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9 Indigenous Systems of Conflict Resolution in Oromia, Ethiopia

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Abstract

This chapter describes the role of the *gadaa* system, an institution developed for guiding the social, political, economic and religious life of the Oromo people in Ethiopia and for managing 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 systems 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 into the enactment or implementation of statutory laws.

Keywords: *gadaa*, indigenous institution, water management, Oromo, conflict resolution, Borana, Ethiopia.

Introduction

The water resources endowment of Ethiopia exhibits tremendous spatial and temporal variability and poses significant development and management challenges. The level of water supply in Ethiopia is among the lowest in Africa. A great majority of Ethiopians use unsafe and polluted water, and are at risk from a variety of water-borne diseases (Flintan and Imeru, 2002). The strong bias towards urban development means that the provision of water

supplies in rural areas is particularly low. Its availability in the dry season is of great concern to the majority of rural populations across the arid and semiarid 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 the prolonged dry season. For example, in the Awash river basin, spending 4–6 h 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 that state. Therefore, villagers in places like Filtu must rely on water tankers and boreholes, once the nearby local pond dries out (Ahrens and Farah, 1996). These situations apply equally to most pastoral lands in Oromia, which experience low annual precipitation, averaging between 400 and 700 mm. In many of pastoral areas drought occurs on a regular basis. As a result, pastoral land use depends on scarce water supply from the rivers and groundwater. Consequently, both intra- and inter-ethnic conflicts over the use of natural resources are commonplace in these areas.

Grimble and Wellard (1997) categorize conflicts in terms of whether they occur: (i) at the micro-micro or micro-macro levels, i.e. among community groups or between community groups and government; or (ii) within private or civil society organizations. Micro-micro conflicts can be further categorized 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). For instance, access to water and land resources is the major source of conflicts between clans and ethnic groups in 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 water source such as the Awash river, whereas exclusive rights to land are less important farther from the water source, indicating the significance of water resources to the pastoral communities' socio-economic survival.

An illustrative example of micro-macro conflicts is found in the Awash basin. A number of studies have attributed the cause of conflicts in the Awash river basin to the introduction of various large-scale irrigation 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, which also limited access to key dry-season springs (Flintan and Imeru, 2002). As a result, competition between pastoralist groups increased as they moved in search of pasture and water supplies. 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. Bassi (2003) presents the feelings of the local community Karrayu 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 ...

(Karrayu elder, quoted in Buli Edjeta, 2001, p. 86 (cited in Bassi, 2003))

Some of the local people gained some economic benefits from developments in the Awash valley mainly through employment opportunities. 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 *Derg*¹ period. The most common inter-clan and inter-ethnic conflicts are between the Karrayu and Ittu Oromo communities and the Afar and Issa communities, respectively.

During the *Derg* regime, peasant associations (PAs, or *kebeles*) 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) have been set up, bringing together two or three of the former PAs, with similar judicial powers to the latter. In addition, governmental teams have been established to represent a maximum of 50 households, thus

bringing state institutions to an even more local level. Conflicts relating to natural resources 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 of settling conflicts. In this regard, the *gadaa* system of conflict resolution is one that deserves attention. Although its powers have diminished over recent decades, this institution is well respected by the Oromo society at large in the country. If this indigenous knowledge can be harnessed, it can be a means through which sustainable development may be achieved (Watson, 2001). However, there exists a loose collaboration and, in some cases, even a contradiction between these statutory and customary institutions in the management of natural resources and conflict resolution.

This chapter 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 Borana, the major

pastoral area of the regional state of Oromia, and local methods of resolving these conflicts are reviewed. The organizational structure of the *gadaa* system is explained and the current 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 as compared with that in 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.

The Borana Zone of Oromia and the Nature of Conflicts over Water and Land Resources

The Regional State of Oromia comprises 13 administrative zones, including the Borana zone, which is located at the southern edge of Ethiopia bordering Kenya and Somalia (see

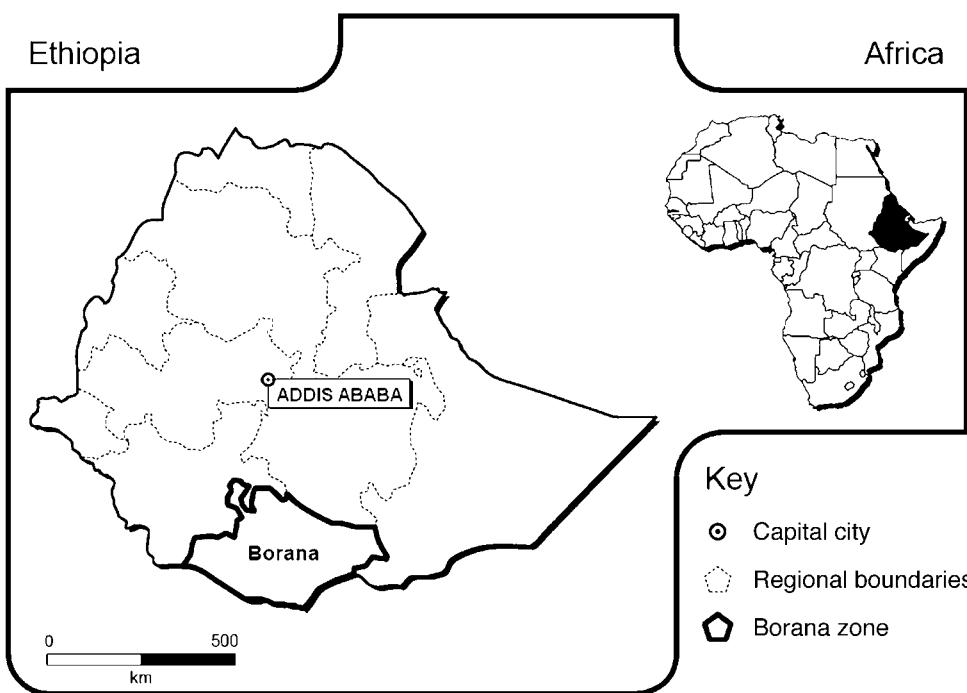


Fig. 9.1. Map of Ethiopia.

Fig. 9.1). The zone is made up of 13 districts called *Woreda*², divided between two agro-ecological zones – the semiarid lowlands to the south and the more humid lands at higher altitudes to the north (Tache and Irwin, 2003).

The mean annual rainfall across the districts varies between 500 and 700 mm, with an overall average of 648 mm. Surface evaporation is high. The mean maximum and minimum temperatures of the area vary from 25.26 to 28.79°C and 14.19 to 18.11°C, respectively (Luseno *et al.*, 1998). There are two rainy seasons: the main season, *ganna* (March–May) and the minor season, *hagayya* (September–October). The land is largely covered with light vegetation of predominantly pod-yielding Acacia species of low forage value. The ecological conditions favour pastoralism more than farming.

The Borana zone³ is inhabited by different ethnic groups, including Oromo, Somali, Gedeo, Burji, Konso, Amhara, Worradube and Bonta. The most significant inhabitants (in terms of number) belong to the various Oromo and Somali clans. Among the Oromo clans, the Borana and Gabra reside mainly in the semiarid lowlands, while the Guji and Arsi Oromo clans are settled in humid lands at higher altitude. The various Somali⁴ clans living in the zone include Garii,⁵ Digodi, Merehan, Gurre, Duriane and Shabelle. Some of these groups, such as Garii, straddle land between Kenya, Ethiopia and Somalia due to their nomadic lifestyles. Amhara, Gedeo, Burji and Konso are settlers and live in and around towns and are engaged in trading and farming activities.

The farming activities that are usually practised on the hitherto pastoral lands through encroachment are the potential source of conflict. The Borana Oromo (Boran) are numerically the dominant group inhabiting the Borana zone. The area is endemic to conflicts between these rival pastoral groups over resources. During the 1990s, the frequency and magnitude of conflicts increased. For instance, in 2000, three major conflicts occurred between the major pastoral groups (Boran *versus* Garri, Merehan *versus* Digodi and Digodi *versus* Boran). 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).

According to a United Nations Development Programme (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 times of complete failure of rainy seasons in northern Kenya and south-west 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 perceived and ranked various risks to their livelihoods and found that reliable access to food, feed and water were the most common sources of risks in the area, these being related to drought, market inefficiencies or insecurity.

Institutions of Conflict Resolution and Natural Resources Management in the Borana Zone

The traditional mechanisms of resolving conflicts and managing natural resources (i.e. water, land and forests) in the Borana zone is derived from the Oromo institutions of *gadaa*, *aadaa*, *seera* and *safuu*, and the associated cultural administrative structure.

Gadaa is a system of social organization based on age-grade classes of the male population that succeed each other every 8 years in assuming economic, political, military and social responsibilities.⁶ A complete *gadaa* cycle consists of five or six age-grades, excluding those stages following *luba* (see Table 9.1). The number of age-grades is cited differently in various literatures. For example, Gumii Bilisummaa Oromiyaa (2000) reports five grades in the whole cycle of the *gadaa* system whereas Constantinos (1999) and Workneh (2001)

Table 9.1. Different gadaa grades with their corresponding roles (adapted from Constantinos, 1999 and Workneh, 2001^a).

Grades	Designation	Age limit	Remarks	Specific role in society
1.	<i>Dabballee</i>	0–8	Child is born; stage of childhood	None; immature, sons of the gadaa class or the luba; only symbolic role as mediator between God and humans
2.	<i>Foollee</i> (<i>Gaammee xixiqoo</i>)	9–16	Naming ceremony at home or <i>Nura Shrine</i> in <i>Liben</i> if <i>Ilmaan jaarsaa</i> or <i>Ilmaan korma</i> , ⁷ respectively	Some look after small stock around <i>ollaas</i> ; perform light work
3.	<i>Qondaala</i> (<i>Gaammee gurguddoo</i>)	17–24	Intensification of the 2nd stage	Take livestock further away from <i>ollaas</i> and begin drawing water from <i>Eelaa</i> ; can go long distances to hunt; perform heavy work
4.	<i>Kuusaa</i>	25–32	Politically significant	Nucleus of future gadaa leaders emerges through nominations by the current gadaa class (see grade 6, below); the nominated future luba are formally installed in office; however, they do not yet assume full authority
5.	<i>Raabaa doorii</i>	33–40	This and the kuusaa grade constitute a period of preparation for the assumption of full authority	Important military wing of the gadaa system; conduct raids; protect Boran territory and resources against enemies; men are allowed to marry
6.	Gadaa (Luba)	41–48	Politically the most active	Leadership grade – the most important of all stages; Luba assumes power/office; transition is marked by leadership ceremony; visit all Borana regions, settle serious disputes and convene assemblies
7.	Yuba I	49–56	Retirement stage	Advisory role in the society; receive a great deal of respect as wise, experienced authorities and repositories of law
8.	Yuba II	57–64	Retirement stage	
9.	Yuba III	65–72	Retirement stage	
10.	<i>Gadaamojji</i>	73–80	Marked by rites at different sites	Senior advisor
11.	<i>Jaarsa</i>	> 80	Stage of old age	At a stage to be cared for

^a Grade designation and age limits differ slightly between the two sources.

recognize six grades, regardless of the stages following luba.

The gadaa system organizes Oromo social life around a series of generation grades that assign obligations as well as rights to all the males in the society. Each man born to or adopted by Oromo parents is automatically placed for life into a ready-made pattern of positions and moved through it, performing various services for the public and also receiving certain privileges. Each man contributes his

labour power in different capacities to the society as a whole.

The grades are also periods of initiation and training as well as periods of work and performance. The roles and rules attached to the age-grade system are the most important elements that regulate the gadaa system. Every Oromo man of specific age-grade is expected to perform a certain function according to specified rules and regulations. When an Oromo man passes from one stage to the next, his duties and way of life in

society also change. For instance, during the grades of *qondaala*, *kuusaa* and *raabaa doorii*, individuals learn war tactics, Oromo history, politics, ritual, law and administration over a period of 24 years. When they enter the gadaa class or *luba* at the age of about 40 years, they have already acquired all the necessary knowledge to handle the responsibility of administering the society and the celebration of rituals.

This process ends with the partial retirement of the whole group of elders to an advisory and judicial capacity. 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 previously been. They turn the bulk of their attention to private family businesses or religious activities while their sons enter gadaa, the public service.

Luba is the ruling grade. Its members hold all political authority, elect representatives to attend a national convention called *coffeee*, where the laws of the land are amended by the vote of tens of thousands of *lubas* and where officials are elected to administer the society in a wide variety of capacities. The *coffeee* elects nine gadaa officials. The following are the gadaa officials and their duties:

- *Abbaa bokkuu* or *abbaa gadaa* – president.
- *Abbaa bokkuu I* – vice-president.
- *Abbaa bokkuu II* – vice-president.
- *Abbaa coffeee* – chairman of the assembly (*coffeee*).
- *Abbaa dubbii* – speaker who presents the decision of the presidium to the assembly.
- *Abbaa seeraa* – memorizer of the laws and results of the assembly deliberations.
- *Abbaa alangaa* – judge who executes decisions.
- *Abbaa duulaa* – in charge of the army.
- *Abbaa sa'aa* – in charge of the economy.

These gadaa leaders are elected on the basis of wisdom, bravery, health and physical fitness (Workneh, 2001). Slight differences are observed among the Oromo communities across Oromia in the way they practice gadaa. The Boran have kept the system more intact than the Oromos in the other areas because of their relative isolation from external influences. In the case of the Boran, the entire gadaa presidium, consisting of nine

members, is called *Saglan Yaa'ii Boran* (nine of the Boran assembly). The current *abbaa gadaa* or *Bokkuu* (the president) is called *Guuyoo Goba*; he is the legitimate leader of the Boran. If the gadaa officials fail to carry out their duties, the *coffeee* can replace them by another group from among the same gadaa class, which proves how accountability is entrenched in the governance system.

One major economic function of gadaa is the distribution of resources, by establishing who had to help whom, when and why, by settling conflicts between families over goods and by making laws. It is the system that governs the Boran's use of natural resources and enables the various groups to coordinate their use of important resources like water. 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. Thus the elders in the community form a dominant component of the customary mechanisms of conflict management and natural resources management (Watson, 2001; Dejene, 2004; Desalegn *et al.*, 2004).

The authority held by the elders is derived from their position in the gadaa system. 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 *ollaas* or *araddaas*, or *maddaas*, 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.

Tache and Irwin (2003) also present evidence of how the diverse local communities, both Oromo and non-Oromo, in the Borana zone of Oromia coexist under the traditional negotiated systems of shared management of natural resources. Conflicts tend to be rapidly resolved through the traditional conflict resolution mechanisms.

The foundation of the gadaa system is rooted in the informal or customary Oromo institutions of *aadaa* (custom or tradition), *seera* (Boran laws), *safuu* (or the Oromo concept of Ethics) and *heera* (justice). These institutions form indigenous systems of knowledge and include the rules and regulations that determine access to natural resources. They define the access and the rights that a group has to natural resources. In the Borana zone, individuals, groups and organizations have different statuses regarding access to resource and use rights, and these institutions define their differentiated access and use. These indigenous institutions are rehearsed with both regularity and rigour and supported by networks of kin, and institutionalized in meetings and rituals. Natural resource access is governed by the combination of these different institutions, which are also conflict-resolution institutions and are uniquely placed to assist in tackling the interlinked problems of the environment, welfare, and conflict. The *aadaa* and *seera* are rehearsed at a meeting that is held every 8 years in Borana. *Aadaa* sanctions the different strategies that the Boran institutions at all levels adopt and restrict access to those parts of the pasture within their jurisdiction.

However, it is worth noting that gadaa is a male-oriented, socio-political and cultural system and excludes the Oromo women from its political and military structures. Taking the case of the Boran, Legesse (1973) states the following 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 by 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 defence of Boran camps, wells, herds, and shrines.

However, there are parallel female-oriented institutions to gadaa known as *ateetee* and *siiqqee* institutions (Megerssa, 1993, unpublished PhD dissertation; Hussein, 2004). 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. Similarly, as a check and balance mechanism, *siiqqee* was institutionalized and women formed parallel organizations of their own that actively excluded men.

Another important informal institution with relevance to conflict resolution is the institution of *araara* (literal meaning, reconciliation) and *jaarsummaa* (literal meaning, the process of reconciliation between conflicting individuals or groups by a group of *Jaarsaas*). Dejene (2004) reported the effectiveness of the *araara* institution between the Karrayyu Oromo of the Upper Awash and its neighbouring ethnic groups like the Afar and Argoba. *Araara* is 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).

The Local Cultural Administrative Structures of Borana

In addition to the rules, laws, norms, customs and ethical values embedded in the gadaa system there are integrated sets of cultural administrative structures that regulate access to water, land and forests (see Table 9.2).

Water 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

Table 9.2. Integrated sets of cultural administrative structures that regulate access to water, land and forests.

No.	Level of organization	Equivalent English terms or description
1.	<i>Warra</i>	The warra is the household; it is administered by the male head of the household, the <i>abbaa warra</i> , which literally means the father of the house.
2.	<i>Ollaa</i>	The ollaa is the smallest unit of settlement. It consists of between 30 and 100 warras. The head of the ollaa is called the <i>abbaa ollaa</i> (father of the ollaa), who is usually the first man to have founded that olla – or the senior descendant of the person who is considered to have done so.
3.	<i>Araddaa</i>	This is a small group of ollas – usually two or three only – who may cooperate together in their grazing patterns; they may jointly delineate and fence off grazing area for calves.
4.	<i>Madda</i>	This is the water point surrounded by a grazing land which is used by all those who use the water source. The <i>abbaa madda</i> , literally the father of the water source, is the authority at this scale of administration; he is the most senior male descendant of the man who originally found and excavated that water source; as he owns the water source and he has first right to it; he can decide who can and cannot use the water source. Related to this is the <i>abbaa konfi</i> , who owns ponds (developed through excavations), and the <i>abbaa herregaa</i> – an official responsible for the day-to-day supervision of watering procedures, including the maintenance and cleaning of wells, enclosures and environs; he is assigned at a meeting of the clan group council known as <i>kora eelaa</i> .
5.	<i>Dheedaa</i>	This is the wider unit of grazing land used by different ollas and araddas. This spatial administrative unit is administered either by a council of elders (<i>jaarsa dheedaa</i>) or by an individual known as <i>abbaa dheedaa</i> . The size of the madda and dheedaa may vary and the boundaries may overlap.
6.	Borana-wide	The <i>abbaa gadaa</i> and his councillors are the governing body of Borana. The <i>abbaa gadaa</i> is the man who is elected to lead the Borana.

most of the indigenous institutions of Boran over the last 30 years, those concerned with the administration of water have sustained their importance (Homann *et al.*, 2004). It is important to note that access to water and grazing land is fundamental to the survival of Boran pastoralists because of the inherent nature of the ecological setting of the Borana zone. Thus, the water and land management functions of the gadaa system remained relatively robust.

Homann *et al.* (2004) gave detailed accounts of Boran'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 home-stead.
- Progressing dry season (water scarcity): the drinking frequency of cattle is gradually and subsequently reduced to 1 day (*dhabsuu*),

2 days (*limaalima*) and finally 3 days (*sadeen*).

The coordination 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*).

Traditionally, the Boran clearly define 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*) that 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 30 m and water is drawn by a row of people standing one above the other and passing up containers of water. There are nine *tullas* throughout the Borana zone that 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*.
- Rivers.
- Temporary ponds.
- Rainwater harvesting.

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 landownership on the shoreline of the sources (the riparian rights doctrine). Watson (2001) reports that, in some cases, the rights to water from these sources have been privatized and are sold by individuals and groups. The access to these sources is characterized mainly 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 these.

By contrast, hand-dug ponds and wells are regulated and they are the most important sources of water as they are the most reliable and labour-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. 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 the watering of animals. It depends on the membership of the clan of the *abbaa konfi* and on the contribution to the labour of constructing the wells. Animals are given water according to a strict rotation: 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 aadaa and seera forbid the denying of anyone access to water or the request for its payment. 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).

Relationship between Statutory and Customary Institutions

Watson (2001) provides a thorough account of the professed interests of various NGOs in working with indigenous Boran 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) stated 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 from other zones of Oromia and other regional states of Ethiopia. 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 KAs, and the gadaa institution in the Borana zone (Tache and Irwin, 2003; Homann *et al.*, 2004). 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 – the 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 (micro–micro) and macro–micro conflicts over the use of natural resources are common in 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 for maintaining 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 only 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 resource allocation and resolution of conflicts. Limited state understanding of the role played by the gadaa system has diminished the efficacy and relevance of this customary institution in conflict management in Oromia in general and in Borana in particular, which has contributed to the degradation of rangelands and weakened the resilience of pastoralists to droughts.

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. 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 for 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 of what and by whom to the local communities should be established through customary institutions.

In the Boran tradition, natural resources management and conflict resolution are combined; and as a result of the great respect the customary institution receives from the local communities, it 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 overruling the indigenous institution's decision) should be avoided. In general, the whole effort of the government should be directed at natural resources development, leaving the management and operational

aspects to the traditional institution. Yet, the local community should be given a say in the development projects starting right from the planning stage. Furthermore, 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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Endnotes

¹ The word *Derg* (or *Dergue*) means a committee or a council in Amharic, one of the many languages spoken in Ethiopia. In the present context it refers to a coordinating committee of the armed forces,

police and the Territorial Army, which ruled Ethiopia from 1974 to 1987 after ousting the government of Emperor Haile Selassie.

- ² A *Woreda* is one of the administrative divisions of Ethiopia immediately one step down the zonal administrative divisions.
- ³ It is important to distinguish Borana or the Borana zone as an administrative unit from Borana Oromo or simply Boran, which is one of the Oromo clans inhabiting the Borana zone of Ethiopia and northern Kenya.
- ⁴ It is also important to distinguish the ethnic Somali of Ethiopia residing in Somali Regional State from Somalia, which is one of the countries in the Horn of Africa.
- ⁵ The ethnic identity of the Garii pastoralist group is usually a major source of contention. Some members of this group identify themselves with Oromo, while others claim to be Somali.
- ⁶ For a detailed account of the *gadaa* system of the Oromo society see Asmerom Legesse (1973, 2000).
- ⁷ The place for undertaking the naming ceremony of a child depends on the age of his father. The ceremony is usually conducted at a place called Nura Shrine, except when a child is born to a *jaarsaa* (stage of old age).

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