Qaalluu Ofaa Abbukko*) told me even though *Qaalluu* institution is an “independent” institution which is carrying out its activities and guided by its own separate system of rule, directly or indirectly.

In addition, it has strong relationship with the formal political system of the Oromia National Region state. The institution contributes to the justice office of Oromia by settling disputes. The interview revealed that *Qaalluu Ofaa Abbukko* has recognition in dispute settlement from formal political system of the region.

They said that Sululta district Administration office is mostly invited Borena and the *Salge* while the formal courts give any orientations about the peace making among the people. From this, we can understand that, the government used *Qaalluu Oofaa Abbuukkoo* institution as a tool of peace making in the district.

According to key informants and FGD participants, indigenous Oromo dispute settlement institutions interact with each other as well as with the formal dispute settlement institutions. They interact either positively or negatively. Almost all my informants and participants of FGD clearly told me that there is a strong positive interaction between the *Qaalluu* institution and other dispute settlement settings in the study area. They took *Qaalluu Oofaa* as a case.

According to them, cases both from *Jaarsummaa* and formal court system are sent to be seen at *Qaalluu*. Specially, hidden cases particularly referre to the *Qaalluu*. In such case as theft, for which producing witness is difficult, killing without evidences, loan, sexual offences, any things without evidences or without witness and difficult to see by our eyes. The governments courts are sometimes refer the case to the indigenous settings with the consent of the disputants, which have the power of proving this kind of allegation without witness.

There are also cases transfer from *Qaalluu* to *Jaarsummaa* and formal dispute settlement settings. According to Borena Agari, criminal cases such as abduction, serious injury and murder which are not fall under the jurisdiction of *Qaalluu* by the state law are sent to the modern system. In addition, marital issues are sometimes referre to the court. Borena Agari states that if the disputants over marital issues refuse to settle their case, it is not his power to facilitate the divorce. Therefore, in such case the issue will be transferre to the district court. Within Oromo, indigenous dispute settlement mechanisms there are interactions. For instance, *Jaarsa* (elders)

participate and interpret secular laws in *Qaalluu* dispute settlement (see picture-14) although the supreme power and final decision are in the hands of the *Qaalluu*.

In addition, *Jaarsa* may invite the *Qaalluu* to the secular dispute settlement assembly when they encounter strong cases which need the intervention of divine power.

Borena Agari, the spiritual leader, was one of the founder and chairperson of *Jaarsaa Waada*. In cases of strong dispute, Borena Agari attended the *Jaarsaa* meeting. Demissie Gudisa (2005) in his MA thesis in Social Anthropology entitled “Social Networks, Conflict and Indigenous Conflict Resolution Mechanisms among the Derba Oromo of Northern Shewa” stated the role *Jaarsa Waada* played in resolving disputes with the cooperation of the formal court system.

Demissie included rules and regulations of this association in the appendix part of his work. The other area of interaction between the two is case borrowing or transfer. Cases seen at *Qaalluu* institution are referred to *Jaarsummaa* and vice versa.

Finally, Demissie concluded that the various dispute settlement settings are supplementing one another in the process of dispute settlement. Cases being referred from one body to another. One system needs the other for a certain thing or another and may not be efficient without the other.

### **4.3. CAUSES OF DISPUTE IN SULULTA OROMO**

In this section, I will discuss the nature and types of disputes in the study area; mechanisms of dispute settlement. Dispute is pervasive and permanent features of social life. They occurred on every level of group of society, since they living together in the same environment, mostly it is occurred when the goals of one contradicts another (Yaacov-Bar-Siman-Tov 2004:15).

The primary cause of disputes among the Sululta Oromo is economic cause. These include disputes over land, disputes over debts and dispute arises from destruction of property, dispute over cattle or other property. Marital dispute, inheritance dispute, theft, murder and other types of dispute also occur in the study area.

My informants explain dispute between wife and husband is one type of dispute in Sululta district. They describe various causes for it. These factors include money, on children, on properties, on lands, sexual offences and land acquisition.

As population grows, the pressure on resources increases and struggle over division of property becomes intensified. This forced some parents to divide their already limited resources among

their children. This result in limitation of property and young people of the area are struggling for property. They also state that the increase in the price of property as another cause of the disputes.

According to Melaku (2009), different types of land disputes emanate from these multiple ways of land acquisition. These include dispute over land inheritance, dispute arising from government reallocation, dispute over land boundary claims, dispute arising from land lease and dispute arising from land sale. However, according to government proclamation, the land issues not allowed to be seen at *Qaalluu* court setting. Thus, the institution transfers cases related land either to formal dispute settlement settings to *Jaarsaa Biyyaa*

The other type of dispute is debt related to property. According to my informants, there are two kinds lending money and lending any types of materials or animals. According to my informants, such kinds of dispute are common in the study area. They brought both before indigenous and modern dispute settlement institutions.

One case study dealt at case A is debt related property. One of my informants also stress on marriage related dispute rampant in the district, this is also study at case B. Social and cultural value related disputes are the other type of dispute in the study area. Under this big category, various type of disputes such as insulting a person, abduction, sexual offense, damaging the resources and dispute over women (sexual harassment). Another category of dispute is failure to carry out one's responsibilities in various social organizations like *iddir*, mahber and *iqub*.

The other of dispute in the study area is homicide. Although it is not rampant, said my informants and FGD discussants, this type of serious dispute occurs in the district. When homicide happens, the case brought before the modern court according to my informants.

#### **4.4. CASES BROUGHT BEFORE *QAALLUU OOFFAA ABBUUKKOO***

During my fieldwork in Sululta district, I was observing different cases were to be brought before *Qaalluu Oofaa Abbuukkoo* institution. Thus, cases were categorized into two group; the first one is the cases which solving at *Qaalluu court* and the cases which need reference to formal court. For this study mainly, I concerned on cases which is settled at *Qaalluu court*. Therefore, dispute over land, dispute over debts, and dispute over sexual harassment, marital dispute and theft are solve at *Qaalluu court*. However, cases like abduction, murder or physical violence, homicide, inheritance and land cases are referred to formal court.

## CASE A: DISPUTE OVER MONEY

The dispute occurred between two individuals (hereafter Mr. Bo and Mr. Ke) in 2013. Both live in Chanco Buba PA. Mr. Bo (the lender) was the accuser who brought Mr. Ke (the borrower) to the *Qaalluu*. Mr. Bo lent one thousand and two hundred ninety *birr* (1290) Mr. Ke in 2012. Mr. Bo accused Mr. Ke for his failure to honor his words and refusal to give him back the borrowed money.

As the plaintiff told me, he had tried his best to get back the money he had lent to the defendant through negotiation. When negotiation became futile, the plaintiff, Mr. Bo, first brought the case before *Jaarsa*, local dispute settler. As he told me, it was he (Mr. Bo) who had given the chance to talk to *Jaarsa* about the issue. The defendant (borrower) responded to the issue and refused to recognize. Then the *Jaarsa* transferred the case to the *Qaalluu* institution.

This means since the plaintiff was not successful at *Jaarsummaa* dispute settlement setting, he took the case to the *Qaalluu*. It was on May 10, 2013 that the plaintiff (Mr. Bo) brought the matter to the *Qaalluu*. He said that the *Oofaa* blessed him and allowed him to inform the accused to appear before him. On May 19, 2013 (on the day the researcher arrived at the compound of *Oofaa*), both the accuser and accused came before the first level of *Qaalluu* court (see appendix - 14).

The proceedings began by praying to *Waaqa* and *Qaalluu*. Then, the *Jaarsa* started to ask the plaintiff and defendant respectively to tell what happened. Next, the floor was open for the discussion.

The defendant admitted that he had borrowed the money from the plaintiff. He pleaded that he had failed to return the money because he is poor. While the elders ask him, since he fear *Oofaa Abbuukkoo* positively he told to the *Salgee* as he lend the money and he begged the plaintiff to give the appointment before this court to re-pay back the money. Then the elders implored the plaintiff to give him appointment. He agreed and date was fixed. The defendant agreed to pay in two terms; half of the money at the end of July 2013 and the remaining by September 2013.

He made anoath before the ealders and head of the institution. Then, the disputants kiss each other before standing *Jaarsa* (See picture-15). Finally, reconciliation ends with the performance of drinking local drink which is called *Araqee* (See picture -16). After two month, I re-visited the area to fulfill the absent of data, also, I tried to crosscheck the realities of his promiss to pay the

lent amount of money, then while I was raise the question for the salgee they said that he paid more than half of the money without any enforce.

## **CASE B: DISPUTE OVER PROPERTY**

This case brought before *Qaalluu* on May 29, 2013. This dispute was the dispute between Mr.De and Wro.Ab, who were a wife and husband. However, divorced in late 2012 through formal court and divided their properties. However, after one year Mr.De appealed his previous wife Wro.Ab to *saalgee* of Oofaa Qaalluu institution.

The two having been in the same house until their case were to be brought before Qaalluu. However, Mr.De complained that Wro.Ab was in the last week she dismiss my garden plantation. In addition she used my donkey for carring, she prevent me my sheep and my hen, and also she send my children to servant( one daughter get servant in Addis Ababa and one son get servant in Sululta to farm) .

The elders after hearing the case asked Wro.Ab whether she elaborate the issues mentioned. She responded that, they divide property upon divorce through formal court and that Mr.De registered only a cow and land in his name. She said their issues for which she was accused were new to her.

From the above mentioned no one is genuine. My loord let me tell the truth “*haata`uu gooftoolii Koo*” I used donkey for trade in between Sululta, Chanco and Warr salale. This is for benefit of his childrens buy cereals for food, feeding his children is beyond my capacity. It is impossible to feed his six children by 400 birr which he pays monthly. Thus, I send one of my daughters to Addis Ababa to serve another person. I want to encourage her to attending her education by working during the day-attended school at night. In addition, I sent my first son to work with one farmer since I want to encourage him to have his property in the future.

However, I did not dismiss his plant if may be his children did that I don`t know; “*Oofaan nabeeka*” Oofaa saw me. I have only five sheep. I don`t have 18 sheep this is lies oh! If we got 18 sheep we are investor of Qooree Roobaa, this is very lies far away from truth. She mentioned “*Maal taa`ee Namich hin Maratee Oofaa hin argu seete yoo dharaa duubbatuu?*” Is this person crazy? Don`t you understand that Oofaa can watch you when you speak lies? Even the five sheep are my property that I got through “*Iribbii*” or through local sheep productive agreement; the hen is property of my children. He does not have any thing with regard to sheep and hens. They are the property of my children and mine.

The elders discussed the matter and decided that; 1) the donkey should be used by the disputants commonly, as per the prior court decision or sold and shares the money. 2) The sheep has not registered when the disputants divided the properties and hence Mr.De cannot claim them. 3) They are also not documented in the court file and that they belong to children after you share the common property. Thus, Mr.De cannot claim them.

The elders also criticized Wro. Ab for sending children out to work as servant. When Mr.De is paying 400-birr monthly in order to provide food and cloth to the children you done wrong. The elders said “*maalii hin ajjeestaa?*” Do you want to kill him? Wro Ab.respond the elders, well I accept what you decided on me and Mr.De accept decision of the elders. Then the disputants stand from their bench at in front of Saalgee and kissed each other in order to make peace.

When the elders complete dispute settlement process, they enjoy with the disputants by drinking, local drink which is called “*Araqee*” in the compound of Qaallu Oofaa Abukoo institution.

### **CASE C: DISPUTE BETWEEN HUSBAND AND WIFE.**

This case is on June 5, 2013 this case was on money, this is in between wife and husband. Before two months, her husband Mr.Gu gave 5,600 birr to his wife Wro.Di. After two week, he took 2,000 birr to pay a loan and on another day, he took 2,000 to buy furniture for house. Totally, he took 4,000 birr. When he checked later, the remaining 1,600 birr was missing from the Box. He then asked his wife Wro.Di about the missing money. She responded that she spent the on the cereals she needed to feed her children.

He responds that we have sufficient cereals in our home this is lies. Where did she put the money? The elders “*Tasgabaa’ii gurbaa*” please be honest. He respond to elders I need my money unless let me divorce. This is very simple cases do not disturb your family.

The elders separated the disputants, and first called Wro.Di to continue their question by saying “*yoo dhugaa datee waqinni dhuga hin da’u*” if you lie us God watch you. Did you put this money in your Box? What I said is true my lords. I do not lie you I spent the money on (1) food for children (2) food for my husband (3) other infrastructure.

Then the elders called Mr.Gu by saying this proverb “*haadha mana lamma jaallatuu gabaahin baasani jedha Oromoon*” the Oromo say that do not send to a market the wife who has “who like every thing”. Since, you need to feed favorite food how can you say why you finished this

money? Today everything is so much costly in the market may be you do not have some information about today's market.

Then the elders called Wro.Ab what you had done is very important. However, while you spent the money you must inform your husband in order to minimize the dispute. Wro.Ab said that yes my lord I understand now, as it is my fault I accept your advice or decision, I do not repeat in the future. For this case let me ask apologies my husband. Then the elders called Mr.Gu they said that “*Dubartiin beektu hin qabduu beektu deesi malee*” no wise women, but she delivers wise men. Mr.Gu responds to the elders, since she told the truth I can make peace. Later the elders advising Mr.Gu accordingly, providing your Box to put such amount of money or don't give this amount of money to women and children, don't put in home such amount of money or using bank.

In the process of peace, since the source of dispute is Wro.Ab the elders decided that as she asks apologies her husband. (1) Wro.Ab was stand in front of the elders and asked her husband apologies. (2) Mr.Gu and Wro.Ab were stand in front of the elders and kissed each other in order to make peace.

Then the elders making free well ceremony with the disputants by taking local drink which is called “*Araqee*” (see picture -16).

#### **CASE D: DISPUTE OVER WIFE (SEXUAL OFFENCE)**

This case on June 12, 2013, cases of Mr.Sa and Mr. Za on Wro. Sh. In January 2012, Mr. Sa took the land from Mr.Za through the formal court. Then Mr.Za always finds the opportunity to revenge his land. So one-day Mr.Za saw when wife of Mr. Sa her name is Wro. Sh going from market to her home. On the day, he was at the back of her (on horse). After he asks greeting he continues by arising his sexual offensive or question. However, she was not voluntary. Then soon as she arrive her home, she told to her husband. Her husband as he heard the information, he was going to his home and asks him but he lie him. Since, they were disagreeing on the issue; they decided to go to *Qaalluu Oofaa Abbuukkoo* institution.

In the morning on (Sunday) Mr.Sa was come with this case in front of the *saalgee*, at this moment the three of them sitting in front of jaarsaa then Mr.Sa were proceed his application to the elders and Borena Agari head of the institution. He told them the cases accordingly; Mr. Sa said that on market day (Yesterday or Saturday on June 11,2013) Mr.Za was waiting my wife Wro.Shi on the road when she was from the market, he asked sexual-intercourse by saying this

word by Afaan Oromoo “ *Waaqaa siif kenne naaf kenni jedhe* ” it is free gift of God, please give me! How asks my wife such like unethical question? This shows that really he disgraced me.

After they finished their discussion on the issue, then they called Mr.Za and asked him whether he commit the offence, which he denied. Then the elders said to Mr.Za “let us give time to you, please think it again and again on the issue until we come back from ”.

After one hour they following the issue, on the second step they bring the case to Borena Agari (head of the institution) then he started by saying this word to Mr.Za “*Hundi keenyaa Dhiiraa, Dhirii gadii uuffatuu biraa hin darbu jedhe* ” we all are males, mostly the males are don't want to missing the females while they are meeting in free space, the males are aggressive on sex. Therefore, please do not lie us. If we transfer the case to formal courts you will facing difficulties, this case is serious case in Ethiopian constitution.

The *salgee* also, said that “*Aaduree fi Foon mana tokkoo bulchani wal-hinxuqiina hin jedhamni*” it is impossible to say to cat and meat do not bite each other, while they are staying in common room. Mr.Za responded, “If I try to lie you it is impossible to lie to Oofaa Abbuukkoo”, let me tell you the truth. On the day, I was on my horse she was walking in front of me, then I called her name, and she responds me. So I said that “*waaqaa siif kenne naaf kenni*” it is the gift of god, give me? However, I did not touch her. The elders blessed him Oofaa show the true if you keep the reality Oofaa will be punishing you.

Then the elders said that Mr.Za you would pay compensation for Mr.Sa. After they discuss on the issue they called Mr.Sa since your wife is beautiful, may be he didn't limit him self to raise sextual question or he drink local drink which is called (*Araqee*). so our son made it peace, we will asks compensation for you. Mr.Sa also agrees with them. The *salgee* delivered a decision as follow. They shoulded Mr.Za for attempting wrong and shameful act in our community; that it is illegal socialit. Then they intermed him to pay 500 birr compensation for sex. He agrees to pay.

Then they elders asked the husband of a wronged woman. Then he decided to agree with them. The elders ask another question Mr.Sa, how many birr you pay for Oofaa and elders (*saalgee*) from the compensating birr. Mr.Sa respond that I will live it 100 birr for Oofaa, I will live it 100birr for *saalgee* (elders). The defendant pay the remaining 300 birr for plaintiff and the plaintiff reduced 100 birr for helping the defendant and give to Oofaa and area 100birr. Then the

disputants stand in front of *saalgee* and kissed each other to make peace (see picture--15) to strengthen their peace the elders processing the following curse and blessing.

☞ **ABBAARSAA**

“Ijaa baa’umsaan yoo kaate Qee kana sifaan goone. Amen!

Haadha mana kee yoo loolte Qee kana sifaana goone.Amen!

Ciisicha irrati yoo wal-looltan qee kana siin faana goone. Amen!

Akka nuyi jenne waaqayyoo haa jedhu. Ameen

Nu-walii galee yaa waaqi attiis dubbii keenyaatti walii galii .Ameen”!

☞ **EEBBAA**

Waaqayyoo wali-galtee siif haadha mana keef haakenu. Amen!

Hawwiin keenyaa akka isiin waliif taatani waliif ta`aa . Amen

☞ **CURSE**

“If you will try to revenge Mr.Za, we can follow Ofaa Abbuukkoo with you, Oofaa watch you. Let it be!

If you will conflict with your wife, we can follow Ofaa Abbuukkoo with you / Oofaa watch you .Let it be!

If you will disagree with your wife on bed concerning to this case, we can follow Ofaa Abbuukkoo With you / Oofaa watch you .Let it be

God approve for us. Let it be”

☞ **BLESSING**

“God will give you agreement between you and your wife.

we wish for you the satisfaction between you, when you interact each other. Let it be”

In *Qaalluu Oofaa Abbuukkoo* institution, mostly the elders (*salgee*) processing word of blessing and curse, this is takes place at the end of reconciliation to close their meeting, practicing of blessing and curse is between the disputants. This is for two purposes; one is to confirm peace among disputants. The second is to show as spirit of *Oofaa* watch the *salgee* while they are processing dispute resolution. Therefore, the disputant has feared the spirit of *Oofaa* if they will try re-dispute on the issue. The above mention words are strong words of curse, so both disputants give attention to each word of curse and decide to stop their disagreement or make peace.

## **CASE E: GUMA HEALING BLOODSHED OF KILLINGS**

The present Ethiopian legal systems abide criminal cases to be exclusively dealt with by formal courts. It is only after criminals serve their sentences and that indigenous institutions could see the case separately. In due process the victim could say *Gumaa akkan kenuuf naaf eeyema*, please allow me to deliver the Guma say, as I am keen to get rid of the bloodshed and compound the blood.

After they agree with the accused family, the three elders bring back information for the *salgee* and the head of the institution. Then elders (*salgee*) and the head of *Oofaa Abbuukkoo* bring together family of the victim in the compound of *Oofaa Abbuukkoo* and process of reconciliation. The elders stand in between the accused and accuser family to make an oath (*kaka*) accordingly;

### ***Orommiffaa***

*Seerrii kun seerraa tumaa wallaggaati. Itti wali-galee.*

*Seerrii kun seerraa tumaa Abiiddaarii*

*Handhuurraa Jiddaati. Itti wali-galee.*

*Seerrii kun seerraa tumaa Gimmibiichuuti.*

*Itti wali-galee*

*Wadaan kun hin jiigu, hin diigammu, kun yoo diigamee oofaa isiin haa abaaruu. Itti wali-galee*

### ***English***

*This law is according to law of Wallagga law. Yes, we agree*

*This law is according to law of where center jida Adibar (spirit). Yes, we agree it.*

*This law is according to law of where Gimbichu. Yes, we agree it.*

*This promise is cannot be broken; if you break, the promises of peace ofa will curse you. Yes, we agree*

The above saying is their own linkage with the place, clan and natural resources; the first, the reason why the elders called according to Waallaggaa law is, there is another *Qaalluu Oofaa Abbuukkoo* branch at Waallaggaa called *Gurrachaa*. Therefore, they were calling the spirit in order to approving their peace. The second they called center of jida adibar, there were a group of people which live in northern part of Sululta (jida clan), in jida *Oofaa Abbuukkoo* has growing representative of the institution and the clan is selective clan to possess the spirit. Therefore, the elders calling the spirit for support.

The third, the elders called according to Gimbichu law, gimbichu is another place which the spirit of *Oofaa* was held the conference twice a year. The specific location of gimbichu is center of Salale (north –east) of Sululta. Here in gimbichu, *Qaalluu Oofaa Abbuukkoo* held the meeting with different *Qaalluu*. Because the place is comfortable to leading the conference, there were instruments to practicing blessing and curse (there were abundant of natural resources). Therefore, the elders calling the spirit to be ask support again and again. The space from Entoto Mountain to Salale called “*Qilleensaa Oofaa*” means empire of Ofa. Generally, the knowledgeable elders are they have a right to calling the spirit which is supporting them to confirm peace among disputants.

## **CASE F: HEALING PRACTICES**

Besides; its role as solving dispute *Qaalluu Oofa Abbuukkoo* play key endeavor healing practices. There are many healed persons in the institutions. For instance, children adults, women, girls and elders in involving could labour services such as making coffee, fetching water, washing cloth, providing the ceremonial spaces. For instance, the adults take part in farming *ulfaa land*, meaning the special land for the purpose of scar Oofa and guard the compounds.

The activities of children are; attending animals, fetching water and washing legs for guests at night. Women take part in preparing food for Borena Agari, elders and guests, making coffee, clean the compound, wash the cloth and facilitating a negotiation space for disputants. Therefore, those who healed at different occasion they stay in the institution until their guaranteed their healing. As my key informants told me, *Oofaa* identifies causes of disease and cures them.

Through time, the role and functions of *Qaalluu* institution have changed. My informant, Borena Agari describes that ritual activity is the main function of *Qaalluu* institution. At, for instance, people come to attend various ritual performances, which are conducted mainly twice a week. On this ritual ceremony, the elders are opening the meeting by practicing the blessing, it follows as below;

☞ **Oromoffaa(native word)**

*Waaqni nagaan nuoolchee nagaan nuhaa bullchuu. Ameen!*

*Iraa goruu nuhaa oolchuu. Ameen!*

*Fardaa kooraa irraa nuuf haabubullchuu. Ameen!*

*Qootiyyoo qambaraa keessaa nuuf haabu bulchuu. Ameen!*

*Dhaalttii Okolee irraa nuuf haa bubullchuu. Ameen!*

*Naggadee kiiloo irraa nuuf haa bubullchuu. Ameen!*

*Gabaaree ordaa irraa nuuf haabubullchuu. Ameen!*

*Looltuu daangaa irraa nuuf haabubullchuu. Ameen!*

*Qaalluu Madaba irraa nuuf haabubullchuu. Ameen!*

*Qeesii dabirii irraa nuuf haabubullchuu. Ameen!*

*Arfaasaa nuuf haa roobuu. Ameen!*

*Ganna nuu haa magaarsuu. Ameen!*

*Biirraa nuu haa makaruu. Ameen!*

*Waan robaa keessaa nu haa baraaruu. Ameen!*

*Iccittii waa sadii nu haabararuu*

*(beelaa, dhukkubbaa fi waraana).Ameen!*

☞ **Translated to English**

*May God give us peace at day and night? Let it be!*

*May God protect us doing wrongness? Let it be!*

*May God give us long life for our horse? Let it be!*

*May God give us long life for our ox in the farming. Let it be!*

*May God give us long life for our cow on delivery. Let it be!*

*May God give us long life for our Traders on kilogram. Let it be!*

*May God give us long life for our Farmers on farming? Let it be!*

*May God give us long life for our Soldiers on boundary. Let it be!*

*May God give us long life for our kalu on stages. Let it be!*

*May God give us long life for our Priest on praying. Let it be!*

*We need spring rain on time. Let it be!*

*We need good product/harvesting from the summer rain. Let it be!*

*We need good harvest, on harvesting season. Let it be!*

*May God prevent us from evil in rain. Let it be!*

*Please God save us from these three secrets (hunger, pain and war).let it be!*

From this we can understand that Oromo in Sululta calling the support of God through the above mentioned native-words (calling God). For instance, the wish peace for their farmers, traders, soldiers, prayers, livestock and they wish to harvest good harvesting, and they wish to get raining on time, they want to save their district and their country from the three serious things (war, hunger and pain). Finally, this is the way to communicate God for getting the above mentioned.

The above case studies that being treated in this section, dealt with different types of disputes common in the study area. One of such types of dispute is dispute over money borrowing and denial to pay back to the lender. Secondly, dispute caused over property between wife and husband, reflection evolved from the vicious inclines of conflicts and the divorce cases matters mainly are among few to mention and are due to be processed by the informal and formal court based up on the preference of the disputing parties and the nature of the dispute.

The elderly specialists treating these cases are thought to have in-depth knowledge about their culture, achieved status of the *jaarsuma* position and enjoy social acceptances.

The *jaarsumaa* system contorts decisions to all cases, except matters beyond their mandate and the cases, that contravene (contradict) with the core idea of the constitution. However, customarily any cases are ought to be seen finally by the *jaarsuma* and *Qaalluu* institutions before being directed to the legal courts.

In due cases both institutions operate within the limits of their authority and referred relevant cases are against the other.

Interview results of this study attested the profoundly significant advantages of the indigenous institution of dispute settling strategies over the formal court system.

One of the representative cases in this point is that the accuser (money lenders and the sexual harassment cases who have difficulty in finding out valid personal witness (evidence) and copy of contractual agreement often prefer traditional institutions. Similarly, in many occasions parties in dispute claiming divorce seek the traditional mechanisms.

In the same take, state courts referred the case to indigenous institutions to help the disputants re-start negotiation and have brething time over the matter of the dispute. Discussions made by the indigenous institutions thought to be soft, considerate of norms and tolerant to maintain the stability of the family.

As plaintiffs, suffer from the lack of witness accounts to strengthen their cases, ealders evaluate the matters are expected to undergo detailed procedures and persuade defendents to the fact on the ground offence. If the defendant try to lie to them says *amma dubbii kee irraa waan nuuf ifee jira jedhu*, we understand some thing from your speech. Do not fear we all are males, please tell us the truth. Then, using this skill ful effort, they were able to convince the accused. In this way, they solved anumber of issue. Therefore, taking into account the speedy nature of trial procedure, cost effectiveness and fairness of the decisions made; most people in the study area still choose indigenous institutions of dispute resolving strategies.

The elders treat every case through by taking ample time to do away with the course of relation. After the elders neatly identified the accused party, served punishments imposed formal courts. They start the procedure by arrived their home they says "*lubbuun nama sababaan baati, kun sabaabaa waan taa'eef araraa buusaa*" human life lives accidently, *so* restore they help them peace, if the dead is male they says "*lubbuun dhiiraa billiiqaa*" "*the* life of a man always subject to accident.

Recouncilation was takes place, and then disputants kiss each other to make lasting peace. The componsetion of the blood is basede on the claim of cost the family of deceased. If offenders treated the victim as apatent in hospital, killer will pay the total costs incurred by the latter party in the hospital. Similarly, other misselenous costs such, as forburials and mourning services and hosting guests could be covered by the defendant. However, if the victim dies soon both parties may burst in to clashes componsetion payment could be done incash that is estimated to be around 2000 Ethiopian birr to curb down the cycle of dispute for the last time. Moreover, the disputant parties easi their hostility establishing family relation ship that help them live together and forming self-help social association.

Similarly, as other informants told me that worshipping of Ofa Abuku while the spirit is possessing is the major activity of the believers of this institution. They speak to the spirit, while the spirit comes up on the head of the institution (Borena Agari). The other service given at Qaalluu is naming ritual (*Aammachisa*). Children are brought before and names are given.

*Qaalluu* also involves in administrative function. The *Qaalluu* orders the subjects to abide by the laws, and regulation, of the government in power and that of his institutions.

The *Qaalluu* institution also plays a major role in social control. During the ritual performance, the *Qaalluu* orders the people not to do evil things such as stealing, murdering, defamation, sorcery, and witchcraft. The institution also teaches its followers the law of *Waaqa*. The *Qaalluu* is not only visited by its followers for spiritual and the other purposes mentioned above but also it serves as the centre of dispute resolution, which is the major concern of this thesis. The *Qaalluu* institution settles disputes of various kinds.

Almost all civil cases with the exception of land case appear before this institution. It deals not only with individual or family disputes but also group or clan disputes. Most cases appeared before Qaalluu court it is effectively settled. Since there is a real element of fear involved in spirit-sanctioned adjudication, the disputants obey to the decision of this court.

## CHAPTER FIVE

### 5. MERITS, DEMERITS AND CHANGE AND CONTINUITY OF QAALLUU INSTITUTION

#### 5.1 MERITS

As my informal informants and FGD, discussants forwarded me different ideas about the advantages of *Qaalluu* Oofaa Abbuukkoo in dispute settlement setting. Sululta people in the study area prefer to bring cases, which is hidden like Guma, sexual harassment, and theft and money.

In *Qaalluu* institution, the disputants do not call *wases* (guarantor). However, in secular *Jaarsummaa* institution, the disputants call upon their *wases* (guarantors) either before or during the session. Similarly, in the formal court structure guarantor was needed. For this, people spend unnecessary time in search of guarantor. Therefore, the *Qaalluu* is more advantageous compared to other dispute settlement settings.

The other merit of this institution is the process takes short period compared to the formal state structures. Active decision-making and quicker decision are given for the disputants. Arbitration/adjudication in the context of *Qaalluu* court is quicker. Parties can have their cases heard and solved relatively rapidly than other alternatives.

The criminal cases are taking a time to solve. Because, first to check how much the government was give the punishment for those who done the crime. The crimes like Guma, Abduction, children right and land cases (which related with lease). These are brought to the *Qaalluu* Court after they finished the case through formal court, then they bring the evidences from the formal court the evidence if letters which shows their span in the prison or evidence (letters) which show their payments of compensation of their crime. After they processed the above mentioned, they come with their cases to *Qaalluu* institution to ratify their guaranty of peace with their accusers. In between, it may take long time to clarify their cases.

Its cost effectiveness is another advantage of the institution. The procedures are generally easy and more economical. Court costs and expenses have been the major problems for

litigants particularly for poor persons in the formal institution. Those disputants who cannot afford the above in the formal structure mostly bring their case before this customary institution.

As the disputants told me court in *Qaalluu Oofaa* is free court, *Oofaa* they don't need any payment, only we pay 35 birr for *Salge* this is *Ireechaa*, it is not cash we pay *Araquee xaarmusii tokkoo*(we pay one bottle katikala) if we are poor the *salgee* is not forced us to pay it. After the recconciliation, both the disputants and elders are enjoying together by drinking to strengthness of their peace or to confirm the recconciliation.

My informants and discussants of FGD mention its proximity as another merit of *Qaalluu*. They state that there are many *Qaalluu* institutions in the study area. As it exists in each locality, the institution has immediacy to the disputed parties and it saves them from expenses in connection to transport, food and others.

The disputing parties also save their time traveling to distant area to attend formal structures specially, they stated that since, we are living by farming and herding livestock, particularly, farm product is based on the season, so it is impossible to attend formal court during harvesting season they expressed accordingly;

“Ijoolleen keenyaa barnootaa oluu, enyuun erganna, hojetaa qaccaruuf qarshiin hin Jiruu, utuu Oofaa hin jiru ta`ee boolaa maaltuu nufudhataa? Kan Oofaa ilee himne hin fixinuu, ibsuuf jecha nu hanqataa haa ta`u garuu yoo akkas jenne wayyaa laata, inni nuuf waan hunda ykn maraa”

“Our children's are learning, who going message for us, to employee servant we don't have money to pay for servant, if Ofaa Abbuukoo had not found hear which ground is take us or we don't had any option? So we don't have a word to expressing about the Oofaa, it is beyond our expression, let us say this word *Qaalluu Oofaa Abbuukkoo* is our holistic”.

The other major merit of the *Qaalluu* dispute settlement setting is the procedures are easier. To discuss about the matter, to settle the dispute and to reconcile (*araarsuu*) is not complex like formal courts. The last process, reconciliation, is not available in the modern dispute settlement setting.

Equality before the *Qaalluu* institution in practice is another observable merit. All disputants are equal before this customary institution. There is no corruption. All parties are treated similarly and fairly irrespective of wealth, ethnicity, religion and politics.

“Namooni idoo biraatti yoo wall- loolani dhufaan, haala jaarsumattin ararsaa Booranaan cubbuu bayee eegataa namootaa warraa wal-lolaan ija tokkoon ialaala namni tokkoo yoo waa jallaa bade idoo kana dhufee yoo himate abbaa jallaa fuudhee Ofaan dhugaa hin baasaa”.

“While the peoples confronted and come to here, Borena negotiate them by recconciliation, he is very serious with regard to prevent sin/ his decision is fair diciession, he thret the disputants’ eqally. Forintance, if a property of any person taken by some body, if they come and apply to Ofaa he told the truth, he told to him a person who takes his property”. From this we can understand that kalu ofa abuko treat the society equally and fairly (from disputant Wro.Ab)

In theory, it is also true equality before the law is now accepted constitutional principle in Ethiopia. The disputants and elders enjoy together in the same room by taking traditional or local drinking on this the elders were also they strength their reconciliation. However, in the formal court, the judge and disputants are very far apart, no freely contact and discuss with them.

There are almost no false witnesses in *Qaalluu* dispute settlement setting compared to government system. In the government system, it is usually difficult for the plaintiff to win the case because of the false evidences arranged by the accused. In the absence of evidence, the *Qaalluu* look at the case whereas in the absence of evidence the government court dismisses the case. As Borena Agari told me, sometimes formal courts send to our institutions the cases don’t have the evidences, the criminals or accusers were soon they arrived in the compound they told us the fact because they fear the spirit Oofaa Abbuukkoo.

The *Qaalluu* court is the best choice particularly if there is no evidence for some plaintiff. Cases without evidences have no values before the formal dispute settlement mechanism. Such practices are considered as evils. However, at formal state court according to my

informants corruption is the major phenomena. Bribing the judges is the norm of the day said my informants.

## **5.2 DEMERITS**

It is obvious everyone has their own advantages and disadvantages; *Qaalluu Oofaa Abbuukkoo* institution is also, there are some demerits. The following are some of disadvantages of the *Qaalluu* institution. My informant Abera says that powerful sanction of the *Qaalluu* is not limited only on the accused person. It also affected directly or indirectly his/her family members and properties. It may also extend to his/her relatives, descendants or the succeeding generation including his property.

Lack of female participation in the dispute settlement at *Qaalluu* court made the institution male biased, in this institution nine of the *Saalgee* or *jaarsaa* are males no females among them, there is great discrimination with regard to gender. In short, the *Qaalluu* institution has much more advantages than its disadvantages. In fact, one may envisage the way an official court runs and analyze the circumstances surrounding it by taking into account the men of rural area the majority of whom are very poor who may not afford court expenses. Actually when one initiates his case to an official state structure, he/she confronts a number of hardships. He/she confronts, for example, new elements and different procedures from the customary one. He/she is required to present his/her case in a written style. He/she is governed by the code which is substantially different from the customary law. One may also come before judges who are strange to local custom and way of life. When the disputants are resort to the Oromo dispute settlement institution.

## **5.3 CHANGE AND CONTINUITY**

Sululta Oromo are as other Oromo group lead by the structure of Gada system. Therefore, *Qaalluu Oofaa Abbuukkoo* is among the indigenous institutions, they practice customary law to settle the dispute among the community. According to Asmerom (1973), Gada systems were exercise of peace among the Oromo society. From this, we can understand that all Oromo group settle the dispute through indigenous and customary law is in the context of the Gada system. As Chala (2011:42), the Oromo people in the 16<sup>th</sup> century had a common Gada leader and law i.e Macha and Tulama Oromo. In this occasion, the leader had the power to declare war to save thier community; they had the right to mobilizing the resources for common used, and the right to exercise to settle the dispute.

However, gradually the disparity of common leader is existed. That is Oda Nabe of Tulama-Macha Confederency and Oda Bisil of Macha side were conflict each one other over land (pastural-land). Therefore, among many Oromo group the war was continued. The main aims of the conflict were on economic computation over grazing land; it is not for political cases one control over another (ibid.).

Gada Melba (1988:21-23) stated that the war of 18<sup>th</sup> century caused by territorial expansion of central government and revival of the new religion are disgrace the political structure and judicial importance of Gada system. The ealders of *Qaalluu Ofaa Abbukko* and Borena Agari of Sululta agree with Gada Melba. Because as above mentioned the leader of *Qaalluu* in the study area very much aggressive to the central government toward lack of right of different religious institutions and *Qaalluu* institution. In addition they suggested that in Oromo community, Gada system was a system which living until the dominance of MenilikII and the expansion of different new religious institutions; Ethiopian Orthodox Christianity, Islam and Protestantism.

As aresult, the Gada function is now abolishing, more or less, except the indigenous Oromo law practice. Therefore, it is impossible to say that only the *Qaalluu* institution lives and functioning very well in Oromo and Sululta Oromo. Because, the Gada, system had the power to exercise politics and religious matters in Oromo community than the *Qaalluu* institution.

The other factors are “*tokkoo shanne*” or one to five, this is currently desgined by Ethiopian government. The main aim of this group may be to strengethen the chain among the community inorder to improve the productivity, gurant sefty of people, to evaluate day-to-day activities and to develop sprit of unity among the community. However, on other side this “*tokkoo shanne*” group some impacts on the function on Oromo indigenous institutions in dispute settlement. As my informant in Sululta Oromo, every activity is processed based on “*tokkoo Shanne*” group. Therefore, many cases solved at a group level. Therefore, only the cases beyond the group are reffered to *Qaalluu* institution and formal court system. For instance, works like harvesting, farming, wedding ceremony, and birth ceremony, keeping cattel, burials and some activites were practice in *tokkoo shanne* group. In addition, many dispute cases solved at *tokko shanne* group.

Since the nature of indigenous dispute settlement institution are dynamic, *Qaalluu Ofaa Abbukoo institution* tried to response to the expansion of new religious institutions and

policy of the government. The institution were to re-newed him self, they decided to designed other plan. That is they tried to form a link with the government as a religious expert and attending local meattings by representing the institution and some times *Qooree Robaa* pesant administration. Through this starategy, they tried to change the attitudes of the community of the study area toward the value of *Qaalluu institution*. Even if formal legal system tries to decline the local dispute settler, still some cases are resolved at local level. For example, as I tried to mention the cases of *Guma* the accusers after they finished punishment from formal court, they come to ask the permission to confirm the peace “*harka dhiqachuu*” washing hand this means to confirm a peace. This shows that still indigenious dispute resolution ingeneral and *Qaalluu Ofaa Abbukko* inparticular is operation in the study area.

## CHAPTER SIX

### 6. CONCLUSION

There are theoretical controversy among scholars regarding the concept of dispute, causes of dispute and dispute settlement, and whether dispute is part of social interaction among the communities is described in review of literature. However, many scholars argue that dispute is inevitable, a natural and it is impossible to avoid. Therefore, they agree that in all societies one does not avoid the life with out dispute. In addition, they discussed that many sources of dispute among the people. In the case of Sululta, the primary cause of dispute seems to be in the area of property interests. However, it is not easy to make a valid exclusive motive of dispute regarding the study area. My ethnographic analysis clearly shows that the identification of causes of dispute requires the consideration of how different factor interplay within the communities.

According to Chala (2011:44) said Freudian assertion which simply places no violent behavior in biology or ecological functionalist's deterministic causes are inadequate to explain the causal dynamics of particular dispute confirm the cause of Sululta district.

From the above arguments, the scholars agreed that in every people there are the mechanisms of dispute settlement. In addition, the scholars like Faure (2000) and the research work done by Pennsylvania state university (2006) described that indigenous African peoples has wealth knowledge to practice or maintaining peace among the societies. Therefore, I agree Faure explanation as I tried to mention *Qaalluu saglee* were very professional to settle the dispute in the study area.

Sululta Oromo practice customary and spiritual laws, rules and regulation in the indigenous judicial system to confirm peace and reconciliation among the disputants. The institutions deal with some disagreements which arisen from the communities. They serve equally, without payment, at village or local, safe time, solve unwitnessed issue, using native language and make oath, curse and blessing to confirm peace. The studies thus give description on how the Oromo in general and Sululta Oromo traditional institutions interact to settle the dispute, focus on harmony and knowledge of reconciliation in order to resolve dispute.

The traditional dispute resolution of Sululta district people the role of Oofaa Abbuukkoo spirit is important and has powerful force in the context of dispute resolution system. After reconciliation, processed disputants were never to revenge one another.

Dispute in Sululta were resolved at two levels indigenous (informal) court and formal court system.

The people prefer the informal mechanism to formal one. The scholars like Schellenberg (1996) and Gulliver (1997) are confirmed that indigenous (informal) mechanisms are minimize the cost, the court were at local, easy to access, maintain within short time and provided social relation, the process of reconciliation is among the disputants, fair decision and free from corruption. This and other merits made indigenous institution more preferable than modern court system.

However, my informants have risen that indigenous institution are their own demerits. For instance, lack of documentation, lack of limitation of power of *Qaalluu* the curse is reaching the all extend families means the spirit sanction is unlimited, and lack of coercive means of enforcing their decisions and lack of female participation on *Qaalluu* court. Therefore, among the Sululta people those who act as agent of dispute resolution are donot used police and prison at their interests. In addition, they have no legal support from the governmental body. Nevertheless they are able to maintain social order. The ealders donot considerd public moral opinion and enforce the disputants to peace through calling the spirit from different directions or frastreting the people.

From this, we can understand that the Oromo value system, which is embaded in their belief system, is very strong. For instance, cursing is belived to harm not for offender. Hence, the case of Sululta district is quite relevant very much related with the work of some scholars like Red Field (1987), Pospisil (1967) and Bassi (1992) thus stated that the different ethnography of indigenous people in which sacrification sanction such as cursing, ostracizing, denials of favors are so effective.

In the above, I tried to mention about indigenous dispute settler institutions, mainly from this study, I had good opportunity to develop knowledge of settle the dispute among the communités and I add much information. For example, before I was employe this study I donot understand as *Qaalluu* instituitions important to settle the dispute, I had the information *Qaalluu* institution are serving only for spiritual possess.

Therefore, I want to invite the researcher who is wanted to set study further on the

institution in the study area. In general, since the role of *Qaalluu Oofaa Abbuukko* institution is climax, regard dispute resolution in the study area. If the government will give legal coverage, the institution will work effectively, unless we lost some Oromo indigenous knowledge in the study area.

As anthropologists, from this study I recommend that indigenous institution should be incorporated under their own common rule and regulation. Unless the the leaders might lead to the discrimination. The other is disputants must identify his/her right while the leaders make decision. If the institution should fulfil the above mention it is the effective institution than the formal court.

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**APPENDIX -I LIST OF INFORMANTS (2013)**

No	Name of informants	Age	Sex	Place of Interview	Date of interview	Remarks
1	Borena Agari	50	Male	Chanch Buba PA	12/05/2013	Spiritual Leader of <i>Oofaa Abbuukkoo</i>
2	Abera Tekla	64	Male	Addis Ababa (Jan Meda)	12/05/2013	From Waju Dalota Pesant administrations disputant
3	Wakjira Changare	82	Male	Chancho Buba PA	12/05/2013	Elder
4	Assefa Changare	57	Male	Chancho Buba PA	12/05/2013	Elder
5	Assefa Belachew	60	Male	Chancho Buba PA	12/05/2013	Elder
6	Tsegaye Mengesha	44	Male	Chancho Buba PA	12/05/2013	Elder
7	Hurusa Fayessa	69	Male	Chancho Buba PA	29/06/2013	Elder
8	Alemu Negawo	56	Male	Chacno Buba PA	29/06/2013	Elder
9	Mamo Haga	50	Male	Wariso Malima PA	29/06/2013	From Wariso Malima pesant administrations disputant
10	Tegenu Sisay	24	Male	Wariso Malima PA	29/06/2013	Youth
11	Worku Alemu	26	Male	Wariso Malima PA	29/06/2013	Youth
12	Seifu Gosa	30	Male	Chancho town	29/06/2013	Form Chancho Town disputant

## APPENDIX - II DISTRIBUTION OF KEY INFORMANTS BY AGE AND SEX

No	Variable of age	No of key informants	%
1	20-30	2	0.24
	31-39	1	0.12
	41-49	1	0.12
	50-59	4	0.48
	60-70	2	0.24
	71-79	1	0.12
	➤ 80	1	0.12
	Total	12	100

## **APPENDIX- III INTERVIEW GUIDE QUESTIONS FOR INFORMANTS AND FGD DISCUSSANTS**

### **INTERVIEW GUIDE QUESTIONS FOR INFORMANTS**

1. What do you know about kinship, family and marriage of your community?
2. What are the causes and types of dispute in your area? Explain
3. Explain dispute settlement mechanisms in your area.
4. Discuss the relations among the various dispute settlement between formal and informal settings in your area
5. Explain the merits and demerits of *Qaalluu* and other indigenous settlement institutions
6. What is the preferences of the people of the area in using the dispute settlement settings

## **INTERVIEW GUIDE QUESTIONS FOR FG DISCUSSANTS**

1. What types of disputes do exist in the area?
2. Have you ever experienced or heard disputes?
3. Explain means of dispute settlement mechanisms in your area.
4. What are the merits and demerits of *Qaalluu* dispute settlement mechanisms?
5. Describe the interactions between the formal and informal dispute settlement mechanisms.



*Pic 2. This picture shows that while the scr (ulfaa) cow grazing on plain around Oofaa Abbuukkoo institution*



*Pic 4. Main get of Qaalluu Oofaa Abbuukkoo Institutions*



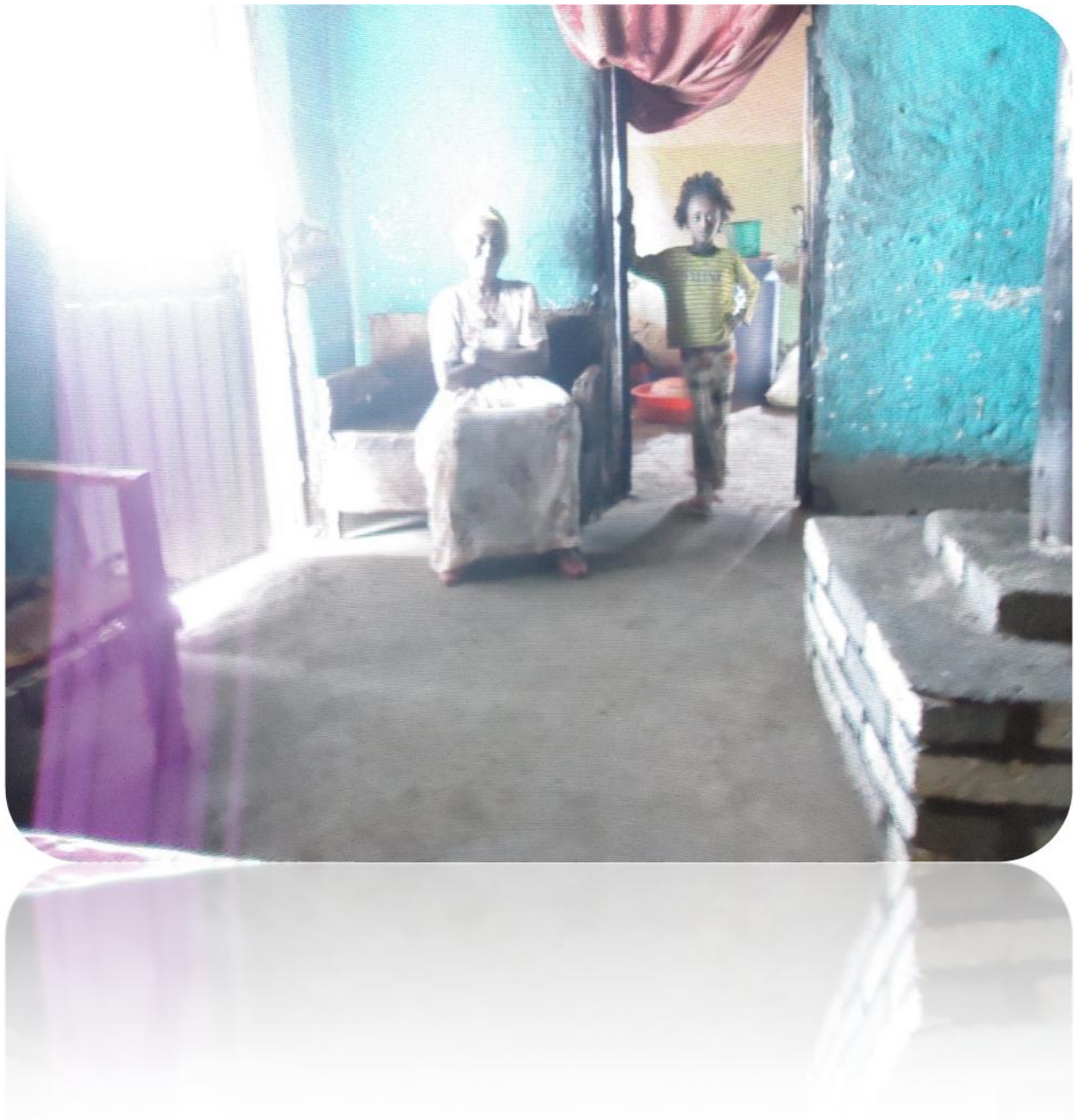
*Pic 5. One of the Four Gatmas in the Qaalluu Compound where different rituals takes place*



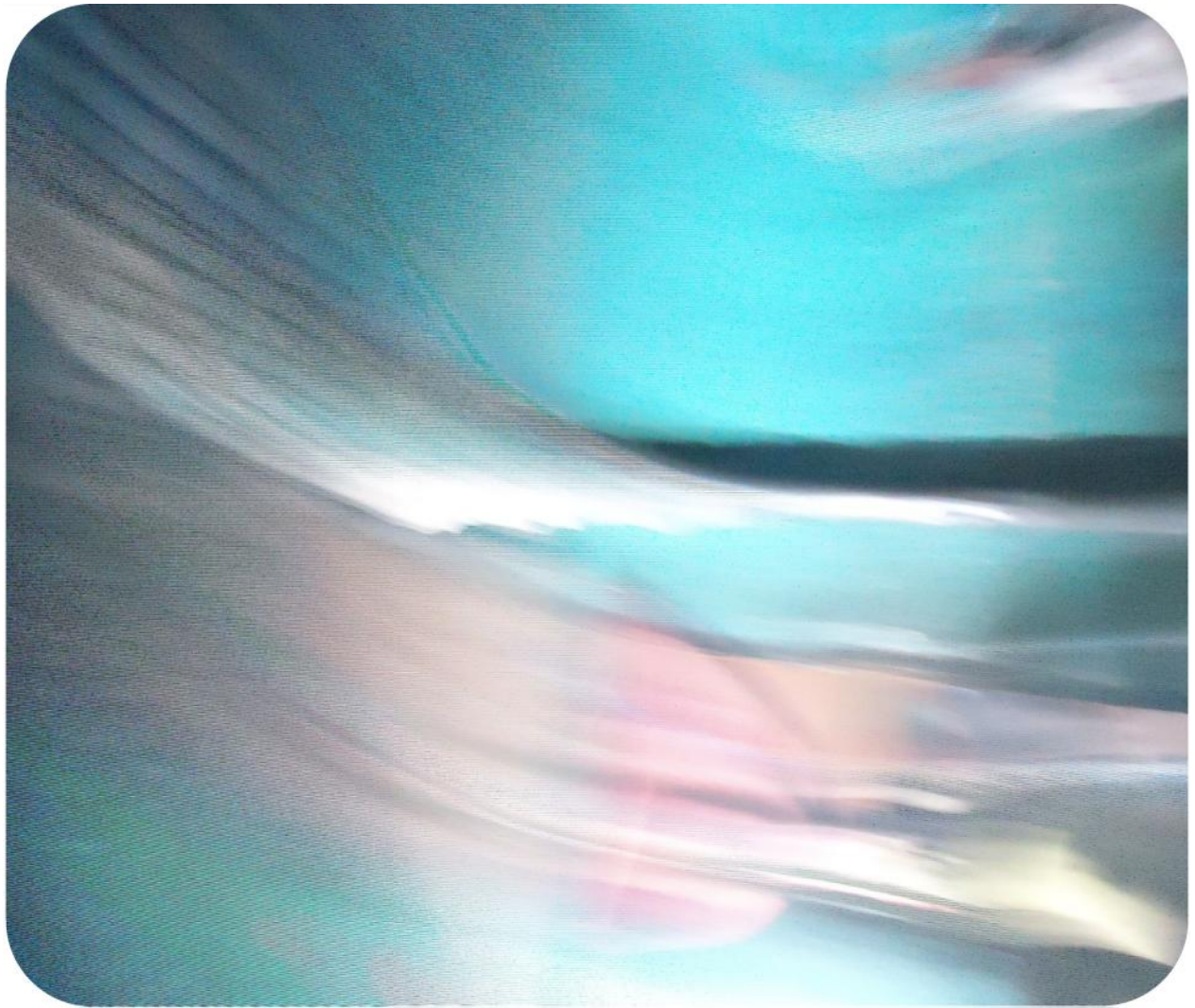
*Pic 6. Sleeping Quarters for Visitors of the institution who come from long distances*



*Pic 7.Sleep Home of Borena Agari, his mothers Ayantu and his Family*



*Pic 8. Mother of Borena Agari and Gift children in the main Galma*



**Pic 9.** *Roof of the main Galma which is made from cow skin.*



*Pic10. Gimbii (throne) of Borena Agari.*



*Pic11. While servant of Borena Agari walking in main Galma.*



*Pic 12. Among the healed (Gaalchii) women while she make coffee for  
Borena Agari and his family in the main Galma*



*Pic13. This picture is holy center of the institution, it is impossible to get with shoes, women with ministration, a person who eat goat, line-seed and a person who visit dead. The materials which hang on the stone is bringing by a person who lost his property by theft at night and apply to Oofaa in order to find them by saying this word;*

*“Adaraa Oofaa qabeenyaa koo naaf barbaadi duukannaa da`aatani na saamanii dhugaa koo naaf baasi, jechuudhan waan isaan jalaa bade uccuu xiqootti guduunfanii sibiilaa itti godhanii dhagaa guraachaa kanatti hidhu”*

*“They said that please Oofaa, find me my property they thefited me at night, show me my truth, then they bring kind of thefited by covering few cloth and wire (iron) hang on the stone.*



*Pic 14. First Level Court (Disputants and Jaarsaa) the disputants were sitting in front of salgee, and the salgee sitting side by side. This is for two purposes; sitting regard disputant is to observe the real accuser and accused. The second is sitting regard to Salgee in between to discuss on the issue.*





*Pic 15. While the disputants kiss each other in front of standing Jaarsaa.*



*Pic 16. While Participant taking local drink (Araquee) after reconciliation.*

## **DECLARATION**

I the signed, declare that 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.

Signature \_\_\_\_\_

Date of submission\_\_\_\_\_

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