

Indigenous systems of conflict resolution in Oromia, Ethiopia

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This paper describes the role of the Gadaa system, a uniquely democratic political and social institution of the Oromo people in Ethiopia, in the utilization of important resources such as water, as well as its contribution in conflict resolution among individuals and communities. It discusses ways to overcome the difference between customary and statutory approaches in conflict resolution. A synthesis of customary and statutory system of conflict resolution may facilitate a better understanding that will lead to improved management of resources, which are predominant variables for the socio-economic development of the country. It suggests that top-down imposition and enforcement of statutory laws that replace customary laws should be avoided. Instead, mechanisms should be sought to learn from the Lubas, elders who are knowledgeable in the Gadaa system, about the customary mechanisms of conflict resolution so as to integrate them in enacting or implementing statutory laws.

Keywords: Gadaa, indigenous institution, Oromo, conflict resolution, Awash River Basin, Borana.

Introduction

Ethiopia is said to have abundant potential water resources, all emanating within its territory. Nevertheless, water resources scarcity in the country is to be understood in terms of its spatial and temporal distributions. This is related to the issue of water resources accessibility, which in turn relates to people's ability to obtain water to satisfy their needs, taking into account factors such as time and distance to collect water, rights of access and costs. Wherever there is water, land suitable for agriculture may not be available and vice versa. Therefore, although Ethiopia, with over 1,700 m³/s per capita water availability is not a water stressed country, the spatial and temporal variability of water limits the country's development, management and equitable distribution.

The level of water supply in Ethiopia is among the lowest in Africa. Above all, its availability in the dry season is of great concern to the majority of rural populations across the arid and semi-arid parts of the country where villagers travel long distances to the nearest sources of water after local sources have become exhausted as a result of prolonged dry season. For example, in the Awash River Basin, spending 4-6 hours on a daily basis for getting water is not uncommon for a rural household living far from a river course (Desalegn et al., 2004). In the Dollo and Filtu districts of the Liban Zone of the Somali Regional State, there is hardly any perennial source of water between Genale and Dawa, the two main rivers in the regional state. Therefore, villagers in places like Filtu must rely on water tankers from Negelle (127 kilometers away) or have to fetch water from a borehole at a distance of 50 kilometers, once the nearby but highly polluted local pond dries out (Ahrens and Farah, 1996). Situations prevailing in the other zones of the Somali Regional State and in the Borana Zone of the Oromia Regional State are also the same. Historically, the strong bias towards urban development means that the provision of water supplies in rural areas is particularly low. A great majority of Ethiopians use unsafe and polluted water, and are at risk for a great variety of water-borne diseases (Flintan and Imeru 2002).

As a result, both intra- and inter-ethnic conflicts over the use of natural resources are commonplace in the drylands of Ethiopia in general and in the Awash River Basin and the Borana and Liban zones in particular. Dessalegn (1999) argues that in Ethiopia, development, not water scarcity, is a more important source of conflicts between the rural communities. Conflicts that ensue from development-oriented undertakings include: 1) disagreements between different users over the allocation of waters, land rights, or maintenance issues; 2) conflicts between users and the authority responsible for the project over inappropriate design of infrastructure, peasant relocations, water charges, or management issues; 3) conflicts between project beneficiaries and non-beneficiaries; and, 4) conflict between donor agencies and the recipient country over design, management, environmental impact, and financial issues.

A number of studies have attributed the cause of conflicts in the Awash River Basin to the introduction of various large scale commercial agricultural schemes along river courses and the opening up of the Awash National Park on the land predominantly used by pastoralists for grazing during the dry season and during droughts with little concern for those already inhabiting the area. As a result, competition between pastoralist groups increased as they moved in search of pasture and water supplies. In addition, access to key dry season springs is lost (Flintan and Imeru 2002). Many of the development projects in the basin involve investment by international organizations with a top-down approach, bypassing the customary laws of the indigenous communities. They further argue that not all the local people, mostly Afar, were bypassed by developments in the Awash valley. Some participated to a certain degree and as a result gained some economic benefits, such as employment on the state farms. However, “such trends sowed the seeds of further conflict within Afar political structures as a growing Afar capitalist class undermined traditional clan elders. This was a factor in the violent conflict that was manifested in the Dergue period”.

In general, resources are the major sources of conflicts between clans and ethnic groups in both the Awash River Basin and the Borana Zone, while territory is another important source of conflicts in the former. Consciousness of clan ‘territory’ is more intense nearer to the Awash River, whereas exclusive rights to land are less important farther from the river. This indicates how water resources are important to the community and their connection to this particular river. The Alledoghi Plain, for example, is considered open grazing land for all Afars. However, since traditional rules to restrict resources use have broken down, the Alledoghi Plain has been heavily overgrazed (Flintan and Imeru, 2002).

During the past *Derg* regime, Peasant Associations (PAs) were the powerful instrument of formal conflict resolution. They had their own judicial committee to oversee conflicts and had the power to impose decisions through fines and imprisonment. Under the current regime, *Kebele* Administrations (KAs) are setup, bringing together two or three of the former PAs, with similar judicial powers to the latter. In addition, Governmental Teams are established to represent a maximum of 50 households, thus bringing State institutions to an even more local level. Conflicts relating to natural resource management are nowadays often reported to the Governmental Teams and through them to the KAs.

There also exist various traditional institutions in the country that have their own customary methods to settle conflicts. In this regard, the *Gadaa* system of conflict resolution is one that deserves attention. This institution is well respected by the Oromo society at large in the country. If this indigenous knowledge can be harnessed, then it is thought that it can be a means through which sustainable development can be achieved (Watson, 2001). However, there exists a loose collaboration between these statutory and customary institutions in the management of natural resources and conflict resolution.

This paper presents the role of the *Gadaa* system in conflict resolution through better management of one of the scarce natural resources--water. Historical conflicts over the use of natural resources in the major pastoral areas of Oromia, Awash River Basin and Borana, and local methods of resolving these conflicts are reviewed. The organizational structure of the *Gadaa* system is explained and potential interface between this institution and the statutory method of conflict resolution is discussed. Special emphasis is given to the *Gadaa* system of Borana Oromo. In this area, the *Gadaa* system of governance is still active compared to other areas of the Regional State. In addition, the area is facing various degrees of water scarcity and is the target of various water development projects in the country, and is therefore an area very susceptible to competitions and conflicts.

Review of conflicts in Oromia over the use of resources

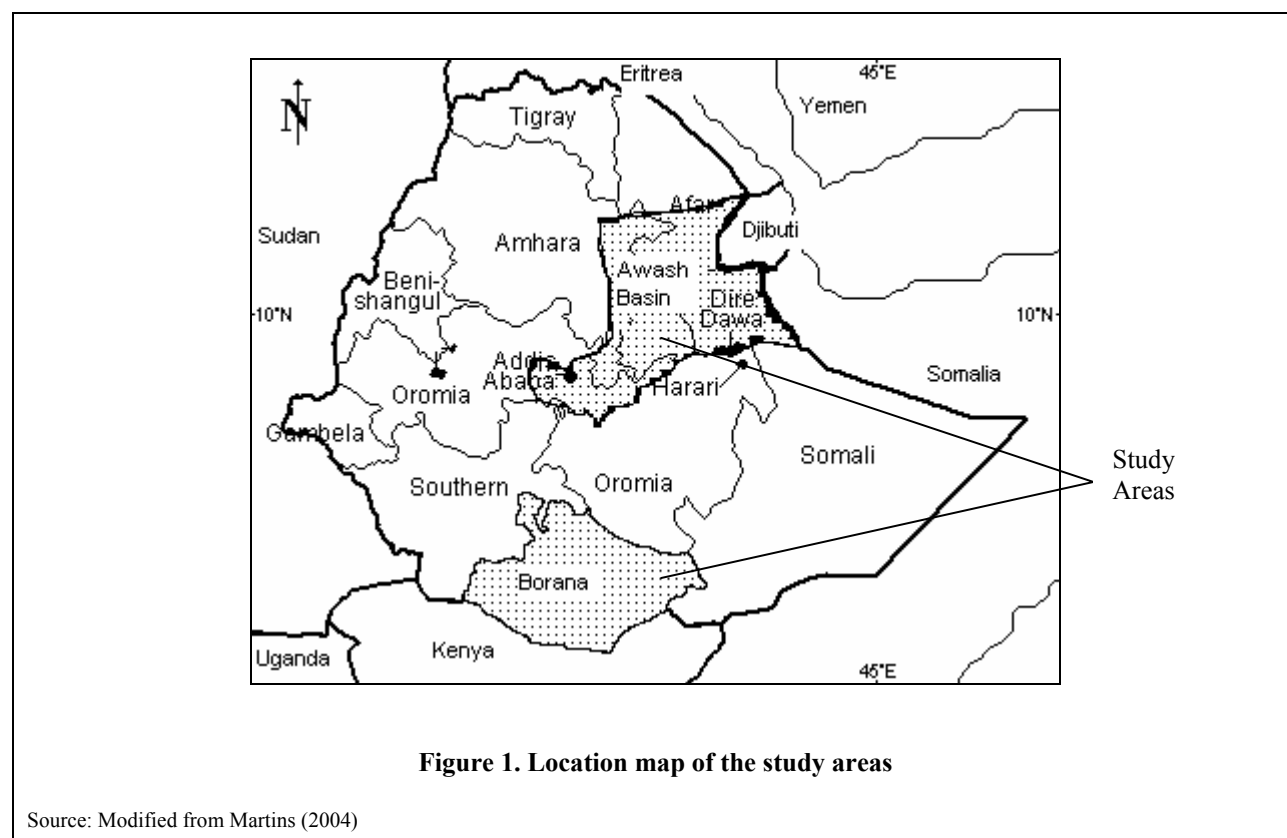
Natural resources-based conflicts are part of the fabric of local communities as individuals compete for scarce resources: social groups perceive themselves as having incompatible interests. Those who depend on a particular resource, but are unable to participate in planning or monitoring its use are marginalized. Conflicts also arise when local traditional practices are no longer viewed as legitimate or consistent with national policies, or when entities external to a community are able to pursue their interests, while ignoring the needs

and requirements of local people. In the conflicts that ensue, often between parties of very uneven power, it is not only the environment that suffers but also the whole society (Constantinos, 1999).

Generally, pastoral lands in Ethiopia experience low annual precipitation, averaging between 400 to 700 mm. In many areas drought occurs on a regular basis. As a result, pastoral land use depends on scarce water supply from the rivers. In addition, access to water has been severely curtailed in recent years due to changing land use practices and attempts to develop large-scale agriculture and irrigation schemes in upper catchments (Flintan and Imeru, 2002). This paves the way for the occurrence of conflicts. The causes of the conflicts are perceived differently in the two major pastoral areas of the country--in the Awash River Basin and in the Borana Zone of Oromia Regional State, which are discussed below.

Awash River Basin

Awash is one of the ten main river basins in Ethiopia (see Figure 1), and it has a total drainage area of 110,000 km². The river originates at an elevation of about 3,000 masl in the central highlands of Ethiopia, west of Addis Ababa, and traverses a total length of about 1,200 km flowing northeastwards along the Rift Valley into the Afar Region where it terminates in Lake Abe at an elevation of 250 masl (Wagnew, 2004). The Awash River Basin is divided into three agro-climatic zones, namely, the Upper, Middle and Lower Awash. Mean annual rainfall ranges from 160 mm over the northern lowlands to 1,600 mm at Ankober in the highlands northeast of Addis Ababa (Flintan and Imeru, 2002). Because of its strategic location, good communication facilities, and available land and water resources, this basin is currently the most developed part of the country in terms of irrigation with approximately 69,000 ha under irrigated agriculture (Ministry of Water Resources, Ethiopia, 2001).



Conflicts prevailing in the basin take two forms: (a) conflicts within the local community over the use of natural resources and (b) conflicts between the local community and the governmental and/or non-governmental organizations due to the expansion of development projects on grazing lands previously held by pastoralist communities. Agricultural and tourism development within the basin has taken place without due consideration for the needs of the local community. This has caused shrinking of the grazing lands of the local

pastoralist community and limited access to water resources, which in turn results in competition among the users thereby leading to conflicts. The most common inter-ethnic conflicts are between the Kerreyu and Ittu Oromo communities and the Afar and Issa communities.

Grimble and Wellard (1997) categorize conflicts in terms of whether they occur at the micro–micro or in the micro–macro levels, i.e. among community groups or between community groups and government, private or civil society organizations. Micro–micro conflicts can be further categorised as taking place either within the group directly involved in a particular resource management regime (e.g. a forest user group or ecotourism association), or between this group and those not directly involved (Conroy et al., 1998). Desalegn et al. (2004) note that there are often conflicts in the smallholder irrigated areas within the Upper Awash valley over the use of water resources. The conflicts are mostly among the beneficiaries of the same irrigation project and are mainly over the allocation of water from the communal canals and sometimes between the beneficiaries and non-beneficiaries of the projects. Warner (2000) however reports that giving greater emphasis to the poor is not necessarily conflict-free as it raises the possibility of new tensions between project beneficiaries and excluded groups. Resource-based poverty reduction projects, which depend upon those excluded from the project's immediate benefits for their success, are potentially vulnerable to such tensions.

Bassi (2003) presents the feelings of the local community (Kerreyu elders) about the establishment of the Awash National Park in the year 1969 as follows:

“Haile Selassie [Ethiopian emperor] sent his ministers. They asked us whether we agree to the establishment of the Park or not. Their question was not genuine, since they had already taken all the land without consulting us. It was intended to produce a pretext to arrest us as usual. We told them that we do not give all of our land since we have no other place but part of it. We, then, agreed out of fear, obviously, to give the land east of Fantale Mountain for the park. They agreed to give us land west of the Fantale Mountain. We accepted since we could not do anymore. When they prepared a map of the park and began to protect the land, the thing was different. They reversed the agreement: The map of the park included areas west of Fantale Mountain, which they previously agreed to give us. They have begun to evict us. They built a camp in our settlement areas. We repeatedly asked the government and the park to respect our joint agreement but no one listened to us...”

Source: Karrayu elder quoted in Buli Edjeta (2001: 86) (cited in Bassi (2003)).

Similarly, Flintan and Imeru (2002) note that conflict is ongoing in the Awash River Basin, much of which is inter-ethnic and inter-clan in nature. Conflicts and changes to patterns of resource use have led to widespread social impacts. Further, they report a detailed summary of the relationship of clans with each other and with the government. They describe the basin as a fractured political landscape reflecting clan and regional differences and a lack of relation between governors and many of the inhabitants. List of clan or ethnic groups evicted and displaced from their lands as a result of substantial investments in the basin is summarized in the document. They concluded that the capture and closure of key resource areas used by pastoralists is a critical parameter that defines conflict in the basin today.

Borana zone

The Borana Zone, located at the southern edge of Ethiopia, is one of the 13 zones of the Oromia Regional State (see Figure 1). The zone is made up of thirteen districts called *Worada*, divided between two agro-ecological zones—the semi-arid lowlands to the south and the more humid lands at higher altitudes to the north (Tache and Irwine, 2003). The mean annual rainfall across the districts varies between 500mm and 700mm with an overall average of 648mm. The mean maximum and minimum temperature of the area varies from 25.26°C—28.79°C and 14.19°C—18.11°C, respectively (Luseno, et al., 1998).

The Borana Oromo are numerically the dominant ethnic group inhabiting the Borana lowlands. The lowlands are made up of six districts (Liban, Arero, Yaballo, Taltalle, Dirre and Moyale), and extend across the border into northern Kenya. Average annual rainfall is less than 600 mm (Coppock, 1994) and surface evaporation is high. There are two rainy seasons: the main season, *ganna* (March-May) and the minor season, *hagayya* (Sept-

October). The land is largely covered with light vegetation of predominantly pod-yielding *Acacia* species of low forage values. The ecological conditions favour pastoralism more than farming.

Traditionally the area is endemic to conflicts between rival pastoral groups over resources. During the 1990s, the frequency and magnitude of conflicts has increased. For instance, in 2000, three major conflicts occurred between the major pastoral groups (Boran versus Garri, Merehan versus Digodi, Digodi versus Boran). Note that the term 'Boran' is used in this paper to refer to the people of Borana. These conflicts in combination with severe drought resulted in the death of hundreds of people and dislocations (Dejene and Abdurahman, 2002).

There are serious tensions and sporadic violence between Garri returnees from Kenya, who currently claim to be a Somali clan, and the Boran (Tache and Irwin, 2003). Groups that are either allied to or have close associations with the Boran include members of other Oromo groups and the Konso who have settled in the Borana lowlands. Conflicts, although not unknown, tend to be relatively minor and rapidly resolved through traditional conflict resolution mechanisms.

According to a UNDP report (Ahrens and Farah, 1996), while Borana and Liban zones in Ethiopia are prone to drought, adjacent areas in neighbouring Kenya and Somalia are even more likely to suffer from water scarcity. During the times of complete failure of rainy seasons in northern Kenya and Southwest Somalia, there are often apparent influxes of pastoralists from those countries into Ethiopia searching for water and pasture. These situations lead to conditions where local people and "guests", often related by trans-border kinship and sharing common languages and cultures, have to compete for the use of the few perennial water resources. Similarly, Watson (2001) provides a thorough account of conflicts between Somali groups and the Boran over the use of natural resources.

Coppock (2001) used results from 120 group interviews collected in 1998 to quantify how inhabitants across northern Kenya and southern Ethiopia perceive and rank various risks to their livelihoods and found that reliable access to food and water are the most common sources of risks in the area, which are related to drought, market inefficiencies, or insecurity.

Traditional conflict resolution mechanisms

Traditional conflict resolution mechanisms in Africa are generally closely bound with socio-political and economic realities of the lifestyles of the communities. These mechanisms are rooted in the culture and history of the African people, and are in one way or another unique to each community. The customary courts rely on goodwill of the society to adhere to its ruling (Rabar and Karimi, 2004). As a part of African socio-political setting, the major conflict resolution mechanism in the two pastoral areas is also found to be through indigenous system.

***Gadaa* system in Oromo society**

It is reported that in both the Awash River Basin and Borana areas elders in the community form a dominant component of the customary mechanisms of conflict management (Desalegn et al., 2004; Watson, 2001; Dejene, 2004). This is directly related to the socio-political functions of *Gadaa* system, a system of an age-grade classes that succeed each other every eight years in assuming economic, political and social responsibilities. A complete *Gadaa* cycle consists of five age-grades. The authority held by the elders is derived from their position in the *Gadaa* system. According to *Gadaa*, those people who have entered the *Luba* grade (individuals in the expected age range of 40-48) are considered to be elders. Therefore, the *Lubas* (elders) settle disputes among groups and individuals and apply the laws dealing with the distribution of resources, criminal fines and punishment, protection of property, theft, etc. Following *Luba*, men automatically retire from *Gadaa* and move into an advisory role known as *Yuba*. By then they receive a great deal of respect, as wise experienced authorities and repositories of law, but their decisions are no longer final as they had been. They turn the bulk of their attention to private family businesses or religious activities while their sons enter *Gadaa*, the public service.

Slight differences are observed among the Oromo communities across Oromia in the way they practice *Gadaa*. In this and the following sections, more emphasis is given to the Boran *Gadaa* system. The Boran have kept the system more intact than the Oromos in the other areas because of their relative isolation from external influences. The system is still functioning in Boran and the UN Office for the Coordination of Humanitarian Affairs (2004) reports that Guyyoo Goba is due to become the next *Abbaa Gadaa* (the leader of *Gadaa* or president) for the Boran. He will have a team of advisers, who collectively comprise the legitimate leadership of the Boran. However, the UN office further indicates, the Boran and their leaders have now come to realize that the outside world is encroaching on their very way of life.

There are divergent views among scholars on the functions of *Gadaa* institutions. For Legesse (1973, 2000) the *Gadaa* assumes military, economic, political and ritual responsibilities in the leadership of the Oromo society. In contrast, others view the *Gadaa* as less politically relevant, playing ritualistic roles only (Hinnant, 1978). However, Tache and Irwin (2003) argue that *Gadaa* is more in line with the first assessment, although recent weakening of the institution, particularly post 1974, means that change in the influence of the *Gadaa* may increasingly be leading to its' playing a more ritualistic function.

Oromo public life was administered through the *Gadaa* system. To deal with *Gadaa* as a system is to see it as an arrangement of interacting parts. Understanding any one part requires relating it to the whole, i.e., knowing how the overall system is fitted together. Each man born or adopted by Oromo parents was automatically placed for life into a ready-made pattern of positions and moved through it performing various services for the public good and also receiving certain privileges. An important distinction in *Gadaa* is between (1) groups of men who move through a series of stages known as *gogessa* and (2) the stages or periods themselves. In this paper the Oromo term *gogessa* is used for groups of men, although other writers have used the terms "classes" or "age-sets" and the term "grade" is used for the stages (or categories, or eight-year-long periods) through which all *gogessas* must pass. So the men are divided into *gogessas* and the time is divided into grades.

Gadaa parties (gogessa)

Gogessa can be likened to different political parties of a society. The society is divided into five *gogessas*, resembling a party in the sense that they define the conditions of competition and recruitment for political office. Every Oromo is born to one of the five *gogessas* and children always belong to their fathers' *gogessa*. *Gogessa* provides a list of contenders for *Gadaa* leadership, who are elected every eight years. *Abbaa Gadaa* and his councillors are elected by each *gogessa* as the highest authority in the *Gadaa* system. The five *gogessas* are named differently in different parts of Oromia. For the purpose of discussion, the following five *gogessa* names most commonly found are used in this article:

- *Birmaji*
- *Horata*
- *Bichile*
- *Duuloo*
- *Roobalee*

Gogessa is perpetuated by a series of new generations, each successively emerging every 40 years.

A segment of generations that make up each *gogessa* is known as *Luba*. Each *Luba* is identified by a prominent person in the generation set. Every Oromo must be able to identify his *Luba* affiliation and hence his *gogessa* in order to compete for a *Gadaa* office.

Gadaa grades

Gadaa through history came to organize Oromo social life around a series of generation grades which assign obligations as well as rights to all the males in the society. Among other functions, the separation of men into grades is a division of labour. Each man, as part of a permanent group, the *gogessa*, contributes his labour power in different capacities to the society as a whole and is prevented (or discouraged) from settling permanently until he has completed the cycle. The grades were also periods of initiation and training as well as periods of work and performance (*Gumii Bilisummaa Oromiyaa*, 2000).

A man and all of his brothers are in the same party, for example, *Birmaji*, regardless of the differences in their ages. Together they move through the hierarchy of grades, a complete *Gadaa* cycle of forty years behind their father. As sons are born to a man, they are held back and do not enter into active participation in the *Gadaa* system until their father retires. For example, if a man is *Birmaji*, his sons are initiated into the first grade of *Gadaa*, when he finishes the fifth grade. If a man continues to have children until he is very old, those sons will enter *Gadaa* and move through with their elder brothers, even if they enter at the middle of the cycle as infants. However, this might have impact on the proportion of able-bodied work-force that the society requires in each *gogessa*. In this case, *Gumii Bilisummaa Oromiyaa* (2000) argues that adjustments have been made by adoption and by amendment to keep the greatest number of able-bodied men into the grades that require the maximum of physical strength to meet the needs of the nation, e.g. for herding livestock and for military activities.

Role assignments to each gogessa

The roles and rules attached to the age-grade system is the most important element that regulates the *Gadaa* system. Every Oromo of specific age-grade is expected to perform a certain function according to specified rules and regulations. The number of age-grades is cited differently in different literatures. For example, *Gumii Bilisummaa Oromiyaa* (2000) reports five *gogessas* in the whole cycle of *Gadaa* system whereas in Constantinos (1999) and Workneh (2001) six *gogessas* are recognized, regardless of the stages following *Luba*. These differences seem to be the result of the divergence in the writers' comprehension of the timing when one is allowed to get married and to have children. For example, Constantinos argues that men are allowed to marry at the stage of *Raabaa Doorii* but not to raise children until they enter the *Gadaa* stage (above 40) at which *Danissa*, a transition ceremony, would be held in his honour. In any case, an individual in the first age-grade (*Dabballee*, in the case of Constantinos) is not considered to be in the *Gadaa* system as a result of which there are only five active *Gadaa* grades. They are sons of the men who are in power, the *Luba*, and are not allowed to enter active *Gadaa* grade until their father retires from the cycle. In this article, the six age-grade system (including *Dabballee*) along with their corresponding designations and role assignments is adopted as presented in Table 1.

The entire *Gadaa* presidium, consisting of nine members, is called '*Saglan Yaa'ii Boran*' (nine of the Boran assembly). If the *Gadaa* officials fail to carry out their duties, the *Caffee* can replace them by another group from among the same *Gadaa* class, which proves its democratic nature of governance; *Caffee* is the Oromo version of parliament. There are three levels of assemblies such as inter-clan, clan and local *Caffeess*. All male members of the society who are of age and of *Gadaa* grade are allowed to elect and to be elected. The *Gadaa* leaders are elected on the basis of wisdom, bravery, health and physical fitness (Workneh, 2001).

However, it is worth noting that *Gadaa* is a male-oriented socio-political and cultural system and excludes the Oromo women's role from its political and military structures. Taking the case of the Boran, Legesse (1973) states the following gender relationship between men and women:

Men are in control of military and political activities. Only men can engage in warfare. Only men take part in the elections of leaders of camps or of age-sets and *Gadaa* classes. Men lead and participate in ritual activities. However, ritual is not an exclusively masculine domain: there are several rituals performed for women. In these and a few other instances women do take an important part. Women are actively excluded from age-sets. They are therefore heavily dependent on men for most political-ritual services and for all activities connected with the defense of Boran camps, wells, herds, and shrines.

Hussein (2004) gives a detailed account of *Ateetee* rituals, practiced only by women. Whenever natural disasters occur, women gather and perform the ritual. Oromo women used to practice *Ateetee* as a way of strengthening their solidarity and as a tool to counter atrocities staged against them by men. The *Ateetee* practiced by women is one part of a belief system that women are intermediary figures between *Waaqa* (God) that represents nature and the physical world or humans. The *Ateetee* ritual shows that in the traditional Oromo society, men are functionally dependent on women in many ways (Legesse, 1973). Similarly, Megerssa (1993) asserts that there was a check and balance mechanism built into the *Gadaa* system by which *siiqee* was institutionalized and women formed parallel organizations of their own which actively excluded men.

Table 1. Different Gadaa grades with their corresponding roles

Stage	Designation	Age limit	Remarks	Specific Role in Society
1.	<i>Dabballee</i>	0-8	Child is born	None, immature, sons of <i>Gadaa</i> , only symbolic role as mediator between God and humans.
2.	<i>Foollee</i> (<i>Gaammee xixiqoo</i>)	9-16	Naming ceremony at home or Nura Shrine in Liben if <i>Ilmaan jaarsaa</i> or <i>Ilmaan Kormaa</i> , respectively	Some look after small stock around <i>Ollaas</i>
3.	<i>Qondaala</i> (<i>Gaammee gurguddoo</i>)	17-24	Intensification of the 2 nd stage	Takes livestock further away from <i>Ollaas</i> and begins drawing water from <i>Eelaas</i>
4.	<i>Kuusaa</i>	25-32	Politically significant	<i>Luba</i> elects its leader and is named after him. Nucleus of <i>Gadaa</i> leaders (<i>Adula</i> councils) emerge
5.	<i>Raabaa Doorii</i>	33-40	This and the <i>Kuusa</i> grade constitute a period of preparation for the assumption of full authority	Important military wing of the <i>Gadaa</i> system. Conducts raids; protects Boran territory and resources against enemies. Men allowed to marry.
6.	<i>Gadaa (Luba)</i>	41-48	Politically the most active	Leadership grade—the most important of all stages; <i>Luba</i> assumes power/office; transition is marked by leadership ceremony; Visit all Borana regions, settle serious disputes and convene assemblies.
7.	<i>Yubaa I</i>	49-56	Retirement stage	Advisory role in the society; they receive a great deal of respect as wise experienced authorities and repositories of law.
8.	<i>Yubaa II</i>	57-64	Retirement stage	
9.	<i>Yubaa III</i>	65-72	Retirement stage	
10.	<i>Gadaamojiii</i>	73-80	Marked by rites at different sites	Senior advisor
11.	<i>Jaarsa</i>	Above 80	Stage of old age	At a stage to be cared for

Adopted from Constantinos (1999) and Workneh (2001) with slight modifications. Grade designation and age-limits are slightly different in the two sources.

The role of *Gadaa* in resolving conflicts over the use of resources

Apart from their political significance, the *Gadaa* leaders play important roles in natural resources management. While the rules and regulations laid down by the *Gadaa* tradition must be respected by all councils of elders, any problem regarding resources use which could not be solved by these elders would be handled by the higher *Gadaa* leaders. Watson (2001) describes the role of *abbaa Gadaa* in natural resources conflict resolution as follows:

The *abbaa Gadaa* is seen as the figurehead of the whole of Boran, and is often described as the President. As well as performing rituals, matters are referred to him and his council when a decision cannot be reached at a lower level. When conflict breaks out between *ollas* (the smallest unit of settlement consisting of 30 to 100 *warraas*—households) or *araddaas* (small group of *ollaas*, usually two or three only, who may cooperate together on their grazing pattern), or *maddaas* (area surrounding one water source), then the *abbaa Gadaa* will rule on the case. If there is conflict between ethnic groups, then he will be called in to help make peace. As the *abbaa Gadaa* is responsible for dealing with matters of concern to the Boran, and

as matters of concern are often related to access to the resources (water, land, and forests), the *abbaa Gadaa* is the highest level of institution of natural resources management in Borana.

Management of water, as a common property, in Borana remains relatively intact to date (Tache and Irwin, 2003). Despite the collapse of most of the indigenous institutions of Borana over the last thirty years, those concerned with the administration of water sustained their importance (Homann et al., 2004). They give detailed accounts of Borana's water management strategy under drought conditions as follows:

- *Wet season*: after rainfall, open water sources are used and wells are closed,
- *Dry season*: herds are successively shifted to more distant ponds and traditional wells are re-opened to preserve water near the homestead,
- *Progressing dry season (water scarcity)*: the drinking frequency of cattle is gradually reduced to one day (*dhabsuu*), two days (*limmaalimma*), and three days (*sadeen*).

The co-ordination of access to water is also linked with tasks of cleaning, maintenance and rehabilitation. For example, cattle are restricted from entering the water sources by fencing-off the sources and making them drink water hauled into troughs made from clay and cement (*naaniga*).

Traditional Borana clearly defines the rights to water for each of the various sources (wells, rivers and ponds). According to Watson (2001), the following are the most important sources of water (*madda*) which are highly regulated:

- *Hand-dug shallow ponds (Haroo)*: A pond is the property of an individual or his direct descendants who initially excavated it and the person is called *abbaa Konfi*. Rights to use the pond are obtained by providing labour for the maintenance of the pond. Although the property of the *abbaa Konfi*, the pond is administered by the local elders.
- *Wells (eelaa)*: The wells are highly regulated in Borana. They are divided into two types, *adadi* (shallow wells) and *tulla* (deep wells). The *tullas* are famous because they can reach a depth of 30m and water is drawn by a row of people standing one above the other and passing containers of water. There are nine *tullas* throughout the Borana zone, which contain water throughout the year and they are known as *tullan saglan* (the nine wells) (Helland, 1997).

Watson (2001) lists the following additional sources, where access is mainly opportunistic:

- *Natural ponds* containing water throughout the year known as *bookee*
- *River*
- *Temporary ponds*
- *Collection of rainwater*

The opportunistic nature of access to these water sources implies that the right of access to the water depends, above all, on the reliability of the water supply (as they are either temporary or occasional sources) and land ownership on the shoreline of the sources (the riparian rights doctrine). Watson (2001) reports that rights to water from these sources have been privatized and are sold by individuals and groups in some cases in Borana. The access to these sources is mainly characterized by poor institutional development and little regulation. Tache and Irwin (2003) also maintain that occasional water sources (surface water from rain) have the most unreliable supply and no restrictions whatsoever are imposed in accessing them.

On the contrary, hand-dug ponds and wells are regulated and they are the most important sources of water as they are the most reliable and labor-intensive types. The wells are managed by a council of the clan group which includes a retired *hayyuu* (special counsellors or individuals who hold ritual authority to judge (Watson, 2001)), the *Jallaba* (a local lineage of clan elder or special messenger (Homann et al., 2004)), the *abbaa Konfi* (trustee of each well), the *abbaa herregaa* (the coordinator of water use and maintenance) and other members. An officer responsible for the day-to-day supervision of watering procedures, including the maintenance and cleaning of wells, enclosures and environs, is assigned at a meeting of clan group council known as *Kora eelaa*. Any violation of the customary rules of water use and maintenance is referred to and discussed by the *Kora eelaa* in the presence of the culprit.

Watson (2001) discusses a complex web of entitlements that enable an individual to gain access to water from any particular well and the turn that person is given in the rota for watering animals. It depends on the membership of the clan of the *abbaa konfi* and on contribution to the labour of constructing the wells. Animals are given water according to a strict rota: the *abbaa konfi*, the *abbaa herregaa* and then other clan members according to their seniority in the clan. In addition to these entitlements, the Boran have a set of laws called the *aadaa* and *seera* in which it is forbidden to deny someone access to water or to ask payment for it. The *aadaa* and *seera* (Boran laws) are rehearsed at a meeting that is held every eight years in Borana. This meeting is known as *Gumii Gaayoo* (meeting of the multitude). In general, the ideology and social relations of Boran society are based on *Nagaa* Boran (the peace of the Boran). Oromos define peace not as the absence of war but as a proper relationship within the localities and with God, *Waaqa*. The relationship between different clans, villages and households or any other social group is based on cooperation and mutual respect. Where a dispute arises, it is soon resolved through mediation by a council of elders (Constantinos, 1999).

Tache and Irwin (2003) also present how the diverse local communities, both Oromo and non-Oromo, in the Borana zone of Oromia co-exist under the traditional negotiated systems of shared management of natural resources. Conflicts, although not unknown, tend to be relatively minor and rapidly resolved through the traditional conflict resolution mechanisms. Similarly, Dejene (2004) reported the effectiveness of the *araaraa* institution between the Karrayyu Oromo of the Upper Awash and its neighbouring ethnic groups like the Afar and Argoba. *Araaraa* is nothing but the process of conflict management involving individual clans within and outside the community. It is basically handled by the council of elders in the community and thus associated with the *Gadaa* system and called *Jaarsummaa* in some localities. The term *Jaarsa* is the Oromo version of elder and thus *Jaarsummaa* is the process of reconciliation between conflicting individuals or groups by a group of *Jaarsaas* (elders).

Relationship between statutory and customary institutions

Watson (2001) provides a thorough account of the professed interests of various NGOs in working with Boran indigenous institutions as a bridge to accessing and enabling the community in helping themselves. In general, it is underscored that the state and the NGOs show a strong commitment to working with indigenous institutions as a means of achieving development. However, no pragmatic collaboration is being realized between the statutory and the customary institutions. Bassi (2003) states that the Boran political/judicial/governance system has never received any formal recognition from modern Ethiopia. It is still important in regulating interpersonal relations in the rural context and access to pastoral resources, but it is as a whole losing relevance due to the overall state-imposed allocation of land resources to the newcomers. Consequently, the newcomers increase pressure on the water resources by claiming a substantial share of the existing water rights and often neglecting the local rules and agreements. Similarly, some scholars shared their experiences of the prevailing relations between the formal government units for political administration, the *Kebele* Administrations (KAs), and the *Gadaa* institution in the Borana zone (Homann et al., 2004; Tache and Irwin, 2003). The following excerpt is taken from Tache and Irwin (2003):

A herder bringing his cattle to an area would traditionally negotiate grazing rights with the *araddaa* council. The decision would be made according to the number of cattle already grazing in the area and forage availability. If the area were already being used to its maximum potential, the herder would be asked to explore other areas to graze under the traditional grazing management system. However more recently, in the event of such a decision, herders who are “refused” access may now go to the KA and gain legal permission to graze their animals in the area.

Tache and Irwin (2003) further argue that the KA officials, youngest community members, alien to the indigenous system and inexperienced in rangeland management, are appointed and given powers of decision-making at the local level. Today, the KA officials are linked to the territorial administration of the rangelands. They operate against the advice of the elders, who are delegated clan representatives and responsible for a more flexible organization of the rangelands. This has caused conflicts between generations and disagreements within and among the communities.

Conclusions and recommendations

Both inter- and intra-ethnic conflicts over the use of natural resources are common in the two major pastoral areas of Oromia, Awash River Basin and Borana. Such conflicts are usually settled by the local elders using the principles of the *Gadaa* System. According to the *Gadaa* age-grade system, individuals in the age range of 40-48 are called *Luba* and are considered to be elders with a social responsibility of keeping peace and stability within the local community. The relevance and application of this indigenous institution in dealing with conflicts that may arise over the use of natural resources have been assessed by many scholars.

There is a loose collaboration, if any, between this customary institution and the government in dealing with conflict resolution between individuals and communities. The government fails to appreciate, collaborate and complement the traditional methods of resolving conflicts. Limited understanding of the role played by the *Gadaa* system by the state has diminished the efficacy and relevance of this customary institution in conflict management in Oromia in general and in Borana in particular.

We propose that there should be an increased collaboration and networking between the statutory and customary institutions of governance. In particular, the state should recognize and support the customary courts and enforce their rulings. In Borana, the customary laws are often more important than statutory laws and are relied upon in deciding access rights to natural resources and in resolving conflicts. Neglect of these norms and laws may have negative consequences for development policy of the nation in general and the local community who rely on them in particular. A 'systematic combination' of customary and statutory institutions in the development and management of natural resources may facilitate cross-cultural understanding, thereby improving the socio-economic development of the country. However, enforcing the statutory rules on the local community without due consideration for their indigenous norms and values should be avoided on the side of the State. Access to the local communities should be established through customary institutions.

In Boran tradition, natural resources management and conflict resolution are combined; and as a result of the great respect it receives from the local communities, the customary institution is the best institution to deal with the operation and management aspects of natural resources governance. Therefore, full authority should be given to the indigenous (*Gadaa*) institution in making decisions regarding access rights to scarce natural resources. The involvement of government bodies (KA officials) in decision-making processes about natural resources (such as over-ruling the indigenous institution's decision) should be avoided and should be limited to the development aspect. In general, the whole effort of the government should be directed at natural resources development leaving the management and operation aspects to the traditional institution. Yet, the local community should be given a say in the development projects starting right from the planning stage. Further, the role of local customary institutions in water resources management and conflict resolution should be spelled out clearly in the Water Resources Policy of the country.

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