

Contemporary Practices of Customary Conflict Resolution Mechanism: The Roles of Bokkuu (Cultural) Centers among Oromo, Ethiopia

Jamila Adem Hussein¹, Terefe Mitiku², Megersa Regassa, and Waktole Hailu
Oromo Folklore and Literature, Jimma University

Ethiopia

Email: safiajemu@gmail.com¹, terefemitiku46@yahoo.com², megersareg@gmail.com³,
waktoleh@yahoo.com⁴

Submitted: 2019-03-18

Published: 2020-03-10

DOI: 10.24036/humanus.v19i1.103946

Accepted: 2020-03-10

URL: <http://dx.doi.org/10.24036/humanus.v19i1.103946>

Abstract

Conflict is a natural and unavoidable part of human existence. It is resulting from individual or groups that differ in attitude, beliefs, values or needs. This study explored Contemporary Practices of Customary Conflict Resolution Mechanism in and around Ambo district. The study answered the following basic questions: What are the roles of Bokkuu centers in handling conflict/disputes? How did the Bokkuu centers resolve conflict/disputes? Who are the main actors that guide the conflict resolution procedure at the Bokkuu centers? What types of conflict is resolved at the three Bokkuu centers? Qualitative research methods were used to understand the complexity of Oromo cultural peacemaking and how this takes shape within the culture of the Oromo custom. Techniques of collecting data were interviewing knowledgeable elders, field observation, and Focused Group Discussion were employed. The study discovers that the participants of the study agree that cultural conflict resolution are more effective in fact finding and resolve the disagreement between the disputants than that of formal courts. Because of its effectiveness in conflict resolution and truth finding traditional conflict resolution mechanisms is extensively serving in the study area. The ways judicial procedures take place is more reliably and open for disputants and any interested body that have an idea about the issue. The members of the council are the main actor of the cultural centers; they are five in number and belong to different clans.

Keywords: *contemporary practice, customary conflict, resolution mechanism*

Abstrak

Konflik adalah bagian alami yang tak terhindarkan dari keberadaan manusia. Hal ini dihasilkan dari individu atau kelompok yang berbeda dalam sikap, kepercayaan, nilai atau kebutuhan. Kajian ini mengeksplorasi praktek kontemporer dari mekanisme resolusi konflik adat di dan sekitar kabupaten Ambo. Kajian ini menjawab pertanyaan-pertanyaan dasar berikut: Apa peran pusat-pusat Bokkuu dalam menangani konflik/perselisihan? Bagaimana pusat-pusat Bokkuu menyelesaikan konflik/ perselisihan? Siapa aktor utama yang memandu prosedur resolusi konflik di pusat-pusat Bokkuu? Jenis konflik apa yang diselesaikan di tiga pusat Bokkuu? Metode penelitian kualitatif digunakan untuk memahami kompleksitas pembuatan perdamaian budaya Oromo dan bagaimana hal ini terbentuk dalam budaya adat Oromo. Teknik pengumpulan data adalah mewawancarai para penatua yang berpengalaman, observasi lapangan, dan Diskusi Kelompok Terfokus digunakan. Studi ini menemukan bahwa para peserta penelitian sepakat bahwa resolusi

konflik budaya lebih efektif dalam menemukan dan menyelesaikan ketidaksepakatan di antara para pihak yang berselisih daripada pengadilan formal. Karena efektivitasnya dalam penyelesaian konflik dan pencarian kebenaran mekanisme penyelesaian konflik tradisional secara luas melayani di wilayah studi. Cara prosedur peradilan berlangsung lebih andal dan terbuka bagi pihak yang berselisih dan lembaga yang berkepentingan yang memiliki gagasan tentang masalah tersebut. Anggota dewan adalah aktor utama pusat budaya; mereka berjumlah lima dan milik klan yang berbeda.

Kata kunci: *praktek-praktek kontemporer, konflik adat, mekanisme resolusi*

Introduction

According to Francis (2006), conflict is a natural and unavoidable part of human existence. It is resulting from individual or groups that differ in attitude, beliefs, values or needs. It is true that conflict has devastating effects and it is unwanted. It is also true that conflict is unavoidable and it is continuously occurring. Many scholars agree that conflict is not a new phenomenon in the history of human beings. Assefa (2005), explain that conflict always exists as long as human beings live together and it is an inescapable human experience.

For the fact that conflict is inevitable, community developed different resolution mechanisms for every type of conflict. Most of the time, mechanisms are functional at local level. Many scholars including Tamena (2012) and Dejene (2000) agree that Oromo culture is rich in indigenous institutions of conflict resolution and justice administration.

Although there are abound cultural conflict resolutions in the society, most of the systems have some basic similarities in terms of who settles the disputes (actors), the jurisdiction of the dispute settlers and the attitude of the society towards these systems. Cultural conflict resolutions systems is now in operation within the diverse geo-cultural clusters of the Oromo society are offshoots of the former, despite changes in their way of life, economy, political, religious and cultural and social relations (Desalegn et al 2005). Conflict happens to appear when individuals or groups have incompatible interests and/or goals. When one has become really an obstacle or shows a tendency to become so for another to meet his/her needs, conflict is, then, more likely to breakout. Conflict could also be a result of human greediness. For the reason that scarcity of any resource is always a fact of life, there would always be a persistent competition to have a greedy control over these resources (Assefa 2000). In fact, resource scarcity is not the only and absolute cause of conflict. Since the causes of conflict are different, it would be better to use different mechanisms for the prevention and resolution of conflicts.

In Oromo culture there are many cultural ways that help to resolve conflict. Among these cultural practices Bokkuu centre are playing an important role in resolving conflict of any kind and maintaining peace and stability in the community. Currently, it got recognition and working in collaboration with formal court. This paper presented the role of Bokkuu centres (hereafter the centre) in resolving conflicts among Maccaa Oromo in and around Ambo District.

It is unconceivable to think a society without conflict. There is obviously conflict no matter the extent as well as the source of it. Society and conflict are always together making two faces of the same coin (Assefa, 2005). According to Slabbert (2004), conflict is a process that begins when one party perceives that another party has negatively affected, or is about to be negatively affected, something that the first party cares about. Hence, attempting to avoid conflict is not only going against nature but also it is against

development. However, conflict should be wisely resolved before it turns to be destructive.

On the subject of its origin, writers agree that conflicts are emanated from various sources. These factors are associated with competition over interest and scarce natural resources (Osi 2008). These multifaceted natures of conflicts have been solved by different indigenous conflict resolution mechanisms.

Coming to Oromo cultural conflict resolution, recently most of Oromo writers are engaged to studying about cultural conflict resolution among the Oromo. Among these, Dejene (2001); Tamene (2012); Desalegn and Seleshi (2007) are noticeable. Aforementioned researchers studied about blood price, elders' council and reconciliation in Borana and other Oromo clans in detail. Among these people, only Dejene (2001) enlighten Bokkuu as one of customary institution and mainly explained the relation it has with formal court. This paper attempted to contribute to fill gap in the area.

In this paper, the roles of Bokkuu centers have in conflict resolution are focused beyond their relationship with formal court. The study explored Contemporary Practices of Customary Conflict Resolution Mechanism in and around Ambo district: with special reference to three Bokkuu centers in general and specifically it devoted to explore the roles of Bokkuu centers in handling conflict/disputes and to explain the process by which conflicts are resolved at the Bokkuu centers. The study answered the following basic questions: What are the roles of Bokkuu centers in handling conflict/disputes? How did the Bokkuu centers resolve conflict/disputes? Who are the main actors that guide the conflict resolution procedure at the Bokkuu centers? What types of conflict is resolved at the three Bokkuu centers?

Method

In this project, qualitative research methods were employed. Qualitative research methods were used because it permits the researchers to understand the complexity of Oromo cultural peacemaking and how this takes shape within the culture of the Oromo custom. For the stated objectives and the research questions, primary data were gathered. To meet these objectives, different kinds of qualitative data collection techniques like interviewing knowledgeable elders, field observation, and Focused Group Discussion were employed. Two types of interview were employed during data collection. Guideline questions are used during semi-structured interview. This guideline is used to help the informants to answer semi structured questions. This type of interview used to answer specific questions regarding roles and process of *Bokkuu* conflict resolution mechanism. The participants of this interview were local communities and clients or user of centers (i.e. plaintiff and defendant). In addition, in-depth interview is also held with knowledgeable elders and ritual leaders. Generally, six (6) key informants were selected and interviewed. Six key informants were purposely selected from three sites based up on their knowledge of culture. The other method of data collection technique used in this research is observation. During field work of these research three centers namely *Bokkuu* Cittuu, *Bokkuu* Bakkee and *Bokkuu* Xulee are observed. In these centers some performances and activities are observed and captured. Customary conflict resolutions which are observed and ritual materials used, the procedures followed during resolution was recorded. Similarly, ritual practice made by disputing parties and procedures during reconciliations are observed. Photos of some activities and materials of the events and situations are taken. In addition, three Focused

Group Discussions which have 8 informants were carried out in three centers. The participants of FGD were the composition of Abbaa Bokkuu (Bokkuu leader), *Guula* (ritual leaders) at the centers, users/clients, knowledgeable local elders depending upon the issue under discussion. There was focus group discussion relied heavily on 'the development of a permissive, non-threatening environment within the group' to allow the participants feel comfortable to discuss their opinions and experiences without fear. The participants of a focus group were selected based on their relevance and relationship to the cultural conflict resolution and level of their commitment in the centers. Two types of sampling techniques were used. One is purposive sampling. The research sites were purposely selected. It based upon availability of the centers. The informants were also purposely selected depending on their knowledge about the issue under study. The other sampling technique that was used is snow ball sampling. The key informants and members of FGD were selected by the snow ball sampling. Quality of the data that are gathered for the research was assured by asking the same questions to different informants and using different methods of data collection.

Result and Discussion

Historical Backgrounds of Bokkuu Centers in Kuttaayee Oromo

Recognized Oromo historians like Tesema (1980), and Mohammed (1994), agree that, the Tuulamaa and the Maccaa groups lived under common Gadaa government and law. The head quarter of their common government was located at Odaa Nabee near to present Duukam town. The fact of common law was symbolized by the common Bokkuu. Then, Maccaa clan moved towards west and established their center at *Tuutee Bisil Osolee Booqaa* located in the upper Gibe basin. According to Tesema (1980), there were periodic clashes or quarrels (*Lola*) between Maccaa and Tuulama groups. Both Maccaa and Tuulama claimed *qabiyyee* (rights) on contiguous areas West and East of the head waters of the Awash, Maccaa's claim being near Awash Guddaa (bigger Awash) and Tuulamaa's near Awash *Qal'oo* (lesser Awash) the clash continued for long period and finally the Maccaa and Tuulama moved separate ways. Reputed for its strategic importance *Tuutee Bisil* remained the nucleus of the Maccaa Oromo for about five generations playing the role of the old center, *Odaa Nabee*, and serving as a point of departure for their expansion to west, northwest and southwards. In addition to the above-mentioned historians, Negaso (1984); Getu (2015) and Lewis (2001), agree that Maccaa spread out from *Tutee Bisil* and eventually dominated the whole region between the *Abbaayya* (Nile) in the north, the Dabbus River and *Tulluu* (Mountain) Walal in the west, and the Gojab River in the south. With further expansion of the Maccaa, Odaa Bisil no longer served as a common Gadaa center for the group; instead various local Bokkuu centers were established.

Consequently, Eastern Maccaa initiated three Bokkuu centers. These are Bokkuu *Cittuu*, Bokkuu *Xulee* and Bokkuu *Bakkee*. Among these Bokkuu *Cittuu* is considered as senior one. Geographically Bokkuu *Cittuu* is located in south western of Ambo town while the reaming two are found in northern of the town. The local people differentiate them as '*Dabbis gamaa fi Dabbis gamana*' meaning 'beyond river *Dabbis* and within/here'. *Dabbis Gama* refers to the centers that are not nearby for speaker and *Dabbis gamana* indicates the centers that is nearby to the speaker. The word *gama* and *gamana* in this context is used only for the indication of distance from the speaker and their location in comparison of Dabbis River. It is nor for division neither of possession. It belongs to all Oromo. Bokkuu *Cittuu* is located in Boojjii *Cittuu* Village while both

Bokkuu Xulee and Bokkuu Bakkee are found in *Waddeesa*. Informants confirm that Bokkuu Bakkee is junior of all and in there *alengee* (whip) is used instead of scepter.

All elders from all centers agreed that the first scepter is descended from Odaa Nabee. Then it is handed down from generation and moved towards west. While moving to west ward for indefinite time the elder stayed on Tulluu Manguddoo (Elders Mountain) which is located in *Dandi* district. Finally, scepter is taken to Odaa Bisil which is located in *Ijaajjii* district. For Long period of time scepter stayed a place called Xuqur. All Maccaa Oromo was go to *Tuqur* for every case from far and near. As the population size increase and they expand far, visiting this centre from far distance become more difficult. To deal with the distance the Kuttaayee Oromo group inaugurated another centers in present Ambo district. Accordingly, Bokkuu Cittuu established first and Bokkuu Xulee and to Bokkuu Bakkee split later. Thus, Bokkuu Cittuu is considered as a senior for both Xulee and Bakkee. In fact, there are different oral narratives regarding the establishment of these centers.

Story of coming of scepter to Ambo District

There are two versions of oral narratives regarding the coming of scepter from a place called Tuqur to Ambo. According to the first narration, scepter is coming from Odaa Nabee while the Maccaa split from Tuulamaa and established at Tuutee Bisil. After long period of time Maccaa clan expanded and starts to move far apart to look for new land property. As they move apart, they unable to use common center. Thus, new Gadaa center established at different new places without scepter. Accordingly, the Kuttaayee clan also established their center without scepter. For long time the center served without scepter. Meanwhile they proposed to plunder scepter from Xuqur. Accordingly, they moved to the place having *Dhankaaka fardaa* (energetic barren horse) guided by the proposal of person from Kuttaayee clan. According to the preplanned plundering proposal that individual snatched scepter from old women and started to ride the horse. After long journey the horse tired and slumbered at the place called *Laaftoo Hoodaa* (literary to mean acacia of omen) this is found in present day Shanan district. At the spot the accompanying people sacrificed *dullacha* (old cow) immediately after the sacrifice the horse get up and they started ride. When they arrive at the place of present day Bokkuu Cittuu centre the horse slumbered again. As previous, they sacrificed *old cow*, the horse refused to get up, again they sacrificed *Korma* (Bull) yet the horse refused to get up. Finally, they made ritual and prepared *gulantaa* (soil platform) and put the scepter on it, immediately after the scepter is placed on the platform the horse has stood-up. Then after, they built hut on the scepter and it became centre. Few years later *Ejersa* (*Olea Africana*) germinate from the platform. It is yet at the place and serving until present day as sycamore in the center. It is in such a way the Kuttaayee got their scepter and the center is established.

According to the second version of the narration, the idea of snatching scepter is started by herder who went to Tuqur from Abeebee clan. While he was with his clan, he knows that his clans do not have scepter. Meanwhile, he went back to his clan and persuaded them to bring scepter for them if they cooperate with him. Finally, the clan agreed with his idea and moved to Tuqur to snatch scepter. As proposed the herder led the team and succeeds in bringing scepter to Cittuu centre. The remaining two centers (i.e. Bakkee and Tulee) shared the power from Cittuu centers to give service in near distance. This is why a Cittuu center is considered as senior for both of them, while

sharing power they performed a serious of rituals and decrees of laws according to the narration. Based up on the laws and power give to them newly established center exercises their power in serving the community. According elders' narration scepter is made from *Ejersa* (*Olea Africana*) or *waddeessa* (*Cordia abyssinica*) by artisans who have cultural authorization. A raw material for scepter should select from big jungle, a place where human has been visited before. This is done to symbolize that scepter is holy stuff and to insure the wholesomeness of the scepter. This in turn implies that the centre where the scepter is kept is ritualistic and sacred place.

The Roles of the Centers in Conflict Resolution

In all centers, many actors involve in the conflict resolution process. In general, there is the key body known as *Sam'aloo*. The council consists five senior elders which are belongs to different clans, and they have different roles. They are considered as supreme, followed by the divisional elders from different clan and the local (village) elders. The roles of the council are described in table 1. Of course, every village has elders consist of a number of family groups or clans/lineages. Each family group or clan is headed by an elder of their clan. The members of the group are selected carefully based up on the seniority of their clan and the personal quality of the individual. The personal quality integrates the knowledge of culture of the people, respect for the people and their culture, value and respect for norm and the like. Even their physical strength and mental healthiness is considered during election. In addition, they should have to pass through required *Gadaa* grades.

In the area, dispute resolution by this council is the highest traditional institution i.e. it is the last court to which appeal could be made in traditional court. The council enforces the decision made at the centre by excluding the disobedient that refuses to fulfill the judgment. In other words, restoration of harmony is the supreme for the council and system. Beside the harmony sometimes, however, the court gives simple fines as prevention to the occurrence of particular anti-social behavior.

Trial Procedures

Unlike formal court systems, cultural conflict resolution mechanisms rely on restorative justice and it is effective through active participation (face-to-face interactions) on the part of both offenders and victims. These centers are therefore, very central in providing a space where people can actively participate in the reflection process. It is also common to appeal to an oath during conflicts resolution at the centers. In Some cases that have spiritual dimensions involve curses, and oath-taking. Once a group or individual have been cursed, they may remove the curse by performing the necessary rituals and going through the necessary cultural processes. In addition, a plaintiff may swear or take an oath to support the truth of his/her claim. In the same way the defendant is also expected to take an oath, to proof his innocence. Failure to respond to an oath is perceived to be admission of guilt. Oath taking is one of the extra-judicial methods usually assisted the elders to locate areas of weaknesses in the conflict. In addition to oath and swear there are more trial procedure as of formal court that are followed at the centers during trial.

On every Sunday, there are gatherings of *Sam'aloo* (council) at respective centers and the clients attend Bokkuu according to their appointment. For a single case appointment is not excel than *Kudha-arfan* (fourteenth) literary to mean once in two weeks. All

centre, has own council. If the disputants are excel than before the senior elders out of the council will be added to the council and grouped in two or more groups and each group hear different case separately. The groups should have to include at least one council member. If there is no numerous disputants the council them self-deals with the cases. Similar to the formal court, first the plaintiff brings his/ her case for the elders orally. The accuser should have to base on truth. The defendant listens to the case and permitted speaks about the reality of the issue, debates if has any remark on what the plaintiff stated.

In some cases, the centers can refer case to one other. If the cases sent to one centre from another centers the disputants are not expected to speak first. The issue is sent in letter that has a seal and signature of leader of the centre of the sender. Latter, the disputants can give extra explanation on their case. The appeal made from centre to centers is made not because of un-satisfaction of the decision but to minimize cost or to save time by using the center near to them.

Accusing Steps to Bokkuu centers

At the beginning of the accusing, the plaintiff brings his/her case to the council. Based upon accuse, the council send oral or sometimes written summons which is known as *Qalaxee* to the defendants. After both parties arrived in front of the council, the defendant will be asked if he/she know why about the call before proceeding to the case. To proceed to analyzing the case the defendant should have to pay *afa-saaqii* (price of lips opening). If the defendant arrived by first summon, he pays five Ethiopian Birr (ETB). But, if he/she appears by two summonses he/she pays 10 ETB. Five ETB added on each summon. If the defendant is not aware about the case, the accuser will enlighten the cause of accuse in front of council. Then the elder will asks if suspected individual knows what has been said by accuser. If the Suspect refuses the issue, the elder call for other appointment to give time for local elders to investigate the issue at local level. For that, two conflicting parties will select their own side elders and one *Waltajjii* (intermediate elder) which is selected by the council. The intermediate will be selected either from member of the council or local elders. The intermediate elder act as the facilitator; he decides time and place where the meeting will be takes place. The meeting place should have to be average distance for both conflict parties. In the next appointment, if the disputing parties are agreed and the local elders able to solve the problem the intermediate elder reports to the centre the way the conflict was resolved.

If the local elders unable to solve the conflict, the case is sent back to the centre. The intermediate reports the progression with the part refused to take the decision made by local elders. Based up on the report of intermediate, the council will make another investigation. First the plaintiff will give detail justification regarding the reason he/she suspected the individual; he/she bring the issues and ideas that may support his/her uncertainty. The council cross checks the ideas of both plaintiff and defendant with the investigation of local elders. If the plaintiff got truth and yet the defendant refuses the truth, he/she bring *lukee* (kin/relative which stand for the defendant) in front of council and speak instead. The kin will take oath standing for the suspect to proof his/her innocence. If the elders suspect the defendant, they advise the kin to investigate the case and convince the defendant before swearing. If the kin became confident and decide to swear the defendant will became free. Otherwise if kin lost confidence and refuse to oath the defendant will became guilty.

Enforcing mechanism: waraana ciibsuu (bending spear) and waraana kaasuu (repeal the bended spear)

The performance of bending spear is takes place if and only if the defendant refuses to appear to the centre by four or more summon. If the defendant rejects to take the summons, the plaintiff reports back to the centers. The council will write formal letter that have seal and signature of centre leader to the administer (government body) of defendant village, the village administration asks the defendant the reason why he refused to appear and order him to go. Again, if the defendant refuses to appear by the order of village administer. The administer reply as the individual is not willing to appear and labels him/her *didaa* (disobedient) for centre. Immediately after the letter of the village administration attained to the center, the plaintiff has the right to claim for bending spear to the disobedient. The procedure of bending spear is takes place by two selected elders from legitimate clan. The legitimacy is of the clan is mainly consider their seniority and their kinship with disputants. The relatives of the disputants will not participate in the performance. Most of the time, the elders are selected from Dadaa and Galaan clans. These elders are known as *Jaarsa Jilbaa* (elders of knee). These elders kneel down on *Waraana Shan* (five spear), (see figure 2) they call the name of the disobedient and declare that he/she is disobedient. After the decree is made the individual is considered as cursed and he/she can't get any service at all centers. The plaintiff and defendant cannot eat together or participant in social affairs communally.

During the performance of declaration of law, elders pray for each other and for the community as a whole first. The preliminary prays and blessing focuses on community wellbeing and peace for observers. See Figure 1

As we can see from Figure 2, before kneeling down and bending spear, both elders hold jointly five bundled spears. These five spears are counted as a single not as many. Number five is considered as complete and full circle in Oromo worldview. They say *waraana Shan* (five spear) not *Waraanoota shanan* (Five spears) as of *Gadaa Shanan* (Five *Gadaa*) not *Gadoota Shanan* (Five *gadaas*). Though, they are five in numbers they have one objective and act as one.

After the end of preliminary pray and blessing, the accuser appears to the front of the elders and calls the name of the disobedient, then the elders will describe his/her name in the cursing. Following affirm of this cursing the individual will not allow participating in any social activities. Even he can't gate any kind of assist from his/her neighbors. His/her assistance is also no acceptable. He/she is considered as socially outcaste individual. His/her family, (husband/wife and children are also outcaste. He/she will not visit in case of sickness. He/she can't borrow materials. If someone tries to cooperate with outcaste individual, the cooperater will face the same punishment. It is believed that, the curses will bring misfortune to disobedient and what belongs to him beside to societal discrimination.

If cursed disobedient repentant and wanted to cleanse his/her crime, first he/she has to compensate the plaintiff, and then plea to the centre to repeal the bended spear and reverse the curse. This process is known as *Waraana kaafachuu* (repeal the bended spear). As of bending spear, two elders will kneel down and reverse the curse. They call the name of individual to declare that he/she became the willful for law. Then, the content of the curse will be reversed and the individual able re-join to societal affairs. Then after the individual can get service and can participate to all events at the center.

Types of Conflicts Resolved by centers

Literatures show that conflict occurs between people in all kinds of human relationships and in all social settings. Because of the wide range of potential differences among individual and people in wide, the absences of conflict usually sign the absence of interaction. Conflict by itself is neither good nor bad. However, the manner in which conflict is handled determines whether it is constructive or destructive (Deutsch & Coleman, 2000). Few persons accept the fact that conflict is part of life and not necessarily bad. Among the local community of the study area, conflict originates from different reasons. Land dispute, lack of good care for women and children by the husbands, disloyalty by the wife/husband, and dispute over inheritance are the reputable in the category. The conflicts will encompass a series of human affective states such as: anxiety, hostility, resistance, open aggression, as well as the types of opposition and antagonistic interaction, include competition. It may involve individual or group disagreements, struggles, disputes, quarrels, or even physical fighting. Other potential sources of conflict in the research area are resource sharing competition, societal interaction disagreement, family disagreements, theft and robbery, individual and group fights. In the centers, once the matter is resolved, emphasis is put on how good neighborliness coexistence can be achieved and preserved. The law which guides elders and reconcilers derives essentially from customs and traditions. It is connected with verbal art and memory hence preservation and survival of the traditional laws done through performance.

Here under few types of conflict and their procedure are presented with few cases. These are selected based on their frequency and severity in the area.

Homicide

Homicide is horrendous crime in Oromo culture. That is why in ancient Oromo culture someone who killed a human is hardly punished, which is also witnessed by Martial (1901). In addition, raping women or making sexual intercourse with relatives is also serious crime. These kinds of crimes cause death penalty. Gradually elders discussed and amended the law and changed death penalty to physical and material punishments. Physical punishment includes whippings. If some committed crime for the first time local elders call the offender and put him in the middle of his clan, the clan and the clan elders will beat him with *Arcumme* (thin herding stick). This stick symbolizes the clan punishment. If he/she committed crime again the clan transfers the case to cultural centre and the elders' council will punish him/her in kind like crop, (coffee bean, wheat, barley,) tobacco, domestic animals (sheep, goat), etc, based up on the nature and types of crimes. The punishment is collected from his/her clan. In same case the offender can be perished from the clan. But, currently some powers of cultural centers are overtaken by formal court and in some cases the elders limit themselves to perform the regulation as the cultural allow. The punishments like death penalty, whipping and perishing the offender are prohibited.

In contemporary practice of cultural center, the case of homicide is divided in to two types. The decision is made based up on the types of the crime: The Types are *Gumaa Qaraa* (deliberate killing) and *Gumaa Jinfuu* (indeliberate homicide). If someone planned to kill a person for revenge, it is considered as *Gumaa Qaraa*, meaning the killer intended to kill by deciding time and place when and where to kill. Thus, before proceeding to the decision the council will identify whether types of homicide based on the evidence from

witnesses and application of both parties. The term '*qaraa*' implies the sharp edge of spear. This mean the killer planed and intentionally did it. For such kind of homicide, the council increases the punishment of the killer. Currently, if someone commits deliberate killing, the case is handled by formal court. After the killer complete the punishment decided at court, the killer and his/her clan will perform *Gumaa* (blood cleansing) ritual and blood price payment for deceased clan. If the killing is suddenly the case can be resolved in the centers and will not need intervention of formal court and policemen. The blood price for sudden killing is also lessening in some amount.

In some cases, the elders can reduce the amount based up on the situations such as the relationship between the deceased and killer. Accordingly, if they have no conflict before; belong to the same clan, if they were utilizing the same river, and use the same market and if they are in-laws the payment will be discounted.

Performace of blood price payment ritual

In the case of three centres incorporated in this study, blood price ritual is performed in identical ways. Sometimes the council members of all centers will come together to perform the ritual jointly. In serious case like colossal clan conflict that followed by many homicides will settled in presence of the representative of the centers. The order of ritual takes place in the same fashion whether they perform jointly or separately.

Until this ritual is made, the victim's and offender's family will ignore to contact face-to-face. Always the offender's family gives first. They did not use same market and the river or spring. The victim collects the price of blood in kind and in cash from relatives and communities as whole. Even if he/she has excess property to pay he/she has to collect from his/he clan. Because it is believed that the price is paid by the clan. Even, for the homicide the responsibility is goes to the clan. It is never said 'someone killed someone' rather, it is said 'so and so clan killed so and so clan. Thus, the case is settled between the clans rather than between individuals. The victim's family is also will not utilize the blood price for exclusively. Rather, whole clan members share equally according to their kindred. To that end, ritual of reconciliation is attended by whole family and clans of both sides.

On date of reconciliation until the elders made decree of reconciliation and official mark the payment of the price, both parts will not contact each other. At the spot of the ritual the killer side stay turning their face to west to symbolize they are under punishment and the victim side turn their face to east to symbolize brightness (see Figure 3). The reconciliation is made near river, especially on small piece of land around river. Such kind of place is preferred to hide the activities from the mass since they are throwing their profane resulted from action of the homicide.

Before the victim and offender contact each other, the murder performs a ritual of *hiddii gatuu*, (throwing solanaceous fruit) (see Fgure 4). Ninety nine (99) solanaceous fruit will be counted by elders; 5 cents, white and red cotton also added to the fruit. Solanaceous fruit symbolize cattle. Red cotton symbolizes shaded blood. While white cotton symbolizes end of adversary and conformity of ever last harmony. The killer throws away the fruit saying '*Gumaa baasee narraa baasi*' (I paid the blood price; thus, rinse me) and he According to earliest Oromo culture, if one committed homicide he/she pays ninety nine cattle which is both blood price and punishment. Presently because of shortage of cattle it is replaced by Money. For ritual purpose the killer throws

solanaceous fruit thinking as it is cattle and pay money for the advantage of the deceased family.

After the ritual of throwing solanaceous, the killer and close relative (mother/father, son/daughter, or wife/husband) of the deceased handle two sides of knife and slaughter sheep as it is revealed by Figure 5 (a). While slaughtering two elder hold curtains between them to limit both parties focuses on the sheep rather than the individual. After the sheep is slaughtered the curtain will taken away and both sides wash their hands in the stomach of sheep using *hora* (natural Mineral water) {see Figure 5 (b)}. This water is considered as ritual water and symbol of cattle fertility, washing by this water during blood payment ritual symbolize that the shaded by blood is completely washed way from the slaughter, after this ritual the disputants are no more enemy. It symbolizes the completeness of washing away of rivalry.

After they washed their hands, they can contact each other. Next to washing, the elder's knees down in the middle of both sides on five bundled spears. Kneeling down implies giving respect for *Waaqaa* (God) and stressing the decree of reconciliation.

After the decree is made, both sides call the name of each members of other side and vice-versa, then they have a sit and both sides feed a honey for opposite side. The killer feed each members of victim family a honey by a branch of *mi'eessaa* (Euclea kellau) plant (see Figure 6). All members spit out the honey. Spitting out sweet honey symbolizes omitting revenge whereas it is painful as spit honey whereas it is sweet. If someone swallowed the hone it is considered as he/she is thinking about revenge. To proof their forgiveness and forget of revenge all members of both sides spit the honey in front of the elders. Euclea kellau is evergreen plant, never dries even in longer dry seasons. Hence, it symbolizes the wish for ever long and consistence relationship for disputant. The term 'Mi'eessaa' is comparable with 'sweetie' in the language of Oromo so it is symbolizing the wish sweetest relationship between the disputant. Finally, both sides eat and drink from one table and can continue social activities jointly; there is no sanction of interaction and think about revenge.

Theft and Robbery

If someone committed a crime of thief or robs and the case is approved by eyewitness, the plaintiff pays the value of the robbed property in cash for the owner. The price of the robbed property and added expenditures of the plaintiff will be estimated by local elders. In addition to the value of the properties and expenditure he/she has to pay the punishment because of misdeed against the law of culture. If someone robbed and the plaintiff unable to bring eyewitness, the elders call and investigate the suspected whether he/she done or knows the doer of what is said. If he/she refuse him/she brings one person from his/her relatives known as delegate, the delegate will discuss with plaintiff to be sure where he/she committed the crime. Representative is supposed to be the one who respect safuu (moral value of the community), the culture and fear God. He has to be free from any crime and curses made by elders' council. Finally, the delegate takes oath in place of plaintiff and says relative is pure did not commit such crime. After, the delegate gives testimony; the plaintiff will be released in free of charge. But if the delegate refused to give his testimony and have doubt on the plaintiff the plaintiff will labeled guilty and forced to pay the property.

Physical injure and disabling

The case of fighting and disabling are also among the issues settled at the centers. If the victim got no evidence and the defendant rejects the blame himself/herself will swear in front of elders council. The price for body injures and disabling depends upon body part and the level of hurt; in addition to the circumstances in which the conflict happen. The circumstances are considered as of the homicide case, if the offender planned and prepare material for that purpose to hurt an accuser, its punishment increase in some amount. If the disputes happen suddenly and the offender hurt the accuser in anger, the punishments lessen in some amount and it is called *sababa* (abrupt). The punishments for such kind of hurt include only the price for care and recovery of wounded body.

The price for body injures can be categorized in to two. These are *Qoma* (face to face) and *Dugda* (backside). If the offender attacked the plaintiff in absence of his/her awareness; for example, when he/she walk alone during night, while he/she ride horse, while carry some thing, while he/she is sick, this kind of offence is called *Dugda* (backside), meaning the offender hurt the plaintiff at the time he/she can't defend him /herself and couldn't see what is going on. In other case if two friends disagreed on the way and one lag back, and hurt his friend from the back the case is handled as *Dugda* (backside). To the contrary, if someone offends an individual who trying to hurt him in the course of defending oneself is called *Gumaa qomaa* (face to face) it is equivalent to self-defense. For example, if someone hurt an individual come to his domicile to hurt him or his family, if someone hurt an individual or group entered to his fence for theft or robbery, if someone hurt an individual while he/she cheat with his/her spouses, it is called *Gumaa qomaa* because the offender did not propose to hurt and didn't planned to do so.

The price of each of the body part varies; there are cultural justifications for the variation. For example, the price of tooth will be justified as follows: incisor is gives good looks for an individual. If someone lost front teeth, he lose his good look so that the one who break front teeth is considered as the one who committed the crime of *fafeessuu* literary to mean distorting natural beauty in addition to disabling. The price of molar teeth increases because it serves to feed. Therefore, one lost his/her molar teeth unable to grind and feed his/her self, so that the life of the individual fails on risk. Regarding hands, the blood price of left hand is greater than the price of right hand. For the increase of left hand price there two cultural justifications: one is concerned with self-protection. Shield handled in left and the life protected by shield, if someone lost his left hand can't handle shield and could probably lose his life for that end. In other hand aged man uses their left hand to support their sex organ during sexual intercourse since they lose energy as age goes longer. In the intercourse there will be offspring. So the one lost his left hand unable make sexual intercourse and get offspring in his old age and the offender has to pay more prices for victim.

Insult and verbal abuse

According to law of cultural center, verbal abuse can be divided into two; these are *arraba jabaa* (strong verbal abuse that targeted on family or clan) and *arraba laafaa* (simple insult). Family or clan targeted abuse are very strong and it can be developed to clan level conflict; additionally, if an individual is abused focusing on his/her clan it might have impact on its relation with the community and social affairs like marriage and other

social interaction. So, the one who offend an individual based up on clan or family back ground is considered as the one who commit strong verbal abuse and the punishment is massive. In other hand, if someone insult an individual based up on the physical appearance or his personal habit the punishment lessens in some amount. Such like personal abuse has no social impact. In both cases the decision is passed by the council. For simple verbal abuse the punishment may be giving truth for the plaintiff. And for strong verbal abuse the strong the council will decide payments in cash in and some time the dressing culture clothes

Spouse Case

In some case the spouse takes their disagreements to center. For instance, if the wife or husband mistrust own spouse for cheating and lost tangible evidence, the accuser will take the case to council. The elders investigate the issue and if the suspected one rejects the case he/she will take oath to cleanse him/her self from suspicion. If the mistrust refuses to take oath it is considered as he/she is participated to the action. Hence the plaintiff won the case. In other hand, if man refuses to recognize pregnancy of his mate he will called to center and give testimony to assure that the child is not belongs to him. Again, if husband or X-friend refuses to fund own child after divorce the center will force him to do that. In some cases, if woman refuse to show children to father after divorce or in case of child born out of marriage father accuse the mother to center to get the right to contact his child. If woman hide the actual father of child and tagged to other man the actual father can claims his fatherhood at center. The case of spouse will be settled in two different perspectives, in one hand if the disputants are in legal marriage and live together in future they will not swear. The winner will compensate/get truth. The compensation did not exceed what they have in hand, like clothing and home utensils. If the couples will not continue together, the loser should have to pay compensation in cash or kind.

Case referring between the cultural centers and formal court

The key area of union of cultural conflict resolution and formal court is that both are largely agree upon basic values of society and social norms. It is this common feature and the belief that the both are fundamentally explains society's willingness to stand by them. Cultural conflict resolution goes much further than the Legal procedure in terms of ensuring social justice and peace. For instance, beside dispute resolution customary conflict resolution also focuses on restoring community's peace. It aims at restoring severed relations and hence at ensuring community peace. It deals with values, beliefs, fears and suspicions, interests and needs, as well as with both material and nonmaterial causes of conflicts.

The value loaded conception of cultural conflict resolution goes much further than the Legal procedure in terms of ensuring social justice and peace. Since it aims not only at settling disputes among parties but also focuses resolving conflicts and restoring community peace. The formal conflict resolution mechanisms often emphasize the resolution of the material causes of conflicts (resource and power are often the focus) without dealing with the psychological and cultural shock that often activate revenge. Cultural conflict resolution deal with values, beliefs, fears and suspicions, interests and needs, as well as with both material and nonmaterial causes of conflicts. Issues related to status, honors, recognition and respect often play critical role in conflicts and are the

focus of cultural conflict resolution in the process of healing wounds. Indeed, one of the basic reasons for the current resurgence of the study of cultural conflict resolution is related to the fact that the formal conflict resolution mechanisms have proven to be inadequate for some recurring conflicts.

In the case of the study area most of time disputants prefer to take their dispute to the council of elders. Especially in case plaintiff unable to find witness defendant will take oath to prove the reality. In formal court it is impossible to do that. Even in case where there are witnesses and evidences the fact of the victim can be suppressed because of different fault made by judges, witness and other related bodies. To the contrary, in cultural conflict resolution there is no such kind of error since the elder uses different mechanism from both religious and judicial procedures. Because of this many case are referred to cultural centers and local elders from Zonal and District courts. In diagram 1 we tried to show the circulation of cases between local elders, cultural centers and formal courts. In the same way local and council elders also refers case that need formal court involvement to Zonal and District courts. As it is revealed by diagram 2, the numbers of case handled in local level are larger than numbers of cases settled in cultural centers. When compared to that of local elders and the council it is possible to say very few cases are goes to formal court. Types case referred between the three mechanisms (local elders, cultural centers, and formal courts).

Conclusion

The researchers summarized the study as the following. The participants of the study agree that cultural conflict resolution is more effective in fact finding and resolve the disagreement between the disputants than that of formal courts. In formal court the decision is made based on the word of witness. If the witnesses are not good enough to clearly explain the issue, the truth of the accuser may be not observed. To the contrary in case of cultural conflict resolution, even in the absence of eyewitness the elder uses different mechanism to find the truth via the testimony of defendant and his/her delegate.

Because of its effectiveness in conflict resolution and truth finding traditional conflict resolution mechanisms is extensively serving in the study area. In contemporary time they are serving as primary dispute settling mechanism. More over the people prefers this mechanism for its quick response and minimum cost in terms of time and budget. When compared to formal court the length of time given for appointment is not more than two weeks, this enable the disputants to solve their conflict within short time with simple expenditure. In addition, since the days of assembly are always on Sunday it does not affect the regular agricultural activities.

The ways judicial procedures take place is more reliably and open for disputants and any interested body that have an idea about the issue. Including the disputants, relatives and neighbors can participate in clarifying the case for the local elders and the council. The disputant converse face to face, and speak their word in private as needed. This helps the elders to come to consensus. The mechanism used to find facts are more convincing. In process of enforcing the decision, the community plays a great role. Those who refuse to accept the decision are outcast from the community and excluded from social activities.

The members of the council are the main actor of the cultural centers; they are five in number and belong to different clans. They are loyal to the truth and their culture,

their responsibilities is also for the custom and the community. They are very accountable to judge fairly.

Reference

- Abebe, A. (2005). *Indigenous Mechanisms for the Prevention and Resolution of Conflict: The Experience of the Oromo in Ethiopia: Report of Ethiopian national workshop.*
- Chemeda, D. et al. (2005). *Indigenous System of conflict resolution in Oromia, Ethiopia*
- Gemechu, D. (2001), "Some Aspect of Conflict and Conflict Resolution among Waliso Oromo of Eastern Macha with Particular Emphasis on Guma", Addis Ababa University, unpublished MA Thesis
- Francis, D. J. (2006). *Uniting Africa: Building Regional Peace and Security Systems.* Aldershot: Ashgate.
- Assefa, G. (2015). *Description and Documentation of Ateetee Ritual among the DirreeEnchini Community of West Shewa Oromo Women. A Thesis submitted to Addis Ababa University*
- Herbert, L. S. (2001). *Jimma Abbaa Jifar, an Oromo Monarchy: Ethiopia, 1830-1932.* The red sea press, Inc. Asmara Eretria
- De Salvic, M. (1901). *An ancient people of great African Nation; The Oromo.* Trans. Ayalew Kenno.2005. -Finfinne.
- Hassen, M. (1994). *the Oromo of Ethiopia: A history from 1570-1860.* New York: Cambridge university press.
- Gidada, N. (1984). "History of the Sayyoo Oromoo of Southwestern Wallaga, Ethiopia from about 1730 to 1886", Johann Wolfgang Goethe-Universit" at, Frankfurt
- Osi, C. (2008). *Understanding Indigenous Dispute Resolution Processes and Western Alternative Dispute Resolution: Cultivating Culturally Appropriate Methods in Lieu of Litigation.*PP.164-231.
- Keneni, T. (2012). *Exploring Gumaa as an indispensable psycho-social method of conflict resolution and justice administration*
- Ta'a, T. (2006). *The Political Economy of an African Society in Transformation: The Case of Macca Oromo (Ethiopia).* Wiesbaden: Harrassowitz Verlag,