



March 2021

# GADAA SYSTEM AND WOMEN'S RIGHTS

**The Role of Oromoo Women's  
Customary Institutions in Ensuring The  
Protection of Rights of Women**

Muluken Kassahun (Assistant Professor of Law)

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March 2021



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## Dedication

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This Book is dedicated to Artist Hacaalu Hundessaa, My Grandfather (Zawude Bekele) and Grandmother (Boggee Kumsaa), who passed away on 29<sup>th</sup> June 2020, 29<sup>th</sup> September 2020 and 29<sup>th</sup> January 2021, respectively.

**Rest in Peace! Rest in Paradise!**

---



**“Death is something inevitable. When a man has done what he considers to be his duty to his people and his country, he can rest in peace. I believe I have made that effort and that is, therefore, why I will sleep for the eternity.”**

**Nelson Mandela**

## Acknowledgments

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I would like to express my gratitude to the Center for Advancement of Rights and Democracy (CARD Ethiopia) for their logistical and financial support and for selecting me to this outstanding research fellowship. The author would like to thank Dr. Meron Zeleke, Associate Professor at Addis Ababa University and Editor in Chief of Ethiopian Journal of Human rights for her wholehearted advice and critical comments. The author also wishes to thank the CARD Ethiopia staff members-Atnafu Berhane, Befekadu Hailu, Addisalem Gobena and others for their valuable assistance and guidance that helped me to successfully accomplish the task. My sincere thanks also goes to Dr. Girma Gezahegn, the language editor, and Brook Abdu, who assisted me in translating this research from English to Amharic language.

I am also thankful for the following data collectors: Guyo Gufu (*Booranaa*), Jafa Aliyi (East *Harargee*), Dedefo Geleto (*Arsii*), Yusuf Kalu (*Baalee*), Frew Zewdie (East *Shawaa*), Abdulkadir Jemal (*Bishooftuu* and *Burraayyuu*), Anwar Hassen (West *Shawa*), Bonsa Shume (*Jimma*), Juhar Sultan (ANRS *Oromoo* Nationality Zone), Aynalem Bezabih (*Iluu Abbaa Boor*), Zawdie Fikadu (East *Wallaggaa*), and Sadam Hussein (*Fimfinnee*) Addis Ababa). I am also indebted to the facilitators of the FGD, namely Amiin (*Jimmaa* Zone *Oomo Naadda* district), Mohamed Asefa (*Mettu*), Tigist Dayyas (*Nekemte*), Abbaba Fiixee (*Amboo*), Mohammad Kiyar (*Harar*), Kulula Areero (*Booranaa*), Qaasim (*Arsii* Zone *Tiyyo* district), Ahmed Ibrahim (*Kemise Wallo*), and Lammessaa (Meki, East *Shawa* zone).

My sincere thanks also goes to Ob. Cherinet Wakweya and Amsalu Tamasgen (*Nekemte*), Jaatanii Diidaa (*Yaabelloo*), Wandee (*Bule Horaa* University Afaan Oromoo Department), Ibsa Diksisa (*Bule Horaa*), Asst. Professor Lenin Kuto (Oromia State University), Kadir Haji, Saaraa Dube, and Kadir Fucharo (*Shashemene*), Birraa (OBS TV) who guided, assisted and offered me relevant sources and references for this study. My special thank goes to Oromia Culture and Tourism Bureau (OCTB) and their respective Zonal and District Culture and Tourism Offices for facilitating and guiding me and my data collectors to get vital research participants at the study site. I would also like to thank Graphic Designer Armonium Solomon and his team, Mooti and Beekan from OCTB for their assistance and providing me necessary pictures for this research. Last, but not least, my sincere thank goes to Ameha Mekonnen, who assist me to get this superb opportunity.



## Acronyms

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- ANRS** . . . . . *Amhara* National Regional State
- Art** . . . . . Article
- AUC** . . . . . African Union Commission
- CEDAW** . . . . . Convention on the Elimination of All Forms of Discrimination Against Women
- CSO** . . . . . Civil Society Organizations
- DEVAW** . . . . . Declaration on the Elimination of All Forms of Violence Against Women
- FDRE** . . . . . Federal Democratic Republic of Ethiopia
- FGD** . . . . . Focused Group Discussions
- FGM** . . . . . Female Genital Mutilation
- GTP** . . . . . growth and Transformation Plan
- Hr** . . . . . hectares
- Htps** . . . . . Harmful Traditional Practices
- ICCPR** . . . . . International Covenant on Civil and Political Rights
- ICERD** . . . . . International Convention on the Elimination of All Forms of Racial Discrimination
- ICESCR** . . . . . International Covenant on Economic, Social and Cultural Rights
- PASDEP** . . . . . Plan for Accelerated and Sustained Development to End Poverty
- Popn** . . . . . Population
- UDHR** . . . . . Universal Declaration of Human Rights
- UNESCO** . . . . . United Nations Economic, Educational, Scientific and Cultural Organizations



## EXECUTIVE SUMMARY

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Women constitute half of the world's population, and they are part of the community who give birth to the other half of the world population. However, they face structural inequalities in many parts of the world because of patriarchal social construction. Patriarchy can be eradicated by individual and societal actions, as it is not inborn and eternal in nature. In Ethiopia, the customary women institutions struggle against patriarchy and male domination predates the modern governmental and nongovernmental organizations, which are engaged in women's rights. However, they are neglected and sometimes considered as an antagonist of human and women's rights up on the introduction of formal laws and institutions. The top-down government and other stakeholders' efforts to ensure the rights of women have been less effective particularly in rural areas since it lacks vernacularization to the local context and unfamiliar with cultural values of the local community.

This research investigated the potential role of Oromoo women's customary institutions in ensuring the realization of women's rights protection. The study was conducted at 12 zones of Oromia National Regional State and Oromoo Nationality zone of Amhara National Regional State. The research adopted a qualitative research approach with ethnographic design to understand the practice from an emic perspective. The tools of data collection included interviews, Focused Group Discussions, observations, literature reviews, legal and policy analysis, and audiovisual sources. The data were collected from Abbaa Gadaa's, Haadha Siinqee's, women and men elders familiar with the issue, journalists who worked on the area, eight study area universities, Culture and Tourism offices, and Women and Children Affairs Offices found at different levels of the study sites.

The research examined the theoretical, legal, policy, and institutional frameworks related to culture, women's rights, and customary women institutions. Accordingly, the cultural claim was used as one defining element of various feminism movements from different dimensions. For instance, liberal feminism, radical feminism, cultural feminism, ecofeminism, multicultural

feminism, psychoanalytic feminism, and social construction feminism base their argument on the existence of patriarchy and female subordination rooted in culture. There are also debates on the status of women at customary courts as to whether they are discriminated against or not.

The international and regional human rights treaties and non-treaty instruments try to balance the commitment to gender equality and the desire to respect cultural diversity through limiting cultural rights in the event that contradicts with women's rights. Those instruments mandate state parties to modify, change or abolish customary practices, which are harmful to women and human rights, and to promote the right of women to participate in valuable cultural practices. At the national level, about 25 world constitutions regulate the rights of women from the perspective of customary matters.

In Ethiopia, the right of women, and the right to promote one's own culture are recognized, while harmful traditional practices are proscribed in different legal, policy, and strategic frameworks of the country. Moreover, several governmental organs at different levels and non-governmental organizations are engaged in promoting rights of women and are working to eradicate harmful practices. However, almost all the legal, policy, strategic and institutional frameworks focus on implementing government law and encourage direct intervention to eradicate harmful practices rather than working with customary institutions on such issues. For example, they failed to consider customary woman institutions as an agent of change and transformers of culture.

According to Oromo worldview, women have a great role and status in the society. They are entitled to high status and honor of Waayyu in relationship with people. In the early Gadaa system of governance, the interests of women were incorporated in the five Gadaa system foundational pillars, namely liberating the law (rule of law); realizing economic progress of the people; transforming the social structure to the advanced level; political leadership and Waaqeffannaa religion. For instance, the law of 'muka laaftu' (law of soft wood) ensured positive discrimination through giving an affirmative action for women by considering their vulnerability and biological factors attributed to reproductive issues. Concerning representation within the legislature, among Maccaa Oromo, out of 45 Caffee legislative assembly members,

22 seats were reserved for women to represent women and girls between 9 and 80 years. In the Siikko Mandoo Gadaa system out of 360 assembly members, women had 180 seats of the Caffee. There were also several leadership roles that women were part of. These include Haadha Urjii, Haadha Siinqee, Haadha Nagaa, Haadha Gadaa, and Haadha Garambii.

Currently, multiple customary women institutions serve as an agency of women empowerment among the Oromo. Women have their own exclusive indigenous institutions and systems that support their socio-economic and political participation in the society, starting from childhood period. Those institutions engaged in multifaceted tasks. Among other things, the institutions are called Siinqee, Saddeeta Hanfala, Ruufoo Marabbaa, and Ateete ensure active participation of women in the political governance of the Gadaa system, defending women's rights, engage in dispute resolutions, and represent symbolic spiritual connection of women close to God. The institutions of Kaarilee, Guutimaala, and like are exclusively dedicated to promoting women's interests in the Gadaa system. They also play check and balance role in the activities of Gadaa governance.

Other women institutions such as girls institution (like Addooyyee, Ingiccaa, and Gaarayyuu), marriage related songs and rituals (like Mararoo, Rakoo, and Meendhichaa), motherhood institutions (like Faatimaayyee, Ciifre, and Shanan), and womanhood institutions (like Asaraa and Hoofuu) represent women's agency towards socio-cultural activities of the society. They ensure women's autonomy to make decision-making, freedom of movement questions, and control over the spending of women, which are part and parcel of micro and meso level psychological, socio-cultural, and familial/ interpersonal empowerment dimensions. The self-help institutions of Gumaata, Marroo, Ayyoo Meetoo, and Wijjoo serve as institutions of women's economic empowerment and social security system.

Those customary institutions of women play an important role in ensuring and promoting the civil, political, socio-economic rights, and group rights of women. Specifically, the right to security and integrity, right to honour and reputation, right of access to justice, right to immunity from liability, right to political participation, right to information and freedom of expression, freedom of movement, assembly, and demonstration, freedom of

association, and marriage related rights are enjoyed by women in practicing above listed customary institutions. Concerning socio-economic and cultural rights, different customary institutions of women guarantee property rights, labour related rights, right to social security, right to health and access to food for free, reproductive rights, right to participate in social and cultural life, and girl's rights. Among solidarity rights, the right to peace and development are the major rights, which are promoted by different customary institutions.

In practice, those customary institutions are vibrant in several areas among rural communities. On the other hand, a number of such institutions face the risk of disappearance. This research identified the major factors that challenges those customary institutions efforts to ensure the realization and promotion of the rights of women. The first factor is attributed to limitations of those customary women institution themselves. For instance, some belief and practices are inconsistent with human rights and positive laws of government, cultural diffusion among society due to influence of religion, urbanization, modern education, and western model modernizations, patriarchic societal structure, limited leadership capacity to transform and adapt into current generation need and development, absence of codification of cultural rules, conflict of interest and other related factors curbs the customary women's institution to ensure women's rights based on indigenous knowledge.

The Ethiopian policy and legal frameworks give insignificant recognition to the role of customary institutions in promoting human rights including rights of women. They focus on eradicating harmful traditional practices rather than empowering valuable customary practices to defend women's rights. The government also plays a lesser role in shaping and modifying patriarchal customary rules to be gender-sensitive and inclusive. Besides, the non-establishment of customary courts based on the constitution undermines their role in promoting human rights. Institutionally, the stakeholders concerned are not committed to empowering and integrating indigenous customary institutions to work on the realization of human rights in general and women's rights in particular.

Based on the finding of the research, the author forwards the recommendations to the pertinent stakeholders. Accordingly, the

government should bear both positive and negative obligations to ensure the role of women's customary institutions in protecting their rights. To do so, adopting an optimistic inclusionary and integrative bottom up approach towards valuable customary institutions and practices are more important than focusing on direct intervention and a top-down approach to eradicate harmful practices that may endanger cultural autonomy. The customary institution leaders and the elites should also cooperate and work together to balance and harmonize customary practices and knowledge with modern dynamic life style and human rights.

Overall, no rights are fully realized without involvement of society in general and women in particular. Gender inequality cannot be rectified only by the effort of formal governmental institutions. It needs a coordinated effort of NGOs, Media, and societal actions at the grass-roots levels. Empowering the local customary women institutions to fight for their own rights is necessary to achieve the intended vision and target. Solving women's problems requires women's solutions especially in vernacularizing the universal human rights and transforming cultures.

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# 1. CHAPTER 1: INTRODUCTORY PART

## 1.1 Background of the Study

Women constitute half of the world's population, and they are part of the community giving birth to the other half of the world population. They are not only architects of society in terms of giving birth and socialising generations, but they are also the backbone of empowering generations, facts that often go missing. That is why Nawal el Sadawi states,

**“You cannot have a revolution without women. You cannot have democracy without women. You cannot have equality without women. You cannot have anything without women”.<sup>1</sup>**  
**Nawal el Sadawi**



However, in reality, they are excluded from productive areas and are often confined to the reproductive functions of care-taking children, while also engaged in unpaid domestic works. In other words, despite their significant number and great contributions, they remain marginalized from socio-economic and political activities.

In many parts of the world, women disproportionately face structural inequalities. For instance, women constitute about two-thirds

<sup>1</sup> Joseph Mayton, Nawal El Saadawi Interview, The Progressive Magazine, December 12, 2011, <<https://progressive.org/magazine/nawal-el-saadawi-interview/>>

of the world's illiterate and impoverished population.<sup>2</sup> In politics, women only control about a quarter of national legislatures.<sup>3</sup> Moreover, they are often exposed to different forms of violence such as child marriage, harmful traditional practices such as FGM, and many more. These often emanate from patriarchy.

**“In social system that is male-identified, male-controlled, and male-centered inevitably values masculinity and masculine traits over femininity and feminine traits”<sup>4</sup>**  
**The patriarchal structure exists irrespective of any status whether black or white color, developed or developing nation, democratic or authoritarian regime, socialist or capitalist economy, rich or poor, educated or illiterate, atheist or religious society. In other words, patriarchy is not a conspiracy among men rather a dynamic social structure, which is flexible to changing circumstances.<sup>5</sup>**

Every social group in the world has its own cultural practices and beliefs that guide everyday life and interaction.<sup>6</sup> Within such a social structure, some of the cultural practices and beliefs are harmful to specific groups of persons such as women and children, while others are valuable to all member members of the community. Multiple human rights instruments proscribe harmful practices as they outrage human dignity and physical integrity.<sup>7</sup> The patriarchal social structure reinforces harmful customary practices that propagate male domination in every aspect of life. On the other hand, beneficial cultural practices contribute to the realization of human rights and the transformation of society.<sup>8</sup> Several beneficial cultural practices also get global recognition and protection as intangible heritage of humanity by UNESCO.

Such intangible heritages also include women-exclusive cultural practices towards their knowledge production of

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<sup>2</sup> United Nations, 2019 Sustainable Development Goal Report, p. 8.

<sup>3</sup> Ibid.

<sup>4</sup> Mary Becker, Patriarchy and Inequality: Towards a Substantive Feminism, University of Chicago Legal Forum, 1999, Issue 1, p. 22.

<sup>5</sup> Id, p. 30.

<sup>6</sup> N Wadesango et. al., Violation of Women's Rights by Harmful Traditional Practices, Anthropologist, 2011, p. 13.

<sup>7</sup> Ibid.

<sup>8</sup> Peggy Levitt and Sally Engle Merry, The Vernacularization of Women's Human Rights, Human Rights Futures, Cambridge University Press, 2016, p. 34.

women in society.<sup>9</sup> For instance, the cultural lace making in Cyprus; a tradition of embroidery in Hungary; a female-led weaving craft and Culture of *Jeju Haenyeo* (women divers) of the Republic of Korea; rites and craftsmanship associated with the preparation of a bride and costume for a wedding in Algeria; a paper-cut which is a predominantly female pursuit in China; a polyphonic singing in Estonia; festive music, dance and poetic genre in Brazil; a Japanese a show-case talent of local girls during celebration of the New Year; a Palestinian narrative expression indicate female resistance to the expected roles called *Hikaye*; a pottery skills of the women of *Sejnane* of Tunisia; *Nsima* culinary tradition of Malawi; practices and knowledge linked to the *Imzad* of the *Tuareg* in Algeria, Mali and Niger and rites and craftsmanship associated with the wedding costume tradition of *Tlemcen* of Algeria are some of the beneficial exclusive women customary practices inscribed and proclaimed as world intangible cultural heritage of humanity by UNESCO.<sup>10</sup> This indicates, unlike cultures that propagate male dominance, there are also role model women exclusive customary institutions that seek their empowerment in society.

Those women customary institutions, in addition to practicing women's culture can also be used as a tool to eliminate the patriarchal structures in society. Because, as patriarchy is socially constructed, it can be demolished by individual and societal actions including the collective actions of women. In this regard, Adrienne Rich states, "the most notable fact that our culture imprints on women is a sense of our limits. The most important thing women can do for another is to illuminate her actual possibilities".<sup>11</sup> Nawal el Sadawi further notes, "Without unity, women cannot fight for their rights anywhere".<sup>12</sup> At this juncture

**Customary women institutions play a crucial role, not only in defending and realizing women's rights but also in empowering them through expounding the notion of 'women solution for women problems'.**

9 Naila Ceribašić, UNESCO's Program of Intangible Cultural Heritage, Women, and the Issue of Gender Equality Silvana Carotenuto et. al. (ed.) 'A feminist critique to knowledge production', 2014, p. 62.

10 UNESCO, Intangible Cultural heritages, < <https://ich.unesco.org/en/lists>>

11 Biography of Adrienne Rich, Feminist and Political Poet, < <https://www.thoughtco.com/adrienne-rich-biography-3528945>>

12 Joseph Mayton, (n 1)

Hence, as Maya Angelou states “each time a woman stands up for herself, without knowing it possibly, without claiming it, she stands up for all women”.<sup>13</sup>

In Ethiopia, like any other world, most of the customary laws and institutions place women in subordinate and dependant positions to men. They keep women in an inferior position to men by entitling lesser privileges, rights, duties, roles, power, and authority in socio-economic and traditional administrations.<sup>14</sup> This is particularly expressed through limiting their activities to domestic function, committing harmful practices, domestic violence, stereotype, early marriage...etc. In doing so, the community appeals to culture and religion as an excuse for moral standards. This makes the status of Ethiopian women very low in every aspect of life, such as educational level, job opportunity, and wealth, political and social participation.

Ethiopian women were individually and collectively have been trying to defend their rights and empower each other across generations. Meron recounts this as “there are a number of Ethiopian women from different historical epochs known for their military prowess or diplomatic skills, renowned as religious figures, and more. Some played a significant role in fighting against the predominant patriarchal value system”.<sup>15</sup> For instance, according to folktales, Queen Fura of *Sidama*, *Akkoo Mannooyyee* of *Oromoo*, Queen Arawello of *Somali*, and Yekake Werdwet of *Gurage* were known for their contribution in fighting patriarchy and empowering women.<sup>16</sup> Moreover, Empress Menen was also known for her commitment to establishing the first school for girls in 1931 and found the first modern nation-wide Ethiopian Women Welfare Association in 1935.<sup>17</sup> The association gets legal personality in 1953 and had forty branches throughout

13 Juston Jones, When It Comes to Politics, Friendship Has Its Limits, New York Times, July 23, 2007, <<https://www.nytimes.com/2007/07/23/us/politics/23oprah.html> >

14 Etsegenet Kedir, Major Gaps on the Rights of Women in Ethiopia, Master Thesis (Lund University), 2016, p. 71

15 Meron Zeleke “Women in Ethiopia” In The Oxford Research Encyclopedia of African History. Oxford University Press, 2020, Article [forthcoming]. doi:10.1093/acrefore/9780190277734.013.ORE\_AFH-00541.R2

16 አሸቱ ድባቡ፣ ተባለታይ አገዛዝ በአትዮጵያ- ችግሩ እና የመፍትሄዉ መንገድ፣ አዲስ ማተሚያ ቤት፣ 1997 P. 218-223; Akalewold Tessema, Guragie Society's Gender Morality and The Challenge It Faced From Yekakie Werdewet, Master Thesis (AAU), 2015.

17 Alemayehu Bishaw and Jon Lasser, 'Education in Ethiopia: Past, Present and Future Prospects' African Nebula, Issue 5, 2012, p. 56.

the country at the time. Besides, the Armed Forces' Wives Association and the Ethiopian Young Women's Christian Association were also formed during the imperial regime. During the *Derg* regime, the Revolutionary Ethiopia Women's Association was established in 1980.<sup>18</sup> Since the downfall of the *Derg* regime in 1991, a formal structure of Women's Affairs offices established at federal, regional, and local government tiers. Besides, a number of women's civil society organizations have emerged in the country to defend and promote women's rights.<sup>19</sup>

Apart from the above modern associations and formal women institutions, women have been trying to help each other by establishing local institutions at grass root levels such as *Women mahiber* (religious institution) and *Idir* (saving institution to share social event costs like funeral and wedding).<sup>20</sup> Besides, a number of customary women institutions are found in different ethnic groups that promote women's participation in socio-economic and political activities of their respective communities.



**“We need to live in a culture that values and respects and looks up to and idolizes women as much as men”**

**Emma Watson**

In Ethiopia, the indigenous democratic institution of *the Gadaa* system guides the overall aspects of the social, political, economic, and religious lives of the *Oromoo* people.<sup>21</sup> However, the role of women in the *Gadaa* political power has created controversies among scholars.<sup>22</sup> In fact, unlike men, the *Oromoo* women

18 Gemma Burgess, A Hidden History: Women's Activism in Ethiopia, *Journal of Int'l Women's Studies*, Vol. 14(Issue 3), 2013, p.98-99.

19 The Ethiopian Women Lawyers Association was the first and most well-known of these groups. Others include the Addis Ababa Women's Association, the Network of Ethiopian Women's Associations, which has twenty member organizations, and the Organization Against Gender-Based Violence. (Ibid)

20 Ibid.

21 Jeylan W. Hussein, A Cultural Representation of Women in the Oromoo Society, *African Study Monographs*, Vol. 25 (3), 2004, p. 103-147.

22 Tesema Ta'a, The Gadaa System and Some of Its Institutions among the Boorana: A Historical Perspective, *EJOSSAH*, Vol. 12 (2), 2016, pp. 81-97.

lack comparable age-based and generation sets social organization in the *Gadaa* system.<sup>23</sup>

### BOX 1

There are customary women institutions that play a crucial role in promoting the rights of women participation in socio-economic and political activities of Oromoo society such as:

- ▶ Addooyyee
- ▶ Ateete
- ▶ Hiriyye
- ▶ Goraa
- ▶ Ingiccaa
- ▶ Qannafaa
- ▶ Rakoo
- ▶ Siinqee
- ▶ Waayyu and Wiijjoo
- ▶ Ruufoo Marabbaa
- ▶ Gumaata and Ruddii

Can be mentioned as an example.<sup>24</sup> The formation of these customary institutions precedes the modern formal and informal institutions of Ethiopia and has been passed to generation through oral traditions and practices. The customary institutions are quite heterogeneous and vary in the roles they play and activities they engage in. Moreover, they are established based on local norms and values and hence they are widely practiced by their respective community, particularly by those in rural areas.

<sup>23</sup> Temam Hajiadem, Ateete: A Multi-functional Deity of Oromoo Women with Particular Emphasis on Human Rights and Conflict Resolution Management, *Current Research Journal of Social Sciences*, 2019, Vol. 2 (1), pp.15-30.

<sup>24</sup> Abebe Ojjira and Dereje Fufa, Using Oromoo Folk Institutions to Foster Empowerment and Solidarity, 33rd OSA Annual Research Conference proceeding, 2019, p. 178-188.

This research focused on examining the role of different customary institutions of *Oromoo* women in promoting and/or protecting the rights of women. It also tried to explore the way to revitalize those institutions in a manner that defends women's rights and empowering them.

## 1.2 Setting the Scene: The Research Problem on the Contribution of Women Customary Institutions towards Realizing Women's rights

Even if the quest for the enjoyment of universal human rights and self-determination from colonization was realized in the developed and third world countries respectively, the liberation struggle for women's rights from patriarchy is an unfinished journey both in the global north and in global south nations.<sup>25</sup>

To cope with the problem, there are general and separate treaties, non-treaty human rights, and policy instruments that recognize women's rights at international, regional, and national levels.<sup>26</sup> Besides, the four world conferences on women convened by the United Nations (1975-1995) were instrumental in elevating the cause of gender equality to the very center of the global agenda. The Sustainable Development Goal (2016-2030) also includes the goal of achieving gender equality and empowers all women and girls in goal number.

Institutionally, the Commission on the Status of Women was established under the UN as the principal global intergovernmental

<sup>25</sup> Kuwee Kumsa, The Siiqqee Institution of Oromoo Women, The Journal of Oromoo Studies, Vol. 4, 1997, p. 141.

<sup>26</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), Convention on the Political Rights of Women (1952), Convention on the Nationality of Married Women (1957), Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1965), Declaration on the Elimination of Discrimination against Women (1967), Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974), Convention on the Elimination of All Forms of Discrimination against Women (1979), Declaration on the Elimination of Violence against Women (1993) and Beijing Platform for Action (1995), can be mentioned as a women's rights and policy instruments at the global level.

body exclusively dedicated to the promotion of gender equality and the empowerment of women.<sup>27</sup> The CEDAW also established the Committee on the Elimination of Discrimination against Women to oversee the implementation of the rights it guarantees.<sup>28</sup> Under African Union, the AU Specialized Technical Committee on Gender Equality and Women's Empowerment (2006), and Directorate of Women, Gender and Development established to follow up on women's rights.<sup>29</sup>

In Africa, there were similar establishments including the 2003 African Women Protocol (Maputo Protocol), the 2004 *African Union Solemn Declaration on Gender Equality in Africa*, the 2009 *African Union Gender Policy and Agenda 2063*. The African Union 50 years agenda (2014-2063) recognizes the potential role of African women as part of development people-driven under Aspiration number six.<sup>30</sup> In Ethiopia, the Ethiopian women policy was adopted in 1993. Later, the 1995 FDRE constitution and regional constitutions recognized different catalogue of rights of women. The government of Ethiopia also included the women empowerment strategies in different plans such as PASDEP, GTP I, and GTP II. The above mentioned human rights and policy instruments as well as strategies strive to eradicate harmful practices that devalue the rights and role of women and dedicated to promoting the cultures that empower women to defend their rights and roles in socio-economic and political activities.

In Ethiopia, the Women and Children Affairs bodies were also established at federal, regional, and local levels. The above listed bodies are formal institutions established by multilateral agreements and domestic laws to realize the rights of women through making common international agenda but with varying responsibilities. Some informal customary institutions and practices contribute to human rights in general and women's rights in particular.

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27 UN Women, Commission on the Status of Women, <<https://www.unwomen.org/en/csw> >

28 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, Art. 17-22.

29 African Union, Gender Equality and Development, <<https://au.int/en/gender-equality-development> >

30 The African Union Commission, *Agenda 2063, The Africa We Want*, September 2015, p. 11.

In Ethiopia, the *Oromoo* ethnic group has diverse customary institutions that are led by women. There is an account stating that, before the establishment of *the Gadaa* system, the *Oromoo* communities were ruled by a matriarchal social structure where women serve as the Queen of the local community.<sup>31</sup> *Haadha* Sonkooro of Queen of *Maccaa Oromoo*, *Akkoo* Mannooyyee of *Karrayyuu* and *Tiulamaa Oromoo*, Moote Qorke of *Ittu Humbannaa Oromoo*, and *Haadha* Abbonoyyee of *Booranaa* can be mentioned as examples. More over, among the *Gujji Oromoo* four women are said to have successively ruled their community namely; *Akkoo* Qaroye, *Akkoo* Lasi Lasoye, *Akkoo* Qadhoo Qasoye and *Akkoo* Mannooyyee.<sup>32</sup> Later, society deposed the women's leadership and established Men's monarchical system.<sup>33</sup> The unjust treatment by kings led to popular uprising and ultimate downfall of the monarchical regime. The regime was thus replaced by the *Gadaa* system of governance.

## BOX 2

The *Gadaa* system comes up with a balanced approach of separated, but a coordinated institution of both men and women. Accordingly, the men are governed under the age-set system of *the Gadaa* administration, and women have their own institutions such as *Siinqee* and *Ateete* systems.<sup>34</sup> The role of women is limited in the male's administration structure and likewise, the role of men is limited in women's institutions. However, the type of role of men and women in each institution differs from place to place and from one clan to another clan of *Oromoo* society. There is also a check and balance system among men and women institutions.

Later, those customary institutions of *Oromoo* were endangered due to internal and external factors.<sup>35</sup> These include the revival of monarchical system, internal conflict, religious expansion, internal and external territorial expansion, trade, colonial power

31 Diribi Damuse (4th ed), *Ilaalcha Oromoo- Barroo Aadaa*, Seenaa fi Amantaa Oromoo, Ilsaaba Publisher, 2016, p. 190-194.

32 Ibid.

33 Ibid.

34 Id, p. 159-166

35 Jeylan (n 21), p. 115; Tesema, (n 22), p. 83.

influence southern borders, and repeatedly invasion by foreign powers in the eastern part, inter-ethnic marriage, corruption, cultural diffusion...etc weakens the system.<sup>36</sup> Moreover, the centralized administration deposed and devalued the traditional administration. Therefore, their practice is limited to rural areas and the leaders of customary institutions focused on protecting the existing structures from disappearance rather than transforming the culture in line with the advancement of society.

The introduction of new federal structures in 1991 came up with the opportunity to revitalize those institutions. Despite the effect of ethnic federalism in undermining the unity factor of the country, and promoting extreme division and diversity, it constitutionally guaranteed to ethnic groups to promote and develop their own culture, identity, history, and language within their own local territorial boundary.<sup>37</sup> *Oromoo* ethnic group also established its own regional state and adopted the regional constitution starting from 1993 and then after. Besides, *Walloo Oromoo* was structured under *the Oromoo* nationality zone in *Amhara* regional state. The *Oromia* regional state constitutions recognized the right to promote and develop the cultural rights of the people.<sup>38</sup>

However, the original and modified constitutions of the region neither expressly recognized the *Gadaa* system and customary women institutions. Instead, it guarantees the possibility of the establishment of customary courts to entertain personal and family matters based on the consent of the disputant party.<sup>39</sup> Other primary legislations also empower customary arbitration as an optional mechanism to resolve civil disputes and minor crimes of up on complaint.<sup>40</sup> Actually, the reviving of *the Gadaa* system is disappeared areas undertaken in different parts of *Oromia* through electing *Gadaa* system officials including *Haadha Siinqee/Siinqee*. In reality, men institution of *Gadaa* system (*Abbaa*

<sup>36</sup> Jeylan, *Ibid*, p. 115; Ayalew Getachew, Customary Laws in Ethiopia: A Need For Better Recognition? Danish Institute For Human Rights (DIHR), 2016, p. 46.

<sup>37</sup> Federal Democratic Republic of Ethiopia Constitution, Proclamation 1/1995, Art. 39 (2, 3). (FDRE Constitution)

<sup>38</sup> Revised Oromia National Regional State Constitution, Proclamation 46/2001, Art. 39 (1-3).

<sup>39</sup> FDRE Constitution, Art. 34 (5); Revised Oromia Constitution, Art. 34 (5)

<sup>40</sup> For instance, See Oromia Family Law, Proclamation 69/2003, Art. 106; Oromia Rural Land Use and Administration Law, Proclamation 130/2007, Art. 16.

*Gadaa*) is becoming more vibrant than women institutions. The men who run the *Gadaa* institution of *Abbaa Gadaa* are actively participating in socio-political activities and public interest dispute resolutions.<sup>41</sup> Moreover, women institutions found in different parts of the country are promoted from the perspective of tourism, celebration of events, and identity pride rather than working on promoting the rights of women.

Their contribution is less recognized despite their wider publicity and acceptance by the society than formal institutions of the government. Some governmental and non-governmental institutions, scholars, and feminists do not only disparage the importance of customary women institutions to ensure women's rights but they are also more pessimist towards the role of those institutions to realize the rights of women.<sup>42</sup> They focus on direct intervention to eliminate harmful practices against women in one culture rather than empowering beneficial customary women institutions to defend women's rights and eliminate the harmful practices against women by themselves. Greg Mortensen says, "if you really want to change a culture, empower women". This makes the government and other stakeholders' efforts to ensure the rights of women less effective since it lacks vernacularization to the local context. The universally recognized human rights need to be contextualized to local reality within the margin of appreciation.<sup>43</sup> The attempt to directly impose universal human rights without contextualization to local reality may end up with wastage of resources and time rather than realizing the rights.

On the other hand, there are studies, which show that customary women institutions play a crucial role as the agent of change and realizing women's rights<sup>44</sup>. In *Oromoo* society, there are many vibrant women's and girls' informal institutions that symbolize women's equality, participation, and autonomy of decision-making on their own matters. However, the failure of

41 Zemelak Ayitenew, *The Redundant, the Incomplete and the Unconstitutional: An Appraisal of State Constitutions in Ethiopia*, p. 17 < <https://www.researchgate.net/project/Redundant-Constitutionally-Suspect-and-Missing-Provisions-Sections-in-Ethiopian-Subnational-Constitutions>>

42 Mary Becker (n 4), p. 27.

43 Peggy Levitt and Sally Engle Merry (n 8), p. 31.

44 Meron Zeleke. (2015). *Faith at the Crossroads: Religious Syncretism and Dispute Settlement in Northern Ethiopia*. Wiesbaden: Harrasowitz Verlag.

proper recognition of those institutions and neglecting them as an agent of contextualizing and vernacularizing international human rights to local community context makes the realization of women's rights less effective.<sup>45</sup> Moreover, those institutions are endangered in several parts due to cultural diffusion caused by urbanization, western model education and modernization, religion, and other related factors.<sup>46</sup> The purpose of this study was to examine the role customary women institutions play in promoting and/or protecting the rights of women among the *Oromoo* community. In addition, it investigated the roles these institutions play in empowering women at various socio-economic and political domains of *Oromoo* society. In this paper, the term 'women' refers for all sets of women including girls and elderly mothers.

## 1.3 Objectives of the Study

### 1.3.1 General Objective



**The general objective of this study was to identify the potential contribution of Oromo Women centered customary institutions to the realization of the rights of women among communities.**

### 1.3.2 Specific Objectives of the Study

**The specific objectives of the study were to:**

- ▶ Find out the theoretical, conceptual, legal, policy and institutional frameworks related to women and culture.
- ▶ Map out different types of customary women led institutions that serve as agency of women in study areas.
- ▶ Examine the operational logic and multifaceted tasks of customary women-led institutions among Oromoo.

<sup>45</sup> Ayalew Getachew, (n 36), p.42-51.

<sup>46</sup> Ibid; Jeylan, (n 21), p. 115.

- ▶ Find out the role of customary women's institutions play in defending the rights of women, in fighting gender inequality and imbalances, and empowering women.
- ▶ Investigate the challenges customary women institutions face in realizing the protection of women's rights.
- ▶ Find out the ways of integrating and revitalizing the customary women institutions with modern formal institutions that work on human rights.

## 1.4 Research Questions

**In order to achieve above specific research objectives, the major research questions framed as follow;**

- ▶ What are the theoretical, conceptual, legal, policy and institutional frameworks aligned with the role of customary women institutions towards ensuring the protection of women's rights?
- ▶ What is the role and status of women in *Oromoo* customary institutions of *Gadaa* system?
- ▶ What are the major women-centered customary institutions of *Oromoo* that serve as an agency of women empowerment?
- ▶ What are the roles of women-centered *Oromoo* customary institutions in ensuring the protection of the civil and political, socio-economic, cultural, and group rights of women?
- ▶ What are the challenges that affect the women-centered *Oromoo* customary institutions' protection's of women's rights?
- ▶ How can the problems of women-centered *Oromoo* customary institutions be fixed and transformed to ensure the protection of women's rights?

## 1.5 Significance of the Study

This study examined the human rights and feminist approach of *Oromoo* women's customary institutions. It tries to cover the internal diversity of different *Oromoo* communities' cultures in an inclusive manner. The study is expected to enable readers to have a clear understanding of the role of *Oromoo* women customary Institutions to realize the rights of women. The research will be informative to the public and the government about the importance of indigenous institutions in fighting gender inequalities and imbalances, contrary to the dominant discourse accenting their disadvantage. The outcome of this research could also be used by other researchers either as input and point out potential themes for a further inquiry in the future. It can also serve as a baseline study to inscribe proper customary women institutions at UNESCO, like the *Gadaa* system, as intangible heritage of humanity.

## 1.6 Study Sites

The data for this research was gathered from twelve zones of *Oromia* regional state and *Oromoo* nationality zone/ of *Amhara* regional state. The twelve *Oromia* zones were *Arsii*, *West Arsii*, *Baalee*, *Booranaa*, *East Harargee*, *Gujii*, *Iluu Abbaa Boor*, and *Jimmaa*, *Oromia* Special zone including *Finfinnee/Addis Ababa*, *West Shawaa*, *East Shawaa*, and *East Wallaggaa*. Each Zone was purposively selected by considering the spatial distribution of their location with the view to understand the status, variety, and similarity of *Oromoo* women's customary institutions and various cultural practices in these settings. Furthermore, the selection of the sites was done by considering the heterogeneous nature of the institutions and as a way of examining the diversity and similarity of the institutions in terms of defending and realizing the rights of women in each study site. The following table summarizes the geographical and demographic background of each study site.

**TABLE 1**  
Geographical and Demographic Background of the study site

| S.n | Study site                  | Capital     | Total Popn (2007) | No. Cities & Districts | Zonal Area (KM2) | Altitude (m) |
|-----|-----------------------------|-------------|-------------------|------------------------|------------------|--------------|
| 1   | Arsi                        | Asella      | 2,637,657         | 26                     | 20790.85         | 2000-3625    |
| 2   | Bale                        | Robe        | 1,836,907         | 20                     | 67,329.59        | 2'300-4000   |
| 3   | Borana                      | Yabello     | 1,158,000         | 14                     | 37,313           | 750- 1765    |
| 4   | East Harargee               | Harar       | 3,175,295         | 24                     | 2,268,386 hr     | 500-3405     |
| 5   | East Shawa                  | Adama       | 1,429,964         | 11                     | 979,907 hr       | 900-2400     |
| 6   | EastWallagga                | Nekemte     | 1,662,164         | 18                     | 1,315,895 hr     | 750 – 3178   |
| 7   | Ilu Abba Bor                | Mettu       | 958,058           | 14                     | 1,633,157hr      | 500- 2,575   |
| 8   | Jimma                       | Jimma       | 3,261,371         | 22                     | 18,538.8         | 800 –3360    |
| 9   | Oromia Sp. Zo.              | Finfinne    | 637,291           | 9                      | 4,800            | 1700-3600    |
| 10  | ANRS Oromo Nationality Zone | Kemise      | 457,278           | 7                      | -                | 1,400-3,500  |
| 11  | WestArsi                    | Shashe mene | 2,275,923         | 15                     | 12,556           | 1500-3300    |
| 12  | WestGuji                    | Bule Hora   | 1,424,267         | 11                     | 1,208,155 hr     | 1200- 2700   |
| 13  | West Shawa                  | Ambo        | 1,063,095         | 23                     | 1,439,415 hr     | 1,050- 3,500 |

Source: Oromia National Regional State Government Website (<http://www.Oromia.gov.et/web/guest/Oromia-zone>)

## 1.7 Research Design and Methodology

This section presents the methodological approaches used in this study, namely the research design, approach and data collection tools, and the analysis plan. Research designs are 'plans and procedures for research that cover the assessment from wide statements to in-depth techniques of data gathering and analysis'.<sup>47</sup> Research methodology refers to an

<sup>47</sup> Cited in Kerbina Joseph Moyo, Women's Access to Land n Tanzania: The Case of the Makete District, Doctoral Thesis (Royal Institute of Technology, Stockholm), 2017, p. 9.

'extensive method to scientific investigation indicating how research questions should be asked, general preferences for design, sampling logic, analytical strategies, inferences made on the basic findings and the criteria for establishing quality'.<sup>48</sup> Data collection methods are tools used by a researcher to gather information including literature reviews, interviews, and focus group discussions.

### 1.71 Research Design and Approach

The study adopted a qualitative research approach to understand the practice from an emic perspective. Qualitative research is any research that is not primarily based on numeric data. It is a type of research that produces findings not arrived at by statistical procedures or other means of quantification. In general, the method provides an in-depth and interpreted understanding of the social world of research participants by learning about their social and material circumstances, their experiences, perspectives, and histories. In short, the purpose of qualitative research methods is to capture meanings and experiences related to particular phenomena that are not possible to measure quantitatively.

The research also employed an ethnographic inquiry. Ethnography involves telling 'credible, rigorous, and authentic' stories from the perspective of local people, and interpreting these stories in the context of people's daily lives and cultures.<sup>49</sup> In doing so, it respects the complexity of the social world and tells rich, sensitive, and credible stories. In this regard, this study collected and interpreted patterns of behaviors, customs, and indigenous practices of *Oromoo* women customary institutions in the context of people's daily lives and cultures and the ways it ensures the rights of women. Ethnographic research pays attention to the voices of the local community, i.e. the subjects of the research. As such, the researcher took the 'emic' perspective, which is studying from the perspective of the people being studied by penetrating their frames of meaning.

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

### 1.7.2 Data Collection Tools



The data was gathered from both primary and secondary sources. The tools of data collection include interviews, focused group discussions (FGD), literature reviews, legal and policy analysis, recorded audio, and videos. The participants of the research were selected through purposive sampling technique based on their knowledge about the theme under investigation in the research. Accordingly, the participants of the study included *Abbaa Gadaa's*, *Haadha Siinqee*, elderly women and men who were familiar with the issue, Culture and Tourism Bureau officials and experts who worked on the theme, Women, and Children Affairs officials and experts, local journalists, university lecturers who are familiar with the issue, and researchers familiar with the issue.

Concerning data collection from government offices, particularly, in the case of Culture and Tourism office and Women and Children Offices, it included the officials and experts from selected District levels as well as regional and federal officials and experts familiar with the subject matter. Regarding universities scholars, the data was collected from *Amboo* University, *Bulee Hora* University, *Haramaya* University, *Jimmaa* University, *Madda Walaabu* University, *Mettu* University, *Oromia* State University, and *Wallagga* University through interviews, and focused group discussions.

Over 200 individuals took part in the study in the form of interviews and focused group discussions. Data collectors at each study site assisted the researcher. The data collectors were purposively selected by considering their academic background which was linked to human rights, and other related fields, and their familiarity with the study area. In this regard, out of 14 (fourteen), data collectors assigned to each study site, 12 of them submitted their data collection report. The data used in the study was mostly collected through face-to-face interviews and through FGD. Given the circumstances and the methodological inconvenience raised by COVID -19 pandemic and security issues in few cases data were collected through mobile phone.

The research covered participants from different places at each study site. Accordingly, first from *Arsii* zone- the data was collected from participants' from *Asella* city, *Lemu and Bilbilo (Bokoji)*, and *Tiyyo* District. Second, from *Baalee* zone, the data collected from *Robe* city, *Sinana* District, and *Gindhir* City research participants. Third, in *Booranaa* zone research data was collected from Participants from *Yaabel-loo* city, *Dubluk* city, *Gaayo*, and *Dhaas* district. Fourth, in East *Harargee* and *Dirre Dawaa*, the data was gathered from participants in Harar city, *Baabbile* District, and *Dirre Dawaa* city. Fifth, from the East *Shawaa* zone, the data was collected from *Adaamaa*, *Bishooftuu*, *Dugda/Meki* district, and *Awash Melkasa* participants. Sixth, from East *Wallaggaa* Zone, the data was gathered from participants in Nekemte city, *Guuto Giddaa* district, and *Nuunnu Kumbaa* District.

Seventh, from *Gujii* Zone, the researcher collected data from *Bule Horaa* city and district participants. Eighth, in *Iluu Abbaa Boor*, the participants from *Mettu* district and *Mettu* city participated. Ninth, from *Jimmaa* Zone, the data was collected from *Jimmaa* city and *Oomo Nadda* district participants. Tenth, from *Oromia* Special zone, the participants from *Burraayyuu* and *Finfinnee/ Addis Ababa* city took part. Eleventh, from West *Arsii* Zone, the data was gathered from participants of *Shashemene* city and district. Twelfth, from West *Shawaa* zone, the data gathering covers participants from *Ambo* city and District. Lastly, from *Oromoo* Nationality Zone of ANRS the data collected from participants of *Dawa Caffa* district, *Kemise* city, *Sanbate*, and *Baati* area.

### Interviews

The researcher used a semi-structured in-depth interview, in which the questions and orders were predetermined and modified based upon the interviewer's perception of what seemed appropriate. The researcher personally conducted limited interviews (2-5) with key informants in all of the study sites. Data collectors conducted the major parts of the interviews. The number of participants of interviews differed from one place to another depending on the availability and consent of key informants to be interviewed and data collection reports submitted by data collectors. However, the minimum interview at each study site was between four interviews to fifteen participants/ key informants. Totally, in all study

sites, 147 interviews were conducted with key informants/ interviewees. In doing so, the researcher and data collectors used audio recorders based on the consent of key informants. In all study sites, interviews were conducted in Afaan *Oromoo*. Exceptionally, the data collections from *Oromoo* Nationality zone of ANRS and federal organs concerned were conducted in Amharic language.

### **Focused Group Discussions (FGDs)**

The researcher conducted nine focused group discussions to collect additional data. The FGDs were conducted at *Gaayoo* (*Booranaa* Zone), *Tiyyo* district Culture and Tourism Office of *Arsii* Zone, *Mettu* (*Iluu Abbaa Boor* Zone), *Oomo Naadda* (*Jimmaa* Zone), *Nekemte* (East *Wallaggaa* Zone), *Amboo* (West *Shawaa* Zone), *Harar* (East *Harargee* Zone), *Kemise* (*Oromoo* Nationality Zone of *Amhara* Regional State) and *Meki* (East *Shawaa* Zone). The numbers of participants were between six to eight individuals. The participants of FGD were purposively selected with data collectors based on familiarity with the issue. Their composition includes *Haadha Siinqee*, *Abbaa Gadaa*, wou scholars, and local journalists that worked on the subject matter. However, the diversity of composition differed from one place to another depending on the availability of relevant participants. In doing so, the researcher and data collectors used audio recorders based on the consent of FGD participants. All FGDs were conducted in *Afaan Oromoo* language. The researcher did not conduct FGD in the remaining areas due to security concerns following the assassination of the prominent Artist Hacaalu Hundessa, and so he was unable to get the participants at scheduled time.

### **Observations**

The researcher also conducted non-participant observation at each study site. The observation focused on materials, tools, and clothes used for rituals at customary women institutions. The researcher did not get the chance to personally observe personally the actual performances of local women's customary practices due to *Covid 19* restriction placed on collective meetings. Instead, the researcher collected the recorded videos the practices of customary women institutions that were recorded at some of the study sites.

### **Audiovisual Sources**

The researcher and data collectors collected video and audio recordings and documentaries of customary women institutions at the study sites. Those documentary sources were collected from Zonal and/or district communication offices of the study site. Besides, the publicly available video documentaries prepared by *Oromia Broadcasting Service (OBS)* on '*Qe'ee Oromoo*' program, '*Gola Oromiya*' program of *Oromia Broadcasting Network (OBN)*, '*Siinqee*' program of *Oromia Media Network (OMN)*, and '*Ormaaniya*' Program of *Mo'aa TV*. Other documentaries and recordings were also collected from Culture and Tourism office and university scholars and utilized

### **Literature, Legal and Policy Instruments**

The researcher and data collectors collected soft copies and hard copies of literature sources, human rights, legal and policy instruments from electronic sources, study sites Culture and Tourism offices, universities, and bought relevant sources from the market.

## **1.7.3 Data Analysis**

The data processing and analyses were guided by the specific research objectives, research questions, and the conceptual frameworks of the study. The research was analyzed based on the six phases of qualitative research analysis developed by Creswell (2009). Accordingly, first, the researcher organized and prepared the data for analysis. Then, he read through all the data. Thirdly, he conducted analysis based on specific conceptual or theoretical approaches. In the fourth step, the researcher identified themes and search for theme connections. Fifth, he represented the data within a research report and finally, interpreted the larger meaning of the data. In doing so, the data organization, analysis, and summary were assisted by MAXQDA 2020 software.

Moreover, the data was analyzed using a hybrid/mixed of Framework approach and Content Analysis approach to elucidate data thematically and contextually.<sup>50</sup> Content analysis is a literal searching for words, phrases, themes, concepts ...etc in

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<sup>50</sup> John W. Creswell, *Research Design- Qualitative, Quantitative and Mixed Research approaches* (3rd ed), Sage Publication, 2009, p.183.

the content of anything, usually transcribed data. Framework analysis is one of the highly structured forms of qualitative data analysis that organizes data into a series of matrices from which it is possible to conduct case thematic analysis.<sup>51</sup> The key to the framework approach was in the captured synthesis of data, which was the creation of summaries of verbatim data that maintained context, language, and meaning. The unit output of the Framework Approach is the thematic matrix.

## 1.8 Research Ethics

Research Ethics is a key component in all scientific research processes. During the data collection, the researcher was guided by general ethical principles of research such as free and informed consent (to be interviewed, participate in FGDs and to be cited in references), protecting confidentiality, ensuring no harm principle, and respecting the cultural diversity of research participants. The respondents were also informed that their contribution would exclusively be used for the research purposes. Besides, the researcher considered ethical principles by following the medical advice of public health authorities as a way of protecting the informants from *Covid* 19. Accordingly, the researcher and data collector maintained social distancing and took protective measures. The research participants were also advised to take protective measures during conducting interviews and FGDs. At the stage of research analysis and writing a research report, the researcher acknowledged sources of the data in order to ensure academic honesty. Moreover, the researcher deliberately replaced the offensive names/designations used in the early period with references with current official terms for common good. The indigenous *Afaan Oromoo* words are used as it is known by the language to avoid misrepresentation of terms. The author also used Ethiopian naming approach order in citations that follows first name, father name and then, family name, sequentially.

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<sup>51</sup> Ibid.

## 1.9 Scope of the Study

The scope of this research was delimited based on the following grounds;

### Subject Matter

This study focused on customary Institutions led by *Oromoo* women from the perspective of their contribution to ensure the rights of women among *Oromoo* Communities.

### Legal and Policy Frameworks

The scope of this study was limited to demonstrating the legal and policy frameworks that guarantee and limit customary laws and cultural related rights from the perspective of women's rights. This includes examining relevant Federal and Regional constitutions, international and regional human rights instruments relevant to the research, the Ethiopian women's policy, educational policy, health policy, ...etc.

### Geographical

The study was conducted at twelve zones of *Oromia* Regional State and *Oromoo* nationality zone of *Amhara* regional state by considering their geographical variety. The list of each zone is provided under the research method section above.

### Stakeholders

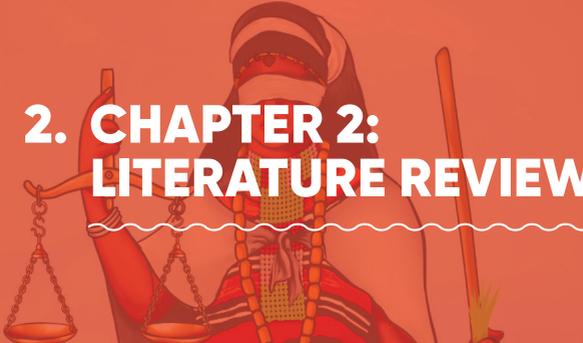
The relevant data for this research was gathered from pertinent institutions, experts and officials, *Haadha Siinqee* (Mother of *Siinqee*), *Abbaa Gadaa*, and elders found at the study sites. The main government institutions included the Women, Children and Youth Office, Culture and Tourism Office established at regional, Zonal and the districts, Authority for Research and Conservation of Cultural Heritage (Federal Institution), Ministry of Culture and Tourism, *Oromoo* Cultural and Study centers. It also included *Afaan Oromoo* Departments and *Oromoo* Study Centre established at universities found in the study site (*Jimmaa*, *Amboo*, *Wallaggaa*, *Mettu*, *Bulee Horaa*, *Madda Walaabu*, *Haramaya*, and *Oromia* State Universities).

## 1.10 Limitations of the Research

This research was constrained by the following factors. Among others, the Covid-19 pandemic and its related restrictions following the declaration of state of emergency challenged the researcher in conducting observation on actual practices of women customary practices of the study site. The security problems following the assassination of Artist Hacaalu Hundessa limited the data collectors and the researcher to gathering data from urban and suburban areas adjacent to the city rather than traveling to remote rural areas of study sites. Moreover, time constraint prevented the researcher to conduct further deep analysis on the subject matter and collected data. The researcher also faced a shortage of secondary sources on local centered customary institutions of the study site. Besides, the closure of various public libraries and university libraries due to the Covid 19 restriction hindered the author from searching relevant data from there. The researcher fixed the aforementioned problems first by taking health and safety precautionary measures during the study and secondly through an exhaustive utilization of available materials and thus was to collect adequate primary data on related issues.

## 1.11 Organization of the Paper

This report is organized into six chapters. The first chapter deals background information on the research problem, objectives of the study, the research questions, research methodology, and data analysis. The second chapter explores the literature review on theoretical and conceptual frameworks, legal and policy frameworks towards the rights of women and traditional institutions that work on defending women's rights and fighting gender inequality. The third chapter describes the status and role of women in customary *Oromoo* institutions with particular reference to the *Gadaa* system. Chapter four examines different types of Oromo women customary institutions with their multifaceted roles that enable them to serve as agency of women. Chapter five analyzes the role of women-led *Oromoo* institutions in promoting women's rights and empowering women. The final chapter presents concluding remarks and recommendations.



## 2. CHAPTER 2: LITERATURE REVIEW

### 2.1 **Problematising the Value of Culture in Protection or Violation of Women's Rights: A Conceptual Reflection**

Culture is one of the contentious areas regarding the protection and promotion of women's rights. Most feminist claims cultural settings as a ground for violation of women's rights and inimical to transform the subordinate position of women. Others contend about the status of women before customary institutions including customary courts whether they are gender-sensitive or not.

#### 2.1.1 **Feminism Theories and Culture**

Feminism is a contemporary social and political movement largely motivated by or concerning the individual and collective experience of women especially in terms of their social, political, and economic inequalities.<sup>52</sup> It is a diverse and competing collection of social theories, political movements, and moral philosophies based on the claim that society is based on patriarchal principles, which results in discrimination against women in public and private life.<sup>53</sup> The feminist activism is a movement that has no national, territorial, and cultural boundaries.

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<sup>52</sup> Cited in Bimer Eyayu and Alemeneh Getaneh, Liberal feminism: Assessing its compatibility and applicability in Ethiopia context, *International Journal of Sociology and Anthropology*, 2018, p. 59.

<sup>53</sup> *Ibid.*



**“Feminism is not about making women strong. Women are already strong. It is about changing the way the world perceives that strength”.<sup>54</sup>**

**Geena Dunne Anderson**

Different feminist schools of thought debate the root causes of women's oppression and subordination. At this juncture, cultural claim is used as one defining element of various feminist views from different dimensions. This sub-section explores how different feminism movements view culture as the root cause and/or solution to women's oppression, subordination, and injustices.

### **Contestations Surrounding Culture; Brief Reflection on Feminist Schools of Thought Theory**

Liberal Feminism is derived from the liberal political philosophy and centers on the core ideas of individual autonomy, universal rights, equal citizenship, and democracy. Liberal feminism argues women's unequal access to legal, social, political, and economic institutions causes women's oppression.<sup>55</sup> Such female subordination is rooted in a set of customary and legal constraints that block women's entrance to success in the public sphere. This situation is mainly centered on the socially constructed ideology of patriarchy that perpetuates inequality between the two men and women. To rectify such problems and secure gender equality, it needs gradual reducing stereotypes, prejudices as well as customary and other practices that perpetuate gender discriminations.<sup>56</sup>

Radical Feminism on its part views the subordination of women through the lenses of sex, gender, and sexuality. Radical feminism began as a political movement to end male supremacy in all areas of social and economic life.<sup>57</sup> They claim the oppression of women by men is a universally existing system of patriarchy

<sup>54</sup> Cova Conversations, <<https://www.thecovaproject.com/cova-conversations/tag/g.d+anderson>>

<sup>55</sup> Katherine Castiello Jones and Michelle J. Budig, Feminist Theory, Encyclopedia of Social Problems- Sage Publications, 2008 <[https://www.researchgate.net/publication/259694665\\_Feminist\\_Theory](https://www.researchgate.net/publication/259694665_Feminist_Theory)>

<sup>56</sup> Bimer Eyayu, (n.1) p. 6.

<sup>57</sup> Ellen Willis, Radical Feminism and Feminist Radicalism, Duke University Press, 1984, p. 91.

and it is supported and organized by many cultural structures.<sup>58</sup> Hence, the liberation of women requires revolutionary change that challenges a full range of patriarchal institutions including the family. Central issues engaged by radical feminists include evaluating and then breaking down traditional gender roles in private and public spheres.<sup>59</sup>

Cultural Feminism theory originally evolved from radical feminism. Radical feminism points out that our society is based on an understanding of the world through the eyes of men and not women. Cultural feminists argue that the problem of male supremacist culture is the problem of a process in which men define women.<sup>60</sup> They advocate for female nature or female essence re-appropriated by feminists themselves to revalidate the undervalued and distorted female attributes. Thus, the cultural feminist reappraisal construes women's passivity as her peacefulness, her sentimentality as her proclivity to nurture, her subjectiveness as her advanced self-awareness, and so forth. According to Echols, "cultural feminist should focus on women's liberation with the development and preservation and building an alternative feminist culture".<sup>61</sup>

Cultural Feminism contributes to the creation of safe spaces for women, including rape crisis centers, shelters, and women's centers that help give women a location dedicated to their needs. The theory also encourages women to feel that their care giving responsibilities have made an important contribution to the world. Some forms of feminism emphasize paid work outside the home as a better path for women, but cultural feminists make sure to celebrate the value of the unpaid work women have performed in the home.<sup>62</sup>

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58 Holly Graff, A Very Short Summary of Radical Feminist Theory and Practice, <<https://www.oakton.edu/user/2/hgraff/WGSSummaryRadicalFeminism.html>>

59 What is Radical feminism? <<https://www.thoughtco.com/what-is-radical-feminism-3528997>>

60 Linda Alcoff, Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory, *The University of Chicago Press*, Vol. 13, No. 3, 1988, p. 408.

61 *Id.*, p. 411.

62 Judith Lorber, *The Variety of Feminisms and their Contribution to Gender Equality*, p. 24 <<http://oops.uni-oldenburg.de/1269/1/ur97.pdf>>

Psychoanalytic Feminism applies Freudian theories to gender inequality. Accordingly, an early childhood experience is believed to shape women's psyches and create differences between men and women.<sup>63</sup> They argue the phallus, a symbol of male power, dominates the patriarchal culture. It focuses on the ways that cultural productions (novels, drama, art, music) reflect and represent the masculine unconscious. Phallic cultural productions are full of aggression, competition, and domination, with an underlying misogynist subtext of fear of castration of becoming women.<sup>64</sup> This feminism theory calls for an androgynous society, possibly created through dual parenting as a solution. Moreover, they called for women to write cultural productions from their biographical experiences and their bodies such as about menstruation, pregnancy, childbirth, and sexuality.<sup>65</sup> In this way, women can resist their suppression by the dominant phallic culture.

Multi-cultural Feminism argues that gender, ethnicity, religion, and social class are structurally intertwined factors for the oppression and subordination of women.<sup>66</sup> Accordingly, the oppression is not marked just by gender or by ethnicity or religion but is in a social location in multiple systems of domination. Men are as oppressed as women, but men and women of disadvantaged groups are often oppressed in different ways. For instance, in the United States, Black men are punished for their masculinity; Black women are seen as sexual objects or mothers. Women face racial discrimination as black, on the one hand, and gender discrimination because of patriarchal culture, on the other, in public and private spheres.<sup>67</sup> Multi-cultural feminism seeks to redress past and present legal and social discrimination of disadvantaged groups in so many societies and to preserve their cultures.

Social Construction Feminism looks at the structure of the gendered social order as a whole. It sees gender as a society-wide institution that is built into all the major social organizations of society.<sup>68</sup> As a social institution, gender determines the distribution of power, privileges, and economic resources. In social construction feminist theory, inequality is the core of gender

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<sup>63</sup> *Id.*, p. 20

<sup>64</sup> Katherine and Michele (n 55).

<sup>65</sup> *Ibid.*

<sup>66</sup> Judith, (n 62) p. 25.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Id.*, p.29

itself: Women and men are socially differentiated to justify treating them unequally. Social construction feminism also analyzes the historical and cultural context in which sexuality is learned and enacted, or scripted.<sup>69</sup> What sexual behaviors are approved, tolerated, and tabooed differs for women and men and varies for social groups over time and place. Social construction feminism argues that the gendered social order is constantly re-stabilized by the individual action.<sup>70</sup> This includes reordering of the gendered division of labor in the family (such as indoor activities for women and outdoor activities for men) and at work (like Managerial positions for men and secretarial position for women). The theory can show where the structural contradictions and fault lines are, which would offer places for individuals, organizations, and social movements to pressure for long-lasting restructuring and a more equal social order for all kinds of people.

Eco Feminism, according to Sherry Ortner, advocates that women are closer to nature and men are closer to culture.<sup>71</sup> Women, because of their biological and psychological nature, are naturally nurturing, intuitive, sensitive, in touch with emotions, contextual. Moreover, women's biology of cycles, procreation, and lactation, gives them a special connection to the earth; women "parallel" and act as nature does.<sup>72</sup> In contrast, the men control the social culture and implicating women as a universal subordinate to men. In order to rectify such negative attitudes and misunderstandings, the current patriarchal society should valorize above women's unique qualities.

**Overall, the feminist activists struggle against culturally imposed male domination by putting women in subordinating positions starting from their early childhood. To eradicate such tendency, they advocate for transforming culture through changing gender-defined roles, valuing women's nature and attributes as well as empowering them in family, social, political, legal, and economic activities and roles.**

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<sup>69</sup> Id, p. 30

<sup>70</sup> Ibid

<sup>71</sup> Is Female to Male as Nature Is to Culture? , <[http://radicalanthropologygroup.org/sites/default/files/pdf/class\\_text\\_049.pdf](http://radicalanthropologygroup.org/sites/default/files/pdf/class_text_049.pdf)>

<sup>72</sup> Cultural Ecofeminism and Critics; Stereotypes of motherhood, etc. <<https://www.uwosh.edu/facstaff/barnhill/ES-243/Cultural%20EcoFism%20-%20Critics.pdf>>

### 2.1.2 The contentions surrounding Women's Status at Customary Courts

The right of access to justice for women is essential to the realization of all the rights of women recognized in international, regional, and domestic human rights instruments. It encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims, and the accountability of justice systems.<sup>73</sup> In many societies, informal justice systems are the primary locus of dispute resolution for the vast majority of the population. In this regard, customary courts are part of non-state informal justice<sup>74</sup> institutions, where women regularly go to seeking a remedy. In practice, there are a number of obstacles and restrictions that impede women from realizing their right to access to justice.

Moreover, there is controversy on women's status at customary courts. The dilemma poses has resulted in two primary approaches. The first assumes that informal systems of customary courts are inherently and irremediably inconsistent with women's rights and promoting women's use of and access to formal courts.<sup>75</sup> The second approach seeks hasty generalization of discrimination of women at customary court were not acceptable. There are model customary women courts that empower them to ensure their access to justice in addition to the positive general features of accessibility, familiarity, and effectiveness.<sup>76</sup> Hence, it needs to transform informal systems to comply with international standards.

The dominant discourse on the position of women within the customary justice systems in the global south including Africa emphasizes customary systems are based on patriarchal social norms that reaffirm a subordinate role for women.

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<sup>73</sup> UN Women, *The Theory and Practice of Women's Access to Justice Programming, A Practitioner's Toolkit*, 2018, p. 81.

<sup>74</sup> The authors recognize the debate on the appropriate terminology as between 'informal', 'customary', 'traditional' and 'non-state'. For this paper, the terms are used interchangeably to refer to a broad range of community-based social regulation and dispute resolution practices that are distinct from, even if influenced by and intertwined with, the state-sponsored formal justice system.

<sup>75</sup> Peter Albrecht et. al (eds), *Perspectives on Involving Non-State and Customary Actors in Justice and Security Reform*, International Development Law Organization, 2011, p. 24.

<sup>76</sup> *Ibid*

According to Meron, the manifestations of gender inequality in customary courts are attributed to exclusion of women from leadership positions at customary courts, the underrepresentation of women as participants and clients of customary courts, and gendered double standards.<sup>77</sup>

Such exclusions are basically entrenched in the overarching patriarchal social organizational structures. Excluding women from mediatory and leadership roles in the customary institutions of conflict resolution derived from the irrational belief of intellectual inferiority on women that assume them as they lack the leadership capacity to discharge responsibilities effectively and efficiently.<sup>78</sup> Such patriarchal tendency not only leads to under-representation and asymmetric gender power-relations in customary courts but also often results in gender-biased decisions that undermine women's rights to access to justice.

Besides, the participation of women is low in customary dispute resolutions. Under representations of women at customary court are manifested through lower participation as plaintiff or defendant, witness, mediator, or arbitrator.<sup>79</sup> In some circumstances, they are represented by male family members to present and defend their case. This hinders women's right to equal opportunity to contest all the arguments and evidence adduced by the other party. The failure of the customary Court to provide full opportunity to each party to challenge the submissions of the other would amount to a violation of the right to a fair trial. Another discriminatory dimension of customary courts is gendered double standards in ownership, possession, administration, inheritance, and compensation including division of property during divorce.<sup>80</sup> In some cultures, women are also exchanged as compensations during the reconciliation of homicide cases.<sup>81</sup> Hence, customary norms place women in a secondary position and make women vulnerable to violations of their rights.

<sup>77</sup> Meron Zeleke Eresso, *Beyond the Exclusion Thesis Women and Customary Courts in Ethiopia*, International Law, and Policy Institute; Oslo; Norway November 2015, p. 3-4.

<sup>78</sup> *Ibid*

<sup>79</sup> *Ibid*; Meron Zeleke et. al, *Women's Property Rights and Claims in Customary Justice Systems: A Case Study of Amboo and Hawassa Zones*, Ethiopian Journal of Human Rights, Vol. III, 2018, p. 5.

<sup>80</sup> Meron et. al, *Id*, p. 34

<sup>81</sup> Dolores A. Donovan and Getachew Assefa, *Homicide in Ethiopia: Human Rights, Federalism, and Legal Pluralism*, *The American Journal of Comparative*

In contrast, there are some customary courts where women have active agency and where their interests are accommodated in the overall court procedures. Accordingly, women in various African communities have a place in leadership positions at customary courts. For instance, in Tanzania *Kaguru* women were entitled to exercise certain power over social activities that were related to inheritance, children, property, and rituals.<sup>82</sup> The *Luo* women of Kenya were at the forefront in the various stages of peace processes like preventive diplomacy, peace making, peacekeeping, and post-conflict peace building.<sup>83</sup> In Ethiopia, also, there are women lead institutions and customary courts that entitle women to present and defend their case equally with their male counterparts. According to Meron, *the Siinqee* institution of *Arsii Oromoo*, *Erfo (Ruufoo) Marabba*, and *Yashaykoch Chilot of Walloo* can be mentioned as an example.<sup>84</sup> In *the Awramba* community, also, women have an equivalent position with their male counterparts in resolving conflicts arising at the household level.<sup>85</sup>

In practice, there are many factors that make women to prefer customary courts over formal courts.<sup>86</sup> This includes geographical proximity of customary justice institutions particularly to remotest rural areas, procedural familiarity, and friendliness, the relevance of norms and values, linguistic clarity, simplicity and approachability, restorative justice element, flexibility of customary forums in customary courts influences women to choose customary courts rather than ordinary courts.<sup>87</sup> Customary courts are also cost and time-wise than ordinary courts. Moreover, the drawbacks of the formal justice system make women to choose customary courts over state courts.

Formal systems are vulnerable to politics and power interests, which may lead to compromising women's rights. For instance, in Afghanistan, the government has pushed for rapid

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Law, June 2003, p. 525.

<sup>82</sup> Meron, (n 77 ) p. 7

<sup>83</sup> Tamar Ezer, Forging Path for Women's Rights in Customary Law, *Hastings Women's Law Journal*, Vol. 27 No. 1, 2016, p. 26; Mengistu Fisseha, *Traditional Conflict Management and Resolution Mechanisms: The Case of Sheko People in Ethiopia*, Ph.D. Thesis (AAU), 2018, p. 176.

<sup>84</sup> Meron (n 77), p. 10

<sup>85</sup> *Ibid.*

<sup>86</sup> Meron et. al, (n 79), p. 16-18.

<sup>87</sup> *Ibid.*

changes in discriminatory practices. However, this undermined their political legitimacy because they were accused of abandoning true Afghan values.<sup>88</sup>

Where international standards are imposed without general societal consent, justice sector personnel, including the police, judges, and prosecutors are likely to continue to act in accordance with the dominant social code.<sup>89</sup> Thus, in many places, judicial personnel send women back to community authorities, where they believe their cases should be handled. Besides, promoting formal mechanisms exclusively will have little impact on the many women who are unable to access the system due to social pressures and lives in remote rural areas. Where women do bring cases to the formal system, those with stronger social power may undermine their access. In other cases, women have been able to get legal recognition of their rights in formal courts, only to find enforcement undermined by social realities.<sup>90</sup>

Formal systems that are effective in upholding international standards may produce adverse and unwanted if unintended, consequences for women. For instance, imprisonment of a husband who commits domestic violence on his wife may leave a woman destitute or even lead to the disintegration of their marriage union. Moreover, in culture reconciliation through compensation is preferred; state punishing of a person commits rape crime may mean benefiting the offender from his fault through entitling rest and protection with free access to basic need rather than ensuring justice for the victim. Here, again, the problem is the gap between these standards and social realities. Women who are victorious from a rights perspective may end up as losers in their daily lives.<sup>91</sup> As this happens, evidence shows that women and/or their families may avoid the formal justice system and seek alternative remedies more in line with socio-economic realities. The unthinking application of a Western state law model may end up with undesirable consequences on women. For example, in Kenya, the introduction of individual land ownership and formalization of title had the unintended consequence of cutting many women off from their usage rights under the pre-colonial

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<sup>88</sup> Barry Walsh and Eric Bartz, *Non-State Justice System Programming- A Practitioners' Guide*, USAID, 2019, p.10.

<sup>89</sup> Peter Albrecht et. al (n 75) p. 27.

<sup>90</sup> *Id.*, p. 28.

<sup>91</sup> *Ibid.*

system.<sup>92</sup> Hence, the expectations for change need to be based on a deeper understanding of the socio-economic and political realities in which formal systems are situated.

Hence, it is important to fix the problem with customary courts and institutions rather than ignoring and getting rid of them. The problems of informal justice systems need to be resolved by eliminating negative features and building on their positive aspects, such as their accessibility, low costs, and general local legitimacy.<sup>93</sup> However, how to achieve this remains a key question that leads to searching for programmatic guidance and best practices. The current thinking and programming generally fall into three approaches. The first is reducing gender-bias in decision-making by educating local justice authorities about human rights and by training them and raising their awareness on how to address sexual and gender-based violence.<sup>94</sup> This assertion is based on the assumption that lack of knowledge underlies discriminatory systems.

The second approach proposed to re-engineer informal systems by introducing new mechanisms and procedures that aim to remedy deficiencies and overcome their lack of responsiveness to women.<sup>95</sup> This approach includes attempts to regulate decision-making structures, for example, by requiring the participation of women; prohibiting discriminatory practices; introducing elements of due process into procedure; and standardizing and modifying customary law. The third approach focuses on the interaction between informal and formal systems, with the aim of clarifying and delimiting clear roles for each by creating formalized interactions between systems or by establishing 'interfaces' between them.<sup>96</sup> At this juncture, the gap between laws and institutions and the social dynamics and reality affects the effectiveness of introducing and implementing either of each approach.

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<sup>92</sup> *Ibid.*

<sup>93</sup> *Id.*, p. 29.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

## 2.2 Existing Human Rights Instruments on Women's Rights and Culture

Both women's rights and cultural rights aim to protect the rights of groups; either women or cultural groups. However, a number of instances indicate clear conflicts between customary law and individual human rights, primarily in relation to women. On the one hand, the imposition of universal human rights may undermine the territorial or cultural rights and integrity of peoples. On other hand, various harmful practices are extremely degraded and violate human rights.

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**“Culture are important to many women in the world, but can also be sources of oppression”<sup>97</sup>**  
**Susan Moller Okin**

Most cultures are patriarchal and most cultural customs aim to control women and keep them in the private sphere. Farida Shaheed, UNESCO's Special Rapporteur in the field of cultural rights, quotes “At present, gender discrimination is so frequently defended by reference to culture, religion, and tradition that it seems safe to conclude that no social group has suffered a greater violation of human rights in the name of culture than women”.<sup>98</sup>

### 2.2.1 International Human Rights and Policy Instruments

Balancing and reconciling the fundamental conflicts between commitment to gender equality and the desire to respect cultural diversity has been guided by the international framework for human rights.

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<sup>97</sup> Leti Volpp, Feminism versus Multiculturalism, Columbia Law Review, Vol. 101, 2001, p. 1182.

<sup>98</sup> UNESCO, UNESCO and Gender Equality in Sub-Saharan Africa-Innovative programmes, 2017, p. 48.

Kymlicka states “Group rights are permissible if they help promote justice between ethnocultural groups, but are impermissible if they create or exacerbate gender inequalities within the group”.<sup>99</sup> Culture cannot be used as an excuse to justify discrimination and deny certain people basic human rights protections. The realization of cultural rights must be carried out in a manner that conforms with and does not lead to a breach of universal human rights. Hence, ‘customary law should neither be arbitrarily demonized nor romanticized’.<sup>100</sup>

In this regard, this section examines the provisions of the major treaty and non-treaty human rights instruments<sup>101</sup> and programs regulate balancing women’s rights with cultural rights.

International Human Rights bill of rights and other conventions recognize the enjoyment of cultural and women’s rights and provides the limitation of exercising cultural rights in the interest of human rights including women’s rights. Accordingly, the UDHR, ICCPR, ICESCR, and ICERD guaranteed equality of rights between men and women, on the one hand, and the right to participate and enjoy cultural life, on the other.<sup>102</sup> The 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and its recommendation (1965)<sup>103</sup> and Art. 2 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) stipulate cultural rights and expressions shall be restricted in the interest of women’s rights. The 1989 Convention on the Rights of Child also incorporates the enabling and constraining aspect

<sup>99</sup> Cited in Eva Midden, *Feminism in Multicultural Societies; An analysis of Dutch Multicultural and Post-secular Developments and their Implications for Feminist Debates*, PhdThesis(Central Lancashire University), 2010, p. 27.

<sup>100</sup> *Id.*, p. 109.

<sup>101</sup> Treaty provisions are legally binding on the states that are parties to the treaty. The instruments called Covenant, Convention, Charter, and Protocol are treaties. While non-treaty instruments are not in themselves binding, they represent the consensus of the international community on standards to which states should conform. Non-treaty instruments are usually called Declarations, Principles, Rules, and Guidelines, and so on. (Amnesty International, *Fair Trial Manual*, 2nd ed., Amnesty International Publications, 2014, p. 2-3.

<sup>102</sup> See Art. 2, 22, and 27 of the UDHR, Art. 3 and 27 of the ICCPR, Art. 3 and 15 (1a) of ICESCR, Art. 1 (1) and 5 e (vi) of the ICERD.

<sup>103</sup> UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962, preamble para. 3-4; UN General Assembly, *Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, resolution 2018 (XX) of 1 November 1965, para. 1.

of cultural practices in relation to children including girl child.<sup>104</sup> Besides, the 1979 CEDAW, imposes a positive obligation on states parties to 'modify . . . social and cultural' practices in the case of a clash with women's rights (Art. 5 (a)), and Art. 2(f) imposes an obligation to 'modify or abolish . . . customs and practices' that discriminate against women. Moreover, the CEDAW general recommendations extensively addressed the rights of women in relation to cultural issues from the perspective of ensuring the right to participation of women in valuable cultural practices and eliminating the harmful customs.<sup>105</sup>

Several non-binding declarations have also tried to address how to balance the commitment to cultural diversity with fundamental human rights and freedoms of women. This includes the 1993 DEVAW<sup>106</sup>, the 2001 Universal Declaration on Cultural Diversity<sup>107</sup>, The Declaration on the Rights of Indigenous Peoples (2005)<sup>108</sup>, The Vienna Declaration and Program Actions (1993)<sup>109</sup>, The Beijing Declaration and Program Action (1995),<sup>110</sup>

<sup>104</sup> UN Convention on the Rights of Child, 1989, Art. 4, 17, 20, 24 (3), 29 (1b), 30, 31 and 36.

<sup>105</sup> See the CEDAW Committee General Recommendation No. 14 (female circumcision), No. 18 (disabled women), No. 19 (violence against women), No. 21 (Equality in marriage and family relations), No. 23 (political and public life of women), No. 24 (women and health), No. 25 (temporary special measures for women), No. 26 (women migrant workers), No. 27 (older women and protection of their human rights), 28 (core obligation of state), No. 29 (Economic consequences of marriage, family relations, and their dissolution), No. 31 (Child and harmful practices), No. 32 (gender-related dimensions of refugee status, asylum, nationality, and statelessness), No. 33 (women's access to justice), No. 34 (the rights of rural women), No. 35(gender-based violence against women, updating general recommendation No. 19), No. 36 (the right of girls and women to education) and No. 37 (Gender-related dimensions of disaster risk reduction in the context of climate change).

<sup>106</sup> UN General Assembly Declaration on the Elimination of Violence against Women, Resolution 48/104, 20 December 1993, Art. 2 (a) and Art 4 (j).

<sup>107</sup> See UNESCO Universal Declaration on Cultural Diversity, November 2001, Art. 4 and 5.

<sup>108</sup> The Declaration on the Rights of Indigenous Peoples (2005) Art. 22 & 44.

<sup>109</sup> See Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, para. 18, 38, and 49.

<sup>110</sup> See Beijing Declaration and Platform for Action, 12 Critical Areas of Concern, (The Girl Child (L. 2)), and para. 60, The Fourth World Conference on Women, Beijing, September 1995.

The Stockholm Action Plan on Cultural Policies for Development (1998)<sup>111</sup>, the UNESCO Priority Gender Equality Action Plan (2014 – 2021)<sup>112</sup>, the UN Economic and Social Council adopted a resolution on strengthening crime prevention and criminal justice responses to violence against women (2010)<sup>113</sup>, the Sustainable Development Goal (2016-2030)<sup>114</sup> stresses on ending all forms of discrimination against all women and girls everywhere in the public and private spheres and empowering women/girls to enjoy the right to free and full participation in cultural life.

### 2.2.2 Regional Human Rights and Policy Instruments of Africa



**Violence against women is not condoned by any culture or religion. We must end it.**  
**Moussa Faki Mahamat,**  
**AUC Chair**

In Africa, the issues of women's rights from the perspectives of culture incorporated in various human rights charters, protocols, and declarations as well as program actions at the regional and sub-regional level. In this regard, the 1981 African Charter on Human and Peoples Rights in its preamble recognized the indivisibility and universality of civil and political rights and economic, social, and cultural rights. Art. 17(1) and 22 (1) of the charter guaranteed individual's the right to take part in the cultural life and people's right to cultural development, respectively. Moreover, it imposed a positive obligation on states to promote and protect community's morals and traditional values, and to ensure the protection of the rights of the woman as stipulated in

<sup>111</sup> See Action Plan on Cultural Policies for Development adopted by the Intergovernmental Conference on Cultural Policies for Development, Stockholm, Sweden, 1998, Objective 2 (8) and 3 (2), Principle 6, and 8.

<sup>112</sup> The UNESCO Priority Gender Equality Action Plan (2014 – 2021), 2014, para. 42.

<sup>113</sup> The UN Economic and Social Council Resolution, Strengthening Crime Prevention and Criminal Justice Responses to Violence Against Women, Resolution No. 2010/15, para. 3.

<sup>114</sup> UN General Assembly, Sustainable Development Goal (2016-2030), Resolution, A/RES/70/1, September 2015, para. 8 and SDG Goal five.

international declarations and conventions including the elimination of any discrimination against women.<sup>115</sup>

The African Union also adopted a protocol on the rights of women (Maputo protocol) and older persons, under the African Charter on Human and Peoples Rights, which directly and indirectly govern women's rights in cultural life by mandating state parties to eliminate all forms of discrimination and harmful practices against women in Africa.<sup>116</sup> Moreover, Article 12 and 21 of the African Charter on the Rights and Welfare of the Child (1990), (Art. 3(a)) and Art. 12(2) of the Charter for African Cultural Renaissance (2006) and Solemn Declaration on Gender Equality in Africa (2004) addresses similar issues concerning women and girls.

Besides, the AU Agenda 2063 aims to ensure that at least 60% of the content of the educational curriculum is on indigenous African culture, values, and language.<sup>117</sup> The African Union Strategy for Gender Equality and Women's Empowerment (2018-2028) stressed to mount a continental campaign, mobilize funding, networks, and scale up national best practices in support of AU initiatives on ending harmful traditional practices.<sup>118</sup> At the sub-regional level, several instruments related to women's rights addressed the issue of rights of women, and cultures were adopted. For instance, Art. 7 of the 2016 Revised Southern African Development Community Protocol on Gender and Development obliged state parties to ensure access to justice of women before customary and traditional courts, in addition to eliminating harmful cultural practices and traditional norms.

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<sup>115</sup> African Charter on Human and Peoples' Rights, 1981, Art. 17 (3), and 18 (2 &3).

<sup>116</sup> See Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003, Art. 1 (g), 2 (2) and Art. 17; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, 2016, preamble, Art. 1, 8, 9 and 20.

<sup>117</sup> African Union Strategy for Gender Equality and Women's Empowerment (2018-2028), pillar 4.

<sup>118</sup> *Id.*, p. 25.

### 2.2.3 National Constitutions on Women's Rights and Culture



**"We have our own law, we have our own traditions, we have our own precedents, and we should look to that in interpreting our Constitution."**

**Justice Samuel Alito (2006).**

At the national level, the constitution and other legislation and policies may incorporate the right to culture and/or recognize customary and traditional practices and laws. In such cases, customary law and practices are subject to constitutional scrutiny based on human rights norms, constitutional provisions and they respond to the current needs of communities. This includes balancing the right to culture and the right to freedom from discrimination on the basis of sex and gender.

Many constitutions indicate a hierarchy of rights, whereby gender equality and nondiscrimination are prioritized over traditional practices and customary laws. According to Katrina Cuskelly, out of 190 national written constitutions worldwide she analyzed, 115 were found to have provisions that related to cultural rights and customary issues.<sup>119</sup> Those constitutional provisions on customary law can generally provide the definitions of customary law; the protection of culture; the general protection of indigenous or minority rights; institutional arrangements; self-administration; family law and women's rights; land and resource rights; codification of customary law; customary law in the courts; and the relationship between customary and statutory law.

Globally, nine constitutions provided a definition of customary law.<sup>120</sup> The protection of the right to culture is the most frequently incorporated provision in 68 countries' constitutions. 39

<sup>119</sup> Katrina Cuskelly, Customs, and Constitutions: State Recognition of Customary Law around the World, IUCN, 2011, p.6.

<sup>120</sup> Among them, four state Constitutions; Bangladesh, Marshall Islands, Samoa, and Singapore defined customary law as, "customs and usage having the force of law." (Id, p. 24).

constitutions have also provisions on customary law relating to land tenure and resource rights. About four constitutions of the world contain provisions on the codification of customary law.<sup>121</sup>

Provisions relating to institutional arrangements of customary institutions guaranteed in forty-two constitutions.<sup>122</sup> The institutional arrangements range from involvement of indigenous peoples or minorities in statutory institutions to the establishment of specific bodies with specified functions concerning customary law to broad recognition of some or all traditional authorities. Moreover, 38 constitutions explicitly provided the provisions on the relationship between customary and statutory law including international laws.<sup>123</sup> Hierarchically, the majority of provisions stipulate that customary law is subordinate to the constitution, with some also expressly identify it as subordinate to statutory law.<sup>124</sup> Concerning the right of women and customary matters, about 25 world constitutions contain express provisions govern the issue.<sup>125</sup>

### 2.3 Discussing Cultural Practices Affecting Lives of Women in Ethiopia

Every social grouping in the world has its own cultural practices and beliefs which guide the everyday life of the society. Ethiopia is a multi-cultural and multi-ethnic country with more than 80 diversified ethnic groups having their own language, culture, custom, and traditions.<sup>126</sup> Some cultures are common to

<sup>121</sup> This includes Chad, Ghana, and Marshal Islands (Id, p. 10, 18).

<sup>122</sup> Id, p. 24.

<sup>123</sup> Ibid.

<sup>124</sup> Papua New Guinea and the Solomon Islands establish that customary law prevails over imported colonial common law and equity. In Palau, statutes and traditional law are equal, and where there is a conflict the statute prevails to the extent it is not inconsistent with the underlying principles of traditional law. (Id, p. 20)

<sup>125</sup> From African Countries, for instance, see Art. 7 of Angola constitution (2010); Art. 207 of Republic of the Congo Constitution (2005); Art. 35 of Ethiopia Constitution (1995); Art. 26 of Ghana Constitution (1992); Art. 60 of Kenya Constitution (2010), Section 24 (2) of 1964 Malawi Constitution, Art. 32 of 2005 Sudan Interim Constitution, Art. 16 of the 2011 South Sudan constitution, and Art. 33 of the 1995 Uganda constitution

<sup>126</sup> Susanne Epple, and Getachew Assefa (eds.), *Legal Pluralism in Ethiopia: Actors, Challenges and Solutions*, Deutsche Nationalbibliothek publisher, 2020, p. 11.

all Ethiopians while others differ from one place/ethnic group to another. Within such social grouping, some of the cultural practices and beliefs are valuable to all members, while others are harmful to a specific group such as women and children. Valuable cultural practices contribute to the socio-economic development of the country. On the other hand, harmful practices undermine the dignity of and oppress members of the community including women, on the other.

### 2.3.1 Cultural Practices Promoting/ Protecting Rights of Women in Ethiopia

Cultural values and norms often impact and shape the everyday life of Ethiopians. There are rich and diverse valuable cultural practices in Ethiopia in terms of social and economic dimensions that women exclusively or actively engage in. Valuable cultural practices ensure women's participation in socio-cultural, economic, and political activities of the society. It can be either exclusively performed by women or by men and women equally. It also includes the traditional skills that women serve their family or community. For instance, women in rural areas support their families and earn a living by preparing and selling traditional drinks, butter, vegetables and fruits, coffee, and spices. They also engage in different handicraft activities.

Besides, women are active in mutual social and economic activities and they support to one another through traditional associations such as *Iddir* funeral associations, and *Iqqub* rotating credit associations.<sup>127</sup> Women also actively engage in traditional drinking coffee preparation for social or economic purposes, caring for a newly born baby and his/her mother, medically proved traditional health treatment, cuisine, and mutual supporting activities in different events such as mourning/ wedding ceremonies.<sup>128</sup> Those practices are voluntarily and freely performed by women without quid pro quo in the interest of burden sharing of their family or community. In principle, those activities are valuable by their nature.

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<sup>127</sup> Andrea Nicolas, A matter perspective: Of transfers, switching, and cross-cutting legal procedures: Juridical processes among Oromoo and Amhara, East Shawaa in Susanne Epple, and Getachew Assefa (eds.), *Legal Pluralism in Ethiopia: Actors, Challenges and Solutions*, Deutsche National Bibliothek publisher, 2020, p. 292.

<sup>128</sup> Who are the Ethiopians? <[https://www.nwaea.org/media/cms/Ehiopians\\_Brochure\\_3B65B04F6DD6C.pdf](https://www.nwaea.org/media/cms/Ehiopians_Brochure_3B65B04F6DD6C.pdf)>

However, labeling such activities as those that are performed only by women creates discriminatory gendered division of labour.



**Photo:** Oromo Women Traveling to Market with Items ready for sell  
**Source-** Moti Pictures (OCTB)

In this regard, it is important to note that in the process of registration of intangible cultural heritages at UNESCO, gender inclusiveness either in terms of participation and/or transmission to generation is promoted and considered to acquire the status outstanding universal intangible heritage.<sup>129</sup>

### BOX 3

From Ethiopia, two out of four intangible heritages that have been registered by UNESCO are attributed to the cultural heritage of the people (Oromoo's Gadaa system and Fiche Chambalala of Sidama) and the remaining two heritages are attributed to a hybrid of religious and cultural heritage (Orthodox religion Meskel and Epiphany/Timket celebration). Each intangible heritage ensures women's participation through different mechanisms.

<sup>129</sup> Naila Ceribašić, (n.9), p. 54.

For instance, *Gadaa* system is recognized as an Indigenous democratic socio-political system of the *Oromoo* that incorporates pivotal institutions to safeguard women's rights called *Simqee*. The women's *Simqee* institution within the system enables *Oromoo* women to have control over resources and to form mechanisms of solidarity and sisterhood to deter men from infringing upon their rights and promote gender equality.<sup>130</sup> Moreover, women actively participate in the annual festival of *Irreechaa* ceremony. In the case of the New Year festival of *Fichee-Chambalala* of the *Sidama* People, women participate in the festival irrespective of age, gender, and social status.<sup>131</sup> The *Fichee* Celebration embraces affirmative practices with special privileges for both girl and boy children, youth, and women.<sup>132</sup> Unmarried girls go to play with their peers a traditional singing and dancing known as *Hore*. Women process false bananas to prepare the cultural dishes of the festival known as *buurisame*. The community members including women and girls are celebrating the *Fichee* Festival by wearing *Gonfa* (traditional cloth), singing and dancing *Ketala* and other songs. Women also actively engaged in the formal and informal transfer of knowledge and skill associated with hairdressing and preparation of the cultural dish to the younger generation.<sup>133</sup>

In Epiphany celebration of Orthodox Christians, women's participation is mostly highlighted by singing, ululating, preparing food and local drinks for the festival.<sup>134</sup> Women appear at the celebration wearing new, clean, cultural dresses. This practice

<sup>130</sup> UNESCO, Intergovernmental Committee For The Safeguarding of The Intangible Cultural Heritage- *Gadaa* system, an Indigenous democratic socio-political system of the *Oromoo*- 11th session, Addis-Ababa, Ethiopia, RL 2016 – No. 01164, December 2016, p. 3.

<sup>131</sup> According to oral tradition, the term "Fichee" itself is derived from the name of a *Sidama* woman called *Ficho*. After she got married, *Ficho* visited her parents, relatives, and neighbour once every year by preparing dishes. The dishes were feasted on by inviting all the neighbours. Following *Ficho*'s death, her relatives and the people in the surrounding area called the festivity of the eve of the New Year of the *Sidama* Nation *Fichee* after *Ficho* in her commemoration and has stood since as one of the unifying symbols representing the *Sidama* Nation. (UNESCO, Intergovernmental Committee For The Safeguarding of The Intangible Cultural Heritage, *Fichee-Chambalala*, New Year festival of the *Sidama* people, 10th Session, RL 2015 – No. 01054, Windhoek, Namibia, 4 Dec 2015, p.3).

<sup>132</sup> *Ibid.*

<sup>133</sup> *Id.*, p.4.

<sup>134</sup> UNESCO, Intergovernmental Committee For The Safeguarding of The Intangible Cultural Heritage, Ethiopian Epiphany, 14th Session, RL 2019 – No. 01491, Bogota, Columbia, 14 December 2019, p.4.

of looking good in terms of dress and enhancing beauty is reinforced by the Ethiopian Amharic proverb ‘*Le Timket Yalhone Kemis Yibetates*’ (Let the dress (women) that is not for ‘Timket’ end into shreds). This proverb indicates how women are getting ready for the celebration. The Festival provides an excellent opportunity for young men and women to find life partners. To exploit such an opportunity offering a lemon to the targeted person is a traditional way to demonstrate love and affection.<sup>135</sup> During the *Meskel* celebration also women and young girls have also their own tasks and responsibilities at a household level. During the celebration women ululate, and men clapping their hands in performing the unique Ethiopian Church rhythmic dance.<sup>136</sup> Above all, the exclusive girls’ festival called *Ashenda Ashendye Aynewari Maria Shadey Solel* is nominated to be inscribed at UNESCO in 2021.<sup>137</sup> In general, Ethiopia’s intangible heritage already registered and ongoing for registration ensures at least the right of women to participate freely and fully in the cultural life of the society.

### 2.3.2 Harmful Practices Affecting Lives of Ethiopian Women

In Ethiopia, harmful practices that affect certain specific population groups such as women and newly born children are very rampant. A study indicates that more than one hundred and forty (140) various types of traditional practices affect and harm women and children in different parts of the country.<sup>138</sup>

Harmful practices that are against women can be classified into two, namely indirect and subtle harmful practices existing within a valuable culture and those, which are visibly harmful customs. One exemplary case of such subtle/indirect harmful practices is the less or non-representation of women in some customary socio-economic institutions. Within several valuable customs of the society, women are discriminated through different mechanisms, particularly in customary dispute resolution mechanisms. Some aspects of valuable customary

<sup>135</sup> Id, p.5

<sup>136</sup> UNESCO, Intergovernmental Committee For The Safeguarding of The Intangible Cultural Heritage, Meskel Festival, 14th Session, 8th Session, RL2013 – No.00858, Baku, Azerbaijan, December 2013, p.4.

<sup>137</sup> Ibid.

<sup>138</sup> Federal Democratic Republic of Ethiopia Ministry of Women, Children and Youth Affairs, National Strategy and Action Plan on Harmful Traditional Practices (Htps) against Women and Children in Ethiopia, 2013, p. 14.

law contradict with human rights standards of gender equality, the rights of women and children including girls. This includes;

**Representation and participation** In some traditional cases, women are excluded from participation in customary dispute resolution justice systems. They are usually not decision-makers, and customary mediators and arbitrators are almost always exclusively male.<sup>139</sup> Moreover, they often do not have the standing to appear before customary mediators and decision-makers on their own and may require a male relative to represent them. Consequently, women's interests are suppressed when they are parties to a dispute. They often pass judgments that are against the interests of women, notably regarding inheritance, matrimonial litigation, divorce settlement, and violence against women.<sup>140</sup>

**Devaluation of Compensation** The amount of compensation to be paid sometimes differs between the woman and man victim. Among traditions adhering to this principle, the life of a woman is compensable with approximately fifty percent fewer animals than the life of a man.<sup>141</sup>

**Bride Compensation or Wealth** In some societies, a girl is given as a wife to a relative of a deceased in the form of homicide compensation against her consent in order to end hostilities by creating a marital relationship.<sup>142</sup> There are also cultures where grooms pay for brides; young girls command a higher price than adults in terms of goods, money, or livestock.<sup>143</sup> A man who cannot afford to pay the bride price for a girl resort to violent abduction and rape.

Currently, there are changes and reforms that are underway addressing these discriminatory practices and attempts are

<sup>139</sup> Meron, (n 77) p. 3: Endalew Lijalem, Ethiopian Customary Dispute Resolution Mechanisms: Forms of Restorative justice? < <https://www.accord.org.za/ajcr-issues/ethiopian-customary-dispute-resolution-mechanisms/> >

<sup>140</sup> Ibid.

<sup>141</sup> For instance, in Somali culture, the murder of a man is compensated by 100 camels; the murder of a woman by 50 camels. (Donovan and Getachew, (n 81), p. 527.

<sup>142</sup> Endalew (n 139). This is also the case among the Gumuz of Northwestern Ethiopia; see Meron Zeleke. (2010). *The Mother and the Bread Winner: The Socio-Economic Role and Status of Gumuz Women*. Munster: Lit Verlag.

<sup>143</sup> Forum on Marriage and the Rights of Women and Girls, *Early Marriage and Poverty Exploring links for policy and programme development*, 2003, p. 16-25.

being made to conform with human rights standards. On the other hand, it is important to note that there are customary practices that tend to treat women equally with men in participation, representation, and compensation. In such a case, *Erfo (Ruufoo) Marabba of Walloo*, *Siinqee* institution of *Oromoo*, and *Ma-Zarsii of Hamer* can be cited as model customary dispute resolution exclusively lead by women.<sup>144</sup>

There are also candidly harmful practices that endanger the freedom, health, and life of women and girls. These harmful practices can be categorized into those which exclusively impact women and child-related and those related to both sexes. The major types of harmful practices against women are related to marriage in terms of their severity and prevalence such as child marriage, limiting women to unpaid domestic works, wife-beating, domestic and intimate partner violence, levirate marriage, exchange marriage, and arranged marriage are practiced.<sup>145</sup> During pregnancy, massaging of the abdomen before and during labor, shaking women in prolonged labor, isolation during menstruation, and bush delivery are practiced. The major harmful practices affecting young girls are female genital mutilation and cutting (FGM/C), cutting of the uvula, and milk-teeth extraction.<sup>146</sup> Child marriage is also conducted in the form of arranged marriage, abduction, or by free-choice of incapable minor affect lives of young girls. Food taboos and food discrimination are also other harmful practices that proscribe women and children to eat certain types of food.<sup>147</sup>

The 2013 National Strategy and Action Plan on Harmful Traditional Practices against Women and Children in Ethiopia classified the causes of such harmful practices into root causes, intermediate

<sup>144</sup> Meron, (n 77) p. 10; Susanne Epple; Local strategies to maintain cultural integrity-The vernacularization of state law among the Bashada and Hamar of southern Ethiopia, in Susanne Epple and Getachew Assefa (eds.), *Legal Pluralism in Ethiopia: Actors, Challenges and Solutions*, Deutsche Nationalbibliothek publisher, 2020, p. 193.

<sup>145</sup> CEDAW Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women Ethiopia, 49th session, 11-29 July 2011, para. 18.

<sup>146</sup> Chris Cuninghame et. al, *Child Notice Ethiopia*, UNICEF, 2018, para. 57; Dawit Assefa et. al., *Harmful Traditional Practices Module*, Awassa College, 2005, <[https://www.cartercenter.org/resources/pdfs/health/ephti/library/modules/degree/mod\\_htp\\_final.pdf](https://www.cartercenter.org/resources/pdfs/health/ephti/library/modules/degree/mod_htp_final.pdf)>

<sup>147</sup> *Ibid.*

causes, and immediate causes.<sup>148</sup> Accordingly, the major root causes are patriarchal systematic gender imbalance in gender relations, and a low level of societal consciousness resulting in attitudes or values that undermine women and children. The intermediate causes include poverty and economic inequalities, low educational and training status of women, inaccessibility to quality health facilities and services, and religious and cultural factors. The identified immediate causes for harmful practices against women are lack of coverage and access to information centers for girls and mothers. This makes harmful practices very much complicated and deep-rooted.<sup>149</sup>

Those harmful practices have adverse consequences on women's and girl's health, economic and social development, and violation of their fundamental human rights and freedoms.<sup>150</sup> For instance, FGM and early pregnancy and birth affect the mental, physical, reproductive, and sexual well being of women and girls.<sup>151</sup> Economically, harmful practices make women and girls dependant by limiting or denying their access to employment and earning a better income. Early marriage compounds the 'feminization of poverty and intergenerational transmission of poverty' which often begins on a pregnant child in the womb of the malnourished mother.<sup>152</sup> Harmful traditional practices can also have psycho-social impacts such as inferiority and subordination sentiments, stress, unhappiness, and unhealthy relationships with partners, and stigma by society. Moreover, the practice constitutes multiple human rights violations including violation of the right to life, right to physical and mental security and integrity, liberty, and right to honor and reputation, marital and reproductive rights.

Currently, however, the prevalence of those harmful practices in Ethiopia is declining over the period of time. For instance, according to the 2016 Ethiopia Demographic and Health Survey (EDHS), from 2011 to 2016, the prevalence of child marriage declined from 63 to 58 percent.<sup>153</sup> Moreover, only 41 percent of ever-married women aged 15–19, and 47 percent

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<sup>148</sup> Htps National Strategy, (n 138), p.16.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Forum on Marriage, (n143), p. 16-25.

<sup>153</sup> UNICEF Ethiopia Country Office Annual Report, 2018, <[https://www.unicef.org/about/annualreport/index\\_103581.html](https://www.unicef.org/about/annualreport/index_103581.html)>

of women aged 20–24 years, made their own decision to marry. Female genital mutilation and cutting for children between 15 and 19 years old also decreased from 62 to 47 percent between 2005 and 2016 nationwide.<sup>154</sup>

## 2.4 Legal Frameworks on Women's Rights and Culture in Ethiopia

In Ethiopia, the regulation of women's rights and cultural rights can be traced back to the written *Fetha Negest* and oral customary laws. Currently, the issue of women's rights and culture is incorporated into the Ethiopian legal system through ratifying international treaties to make as an integral part of the laws of the land and through expressly guaranteeing women's rights in the constitutions and legislations

### 2.4.1 Constitutional Frameworks

Ethiopia has adopted four constitutions since 1931. However, the first 1931 and the second 1955 revised constitutions including the 1952 Eritrean federation constitution were silent towards the rights of women and cultural issues.<sup>155</sup> Instead, Art. 37 and 38 of the 1955 constitution and Art. 22 (a) and Art. 23 of the federated Eritrean constitution guaranteed the right to equality before law and non-discrimination for all persons including women. **Later, Art. 19 and 23 of the 1987 Derg Constitution mandated the government to take positive measures to develop a new culture based on socialist ideology, to ensure existing cultural heritage, and eradicate harmful practices.**

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<sup>154</sup> Ibid.

<sup>155</sup> See the 1931 and 1955 Revised Imperial Constitutions and the 1952 Eritrean constitution. At this juncture, it is important to note that the 1952 Eritrean Constitution is prepared by the UN Commissioner in accordance with the provision of Art. 12 of the Resolution of the UN General Assembly of 1950 to federate Eritrea with Ethiopia.

**Moreover, Art. 35 and 36 of the Derg constitution guaranteed the right to equal participation of women in culture and their equal protection of the law with men.<sup>156</sup> The constitution also pledged affirmative action to ensure women's participation in cultural affairs on an equal basis with men.** In 1991, the transitional period charter also guaranteed the individual rights recognized under UDHR, and the right of nation nationality and people to promote their own culture and history in general terms.

The 1995 FDRE Constitution empowered the federal government to establish national standards and basic policy criteria for the protection and preservation of cultural and historical legacies while empowering states to adopt their respective regional constitutions.<sup>157</sup> **Both the federal and regional states constitutions provided a separate provision concerning women's rights while the issues of culture are dispersed in different parts of the constitution. Each constitution enunciated three critical points that directly and indirectly affect women's interests and rights in relation to culture. First, the constitution provided restriction and elimination of certain cultural practices affecting women. Customary laws and practices are hierarchically below the constitution.<sup>158</sup> The laws, customs, and practices that oppress or cause bodily or mental harm to women are prohibited, and states are mandated to eliminate harmful practices that endanger the rights of women.<sup>159</sup>**

Secondly, the constitution provided a guarantee for the preservation and promotion of valuable cultures. The guarantee and recognition under the constitution, inter alia, includes the principle of non-discrimination based on culture (Preamble

<sup>156</sup> Art. 35 and 36 of the 1987 Derg or People's Democratic Republic of Ethiopia Constitution reads as follow;

"Article 35

1. Ethiopians are equal before the law, irrespective of...sex or...other status
2. Equality among Ethiopians shall be ensured through equal participation in political, economic, social, and cultural affairs.

Article 36

In the People's Democratic Republic of Ethiopia women and men have equal rights.

1. The state shall provide women with special support, particularly in education, training, and employment so that they may participate in political, economic, social and cultural affairs on an equal basis with men."

<sup>157</sup> FDRE Constitution, Art. 51 (2-3).

<sup>158</sup> FDRE Constitution, Art. 9.

<sup>159</sup> FDRE Constitution, Art. 35 (4).

paragraph 2 and Art. 25), indigenous culture serves as a source of proud (preamble para. 3), and the right to conclude a marriage in accordance with customary laws (Art. 34/4). Moreover, the FDRE constitution offers the rights of nations, nationalities, and peoples to develop and promote their culture. The constitution, also, impose duties on the government to protect and preserve cultural legacies, to support the growth and enrichment of cultures and traditions that are compatible with fundamental rights and democratic norms.<sup>160</sup>

**Thirdly, the constitution introduces the concept of legal pluralism by allowing the applicability of customary laws along with formal laws in family and personal matters. The Constitution adopted a process-based approach to dealing with those personal laws. The approach permits parties to settle a dispute related to personal matters by applying customary or personal laws, provided all parties agree.<sup>161</sup> This permits women to participate meaningfully in the resolution of their own disputes, and allows them to choose the option that is least costly or damaging in terms of personal status and standing within the community. However, there is the danger that customary institutions that reflect societal structures and represent dominant interests may pass judgments that are against the interests of women and children.<sup>162</sup>**

Moreover, the constitutional limitation of customary institution's jurisdiction to civil matters excludes the application of customary dispute resolutions to criminal matters. In reality, all criminal cases whether serious or petty offences are being resolved via customary dispute resolution mechanisms especially in rural areas.<sup>163</sup> This aims aim at restoring the previous peaceful relationship between victim and offender person/s through reconciliation and maintaining communities' future peaceful relationships by avoiding the culturally accepted practices of revenge. However, **the failure to give recognition and the undermining of local customary dispute resolution in criminal areas affects the cultural autonomy of the people and leads to disloyalty and**

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<sup>160</sup> FDRE Constitution, Art. 91.

<sup>161</sup> FDRE Constitution, Art. 34(5).

<sup>162</sup> Muradu Abdo and Gebreyesus Abegaz, Customary law Teaching Material, Unpublished 2009, p. 117.

<sup>163</sup> Endalew (n 139).

**resistance to western transplanted laws including international human rights provisions that consist of the rights of women.<sup>164</sup>**

### **2.4.2 Treaty Ratifications**

As we discussed earlier, a number of international and African human rights instruments incorporated the provisions to regulate the rights of women within a cultural setting. Ethiopia ratified several of those instruments committing itself to making those instruments an integral part of the law of the land. The country ratified the following major human rights instruments relevant to women's rights in relation to culture with their ratification year;

- ▶ The UN Convention on the Rights of the Child by proclamation No. 10/1992, and its optional protocols (2014)
- ▶ International Convention on the Elimination of All Forms of Racial Discrimination (1976)
- ▶ Convention on the Elimination of All Forms of Discrimination Against Women (1981)
- ▶ International Covenant on Economic, Social and Cultural Rights (1993)
- ▶ International Covenant on Civil and Political Rights (1993)
- ▶ African Human and Peoples Rights Charter by Proclamation No. 114/1998.
- ▶ The African Charter on the Rights and Welfare of the Child by Proclamation No. 283/ 2002.
- ▶ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo protocol) (2018).
- ▶ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (August 2020).

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<sup>164</sup> Ibid.

The ratified international and regional human rights instruments, like domestic laws have binding effects. Concerning women's rights and culture, each ratified treaty instruments, directly and indirectly, guarantees women's right to equality and non-discrimination, right to participate in cultural life, and right to protection from harmful traditional practices. On the other hand, each instrument imposes an obligation on state parties to abolish/modify/change/ criminalize harmful and discriminatory cultural practices against women.<sup>165</sup>

There are also a number of treaties that the country has not yet ratified including Optional Protocol to the CEDAW, ICCPR, ICERD, and CRC on a communications procedure. Among them, the CEDAW, ICCPR, and CERD guarantee the right to individual complaint mechanisms. Individual complaints can be brought only against a state that has recognized the competence of the concerning committee established under the relevant treaty or become a party to the relevant optional protocols.

### 2.4.3 Legislations

The issues of women's rights towards culture are also addressed in primary legislation both in private and public law areas. Before the introduction of modern laws in the 1960s, customary dispute resolution mechanisms were in use to regulate every aspect of life. However, the legal importation since the 1950s excludes the automatic application of customary laws. They were considered as the antithesis of modernity and change. In relation to civil code, **Rene David (the drafter of the Ethiopian Civil Code) states four methods employed to include customary rules in the code.**<sup>166</sup> **Firstly, through the incorporation method customary rules were directly inserted into a code. Secondly, customs are included through explicit reference to a custom in the Civil Code.**<sup>167</sup> **Thirdly, custom has a gap-filling role for a legal lacuna. Fourthly, judges are permitted to interpret laws by customary meaning to disputable code terms. Moreover, the applicability of those customary**

<sup>165</sup> For further detail see section 2.2 of this chapter.

<sup>166</sup> Muradu, (n.162), p. 123-125.

<sup>167</sup> For instance, marriage according to custom (Art. 580 &606), Exploitation of land (Art. 1496), object of the contract (Art. 1713), and extra-contractual liability compensation (Art. 2116) are referred to as customs.

**laws subject to the generality test, the social and economic progress test, the repugnancy test, and the clarity test.**<sup>168</sup>

Consequently, the Civil Code provides many provisions that deal with customary practices in the area of family law,<sup>169</sup> property law<sup>170</sup> and contracts law.<sup>171</sup> Despite these progressive provisions, the Civil Code is not only gender insensitive but also incorporates provisions that formalize patriarchy that strengthens power imbalances and the inferiority position of women. The husband is entitled to the status of head of the household. Where he is not in a position to provide his wife with servant, she is bound to attend to the household duties herself.<sup>172</sup> The other element is the double standard to be observed in the minimum age for marriage whereby the code states eighteen years as the minimum age set for a boy and fifteen years for a girl.<sup>173</sup> **Currently, the FDRE constitution, and the family codes enacted by federal and several regional states disqualified such discriminatory laws and replaced them with provisions that recognize the equality of both sexes before the law. However, the current existing laws do not provide a guarantee for women to participate in alternative dispute resolutions through proper mechanisms, unlike the *Abunzi* system of Rwanda, *Fihavanana* of Madagascar, and the traditional council of the Republic of South Africa that reserves quota for women.**

From public laws, the criminal code incorporated provision that criminalizes various harmful practices. The previous 1957 Ethiopian Penal Code fails to expressly acknowledge the grave injuries and sufferings caused by different harmful practices. The 2004 Revised Criminal Code proscribed several harmful practices as inimical and prejudicial to human rights. Some harmful practices are cataloged into a single section, while other harmful acts and violence against women are dispersed in different

<sup>168</sup> Accordingly, those customary rules that would not impede the economic and social progress of the country, those customary rules that would not be repugnant to natural justice or equity, and those customary rules that would be sufficiently expressed in civil law terms were given recognition. (Ibid)

<sup>169</sup> See 1960 Ethiopian Civil Code Art.507, 573, 577, 580, 606, 624, and 807-8.

<sup>170</sup> See Ethiopian Civil Code Art. 1131, 1168, 1371, 1489, 1490, 1496-97, and 1363-67.

<sup>171</sup> See Ethiopian Civil Code Art. 1713, 2983(2), 2990(1-2), 2997(2), 3006(2), 3013(3), and Art. 2116.

<sup>172</sup> See Ethiopian Civil Code, Art. 644-646.

<sup>173</sup> See Ethiopian Civil Code, Art. 581.

parts of the criminal code. Those are; marriage intimate partner violence, female circumcision and infibulations, massaging abdomen of pregnant women, or shaking a woman in prolonged labour; or soiling the umbilical cord of a newly-born child with dung or other similar substances, keeping a newly-born child out of the sun or feeding it butter, excising the uvula of a child or taking out milk teeth or preventing the child from being vaccinated; abduction; maltreatment of children; rape and sexual outrage; and early marriage are proscribed and criminalized.<sup>174</sup> The aforementioned offences violate the right to liberty, physical integrity, right to life, body, and health of women and children. They are practiced within different social groups due to deeply entrenched discriminatory views, patriarchal dominations, beliefs, and attitudes. For each offence, the code provides the respective penalties based on the gravity of the crime, degree of individual guilt, and other circumstances of its commission. Those provisions are designed to serve as a guiding rule to dissociate the society from harmful practices.<sup>175</sup>

However, the criminal code still fails to criminalize several harmful practices such as sexual harassment. The penalties for some harmful practices are also inconsistent with the general purpose of criminal law. For instance, the person committing intentional or grave crime should be punished more severely than the one who commits a negligent or minor crime is one of the foundational principles of criminal law. In contrast, the penalties that are provided for crimes committed against the life, body, and health of pregnant women and children through harmful practices under Art. 561 and 562 are designed in a manner in which the person who commits the crime intentionally or grave has the chance to be punished less harshly than the person who commits the crime negligently or less severe crimes.<sup>176</sup> In effect, those provisions are inconsistent with the purpose of criminal law and major sentencing principles such as principles of consistency, proportionality, predictability, and equality before the law.

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<sup>174</sup> See FDRE Revised Criminal Code, 2004, Art. 561-570, 576,587-590, 620-628, 646ff

<sup>175</sup> FDRE Revised Criminal Code, para. 3.

<sup>176</sup> Muluken Kassahun & Ikenga Oraegbunam: Rethinking the Penalty of Harmful Traditional Practices Committed on Pregnant Women and Children under the Ethiopian Criminal Code, *African Journal of Criminal Law and Jurisprudence*, 2019, p. 19-21.

Moreover, it encourages individuals to commit crimes intentionally that endanger the life and health of women and children.<sup>177</sup>

## 2.5 Brief Review of Ethiopian Policies and Strategic Frameworks on Women's Rights and Culture

### 2.5.1 Policy Frameworks

In the FDRE Constitution, designing the cultural policy of the country is part of framework power, which is mandated to the federal government to formulate the national standards and the regional states has the authority to specify or implement the law/policy within the federal framework. The Constitution empowers the federal government to establish and implement national standards and basic policy criteria for the protection and preservation of cultural and historical legacies. The country adopted dozens of policies in the last three decades. Various policy and strategic frameworks and plans of the country incorporate the issue of the rights of women and culture. Such key policies include:

**The National Policy on Ethiopian Women (1993)** The National Policy on Ethiopian Women states the importance of eliminating harmful traditional practices affecting women and enabling women to participate in the decision making process at all levels as one of its core objectives.<sup>178</sup> The policy indicates harmful customary practices are based on the idea of male supremacy and that women and children are the primary victims of harmful practices. As a result, they are oftenly discriminated against and engaged in informal and low income-generating jobs.<sup>179</sup> The policy envisioned different strategies such as modifying or abolishing discriminatory laws, regulations, customs, and practices, awareness creation, ensuring the protection of the human rights of women, and ensuring women's right to easy access to basic health care and the elimination of harmful practices to rectify the problem. The policy calls for establishing women's affairs bureaus in all regions, at the zonal, district, and sub-district levels to

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<sup>177</sup> Ibid.

<sup>178</sup> Transitional Government of Ethiopia – Office of the Prime Minister, The National Policy on Ethiopian Women, 1993, p. 12.

<sup>179</sup> Id, p. 9.

effectively empower women and eradicate harmful practices.<sup>180</sup> It also indicates the role women can play in the process of promoting women's rights and/or eliminating harmful traditional customs and practices in their respective localities. However, the policy does not specifically address ensuring the free and full participation of women in customary practices that might promote and protect women's lives.

**Ethiopian Cultural Policy (1997)** The Ethiopian cultural policy incorporates the elements of ensuring women's active participation in all cultural activities and guarantying their right to equally share the benefits thereof.<sup>181</sup> Moreover, it stressed that harmful culture is not only deterrent to development and progress but it also causes physical, psychological, and moral damage as well as violation of basic human rights. The policy envisions the need for progressive abolishment of all forms of harmful traditional practices that affect women through bringing attitudinal change towards the erroneous conception of women.<sup>182</sup>

**Ethiopian Children Policy (2017)** The policy recognizes ensuring participation of children in cultural life and protecting them from harmful practices. Concerning their participation, one of the specific objectives of the policy provides to support orphans and vulnerable children to be raised in the Ethiopian culture, traditions, customs, and social values of their birth areas.<sup>183</sup> The policy further stressed on enabling children in difficult circumstances to grow up in their own cultures, language, customs, norms, and values. In another circumstance, the children policy demonstrates the need of protecting children from harmful traditional practices. The policy calls for the eradication of harmful practices affecting children such as eradicate female genital mutilation, early marriage, uvulectomy, milk teeth extraction, tonsillectomy, abduction, skin branding, removal of front teeth, skin cutting, slitting and blood spilling, and the cutting off and wearing clay on the lower lips.<sup>184</sup> These harmful traditional practices affect children's physical, mental, psychological, and social

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<sup>180</sup> Id, p. 13.

<sup>181</sup> Federal Democratic Republic of Ethiopia Cultural Policy, Content of the Policy, 1997, No. 14-15.

<sup>182</sup> Ibid.

<sup>183</sup> FDRE National Children Policy, 2017, p. 12

<sup>184</sup> Id, para. 1.1.7, p. 9.

well-being in general while causing more damage to girls in particular. The policy emphasizes the importance of enhancing community structures and participation at the center to up grow up children according to the culture, traditions, customs, and social values of their birth areas. It also put mandates on the government to create an environment conducive to empower communities fighting against harmful traditional practices that harm children's development.<sup>185</sup> It also envisioned enabling cultural establishments to play an active role in all the activities being carried out to fend off harmful traditional practices and attitudes.

**Ethiopian Health Policy (1993)** The Ethiopian Health Policy recognizes the equality of women and the need to eliminate harmful practices affecting the lives of mothers and children. The policy prioritizes preventive strategy as a crucial way to fight against the violation of the health rights of women in general, including violations due to harmful practices.<sup>186</sup> The policy calls for health education and family health services through identifying and discouraging harmful traditional practices while encouraging their valuable aspects. To do so, the policy mandates the government to empower and support community leaders, religious and cultural leaders, professional associations, schools, and other social organizations.<sup>187</sup>

**The National Population Policy (1993)** One of the special objectives of the policy is eradicating all customary practices militating against the full enjoyment of economic and social rights by women.<sup>188</sup> To achieve, this objective the policy envisioned increasing the minimum age of marriage for girls to 18 years.

**The Education and Training Policy (1994)** The policy recognizes the value of education in enabling human beings to identify harmful traditions and replace them with useful ones. To this end, one of its objectives is the creation of citizens who respect human rights, stand up for the wellbeing of people, and equality, justice, and peace and are endowed with democratic culture and discipline.<sup>189</sup>

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<sup>185</sup> Id, Para. 4.5, p. 24; Para. 5.3, p. 29.

<sup>186</sup> Health Policy of Transitional Government of Ethiopia, 1993, para. 4.5 & 10.9.

<sup>187</sup> Ibid.

<sup>188</sup> Cited in National Htps strategy, (n138), p.19.

<sup>189</sup> Ibid.

**The Developmental Social Welfare Policy (1996)** This policy calls to take appropriate measures to protect women from social problems, and educational programs to be designed and disseminated to eliminate harmful traditional practices.<sup>190</sup>

**The Ethiopian HIV/AIDS Policy (1998)** The policy identified harmful practices as one important cause for HIV transmission in the country such as traditional harmful surgeries of the FGM, and polygamy. To this end, the policy mandates the government to take positive measures to stop HIV transmission through harmful practices.<sup>191</sup>

**The National Youth Policy (2004)** The policy stressed the importance of encouraging youth participation to prevent and eradicate harmful traditional practices.<sup>192</sup>

Overall, women and children are the main victims of harmful traditional practices. The above-illustrated policy frameworks guide the designing and implementation of plans and strategies including regulation bylaws. Each policy calls for eradicating harmful practices through the participation of all stakeholders. They stressed on the importance of awareness creation to change the attitudes of the community to eliminate harmful practices. Each policy also promotes the right of girls and women to know and participate in valuable cultural practices.

## 2.5.2 Strategic Plans and Frameworks

**The issue of ensuring women's rights and cultural traditions also recognized in plans and strategic frameworks of the country. Ethiopia is committed to ending harmful practices by 2025.<sup>193</sup> To achieve this target and to ensure the participation of women, the country designed a number of national strategic frameworks.**

Among them, the Growth and Transformation Plan (GTP) I and GTP II incorporate elements that focus on the empowerment of women, their participation in cultural life, and eradicating harmful practices. This is stated as one of the priority areas of the national target noted under pillar no. 7 of GTP I and Pillar

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> FDRE Ministry of Women, Children, and Youth, National Coasted Roadmap to End Child Marriage and FGM/C (2020–2024), August 2019, p. 7.

No. 8 of GTP II. In the fight against harmful traditional practices, both GTPs have laid down specific targets.<sup>194</sup> To this end, the GTP stressed the importance of social transformation regarding negative gender stereotypes and behaviours. In this regard, encouraging active participation of women at grassroots level in rural areas believed support eradication of harmful practices and to ensure their free and full participation in socio-cultural and economic life. The GTPs targeted to achieve the goal through public education and awareness creation programs, public mobilization and particularly women engagement in the fights against such practices, and swift enforcement of legal measures for criminal practices against women.<sup>195</sup>

The Ethiopian Women Development Package (2006) is another woman-specific framework designed to empower them in socio-cultural, economic, and political activities as well as to eliminate harmful practices that hinder their full and effective participation in different domains of life. Eradicating demeaning attitudes and harmful cultural practices and alleviating women's household chores is one of the objectives of the development and change package, which is to ensure the social participation and benefits of women.<sup>196</sup> With this in mind, the package put in place the strategies of conducting activities that bring about attitudinal and cultural change among women themselves; ensuring the physical and psychological wellbeing of women by eliminating all harmful practices; conducting continuous and focused activities that result in attitudinal and cultural changes among rural women and preventing the exposure of urban women to harmful practices. The package envisioned creating a favorable condition in which women's associations and institutions play a crucial role in spearheading their struggle to eradicate harmful traditional practices. The package stressed the importance of using local-level authorities, women's associations, and traditional structures established at the grass-root level to fight backward attitudes and practices that harm women.<sup>197</sup>

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<sup>194</sup> Cited in National Htps strategy, (n 126) p.19; FDRE Growth and Transformation Plan II (GTP II) (2015/16-2019/20), National Plan Commission, p. 91-92.

<sup>195</sup> Ibid.

<sup>196</sup> Ethiopian Women Development Package, 2006, p. 27.

<sup>197</sup> Ibid.

Moreover, the National Strategy and Action Plan on Harmful Traditional Practices against Women and Children in Ethiopia (2013) was designed with a vision to see a society free from all forms of harmful traditional practices, in which women and children enjoy their human rights and full economic and social opportunities without compromising their life choices.<sup>198</sup> The general objective of the strategy was institutionalizing the national, regional, and grassroots level mechanisms by creating an enabling environment for the prevention and elimination of all forms of harmful practices. Moreover, the strategy aimed to ensure the availability of multi-sectoral mechanisms to support women and children. Such an objective is founded on the three strategic pillars of prevention, protection, and provision/responsive services.<sup>199</sup> In order to realize the efficient and effective implementation of this National Strategy, a National HTP Platform was established and chaired by the Ministry of Women, Children and Youth Affairs.<sup>200</sup> In addition, the Alternative Childcare Guidelines (2009) on community-based childcare, reunification and reintegration program, foster care, adoption, and institutional care service stipulated the paramount importance of encouraging traditional child care and placing them with families of their own culture and/or religion. Traditional foster care modalities, especially in the rural areas, shall be encouraged since it allows a child to live in a familial environment in a way that ensures the child's physical, mental, psychological, and social development.<sup>201</sup>

## 2.6 Institutional Frameworks on Women's Rights and Culture

**In Ethiopia, there are formal and informal institutions engaged in working towards the realization of the rights of women in general and cultural aspects of women in particular. Historically, in 1935, the Ethiopian Women Welfare Association was the first nation-wide women organization.**<sup>202</sup>

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<sup>198</sup> National Htps strategy, (n 138), p.8.

<sup>199</sup> Id, p.9.

<sup>200</sup> Ibid.

<sup>201</sup> Alternative Childcare Guidelines (2009) on community-based childcare, reunification and reintegration program, foster care, adoption and institutional care service, 2009, p. 37.

<sup>202</sup> Gemma Burgess, (n 18). 98.

It was founded under the patronage of Empress Menen with membership drawn mainly from elites and those closely aligned to the state. The organization acquired legal personality in 1953 and at the time, it had forty branches throughout the country. The objective of the association was economically empowering women through raising funds and sponsoring projects for women. The Armed Forces' Wives Association and the Ethiopian Young Women's Christian Association were other women associations formed to support women during the imperial regime.<sup>203</sup>

During the *Derg* regime, the Revolutionary Ethiopia Women's Association was established in 1980, which was a large state organization with almost five million members.<sup>204</sup> The association contributed to the establishment of various development projects such as handicrafts, retail shops, and flour mills. However, women benefiting from the association were quite limited to those who were loyal to the governing party and it was regarded as a politicized organization.<sup>205</sup> After the downfall of the *Derg*, the new government set up a structure of Women's Affairs Offices in 1991, headed by a woman with the rank of a minister.<sup>206</sup> It is charged with the responsibility of coordinating, facilitating, and monitoring all government gender programs. The formulation of the National Policy on Women was one of the initial activities undertaken by the office. Then the gender focal points in Federal ministries and regional councils were established to implement gender and sectoral policies.<sup>207</sup>

Currently, there are governmental, nongovernmental, and indigenous institutions that work on women's rights and culture as part of their activities including eliminating harmful practices and encouraging active participation of women in socio-cultural, economic, and political activities. The government has established the necessary institutional structures to implement the legal and policy frameworks on women. Among others, the National Committee on Traditional Practices of Ethiopia (NCTPE) was established in 1987 with the objective to eradicate Harmful traditional practices that affect the health of women and

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<sup>203</sup> *Id.*, p. 99.

<sup>204</sup> *Id.*, p. 100.

<sup>205</sup> *Ibid.*

<sup>206</sup> Medhanit Adamu & Sofanit Mekonnen, *Gender, and the Law Teaching Material*, Unpublished, 2009, p. 22.

<sup>207</sup> *Ibid.*

children.<sup>208</sup> The Ministry of Women, Children, and Youth was established in 2005, which is reorganized according to proclamation 1097/2018. In relation to cultural practices, the proclamation mandated the ministry to undertake studies to identify discriminatory practices that affecting women and children and facilitate the creation of conditions for the elimination of such practices; design techniques to prevent harmful practices that cause harm to women and children; implement same upon approval and coordinate actions of all stakeholders to protect the rights and well-being of women and children.<sup>209</sup>

The Ministry of Culture and Tourism is also empowered in the same proclamation to preserve and expand cultural institutions to institutionalize public participation and undertake activities to bring about changes in cultural attitudes, beliefs, and practices hindering social progress.<sup>210</sup> The attorney general is responsible to investigate and prosecute crimes committed against women and children through harmful practices.<sup>211</sup> Similar government institutions are established in all regional states to perform the same task within the power and jurisdiction given to them in their respective regions.

Since the political transition in 1991, a number of women's civil society organizations and associations have emerged in Ethiopia. For instance, the Ethiopian Women Lawyers Association (EWLA) was founded with the main objective to defend women's rights through the legal system, to raise public awareness about the plight of women, and to work for reforms promoting gender equality.<sup>212</sup> The Network of Ethiopian Women's Association (NEWA) was established in 2003 with the objective to ensure women's rights, women empowerment, and gender equality. Moreover, *Setaweet*- A feminist movement is another organization formed in 2014 focusing on empowering women through encouraging assertiveness, and women's leadership at the workplace as well as the ways to eradicate sexual harassment and Gender-based violence, etc.<sup>213</sup>

<sup>208</sup> Bimer Eyayu, (n 52), p. 61

<sup>209</sup> Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation, Proclamation No.1097/2018, Art. 28 (1e, f, h, l, m).

<sup>210</sup> Id, Art. 30 (2-4).

<sup>211</sup> Federal Attorney-General Establishment Proclamation, Proclamation No. 943/2016, Art. 6 (3).

<sup>212</sup> Gemma Burgess, (n 18) p. 102.

<sup>213</sup> Bimer Eyayu, (n 52) p.6.

Among them, Ethiopian Women Lawyer's Association is the first and most prominent women's civil society organization founded in 1995. The major three key areas of activity of EWLA are research and law reform advocacy, legal aid services including representation, and public education.<sup>214</sup> EWLA works closely with the government on advancing and realizing women's rights including in eradication of harmful practices. For instance, they submitted a draft amendment of the Family Law to the federal and regional legislative bodies in 1996.<sup>215</sup> They consulted and lobbied in the process of legal reforms. The EWLA also played a key role in lobbying for the adoption of the 2004 revised criminal code particularly in areas of violence against women and harmful practices.<sup>216</sup> Moreover, the EWLA in collaboration with the Network of Ethiopian Women's Associations prepared the first-ever Shadow Report on government compliance with CEDAW. The Shadow Report was produced to provide an alternative source of information and evaluation to the UN monitoring committee.<sup>217</sup>

However, the role of Civil society Organization in general and women CSO became undermined following the adoption of the repressive Charities and Societies proclamation No. 621/2009 by the Ethiopian parliament. The law restricts foreign-based CSO's only to engage in limited developmental activities set by the government and prohibited to engage in human rights issues. In contrast, the law empowers local CSOs to engage in human rights and governance issues, but limits the source of funding CSO particularly restricts local Ethiopian CSO's to receive less than 10% of their fund from foreigners, which is the main source of funding to ensure human rights, locally.<sup>218</sup> This leads to a shortage of financing of NGOs engaged in human rights. Consequently, many prominent CSOs were obliged to close some of their branches and reduce human resources due to shortage of funds.<sup>219</sup> For instance, in regions, EWLA limited to voluntary legal aid services due to such law restrictions and shortage of funding.

<sup>214</sup> Gemma Burgess, (n 18) p. 103.

<sup>215</sup> *Id.*, p.104.

<sup>216</sup> *Ibid.*

<sup>217</sup> *Ibid.*

<sup>218</sup> Kidan Dires, *The 2009 and 2019 CSO Laws in Ethiopia: From Hindrance to Facilitator of CSO Activities?*, International Institute of Social Studies, MA Thesis, 2019, p. 24.

<sup>219</sup> Kendra E Dupuy et. al, *Who survived? Ethiopia's Regulatory crackdown on foreign-funded NGOs*, *Review of International Political Economy*, 2014, p. 23. <DOI: 10.1080/09692290.2014.903854>

This indicates the law has a direct negative impact on realizing the protection of women's rights. Besides, several CSOs who previously work on human rights changed their title to developmental activities.<sup>220</sup> Later, the law was repealed and replaced by the new 'Civil Societies Organization' proclamation no. 1113/2019 in a manner expanding the role of CSOs on human rights issues.

In addition to the governmental and non-governmental structures, a set of other structures that operate at the grassroots level are engaged in different in empowering women in cultural life and eliminating harmful practices. Women are not only cultural consumers, but they are also producers' and transformers of culture. Hence, they can play a crucial role in transforming and changing patriarchal cultures and attitudes. In Ethiopia, there are a number of local community-based women organizations are formed for mutual support such as the religious association of *Maheber* and the saving institution of *Idir*.<sup>221</sup> There are indigenous institutions exclusively organized and lead by women/girls who work on promoting the rights of women in cultural life, human rights, and dispute resolutions. For instance, the girls' festival is known as *Ingiccaa/ Aladduu/Migira Buqqifanna* among *Shawaa* and *Wallaggaa Oromoo*, *Ashenda*, *Mariya*, *Aynewari* in *Tigray*, and *Ashendiye*, *Ingiccaa Nekela*, *Shadey or Solel* girls' festival in different parts of *Amhara* regional state promotes the right to participation of girls in cultural life.<sup>222</sup> Moreover, the *Erfo (Ruufoo) Marabba of Walloo*, *Siinqee* institution of *Oromoo*, and *Women Ma-Zarsii of Hamer* are women led customary dispute resolutions that ensure the right to access to justice and peaceful life.<sup>223</sup>

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<sup>220</sup> Ibid.

<sup>221</sup> Andrea Nicolas, (n 127) p. 292.

<sup>222</sup> Abebu Oljira and Dereje Fufa, (n 24) p.189; Waldaa Duudhaa fi Aadaa Oromoo (Association of Oromoo Culture and Value), Daaniyaa, Finfinnee, 2006, p.230; Files 2021 under process, <<https://ich.unesco.org/en/files-2021-under-process-01119/>>

<sup>223</sup> Meron, (n 77), p. 10; Susanne Eppele, (n 144), p. 193.

In this regard, the FDRE constitution promised to establish or give official recognition to customary courts, consensually.<sup>224</sup> However, the law does not yet establish them. Hence, currently, customary dispute resolutions including those established by women have no jurisdictional or legal relationship with the official system, unlike the Sharia religious court. But, they are still operating widely as primary decision-makers in the majority of rural areas throughout Ethiopia due formal legal system are less accessible on various grounds.<sup>225</sup> Furthermore, the FDRE constitution is silent on the role of traditional leaders and institutions, despite imposing on the federal and state governments the “duty to support... the growth and enrichment of cultures and traditions” that are not contrary to basic human rights and democratic norms under Art. 92.

Some regional state constitutions provided limited constitutional recognition to traditional leaders. For instance, Article 63 of the *Afar* state constitution recognizes a council of elders would be established. Likewise, Article 56 of the Somali state constitution states that there would be a council of elders and clan leaders without providing further details. In *Oromia*, unfortunately, all previous and current constitutions of the *Oromia* regional state are silent on the *Gadaa* system and other pivotal institutions of the people.<sup>226</sup>

The *Gadaa* and *Siinqee* institutions being major cherished institutions of the Oromoo people did not get the constitutional attention they deserve. Perhaps the only indirect reference to the *Gadaa* in the *Oromia* regional state constitution is the inclusion in the state's flag of the *Odaa* ('a symbol that refers to the tree' under which *Abbaa Gadaas*, leaders of the *Gadaa* system, hold their meetings) and designation of regional legislative as *Caffee* (supreme legislative authority in the *Gadaa* system).<sup>227</sup> Otherwise, the word *Gadaa/ Siinqee* or any other traditional institutions are not even mentioned in the state constitution. It is unclear why the crafters of the state constitution failed to ensure those pivotal institutions constitutional recognition that they deserve.

<sup>224</sup> FDRE Constitution, Art. 78 (5).

<sup>225</sup> Meron et. al (n 79), p. 19; Endalew, (n 139).

<sup>226</sup> Muluken Kassahun, Incorporation of the Oromoo's Gadaa System into Ethiopia's and the Oromia Regional State's Constitutions, The Oromoo Studies Association 33rd Annual Conference Proceedings, 2019, p. 255.

<sup>227</sup> Ibid.

# 3. CHAPTER 3: THE STATUS AND ROLE OF WOMEN IN OROMOO CUSTOMARY INSTITUTIONS

## 3.1 Background Information



The *Oromoo* nation lives in Ethiopia, Kenya, Somalia, and other east African countries.



They are the most populous nation with largest land coverage in Ethiopia.



They speak *Afaan Oromoo*, which belongs to the Eastern Cushitic family of Afro-Asiatic phylum.<sup>228</sup> Although there is controversy among scholars,<sup>229</sup> according to oral accounts *Oromoo* is one of twelve children of the Kush. *Oromoo* has one child named Raayyaa. The later has ten children, which constitutes the current different clans of *Oromoo*.

<sup>228</sup> Ayalew Getachew (n 36), p. 39

<sup>229</sup> Several scholars calssify Oromo branch into five major groups: the Tuulamaa and the Maccaa, the Sabboo and the Goonaa, the Raayya and the Aseboo, the Siikkoo and the Mando and the Ittuu and the Humbannaa. Others classify into Boranaa and Barentu moieties. (Taabor Waamii, Seenaa Dhugaati fi Barreeffama Loogii, Rohobot Printers, 2015, p. 55; ባለምባራሰ ጃቢሳ ኤጀታ፣ የኦሮሞ ባህልና አጭር ታሪክ፣ 1983/1991, p.24).

| No | Oromoo Classes/ descendants | Number of their Children | Current Place of Residence                                     |
|----|-----------------------------|--------------------------|--|
| 1  | Walloo Rayyaa               | 7                        | Walloo Oromoo, Raayya Oromoo                                   |
| 2  | Humbannaa                   | 8                        | Harargee & Eastern Ethiopia                                    |
| 3  | Afran Qalloo                | 4                        | Harargee & Eastern Ethiopia                                    |
| 4  | Tuulamaa                    | 14                       | Shawaa & Central Ethiopia                                      |
| 5  | Maccaa                      | 12                       | West and SouthWest Shawaa, Wallagga, Illuu Abbaa Boor & Jimmaa |
| 6  | Karrayyuu                   | 9                        | Eastern Shawaa   |
| 7  | Arsii                       | 7                        | Arsii & Baalee   |
| 8  | Gujii                       | 3                        | Gujii  |
| 9  | Booranaa                    | 3                        | Booranaa   |
| 10 | Ittuu                       | 10                       | Harargee and Eastern Ethiopia                                  |

**TABLE 2**

Background information on the descendants of Oromoo Source- Interview with Ob. Cherinet Waqwaya, Oromoo Culture Expert (Wallaggaa University)

Historically, the *Oromoo* people were ruled by the indigenous socio-political structure of the *Gadaa* system and monarchical regime.<sup>230</sup> During early *Gadaa* system, the *Oromoo* region was constituted of five 'confederated' regions namely *Raayyaa-Aseeboo*, *Maccaa-Tuulamaa*, *Sabboo-Goonaa*, *Siikko-Mando*, and *Ittuu-Humbannaa*.<sup>231</sup> *Oromoo* clans now have established their *Gadaa* centers at several places based on their territorial settlement.<sup>232</sup> Mixed

<sup>230</sup> Samarro Waaree, Qorii Sona Aadaa, Waajjira aadaa fi Turizimii Godina Gujii, 2008, p.18; Diribi Damuse (n 31) p. 190-194.

<sup>231</sup> Alemayehu Haile, Gadaa system-The Politics of Tulama Oromoo, Vol. 1, 2009, p. 16.

<sup>232</sup> Accordingly, the Booranaa and the Gabraa Oromoo established their Gadaa center at Gumii Gaayo and Areero in Booranaa zone, Mi'ee Bokkoo, and Nuuraa in Gujii Zone, the Tuulamaa at Odaa Nabee and the Karrayyuu at Horaa Samaa (east Shawaa zone), the Maccaa at Odaa Bisil(west Shawaa Zone), Odaa Bulluq (East Wallaggaa Zone), Odaa Hulle (Jimma Zone), and Odaa Doggii (Iluu Abbaa Boor), the Arsii at Odaa Rooba at Baalee Zone, the Ittuu & Humbannaa at Odaa Bultum (West Harargee), and the Walloo Oromo at Odaa

farming (agro-pastoralism) is the primary economic way of life in highland areas while pastoralism is common in low land.<sup>233</sup> The *Oromoo* have their own traditional religion called *Waaqeffannaa*, the belief in *Waaq* (the Supreme God). Currently, Islam and Christianity are the major religions followed by the community.<sup>234</sup>

Under the contemporary ethnic-based federal structure of Ethiopia, the Regional State of *Oromia* is designated for *Oromoo* as having ultimate sovereign power over the region, although the *Oromoo*'s live across all parts of the country and likewise all other nations reside in *Oromia*. The region is located at the center of Ethiopia between 30 40' N to 100 35' N and 340 05' E to 430 55' E.<sup>235</sup> It has an area of 367,000 sq. Km covering 31% of the total area of Ethiopian land with a total borderline of 5672 Km. Topographically, the region's altitude ranges from 500M to 4377M above sea level. The region shares internal boundary with all the Regional States except *Tigray*, and international borders with Kenya and South Sudan. Administratively, the region is currently organized into 21 zones with more than 300 urban and rural districts.<sup>236</sup> Addis Ababa (*Finfinnee*), the Capital City of Ethiopia, also served as the capital of the region. *Afaan Oromoo* is the official language in *Oromia*. *Amharic*, the official language of the Government of Ethiopia, is also widely spoken. English is used as a medium of instruction in secondary schools and tertiary institutes. According to the 2007 census, 36.7% of the country's population lives in the Region.<sup>237</sup>

Women constitute almost half of the population of the region constituting about 49.6 percentage of the total population.<sup>238</sup> This chapter examines the roles, and status of women in customary institutions of the *Oromoo* with particular reference to *Gadaa* System.

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Garaadoo (ገዛህኝ ግርማ (2008)፣ የመስቀል ባህል አከባበር፣ ጫምባላላ ባህል እና ገዳ ስርዓት በዩኔስኮ የሰፊ ልጆች ወካይ የማይዳሰስ ባህላዊ ቅርስ ዝርዝር ዉስጥ በዓለም ህዝቦች ቅርስነት ለማስመዝገብ ህይወት እና ጠቀሜታ፣ Shalla press, p.253)

233 An Overview of Oromia's Tourism Resources < <https://advocacy4oromia.files.wordpress.com/2014/06/an-overview-of-oromias-tourism-resources.pdf> >

234 Jeylan (n 21), p. 104.

235 Oromia Tourism (n 233).

236 Oromia National Regional State Government Website <<http://www.oromiyaa.gov.et/web/guest/oromia-zone>>

237 FDRE Population Census Commission, Summary and Statistical Report of the 2007 Population and Housing Census Results, December 2008, p. 10

238 Ibid.

### 3.2 Oromoo World View and Women

The *Oromoo* has vast and rich cultural traditions. The *Oromoo* have their own worldviews founded on three integrated conceptual bases to explain the organization and interconnection of human, spiritual, and physical worlds. Those are *Ayyaana* (spiritual), *Uuma* or *Uumee* (nature), and *Safuu* (ethical and moral code).<sup>239</sup> *Ayyaana* refers to God (*Waaqa*) the creator of anything and everything. *Ayyaana* (spirit) serves as an intermediary between human beings and *Waaqa*, like angels and prophets in other world religions.<sup>240</sup> *Uumaa* refers to the entire physical world and the living things and divine beings contained within it, animal, vegetable, mineral, and spiritual. The *Oromoo Safuu* refers to the ethical, moral, religious as well as political thoughts and rules. There is *Safuu*, respect and value between father and son, mother and daughter, brothers and sisters, husband and wife, young and old, guests and hosts, God and earth and it regulate the activities of human beings.<sup>241</sup>

**Women have their own role and status in Oromoo worldviews. Women have a great role and status among Oromoo communities as the common Oromoo saying goes:**

**“kabajni ilma namaa dubartiidha” (the honor of human being is a woman).<sup>242</sup>**

They define the bipolar relation of man and women by using different objects especially nature.<sup>243</sup> Despite the controversy on the creation of human beings, *Oromoo* believes

<sup>239</sup> Gamachu Megersa, Knowledge, identity, and the colonizing structure: The case of the Oromoo in East and Northeast Africa (Ph.D. Dissertation). The University of London, School of Oriental and African Studies, 1993, p. 260.

<sup>240</sup> Tesema Ta'a, Religious Beliefs among the Oromoo: Waqqeffannaa, Christianity and Islam in the Context of Ethnic Identity, Citizenship and Integration, EJSSAH Vol. VIII, No.1 June 2012, p. 92.

<sup>241</sup> Ibid; Asnake Erko, Global Council of Waqqeffanna –The Revitalization of Waqqeffanna and its Importance in Transforming Values of Humanness and Peace, The Oromoo Studies Association 33rd Annual Conference Proceedings, 2019, p. 141.

<sup>242</sup> Jeylan (n 21), p. 112.

<sup>243</sup> Ginbar Nagara, The Cultural Expression of Xunduu (Coupling) in Oromoo Knowledge of Gender, Sociology and Anthropology Journal, Vol. 5(1), 2017, p.76-84.

that the first man on earth, *Tabbo (Yayya)*, and the first woman on earth was named *Tabaabbo*.<sup>244</sup>

#### BOX 4

In Oromoo culture, sun represents the feminine while light stands for the masculine.<sup>245</sup> In this sense, the mother (sun) gives birth to light (men). As there is no sunlight without sun, no men without the existence of women. Thus, men should protect and respect women, not only for the interest of women, but for the livelihood of themselves. Besides, the Oromoo symbolizes land with mother. They call their land 'Dachee Haadha Margo' (Mother Earth).<sup>246</sup> Land carries and feeds human beings from birth to death. As a result, the Mother Earth has Safuu, and respect next to God. Similarly, the mother procreates, carries, and feeds the creation of Waaqa. Thus, women should be dignified and honored just like mother earth. Moreover, in Oromoo, God is named as 'Waaqayyoo', which is derived from 'Ka' and 'Ayyoo'.<sup>247</sup> 'Ka' is the name given to God by Oromoo ancestors and the word 'aayyoo' is the name given to a mother, who does wish all good things for her children, and does plan and try to fulfill it.<sup>248</sup> Hence, the term Waaqayyoo is the short form of waan-Ka-ayyoo (what is planned from 'Ka' (God) for aayyoo (mother) and for her children).<sup>249</sup>

<sup>244</sup> Gamachu (n 239), p. 78; Jaatanii Diidaa, Jaarraa- Haaromsa Aadaa fi Seenaa Boorana, V.2, 2015, p. 19

<sup>245</sup> Ibid

<sup>246</sup> Melaku Getahun, Oromoo Indigenous Knowledge and Practices in Natural Resources Management: Land, Forest, and Water in Focus, Journal of Ecosystem & Ecography, Vol. 6(2), p. 3

<sup>247</sup> Benti Ujulu, The Significance of Revitalization of Gadaa and Oromoo Indigenous Religion in Achieving Lasting Change in Ethiopia in general and in Oromia in Particular, The Oromoo Studies Association 33rd Annual Conference Proceedings, p. 229.

<sup>248</sup> Waaqeffannaa: the African Traditional Faith System <<https://www.waaqeffannaa.com/waaqeffannaa/waaqeffannaa-the-african-traditional-faith-system/>>

<sup>249</sup> Ibid

In social and cultural reproduction, custom (*aadaa*) is seen as a mother and source of the system of production. The law (*seera*) is seen as the father, who protects the achievements of the tradition, whilst at the same time keeping it in check. The chief function of the law was to protect custom, as a man protects his wife.<sup>250</sup> In terms of division of labour, indoor activities were led and dominated by the female, and men led outdoor activities.<sup>251</sup> This distinction is neither strict nor aimed to exclude women from socio-economic activities, rather in the interest of women by considering biological attributes of a woman such as pain during menstruation period need rest, pregnancy, and child breast-feeding and take care for them and their children, in addition to protecting them from vulnerability to harms.

*Waayyu/ Wayyooma* is another important concept entrenched as one of the major building blocks of *Oromoo* worldview. The literal meaning of the word *Waayyu* is closely related to something, which is highly sacred/ blessed.<sup>252</sup> It indicates special respect that comes from God. Accordingly, God, land, cattle, elder, father, customary law is part of *Waayyu*. Anything *Waayyu* has occupied un-sur-rendered respects on the spiritual, moral, physical, and material ground. Harming something that is *Waayyu* upsets the order of respect and balance in the *Oromoo* worldview. According to Leila Qashu, *Waayyu* and *Safuu* are different but related concepts: *Waayyu* can be used to describe someone or something that is blessed, but *Safuu* is a moral and ethical code that is part of the *Oromoo* law system.<sup>253</sup> For instance, a father is considered *Waayyu*, and so beating him would be *Safuu*.

<sup>250</sup> Gamachu, (n 239), p.214.

<sup>251</sup> Interview with Abba Gadaa Kuraa Jaarsoo, Booranaa Abba Gadaa, Booranaa Zone, Gaayoo, 17/08/2020.

<sup>252</sup> Jeylan (n 21), p. 113; Marit Østebø, *Wayyuu- Women's Respect and Rights Among the Arsi- Oromoo*. In Proceedings of the 16th International Conference of Ethiopian Studies, ed. by Svein Ege, et. al, Trondheim, 2009, p. 1050.

<sup>253</sup> Leila Qashu, *Toward an Understanding of Justice, Belief, and Women's Rights: Ateetee, an Arsi Oromoo Women's Sung Dispute Resolution Process in Ethiopia*, Ph.D. Dissertation, Memorial University of Newfoundland, 2016, p. 90.

The Waayyu concept among Oromoo especially those in Arsii is extended to women of different status such as female in-laws, a woman who gave birth, a mother, a married woman, a virgin girl,<sup>254</sup> a pregnant woman, a woman who wears the Qannafaa (adornment symbolizing postpartum women), a woman who wears Hanfala (fertility leather belt worn by married women), and a woman who holds Siinqee (stick of symbol of marriage) are Waayyu.<sup>255</sup> The disrespect shown to women, who are Waayyu, can be seen as a breach of Safuu in customary law and the law of Waaqa. Overall, the notion of Waayyu conveyed the level of high respect shown to honored people or things including the above specified categories of women. Hence, they are entitled to high status and honor of Waayyu in their relationship with people. Overall, the Oromoo world view places women as the center of human dignity and sympathy that represents nature on the earth.

### 3.3 Women Role and Status in the Pre Gadaa System: Matriarchal Administration

According to *Oromoo's* oral tradition, *Oromoo* has previously ruled under three different systems. These are Patriarchal monarchy, matriarchal monarchy, and *Gadaa* system. The patriarchal monarchy is said to have been replaced by a matriarchal monarchy due to popular uprising as a reaction to bad governance, dictatorial leadership, and nepotism.<sup>256</sup> According to oral tradition and folktales, the *Oromoo* was once ruled by matriarchal administration long before inventing the *Gadaa* system.<sup>257</sup> Dirribi notes, some women served as Queens among different *Oromoo* communities. Some of them are; *Haadha* Sonkoro (*Maccaa Oromoo* Queen), *Akkoo* Mannooyee (*Tuulamaa Oromoo* Queen), *Qorkee* (*Ittu Humbannaa* Queen), *Haadha* Abbonoye (*Booranaa* Queen), and *Akkoo* Mannooye (*Karrayyuu Oromoo* Queen) rules the people in different regimes. Moreover, among *Gujji Oromoos* five women

<sup>254</sup> A girl is considered to be waayyu in the sense that she should not be touched; her virginity should be respected. "Her respect is her virginity" (Ulfinni ishii walabumma ishiti). Premarital sex is immoral to encourage abstinence. (Marit Ostebo (n 252), p. 1056).

<sup>255</sup> Ibid; Leila Qashu (n 253), p. 29.

<sup>256</sup> Samarro (n 230), p.18.

<sup>257</sup> Diribi Damuse, (n 31), p. 190-194.

are described to have ruled consecutively. Their names are Hayyooyoo Hoyoo, *Akkoo Qaroyee* (Hoyyaa Garoyyee), *Akkoo Lasii Lasoye*, *Akkoo Qadho Qaasoyee*, and *Akkoo Mannooyyee*.<sup>258</sup>

During the matriarchal monarchy rule, the conflict tension with neighborhood territories were said to have been reduced, although the problem of bad governance was not resolved internally. The notion of gender equality has been introduced during this regime. The gender equality is partly ensured by being men's ordered equally to engage in domestic activities with women, including caring for children.<sup>259</sup> The regime was also known for the development of innovation and technology in the construction of houses and bridges, making cloth and shoes from leather and skin, sanitation, and a clean environment. For instance, the current cultural objects used among Oromoo such as *Siinqee* ritual stick, *Bonko* (leather gown), *gaabii* (thick shawl), *callee* (beaded necklaces), *Booraati* (headrest for sleeping), *Sandaaba* and *lootuu* (women forehead jewelry) are believed invented during the matriarchal regime.<sup>260</sup> However, each woman was also known for ordering men to perform unusual and unjust acts.

Among them, the folk story of *Akkoo Mannooyyee* (Grandmother Mannooyyee) emphasizes her bravery and unfair treatment of men. The stories accent her absolute dictatorship often being narrated by communities living in both pastoral lowlands and agriculturalist highlanders. She was a very powerful woman, wise and in charge of things.<sup>261</sup> During her rule, every task, including caring for children, was performed by husbands, and every decision in the public and private spheres were said to be by women.<sup>262</sup> Some even link the very foundation of the *Siinqee* ritual to *Akkoo Mannooyyee* mentioning that she was the very first person to possess and hold the *Siinqee*.<sup>263</sup>

<sup>258</sup> Ibid.

<sup>259</sup> Samarro (n 230), p.18.

<sup>260</sup> Ibid.

<sup>261</sup> Tadesse Jaleta, Contesting Images of Womanhood: The Narrative Construction of Gender Relations in Ethiopia, *African Studies Quarterly*, Vol. 18, Issue 3, May 2019, p.5.

<sup>262</sup> አሸቻ (n 16), p. 218-223; Samarroo (n 230), p.18

<sup>263</sup> Interview with Ob. Aliyyii Muhammaad, Baalee Abbaa Gadaa, Gindhii, 13/08/2020; Leila (n 251), p. 267.

The oral stories state that she had a strong policy towards men and always ordered them to accomplish impossible things. For instance, one day, *Akkoo Mannooyyee* gathered all the men and ordered them to build for her a house between the earth and the sky. This instruction perplexed her people. A wise man responded to her: “Dear mother, we are happy to build the palace for you as you wanted, but we ask you to ‘put the pole between the earth and the sky to inaugurate the project’.”<sup>264</sup> Later, the matriarchal administration was deposed by men and replaced by the patriarchal monarchy.<sup>265</sup> However, the replacement doesn’t bring the intended change on the lives of the people and unjust treatment continues under men’s monarchy. After a certain period, popular uprising led to the downfall of the monarchical regime and was replaced by the *Gadaa* system of governance.<sup>266</sup> However, the specific time and place of the above matriarchal and patriarchal monarchy period and its replacement by the *Gadaa* system was unknown.

### 3.4 *Gadaa* System Foundational Pillars and Women

In different parts of the world, several tribes and clans have indigenous knowledge systems to govern the socio-economic and political administration of their community. For instance, the *Karimojong*, the *Masai*, the *Nuer*, the *Pokot*, the *Samburu*, *Ibu*, *Kikuyu*, and the *Sebei* from eastern Africa, the *Kpelle* from West Africa, and the *Yanomamo* of Northern Brazil have indigenous knowledge systems that can be a source of wisdom for the world.<sup>267</sup> Similarly, the *Oromoo* had a well-developed age-based system i.e, the *Gadaa* System.

<sup>264</sup> Jeylan W. Hussein, *The Functions of African Oral Arts: The Arsii-Oromoo Oral Arts in Focus 17*, African Study Monographs, 26(1), March 2005, p. 18.

<sup>265</sup> For instance, among Gujii, *Akkoo Mannooyyee* was killed by men technically by putting her in a very deep hole. Currently, the ground at which she was buried is called *Qilee Akkoo Mannooyyee* (the Hole of Grandmother *Mannooyyee*), which is located in Gujii zone 30 km to the east of Negele city. (Samarroo (n 230), p.18).

<sup>266</sup> Dirribii (n.31) p. 194; Samarroo (Ibid).

<sup>267</sup> Alemayehu (n. 231), p. 44.

**BOX 5**

The word Gadaa represents multiple concepts. Etymologically, according to Tsegaye Gebremedhin, the word Gadaa is derived from two archaic terms: 'Ka' and 'aadaa'.<sup>268</sup> 'Ka' means God (Uumaa/creator), and 'aadaa' refers to norms. Hence, Gadaa is described to stand for 'Norms of God'. According to Asmerom Legese, "Gadaa' refers to a period of eight years during which a Gadaa class stays in power". Gadaa is an expression of Oromoo philosophy and civilization that guide the political and socioeconomic functions of the people.

There are five foundational pillars of the *Gadaa* system.<sup>269</sup> The first pillar revolves around the principle of liberating laws and ensuring that they are free from influences of those groups in power or partiality to a certain category of people. The law became colonized when it is enacted to advance interest of certain groups over the interest of another. The colonized law creates colonized society. Hence, *Gadaa* only administers the liberated law. The law is liberated when it is enacted in the interest of the people. *Gadaa* law proscription has been categorized into five basic laws. Those are unjustified killing of human beings, theft, misleading statements, adultery, and breaking public confidential information. The second pillar of the *Gadaa* system is realizing the economic progress and economic empowerment of the people. The system and leaders in power should design policies that guarantee equitable share and accessibility of resources. Economic capability is one criteria of selection to serve within *the Gadaa* ruling class and readiness to start one's own family. The *Oromoo* believes that an individual who is unable to manage and transform his own economy is less competent to transform society's economy.<sup>270</sup>

<sup>268</sup> Zelalem Sirna, Ethiopia: When The Gadaa Democracy Rules In A Federal State- Bridging Indigenous Institutions of Governance to Modern Democracy, University of Troms (LLM Thesis), 2012, p. 56.

<sup>269</sup> Interview with Ob. Cheerinnat Waqwayyaa, Indigenous Culture Expert, Wallaga University, Nekemte, 24/09/2020; Focused Group Discussion (FGD) 5, East Wallaggaa Zone Culture and Tourism Office, Nekemte, 25/09/2020.

<sup>270</sup> Ibid.

Thirdly, bringing social transformation within *the Gadaa* system age set structure is another pillar. Every individual has a duty and rights that are required to perform within one age set of eight years. A person who performs the best in socio-economic, military functions, and serving society has a better chance to be elected in the administration. The rulers of the *Gadaa* system have the duty to ensure and encourage every individual of all age set group to perform their responsibility set down for them. The age set is classified into 11 strata in the case of *Tuulamaa* and *Booranaa Oromoo*, 13 among *Gujii*, and 14 among *Maccaa Oromoos*.<sup>271</sup> Each age set has its own name among different *Oromoo* Communities. The fourth pillar of *the Gadaa* system is the political domain (*Sii-yaasaa*/herding people). It's about effective decentralized leadership and guiding people on the right track. Within *the Gadaa* system, there are five parties that hold and transfer power every eight years. The outgoing *Gadaa* party after eight years in power required to wait for forty years to hold the power again. The name of each party differs from one to another *Oromoo* clans.<sup>272</sup>

The fifth pillar of the *Gadaa* system is a religion called *Waaqeffannaa*. *Waaqa's* power is manifested through the spirits called *Ayyaana*. The major spirits include *Abdar/Dachee* (soil fertility spirit), *Ateete* (human and animal fertility spirit), *Awayi/Tiyyana* (sanctity spirit), *Balas* (victory spirit), *Chato/Dora* (wild animals defender), *Gijare/Nabi* (father and mother's spirit), *Jaricha* (peace spirit), *Qasa* (anti-disease spirit), *Ekeraa* (dead body spirit)... etc.<sup>273</sup> *Waaqeffannaa* has a man priest called *Qaallu* or *Abbaa Muudaa* and a woman priest called *Qaallitti* or *Haadha Muuda* and the clergy around them. There are basic symbols that are carried during the ceremonies and special prayers. *Kallachaa* (an item made from Iron) is held by men and *Caaccuu* (made from Ornamentsvis carried) by women. *Kallacha* represents the sky-God, while *Caaccuu* symbolizes the earth. Among the ceremonies of *Waaqeffannaa*, *Irreecha*, and *Muuda* pilgrimages are just a few of them. *Waaqeffataa* walk to a mountain or river and practice prayers by holding

<sup>271</sup> Wandimu Negash fi Booni Tasfayee, Seenaa fi Sirna Gadaa Oromoo Maccaa hanga Jarraa Jalqaba 20ffatti, Biiroo Aadaa fi Tuurizimii Oromiyaa, 2015, p. 99. (See Annex 1).

<sup>272</sup> See Annex 2.

<sup>273</sup> Ibid.

green grass during the *Irreecha* ceremony while *Muuda* is visiting a holy place or *Abbaa Muudaa/ayyaantuu* like known *Qaalluu/Qaallitti*, every eight years. The traditional ritual hall of the *Qaalluu/Qaallitti* is known as *Galma* and the ritual activity of the *Qaalluu/Qaallitti* is called *Dalagaa*.<sup>274</sup>

In this regard, although there is controversy about the role and status of women in *the Gadaa* system, this subsection illustrates how women's interests are incorporated into five *Gadaa* pillars.

### 3.4.1 Liberating Laws and Women

In the first pillar dealing with legal domains, the laws issued by Caffee are equally applicable to both men and women. However, the law of 'muka laaftuu' (law of softwood) ensures positive discrimination with the view to protect the vulnerable groups of the population including women, children, and elders.<sup>275</sup> For instance, women are excluded from direct participation in war as soldier/fighter.<sup>276</sup> Moreover, children and women of the enemy groups are not subject to attack. They believe that children and women are not enemies (*ijoollee fi dubartiin diinummaa hin qabdu*).<sup>277</sup> Besides, if a woman complains against a man for gender-based violence, her word is sufficient to hold the accused person accountable. They believe that women's claims against men are true since most violence against women are committed in private sphere or are not performed publicly. On the other hand, in case women commit a crime, her husband or her male families have strict liability and pay compensation for her act.<sup>278</sup> They say a woman is "Waayyu" (highly dignified) next to God and, hence, not subject to litigation that undermines her

<sup>274</sup> Tesema (n. 240), p. 93.

<sup>275</sup> Gadaa had the law of Muka laaftuu (law of softwood) which protects the softer and vulnerable segment of the population. The protection covers women because they fall under the category of luminal. Gamachu, (n 239) p. 164.

<sup>276</sup> The Oromoo considers the death of one man as equivalent to one man, while the death of one woman is considered as the death of nine persons. As a result, women support the fighters by providing meals and treating a wounded person. (FGD 3, Nekemte (n 269)).

<sup>277</sup> Ibid.

<sup>278</sup> Interview with Ob, Tibbesso Obsa, Heritage and Obelisks Team leader, Shashemene City Tourism and Culture Office, West Arsi Zone, Shashemene, August 24, 2020; Focused Group Discussion (FGD) 3, Iluu Abbaa Boor Zone Culture and Tourism Office, Mettu, 17/09/2020.

dignity. There is an underlying belief that women are not deliberately engaged in fault/crime without any justifiable reason. Hence, they are immune from direct and personal liability for fault/crime committed by them.<sup>279</sup>

### 3.4.2 Women Economical Empowerment Ways

#### BOX 6

In the Gadaa system, there are different mechanisms that help a woman to acquire property. When a child is born, whether male or female, they are entitled to a gift of heifer by their family called 'Handhuura'.<sup>280</sup> The Handhuuraa cow will be a lifetime property of the newborn girl/boy as upon marriage the girl/boy will be leaving with the Handhuuraa cow and her increase from breeding.<sup>281</sup> During marriage, there are gifts called Horii Siinqee (Siinqee cows) given to women.<sup>282</sup> Horii Siinqee is a kind of gift given to a wife is given by her in-laws and other relatives. The most commonly known gift are cows with calves. The number of cows and calves differs from one community to another. In most Oromoo communities, Horii Siinqee is considered as the exclusive personal property of the wife, in addition to the common property she shares with her husband. Besides, there are cooperative women self-help institutions such as Gumaata and Ayyoo Meetoo institution in Harargee, Marroo system in Booranaa and Wiiiijo/Ijoo system among Arsii and Eastern Shawaa Oromoos are mentioned as an example. This institution helps women to economically empower each other and share burden and responsibility among one another.

<sup>279</sup> Ibid.

<sup>280</sup> Interview with Ad. Zeetunaa Aloo, Haadha Siinqee of Sinaanaa district, Baalee zone, Roobe, 28/08/2020

<sup>281</sup> Ibid

<sup>282</sup> Interview with ObTibesso (n. 278).

### 3.4.3 Women Social Structure in the Gadaa System

Women have no comparable age set system in the Gada system. Exceptionally, in the *Maccaa Oromoo Gadaa* system, women have equivalent age set strata that empower them within the gendered labour division of domestic activities.<sup>283</sup> Up to 16 years both girls and boys have similar protection and duty. Starting from the age of 17 girls should support and learn indoor activities. The man between 25-32 years serves as a military and engages in defending territory, if there is a war. The girls in the same age have the duty to provide meal and treat the wounded. However, if there is no war they have the right to form a marriage. At this juncture, the *Maccaa Oromoo* sets minimum marriageable age after reaching three *Gadaa* age sets (8\*3) for both male and female, which is 24 years.<sup>284</sup>

Starting from the age of 32- 48 years both men and women are fully guaranteed the right to marry and participate in the *Gadaa* system of governance. Then, women aged from 49- 80 years are called *marabbeessitootaa (Haadha Caaccuu)* and they are responsible for protecting and promoting *Safuu* (morality and ethics) among the community.<sup>285</sup> In *Booranaa*, the age set of women is categorized based on their marital status i.e married and unmarried.<sup>286</sup> This category has an impact on their rights, duty, and participation in *Gadaa* activity. In *Arsii* also, there are women social solidarity organizations *Saddeeta Hanfala* that entitles married women to participate in village councils.<sup>287</sup>

Apart from participation in the age-set system, women have their own exclusive institution (social structure) that guides their socio-economic and political roles in the *Gadaa* system. The *Oromoo* women institution can be classified into unmarried girls institutions (such as *Addooyyee, Mararoo, Ingiccaa, and Gaarayyuu*) and married women institutions that include *Siinqee, Erfoo (Ruufoo) Marabbaa, Asaraa, Gumaata, Ateete, Rakoo, Qannafaa, Cifree, and Wiijjoo*.

<sup>283</sup> Wandimmu & Booni (n 271), p. 93; Interview with Ob. Cherinet (n 269).

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> Interview with Ob. Guyoo Jiloo Areeroo, Booranaa zone Branch Oromia Broadcasting Network (OBN) Chief Coordinator, Yabello, 19/ 08/2020.

<sup>287</sup> Interview with Ob Tibbesso (n 278).

### 3.4.4 Women's Role in Political Governance of Gadaa System

In the early period, women participated in the *Gadaa* system governance/politics in the legislature, executive and alternative dispute resolution organs of the system through different mechanisms as explained below;

#### Women's Legislative Role

##### BOX 7

In the Early Gadaa system, different mechanisms were designed to ensure women's participation in Gadaa system. For instance, the early Maccaa Oromoo Gadaa system had an advanced and amazing system of representation that ensured both women's and men's participation in the legislative Assembly called *Caffee*. The assembly composed 45 persons; 22 male and 22 female representatives, in addition there was one neutral male speaker of the house called 'Noolee'.<sup>288</sup> Each member was selected from different age set that was between 9 and 80. The representation was classified into five categories based on age and sex which was called 'Shanee Salgee' (the five nines).

The first nine *Shanee Salgee members* were selected from girls of aged between 9 and 24 to represent this group in the *Caffee* Assembly. The second nine *Shanee Salgee* members were selected from boys of the same age group to represent the interest of boys between 9 and 24 years. The third *Shanee Salgee* represents nine married women/mothers between 33 and 48 years. The fourth *Shanee Salgee* represented nine married men whose ages ranged between 33 and 64 years. In the fifth *Shanee Salgee*, four women representatives called *Marabbesitoota/ Haadha Caaccuu* were elected from women between 49 and 80 years, and four elder men called *Jaarsa biyyaa* were elected between 65-80 years. The speaker of *Caffee*, *Noole* is elected from this category of elderly men groups. In this regard, the male and female aged between 25-32 years were excluded to be represented within *Caffee* as men in this age group served as standby military force and women were ready

<sup>288</sup> Wandimmuu and Booni (n 271) p. 103; FGD 3 Nekemte (n. 269).

to assist males, if invasion or war happened during this period.<sup>289</sup> By doing this, the *Maccaa Gadaa* system tried to accommodate different age categories within the unicameral *Caffee* parliament.

### BOX 8

In the early Siikko Mandoo Gadaa system, there was another form of ensuring equal representation of women. Accordingly, in Siikko Mandoo Gadaa system, the administration was classified into twenty provinces called 'Dhaddacha', which included current Arsii, Western Arsii, and Baalee areas.<sup>290</sup> Each twenty provinces had eight male representatives called 'Saddeeta dhiiraa' and eight women called 'Saddeeta dubartootaa/Hanfala' making up the Siikko Mandoo Caffee Parliament.<sup>291</sup> Moreover, each 20 provinces represented by one additional Qaalluu (Male priest) and one Qaallitii (Female Priest). In total, out of 360 representatives of 20 provinces, women had 180 seats (50%) of the Caffee. The Qaalluu (male priest) was responsible for approving laws enacted by collective Male Saddeeta and the Qaallittii (woman Priest) was mandated to approve laws issued by Women Saddeeta.<sup>292</sup> In the Afran Qalloo Gadaa system of Harargee, out of 53 representatives, women were represented by five members. The remaining 48 members equally represented the four clans of Afran Qalloo Oromoo.<sup>293</sup> The five women representatives were known as Biqilchitu Gadaa, Hiituu Gadaa, Mul'iftuu Gadaa, Ibsitu Gadaa and Mi'essituu Gadaa.<sup>294</sup>

<sup>289</sup> Ibid; Interview With Ob. Cherinet (n. 269).

<sup>290</sup> Ayehu Bacha, et. al, An investigation of participatory governance embedded in Gadaa system: Manbadha general assembly of the Arsii Oromoo in focus, *Journal of Language and Culture*, Vol. 7 (10), 2016, p.101.

<sup>291</sup> Interview with Ob. Tibesso (n 278).

<sup>292</sup> Ibid.

<sup>293</sup> Focused Group Discussion (FGD) 7, East Harargee Zone Culture and Tourism Office, Harar, 09/10/2020.; Interview with Abbaa Bokkuu Abdumaalik Jundii Ahimad, Abba Bokkuu Afran Qalloo, Harar, 04/09/2020.

<sup>294</sup> Ibid.

The five women were a member of the Gadaa assembly with different facilitation roles.<sup>295</sup> They had different functions in the assembly that were attributed to their name. For instance, Hiituu Gadaa symbolizes peace that is mandated to resolve disputes that might happen between participants of the Gadaa assembly. They freely participate and expressed their views in the assembly, particularly on issues related to women's rights and interests. Moreover, in Booranaa, women were not directly participating in the legislative role. Instead, members of Gumii/Assembly consult their wives on proposed draft laws and incorporate their feedback before approving the law, in addition to song called Kaarilee, which was used to oppose unwise decision or nomination of men in Gumii.<sup>296</sup>

### Women's Executive Role

Concerning women's status in the executive positions of the *Gadaa* system, in principle, a man would not be nominated as *Abbaa Gadaa* and other positions unless he has a wife and is examined on the ground of how he treats his wife.<sup>297</sup> A man without a wife is considered as a minor or immature irrespective of his age or other status.<sup>298</sup> There are also several leadership roles that women are part of. These include; "Haadha Urjii, Haadha Siinqee, Haadha Nagaa, Haadha Gadaa and Haadha Garambii".<sup>299</sup> These five leaders of women are called "Bantii Shanana dubartoota" ("the five colons of women"). Each of the five leaders of the women has eight women assistants and consultants that is mandated to support the effectiveness of their function properly.

<sup>295</sup> Accordingly, the woman called Biqilchitu Gadaa was mandated to serving fresh milk to the Gadaa assembly. Hiituu Gadaa had the responsibility to serve Yogurt milk to Gadaa assembly participants. Mul'iftuu Gadaa had the duty to provide buttermilk while lbsitu Gadaa served butter, and Mi'essituu Gadaa provides honey to the Assembly. (Ibid).

<sup>296</sup> Interview with Hon. Dr. Borbor Bule, Traditional Booranaa Gadaa system Expert, Dubluc city, Booranaa Zone, 16/08/2020.

<sup>297</sup> Interview with Abbaa Gadaa Goobana Hoola, Abbaa Gadaa of Tulama Oromoo, East Shawa Zone, Bishooftu city, 19/08/2020.

<sup>298</sup> Interview with Abbaa Gadaa Lagasa Dhaabaa, Abba Gadaa of Ambo city and Surrounding Area, West Shewa Zone, Ambo, 29/09/2020.

<sup>299</sup> Leila Qashu, p. 118; Interview with Ob. Hayilu Laggasaa, Abba Gadaa, Iluu Abbaa Boor Zone, Mettu, 26/08/2020; Interview with Ob. Amino Ida'o, Culture and History Expert, Arsii Zone Culture and Tourism Office, 02/09/2020.

**Those five colons of women are specifically assigned to different interrelated functions within a Gadaa system as follow;**

#### *Haadha Siinqee (Mother of the Siinqee)*

She has a responsibility of peacemaking and ensuring the protection of women's rights. When there were large-scale conflicts, the *Haadha Siinqee* would step in between the fighting groups with her *Siinqee* in her hand. Upon her intervention, each warring group stops fighting. After calming the conflict, the *Haadha Siinqee* is supposed to facilitate medical access for the sick and burial for the dead persons and facilitates the peace and reconciliation process of any disputes. *Haadha Siinqee* was elected among women but she had no specific term of office as long as she is competent and is able to execute her duty properly.<sup>300</sup>

#### *Haadha Urjii (Star of Women)*

She is a female leader who has an exclusive mandate on ensuring equality of rights between men and women including girls and boys. She is also responsible to teach women and children to respect and maintain the moral values of the *Oromoo* worldview. She has also the duty to receive and investigate complaints of women and girls for any gender-based violence and refers the case to *Haadha Siinqee*. Based on the gravity of wrongdoing, *Haadha Siinqee* decides on the types of actions/ measures to be taken.<sup>301</sup>

#### *Haadha Nagaa (Mother of Peace)*

Her mandate was interconnected with dispute resolution processes (male and female) and to stopping wars. *Haadha Nagaa* (mother of peace) is mandated to dispute resolution processes (male and female) and to stopping wars, which overlaps with the power and functions of *Haadha Siinqee*.<sup>302</sup>

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid.

### *Haadha Gadaa* (Mother of Gadaa)

She is a wife of *Abbaa Gadaa* that she serves as the first lady in the *Gadaa* administration. She leads and supervises the four women leaders. Her term in office is eight years equivalent to *Abbaa Gadaa*. Hence, *Haadha Gadaa* (Mother of *Gadaa*) is changed every eight years following the appointment of a new *Abbaa Gadaa*.<sup>303</sup> In some places, *Haadha Gadaa* serves as *Haadha Siinqee*, simultaneously.

### *Haadha Garbii* (Mother of Garbii)

She is elected by people and responsible to call, organize and coordinate women's exclusive meetings. In the current context, she serves as the communication head of five colons of women.<sup>304</sup> *Haadha Garbii* was also known as *Haadha Garambii* or *Haadha Waltajjii Garbaa* (Mother of *Garbaa* meeting).

Generally, the above positions of women in **the Gadaa** system indicate gender inclusiveness in the administration of early **Gadaa** governance. In some circumstances, such as in **the Siikko Mandoo Gadaa** system, women have simultaneous membership of legislature and executive. This is attributing to the nature of the parliamentary system of government's fusion of power. Currently, however, the institution of **Haadha Siinqee** is the only known and promoted by neglecting the remaining positions.

## Influential Women in Early Administrations

### BOX 9

Historically, some women have played important role in the administration and changing of their society. For instance, when *Abbaa Gadaa* named as *Ambata Doyyoo* undertaking reforming of *Siikko Mandoo Gadaa* system, the Women representatives like *Omuu Baasee*, (head of *saddeeta Dubartii*-assembly of women in the *Gadaa* council) and *Loyilaa Waaree*, *Haadha Ateetee*

<sup>303</sup> Ibid.

<sup>304</sup> FGD 3, Mettu (n 278); Interview with Ob. Hailu, (n 299).

(mother of Ateetee) of the period played a paramount role in lobbying for the inclusion of women interest and participation in the reformed structure of their Gadaa system.<sup>305</sup> Consequently, women constituted 50% (180 out of 360 seats) of Siikko Mandoo Gadaa system legislative assembly.<sup>306</sup> Each representative participates in the Gadaa assembly, making a decision, and passing rules equally with men.

Among *Jimmaa Oromoo*, also, there is a historical narrative of a famous woman named as *Makkoo Horee* (Makhore). However, there is disagreement on her status as to whether she was elected ruler, queen, or senior consultant of *Abbaa Gadaa* officials. Most sources referred to her as elected ruler.<sup>307</sup> Accordingly, in the early period, different *Oromoo* clans came and settled around *Jimmaa* areas and established *Gadaa* center at their locality. Later on, five clans (*lalloo*, *Sadacha*, *Biloo*, *Qoree*, and *Harsuu*) came together and agreed to be governed under one administration and elected Makka Horee as their ruler. Currently, among eight identified historical sites and sycamore trees found at *Odaa Hullee* of *Jimmaa*, there is a site known as *Tessoo Makhore* (*Makhore* seat).<sup>308</sup> The seat is believed as the place where Makhore' used to sit during decision makings.

<sup>305</sup> Ginbar Nagaraa, Some Accounts of Arsii Customary Law (Seera Ambaa): Reflections Based on Historical Approach, *Gadaa Journal/ Barruulee Gadaa* Vol.1 No.1, 2018, p. 69.

<sup>306</sup> Interview with Ob. Tibbeesso (n. 278).

<sup>307</sup> Focused Group Discussion (FGD) 4, Jimma Zone Oomo Naadda District Culture and Tourism Office, Oomo Naadda, 21/09/2020; Abreham Alemu, Oral Narratives as an Ideological Weapon for Subordinating Women: The Case of Jimma Oromoo, Gender Issues Research Report Series No. 23, OSSREA, 2006, p.100-105. Wandimuu and Boonii (n 271) p. 242; Abreham Alemu, Ethnicity, and Local Identity in the Folklore of the South-western Oromoo of Ethiopia: a Comparative Study, Phd Thesis (University of Amsterdam), 2015, p. 180.

<sup>308</sup> However, several men were unhappy with Makhore's woman rule overthrew her from power. Upon her deposal from power, the person named as Abba Qirriph came to power and established the first monarchical rule in Jimmaa. Later, the Gadaa confederation disintegrated and replaced by five kingdoms of Gibee states namely Jimmaa, Limmu-Enarya, Guma, Gomma, and Gera. (Ibid).

She is well known for her intelligent advice. One of her famous quote is **“Beekaa namaan hin maryanne irraa wallaala namaan maryatu wayya”**. This could be literally translated as “the illiterate who consults another person is better than the knowledgeable or wise one who does not consult others”.

This indicates her level of conscience and position towards the importance of public and participatory decision-making. Apart from the above women who played role significant role in the *Gadaa* administration, there were also other influential women who were engaged in empowering women and transforming their society in different activities.<sup>309</sup>

### 3.4.5 Women and Religion in Gadaa System

Women have also a paramount role in the *Waaqeffannaa* religion. As discussed above, the term *Waaqayyoo* (*God*) itself includes the word ‘ayyoo’ (Mother) to signify what is planned from ‘*Ka*’ (*God*) for *ayyoo* (mother) and her children. *Waaqeffannaa* has a women priest called *Qaallitti* or *Haadha Muuda*. She holds *Caac-cuu* (a container made from Ornaments) during ceremonies like *Ireechaa* (*Dhibayyuu*) and *Muudaa* pilgrimages. Prayer attendance is obligatory for all believers. Exceptionally, the sick, menstruating women, women in a puerperium after child-birth have no such obligation.

During *Jiilaa* (celebration ceremonies) women build *Galma* (halls).<sup>310</sup> Women also lead their own team. For instance, in the

<sup>309</sup> For instance, Ayyo Raadoo of Harargee was known for her contribution as senior strategic military commanding in the late 19th century. (FGD Harar, (293)) Oota Beera of Ilu Abba Boor was also another influential woman, which led and administered the regime equally with her husband (Caali Shono) (Tasfaye Addama, Seenaa Iluu Hanga Jaarraa 21ffaa, 2012/2020). In the social activity, Ayyoo Meetoo of Harargee was known for establishing the currently existing Ayyoo Meetoo women self-help institutions (Interview with Ad. Ikraam Abdallaa, Afran Qalloo Ayyoo Meetoo, Dire Dawa, 31/08/2020). Moreover, Mahbuba (Bilillee) and Aster Gannoo of Jimmaa are known for their contribution in producing the first Afaan Oromoo dictionary and translating the bible into Afaan Oromoo for the first time, respectively. (Mekuria Bulcha, Onesimos Nasib’s Pioneering Contributions to Oromoo Writing, Nordic Journal of African Studies 4(1): 36-59 (1995)). The mother of King Abbaa Jifaar, Gumiti, was also known for her advice to Abba Jifaar to establish a peaceful agreement and relation with Emperor Menelik. Due to her consultation role, Jimmaa politically remains autonomous for more than half a century until the death of Abbaa Jifar in 1931.

<sup>310</sup> Interview with Ob. Daalachaa Jaatanii, Elder and indigenous culture expert Booranaa Zone, Gayoo, 17/08/2020.

early period, *Haadha Qoollo* led women to march to the river during *Irreessaa/cha*<sup>311</sup> festival celebration in *Iluu Abbaa Boor*. Moreover, the women called *Haadha Malkaa* would go to the river every morning and afternoon to perform praying and blessing starting before two weeks of *Irreessa* festival day. There are also exclusive women rituals/ celebrations in the *Waaqeffannaa* religion such as *Ateete* and *Maaram*. *Ateete* is considered an *Oromoo* women festival. According to *Daaniyaa* a book written by the Association of *Oromoo* Culture and Value, there are three types of *Ateete* celebrated every two years namely *Ateete Furmaa*, *Ateete Hagayya* (*Ateete* of August), and *Ateete Loonii* (*Ateete* of Cow)<sup>312</sup>. In other areas such as *Arssi*, married women celebrate a wide variety of *Ateete*.

Generally, there is a common saying emphasizing the central role women have in the Gadaa system; “Dubartoota Malee Gadaan guutu hin ta’uu” (“Gadaa is not full without women”). However, such gender-sensitive and respectful culture of the *Oromoo* and valuable customary institutions were imperiled due to internal and external factors.<sup>313</sup>

The internal factors includes lack of unified central government for clan *Gadaa* system and regular communication among *Gadaa* confederations, failure to adopt socio-economic and political changes, expansion of trade and rising of capitalist society, weak foreign diplomatic relation and integration, revival of a monarchical system within *Oromoo*, internal conflict among *Oromoo* classes, *Abbaa Duulaas* (Commander in Chief of *Gadaa* system) becoming local warlord by disregarding *Gadaa* administration, inter-ethnic marriage, rising of corruption among *Gadaa* officials, and *Oromoo* population expansion without proper integration and communication. All these endanger the system. The external factors include invasion from Abyssinian rulers and replacement of the *Gadaa* system and structure by centralized monarchical structure, religious expansion, colonial power influence of southern

311 The term *Irreecha* among Tuulama *Oromoo* also known as *Irreessaa* (Maccaa *Oromoo*) and *Dhibaaayuu* (Booranaa).

312 *Ateete Furma* is collective women’s celebration through praying and blessing each other by preparing food dishes. *Ateete Hagayya* is a thankful celebrated in August month when farming like maize’s are matured for food. *Ateete Loonii* is a thankful ceremony for their cows and celebrated in November month as most *Oromoo*’s life is closely associated with cows (*Daaniyaa* (n 222) p 231).

313 *Jeylan* (n 21) p. 115; *Tesema* (n 22), p. 83; *Alemayehu* (n 231) p. 230-240.

borders of *Booranaa*, and frequent invasion of foreign powers the eastern part of *Harargee*, and political marriages<sup>314</sup>

In some contexts, the cultural values still remain intact and are widely practiced in rural areas. Moreover, the practice of the *Gadaa* system has continued in *Booranaa* and *Gujji* without interruption. Since 2000, there has been an initiative by the *Gadaa* officials and government to revive the *Gadaa* system institutions including *Sinqee* in different parts of the *Oromia*.<sup>315</sup> The main challenges observed in terms of constrain these initiatives are the influence of modern education, adopting a western lifestyle, and rural to urban migration. As a way of addressing the aforementioned challenges and to ensure teaching the youth and the future generation, the *Oromia* regional state has incorporated the *Gadaa* system as one subject/course to be given to elementary school students (grade one up to eight) starting from 2020.

### 3.5 Makkoo Bili Law and Women's rights

In the history of *Oromoo's Gadaa* political system, a number of *Abbaa Gadaa's* became great legislators during their active leadership in government. *Gadaa* leaders such as Daawee Gobboo of *Booranaa*, Annaa Sorraa of *Gujji*, Makkoo Bili of *Maccaa*, Hawaas Ayid (*Ittuu*), and Namoo Dooyyoo, Haru Maaruu, and Cangaree Korboo (*Tiulama*), and Baabbo Koyyee of *Jimmaa* were known to lay down cardinal laws for their people.<sup>316</sup> Among them, *Makkoo Bili* is regarded as the founder of the *Maccaa Gadaa* system and a person who guided the community to its current place of residence. He headed the expansion towards the western part of *Oromia* from *Maccaa Oromoo Gadaa* center (*Odaa Bisil*)<sup>317</sup> as there were population pressure and shortage of land to accommodate the growing population and their cattle. To lead the people during the expansion, he proclaimed the law known as “*Seera*

<sup>314</sup> Jeylan, Ibid, p. 115; Ayalew Getachew, (n 36) p. 46.

<sup>315</sup> FGD Mettu (n 278); FGD Nekemte (n 269).

<sup>316</sup> Surafel Galgalu et. al, History of Ethiopia and The Horn-For Students of Higher Learning Institutions, 2020, p. 87; Ginbar (n 305) p. 66.

<sup>317</sup> Odaa Bisil is currently Found In Western Shewa Zone Iluu Galan District. Alessandro Triulzi and Allesandro Triulzi; The Saga of Makkoo Bili: A Theme In Macca Oromoo History, Afrika-Studien li, 1990, P. 319-327.

*Makkoo*” meaning “laws of *Makkoo*” around the year 1589.<sup>318</sup> The law consists of about 65 articles that regulate the acquisition of land and ponds, marital issues, criminal matters, celebrations of rituals, protection measures during the outbreak of epidemic, torts, inheritance, social life, assembly, and protection for handicraft persons, war, and election of leaders.<sup>319</sup>

### BOX 10

Fourteen out of sixty five articles incorporate laws related to women and girls. These fourteen provisions can be categorized into three marriage-related laws, crime-related laws, and social relationships and ethics laws. Concerning marriage, first, the law guarantees the right to marriage starting from adult age (Art. 16). The conclusion of marriage is required to be proofed by Minjee (assistants of bride and groom) and families (Art. 17). Marriage with relatives within ten ascendants is forbidden and cursed (Art. 18). A man who marries a girl of his family within ten ascendants was punished by beating, publicly (Art. 19). This law incorporates different provisions that are compatible with current modern law. Accordingly, the law impliedly proscribes child and early marriage by requiring adulthood to form a marriage. It also prohibits consanguinal marriage within ten ascendants and requires proof of marriage by minjee and family witnesses.

Concerning the liability for crimes and faults, the *Makkoo Bili* law provides the laws that regulate crimes/faults committed on women/girls and general criminal issues. In the case of crimes/faults committed on women/ girls, if a man raped an unmarried girl he is required to pay two hundred cattle in compensation (Art. 41). Moreover, if a man commits adultery or trespass into a home in the absence of the husband, he is required to pay two cows as compensation for the victim wife and husband (Art. 42). Concerning general crimes, a man who commits intentional homicide

<sup>318</sup> Mohamed Hassen, *The Oromoo of Ethiopia-A History 1570- 1860*, Cambridge University Press, 1990, p. 44-47.

<sup>319</sup> Wandimmuu, and Boonii (n 271), p. 321-331; Kolola D., *Kottuu Dhufee – Sirna Dubbii Abbootii Oromoo*, 2018, p. 88-98.

on any person (men/women) should be punished by the death penalty. If the family of the victim is agreed to reconcile, he should pay one hundred cattle compensation (Art. 34). If a man commits negligent homicide on any person including women/girl, he is required to pay *Gumaa* compensation of 80 cows. A case resolved by reconciliation is final and constitutes *res judicata* (Art. 35).

### BOX 11

According to *Makkoo's* law, raping an unmarried girl is equivalent to committing intentional homicide on two persons. A person who commits intentional homicide is required to pay one hundred cows, while a person who commits rape on an unmarried girl is required to pay two hundred cows as compensation for reconciliation. Concerning general crimes, the penalty for both intentional and negligence is equally applicable whether the victim is a man or a woman. This indirectly guarantees equality before the law. Moreover, the law puts liability on men although a woman contributes to the commission of crime through giving her consent such as consanguinal marriage and adultery.

The third category of *Makkoo's* law towards women and girls governs the social relation and ethics. It mandates women to welcome men with dishes and traditional drinks when men return from journey such as war and hunting (Art. 3). It puts a duty on girls to respect and honour their mothers (Art. 8). The law also imposes an obligation on adults to cooperate with each other when supporting indigents and constructing houses for poor mothers (Art. 13). When laws are proclaimed all people should attend to it except a sick person herd cattle, a soldier guarding the border, and a husband whose wife has given birth in the last nine days (Art. 52). This law partially indicates the socio-economic realities of the time. Accordingly, women were engaged in domestic activities and male have outdoor responsibilities.

The system promotes community service as a means to empower indigent groups and realize socio-economic rights. Article 52 of *Makkoo's* law incorporates the elements of paternal leave for nine days to treat and care for his wife who

gave birth. Paternity leave is the recently recognized right under Ethiopian labour law for three consecutive days and ten days under the federal civil servant proclamation.<sup>320</sup>

However, *Makkoo's* law allows inheritance rights only for male primogeniture (Art. 48), which discriminates against the youngest sons and women. This was a common problem in most countries around the globe where patriarchy prevails including developed nations. For instance, the equality clause under USA constitution (14<sup>th</sup> Amendment) works only for white rich male Americans and others were denied such protection.<sup>321</sup> In the early 19<sup>th</sup> century, women were unable to vote and were entitled to the legal status of a minor. A wife has no right to control over her property or her children; could not initiate the divorce; and couldn't make wills, sign a contract, or bring suit in court without her husband's permission.<sup>322</sup>

In England, also the recognition of women's rights was advanced since World War I, after seven centuries of adopting the *Magna Carta*.<sup>323</sup> In 1920, women were allowed to the legal profession and accountancy by the Sex Discrimination (Removal) Act. In 1925, the Law of Property Act allowed both husband and wife to inherit property equally. In 1928 the Representation of the People (Equal Franchise) Act gave women the same voting rights as men.<sup>324</sup> Overall, *Makkoo Bili's* law gives a considerable protection right to women comparatively with other nations practice of the same period or before four centuries.

<sup>320</sup> See Art. 42 (10) of Federal Civil Servant Proclamation no. 1064/2017 and Article 81 (2) of Labour proclamation No. 1156/2019.

<sup>321</sup> Jack L. Landau, Some Thoughts About State Constitutional Interpretation, *Penn State Law Review*, Vol.115, No.4, 2013, P. 857; Matthew Steilen Reason, *The Common Law, and The Living Constitution*, *Legal Theory*, Vol. 17 No. 4, 2011, p. 14 <10.1017/S1352325211000164>

<sup>322</sup> Deborah Hoeflinger, A Brief History of Women in America, < <https://slideplayer.com/slide/9459215/>>

<sup>323</sup> The Campaign for gender equality in the UK, <[www.hoddereducation.co.uk/rsreview](http://www.hoddereducation.co.uk/rsreview)>

<sup>324</sup> *Ibid.*



## 4. CHAPTER 4: THE MULTIFACETED ROLES AND AGENCY OF WOMEN AMONG THE OROMOO

### 4.1 Conceptualizing and Problematizing Women's Empowerment and Agency

In feminist literature, the term 'empowerment' has been widely used, with varying definitions and understandings. *Naila Kabeer* conceptualizes women's empowerment as the process by which those who have been denied the ability to make strategic life choices acquire such as ability.<sup>325</sup>

#### BOX 12

Batiwala indicates three interconnected and mutually reinforcing levels that women's empowerment occurs; Micro (individual) level, Meso (relational) level and Macro (collective) level.<sup>326</sup> All dimensions of empowerment that includes economic, psychological, socio cultural, familial / interpersonal, legal and political dimensions of empowerment should measure these three levels of empowerment.<sup>327</sup>

<sup>325</sup> Naila Kabeer, Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment, *Development and Change* Vol. 30, 1999, p.435-464.

<sup>326</sup> Micro-level empowerment involves individual women take control of their own lives, shape perceptions about their values and abilities and set personal goals. Meso-level empowerment at the relational level takes place in networks and power relations, including the household and the community. The macro level empowerment extended to societal context, which includes access to services and resources and the ability to influence at the political level.

<sup>327</sup> The economic dimension of empowerment is concerned with women's

**BOX 13**

According to Naila Kabeer empowerment incorporates at least three inter-related components; “resources (pre-conditions), Agency (process) and achievement (outcomes)”.<sup>328</sup> Hence, agency is narrower concept, but crucial part of empowerment. Kabeer (1999), define agency as the “ability to define one’s goals and act on them”. World Bank Voice and Agency (2014) report also defines the term as “agency is the capacity to make decisions about one’s own life and act on them to achieve a desired outcome”.<sup>329</sup> Overall, agency is associated with autonomy of decision-makings and bargaining power, freedom of movement questions, or other items such as control over spending. Agency can be exercised at the individual, relational, and community levels.

There are three critical interrelated dimensions of agency: goal-setting, perceived control and ability (sense of agency), and acting on goals.<sup>330</sup> These three dimensions are also applicable to

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control over income and resources, access to employment and other resources, and representation of their economic interests in macroeconomic policies. The psychological dimension measures the self-esteem, self-efficacy, psychological well-being, collective awareness of injustice and mobilization, and systemic acceptance of women’s inclusion. The socio-cultural dimension explores women’s freedom of movement, visibility, access in social spaces and networks, and positive media image of women. The familial/interpersonal dimension of empowerment looks at participation in domestic decision-making, freedom from violence, shifts in marriage systems, and regional/national trends in relationships. The legal and political dimension, focused on the knowledge of rights and political systems, community mobilization for rights, and women’s representation in political processes (Malhotra, and Carol Boender, *Measuring Women’s Empowerment as a Variable in International Development*, In Background Paper prepared for the World Bank Workshop on Poverty and Gender: New Perspectives, vol. 28, 2002).

- 328** Resources include the access and future claims to both material and human and social resources. Access to a resource tells us about potential rather than actual choice. It requires process of change (Agency) which includes processes of decision making, negotiation, and manipulation. (Naila Kabeer (n 325)).
- 329** Alethia Donald et al., *Measuring Women’s Agency*, Policy Research Working Paper, World Bank, 2017, p.3.
- 330** According to Amartya Sen (1985) goal-setting refers to the person’s ability to set goals in accordance with their values regarding a particular issue or decision, while sense of agency indicates whether they perceive themselves as able to achieve these goals, and acting on goals dimension focused on whether they are able to act towards achieving these goals. (Ibid).

agency of women to end a hierarchy of decision-making responsibilities recognized by the family and community, which reserves certain key areas of decision-making for men in their capacity as household heads while assigning others to women in their capacity as mothers, wives, daughters and so on.<sup>331</sup> Improving women's agency is crucial to advance gender equality and the empowerment of women. It is crucial to shrink gender disparities in economic, social and health areas as well as advancing gender equality and the empowerment of women.

The above concept of women's empowerment in general and agency of women in particular can also be used to define the status and multifaceted roles of women in society. The local women centered institutions of *Oromoo* relatively play a crucial role in ensuring the autonomy of decision-makings and bargaining power at individual, family and societal level. This chapter describes the customary institutions and practices of *Oromoo* women that ensure their agency in socio- cultural, economic and political activities of the society. The chapter is organized into five sections. Each section deals with practices and institutions that ensures women's role in the *Oromoo's Gadaa* system, women led conflict resolution mechanisms, women led rituals and women self - help institutions and women status guarantee institutions.

## 4.2 Women's Role and Institution in Gadaa Governance

As we discussed earlier in chapter three, women have important role in all pillars of early *Gadaa* system. Although women do not compete for political power, they have indirect participation in decision-making. The wives of *Gadaa* Officials are entitled to equal status with their husbands.<sup>332</sup> Women have also exclusive institutions that symbolize their participation in *Gadaa* rituals, power and influence decision makings. These institutions serve as agency of women at macro level among *Oromoo* communities through ensuring their collective political participation in the governance of *Gadaa* system.

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<sup>331</sup> Ibid.

<sup>332</sup> Interview with Ob. Jiiloo Aagaa, Former 66th Abba Gadaa of Boraana (1978-1985) and Current Chief Justice of Booranaa Gadaa system, Booranaa Zone, Gayoo, 16/08/2020; Interview with Ob. Guyoo Jiloo (n 286).

### 4.2.1 Siinqee in Gadaa System



#### TERM

The term *Siinqee* (or *Siinqee*) represents a blessed stick from a specific tree given to a woman by a mother on her wedding day during a blessing ceremony.<sup>333</sup>

*Siinqee* stick is also called *Waddeessa* in the western region of Oromoo, *Dhaabata* in *Iluu Abbaa Boor*, *Siqqoo* in *Gujii*, *Looti* among *Walloo*, *Siqoto* among *Sidama* and *Siinqee* among *Booranaa* Oromoo.<sup>334</sup> Moreover, the term *Haadha Siinqee* used in *Arsii* and *Baalee* has known by different names among different Oromoo communities such as *Haadha Boolloo* (*Gujii*), *Haadha Dhaabata* (*Iluu Abbaa Boor*), *Agabaartitti* (Eastern Harargee), and *Beera Kalaalee* (*Shawaa*).<sup>335</sup>

*Siinqee* is one of the material cultures of *Oromoo* with various symbolic socio-economic, political and religious representations

<sup>333</sup> Such *Siinqee* stick can be prepared from a tree known as 'Man'eera' or 'Haroreessaa', or 'Ejersaa' (olive) or 'Waddeessaa', or 'Mi'essaa', 'Dhoqona', Ulumaayii, or 'Urgeessaa'. The shape of the *Siinqee* stick varies from place to place. For instance, in the Shashemene, Siraaroo, Nagallee, Ajjee, Calalaaqaa of West Arsii Zone and eastern lowlands of Baalee it is a straight stick, while in the western part the upper part of Baalee, Kokosaa, Nansaboo, and Kofalee it is shaped like a fork with three branches at its upper part. *Siinqee* stick has *Wayyuu* (great reverence) and *Safuu* (moral values). It is not used to herd and beat animals. It is also a taboo to throw it. It should be placed in *Gola* (exclusive room of women) where a woman works. Once the woman carry this object in her hand and travel through Oromoo lands, the people ought to give her a special reverence. *Siinqee* stick is not inheritable. When the *Siinqee* owner dies, the *Siinqee* stick would be broken into pieces and be placed on her graveyard marking the end of the right embedded in the *Siinqee*. (Interview with Ad. Saara Duubee, Former Zonal Culture and Tourism Office Head and Culture Expert, West Arsii Zone, Shashemene, 25/08/2020; Interview with Ad. Girjaa Annota, Head of *Siinqee* Council, Shashemene District, West Arsii Zone, Shashemene, 25/08/2020; Interview with Ad. Lootuu Usman, Vice Head of *Siinqee* Council, Shashemene District, Shashemene West Arsii Zone, Shashemene, 25/08/2020; Interview with Ad. Ayyubaa Nafoo, Culture Expert, Arsii Zone Culture and Tourism office, Asella, 31/09/2020).

<sup>334</sup> In this paper, the term *Siinqee* and *Siinqee* is interchangeably used.

<sup>335</sup> Interview with Ob. Galaanoo Guubo, Culture Expert, Gujii Zone Tourism and Culture office, Bulee Horaa, 20/08/2020; FGD Mettu (n. 278); FGD Harar (n 293); Focused Group Discussion (FGD) 6, West Shawaa Zone Culture and Tourism Office, Amboo, 29/09/2020.

in the society. In the *Gadaa* governance system, *Siinqee* has symbolic representations of married women participation in socio-economic, spiritual and political activities.<sup>336</sup>

At the family level, it is a symbol of transition from girlhood to womanhood.<sup>337</sup> Before marriage, her mother has the principal responsibility to protect, teach and care for her daughter. However, when she leaves her parents and joins a new affinal family as a wife, *Siinqee* serves as her symbolic pledge to protect and restore her rights if both her husband and community breach it.

**For her family, Siinqee represents transfer of mandate from the girl's mother to new husband to respect and protect her rights across her life. For groom and his family, Siinqee symbolizes taking oath and promise to respect her rights and power in the society. At Community level, the Siinqee refers to an institution of women's exclusive organization to ensure Gender equality and inclusiveness.**<sup>338</sup>

In relation to gender equality, it serves as a weapon of *Oromoo* woman to fight for their rights. *Siinqee* builds sisterhood among women who ally to fight against male oppression. Violation of woman rights amounts to violation of Seera *Waaqa* and *Safuu*. Hence, Megersa notes, siinqee is used as a weapon to fight against violations of seera Waaq and loss of *Safuu*.<sup>339</sup>

According to Kuwee, “women as a group are considered *halagaa* (outsider/ stranger) in the gosa (clan). They are not members of the gosa into which they were not born, or to the one into which they were married”.<sup>340</sup> As a result, *Oromoo* women formed collective struggle through building the *Siinqee* solidarity. In *Gadaa* system, it also symbolizes gender inclusiveness or women's equal participation in cultural life, conflict resolution and ensuring peace within a society. Women participate in different societal activities through *Siinqee* system, which also serve as check and balance institution to men's *Gadaa* structure and functions.<sup>341</sup>

<sup>336</sup> Abebe and Dereje, (n 244), p.174-191.

<sup>337</sup> Ibid.

<sup>338</sup> Interview with Ad. Saaraa (n 333).

<sup>339</sup> Kuwee Kumsa (n 25), p.115-52.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

In other words, *Siinqee* represents the notion of separation of power, independence and interdependence of men and women institution within *Gadaa* system. *Siinqee* institution is separated from males *Gadaa* set in terms of institutional independence, functional autonomy and personnel membership, on the one hand and it controls and ensures women's rights and community peace in parallel with males age set organization, on the other hand. There is a common saying symbolizing the value of *Siinqee*; "*Siinqeen kan falaati malee kan falfalaa miti*" (*Siinqee* is a tool of solution, not problem).<sup>342</sup>

Because, *Siinqee* enables *Oromoo* women to have control over resources and private spaces, it preserves their social status, grants respect for women, and promote sisterhood and solidarity by deterring men from infringing upon their individual and collective rights.

#### 4.2.2 Kaarilee- Resistance through Music

##### What is *Kaarilee*?

*Kaarilee* is the folksong of married women in *Booranaa*. Married women sing the first form of *Kaarilee* during naming ceremonies, construction of houses, on Gada gatherings and other social activities. It serves as a means to praise achievements of men and criticize their faults.<sup>343</sup> During *Gadaa* assemblies women express their grievances using *Kaarilee* songs.

##### Asmerom Legese notes;

"Wherever the meetings are held, women always express their feelings about a specific subject indirectly through their songs. They sing work songs (*Kaarilee*) that are intended to lighten the burden of their chores. These work songs often contain some pointed commentary on some infelicitous expression

<sup>342</sup> Interview with Ad. Girjaa and Ad. Lootuu (n 333).

<sup>343</sup> Workineh Kelbessa, The Potential Contribution of Love-Sex Songs to the Spread or Prevention of HIV/AIDS: The Case of the Oromoo of Ethiopia, Africa Development, Vol. XXXVIII, No. 3 & 4, 2013.p. 56.

heard in the men's meetings or a direct criticism of some unjust or unwise decision the men are contemplating".<sup>344</sup>

Moreover, they influence the course of elections and the prospects of a lineage winning or holding political office. They praise intelligent men and criticize the weak and incompetent persons. The songs play important role in shaping public opinion and influencing gender insensitive decision makings in the *Gadaa* system. It serves as a means to challenge men's patriarchy.

### 4.2.3 Qaajimaa Muriisaa and Guutimaalaa Rituals

*Qaajimaa Muriisaa* and *Guutimaalaa* rituals performed among the *Gujii* is the best illustrate of the role and inclusion of women in the age set of *Gadaa* system. At the fifth age set of *Gadaa* grade called *Raabaa Doorii*, both men and women at that age group perform the ceremony of transition to this new age set group. The *Raabaa* is the group of person aged between 33 and 36 years and *Doorii* is the group of men and women between 37 and 40 age set.<sup>345</sup> Women perform the ritual of *Qajimaa Muriisaa* when they join *Doorii* age set group. Their male counterpart in the same age category also performs the ceremony called *Waddeessa Muraa*.<sup>346</sup> In the ritual, women gathered together and cut the stick of the tree named *Qajimaa* and sing songs that symbolize their preparation to take *Gadaa* administration after completing the four years of *Doorii* age set group.<sup>347</sup>

Women hold the *Guutimaalaa* ritual when their husbands take power of *Gadaa* administration. It symbolizes that the wife of *Gadaa* official also assumed power within new *Gadaa* administration with their husband.<sup>348</sup> The Wife of *Abbaa Gadaa* leads the *Guutimaalaa* ritual.

<sup>344</sup> Asmerom Legesse, *Gadaa – Three Approaches to the Study of African Society*, Free Press, 1973, p.20-23.

<sup>345</sup> Samarroo (n 230) p. 49-52.

<sup>346</sup> *Ibid*.

<sup>347</sup> They also roast coffee by Qajimaa stick and hold coffee ceremony. During this ceremony the husband gives a gift of heifer to his wife called *Wodelle*. *Wodelle* and increase from her breeding is personal property of wife.

<sup>348</sup> *Guutimaalaa* is an ornament prepared from copper iron and tied on the hair of women to symbolize the women has become part of *Gadaa* administration. (*Ibid*).

The women wear *Guutimaalaa* named as *Haadha Boollo* that represents the higher status of women in the *Gadaa* administration. *Haadha Boollo's* are entitled to privileges, rights and responsibilities equivalent to their husband.<sup>349</sup>



Photo: Haadha Boollo Women's parade Moving to Iddoo Buufata Ceremony  
Source: Moti pictures

*Haadha Boollo's* are responsible to ensure protection of women's rights in the *Gadaa* system during their active *Gadaa* administration period.<sup>350</sup> They regularly discuss with women about their socio economic problem. Then, they forward to their respective husband to address their concerns during *Gadaa* assembly. If *Gadaa* assembly proposes laws that affect women's interest, *Haadha Boollo* gathers women feedback and forward to assembly through their husbands.<sup>351</sup> Besides, no ceremony (*jiilaa*) is conducted in the absence of women.

For instance, the ritual called *Iddoo Buufata* is conducted during *jiilaa* (*Gadaa* ceremony) and transfer of *Gadaa* power. During *Iddoo Buufata* ceremony, married women get together and move to the place of ceremony for celebration.<sup>352</sup> In such events, the first lady of *Abbaa Gadaa* or *Haadha Boollo* leads the women parade. This symbolizes their unity and support to the ritual/festival. During ceremonies women are required to carry the sacred stick named as *Siinqee*.

<sup>349</sup> Such pledge extended to privileges during burial practices up on their death. When they die, they are buried at special places reserved for late *Gadaa* officials. (Ibid).

<sup>350</sup> Interview with Ob. Galanoo (n 335).

<sup>351</sup> Interview with Ad. Arbee Turii Baasaa, Gujii Zone Women, Children and Youth Affairs Head, Bule Hora, 20/08/2020.

<sup>352</sup> Interview with Ob. Galanoo (n 335); Interview with Ob. Malkamu Tafarraa Waaqoo, Bule Hora District planning and Culture Expert, Bule Hora, 21/08/2020.

#### 4.2.4 Ruddii



##### What is *Ruddii*?

In *Booranaa Gadaa* practice, *Ruddii* is the symbolic ceremony held by married women during *Gadaa* rituals such as transfer of power.

Attendance of *Ruddii* is mandatory for women.<sup>353</sup> The ceremony is a communal prayer ceremony whereby women collectively perform songs in front of their respective husbands. At the end, they are blessed by male participants and return to their home. In their respective home, they roast coffee with butter called *Buna Qalaa*.<sup>354</sup> During *Buna Qalaa* ceremony, they bless and pray for their family, neighbor and community as whole.



**Photo:** Women performing Ruddii Ritual in Booranaa  
**Source** – Moti Pictures (OCTB)

<sup>353</sup> Jaatanii (n 247), 396; Interview with Ob. Jaatanii Diidaa, Booranaa Culture Expert, Boorana Zone, Yabello, 19/08/2020; Interview with Ob. Biiqqa Cabaqa, Traditional culture Expert, Boorana Zone, Dhaas District, 05/09/2020.

<sup>354</sup> Nonnoo Borbor, Baalli Gadaa Kuraa Jaarsoo, Waajjira Aadaa fi Turizimii Godina Booranaa, p. 43; Interview with Ob. Godaanaa Jaarsoo, Jaarsa Kosii (Hall Construction Leader of Abba Gadaa) Booranaa Zone, Gaayoo, 17/08/2020.

A large gathering of women symbolizes their unity and solidarity, while a small number gathering of women in *Ruddii* ceremony is considered as a sign of disintegration of their unity and lack of mutual support for one another.

On that day, women wear their *Gorfoo* (cloth made from cattle leather) and come up with *Miyyuu* (milk), *Ciicoo* and *Siiqqee*. Wife of Abbaa Bokkuu (Chief leader) leads the *Ruddii* ritual.<sup>355</sup> Unlike *Kaarilee*, women are not engaged in resistance; rather their parade symbolizes their support for such *Gadaa* ritual, on the one hand and their gathering symbolizes their unity. On the other hand, that is why it is said that *Gadaa* is not full without attendance of women.

### 4.3 Women Led Institutions of Conflict Resolution

Women play important role in resolution of conflicts among *Oromoo*. In the event dispute/ conflict happened between individuals or groups, women either initiate or resolve such dispute resolution through different, but interrelated institutions. If the victim of dispute is a woman, they usually seek justice collectively for her. *Oromoo* women - led conflict institutions incorporate the dimensions of agency of women: goal-setting, perceived control and ability ("sense of agency"), and acting on goals. Accordingly, in each institution they set goals before starting conflict resolution and then take an action through dealing with the issue and marching for protest such as *Godaansa Siiqqee* to liable offender and to restore at individual, family and community level.

#### 4.3.1 Saddeeta Dubartii /Hanfala



##### TERM

*Saddeeta Dubartii* literally means group of eight women.

<sup>355</sup> Ibid.



### What is *Saddeeta Dubartii*?

The *saddeeta dubartii* or *Saddeetan Hanfala* is an exclusively none kin women's social organization among *Arsii Oromoo*.<sup>356</sup> They are representatives of women who participate in legislative, executive and dispute resolution processes at local level.

Historically, the current *Saddeeta dubartii* traced back to when *Arsii Gadaa* system reformation took place before centuries by *Ambata Doyyoo*.<sup>357</sup> The membership of the council/ institution composes married women. Although, the institution is to be composed of eight members, it may be able to have between 8 and 16 women. They women in the neighbor come together and elect their *Saddeeta dubartii* from among themselves.<sup>358</sup> The election is based on their best knowledge of the tradition and the ritual. They choose women who are courageous, who are strong, who know how to speak, and who know how matters go. *Haadha Saddeeta* (Mother of the *Saddeeta*) is also elected from *Saddeeta dubarti* to serve as a leader of such women's council. Their function is interlinked with *Atette* and *Siinqee* Institutions. They are collective leaders and representatives of women who operationalize *Ateete* and *Siinqee* Institutions. *Saddeeta* is an area of community governance in which women hold a considerable amount of power. It serves as the main representative for women in the society and they are directly involved in women's dispute resolution processes.<sup>359</sup>

If a woman has been abused or insulted by someone, the *Saddeeta* decides whether the offense merits an *Ateete* ceremony.<sup>360</sup> If the women's *Saddeeta* considers that the wrong doing infringes the customary law and the offender has not shown regret or offered an apology, then the *Saddeeta* is in charge of mobilizing women in the community for *Ateete* protest against the offender.

<sup>356</sup> Sometimes the institution organized by five members called *Shanacha dubartii* (group of five women). (Interview with Ob. Tibesso (n 278)): Leila (n 253) p. 122.

<sup>357</sup> Ginbar (n 305), p. 69.

<sup>358</sup> Daniel Dheressaa, *Continuity and Change in the Status of Women: The Case of Arsii Oromoo Living Adjacent to Upper Wabe Valley* (Dodola), MA Thesis (AAU), 2002, p. 33.

<sup>359</sup> Leila, (n 253) p. 27.

<sup>360</sup> Id, p.96.

They can use coercive and forceful ways to ensure that all the eligible women participate in the *Ateete* ritual.<sup>361</sup> The reason why attendance is mandatory in this manner is that it is considered to be the collective duty of all women to join together in solidarity of the woman or women who have been abused. Refusal to participate can weaken the system. Hence, when a woman has been abused by another person, all married women take their *Siinqee* and travel with other women to the offender's house singing insults under the leadership of women *Saddeeta*. Large numbers of women representing all women in the area demonstrate a physical and psychological force. Their numbers remind the offender of how many people were affected by his fault, and help them to be more successful in achieving justice.

Then women's *Saddeeta* starts negotiation with the men's *Saddeeta* in order to receive satisfactory compensation. At this juncture, the victim is represented by women *Saddeeta* and the offender is represented by male *Saddeeta*. It is not allowed for the offender to face and have conversation with the women who are protesting against him. Thus, he discusses everything with men's *Saddeeta* to handle the conflict.<sup>362</sup> To this end, *Ateete/Siinqee* women continue to sing insults and prayers in front of the wrongdoer's house while the women's *Saddeeta* members negotiate with the men's *Saddeeta*. The compensation could be a cow instead of a sheep or two cows instead of one. The men's *Saddeeta* also defends the man's point of view, arguing that he is ready to forgiveness and one cow is enough for compensation. The wrongdoer is then expected to admit his fault, ask for pardon and pay cow compensation is usually cow.<sup>363</sup>

Then, the offender slaughters the cow and cuts up the hide of the cows and put on their *Siinqee* sticks. The hides are called *meexichaa*.<sup>364</sup> This symbolizes that they won the case and ensures victim women's access to justice. To this end, the women bless the offender and his clansmen, give them fresh wet grass (*saardoo*) and touch their arms with their *Siinqee* while singing a blessing to indicate the dispute is over and he is back to normal life. By doing so, the *Saddeeta* gives space to women with strong voices who can represent and promote the rights of women in their community. Consequently, women actively respond to *Saddeeta*

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<sup>361</sup> Interview with Ob. Tibbesso (n 278).

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Interview with Ad. Girjaa and Ad. Lootuu (n 333).

calling and rituals although the men - led *jaarsuummaa* institution resolves many disputes<sup>365</sup>

### 4.3.2 Siinqee

*Siinqee* plays an important role in conflict resolution among Oromoo. *Siinqee* women who gather for *Siinqee* march in the events of disputes that may undermine *Safuu* (moral value) to prevent adverse consequences of such disputes.<sup>366</sup> When women come across people who are fighting, they raise their *Siinqee* and ululate to stop the fight and mediate to reduce the harm it may causes. If women hold *Siinqee* and parade during war, any warring factions have to surrender and stop fighting at once.<sup>367</sup>

*Siinqee* women also gather when a son beats his parents;<sup>368</sup> where a husband beats his wife during postpartum (Qannafaa women); when a husband tries to stop her from participating in women gatherings including *Siinqee* meeting; when he beats her after she attend the ritual; where a husband takes or sells her *Siinqee* cattle gifts;<sup>369</sup> where he beats her entering the Gola (the room which is an exclusive domain for women) or when he intentionally causes serious bodily injury on his wife or where he insults her that undermines her dignity.<sup>370</sup>

Attendance in such gatherings is mandatory for all women.<sup>371</sup> The action indicates that the violation of one woman's rights amounts to violation of rights of all women. They should collectively fight male domination. After longer reconciliation process, the offender is required to pay fine from his own personal

<sup>365</sup> Ibid.

<sup>366</sup> Interview with Ad. Zara Shanko, Arsii Zone Women and Children Office, Arsii Zone, Asella, 25/09/2020.

<sup>367</sup> Interview with Ad. Hawaa Beshir, Haadha *Siinqee*, Lemu and Bilbilo District, Arsii Zone, Bokoji, 10/09/2020.

<sup>368</sup> Interview with Ob. Feyisa Wakushie, Lemu and Bilbilo District Culture and Tourism Office Expert, Arsii Zone, Bokoji, 21/09/2020.

<sup>369</sup> Horii *Siinqee* is given to bride by groom family up on her marriage. Horii *Siinqee* is exclusive personal property of wife. (Interview with Ad. Saara (n 333) and Tibbesso (278)).

<sup>370</sup> Ibid.

<sup>371</sup> If the woman is absent from such rally, the women who gathered for the *Siinqee* gathering will head to her home and take food items such as processed foods, butter, coffee, honey and milk as a penalty. (Interview with Ob. Tibbesso; Interview with Ob. Amino (n 299); Interview with Ad. Saara (n 233)).

property and slaughter an animal as symbol of reconciliation. Furthermore, he is required to openly apologize.<sup>372</sup> The women impose a serious curse called *Abaarsa Siinqee* (the curse of *Siinqee*) if the offender does not confess.<sup>373</sup> It is believed that the women's curse will cause affliction to the wrongdoer and hence has a deterrent effect. They say "what a woman blesses will be blessed, what she curses will be cursed".<sup>374</sup>



**Photo:** Siinqee Women engaged in Resolving disputes  
**Source-** West Arsii Zone Tourism and Communication Office

Currently, *Siinqee* is practiced in rural areas of southern and south eastern parts of *Oromia*. However, the western style of modernization, urbanization, formal education and influences from religious institutions have endangered its further advancement especially in urban areas.<sup>375</sup> Despite such threats, the institution of *Siinqee* has been encouraged by the government and elites. It is thus reorganized in many parts of *Oromia*. In some cases, women prefer to be adjudicated through *Siinqee*, opting to give up rights which the formal justice system grants them.

<sup>372</sup> Interview with Ad. Saara, Ibid.

<sup>373</sup> Interview with Ob. Amana Galato, Culture Expert, Arsii Zone Culture and Tourism office Asela, 31/09/2020.

<sup>374</sup> Leila (n 253), p. 293.

<sup>375</sup> Id, p. 203; Interview with Hon. Dr. Borbor (n 296).

### 4.3.3 Ateete Goraa

*Ateete* is a ritual that is organized and led by *Oromoo* women for different purposes. Among *Arsii Oromoo*, *Ateete* is classified into two major categories, namely *Ateete Goraa* (*Ateete* of disputes resolution) and *Ateete Falaa* (*Ateete* of Praying/blessing).

#### Ateete Goraa is sub divided - into

- ▶ Ateete Deemsisaa, Ateete Araara
- ▶ Ateete Duula.

Ateete Deemsisaa is similar to Siinqee conflict resolution and sometimes interchangeably used with Siinqee among *Arsii* and West *Arsii* areas.<sup>376</sup> Ateetee Araaraa (Ateete of Reconciliation) is conducted when dispute happened between individuals or between groups.<sup>377</sup> Ateete Duulaa performed in early period during soldier farewell to defend their territory from conquest or to stop ongoing battle to reduce casualties of war.<sup>378</sup>

**TABLE 3**  
Different Types of Ateete Goraa/ Morkaa Rituals<sup>379</sup>

| S.n | Ateete Name           | Purpose   | Location of rituals                                   |
|-----|-----------------------|---|---|
| 1   | Ateete Deemsisaa      | when a husband hits his wife who is pregnant or months after she gave birth | On the way and in front of the woman and man's house  |
|     |                       | When a son abuses his parent  | Prayers on the way and in front of the mother's house |
|     |                       | When a man abuses a woman verbally or physically                            | On the way and in front of the wrongdoer's house      |
|     |                       | When husband takes Siinqee cow  | ""  |
| 2   | Ateete Duulaa         | Women engage on humanitarian action and ululate to stop the battle          | Battle field  |
| 3   | Ateete Nagaa/ Araaraa | To reconcile individual/ group disputes                                     | Under sacred tree or home                             |

<sup>376</sup> Interview with Ob. Amanaa (373).

<sup>377</sup> Ibid.

<sup>378</sup> Interview with Ad. Hawa (n 367).

<sup>379</sup> Leila (n 253), p. 430.

### 4.3.4 Ruufoo Marabbaa

#### TERM

*Ruufoo Marabbaa* is also named as *Erfoo Marabbaa* and '*dubarti*'.<sup>380</sup> Among Walloo Oromoo, married women perform *Erfoo Marabbaa* ritual when there are emergency cases such as illness of person; for pregnant or barren women; upon an outbreak of a conflict or for request of marriage proposal.<sup>381</sup>

When a person gets sick, women gather and pray for the recovery and wellbeing of the sick person. The prayer for pregnant women is also conducted during the lasts months of pregnancy. In Baatii area this ceremony is called Fatima Qorii.<sup>382</sup> The invitation to Fatima Qorii ritual is often done by a pregnant woman. The invitees gather at the expectant woman's house for communal prayer. They bring with them different items that are served on the occasion. In addition, porridge and meat from sheep/goat is prepared by pregnant women for ceremony. The participants attend the ritual by carrying their ritual stick known as Lootii, which is similar to the name given to Siqqee in the area.<sup>383</sup>

Dispute resolution is another reason for calling a *Ruufoo Marabbaa* gathering. Such conflict cases arise when a debtor fails to pay back to creditor, children hurt each other's; on occasions of spousal dispute, a fight breaking between neighbors...etc.<sup>384</sup> on such occasions, the *Ruufoo Marabbaa* women interfere to resolve the case. The members of the *Ruufoo Marabbaa* may initiate the gathering up on a request of the conflicting parties or in some circumstances by themselves.

<sup>380</sup> Dubarti is literally translated as a 'Woman'. (Focused Group Discussion (FGD) 8, ANRS Oromoo Nationality Zone Culture and Tourism Office, Kemisee, 12/10/2020).

<sup>381</sup> የኦሮሞ ስነ ሰነድ ክፍያዎች: የኦሮሞ ስነ ሰነድ ቴሪዝም መምሪያ: ከሚኒ.፤ ሀዳር 2008/2015, p. 5

<sup>382</sup> Ibid.

<sup>383</sup> Interview with Ad. Hawa Adem, Head of ANRS Oromoo Nationality Zone Women, Youth and Children Affairs, Kemise, 05/10/2020.

<sup>384</sup> Interview with Abbaa Gadaa Ibrahim Abegaz, Abba Gadaa of ANRS Oromoo Nationality Zone, Kemise, 04/10/2020.

## 4.4 Rituals led by Women

*Oromoo* women perform a lot of rituals starting from their girlhood. This sub section describes several girls led rituals (*Ingiccaa/Ilillee* and *Sirba Durbaa*); marriage related rituals (*Mararoo/Heelee*, *Horii Siinqee/ Dhoofsisaa* and *Meendhichaa/Hubii*), motherhood related rituals (*Shanan/ Nafa Dhiqaa*, *Ateete* and *Faatimaayyee*) and womanhood institutions of *Siinqee*/hoofu praying, *Asaraa* and *Buna Qalaa*. The rituals led by women involve the agency of women aspects such as autonomy to decision-makings, freedom of movement questions, and control over spending especially at micro and meso level of economic, psychological, socio-cultural, and familial/ interpersonal empowerment dimensions.

### 4.4.1 Ingiccaa/ Ilillee/ Aladduu or Migira Buqqisaa

*Ingiccaa* is girl's annual festival that takes place during Ethiopian New Year celebration. It usually takes place on the 13<sup>th</sup> of Ethiopian month called *Qaamme*. The term *Ingiccaa*, *Ilillee* and *Qunni Buqqisaa* is interchangeably used among West *Shawaa* zone communities.<sup>385</sup> In *Wallaggaa*, the festival is also known by the name of *Migira Buqqisaa* and *Aladduu Buqqisaa*.<sup>386</sup> During *Ingiccaa* festival, girls go from door to door to visit each and every household in their village and express their best wishes of New Year through folk song and dances. Families welcome the girls and in return wish them good health, growth, peace, strength and offer them with dishes and gifts. Participation in *Ingiccaa* festival, in its strict sense is mandatory for betrothed girl as the celebration is considered as a farewell ceremony with her intimate girlhood friends.<sup>387</sup>

The girls, in their songs, raise a lot of social issues and dare to provoke constructive criticisms of societal faults. They inspire members of their communities to take the necessary actions and

<sup>385</sup> Interview with Ad. Adaanech Dhaabasa, Expert at Ambo District Women, and Children Office, West Shewa Zone, Ambo, 20/08/2020; Interview with Haadhaa Siinqee Zawuditu Tufa of Burayu city, Oromia Special Zone, Burayu City, 05/10/2020.

<sup>386</sup> Interview with Ad. Tigist Dayaas, Nekemte City Culture and Tourism Office, East Wallaga Zone, Nekemte, 17/09/2020; Interview with Ad. Tajitu Biru, Haadha Siinqee, East Wallaga Zone, Nekemte, 10/09/2020.

<sup>387</sup> Interview with Ob. Ababa Fiixee, Expert at West Shewa Zone Culture and Tourism Office, Ambo, 19/08/2020.

discourage harmful beliefs and practices.<sup>388</sup> The subject matter of their songs also includes bravery of their group, their love and affection, the looming separations due to marriage, their choices, and preferences in marriage, etc. Overall, Ingiccaa girls' festival symbolizes the autonomy and authority of girls to express their views freely through song and to praise good activities and criticize malicious acts in their society. The festival has been used as a democratic social forum and its songs as a communication strategy to address their critical concerns. Currently, the Ingiccaa festival is practiced in various rural areas of West Shawaa and Wallaggaa.

In this regard, the Ethiopian government has planned to inscribe in 2021 Ingiccaa and other related festival at UNESCO under the official name of 'Ashenda, Ashendye, Aynewari, Maria, Shadey, Sole - Ethiopian Girls' Festival'.<sup>389</sup> The nomination file indicates that such official name of festival is known by other alternate names among 'Northern' Ethiopia peoples of *Tigray*, *Amhara* and *Agaw* ethnic groups. Accordingly, the nomination file says;

"the festival is known as "Ashendeye" in the Amhara Regional State in Lasta, Lalibela and Gondar, "Engicha Nekela" in Gojam and "Solel" in Wollo Raya and Kobo districts. Among the Agew of Wagemra, it is known as "Shadey". In Tigray Region, there are different ways of naming the festival across various localities such as Ashenda, Mariya, Ayni-Wari, Ye'away' We'embeb, Sha'eden, Shaydey'... The Nation, Nationalities and Peoples of 'Northern' Ethiopia that celebrate the festival are the Amhara, Tigray and Agew ethnic groups residing in the Amhara and Tigray Regional States"<sup>390</sup>

This excerpted statement from the nomination file to UNESCO shows that the girls' celebration known as *Ingiccaal* Buqisu in *Afaan Oromoo* is also celebrated by the same name in Gojam. However, the file recognizes the celebration as it is performed only in Northern Ethiopia of *Amhara* and *Tigray* regional state. The government organs concerned and other stakeholders are required to revise the nomination file and to conduct further study in the above and

<sup>388</sup> Interview with Ob. Alemayehu Haile Ali, Director at Oromoo Cultural and History Study Center, Addis Ababa/Finfinne City, 16/09/2020.

<sup>389</sup> UNESCO, Representative List of Tangible Cultural Heritage Of Humanity-Deadline 31 March 2020 For Possible Inscription In 2021, p. 2-5.

<sup>390</sup> Id, p. 3.

other areas that are not covered in this study. The nomination file of ‘Ethiopian Girls festival’ to inscribe at UNESCO should be inclusive and representative of the reality on the ground for common good. In this regard, *Ingiccaa* symbolizes the unity of cultural practices within diversified ethnic groups of Ethiopia.

#### 4.4.2 Sirba Durbaa

##### TERM



*Sirba Durbaa* in Afaan *Oromoo* means girls’ song. It is a kind of song and dance that is collectively performed by unmarried girl and adult boys of equal number in *Iluu Abbaa Boor*.<sup>391</sup>

Girls freely express their feelings of love or hate, acceptance and rejection of love quest, happiness and sad events, failures and successes of plans. Through their songs they praise heroes and criticize those who fail. Each song is recited one after another by interested participant of *Sirba Durbaa*. *Sirba Durbaa* is performed during celebrations like marriage ceremony or annual festivals.<sup>392</sup>

When a girl goes to attend *Sirba Durbaa*, her brother or other close male relatives are expected to protect her from gender-based violence or sexual harassment as the event is usually performed at night.<sup>393</sup> ***Sirba Durbaa* serves as a venue where young girls and boys happen to meet potential friends, network and socialise. It is also a place where girls and boys look for their future marriage partner.** This practice is dying out in the study area and the artistic and cultural knowledge related to the practice is also not properly transferred to younger generation from older ones.

<sup>391</sup> Interview with Ob. Mohaammad Assafa, Expert at Iluu Abbaa Boor Zone Culture and Tourism Office, Mettu, 19/08/2020.

<sup>392</sup> Interview with Ad. Urgee Roobaa, Haadha Siinqee, Iluu Abbaa Boor Zone, Mettu, 08/09/2020.

<sup>393</sup> Interview with Abba Gadaa Tassamaa Muluna, Abba Gadaa, Iluu Abbaa Boor Zone, Mettu, 26/08/2020.

#### 4.4.3 Mararoo/Bayee-Bayee / Garuule/Heelee

Among *Oromoo*, marriage is supported by different nuptial folk songs performed by girls and women. The *Faaruu* (Praising bride and groom), *Arrabsoo* (criticizing bride and groom), *Ansosille* (praising virginity of girl) are usually performed by girls and women.<sup>394</sup> Among nuptial songs, the Mararoo is a popular song known in different parts of *Oromia* by different names, such as *Ininayyoo/Mararoo* (*Maccaa Oromoo*), *Bayee Bayee* and *Tartarii Birraa* (*Arsii*), *Garuulee/ Addooyyee* (*Jimmaa*), and Heelee (*Harargee*). It is a kind of ritual song that is performed by intimate friends of the bride as farewell ceremony before wedding/departure from family home. It also symbolizes the end of the bride's girlhood period and transition to womanhood.<sup>395</sup>



**Photo:** Women and Bride friend expressing sorrow of separation to Bride by Garuule Song in Jimmaa

**Source-** Jimmaa city Culture and Tourism Office

The girls deliver different message to their bride friend through songs. These include ways of managing marriage life, treating husband, social life after marriage, past memories and so on. The song indicates marriage separates young girls from home, parents, peers, and makes her to joins new family and life style.<sup>396</sup> Hence, such song serves as expressing the emotional pain / sorrow for bride's life time departure from her family/girlhood. It is also a means to give advice about her future life since marriage leads to change from one family, clan, and village to another one. Among *Arsii Oromoo*, there is also a song called *Tartarii Birraa* (until

<sup>394</sup> Dereje Fufa, Classifications of Macca Oromoo Girls' Nuptial Songs (Sirba Cidhaa), *Humanities*, 2019, 8, 145; doi:10.3390/h8030145.

<sup>395</sup> Ahmad Deedoo, Image of Women in Selected Oromoo Folktales, *Folksongs and Proverbs With Particular Reference To East Arsii Zone*, MA Thesis, 2010, p. 33.

<sup>396</sup> Interview with Ad. Yaqkuta Mamammad, Expert at Jimma City culture and Tourism office, Jimma Zone, Jimma, 22/09/2020.

spring), in which her young friends gather in a circle to cry for her departure.<sup>397</sup> Traditionally, the bride comes back to visit her family after three months of married life, which generally corresponds to the spring. Thus, *Tartarii Birraa* is a means of expressing sorrow for the departure until they meet after three months.

#### 4.4.4 Horii Siiqqee/ Horii Dhoofsisaa

During the wedding ceremony, giving gift to a new bride by the groom's family is a common practice among *Oromoo*. Culturally, milk cow is a preferable gift that is given to new bride. Among those gifts, *Horii Siinqee* is given to a bride that marries with her *Siinqee* at ceremony called *Horiin Siinqee/ Dhoofsisaa*.<sup>398</sup>

In this regard, *Siinqee* stick is not given to all brides, rather they are given to a virgin bride getting married based on *Rakoo*.<sup>399</sup> If the marriage is concluded outside the rules and regulations of *Siinqee*, such as by abduction or marrying a divorced woman, the women do not enjoy the protection accorded by *Siinqee*.<sup>400</sup> Hence, a woman can get married and granted *Siinqee* only once in her life. This aims to systematically discourage abduction, and divorce that may lead to instability of family union and create social crises including endangering the lives of children.<sup>401</sup> A girl married with *Siinqee* has full rights to enjoy her privileges under *Siinqee* starting from the day of marriage. She will receive different wedding gifts from heir in laws.

<sup>397</sup> Interview with Ad. Werkie Chewicha, Haadha Siqqee, Lemu and Bilbilo District, Arsi Zone, Bokoji, 17/09/2020.

<sup>398</sup> Interview with Ad. Zeeyinabaa H/Usmaan, Haadha Siinqee, Sinaana District, Roobee, 16/08/2020; Interview with Ad. Amaanee Hajji, Haadha Siinqee Aanaa Tiyyoo, Arsi Zone, Asella, 01/09/2020.

<sup>399</sup> Interview with Abbaa Seer Doorii Dalcha, Former Abbaa Gadaa and now Abbaa Seer/Hayyuu (Advisor of Abbaa Gadaa), Dugda District, East Shawaa Zone, Meki, 06/09/2020; Interview with Abbaa Gadaa Darsuu Waaree, Abba Gadaa Head, Tiyyoo District, Arsi Zone, Asella, 01/09/2020.

<sup>400</sup> Interview with Ob. Gemeda Negesso, Abba Gadaa, Lemu and Bilbilo District, Arsii Zone, Bokoji, 16/09/2020.

<sup>401</sup> Interview with Ob. Negesso Kawoo, Abba Gadaa, Lemu and Bilbilo District, Arsii Zone, Bokoji, 16/09/2020.

In West Arsii, women are entitled to *Horii Gurgubboo* (*Horii Siinqee*), which is usually a gift of cow with a calf.<sup>402</sup> She touches those cows with her *Siinqee*, symbolizing that the cow and increase from breeding of the cow are being exclusive personal property of the bride. Cattle obtained as a Siinqee gift cannot be sold. Similarly, in Arsii, such gift is called *Horii Dhoofsisaa*. In Arsii, such gifts include other domestic animals such as horse, goat, sheep, house... etc depending on the economic capacity of heir in laws.<sup>403</sup> In Baalee, also, the bride is also entitled to *Horii Siinqee* during *Dhoofsisaa* ceremony, like that of Arsii practice.<sup>404</sup> In addition, the bride is entitled to additional gift called *Harka Dhiqaa* (Washing Hand).<sup>405</sup> In Booranaa, the bride also entitled to two cow milks with calves as *Horii Siinqee*.<sup>406</sup> In *Gujii*, The acquisition and roles of *Siqqoo* is similar to that of Arsii and Booranaa. A girl married with Siinqee entitled to two types of gifts namely *Horii Siqqoo* and *Horii Quttoo*.<sup>407</sup> *Horii Siqqoo* is similar to that of *Horii Siinqee* gift of Arsii and Baalee, while *Horii Quttoo* is additional cow gift given to the bride if she happens to be virgin. The later is gift also known as *Gusse Buusaa* among Wallaggaa.<sup>408</sup> The later aimed to encourage abstinence from premarital sex and virginity symbolizes purity of the girl.

<sup>402</sup> Interview with Ob. Tibbesso (n 278).

<sup>403</sup> Interview with Ad. Ayuba (n 333).

<sup>404</sup> Interview with Ob. Huseen Sulxaan, Sinana District Culture and Tourism Office Expert, Roobee, 13/08/2020; Interview with Ob. Muhammaad Sheekaa, Baalee Zone Culture and Tourism Office Expert, Roobee, 18/08/2020

<sup>405</sup> Accordingly, the bride shouldn't engage at any domestic tasks for one week after her marriage. On the seventh day after marriage, she cleans the yard of her in laws and that is followed by a gift of a cow and calf from heir in laws, a ritual locally referred to as *Harka dhiqaa* (Interview with Ad. Zeetunaa Aloo, Haadha Siinqee, Sinaana District, Baalee Zone, Roobe, 28/08/2020; Interview with Ad. Zeeyinabaa (n 398).

<sup>406</sup> Ibid.

<sup>407</sup> Interview with Ob. Galaano (n 335).

<sup>408</sup> FGD Nekemte (n 269).

#### 4.4.5 Meendhicha/ Gorduuboo/ Hubii/ Irra Deebii



##### TERM

Among Oromoo, there is a ritual conducted after a wedding to symbolize bride and groom family union. The celebration takes place at the bride's family home. It is known by different names in various communities such as *Meendhicha* (Booranaa), *Gorduuboo* (Arsii), *Hubii* (Shawaa), *Wubii/dhadhaa dibaa* (Wallaggaa) and *Irra deebii*. This ceremony serves as a means of union of both families through marriage.<sup>409</sup>

Bride's mother and the other family members principally organize the ceremony. Her friends and neighbors also participate in the ceremony. The purpose of visitation is also to know about the status of the new bride whether she has adopted the new life and to create bondage with bridegroom family.<sup>410</sup> On the ceremony, the bride and groom family introduces each other, blesses the marriage union, and give advice to new spouses.

##### BOX 14

In *Booranaa*, *Meendhicha*<sup>411</sup> ceremony is held between one and two weeks after a marriage. In *Shawaa*, *Hubii* ceremony is required to be held within one month, while in *Arsii*, the time for *Gorduuboo* visitation is extended for up to one year. In *Arsii* and *Booranaa*, the bride visits her family by carrying her *Siiqqee* to symbolize she has become a married women. When the bride is married through *Heeruma/ Fedhii/ Hawaaddii* form of marriage,<sup>412</sup> she is entitled to *Siiqqee* stick, which she will be receiving upon the day of *Meendhicha* ceremony.

409 Interview with Ob. Kulula Areeroo, Makkala Abba Gadaa (Assistant of Abba Gadaa), 17/08/2020; Jaatanii Diidaa (n 247), p. 559.

410 Focused Group Discussion (FGD) 1, Booranaa Zone, Galma Abbaa Gadaa, Gayoo, 17/08/2020.

411 The word *Mendhicha* is literally a strip of hide of an animal slaughtered in ceremony placed on the *Siinqee* or on arm of bride and groom. (Ibid).

412 *Heeruma* is a form of marriage among Booranaa, where the boy and girls agreed without knowledge of their respective family. The boy takes the girl secretly in the middle of the night or in day from her family home and



**Photo:** Meendhicha ritual in Booranaa  
**Source-** Booranaa Zone Culture and Tourism Office

In *Booranaa*, after *Meendhicha* ceremony the bride receives cow gift from her parents, which is known as *Horii Siqqee*.<sup>413</sup> This indicates that, in *Booranaa*, the bride receives *Horii Siqqee* both from her parent and heir in laws. In *Arsii*, similar gift is given to bride by her parents and it is known as *Horii Gorduuboo*.<sup>414</sup> Those gift forms are part of personal property of the bride. In addition, her parents both from matrilineal and patrilineal side give her different gifts such as cattle, donkey, sheep, goat, horse, camel, mule, or other items as a gift. The gift is culturally part of common property of both spouses, unlike *Horii Siqqee/ Gorduuboo* gifts.<sup>415</sup> The *Meendhicha*, *Hubii*, *Gorduuboo* and *Wubii* continue to be practiced in different parts of *Oromia*.

#### 4.4.6 Ateete

*Ateete* is the most commonly known, but diversified institution among *Oromoo* women. There is no unified understanding and definition of *Ateete*

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concludes the marriage. This form of marriage is known by the name of Jaal demmaa (Harargee), Hawwii/ fedhii (Maccaa Oromoo), and Hawaaddii (Gujii).

<sup>413</sup> Interview with Ob. Diida Garboole, Boorana Zone Culture and Tourism Office Expert, Yaabello, 15/09/2020.

<sup>414</sup> Interview with Ad. Teyiba Aliyi, Arsi Zone Tourism and Culture Office, Arsi Zone, Asella, 30/09/2020.

<sup>415</sup> Interview with Ob. Amiinoo (n 299).



### TERM

Some understand the literal word *Ateete* as women; or prosperity of women.<sup>416</sup> Others define *Ateete* as *ayyoolee* (my mother) or elder mother (*Ayyoo Guddoo*).<sup>417</sup> Conceptually, Leila Qaashu defined *Ateete* as “women’s dispute resolution process; women’s political and religious organization; female deity”.<sup>418</sup> According to Kuwee (1997), “*Ateetee* is a female deity”. *Ateetee* is a women spirit (*ayyaana*). Overall, *Ateete* commonly represents rituals exclusively performed by married women.<sup>419</sup>

In other communities such as *yakka* institution of the *Sidama*, *Faxi-mee* institution in Ethiopian low lands, and *Maryam* celebration among Christians are related to *Oromoo Ateete*.<sup>420</sup>

### BOX 15

Spiritually, *Ateetee* is deity or divinity of women worship that involves singing, praying, blessing and receiving gifts. In *Gadaa* system, the concept of *Ateete* is interconnected with customary law (*seera ambaa/ aadaa*), and vernacular religion (*Waaqeffannaa*). It is a symbol of respect (*kabajaa/ulfina*) of women and their truth (*dhugaa*); women’s *Waayyu* (sacred) status; power (*humna*) of women, and opposition to violence towards women.

Among *Oromoo* communities, the spiritual aspect of *Ateete* practiced in diversified way. Among *Arsii Oromoo*, the term *Siinqee* and *Ateete* is used interchangeably. Some try to differentiate between the two terms as gatherings of women, and the songs of women respectively. Others say *Siinqee* is the stick of womanhood, while *Ateete* is the ceremony exclusively conducted by *Siinqee* woman.<sup>421</sup>

<sup>416</sup> FGD Amboo (n 335); Interview with Ad. Warqii Tolosaa, Haadha Siinqee of Amboo District, West Shawaa Zone, Amboo, 28/08/2020.

<sup>417</sup> Leila (n 253), p. 146.

<sup>418</sup> Id, p. XI.

<sup>419</sup> Jeylan (n 4), p. 111.

<sup>420</sup> Marit Ostebo (n 252), p. 1053.

<sup>421</sup> Interview with Ad. Zaara (n 366).

In its religious function, *Ateete* praying represents women intermediary figures between *Waaqaa* and human/physical world.<sup>422</sup>

Among *Arsii* Oromoo, *Ateete Falaa* is a spiritual type of *Ateete* often held to pray for ending hardships or difficult circumstances.<sup>423</sup> There are a number of varieties of *Ateete Falaa* praying such as *Ateete Rooba* (to end heavy rain), *Ateete Caamaa* (to end long dry season), *Ateete Deessuu* (praying for pregnant women in labour and thanks giving after child birth), *Ateete Loonii* (praying for cattle fertility and for oxen to plough farm properly). Among *Arsii* Oromoo, *Ateete Loonii* conducted when a heifer drops a calf, by inviting neighbors for blessing.<sup>424</sup> There is also *Ateete Loonii* in November month every year.<sup>425</sup>

**TABLE 4**

Summary of Different Types of *Ateete Falaa* Rituals among *Arsii* Oromoo

| S.n | Ateete Name                    | Purpose  | Location of rituals                          |
|-----|--------------------------------|--|--|
| 1   | Ateete Caamaa                  | Pray to end drought or famine                                      | River or lake or both                        |
| 2   | Ateete Roobaa                  | Heavy rain and flooding  | Hilltop, river, lake                         |
| 3   | Ateete Ayyaanaa                | Religious ceremonies like Irreechaa                                | Hilltop, river, lake or all                  |
| 4   | Ateete Deessuu                 | Birth sickness and birth, infertility                              | House of the women                           |
| 5   | Ateete Dhukkubaa               | Praying to cure from sickness or to end epidemic diseases          | Under a sacred tree, river or home           |
| 6   | Ateete Loonii                  | Blessing or praying for well being and fertility of cattle         | Under sacred tree like Odaa or river or both |
| 7   | Ateete Simannaa/ Gageessa      | Welcoming or farewell ceremony to guests or individuals            | Home or hall                                 |
| 8   | Ateete Facaafataa              | New Year thanks giving ceremony in spring                          | Home   |
| 9   | Ateete Gootaa (Ateete of Hero) | Welcoming ceremony for a person return from hunting or battlefield | Home or public place                         |

Currently, the practice of *Ateete Falaa* is continued in rural areas of both *Arsii* and West *Arsii* zone, despite diffusion of culture by

<sup>422</sup> Interview with Ad. Teyiba (n 414).

<sup>423</sup> Interview with Ad. Rukiya Aman, Women and Children Affairs office Head, Lemu and Bilbilo District, *Arsii* Zone, Bokoji, 14/09/2020.

<sup>424</sup> Interview with Ad. Amaanee (n 398).

<sup>425</sup> Ibid

religion, modernization and movement of people from rural to urban areas. There are also some emerging forms *Ateete*, such as blessing/ welcoming for Academic graduations.



Photo: Ateetee Simanna (Welcoming guests)

Source: Moti Pictures (OCTB)

Among *Iluu Abbaa Boor Oromoo*, *Ateete* is married women - led ritual celebrated twice a year. Women collectively celebrate *Ateete* at a home setting or hut constructed for *Ateete* called '*Ilfigni*'.<sup>426</sup> The reason for blessing and praying is similar to *Arsii's Ateete Falaa*. Women participants prepare dishes for the celebration and perform the sitting dance called '*Dalagaa*'.<sup>427</sup> *Ateete* ritual is classified into *Ateete Birraa* (*Ateete* of Spring) and *Ateete of Arfaasa* (*Ateete* of Autumn) based on the season of celebration.<sup>428</sup> It is also classified into *Ateete Balloo* (*Ateete* of Tuesday) and *Ateete Kamisa* (*Ateete* of Thursday) based on the weekend day of celebration. *Ateete* is a ritual conducted for three consecutive days.<sup>429</sup> The festival symbolizes unity of women and cooperation to solve social and family problems through discussion and praying to God.

<sup>426</sup> Interview with Ob. Nazif Nasir, Expert at Iluu Abbaa Boor Zone Culture and Tourism Office, Mettu, 19/08/2020; Interview with Ad. Taarikuwaa Makuriyaa, Mettu District Women, Youth and Children Affairs, Iluu Abbaa Boor Zone, Mettu, 21/09/2020.

<sup>427</sup> *Dalagaa* is performed by women while sitting on their shoulder their using traditional drum called 'dibbee'. Women praise or criticize any person, idea, or activities by poems through song in the form of entertainment. (Ibid)

<sup>428</sup> Mahammad Aseffaa, *Maalumma Ateete Godina Iluu Abbaa Boor*, 2019 (unpublished).

<sup>429</sup> Ibid

Currently, the culture is endangered to the point of disappearing in most parts of *Iluu Abbaa Boor* due to religious influence, urbanization and perception of the practice as backward tradition. However, the *Dalagaa* women dance has continued to be practiced during ceremonies such as marriage, and annual celebrations by older women.<sup>430</sup>



**Photo:** Elder Women Performing Dalagaa song and Dance  
**Source:** Iluu Abbaa Boor Zone Culture and Tourism Office

Among *Shawaa* and *Wallaggaa Oromoo*, *Ateete* ritual is called *Ateete Facaasu* (sprinkling *Ateete*) or *Maaram* in some areas. According to my data, *Ateete* is not a religious practice; rather it is women festival that symbolizes fertility of nature including women, cows, and earth.<sup>431</sup> It is said that **'Ateeteen warra tolchiti; Gadaan biyya tolcha'** (*Ateete* nurtures the family; *Gadaa* fosters the nation). It symbolizes motherhood as a custodian of procreation, breeding, fertility, and proliferation. It is a means to achieve prosperity for women, family and nation through praying and blessing. Among west *Shawaa* and *Wallaggaa Oromoo*, *Ateete* sprinkling ritual is performed at home, while among eastern *Shawaa*. It is performed under sacred tree, home, and hill.<sup>432</sup> *Ateete* ritual is

<sup>430</sup> Ibid.

<sup>431</sup> The term *Ateete* and *Maaram* are used interchangeably among *Maccaa Oromoo*. While others try to differentiate both concept as *Maaram* refers to the divinity of women, and the concept of *Ateete* refers to the ceremony for thanks giving by the women.

<sup>432</sup> Interview with Ad. Addilaa Dabballee, Haadha Siiqqee, Dugda District, East *Shawaa* Zone, Meki, 29/08/2020; Amsaaluu Tamasgeen Wayyeessa,

performed for five consecutive days. A woman who organizes Ateete ritual is entitled to the status of Ayyoo *Ateete/ Ayyoo Baar*.



Photo: Ateete Praying

Source- East Shawaa Zone Culture and Tourism Office

In Wallaggaa and Shawaa, there is no uniformly agreed time in practicing *Ateete*. *Ateete* itself and its purpose differ from place to place. According to *Daaniyaa* Book and key data, it is regularly celebrated every two years or every eight years during transfer of *Gadaa* power. Other interviewees responded that *Ateete* ritual is performed on the eve of New Year and *Irvreechaa* celebration to thank God. *Ateete* sprinkling also depends on season change particularly during spring and autumn to thank and pray to God to bring rain, respectively.

#### **Ateete ceremony can also be classified into**

- ▶ Ateete Furmaa (Ayyaana Birboo/ Gorobbee in Wallaggaa),
- ▶ Ateete Hagayyaa (Ateete Gindi Hiikaa in Wallaggaa) and
- ▶ Ateete Sadaasa.<sup>433</sup>

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Qorannoo Sirna Ateetee Godina Wallaggaa Bahaa, Waajjira Aadaafi Tuurizimii Godina Wallaggaa Bahaa, 2012/2020 (Unpublished).

<sup>433</sup> Ibid.



**Photo:** Women Performing Ateetee Praying

**Source-** On file with Author

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Ateete Furmaa (Birboo) is celebrated by a mother to bless fertility of her children every year in January month. Ateete Hagayyaa (Gindi Hiikaa) is celebrated for fertility of grains every year in August. And Ateete Sadaasa/Loonii is celebrated for fertility of cattle every year in November month. Moreover, there are Ateete rituals that are performed depending on different circumstances. This includes praying for barren women to get child; praying to pregnant or women in labour for safe delivery; to end epidemic disease/hardship situations; to end heavy rain/ long dry season; when a woman lost child or cattle's repeatedly.<sup>434</sup>

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<sup>434</sup> Interview with Abbaa Gadaa Kabbada Ejeta, Abbaa Gadaa of Burayu city, Oromia Special Zone, Burayu City, 05/10/2020.



**Photo:** Women Team Celebrating Irreessa/cha of Tulluu Injiroo  
**Source-** East Wallagga Culture and Tourism Office

Overall, *Ateete* symbolizes the value of Oromoo women give to their children, cattle, and land fertility. The gathering also serves as a forum to discuss socio economic problems of women and to fix by their own. It values the procreation and thinking about future generation. It represents the autonomy women have on their own matter and their power over men. Moreover, *Ateete* is a means of saving to bear social responsibility.<sup>435</sup> The cow is intended to be slaughtered; the grains and non perishable cuisine items are accumulated separately for long period of time. It is a means to serve indigents through providing cost free food service during rituals. Organizing celebration entitles such a woman to high honor named as *Ayyoo Ateete*. She has the moral authority to stop any ongoing dispute due to her presence at the place only. It helps to strengthen the solidarity and unity of women.

Currently, it continues to be practiced in various rural areas of *Shawaa* zones but is to disappearing in most parts of *Wallagga* due to change of life style and religious influences.<sup>436</sup> In *Harargee*,

<sup>435</sup> Interview with Ad. Tino Helen, Haadha Siiqqee, Dugda District, East Shawaa Zone, Meki , 29/08/2020.

<sup>436</sup> Interview with Ob. Amsaaluu Tamasgeen, Expert at East Wallaga Zone Culture

there is similar institution to *Ateete* ritual and praying called *Awaashoo* and *Awumagannee*.<sup>437</sup> Awaasho is celebrated annually at *Dakata* and *Bisidimo* area of *Baabbilee* District.

#### 4.4.7 Shanana / Bulluqaa/ Nafa Dhiqaa and Afurtamii Shanana

##### TERM

*Shanana* and *Afurtamii Shanana* is another motherhood institution ritual performed on the fifth and forty-fifth days after child is born. The term '*Shanana*' is known around *Maccaa Oromoo* areas of *Jimmaa*, *Wallaggaa*, *Iluu Abbaa Boor* and *Shawaa*.

It has also other names, such as *Nafa Dhiqaa* (*Arsii*), *Bulluqaa* (*Gujii*), *Askutii* or *Ulumaa* among other *Oromoo*. Women perform shanana ritual on the fifth day after a child is born among *Maccaa Oromoo*, while in *Gujii* the ritual is carried out on third day. In *Arsii*, *Nafa Dhiqaa* ceremony is performed on the 4th day if the child is a female, while if the new baby is a son the ceremony is performed on 5th day.<sup>438</sup>

On the ritual day, neighbors and relatives gathered the house of the new mother and carry out bathing ceremony, prepare and eat porridge together, bless the mother, the newborn child and other participating women to get a child. They bless a mother saying '*siree cabsi ka'ii*' (leave your bed breaking it).<sup>439</sup> It is a metaphor used to bless and wish easy recovery for the mother wishing her

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and Tourism Office, Nekemte, 30/09/2020; Interview with Ob. Faana Kajela, Expert at West Shewa Zone Culture and Tourism Office, Ambo, 19/08/2020.

<sup>437</sup> Interview with Ob. Arabu Umar, Culture Expert at East Hararghe Zone Babile District Tourism and Culture Office, Babile, 24/08/2020.

<sup>438</sup> In different parts of Oromia, when new child born women ululates four times for female and five times for male. According to my data, differentiating the number of ululation and bathing day for female and male is not aimed to create discrimination between them. Rather, it indicates their future role in the society. Making four for baby girl indicates she is the carrier of society like mother earth, four legs of tables/bed, or colon of one house, whereas making five for male indicates his role in Gadaa system particularly five Gadaa groups/parties. (Interview with Ad. Ayuba (333); FGD Mettu (278)).

<sup>439</sup> Interview with Ad. Ashaa Abbaazinaab (Haadha Siinqee) and Ad. Layilaa Abbaajabal (Haadha Siinqee), Jimma Zone, Oromo Naadda, 21/09/2020.

to eat and recover well until she gains weight. In *Iluu Abbaa Boor*, in early period, the participants of *Shanan* ritual perform a dance sitting. This is called *Dalagaa*. In *Jimmaa*, the participants sing the songs known as *Amootarii*.<sup>440</sup> In *Arsii*, the ceremony is concluded by wearing *Qannafaa* ornament on head of new Mother. It symbolizes to give special protection and privilege wherever she goes until six months.<sup>441</sup> Currently, the symbolic ritual songs have become forgotten and participant women are more engaged in blessing and praying according to their respective religion.

There is another ritual called *Afurtamii Shanan* that relates to postpartum mother. *Afurtamii Shanan* symbolizes the celebration performed at the end of postpartum period on forty-fifth day after child birth.<sup>442</sup> It is said siree cabsitee kaate (she rose from her bed after breaking it) to shows her successful recovery of postnatal period. On that day, women gather to pray and celebrate her recovery. If the mother of the child rests at home of her family during those forty-five days, it is also considered as farewell ceremony from her parent home and welcome ceremony of returning to her home.<sup>443</sup> Starting from that day, she partially returns to simple indoor work activities such as washing the newborn child and his/her clothes and preparing soup for herself. Overall, above ritual strengthen the unity and solidarity of woman in time of hardship and happiness.

#### 4.4.8 Faatimaayyee

##### TERM



*Faatimaayyee* is an active women institution known among *Walloo Oromoo's*. *Faatimaayyee* is a ritual of praying for pregnant women to deliver her child safely.<sup>444</sup>

<sup>440</sup> Interview with Ad. Caaltu Awel, Head of Jimma Zone Culture and Tourism Office, Jimma, 16/08/2020; Interview with Ob. Zenu Amid, Process Owner at Jimma Zone Culture and Tourism Office, Jimma, 19/08/2020.

<sup>441</sup> Interview with Ad. Shukiir Kadiir, Haadha Siinqee, Sinaana District, Roobee, 18/08/2020.

<sup>442</sup> Interview with Ad. Tadelech Zawudee, Iluu Abbaa Boor, Mettu, 18/11/2020.

<sup>443</sup> Interview with Ad. Xajjituu Camadaa, Women Elder, East Wallaga Zone, Nunu Kumba, 17/09/2020; Interview with Ad. Zenaba Abdo (Haadha Siinqee), and Ad. Haadhakanzii Abbaagissaa (Haadha Siinqee), Jimma Zone, Oomo Naadda, 21/09/2020.

<sup>444</sup> The *Faatimaayyee* name is derived from the women named as Fatima.

The praying is often performed during the last trimester of the pregnancy after seventh months of pregnancy up to the child is born safely. The praying is performed at the home of the pregnant woman.

When she delivers her child, *Faatimaayyee* ceremony ends by blessing God for hearing their praying. The ritual has to be practiced in many areas of *Oromoo Walloo*. *Faatimaayyee* praying, which is also called *Liqaa*<sup>445</sup> is made for barren women so that they can get a child. Unlike *Faatimaayyee* praying for pregnant women, in *Liqaa* men can also participate in praying if they wish. During *Faatimaayyee* ceremony, animals are slaughtered for participants and *Buna Qalaa* ceremony is also conducted. Moreover, women songs the sung called *Isooyyee*, in which they expresses their wishes and praise each other in the form of entertainment. *Faatimaayyee* ritual is generally focused on fertility of a mother to get child and procreate generation.<sup>446</sup>

#### 4.4.9 Siinqee / Hoofuu/ Hayyolee prayers

As we discussed earlier, *Siinqee* has both spiritual and political function among *Oromoo*. Spiritually, *Siinqee* represents the widespread belief about the proximity of women to God. It is believed that God tends to listen more to women than to men. *Arsii Oromoo* says “*Dubartiin Waaqa xiqqoodha*” (women are small god).<sup>447</sup> The saying accentuates their role and importance in sustaining peace and their spiritual strength.

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However, there is a discrepancy on who is Fatima. According to FGD participants, Fatima is the first woman that starts *Faatimaayyee* praying ceremony. However, other source associates to the youngest daughter of Prophet Muhammad Fatima and the fact that women call her name on this ritual symbolizes appealing to intercessory power of Fatima. (Meron Zeleke (2014). “The Gendering Discourse in the Debates of Religious Orthodoxy” In: Terje Østebo and Patrick Desplat (eds.) *Muslim Ethiopia: The Christian Legacy, Identity Politics, and Islamic Reformism*.pp115-137. Hampshire: Palgrave Macmillan).

<sup>445</sup> Interview with Ad. Zehara Mohamed, Haadha Dubartii/ Siqqee, Kemise, 13/10/2020.

<sup>446</sup> Interview with Ob. Sadik Ahmed, Head of ANRS Oromoo Nationality Zone Culture and Tourism Office, Kemise, 05/10/2020.

<sup>447</sup> Ayehu (n 290), p.103.

**BOX 16**

*Siinqee* is used as a tool to maintain *Safuu* (ethical code) of *Waaqa* (God) and the society. In *Arsii* and *Baalee*, women gather for different religious and ritual purposes by carrying their *Siinqee* stick. For instance, women hold their *Siinqee* and attend ceremonies like prayer to *Waaqa*, *Irreechaa*, *Ateetee* female deity, welcoming guests, and transfer of *baallii* (power) to new elected *Gadaa* leaders.<sup>448</sup> *Siinqee* is often used during prayer sessions such as praying for barren women to get child, praying for the rains in time of draughts or famine, praying to stop heavy rains, and epidemic communicable diseases.<sup>449</sup> Women have full rights to participate in ritual and religious practices of *Siinqee*.



**Photo:** Siinqee women moving to River for Thanks giving and Praying  
**Source-** West Arsii Zone Culture and Tourism Office

<sup>448</sup> Interview with Ad. Tirunesh Wake, Expert at Dugda Woreda Culture and Tourism Office, East Shawaa Zone, Meki, 17/09/2020.

<sup>449</sup> Jemila Adem, Women and Indigenous Conflict Resolution Institutions in Oromia: Experience from Siinqee of the Wayyu Shanan Arsii Oromoo in Adami Tullu Jiddu Kombolcha District of the Oromia National Regional State, MA Thesis (AAU), 2014, p. 50; Interview with Ad. Loomii Robaa, Haadha Siinqee, Adama District, East Shawaa Zone, Awash Melkaasa, 15/09/2020.

In *Wallaggaa* and *Gujji*, there are similar exclusively women ritual praying called *Hoofuu* and *Hayyoolee*, respectively. The ritual praying is performed to end manmade and natural catastrophes happened to people such as long dry season, famine, draughts, flooding, spread of epidemic disease, war and conflict, and other similar causes.<sup>450</sup> The process and rituals are similar to that of *Ateete Falaal Siinqee Kadhaa* of *Arsii*. Currently, the *Hoofuu* and *Hayyoolee* practice are weakened and remain to be practiced in limited rural areas.

#### 4.4.10 Asaraa

##### Whata is Asaraa?

*Asaraa* is a women's festival commonly known among West *Arsii Oromoo* such as *Kofalee*, *Kokosaa*, *Nansaboo*, *Dodolaa* and *Adaabbaa*.<sup>451</sup> In west *Arsii*, *Asaraa* is a public celebration conducted at least once a year with the objective of thanking women.<sup>452</sup>

*Asaraa* celebration is organized to give recognition to women for their sacrifice in their family and community. During the festival, husbands bless their respective wife and give them gifts and slaughter animal for celebration.<sup>453</sup> There are also other circumstances of *Asaraa* organized up on request of individuals. Accordingly, a rich person gives cattle to *Ateete* women and requests them to bless him by organizing *Asaraa*. A poor person also does the same thing and request women to pray for him to get wealth. This emanates from the belief of women are close to God. Then, *Haadha Siinqee* organizes the celebration and blesses the person who requests them to give him their blessing.<sup>454</sup>

<sup>450</sup> Interview with Ad. Ababaayee Abdataa, Expert at Guuto Gidda District Women, Youth and Children Office, East Wallaga Zone, Nekemte, 30/09/2020; Interview with Ob. Galaano (n335).

<sup>451</sup> Seeyfu Kadir, *Sirna Gadaa Oromoo Arsii (Sikkoo Mandoo)*, Wiirtuu Sirna Gadaa Odaa Roobaa fi Madda Walaabuu, 2018, p. 163.

<sup>452</sup> Interview with Ob. Tibbesso (n 278); Interview with Ad. Saara (n 333).

<sup>453</sup> Ibid.

<sup>454</sup> Interview with Ob. Aminoo (n 299).



**Photo:** Women Attending Asaraa Festival (West Arsii)  
**Source-** Moti Pictures (OCTB)

According to Seyfu Kedir, there are two types of *Asaraa*, namely *Asaraa Falaa* and *Asaraa Galatu*.<sup>455</sup> *Asaraa Falaa* festival is performed to pray to *Waaqa* for protection from any hardship/ catastrophe that might affect the community. *Asaraa Galatu* is also celebrated to thank God/*Waaqa* as their praying of *Asaraa Falaa* is answered by God. Overall, *Asaraa* is women festival that is conducted to honour women, to pray and to thank God. *Asaraa* contributes to honoring and empowering women through giving credit for her sacrifice.<sup>456</sup>

<sup>455</sup> Seeyfu (n 451), p. 163-165.

<sup>456</sup> Biiroo Aadaa fi Turizimii Oromia, Sirna Gadaa Oromoo- Sirna Wal harkaa Fuudhiinsa Baallii Gadaa Siikko Mandoo, 2010, p. 15.

#### 4.4.11 **Buna Qalaa (Slaughtering Coffee)**



##### TERM

*Buna Qalaa* is derived from two *Afaan Oromoo* words *Buna* (coffee) and *Qalaa* (Slaughtering).

##### BOX 17

*Buna Qalaa* is a ritual organized by married women and conducted with roasted coffee with butter in different events. In *Harargee*, *Buna Qalaa* is known by the name of *Killa Qalaa*.<sup>457</sup> Coffee also symbolizes women and represents a female reproductive organ. The butter is a symbol of the cow, which in turn is a symbol of female fertility. When the coffee beans are split and open to eat they represent childbirth. *Buna Qalaa* is also used as a dry snack during long travels and journey.<sup>458</sup> The balls were eaten by warriors, farmers and merchants who faced with hard work or long journey.



**Photo:** Buna Qalaa ceremony

**Source:** Booranaa Zone Culture and Tourism Office

<sup>457</sup> Interview with Ob. Mohammad Abdulle, Heritage Expert at East Harargee Zone Babile District Tourism and Culture Office, Babile, 25/08/2020.

<sup>458</sup> Bula Sirika, *Buna Qalaa: A Quest for Traditional Uses of Coffee Among Oromoo People with Special Emphasis on Wallaga, Ethiopia*, African Diaspora Archaeology Newsletter, Vol. 14, Iss. 3. 2014.

**BOX 18**

*Buna Qalaa* is a popular ceremony among Oromoo performed in different events. For instance, among *Wallaggaa* and *Shawaa* Oromoo, *Buna Qalaa* ceremony is conducted by women during customary rituals such as *Ateete*, *Irreechaa* or New Year celebration or when they celebrate birth of new child called *Shanan ritual*.<sup>459</sup> In *Arsii*, *Buna Qalaa* ceremony is conducted during *Ateete Falaa*. Among *Walloo* Oromoo, the ceremony is practiced during *Ruufoo Marabbaa* and *Faatimaayyee* ritual gathering of women. In *Harargee*, during early period, the ceremony was conducted to bless and pray for cattle fertility, general well being of women, for an end of epidemic disease and long dry season or to pray for a person repeatedly engaged in wrong doings. In *Booranaa* and *Gujii*, the ceremony is performed during *Ruddii* and other *jiilaa* (cultural celebrations) and in serious dispute resolution cases.<sup>460</sup>

In later case, women make *Buna Qalaa* ceremony as a symbol of peace and rotate it around a village to bring harmony and reconciliation between hostile people. Currently, however, the ritual is under influence of religion and transformation of culture.

## 4.5 Women Self Help Institutions

*Oromoo* women have different institutions that they use support each other through different mechanisms such as in kind, in labour, in cash, and through counseling each other. Those institutions symbolize women's capacity to make decisions about their own life and act on to achieve a desired outcome at individual, relational and society level in terms of controlling over income and resources, access to employment, collective mobilization and freedom of movement. This section elaborates the major women self-institutions practiced among different area.

<sup>459</sup> Interview with Ad. Abonnesh Lama, Burayuu city Tourism and Culture Office cultural expert, Oromia Special Zone, Burayu City, 25/09/2020.

<sup>460</sup> Interview with Ob. Dhiba Waaqoo, Elder, Boorana Zone, Dhaas, 07/09/2020.

### 4.5.1 Gumaata

#### What is Gumaata?

*Gumaata* is the well known women mutual assistance institution among *Harargee Oromoo*. *Gumaata* mutual assistances are held during events like wedding, constructing house, treating post *partum* women, or mourning or at times of catastrophes that happen to another person including bankruptcy.<sup>461</sup> The contribution can be done in cash or in kind depending on the nature of assistance required.

In the case of constructing a house, the woman in need of *Gumaata* invites her friends, family members or/ and neighbors to contribute for her *Gumaata* on a specific day. While in the case of wedding, *Gumaata* is usually organized by the bride's maids. The bride maid collects money and gifts from her friends, neighbors and families to assist the new bride. When a woman gives birth, her friends collect gifts for the newborn and the mother.<sup>462</sup>

In *Gumaata*, according to my data, they sometimes collect up to 70,000 to 80,000 birr to assist one person.<sup>463</sup> There is no minimum amount or standard set as people contribute what they can afford. The person receiving *Gumaata* has the duty to contribute on occasions when other *Gumaata* members are in need of support. One of informants said "*kufaadha jenne kufaan alatti hin hafuu, qabaatadha jenne qabaatan ol hin kutu*" which literally means "we neither neglect the indigents due to his poorness, nor leave the rich to grow alone".<sup>464</sup> The *Gumaata* practice demonstrates the level of mutual interdependence of the community to share burden of one another.

<sup>461</sup> Interview with Ob. Mohammad Kiyaar, Team Leader at East Hararghe Zone Culture and Tourism Office, Harar, 02/09/2020.

<sup>462</sup> Interview with Ad. Saamiyaa Yusuf, Youth Empowerment Expert at Babile district Women, Youth and Children Affairs, East Hararghe Zone, Babile, 21/08/2020.

<sup>463</sup> FGD Harar (n 293).

<sup>464</sup> Ibid.

### 4.5.2 Ayyoo Meetoo

*Ayyoo Meetoo* is a cooperative women institution known in Eastern *Harargee* and *Dirre Dawaa* areas.



#### TERM

The term *Ayyoo Meetoo* is derived from the name of a wife of Bakar Ware, who fought a war against Minelik in the last decades of 19<sup>th</sup> Century.<sup>465</sup>

The institution started in late 19<sup>th</sup> century around Haramayaa area and extended to other parts of *Harargee* and *Dirre Dawaa*. The institution primarily engages women working towards sustainable economic empowerment of women. It differs from *Afooshaa/Iddir* and *Gumaata*. *Afoosha* engages women social activities. It can also be established by men and/or women, while *Gumaata* is a contribution based on occurrence of sudden events like death.



#### What is Ayyoo Meetoo

*Ayyoo Meetoo* is an institution that enables permanent membership to a group that meets periodically.<sup>466</sup> The members come from various backgrounds and include both married and unmarried women living in the same neighborhood. When *Ayyoo Meetoo* members meet, they sing traditional song and dance called *Heelee*.

#### BOX 19

The *Ayyoo Meetoo* members are principally engaged in providing strategic sustainable solution for economic problems of women.<sup>467</sup> When they are gathered for a meeting, they identify indigents in needy and collect startup capital for such indigent women to ensure their participation in commercial activities and to assist her

<sup>465</sup> Interview with Ad. Zaaraa Yaasiin, Afran Qalloo Haadha Siinqee, Dire Dawa, 31/08/2020.

<sup>466</sup> Ibid.

<sup>467</sup> Interview with Ad. Aleyikaa Nasradin, East Hararghe Zone Women, Youth and Children Affairs Head, Harar, 13/08/2020.

to become economically self-reliant. The amount of contribution depends on economic capacity of each woman rather than fixed rate. They consult, and assist for the success of her business through creating supply and market chain for her. When such a woman becomes self-reliant she has the moral duty to contribute for other indigent women.<sup>468</sup> They are also engaged in crucial social activities such as philanthropy to women, consulting bride girl to become successful in managing marriage life, helping newly born mother, consulting each other on eradicating harmful practices against women and ways to growth their child.

Currently, the *Ayyoo meetoo* institution is practiced around *Dirre Dawaa* and *Opora* area of East *Harargee*. For instance, in *Dirre Dawaa*, there is *Ayyoo Meetoo* exclusively women institution with 500 members and that works with government bodies concerned to encourage women participation in commercial activities.<sup>469</sup> However, in other areas the institution has been weakened due to the economic hardships has led to the loss of interest in such communal initiatives.

### 4.5.3 Harka Fuuchaa

*Oromoo* society culturally follows a pro natalist population policy approach, whereby having many children is considered as a symbol of dignity and honour.

#### What is Harka Fuuchaa?

**Harka Fuuchaa** is a motherhood institution, which is a ceremony of congratulating a woman who has given birth. Relatives, neighbors and friends congratulate and bless the postpartum mother either collectively or individually by giving gifts for her successful for the newly born child or slaughtering sheep depending on the level of relationship and their economic capacity.<sup>470</sup>

<sup>468</sup> Ibid.

<sup>469</sup> Interview with Ad. Zaaraa (n 465).

<sup>470</sup> Interview with Ad. Simmany Maasreshaa, Iluu Abbaa Boor Zone Women, Youth and Children Affairs Team Leader, Mettu, 21/09/2020.

The relatives of the new mother or her husband have the duty to treat her during postpartum period. The time of *Harka Fuuchaa* is preferable in the first weeks after delivery. The post partum mother has also moral duty (*Safuu*) to perform Harka Fuucha to other intimate women when they bear new children especially to those who gave gifts for her.

The *Harka Fuuchaa* is still practiced in most parts of *Iluu Abbaa Boor*. However, the mode of gift has changed to providing soft drinks or packed juices. Moreover, the collective *Harka Fuuchaa* at the moment is usually organized by Iddir (traditional saving institution for social purpose) or by workers of one office or women of one neighbor.<sup>471</sup> Male also participate in *Harka Fuuchaa* by providing gifts to a postpartum mother or by contributing money for *Harka Fuuchaa*, which is performed collectively. In this way, *Harka Fuuchaa* institution is used as a means to strength the unity and social network and interdependence of women and society. It also serves as informal cooperative institution of mutual assistance and burden sharing during post partum period through supplying food, offering labour support to the new mother and providing necessary clothes for new-born child. Hence, *Harka Fuuchaa* has both social and economic values.<sup>472</sup>

#### 4.5.4 Wiijjoo/ Ijjoo

*Wiijjoo* institution is one of women's institutions that are established in *Gadaa* system.

##### TERM

The term *Wiijjoo* is used among *Arsii Oromoo* and it is known as Ijjoo among Eastern *Shawaa* communities such as Meki and Baatu areas. According to Lenin, *Wiijjoo* literally means "to come together". It also refers to the union of women in the clan (sub-clan).<sup>473</sup>

<sup>471</sup> Interview with Ob. Hailu (n 299)

<sup>472</sup> Ibid.

<sup>473</sup> Lenin Kuto, Indigenous Institutions of Women: The Case of Wiijjoo Among Arsii Oromoo, Ethiopia, *Kafa'ah Journal*, 8 (1), 2018, p.5.



### What is Wiijjoo?

*Wiijjoo* is an exclusive married women social institution mainly organized with the view to accumulate butter for their members. The gathering of *Wiijjoo* is led by women called *Haadha gabata*.<sup>474</sup> Among Oromoo, butter is not only considered as an item of household consumption but also symbol of fertility, reproduction and prosperity. Women whether they have cattle or not can join *Wiijjoo* membership irrespective of their economic status.

When a woman who has no cattle and is unable to contribute butter join the institution, a woman who has many *Ameessa* (cattle in milk) give temporary loan of cattle in milk called *dabaree*.<sup>475</sup> Such cow is used only for the milk and milk products and returned to the owner, when it stops giving milk. If *dabaree* is not possible, members of *Wiijjoo* who have collected excess butter offer some of it to such women at the end of the ceremony so that she can contribute her own. The members of *Wiijjoo* take their own accumulated share of butter by rotational order arranged through agreement. The woman, who has the need for urgent case takes the priority. The accumulated butter is used for different purposes, like household consumption, r treating postpartum woman, for marriage and other rituals or festivals.<sup>476</sup>

During *Wiijjoo* gathering, women are not only confined to butter sharing, but also they discuss about social, economic and political issues including problems related to their family, husbands, children and other internal affairs.<sup>477</sup> Each woman can freely present her case to participants to get solution and help from members. Other members discuss the case and provide possible solutions that can fix the problem or help to achieve the plan of their fellow member. *Wiijjoo* also symbolizes the right of Oromoo women autonomy to decide on her own personal and common property. They can freely give temporary loan of cow in milk to their fellow without husband interference. Accumulation of butter entitles each woman to economically and socially empower one another. *Wiijjoo* also serves as a means for

<sup>474</sup> Id, p.6.

<sup>475</sup> Interview with Ad.Tirunesh (n 448).

<sup>476</sup> Ibid.

<sup>477</sup> Ibid.

society to help its indigents and contributes to reducing wealth inequality gap between rich and poor.

The meeting serves as a forum to address socio economic and political problems of a community including gender based violation committed on women in private sphere. They investigate if there is conflict among members they settle it through reconciliation. Women also confidentially discuss about their family life in relation to men including ill treatment by their husbands or control over sexual matters.<sup>478</sup> Based on gravity of the case, they can decide for additional action including for calling *Siinqee* protest. By doing so, the *Wijjoo* gathering serves as a means of establishing women social networks so as to help one another, and strengthen their sisterhood connectedness. Currently, according to Lenin, *Wijjoo* institution is losing its originality. Its function is limited only to marriage ceremony due to butter shortage. The butter of *Wijjoo* is also sold to sell in market, unlike in early periods when they use for rituals and ceremonies. Its name is also changed from *Wijjoo* to *guuraa* (collecting something).<sup>479</sup> The government's introduction of modern Women Credit Associations has also decreased its economic importance.

#### 4.5.5 Marroo

##### What is *Marroo*?

*Marroo* is an exclusive women's indigenous social security network among *Booranaa* women whereby women support one another in sharing available resources, and supporting one another during hard times. All women are expected to participate irrespective of their status.<sup>480</sup> In *Booranaa*, having expansive *Marroo* network is a sign of honor, while not having it is considered as a shame.



<sup>478</sup> Focused Group Discussion (FGD) 9, East Shawaa Zone Dugdaa District Culture and Tourism Office, Meki, 15/10/2020; Interview with Ad. Ogatu Gammachu, Expert at Bishoftu Women, Children and Youth Affairs, East Shawaa Zone, Bishoftu city, 03/09/2020.

<sup>479</sup> Lenin (473), p. 10.

<sup>480</sup> Abiyot E. Anbacha and Darley J. Kjosavik, *Booranaa women's indigenous social network-Marroo in building household food security: Case study from Ethiopia, Pastoralism: Research, Policy and Practice*, p. 8-29.

The size of a woman's *Marroo* network is determined by her economic status combined with her generosity. Generous women in rich households build strong and expansive *Marroo* by investing more resources in such social security network.<sup>481</sup> *Marroo* can be established between neighboring households or between distant households. In *Marroo*, the types of resources shared by women can be classified into food items, labour, and cash.

Although women share food items in normal circumstances, sharing increases during crises. Women share food items such as grains, beans, tealeaves, sugar, salts, milk, meat, bones, yoghurt, oil, and others to ensure their survival. When food shortages occurs due absence of any food item in the house or lack of ready-made food for a visitor, a woman asks her neighbor. Furthermore, women also share what they have with those in need even if they are not requested by the later. The *Marroo* woman gives what she has not only from her surplus but also from her limited resources. The shared food items are never sold or changed to other forms, but are made available with the aim of increasing food availability for distressed households.<sup>482</sup>

Labour sharing is another form of collaboration in the *Marroo* women institution. This is more significant on occasions, such as childbirth, construction of a house, child naming rituals, and on different ceremonies and crises. In the *Booranaa* culture, after giving birth, every woman is entitled to rest for seven weeks (49 days).<sup>483</sup> During this period, she is relieved from any indoor and outdoor activities including food preparation, taking care of children, going to the market, collecting firewood, fetching water, washing clothes, or other chores. If she has someone such as a mother-in-law or other female relatives, the burden on her *Marroo* will be less. Otherwise, her *Marroo* women are responsible for all her household activities.<sup>484</sup> Women also highly depend on the culture of labour-sharing when constructing a hut. In hut building, some go to the forest to collect construction materials like wood etc, while others prepare the mud to be used for the construction. Sharing cash in *Marroo* is an emerging practice

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481 Ibid.

482 Interview with Ob. Diida (n 413); Interview with Ob. Jiilo Gufu, Traditional Legal Expert, Boorana Zone, Dhaas District, 08/09/2020.

483 Ibid.

484 Interview with Ad. Zayituuna Kamaal, Head of Yabello District Women and children Office, Boorana Zone, Yabello, 20/09/2020.

due to current livelihood transformation that has increased women's access to cash through selling milk and milk products. This provides an opportunity for *Marroo* to use cash as a resource to be shared. Cash in *Marroo* is shared both as gifts and as interest-free loans. If a woman has borrowed money but cannot pay her loan back for understandable reasons such as hardship, she will get debt relief from her *Marroo*.<sup>485</sup>

Overall, *Marroo* institution serves as a means to overcome household food shortage, alleviate food insecurity, smooth consumption, and meeting other basic needs. It is a means for women mutual support through culture of sharing, contrary to self-centered individualistic life style. It reinforces collective responsibility, mutual caring, and mutual responsibility to come out of crises.<sup>486</sup> However, recurrent drought and other calamities are depleting the availability of resources shared in *Marroo*. Moreover, lack of adequate attention and commitment to transform such kind of indigenous social networks limits its advancement.<sup>487</sup> In this regard, among *Harargee* Oromoo, there is similar self institution known as *Marroo/Faraqee*. Unlike *Booranaa*, men or women in *Harargee* can form *Marroo* to support each other rotationally in labour or accumulating milk for the purpose of sale or events.

#### 4.5.6 Addooyee/Geelee/Hiriye/Sakumee

##### What is Addooyee?

Addooyee is a girlhood or sisterhood friendship institution known among *Maccaa Oromoo*. It is known as *Geelee*<sup>488</sup> or Sahibiti among eastern *Harargee*. It is also known as *Hiriye* or *Sakumee*.

*Addoyee* is a promise made between two and more girls to be close friends and thereby to support each other both in hardship and joyful times.

<sup>485</sup> Ibid.

<sup>486</sup> Interview with Hon. Dr. Borbor (n 296).

<sup>487</sup> Abiyot E. Anbacha and Darley J. Kjosavik (n 480).

<sup>488</sup> The Word *Geelee* is derived from Harari language and it means friendship. (FGD Harar (n293))

In *Harargee*, *Geelee* composes from two up to six intimate girl friends in the same age group. They call each other 'Addooyyee' or 'Geelee'.<sup>489</sup> It can be established between girls who have blood relation and also those who do not. *Addooyyee* practice strengthens girls' friendship and mutual support on different occasions. They work and go together to different places such as market, collecting firewood, fetching water, handicraft, cooperative labor works of farming such as *daadoo*, decorating each other, helping each other during illness, birth, death and other social events. *Addooyyee/Geelee* serves as an institution where they discuss and solve their problems confidentially and develop their social life before marriage. They guide each other to behave ethically according to social norm and protect each other from gender-based violences. They consult each other on selecting their future male partner/ husband.<sup>490</sup>

In *Harargee*, when one member of *Geelee* partner marries, other members of *Geelee* friends have the duty to organize *Gumaata* contribution to economically empower the incoming new spouse. It is a system of making a bride economically independent from her husband and a means to facilitate an initial capital to start business within marriage life in addition to reducing cost burden of marriage. The married girl also has the same duty when her fellows are going to get married. After marriage, the late *Geelee* members support each other in different events through *Gumaata* contribution and labour such as post partum, mourning, and celebrations.<sup>491</sup> Similarly, among *Maccaa Oromoo*, *Addooyyee* continues to help each other after marriage. *Addooyyee* is an active institution that continues to be practiced.

#### 4.5.7 Giizoo/Oofarii/Daadoo

The Giizoo and Oofarii are labor oriented mutual supporting institutions among *Walloo Oromoo*. In Other *Oromoo* areas it is also known by the name 'Daadoo'. Among *Walloo Oromoo*,

<sup>489</sup> Interview with Ob. Kabbee Tolosa, Burayuu city Tourism and Culture Office Historian, Oromia Special Zone, Burayu City, 25/09/2020.

<sup>490</sup> Megersa Regassa et. al, Addooyyee: Girl's Indigenous Friendship Institution in Oromoo, Ethiopia, International Journal of Multicultural and Multireligious Understanding (IJMMU), 2019, p.310; Interview with Ad. Assalafu Ittafaa, Expert at Guuto Gidda District Women, Youth and Children Office, East Wallaga Zone, Nekemte, 30/09/2020.

<sup>491</sup> Interview with Ob. Kadiir Mummee, Secretary of Abba Gadaa and Historian, Harar, 03/09/2020.

one *Giizoo/Oofarii* consists of 30 up to 40 individuals who come together for a common goal.<sup>492</sup>



### What is *Giizoo/Oofarii/Daadoo*?

*Giizoo* is half day labour assistance starting early in the mornings, while *oofari* is full day services given to woman in need of support. Men also have their own *Giizoo* and *Oofari*. Women *Oofarii* and *Giizoo* engage in collecting firewood, uprooting weeds and cultivating grains and cereals, harvesting and collecting grains, fetching waters, and constructing hut.<sup>493</sup>

This customary institution still exists in rural areas. The beneficiary of *Oofarii/giizoo* is responsible to provide food and refreshment to those offering hand.

## 4.6 Status Guarantee Institutions of Women

The *Oromoo* has a system to give protection to institutions and activities that affect interests of women including vulnerable groups of the population such as post partum mother, older women and girls. Those agencies of women, among others, ensure the legal, economic, psychological, socio cultural, and familial/ interpersonal dimensions of women empowerment.

### 4.6.1 *Rakoo*

Marriage is one of the most blessed institutions among *Oromoo* communities. It is a basis for establishing a family and building a larger community.

<sup>492</sup> Interview with Ad. Ansha Arbeye, Haadha Dubartii/ Siqqee, Kemise, 13/10/2020.

<sup>493</sup> Interview with Ad. Aminat Umar, Haadha Dubartii/ Siqqee, Kemise, 25/09/2020.



### What is Rakoo?

*Rakoo Qaluu* (Slaughter of *Rakoo*, the sacrificed animal) is finalization of the wedding ceremony among *Oromoo*, which happens at the groom's home.<sup>494</sup> It is part of *Gadaa* law that has been passed down and used for generations. Traditionally, *Rakoo* ritual is performed only for virgin and first wife. It involves slaughtering a cow or sheep or a goat and placing the blood on the bride's forehead. This symbolizes the marriage is legalized between the couple, the families and the clans.

The *Rakoo* ritual establishes a new bond between the girl and her new parent's in-law in addition to her blood family.<sup>495</sup> It ascertains that she has become part of the blood of the clan she has joined by marriage. It also legitimizes both the status of a woman as a wife and her children will become members of the husband's clan. Once *Rakoo qaluu* has been performed, the marriage is assumed as indissoluble. It is also an expression of honor and dignity to the bride and her families as virginity is very important in wedding even though it is not as strict as it is today.

A *Rakoo* wife can have full and equal right in owning and using common property and exclusive rights on her own personal property.<sup>496</sup> If the husband wants to have another wife, he should first get the consent and approval of the *Rakoo* wife. In early period, the *Rakoo* wife allows or even initiates additional wife when she is unable to manage wealth property, or to get an assistant for domestic activities or when she is infertile as a means to maintain stability of marriage life.

<sup>494</sup> Interview with Ob. Amaan Nashaa, Baalee Zone Tourism and Culture Office Expert, Roobee, 18/08/2020.

<sup>495</sup> Interview with Abbaa Bokkuu Lataa Gonfaa, Abbaa Bokku of Boji Gabisa, West Shewa Zone, Ambo, 15/09/2020.

<sup>496</sup> Interview with Vice Abbaa Gadaa Qaamphee Buttee, Vice Abba Gadaa of Booranaa (Ayyuu Fiixee Garbaa), Booranaa Zone, Dhaas, 17/08/2020.

Moreover, Rakoo ritual symbolizes transfer of right and liability of the girl to the husband's clan.<sup>497</sup> If a crime is committed against her, it is the responsibility of the husband's family and clan to bring wrong doer to justice. If she is murdered, the clan she is affiliated to by marriage could directly claim compensation. Similarly, if a woman who has Rakoo commits any crime including homicide, the gosa (clan) of her husband is required to pay all compensation. The family she was born in can assist hirphaa (support) only if they are asked by their counterparts.

Moreover, remarrying is not allowed for *Rakoo* wife until eroded through *Rakoo dhiquu* (cleansing *Rakoo*) or *Rakoo haquu* (erasing *Rakoo*) ritual.<sup>498</sup> If any person marries such wife before erasing her *Rakoo*, he will be liable to pay seven cows as compensation for the husband and return.<sup>499</sup> *Rakoo* Dhiquu symbolizes the annulment of the marriage that is tied by *Rakoo*. Once *Rakoo Dhiquu* is conducted, she is known as *Gursummeetti* and has the right to marry another person. Besides, when a husband dies as usual the woman expresses her deep sorrow by cutting her *gufufa* (mop of hair) known as *Qaajjisa muruu*.<sup>500</sup> It symbolizes the end of the marriage life with the late husband.

#### 4.6.2 Qannafaa



##### TERM

Literally, *Qannafaa* is diabolic shape beaded leather ornament tied around a forehead of women for six months after delivery.

**Conceptually, *Qannafaa* is an institution of post partum mother entitles her privilege and protects her from any harm. It is practiced in *Arsii* and *Baalee* areas. A woman wears *Qannafaa* on their forehead so that everyone can identify her that she has an infant of less than six months.<sup>501</sup> During this period,**

<sup>497</sup> Daniel (n 358) p. 41.

<sup>498</sup> Interview with Abba Gadaa Aloo Barshoo, Abbaa Gadaa Aanaa Sinanaa, Roobee, 16/08/2020.

<sup>499</sup> Daniel (n 358) p. 47.

<sup>500</sup> Ibid.

<sup>501</sup> Interview with Ad. Alima Abdulkadir, Haadha Siingee, Sinaana District,

**such woman is considered to be *Waayyu* (sacred/blessed and respected). Women during *Qannafaa* period are seen as closer to their divinities or spiritual worlds other than any times.**

The *Qannafaa* insignia is tied on post natal women head on the bathing ceremony called *Nafa Dhiqaa*. The insignia tied on her head on the fourth or fifth day of the birth of the child. The mother born two children wears two *Qannafaa*.<sup>502</sup> *Qannafaa* on forehead of women symbolizes the highest dignity that is assumed by virtue of childbirth.



**Photo:** Treating Post Partum Mother Wear Qanafa on her Head

**Source-** Haqaan.org/

The first postpartum period that lasts up to eight weeks following childbirth is called *Ulmaa* period. During this period, a woman is considered to be weak and vulnerable because of what she experienced during child delivery. As a result, she needs a special care from her husband, family and community. She is not allowed to go far away from her home. A woman who wears *Qannafaa* is given priority in any services and she is considered as a sign

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Roobee, 17/08/2020.

<sup>502</sup> Interview with Ad Lootuu and Ad. Girjaa (n 333).

of good luck for a person comes to her on the way.<sup>503</sup> Women during *Qannafaa* period, all people are expected to please the mother and avoid annoying or mistreating her other than any period. She is proscribed to engage in labour works that endangers her health. It serves as the modern maternal leave from domestic or indoor activities. But the concept and protection of *Qannafaa* is beyond maternal leave.

Violating rituals and rules of *Qannafaa* provokes the village women to call for women protest of *Ateete Demsisaa*. If a husband abuses his *Qannafaa* wife physically or verbally, she grabs her *Siinqee*, screams and walks out ululating 'elel elel elel'.<sup>504</sup> Then, all neighboring women in the village get together and protest against the offense through *iyya Siinqee* (*Siinqee* screaming).<sup>505</sup> Then, they proceed to *Ateete Demsisaa* procedure to resolve the dispute.

The wrong doer is expected to apologize either by presenting a cow or calf for sacrifice for the women to feast on or buying cotton thick cloth (*gaabii*) to the woman he/she abused. The wrongdoer can do all depending on the severity of his offence and economic capacity. During the ritual, if the cow or calf is slaughtered, each woman splits and ties skin at the top of their *Siinqee* to symbolize their participation in ensuring right of access to justice for *Qannafaa* women.<sup>506</sup>

However, if the offender fails to admit and regret for his offense, as discussed earlier, the women impose a more serious curse called *abaarsa Siinqee* (the curse of *Siinqee*).<sup>507</sup> At this juncture, it is important to note that *Qannafaa* period protection does not mean that husband or other third person has the right to abuse or beat her at normal time. *Qannafaa* indicates that women in post partum period have Wayyuu (highest dignity), on the one hand, and defenseless, weak and more vulnerable than ordinary times, on the other hand. In such a case, women collectively stand for her rights to deter the wrongdoer and other persons from doing the same abuse.<sup>508</sup> Women *Siinqee* gatherings selectively focus on

<sup>503</sup> Ibid.

<sup>504</sup> Jemila (n 449), p.42; Interview with Ob. Amaan (n 494).

<sup>505</sup> Ibid

<sup>506</sup> Jemila, Id, p. 65

<sup>507</sup> Interview with Ad. Werkie (n 397); Kuwee (n 25.)

<sup>508</sup> Ibid.

critical cases that undermine and affect interest of all women, which is called crimes committed against public interest (Crimes on accusation) in context of formal government criminal laws.

### 4.6.3 Gaarayyuu

#### What is Gaarayyuu?



*Gaarayyuu* is a friendship and protection institution with boys among *Walloo* Oromoo. Accordingly, a non-relative boy becomes a friend of the girl up on the request and approval by her family subject to three rules.<sup>509</sup> First, Promise of love, which she gives her consent to be *Gaarayyuu* friend of the boy. Second, promise of moral is that they should refrain from committing prohibited acts such as having sexual intercourse and third promise of meeting each other outside of her family's home.

*Gaarayyuu* friendship starts when the boy buys gift of *Irmadii/Torbii* (leather belt that symbolizes her virginity) to his *Gaarayyuu* girlfriend.<sup>510</sup> *Gaarayyuu* boy friend has the right and duty towards the *Gaarayyuu* girl. He has the right to play and dance with her publicly. Even the family of the girl invites him to their house for ceremony called *Kalahoo*.<sup>511</sup>

He has the duty to refrain from committing sexual intercourse/ taking her virginity, protecting her from sexual harassment by others. He is responsible to protect her when she goes out to market, to collect firewood, fetch water and when she goes to attend wedding or other festivals. No person is allowed to approach her without his consent including the betrothed groom.

**The *Gaarayyuu* friends are proscribed from marrying each other. Hence, their temporary friendship lasts until she is**

<sup>509</sup> Interview with Ob. Nuru Imam, Head of Dawaa Caffaa District Tourism and Culture Office, ANRS Oromoo Nationality Zone, Kemise, 04/10/2020.

<sup>510</sup> OBSTV, Qee'ee Oromoo, *Gaarayyuu fi Torbii Walloo* program <<https://www.youtube.com/watch?v=xpJHDyKu2YA&lc=z124wxyhunmidnglw22sfhkoppqhvxefo>>

<sup>511</sup> *Kalahoo* is the ceremony where family of the girl invites the *Gaarayyuu* boy for dishes or to thank him for his protection for her.

married.<sup>512</sup> If he or any other person takes the virginity of the girl he is supposed to pay compensation for committing such act or failing to protect her from other offender. He is required to pay up to 50 cattle and to be beaten 40 lashes based on the decision of **Abbaa** gaar (customary court).

As a result, a boy creates *Gaarayyuu* friendship with the girl he trusts. *Gaarayyuu* friendship is common among *Walloo Oromoo* girls.<sup>513</sup> A girl who has no *Gaarayyuu* is considered as a girl lacking protection. Currently, such culture continues to be practiced in a number of rural areas of *Oromoo* Nationality zone of ANRS.

#### 4.6.4 Handhuuraa



##### TERM

*Handhuuraa* is *Afaan Oromoo* word, which literally means 'Umbilical Cord'.

In *Oromoo* culture, upon the birth of a child the family members shower the new born with gifts of heifer called '*Handhuura*'. It constitutes the first property of the child. This practice is common among *Booranaa* and *Baalee* areas especially in pastoralist lowland areas.<sup>514</sup> The ritual and timing to give *Handhuuraa* differs from place to place. In *Baalee*, the child gets the heifer up on the day/week s/he is born. In *Booranaa*, the mother and child have to remain indoors for forty days, after which the child is introduced to the outside world. He is taken out to the cattle Boma.<sup>515</sup> The mother takes the remains of the umbilical cord, and places it on a heifer to symbolize the child takes the gift of heifer.<sup>516</sup>

The *handhuura* cow and the offsprings belong to sole ownership of the newborn child.<sup>517</sup> The family only uses the dairy products and it is a taboo to sale the cow, its offspring and

<sup>512</sup> FGD Kemise (n 380); Aadaa Oromoo Walloo- Jiilee, Waajjira Aadaa fi Turizinmii Godina Addaa Naannoo Oromoo, 2011 E.C/2019 (Unpublished).

<sup>513</sup> Ibid.

<sup>514</sup> Booranaa-The Cultural Heritage Land of Oromia < <https://oromedia.wordpress.com/ardaa-Gadaa/Booranaa-the-land-of-the-Booranaa-Oromoo/>>

<sup>515</sup> Ibid.

<sup>516</sup> Ibid; Interview with Hon. Dr. Borbor (n 296).

<sup>517</sup> Interview with Ad. Zeetunaa Aloo (n 280); Interview with Ob. Aliyyii (n 263).

the dairy product. The *Handhuuraa* contributes to economic self-reliance of the newborn child. However, among *Gujji Oromoo*, there is no *Handhuuraa* for female children, but *ameessaa*, a cow for temporary use of its products.<sup>518</sup> They do not own the *ameessaa* cows and so they return them to their parents during their marriage. In *Harargee*, the boy receives handhuura on the day he born, while the girl entitled to *Handhuuraa* cow on the day she concludes marriage.

#### 4.6.5 Cifree/ Cibree/ Haadha Caaccuu

##### TERM



Cifree/ Cibree is the name given to women aged above eighty years whether they have husband or not.

Women become *Cibree* when their sons enter *Gadaa* administration age set (40-48).<sup>519</sup> They are distinguished by their free hair style, cultural cloth wearing and pearl necklace.

***Cifree* is most prestigious tribute a woman can achieve in the *Gadaa* system. It symbolizes sacrifices she has paid in bringing up her children and maintaining the continuity of the lineage and the *Gadaa* system.**



**Photo:** Cifree Women Elder Leading the Irrecha Festival (Hora Arsaddi Bishooftu)  
**Source:** Moti Pictures (OCTB)

<sup>518</sup> Dejene N. Debsu, Gender And Culture In Southern Ethiopia: An Ethnographic Analysis Of Guji-Oromoo Women's Customary Rights, African Study Monographs, Vol. 30(1), 2009, p. 27.

<sup>519</sup> Interview with Ob. Alamayo Gammachu, Burayuu city Tourism and Culture Office Head, Oromia Special Zone, Burayu City, 05/10/2020.

***Cifree/Cibree* monitors and checks the rightfulness of a number of rituals.<sup>520</sup> They are given a privilege to entertain and deal with family and community issues.**

It is believed that they entertain cases cautiously, fairly, and rationally based on experiences accumulated in their lifetime. They have complete freedom to participate in whatever ritual and can go everywhere with the *Gadaa* class in power. *Cibree* women are free from burdens of any indoor and outdoor works of family. However, they have the right to attend rituals by carrying their symbolic ornament called *Caaccuu*.<sup>521</sup>

#### 4.6.6 Addabaanaa /Aseenna

##### TERM



*Asenna/Addabaanaa* is a form marriage conducted by unilateral initiation of a girl without knowledge of her family, her intended husband and his family.

##### What is *Asenna/Addabaanaa*



*Addabaanaa* literally means 'let's separate, which indicates separation between the girl and her affinal family. Among *Maccaa Oromoo*, it is known as '*Aseenna*' (let's join).<sup>522</sup> It means let's join into marriage and consanguinal family.

The girls usually take the action of marriage through *Addabaanaa* either when she looks forward to a hardworking husband or when she is impressed with the decency and family status of the man she wants, or when her lover leaves her and tries to marry another girl or if her family try to reject marriage request of the boy or the girl remains unmarried for so long, she may go for *Addabaanaa* even without the awareness of the boy or his family.

<sup>520</sup> Interview with Abba Gadaa Girma Didha, Abbaa Gadaa of Xulee, West Shewa Zone, Ambo, 15/09/2020.

<sup>521</sup> Sa'adaa Kadir, Sirna Gadaa fi Dubartoota, Biiroo Dhimma Dubartootaa fi Daa'immanii Oromia, Birhanena Selam Publisher, 2002 E.C/2010, p.110.

<sup>522</sup> Gemechun Beyene and Assefa Toleera, Marriage Practices Among The Gidda Oromoo, Northern Wallaggaa, Ethiopia, Nordic Journal of African Studies, Vol. 15 (3), 2006, p. 251.

Sometimes, the girl may be advised to do so by her near relatives or friends. Nevertheless, the sole initiative is taken by herself.<sup>523</sup>

To do so, the girl absconds from her family and goes to the house of the man/his parent she wants. When she arrives at the home, she throws *Siinqee* in the garden/home of the man or his family's house courtyard. Then, she enters the house and ululate "adda baanaa, addabana, let us sit and stand here, let us enter and exit (from the house), elelelel".<sup>524</sup> It's immoral for the boy and his family to reject her proposal. However, if they are not willing, they pay compensation to her and send her back to her parents. If they accept her marriage proposal, they send elders to her parents for negotiation. Then, both the mediators and the girl's parents and relatives discuss the issue and formalize the marriage. In *Addabanaa*, *Rakoo* ritual can take place only after negotiation and the necessary payment is made.<sup>525</sup> Once *Rakoo* ritual is performed, she has equal status and right with any other kinds of marriage. Unlike marriages arranged by family, Aseenna marriage respects the power and rights of the girl to choose marriage partner she wants. However, such form of marriage rarely happens and currently it has almost almost disappeared, as the society does not strictly observe the culture. Moreover, girls and boys can freely decide on their future relation through discussion.

#### 4.6.7 Women Ogeeyyii

Among the Oromoo, artisans are known as *Ogeeyyii* (experts). Women *Ogeeyyii* engage in weaving, spinning, basketry and potting, midwifery, and healing.<sup>526</sup> Women engage in such crafts and art works individually or collectively with their neighbors. The products are often utilized as household tools or are sold in markets to generate income for women and their family.

At present days, producers of plastic, aluminum or metallic objects are substituting these traditional artifacts. Moreover, due to the accessibility to electricity, people are shifting to use modern

<sup>523</sup> Amanaa Galatoo, *Siinqee fi Wayyooma, Waajjira Aadaa fi Turizimii Godina Arsii* (un published), p.10

<sup>524</sup> Ibid.

<sup>525</sup> Daniel (n 358), p. 84.

<sup>526</sup> Bula Sirika, *Socialization, Symbolism, and Social Structure: Aspects of Traditional Pottery Making among the Jimma Oromoo, Western Oromia*, *Journal Of Oromoo Studies*, 2011, p. 79.

cooking materials, which are available on market.<sup>527</sup> However, the traditional products produced by female artisans are still largely in use in rural areas.



**Photo:** Enjera/buddeena baking pan making  
**Source-** Jimmaa Zone Culture and Tourism Office



Gombistu/ Akimbalo

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<sup>527</sup> Interview with Ob. Haji Abbabiyyaa (Abbaa Malkaa); Ob. Abbaatamaam Abbaa Foggii (Abbaa Bokkuu); and Ob. Nagaash Abbaafoggii (Abbaa Heeraa), Jimma Zone, Oomo Naadda, 21/09/2020.



## 5. CHAPTER 5: OROMO WOMEN CUSTOMARY INSTITUTIONS AND WOMEN'S RIGHTS

Human Rights are generally indivisible and interdependent on one another. States have negative obligation to respect human rights, on the one hand, and positive obligations to protect, fulfill and promote rights, on the other.<sup>528</sup> In addition to government obligation, the informal institutions including customary institutions play a paramount role in realizing and ensuring rights. No rights are fully realized without involvement of society as a whole and women in particular.<sup>529</sup> Different international and regional treaties and non-treaty instruments, in addition to domestic legal provisions, guarantee human rights of women.

In this regard, customary practices are frequently criticized by feminists and human right activists as an enemy of women's rights and inimical to modernization. In fact, there are customary practices irremediably inconsistent with women's rights, which reaffirm patriarchal social norms. For instance, gender inequality in several customary courts are manifested through exclusion of women from leadership positions at customary courts, underrepresentation of women as participants and clients of customary courts and gendered double standards.<sup>530</sup> Such irrational belief and practice undermine women's rights to access to justice.

**In contrast, there are model women customary institutions and practices that promote women's rights and agency**

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<sup>528</sup> Rakeb Messele, 'Enforcement of Human Rights in Ethiopia', Research Conducted for Action Professionals' Association ForThe People (APAP), 2002, p. 10-11.

<sup>529</sup> Joseph Mayton, *Supra* note 1.

<sup>530</sup> Meron (n 142) p. 3-4.

at micro, meso and macro level of empowerment. Those institutions rebut hasty generalization of discriminating of women by customary practices. They also serve as an agent to vernacularize international human rights into local context. If we empower and use them properly, they are more effective than positive laws of government and formal institutions in realizing women's rights since they have more acceptance and legitimacy within the community.

This chapter analyzes the importance of different customary institutions and practices of *Oromoo* women community in ensuring the protection of rights of women and girls. The chapter has two sections. The first section presents the findings of the study, examining the different forms and domains of women's right protected by customary institutions ranging from civil and political rights, socio economic and cultural rights to group rights. The second part of the chapter presents the multiple challenges and limitations of customary institutions and practices in terms of protecting the rights of young girls and women.

## 5.1 The Protection of Women's Rights

The analysis of the role of *Oromoo* women customary institutions and practices role ensuring the protection of women's rights cascaded into civil and political rights, socio-economic and cultural rights and group rights sub sections for practical purposes. However, such categorization of human rights is not attached to the classification of human rights into different parts as a result of ideological conflicts and scholarly debates. Rather, it affirms the indivisibility and interdependency of all rights. The notion of protection of rights by customary women institutions conceptualizes from two dimensions of the mechanisms of customary practices promote one right, on the one hand and the means of protection from violation of the same rights including remedy for infringements.

### 5.1.1 Civil and Political Rights of Women

Civil and Political rights are also known as first generation rights. They are extensively guaranteed in the UDHR, ICCPR, CEDAW, ACHPR, Maputo protocol and Ethiopian federal and regional constitutions. Civil rights include the right to life and security,

liberty, right to security and integrity, right to honour and reputation, and others. The political rights include the right to take part in the government affairs, and the right to vote and stand for election. This sub section explains parts of the above rights.

### **Right to Security and Integrity**

The right to security and integrity of person concerns freedom from injury to the body and the mind, or bodily and mental integrity. Concerning women, gender-based violence affecting women and young girls takes multiple forms, including physical, sexual, psychological threats. Women's right to be free from gender-based violence is indivisible from and interdependent with other human rights, including the right to life, health, liberty and security of the person, the right to equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, freedom of expression, movement, participation, assembly and association. In this regard, the customary women institution of *Oromoo* provides preventive and corrective measures through different mechanisms.

Some of the local institutions protecting the right to security and integrity of young girls and women among the *Oromoo* were identified by the study. For instance, *Siinqee/ Ateete Deemsisaa/Hoofuu/Ruufoo Marabbaa* institutions protect the right to physical security through different ways. The very customary norm that requires a woman carrying *Siinqee* not to be approached by someone intending to hurt her, shows an aspect of how such customary institutions tend to protect women from harm.<sup>531</sup> This protects women from gender based violence and sexual harassments. Second, a husband is not allowed to enter *Gola* (women exclusive room where *Siinqee* is placed). When husbands attempt to beat their wives, women often retreat to *Gola* room.<sup>532</sup>

**It is immoral and a taboo for husbands to enter Gola and beat a woman carrying *Siinqee*. This cultural rule is important to prevent domestic violence that is committed in a private sphere. If any person or husband beats her by violating *Siinqee* rule or injures her seriously, all women take *Siinqee* parade to get justice.<sup>533</sup> Hence, *Siinqee* is a tool of preventing and controlling gender based violence against married woman.**

<sup>531</sup> Interview with Dr. Borbor (n 296); Interview with Ad. Saara (n 333).

<sup>532</sup> FGD Mettu (n 278); Interview with Ob. Hailu (299).

<sup>533</sup> Interview with Ad. Girjaa and Ad. Lootu; Interview with Ad. Zeyitunaa

Likewise, *Qannafaa* gives protection to post partum women until six month after childbirth. A husband is expected to protect *Qannafaa* woman in different ways. Men have no right to force their wives to have sexual intercourse during *Qannafaa* period.<sup>534</sup> If a husband violates *Qannafaa* protection rule of woman, the wife will call for *Siinqee* protest. Then, the husband is liable not only for his wife but for all women. Violation of the right of one woman is considered as a violation of all women's right in general. Hence, *Qannafaa* protects women from gender-based violence including marital rape during *Qannafaa* period.

*Gaarayyuu* practice among the *Walloo Oromoo* guarantees the right to liberty of unmarried girl and guarding the girl without salary by non relative person. Through the *Gaarayyuu* friendship a young boy has the right to be a friend of unmarried girls with the duty to protect her.<sup>535</sup> The *Cifree* is a motherhood institution that protects older women. *Cifree* has high dignity and reputation that retires them from any domestic work and guarantees them the right to get treatment by her descendants and community as a whole. Hence, *Cifree* woman are not exposed to labour exploitation and exclusion during older ages.<sup>536</sup>

The sisterhood institution of *Addooyyee/Hiryee/Geelee* is another local institution related to right to security. The sisterhood gives the girls a network to protect each other from gender based violence and sexual harassment when engaging in outdoor activities and other occasions that expose them to sexual based gender violence.<sup>537</sup>

### Right to Honour and Reputation of Women

All human beings are born free and equal in dignity and rights. Dignity and honour is the foundation to protect women from violation of other rights. Robin Sharma notes "without integrity and honour having everything means nothing".<sup>538</sup> Right to honour and reputation of women is recognized in various human rights instruments.

<sup>534</sup> Focused Group Discussion (FGD) 2, Arsii Zone, Tiyyoo District Culture and Tourism Office, Asellaa, 01/09/2020.

<sup>535</sup> FGD Kemise (380).

<sup>536</sup> FGD Ambo (n 335); Interview with Ob. Kabada (n 434).

<sup>537</sup> Interview with Ad. Aster Amara, Expert at Hararghe Zone Women, Youth and Children Affairs, Harar, 15/08/2020.

<sup>538</sup> <https://www.pinterest.com/pin/72972456439169111/>

According to a common proverb among the *Oromoo* world “*kabajni ilma namaa dubartii dha*” (the honor of human beings is a woman)<sup>539</sup> and “*Dubartiin Waaqa xiqqoodha*” (literally meaning, women are small God).<sup>540</sup> Moreover, the *Waayyu* concept among the *Oromoo* discussed in the previous chapter shows how women are valued in the society.

Besides, different *Oromoo* women institutions particularly engage on ensuring the right to honour and reputation of women. For instance, *Asaraa* annual festival among *Arsii Oromoo* women is held to thank women for their sacrifice to nurture human being and generation. *Siinqee* stick also symbolizes the honour and reputation of women. Women gatherings and parade during violation of rights of women in the case of *Ateete Demsisaa*, *Qannafaa*, *Ruufo Marabbaa* and *Hoofuu* basically interrelated to restoring the honor of victim women and to deter similar activities that undermine women. Furthermore, the *Faaruu* a praise song during wedding ceremony admires deeds, bravery, and performances of bride, other girls and women is another way of showing great respect and honor to women among *Oromoo* Communities.<sup>541</sup>

### Right of Access to Justice of Women

The right of access to justice for women is essential for the realization of all the rights of women guaranteed under national and international human rights instruments. Realizing the right to access to justice of women requires involvement of plural justice systems of formal or informal institutions including customary justice systems. According to CEDAW Committee General Recommendation No. 33 the right to access to justice for women is examined based on its “justiciability, availability, accessibility, good quality, provision of remedies and accountability of justice systems”.<sup>542</sup> Customary justice systems, despite their controversy, are more available and accessible justice system than formal justice systems of government particularly in rural areas.

<sup>539</sup> Jeylan (n 21), p. 112.

<sup>540</sup> Ayehu (290), p.103.

<sup>541</sup> Dereje (n 394), p. 14.

<sup>542</sup> CEDAW, General Recommendation No. 33 on women's access to justice, 2015.

**BOX 20**

Among Oromoo communities, a number of customary institutions are directly and indirectly involved in ensuring the right to access to justice for women. For instance, the *Siinqee*, *Ateete Goraa* and *Saddeeta* institution of *Arsii*, and *Ruufo Marabbaa* of *Walloo* engage in dispute resolutions including complaining, entertaining and resolving disputes related to infringement of rights of women.<sup>543</sup> Cases involving interest of woman can be entertained by women themselves or by men elders. Women have the right to accept or reject the remedy decided by elder. For instances, in the case of *Ateete Goraa* of *Arsii*, if victim women do not get justice on time, they call for women protest called *Siinqee* migration. The decision of male elders requires approval of victim and the women gathered to claim for the right of victim women. If the *Ateete* woman is not satisfied with the decision, the male elders are required to review the case.

The offender is required to compensate the victim women and *Ateete* woman by slaughtering animals, admitting his faults, and requesting for apology, simultaneously.<sup>544</sup> Failure to do so will lead to *Siinqee* curse against the offender and ostracization from community. Actually, cases entertained by the above institutions are ends by win-win reconciliation, when the offender admits his fault and compensates the victim.

For instance, among *Booranaa Oromoo* if a person rapes a girl, the offender is required to pay thirty cows, which is equivalent to compensation (*Gumaa*) of intentional homicide.<sup>545</sup> If the accused person fails to admit or compensate the victim, women proceed to *Siinqee* cursing and ostracizing the perpetrator from the community. Once women march for right of the victim, it needs to be resolved within short period of time.

<sup>543</sup> For further detail see section 4.3.

<sup>544</sup> Jemila (n 449), p. 75-79.

<sup>545</sup> Interview with Dr. Borbor (n 296).

It is also important to note the admissibility and reliability of witness. According to the law of *Muka laaftuu* (soften wood), the victim girl or women testimony or complaint is sufficient to prove the wrong doings of the offender. The rationale behind such rule is that most gender based violence is committed against women outside of public sphere, on the one hand, and the belief that women are pure/innocent human beings that cannot accuse a man falsely.<sup>546</sup> This implies that the presumption of innocence works for victim women testimony rather than accused man.

### Right to Immunity from Liability of Women

The Right to immunity entitles a person free of liability for faults committed by an offender. The right is guaranteed to ensure the privilege of public interests over the value of imposing liability on the offender. Such immunity may be from criminal prosecution or from civil liability or both.<sup>547</sup> According to different international agreements and domestic laws, immunity takes the forms of diplomatic immunity, judicial immunity, parliament and senior executive member's immunity and witness immunity. These immunities are temporal protection when a person is in office or on duty. Moreover, such immunity rights are revoked under exceptional circumstances.

#### BOX 21

According to Oromoo tradition, temporal immunity is guaranteed to senior *Gadaa* officials.<sup>548</sup> While the women/ girls are entitled to permanent immunity from any liability whether it is criminal or civil matters. If a girl commits fault, her parents/male guardian are liable to pay compensation for the victim.<sup>549</sup> If a married woman commits a crime, her husband is liable. According to my data, the rationale behind such entitlement of a woman emanated from the concept of *Waayyu*, stating women are highly honored and sacred persons close to God.

<sup>546</sup> Ibid.

<sup>547</sup> Yohannes Tessema, Immunities and Privileges of UN Agencies in Ethiopia: Problems and Possible Remedies, *International Journal of Ethiopian Legal Studies*, 2018, p. 3.

<sup>548</sup> Interview with Ob. Jiiloo Aagaa (n 332).

<sup>549</sup> Ibid.

Involving a woman in litigation process is believed to undermine their dignity. There is a presumption that women cannot engage in committing faults without justifiable reasons.<sup>550</sup> As a result, the male parent or husband is required to defend and be held accountable for vicarious liability for faults committed by their girl/wife. Exceptionally, minor disputes between women are resolve by women themselves without interference of male to protect their autonomy, dignity and confidentiality of their case.

### **Right to Political Participation**

Many international human rights instruments and constitutions of most countries have affirmed the right to political equality of women and men. However, the reality on the ground shows the low level of participation of women in public and political life. Even historically stable democracies have failed to integrate the opinions and interests of women in a fair and equal manner.

**Several feminists argue the current version of democracy attributed to patriarchal democracy since it has dominated and controlled by men.<sup>551</sup> The right to political participation of women includes right to vote and to be voted; right to be represented; right to participate in formulation of policy and laws; and the right to hold public offices.**

The *Oromoo* customary institution of women tries to integrate their participation in customary political institutions through different ways although it is not similar to their male counterpart.

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<sup>550</sup> Interview with Ob. Cherinet (n 269).

<sup>551</sup> Mary Becker (n 4), p. 22.

In terms of the right to vote, women cannot participate directly in electing *Gadaa* officials that takes place every eight years. However, a husband of every woman has the duty to consult them and present their feedback to *Caffee*/legislature.<sup>552</sup> The feedback given by women has great influence on the election of *Abbaa Gadaa*. If women accuse a specific nominee of sexual harassment or mistreating his wife, the candidate will automatically be excluded from nomination. Moreover, women in *Booranaa*, through their *Kaarilee* institution, influence the course of elections and the prospects of a lineage winning or holding political office.

They praise intelligent men and criticize the weak and incompetent persons through songs during assembly.<sup>553</sup> In other circumstances, they have equal and full rights to elect their representative in women institutions from among first born and matured elder women.

Historically, the right to be elected and represented in the *Gadaa* assembly differs from place to place. For instance, among 45 members of *Maccaa* class *Gadaa* assembly, 22 seats are reserved for women, which is equal to 22 male representatives excluding the male speaker of the *Caffee*.<sup>554</sup> Similarly, in *Sukko Mandoo Oromoo Gadaa* system, out of 360 representatives elected from 20 provinces, women constitute 180 seats (50%) of their *Caffee* Assembly. Among *Afran Qalloo Gadaa* system of *Harargee*, women have represented by five members out of 53 members of *Gadaa* assembly. However, this practice is currently on the verge of dying due to the weakening of *Gadaa* system. Women however have full right to be elected in the women institutions. For instance, among the *Arsii*, women in a given neighborhood come together and elect their *Saddeeta dubartii* from among themselves.<sup>555</sup>

Among *Arsii Oromoo*, the *Siinqee* and *Saddeeta* women institutions have great influence on formulating policy and laws designed by *Gadaa* assembly. Among the *Booranaa*, women express their

<sup>552</sup> Interview with Ob. Jaatanii (n 353); Interview with Ob. Tibbessoo (n 278); Interview with Ob. Galano (n 335).

<sup>553</sup> Asmerom (n 344), p. 23; Wekineh (n 343).

<sup>554</sup> Accordingly, 9 unmarried girls selected from girls range between 9 and 24 years; 9 married women selected from women between 33 and 48 age and four women selected from postmenopausal women between 49 and 80 years. (FGD Nekemte (n 269); Wandimmu and Boonii (n 271, p. 88-89)).

<sup>555</sup> Jeylan (n 21), p.111.

grievances during *Gadaa* assemblies using *Kaarilee* songs. They point out a direct criticism of some unjust or unwise decision of the men.<sup>556</sup> Moreover, the representation of women in *Gadaa* assembly of *Sukko Mandoo* and *Maccaa Oromoo Gadaa* assembly ensures their right to participate in designing policy and laws, although currently not functional.

The practice of *Gadaa* system entitles women to hold office in *Gadaa* governances under various circumstances. For instance, the *Qaajimaa Muriisaa* and *Guutimaala* women institution of *Gujji Oromoo* symbolizes their right to hold office in the *Gadaa* administration.<sup>557</sup> Accordingly, women up on reaching *Doorii* age group (37-40) conduct *Qaajimaa Muriisaa* ceremony, like the men of *Waddeessa muraa*, to symbolize their preparation to take *Gadaa* administration after completing the *Doorii* age set group. Then, the *Guutimaala* women ceremony is held when their husband's take power of *Gadaa* administration to symbolize that they are entitled to equal position and that they are part of *Gadaa* administration. The wives of *Gadaa* officials are entitled to equal status with their husbands.<sup>558</sup> The wife of *Abbaa Gadaa* is considered as the first lady.

Moreover, if *Abbaa Gadaa* dies during his *Gadaa* period, the power is transferred to his wife.<sup>559</sup> Furthermore, no ritual ceremony (*jiilaa*) is conducted in the absence of women. For instance, in *Booranaa*, *Ruddii* ritual is held by married women during *Gadaa* transfer of power, which is not conducted in the absence of women. The leader of the ceremony is called *Abbaa Jiilaa* and his wife is named *Haadha Jiilaa*.<sup>560</sup> Besides, women participate in several leadership roles that relate directly to women's rights, and interest. These are *Haadha Urjii*, *Haadha Siinqee*, *Haadha Naga*, *Haadha Gadaa* and *Haadha Garambii*.<sup>561</sup>

These five members' are called "*Bantii Shanan dubartootaa*" ("the five colons of women"). They are specifically assigned to different interrelated functions within a male *Gadaa* system. Last, but not least, the *Siinqee*, *Ateete*, *Ruufo Marabbaa* and *Iddoo Buufata*

<sup>556</sup> Asmerom (n 244), p.20-23

<sup>557</sup> Samarroo (n 230), p. 48-51.

<sup>558</sup> Interview with Ob. Jiiloo (332); Interview with Ob. Guyoo (n 286).

<sup>559</sup> Tesema (n 22), p. 92

<sup>560</sup> Interview with Ob. Daalachaa (310).

<sup>561</sup> Leila (n 253), 118; Interview with Ob. Amino (n 299).

institution of women play the check and balance role on proper functioning and gender sensitive governance of the system.

### **The Right to Information and Freedom of Expression**

Freedom of expression is not only an indispensable condition for the full development of person, but it also constitutes the cornerstone for every free and democratic society. It is a necessary condition for gathering public opinion and realizing the principles of transparency and accountability.<sup>562</sup> Hence, freedom of expression is protected as it ensures democratic participation of citizens, serves as a means of discovering truth and inherent to human dignity.<sup>563</sup> In this regard, most customary institutions of the *Oromoo* discussed in the previous chapter, guarantee freedom of expression to women of different age groups.

*Geelee/hiryee/Addooyee* sorority serves as an institution to discuss and solve confidentially peers' problems and develop their social life before marriage. They learn from one another, share updated information, and discuss confidential issues. The *Inggiccaa/ Aladduu or Migira Buqqisaa/ Ilillee* annual girl's festival helps them to discuss, and communicate their views to inspire desired actions and discourage undesirable ones through songs. It shows girls autonomy and authority to express their views freely to praise good activities and criticize malicious acts in their society.<sup>564</sup>

The other exemplary case of right to information and freedom of expression is related to the marriage arrangements. The *Aseennaa (Addabaanaa)*, and *Fedhii (Hawaaddii, Abaabbalii, and Heerumaa)* institutions entitle girls to freely select and express their love and marriage partner.<sup>565</sup> The nuptial songs of *Bayee- bayee, Garuulee, Mararoo, Sirba Durbaa, Heelee*, and others discussed under chapter 4 above indicate women/girls rights to freedom of expression to praise, criticize and even to vilify undesirable activities and offending persons through song during marriage ceremony.

### **Marriage nuptial songs represent an absolute exercise of freedom of expression without any limit. A victim of**

<sup>562</sup> The UN Human Rights Committee, General Comment No. 34; Article 19: Freedoms of Opinion and Expression, 11-29 July 2011, paras. 1-3.

<sup>563</sup> Gedion Timothewos, 'Freedom of Expression in Ethiopia: The Jurisprudential Dearth', *Mizan Law Review*, Vol. 4 (2), 2010, p. 202-204.

<sup>564</sup> Daniyaa (n 222), p.230; Dereje (n 344), p. 30.

<sup>565</sup> Interview with Ob. Tasamma (n 393); Interview with Ob. Abbabaa (n 387).

insult or vilification has the right to counter respond through equivalent songs rather than accusing or taking forceful action to stop girls/ women.<sup>566</sup>

The *Rakoo* ritual symbolizes the free and full consent of girls to conduct marriage. They promise to be spouse of one another across their life. Moreover, the *Qulfoo* institution of *Walloo* Oromoo during the honeymoon period serves as the transition time from girlhood to womanhood that enables her to train and consult the bride about marriage life.<sup>567</sup> This ensures her right to access information about marriage life, new family and neighbors.

The married women institutions and practices of *Siinqee*, *Ruufoo*, *Marabbaa*, *Hoofuu*, *Iddoo Buufata*, *Kaarilee*, *Ruddii*, *Asaraa*, *Buna Qalaa*, *Saddeeta*, and *Dalagaa* serve as a forum of discussion and sharing information about family, social, economic, political and human rights condition of women and the general community. During these gatherings women freely share information. When there is violation of women's rights, they call each other and perform *Siinqee* parade/march/demonstration without requesting permission from their husbands or local government officials. During the parade, they condemn violation of victim women's rights, expresses the remedy they seek and decide whether to accept or reject the remedy decided for violation. In other circumstances, during the gathering they bless each other, thank and pray to *Waaqa* for success and end hardship situations.

The *Ateete*, *Qannafaa*, *Harka Fuuchaa*, *Bulluqaa*, *Shanan*, *Afurtami Shanana*, *Faatimayyee*, and *Cifree* are local motherhood customary rituals and gatherings that honor fertility and procreation of generation. During these ceremonies, women bless each other, and discuss about socio economic and family issues. They share updated information, plan for future and discuss how to fix their problems. Furthermore, Women are also engaged in different indigenous cooperative institutions such as *Wijjoo*, *Marroo*, *Gumaata*, *Ayyoo Meetoo*, *Oofarii*, *Hirphaa* and *Ameessaa*. They gather to support one another and share burden. Cooperative institutions of Oromoo women are performed by consultation with one another that is followed by action.

<sup>566</sup> Interview with Ob. Amsalu (n 436); Interview with Fana (n 436); Dereje (n 344), 12.

<sup>567</sup> FGD Kemisee (n 380); Interview with Hawa (n 383).

### Freedom of Movement, Assembly and Demonstration

The right of peaceful assembly<sup>568</sup>, demonstration and movement has been guaranteed in international and Africa human rights instruments ratified by Ethiopia in addition to the domestic constitutional and legislative recognitions. Those rights are part and parcel of most customary women institutions of *Oromoo* communities that are performed through gatherings. For instance, Freedom of Movement and assembly is guaranteed to girls on such gatherings for their friendship (such as *Geelee/hiryee/Addooyyee*), girl festivals (the *Ingiccaa/ Aladduu Buqqisaa/ Migira Buqqisaa/ Ilillee*), marriage celebrations nuptial songs (such as *Bayee-bayee, Garuulee*), womanhood rituals (such as *Siinqee*), motherhood celebrations (e.g. *Ateete*) and gatherings for mutual support (E.g. *Wijjoo, Marroo, Gumaata*).

Moreover, women often hold parade during annual festivals like *Ireechaa* and rituals like transfer of *Gadaa* power. *Haadha Siinqee/ Haadha Boolloo/ Beera Kalaalee* lead women parades during rituals and annual festivals.<sup>569</sup> In situations where women's rights are violated, the women or *Saddeeta Hanfala* may call for *Siinqee* migration (*Godaansa Siinqee*) or demonstration. Attendance of such gathering is mandatory for all women.

### Freedom of Association

Freedom of association involves the freedom of individuals to come together for the protection of their interests by forming a collective entity which represents them. These interests may be of political, economic, religious, social, cultural, professional or labour union in nature. The *Oromoo* women customary institutions also guarantee such rights for women in various forms to engage in different activities. Those customary women institutions are informal association by nature, which have neither legal personality nor offices, unlike formal associations. However, they play crucial role in the day to day activities of the people.

For instance, the customary women institution of *Saddeeta, Siinqee, Ateete Deemsisaa/Goraa, Ruufoo Marabbaa, Kaarilee, and Qannafaa* are informal local institutions /associations whereby women collectively defend their rights, on the one hand and check and

<sup>568</sup> Freedom of Assembly envisages holding of public meetings, mounting of demonstrations through marches, picketing and processions.

<sup>569</sup> Interview with Ad. Sara (n 333); Interview with Ob. Galanoo (n 335); Interview with Ad. Warqii (n 416).

balance male domination in the *Gadaa* system, on the other hand. They serve as informal civil societies' organization of women engaged in promoting horizontal protection of human rights. There are also other institutions established to perform different social activities such as nuptial songs (like *Bayee-bayee*, *Mararoo*, and *Heelee*); girls' sorority institutions (E.g. *Addooyyee*, *Ingi-caa*, and *Geelee*); and married women and motherhood institutions (like *Siinqee*, *Ateete*, and *Shanan*) which engage women in helping and empowering each other in different social events such as wedding, annual festivals/ rituals, congratulating the mother of new born child, mourning, and treatment during sickness or post partum period.<sup>570</sup>

Other institutions also target the economic well being of women and young girls. For instance, *Marroo*, *Gumaata*, *Ayyoo Meetoo*, and *Wijjoo* institutions are formed to help them through labour, in kind, in cash or by any other means. Those associations serve as traditional saving institutions, social security system through burden sharing among the community, empowering indigents and helping person in emergency situation/ incidents.<sup>571</sup> The religion related rituals institutions and practices also offer women the platform of gathering and social networking. Several customary institutions of *Oromoo* women engage them in praying, blessing and thanks giving to God irrespective of whether they follow *Waaqeffannaa* or any other religion. For instance, the praying and thanking God during *Ateete*, *Irreechaa festival*, *Faatimaayyee*, and *Shanan* symbolize the closeness of women to God.<sup>572</sup> They conduct collective praying ceremony to achieve future individual and community goals, to terminate undesirable conditions (e.g. women infertility, natural and manmade disasters, and diseases) and to hold thanks giving ceremony such as New Year and childbirth events.

**Overall, the customary women institutions of *Oromoo* formed for different purposes. Moreover, a single association such as *Ateete* and *Siinqee* can serve multiple roles**

<sup>570</sup> Interview with Ad. Abbarash Buzuna, Expert at West Shewa Zone Women, and Children Office, Ambo, 13/ 09/2020; Interview with Ad. Hindiyaa Kadiir, Sinana District Women and Children Affairs Expert, Roobee, 22/08/2020.

<sup>571</sup> Interview with Ob. Halake Godaanaa, Yabello District Women and Children Affairs Office Expert, Boorana Zone, 18/ 09/2020.

<sup>572</sup> Interview with Ad. Teyiba (n 414); FGD Meki (n 478).

and play the role of human rights and political functions as well as social and religious tasks, simultaneously.

### Marriage Related Rights

According to modern human rights instruments, women have equal rights with men while entering into marriage, during marriage and at the time of divorce. Marriage is one of the central areas for feminists to condemn customary practices in protecting equal rights of men and women during formation, administration and termination of marriage life.<sup>573</sup> Some cultural practices of *Oromoo* communities are not immune from such criticism in the eyes of western feminists although the community justifies and continues to practice practices like *Dhaalaa* (Levirate marriage) and bigamy.

**In Oromoo culture, marriage is not considered as an institution formed only between spouses, but it is extended to creating family with other clans.<sup>574</sup>**

Marriage is a symbol of honour and competency within society. It is considered as indissoluble institution. In effect, the regular form of marriage called *Naqataa* requires passing through stringent procedures. The notion of cooling period applies before marriage contract is concluded, unlike modern laws, which use cooling period only before declaring divorce.

According to western laws, age competency is enough to conclude marriage. However, according to *Oromoo* culture especially in *Gadaa* system, competency element is examined in terms of age, economic competency, and psychological/mental competency to conclude marriage.<sup>575</sup> As a result, a boy and a girl are not competent enough until concluding marriage.

Theoretically, according to *Maccaa Oromoo Gadaa* system, both boys and girls are not allowed to conclude marriage before completing three *Gadaa* age sets. i.e 24 years. Among *Booranaa* and *Gujji*, a male is required to complete four *Gadaa* terms to conclude marriage because males between 25-32 years serve as standby force to defend society and their territory from external

<sup>573</sup> For further detail see section 2.1 of this research.

<sup>574</sup> Interview with Dr. Borbor (n 296).

<sup>575</sup> Interview with Ob. Cherinet (n 575).

aggression.<sup>576</sup> In *Naqataa* form of marriage, in principle, parents of boy and girls processes their marriage. It is believed that parents can't select improper marriage partner to their sons/ girls. There are also circumstances boys and girls are consulted and influence their family to propose or reject intended marriage partner.

There are other forms of customary marriage that guarantees the free and full consent of girls among *Oromoo*. For instance, the *Addabaanaa/Aseenmaa* form of marriage is done with unilateral decision of girls to marry the person they have identified. As discussed in previous chapter, the husband and his parents have the moral duty to accept *Aseenmaa* proposal. *Harwii/ Aabaabbalii/ Fedhii/Heerumaa/Hawaaddii/ Jala deemmaa* marriage is based on free and full consent of spouse without their parent influence and prior knowledge. Currently, although this form of marriage is common among boys and girls, elders condemn such form of marriage as it endangers stability of marriage and reason for wide practice of divorce.<sup>577</sup>

During wedding ceremony, the *Rakoo* ritual is served as a tool of legalizing all forms of marriage. Once *Rakoo* ritual is performed, the wife is considered as legitimate wife and has full rights over her husband and administration of property. The wife is responsible to administer and manage household/indoor properties and the husband is responsible for properties found outdoor. However, both indoor and outdoor properties constitute common property of spouses except personal property of the wife such as *Horii Sinqee* she is given gifts during conclusion of marriage, and property she takes from her parents. The husband is responsible for controlling and guiding the male children and the wife is responsible to control and teach girls. Each child has the duty to assist their parents.<sup>578</sup>

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<sup>576</sup> Interview with Abba Gadaa Goobana (n 297); Interview with Ob. Lagasa (n 298).

<sup>577</sup> FGD Harar (n 293); FGD Meki (n 478).

<sup>578</sup> FGD Gayoo (n 410).

Although marriage is considered as eternal and indissoluble among Oromoo, undesired divorce is inevitable in various circumstances. It is a final remedy after exhausting all possible solutions to save the marriage from disintegration. For instance, among *Booranaa* Oromoo, there is customary cooling period institution. Marriage is not subject to an automatic and immediate dissolution. It requires passing at least two stages before dissolution i.e *Wal Hanqisuu* and *Gargar Kutuu*.<sup>579</sup> *Wal hanqisuu* is a kind of temporary sanction on spouses to refrain them from wrongdoings that caused the dispute between them. If the causes of the dispute are insults, beating, misappropriation of property, or adultery by husband, he is advised by elders and put under sanction to refrain from those activities. If a husband commits adultery, the sanction imposed on him is called *Rifannoo*.<sup>580</sup> The husband is proscribed the right to sexual intercourse with his wife until he admits his fault and apologizes to his wife. The same principle and procedures apply if he wastes property, insults or beats his wife.

**If he persistently engages in such wrongdoings, the elders pass to next step called *Gargar kutuu* or complete separation/divorce.<sup>581</sup> During this time, they dissolve the marriage and share property and children among the divorcees. The children choose the person they want to remain with. However, the right to visitation after post divorce is guaranteed. During the property sharing, the wife *Siinqee* cow with their increases belong to the wife as it is her personal property. The remaining property is shared based on the number of children they shared. The person that has more children belongs, takes great share of property.<sup>582</sup> In other word, supply of maintenance is considered during property sharing. After divorce, if they are interested, they have the right to remarriage or marry with another person.**

In such case, *Rakkoo Dhiquu* and *Qaajjisa Muru* systems symbolize end of marriage either through divorce or death of a husband. The divorced woman is called *Gursummeetti*. In *Booranaa*, divorce between spouses does not constitute divorce of clan. They say that

<sup>579</sup> Interview with Ob. Jaatanii (n 353); Interview with Ob. Dalacha (n 310).

<sup>580</sup> Interview with Ob. Halake Godaanaa (571).

<sup>581</sup> Interview with Ob. Dhibaa (n 460).

<sup>582</sup> Interview with Abba Gadaa Kuraa (n 251); Interview with Ob. Godaanaa (n 354) .

marriage is eternal union between clans, while divorce is personal separation between spouses. Consequently, the *Gursummeetti* does not return to her family home. She lives with her husband family clan and the clan has the duty to treat her as their blood family.<sup>583</sup>

### 5.1.2 Socio- Economic and Cultural Rights of Women

Socio economic and cultural rights of women are recognized by international and regional human rights ratified by Ethiopia. Some of these are ICCPR, CEDAW, ACHPR, Maputo protocol. Such rights are principally characterized by progressive realization depending on availability of resources.<sup>584</sup> The term economic rights include the right to property, the right to work, right to social security and others. Social rights are those rights necessary for an adequate standard of living, including rights to health, shelter, food, social care, and the right to education. Moreover, culture related rights consists of the right to participate freely in the cultural life of the community, the right to the protection of the moral and material interests resulting from any scientific, literary or artistic productions. In relation to this, the *Oromoo* women customary institutions guarantee different elements of the above rights as discussed below.

#### Right to Property

The right to property, according to UDHR (Art. 17) includes right to own property and protection from arbitrary deprivation of property. Under the FDRE Constitution, the right to ownership of private property consists of the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or transfer.

<sup>583</sup> Interview with Dr. Borbor (n 296); ባለምባራስ ጃቢሳ ኤጀታ፣ የኦሮሞ ባህልና አጭር ታሪክ፣ 1983/1991, p. 179-183.

<sup>584</sup> See Art. 2 of ICESCR (1966).

The customary institution of Oromoo women guarantees rights to property to women through different mechanisms. Women and girls acquire property especially heifer as a gift in different circumstances such as during childhood (*Handhuuraa and Sa'a Guduruu*); during marriage (*Horii Siinqee (Arsii, Booranaa, Baalee and Gujii)*, *Horii Quttoo (Gujii)*, *Horii Gorduboo (Arsii and Baalee)*, *Horii Dhaofsisaa (Arsii and Baalee)*, *Horii Harka Dhiqaa (Baalee)*). Furthermore, women also receive them as gifts from their husbands at different festivals/rituals such as *Asaraa (West Arsi)*, *Wodellee heifer* during *Qaajima muriisaa (Gujii)*.

Besides, the cooperative women institutions, such as *Gumaata and Ayyoo Meetoo* in *Harargee*, *Marroo* system in *Booranaa* and *Wiijjoo/ijjoo* system among *Arsii* and eastern *Shawaa Oromoos* ensure the economic self reliance of women and their family through burden sharing and peer support. In addition, the *Massaagoo* system of *Jimmaa* makes indigent for women to own and share increase from breeding of cows gradually.<sup>585</sup> Furthermore, the *Ogeeyyii* women engagement in artisan helps them to generate income for themselves and for their family.

Women institutions of dispute settlement such as the *Saddeeta*, *Siinqee* and *Ruufoo Marabbaa* ensure the right of access to justice and guarantee right to protection from arbitrary deprivation of property rights. They entertain cases concerning debts and forceful taking of personal property of a wife by husband such as instances whereby husbands forcefully take *Horii Siinqee's* of women. If the woman debtor fails to pay back money to the women creditor, the members help her to pay it back.

### Labor Rights of Women

Labour rights are part of economic rights that encompasses a wide range of elements. The notion of Women's labour rights include the right to the same employment opportunities, the right to free choice of profession and employment, the right to promotion, job security, right to equal remuneration, right to social security, right to protection of health and to safety in working conditions, right to special protection to women during pregnancy and post

<sup>585</sup> Gaalii Abbaa Boor, Oromummaa fi Islaamummaa, Nejjashi Publisher, 2011/2019, p. 59.

partum period.<sup>586</sup> Women are historically victim of gender based labour divisions and confined to domestic unpaid works due to patriarchal social structure and beliefs. Such gender based division is also attributed to customary practices of *Oromoo*.

In contrast, there are limited customary women institutions and practices that ensure women access to work and protection from labour exploitations. Concerning women access to work, a number of women customary institutions facilitate financial access for women to engage in economic activities. *Ayyoo Meetoo* institution in *Harar* and *Dirre Dawaa* can be mentioned as an example. The *Ayyoo Meetoo* institution principally engaged on economical empowerment of indigent's women through collecting startup capital and giving to such women to ensure her participation in commercial activities.<sup>587</sup> They also give consultation service to such women and create supply and market chain for their success. Moreover, the women self help institutions exist at community level offer women the platform to engage in different handicraft works. Women *Ogeeyyii* engage in weaving, spinning, basketry and potting, and other works. These foster the economic self reliance of women.

#### BOX 22

Protection from labour exploitation is another aspect of right to work. In this regard, the *Gadaa* system totally excludes/ bans vulnerable groups such as girls in their first *Gadaa* age grade (0-8), pregnant women, post partum women until 45<sup>th</sup> day after child birth (*Afurtamii Shanan*) and *Cifree* older women from engaging in any indoor and outdoor works. The women labour based self-help institutions also share burden responsibility of different works through cooperative labour works such as *Faraqee (Harar)*, *Marroo (Booranaa)* and *Oofarii (Walloo)*. Such burden sharing prevents labour exploitation of women if they are carried out by single woman.

<sup>586</sup> See Art. 11 of CEDAW.

<sup>587</sup> Interview with Ad. Zara (n 465); Interview with Ad. Ikram (n 309).

### Right to Social Security

The right to social security guarantees social security assistance for those unable to work or unable live quality standard of life or unable to access basic needs. Various cooperative institutions of *Oromoo* women provide social security for indigent and needy persons. For instance; the *Wijjoo* institution of *Arsii* and Eastern *Shawaa* is a self help system where women save dairy products. In those conditions, when a woman has no cattle and is unable to contribute butter to *Wijjoo*, other women who are in a better condition will step in and offer the person in need a cattle that she can use temporarily under a self help practise called *dabaree*. The other example is the case of the *Marroo* institution of *Booranaa*, where by community members share food items to overcome household food shortages.<sup>588</sup> Likewise, the *Gumaata* institution in *Harargee* helps women to share burdens in emergency circumstances. The *Buusa Gonnofaa* (*Booranaa*) and *Hirphaa* practices also aim to provide assistance for victims when natural or manmade disasters happen.<sup>589</sup> Besides, the *Duufannaa* practice of *Walloo* guarantees the right of access to food for a person in need.<sup>590</sup> Last, but not least, the *Qannafaa* and *Afurtamii shanan* system of *Oromoo* women indirectly guarantees right to social security assistance for post partum mothers.

### Right to Health and Access to Food

The right to health includes the right to enjoy the best attainable state of physical and mental health including reproductive health rights. The right to have access to food is also interrelated with issues of nutrition, health, reproductive health and sustaining life. Access to food is one element of ensuring the right to health. In this regard, the provision of free access of food and drinks are part and parcel of women gathering and ritual. The participants or organizers of marriage ceremonies, women gatherings for ritual or festival, treating postpartum mothers, gathering for cooperative activities are supported by free dishes prepared for the ceremonies without payment.

Moreover, the treatment and child care, and heifer gifts given to a child (like *handhuuraa* and *Guduruu buusaa*) aimed to ensure the right to access of milk and butter to child, which is crucial for the child's physical and mental

<sup>588</sup> Interview with Ad. Zeytuna (n 484).

<sup>589</sup> Interview with Ob. Sadik (n 446); Interview with Ob. Jiloo (n 482).

<sup>590</sup> FGD Kemisee (n 380).

development. Treatment of post partum mother through *Qannafaa*, *Faaitimaayyee*, and *Afurtamii Shanana* helps the mother to easily recover from birth related health complexities and protect her from engaging in labour work activities that endangers her health and slow easy recovery. Furthermore, the *Qayyaa* traditional steam bath among *Walloo* and *Arsii Oromoo* women protect women from contracting disease and it also maintains their beauty and health.<sup>591</sup>

The gathering of *Siinqee*, *Ateete Falaa*, and *Ruufoo Marabbaa*, prayer for an end to the epidemic disease (human and cattle), long dry season, draught and hunger spiritually aim to restore the right to public health and avoid food insecurity and shortage. A number of cooperative women institutions also aim to ensure food accessibility and distribution between rich and indigent person. The *Wijjoo/Ijjoo/Imbiliqoo* butter and milk sharing, the *Marroo* system of food item sharing, the *Ameessaa* temporary free transfer of milk cow to indigent, the *duufannaa's* food provision to person in needy and *Massaago's* cow rearing contract ensure access to food particularly milk and milk products. This helps to guarantee food nutrition and health among each other.

### Reproductive Rights

Reproductive Rights are part and parcel of women's rights recognized in different human rights instruments including CEDAW and DEVAW. Art. 14 of the 2003 Maputo protocol on the Rights of women in Africa provides extensive list of the right to reproductive health. This includes women's right to control their fertility; the right to decide whether to have children, the number of children and the spacing of children; the right to choose any method of contraception; the right to self-protection and to be protected against sexually transmitted infections, special protection for pregnant mother and post natal mother and the right to have family planning education. The protocol is the only international human rights instrument that allows the right to abortion under exceptional circumstances. Ethiopia is one of state parties that have ratified the protocol.

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<sup>591</sup> Ibid.

In this regard, the Oromoo have their own worldview towards reproductive rights. The Oromoo culture disregards premarital sex by encouraging virginity. This helps to prevent sexual exploitation, sexually transmitted diseases, child pregnancy and maternal child mortalities.<sup>592</sup> Moreover, the Oromoo culture promotes pro life approach. Abortion is considered as a sin committed against life created by *Waaqa*/ God. Premarital sex and out of wedlock pregnancy is considered as violating *Safuu* and, hence, it is a shame for her family and clans. Consequently, abstinence is the sole principle for unmarried girls among Oromoo. Once, the girl concludes marriage she is encouraged to give birth. A number of Oromoo women institutions attach to praising and praying for fertility. *Ateete Deessu*, *Qannafaa*, *Harka Fuuchaa*, *Faatimaayyee* and *Liqaa* can be mentioned as examples. Such praying is organized to give special protection, honour and treatment to women concerned. This helps to ensure the physical and mental reproductive health rights of them.

### BOX 23

Oromoo culture provides restriction to ensure spacing of children. For instance, a husband is proscribed to conduct sexual intercourse during *Qannafaa* period in *Arsii* and *Baalee* women and the period is extended to ten months after child birth among *Gujji Oromoo*.<sup>593</sup> A husband's attempts to sleep with his wife during this period is customarily, considered as committing transgression on women's rights. The prohibition indirectly guarantees protection from marital rape temporarily and spacing among children as a tool of family planning. In early period, bigamy marriage also intended to ensure spacing of children for mother's well being.

Last, but not least, *Aseennaa/Addabaanaa* form of marriage is customarily allowed for women to ensure their reproductive

<sup>592</sup> Interview with Ob. Alemayehu (n 231); Interview with Ob. Dabala, Head of Dugda Woreda Culture and Tourism Office, East Shawaa Zone, Meki, 19/09/2020;

<sup>593</sup> Samarroo (n 230), p. 51; Dejene (n 518), p. 20.

right. If a girl remains unmarried for a long period and wants to have a child, she may unilaterally decide and go for *Addabaa-naa/ Aseennaa* by taking *Siinqee* stick even without knowledge of the intended boy and his family.

The *Oromoo* culture proscribes outside wedlock child born and entitles *Aseennaa* form of marriage to the girl as a remedy for such prohibition. Moreover, if a women's age is close to menopausal period, *Aseennaa/ Addabaanaa* is considered as necessity measure to ensure procreation of child.

Culturally, the family of intended husband and the boy should accept such marriage proposal. Failure to accept such proposal usually amounts to transgression of custom of society and leads to ostracism.

### **Right to Participate in Social and Cultural life**

Different human rights instruments guarantee the right of women and girls to free and full participation in social and cultural life. These rights include the right to engage in leisure and recreational activities, the right to freely and fully participate and get equal opportunity in cultural and artistic activities.<sup>594</sup> In this regard, almost all customary women institutions of *Oromoo* directly or indirectly ensure the right to participation of women to engage in cultural and social activities. They promote free time that women can spend away from their everyday responsibilities of domestic tasks to rest, relax and enjoy life. Such cultural rituals are supported by recreational and entertainment activities.

For instance, the songs during marriage (like *Heelee, Mararoo, Sirba Durbaa, Laf Jalee*), girls festival of *Ingiccaa/ilillee*, songs of *Kaarilee, Dalagaa, Gaarayyuu* songs performed during rituals and gatherings primarily aim to relax and entertain participants. They make the ritual and gathering more attractive to participants and give an opportunity to develop their artistic creativity through developing poems and performing the appropriate dance of the ceremony. As part of social life, those customary women institutions ensure the solidarity and strength of women in both hardship and contentment times.<sup>595</sup> Moreover, they are marker of an identity, which shows how the society leads its life. For instance, the ceremony of *Buna Qalaa, Ateete Loonii* (*Ateete* of

<sup>594</sup> For further detail see section 2.2.

<sup>595</sup> Interview with Ad. Adilaa (n 432); Interview with ad. Hawwaa (n 383).

cow) and *Ateete Hagayyaa* (when grains are ready for harvesting) indicate that the life of *Oromoo* are attached to rearing animals, farming activities and coffee plantation.

### Girls Rights

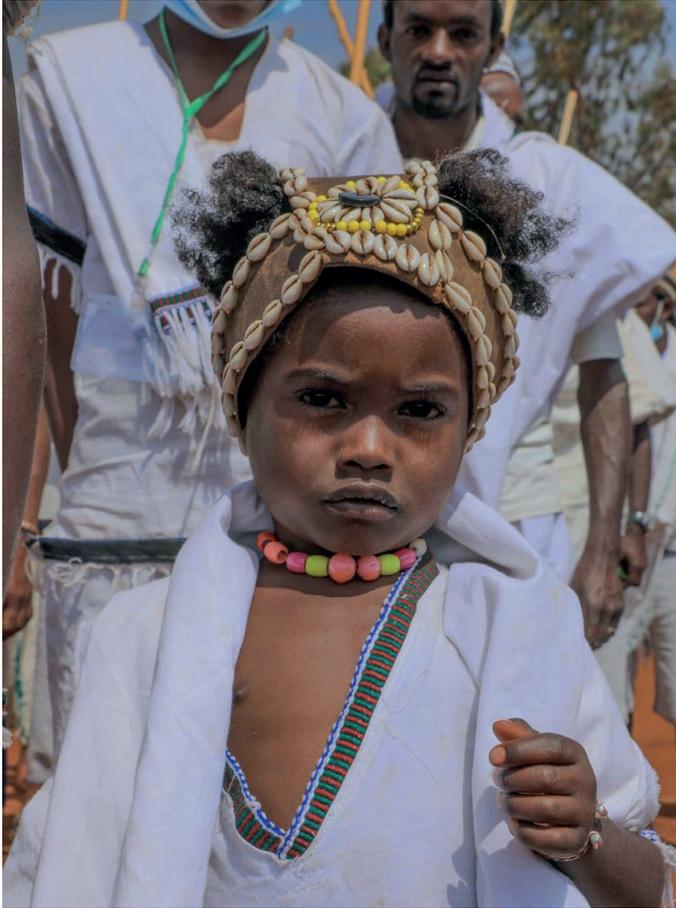
The right to children has been recognized in various international and regional human rights instruments. The FDRE and regional State constitutions of Ethiopia also dedicate separate provision towards the rights of women and children including girls. The *Oromoo* culture follows pronatalism policy, which considers child as symbol of prosperity.

#### BOX 24

Children including girls are entitled to different rights. For example, the concept of *Qananii* and *Urursaa* is associated with special care for children. The concept of *Qananii* includes humbleness, kindness, caring and understanding of children by their parents. It brings reciprocal emotion and feelings between parent and child especially with mothers.<sup>596</sup> The concept of *Urursaa* is also practiced among all *Oromoo* mother to sleep a child or to pacify a crying of child or to make it forget pains during illness. The mothers express their affection, love, and dream to their child through *Urursaa*.<sup>597</sup> The child also accesses to informal education through learning proverbs, folktales and riddles particularly from *Gadamoojji* elders (above 80 years).

<sup>596</sup> Dereje (n 24) p. 178; Interview with Ob. Zeenuu (n 440).

<sup>597</sup> Ibid.



**Photo:** Dabballee(0-8years age) Child Attending Jiila Ceremony (Booranaa)  
**Source-** Moti Pictures (OCTB)

Another important institution of children is *Maqa baasaa*. Children have the right to name. Naming the child has especial ceremony especially among *Booranaa* and *Gujji Oromoo*. When boys and girls end the first *Gadaa* grade (eighth year) the *Gubbisaa* or *Maq-baasaa* (naming ritual) is held by slaughtering an animal.<sup>598</sup> This indicates how the child is valued within society. Starting from this ceremony the child has formal name. The mother of the child names her girl and declares to the public in the ceremony. Among

<sup>598</sup> Jabesa Ejeta (n 583), p. 45; Nono (n 354), p. 132.

*Macca Oromoo* of Western and South western *Oromia*, the *Saglan* ritual is the naming ceremony for a child that is held on the 9<sup>th</sup> day after the child is born. In earlier period, 30<sup>th</sup> day birth date of child is also celebrated on the ceremony called *Soddomee*. This aimed to give honour to the child and its mother.

Besides, children have the right to acquire property starting from birth. In this regard, there is no international and regional human rights instrument expressly guarantee the right to property of children. In Oromoo culture, children are entitled to the right to ownership of property through *handhuuraa* and *Guduruu buusaa* system. In *Harargee*, the boy receives his *handhuuraa* on the day he is born, while the girl receives hers on her wedding day. In *Booranaa*, a child is entitled to *handhura* on his/her 40<sup>th</sup> day of birth date. Among the *Gujii*, there is no *handhuuraa* for female children, but *Ameessaa*, a cow for temporary use of such cow's milk product.<sup>599</sup> Besides during *Guduruu Buusaa* ceremony of shaving the original hair of newly born child, including a girl is entitled to gift of heifer called *Horii Gudur*. The *handhuuraa* and *Horii Gudur* heifer and increase from her breeding constitutes personal asset of the child. Consequently, each asset of a child is not subject to sale, exchange or pledge for any purpose. The family of the girl delivers the heifer and her increase to the girl when she concludes a marriage.

### 5.1.3 Group/ Solidarity Rights

Group rights are also called third generation or 'solidarity rights' collective rights. It includes the right to development, the right to peace, the right to a clean environment and part of the right to self-determination. These groups of rights are exercised collectively and their realization is interrelated with public policy commitments rather than litigation at courts. The *Oromoo* women customary institutions also ensure different group rights particularly the right to peace and right to development as discussed below.

<sup>599</sup> Dejene (n 518) p. 27.

## Right to Peace



United Nations  
Educational, Scientific and  
Cultural Organization

**“Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed.”**

**UNESCO Constitution**

Keeping peace throughout the world is one of the central goals of the United Nations. The Right to peace of women and protection of women in armed conflicts are expressly recognized under Art. 10 and 11 of the African Women's Rights Maputo protocol, respectively.

Moreover, the UN Security Council adopted resolution 1325 (2000) on women, peace and security. The resolution affirms the important role of women in the prevention and resolution of conflicts and in peace building. It stresses the importance of women equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution. Above all, the resolutions call for “measures to support the local women's peace initiatives and indigenous processes for conflict resolution, and that involves women in all of the implementation mechanisms of the peace agreements”.<sup>600</sup>

In *Oromoo* culture, women are believed as symbols of mediation and peace building. Historically, during *Gadaa* governance, there were women responsible for peace building. Accordingly, among *Afran Qalloo Oromoo*, the women called *Itittuu/Hiituu Gadaa* were mandated to resolve disputes that might happen between participants of *Gadaa* assembly.<sup>601</sup> Among *Maccaa Oromoo* and *Sikko Mandoo Gadaa* system, the executive women position entitled as *Haadha Nagaa* (mother of peace) and *Haadha Siinqee* has the responsibility of ensuring peace through preventing and resolving conflict issues including stopping of wars.<sup>602</sup>

<sup>600</sup> UN Security Council, Resolution 1325 (2000), para. 8 (b)

<sup>601</sup> FGD Harara (n 293); Interview with Abbaa Bokkuu Abdulmalik (n 293).

<sup>602</sup> Haadha Siinqee of Arsii and Baalee, Haadha Bollaa of Guji, Agabartitti of Harargee, Beera Kalaalee of Shawaa, and Haadha Dhaabata of Iluu Abbaa

Currently, the *Siinqee* among the *Booranaa*, *Gujji*, and *Baalee*, the *Saddeeta* among the *Arsii*, *Ateete deemsisaa/Goraa* among the *Baalee* and *Arsii*, *Ruufoo Marabbaa/ Dubartii* among the *Walloo Oromoo*, *Ateete* among the *Macca Tuulama Oromoo* plays an important role in ensuring peace in areas they are actively practiced.

**Women's role in peace building through above institutions involves mediation to end conflicts, facilitating dispute resolution, praying for peace, and putting sanction on disputing parties.<sup>603</sup> They are engaged in resolving dispute between husband and wife, between parent and children, between groups and neighbors.**

### **Right to Development**

Although there are controversies among scholars on the right to development, the 1986 right to development declaration recognized the right as universal, indivisible, interdependent and inalienable set of rights and it unifies all civil, political, social, economic and cultural rights. The right also recognized under Art. 22 African Charters on Human and Peoples Rights and Art. 43 of the 1995 Ethiopian constitution. The right to development contains specific entitlements, including the right “to participate in, contribute to, and enjoy economic, social, cultural and political development”. The aim of development is the realization of all human rights and enjoyment of maximum possible freedom and dignity for all human beings.

In the context of women's rights, right to development includes the civil and political rights, economic, social and cultural rights and solidarity rights we discussed in this chapter. Similarly, right to development in the context of customary women institutions of Oromoo society encompasses the combination of all rights we discussed in this chapter. In this regard, Mohammad Bedjaoui explains the Right to Development as “the Alpha and Omega of human rights, the first and last human right, the beginning and the end, the means and the goal of human rights, in short, it is the core of rights from which all the others stem.”<sup>604</sup> Hence, the enjoyment of all generation rights by custom-

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Boor plays a leadership role in resolving conflicts and promoting peace.

<sup>603</sup> See section 4.2 & 4.3; Interview with Ob. Girma Dheresa, Lecturer, Ambo University Afaan Oromoo Department, Ambo, 24/08/2020.

<sup>604</sup> Cited in Abigeya Getachew, The Normative Understanding of the Right to Development under the African Charter on Human and Peoples' Right;

ary women institutions guarantees the realization of the right to development and vice versa.

## 5.2 Challenges and Limitations of Customary Institutions

We discussed in previous sections about some local *Oromoo* customary institutions that play a role in promoting rights of women. However, this does not mean that they are fully functional and operate towards realizing women's rights. This section examines the limitations and challenges that hinder those customary institutions from ensuring the protection of the rights of women. Those problems categorized into limitations attributed to those customary institutions, those associated to policy and legal frameworks as well as institutional and operational challenges.

### 5.2.1 Limitations Attributed to the Nature of Customary Institutions

The study identified three major challenges related to the customary institution in the protection of human rights of women. First, some elements of cultural precondition are not conforming to human rights instruments and laws or policies of the government.

**For instance, the *Oromoo* culture gives privilege to first born or first clan or first wife in different activities by considering the value of mutual respect, life experiences and burden sharing. However, such privileges granted to first born/class/ wife are inconsistent with principle of non-discrimination.**

The *Oromoo* culture also allows bigamy with the view of sharing burden and responsibilities at the household level.<sup>605</sup> However, Feminist and government law quashes such act by invoking the fact that it rather leads to abuse of women's rights. As discussed in previous chapters, in most circumstances, the culture gives great value to virginity, whereby exceptional cases like loss of virginity through sexual related violence's are not entertained differently. In contrast, most of the advertisements and promotions through

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Lesson for Ethiopia, 2014, p. 10.

<sup>605</sup> Interview with Ob. Dassaleeny Xaafaa, Baalee Zone Women and Children Affairs Expert, Roobee, 22/08/2020; Interview with Ob. Geetachoo Zawuude, Baalee Zone Women and Children Affairs Expert, Roobee, 22/08/2020

media, currently, focus on preventing unwanted pregnancy, safe abortion and sexually transmitted diseases rather than promoting abstinence from premarital sex.

**Devaluing a girl who lost virginity before marriage by culture and indirectly promoting premarital sex by media are contradictory position, which both of them lead women to sexual harassments and exploitations.**

The second challenge pertains to cultural diffusion and crisis that endangers customary institutions.<sup>606</sup> This includes the observance of those customary practices are limited to rural areas, while the urban society is under influence of formal government laws, religion, western oriented education and media access; less commitment to learn and observe the rules of culture. Moreover, the rural communities' particularly young generations are influenced by urban culture rather than learning their own culture and influencing the urban society to know its culture. Rural to urban migration due to education and search for work and better life exacerbates detachment of young generation from learning and practicing its culture. In effect, religious rules, modern education, and western media indoctrination are the parameters used by young generation to examine the correctness of one's own culture. The patriarchic structures of both urban and rural society lack commitment in ensuring gender equality through formal and informal laws.

The third challenge related to customary women institutions relates to leadership issue. The *Gadaa* system including its women institutions allows a room for updating the system in line with changing circumstances. However, in reality, the leaders of the system focus on maintaining the older culture rather than adjusting and transforming the system in a way it incorporates modern governances. Historically, the older rules of *Gadaa* system, such as Makko Billii law, were better than any other world laws of the same generations. However, the current generation needs updated laws, which are compatible with contemporary socio economic and political realities. To transform such culture, it needs appropriate structural adjustments. However, in many areas the older *Gadaa* systems itself are not active. **In areas where *Gadaa* and *Siinnee* system is active, the leaders of those institutions are busy by routine activities (like resolving disputes) instead of working**

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606 FGD Nekemte (n 269).

**on policy and macro issues to transform the system.**<sup>607</sup> Moreover, the existing *Gadaa* and *Siinqee* institution structure and leadership are local and clan based rather than unified under one system. There is no *Abbaa Gadaa of Oromia* or *Abbaa Gadaa of Oromoo*.<sup>608</sup> The same is true for women institutions like *Siinqee*. It needs unifying the structure, leadership and system to ensure their contribution to the society in general and women in particular. In some areas, also, the problem of conflict of interest challenges the transformation of the system for intended public purpose. The research data shows some leaders of customary women and men institutions manipulate their authority to advance their own private interests rather than serving the public. Last, but not least, non-codification of the customary rules limits its applicability in areas, where the culture is well known. Non-codification of rules of the system also makes the applicability and legality of the rule unpredictable and uncertain.

### 5.2.2 Limitations Related to Policy and Legal Frameworks

The Ethiopian policy and legal frameworks have their own limitation in empowering customary institutions. To start from the constitution, the constitution does not give recognition for establishment of customary institution or its integration with government organs to promote and defend rights. The Constitution excludes customary tribunals to resolve criminal matters, which are widely practiced in rural areas and fixes the issues through reconciliation

The government only punishes the offender and less concerned about restoring previous peaceful relation between disputant parties. In effect, the government decision satisfies the government or law maker interest rather than satisfying the community's need to resolve cases through win-win reconciliation.<sup>609</sup>

Besides, different policy frameworks of Ethiopia focus on eradicating harmful traditional practices rather than promoting valuable customary practices. They give mere guarantee of right to

<sup>607</sup> Interview with Ob. Darsuu Waaree, Abbaa Gadaa Head, Tiyyoo District, Arsi Zone, Asella, 01/09/2020.

<sup>608</sup> Interview with Dr. Borbor (n 296).

<sup>609</sup> Interview with Abbaa Bokkuu Abdulmalik (n 293).

participate in cultural practices while failing to integrate customary institutions with formal institutions. The other limitation pertains to the exclusion of women from those customary institutions and the local government officials promote this. In effect, men monopolize most alternative dispute resolution institutions like in Jaarsummaa. There is also no unified legal standard to recognize customary institutions as national intangible heritage, which helps to promote customary women institutions in ensuring protection of human rights.<sup>610</sup> Hence, the recognition of customary institution at national level is subject to administrative discretions. Further, there is an observable gap in the policy environment regarding the codification of customary laws.

### 5.2.3 Institutional and Operational Limitation and Challenges

Institutionally, both at federal and regional level, there is no responsible body that coordinates customary women led and women centered institutions.

#### BOX 25

According to data, The Ministry/ Regional Culture and tourism Bureaus with their respective hierarchical delegated offices, focus on preserving and promoting culture as marker of identity and for the purpose of attracting tourists. Similarly, the Federal and regional Women, Children and Youth Affairs and Attorney general offices also focus on promoting/enforcing government laws and discouraging harmful practices through its delegated agencies rather than empowering the customary institutions that play a very essential role in protecting the rights of women. Moreover, there is no integration between each organ to cooperate on empowering the local customary institutions.<sup>611</sup> Consequently, women customary institutions defend their rights through known cultural practices without getting assistance from the government, which is responsible to protect women's rights.

<sup>610</sup> Interview with Ato Dejene, Expert at Federal Cultural Conservation Authority, Addis Ababa City, 02/09/2020.

<sup>611</sup> The discussion from all nine FGDs shows there is no weak cooperation and commitment among stakeholders.

Moreover, the Tourism offices (principal organ in organizing *Haadha Siinqee* and *Abbaa Gadaa* at local level) lacks proper facilities, human power, financial and other necessary resources to document and promote their respective local cultures. Informants accented the point that, tourism offices are one of the neglected offices of the government and hence are constrained from executing their responsibility properly.<sup>612</sup>

In addition, although the Federal and regional constitutions promise for the establishment of customary courts, this has not been realized. Such establishment may help to strengthen and empower the customary women institutions that engage in dispute resolutions. In the process of revitalization, the *Siinqee* and *Abbaa Gadaa* institutions have been established in different parts of *Oromia* at local government levels. However, they are not equally functional among different zones of the study sites. Moreover, government and other stakeholders do not equally promote the institutions of *Abbaa Gadaa* and *Haadha Siinqee*.<sup>613</sup> In most occasions, only the *Abbaa Gadaas* are invited while women centered institutions are largely neglected except in the case of annual festivals such as *Irreechaa*. Their role is overtly ceremonial and work with the government when they are invited to bless gatherings and events rather than working on human rights issues.<sup>614</sup> They have no permanent offices and financial resources to perform their role properly.

Furthermore, there is no system of hiring of women/ men elders who cultural experts in the government institution that enable them to regularly teach their society. Moreover, those civil servants who develop deep knowledge and experiences about culture are frequently transferred to other institutions or are forcefully retired them from office.<sup>615</sup> According to my data, the established *Abbaa Gadaa* and *Siinqee* institutions in the process of revitalization encounter problems in different parts of *Oromia*. Several *Abbaa Gadaas* fail to transfer power on time in search of political gains and those who are elected to become *Abbaa Gadaa* also lack proper knowledge.<sup>616</sup> In some circumstances, the government

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612 (FGD) 2, Arsii Zone, Tiyyoo District Culture and Tourism Office, Asellaa, 01/09/2020;

613 FGD Ambo (n 335).

614 FGD Nekemte (n 269).

615 Ibid.

616 Ibid.

and religious leaders influence those institutions. Moreover, the top down one fit all size revitalization of *Gadaa/ Siinqee* institution in different parts of *Oromia* fail to consider the historical and cultural local context each of institution.<sup>617</sup>

There is low commitment in promoting the culture through proper media communications to ensure public awareness. Several governmental and private TVs and radio programs sometimes prepare short documentary programs like *Qe'ee Oromoo* of OBS TV, *Gola Oromia* of OBN TV and, *Siinqee* Program of OMN TV, which are quite popular and exemplary in terms of promoting the cultural institutions. There is an observable gap in virtual documentation of cultural practices. This would have ensured accessibility of information in different local and international languages.

In this regard, the software application entitled “*Sirma Gadaa*” found on *Oromia* Tourism and Culture website is good starting point to ensure accessibility of information easily. In addition, there is low commitment to register potential women customary institutions as one of universally recognized intangible heritages list at UNESCO. At higher education level, *Oromoo* cultural center, *Oromoo* folklore and *Afaan Oromoo* departments are opened in several universities that are found in *Oromia* to regularly teach, and conduct research on the cultures of the society.<sup>618</sup> However, most of them have no adequate knowledge about the culture of the people in their localities. The diffusion of culture by religion, urbanization, and western model modernization also challenges the effectiveness of customary women institutions to ensure the rights of women and girls.

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<sup>617</sup> Ibid.

<sup>618</sup> Interview with Ad. Almaaz Ungu, Afan Oromoo Lecturer, Haramaya University, Haramaya, 18/09/2020.



## 6. CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

### 6.1 Conclusions

Hillary Clinton once said “Human rights are women’s rights, and Women’s rights are human Rights”. States are the principal organ in ensuring the realization of human rights. However, no rights are fully realized without involvement of society in general and women in particular. All society and communities across the world have their own cultural norms and values. In this regard, there is a contentious debate on importance of customary institutions and practices as agent of realizing human rights. Most feminist theorists and women’s rights activists consider customary practices as a threat and enemy of human rights rather than agent of change to transform the rights of women. To this end, they capitalize on cultural setting as a ground for violation of women’s rights and inimical to transform the subordinate position of women. They claim culture as a cause or effect or both for gender inequality. In effect, they usually promote top down societal re-engineering and changing patriarchal culture to guarantee full enjoyment of rights for women.

In contrast, others argue that the hasty generalization towards discrimination of women by customary institutions and practices are not acceptable. There are model customary norms which empower protect, defend and promote rights of women. Those informal customary institutions are more legitimate and acceptable than formal laws by the group of society that practice such culture. Moreover, the attempt of realize the universally recognized human rights without vernacularizing to local reality may end up with wastage of resources and time rather than guaranteeing the rights for intending public purpose. The effectiveness of implementing the internationally guaranteed human rights in any society depends on its contextualization

to local reality and interest within the margin of appreciation. The human rights approach of culture and women depends on cultural diversity are guaranteed to the extent they not infringes on the rights of women. If conflict happens between the two, women's rights prevail over cultural rights. Hence, the demonization or romanticization of culture should be within the limit of human rights frameworks.

In Ethiopia, there are diversified rich and valuable cultural practices. The FDRE and regional constitutions also guarantees promotion of rights related culture. Actually, however, cultural norms and values are promoted as a marker of identity and are sometimes manipulated to advance political interests rather than using them as instruments of realizing the protection of human rights in general and women's rights in particular. Moreover, the policy, legal, institutional and strategic frameworks of the country fail to consider or even neglect the role customary institutions play in promoting and protecting the human rights including rights of women. Each framework largely focus on eradicating harmful practices through top down intervention of formal laws and institutions.

Although they are not given formal recognition, customary women institutions and practices play a paramount role in ensuring women's rights in their day-to-day activities, especially in rural areas of the country. Historically, those customary women's institutions struggle against patriarchy and male domination predating the engagement of modern governmental and nongovernmental organizations. Currently, also, different study shows that women tend to prefer alternative dispute resolution of customary courts rather than formal government judicial system due to geographical proximity, procedural familiarity and friendliness, relevance of norms and values, linguistic clarity, simplicity and approachability, restorative justice element, and flexibility.

This paper also examined the role of Oromo women customary institutions in ensuring the realization of rights of women. Among Oromo community, there are many customary women institutions, which are engaged in ensuring political, human rights, humanitarian, social, cooperative and economic attributed rights of women particularly in rural areas. Historically, interests of women are separately considered in the five foundational pillars of Gadaa system, namely liberating the law (rule of law); realizing

economic progress of the people; transforming the social structure to the advanced level; political leadership and *Waaqeffannaa* religion. The general philosophy behind the *Gadaa* governance indicates that separation of power is not only based on power and functions, but also based on sex to eliminate marginalization of one another interests. Hence, they follow the approach of 'Men's solution for men issues, Women's solution for women issues'. The system established a separated, but interrelated institutions for both men and women.

Currently, multiple customary women institutions serve as agency of women in empowerment among the Oromo. Women have their own exclusive indigenous institutions and system that supports their socio economic and political participation in the society starting from childhood period. Those institutions have engaged in multifaceted tasks. Among them, the institutions called *Simqee*, *Saddeeta Hanfala*, *Ruufoo Marabbaa* and *Atete* ensures active women participation in political governance of *Gadaa* system, defending women's rights, engaging in dispute resolution and symbolic spiritual close connection of women to God. The institutions of *Kaarilee*, *Guutimalaa* and others are exclusively dedicated to promoting women's interest in the *Gadaa* system. They ensure check and balance role in the activities of *Gadaa* governance.

Other women institutions, such as girls institution (like *Addooyyee*, *Ingiccaa*, and *Gaarayyuu*), marriage related songs and rituals (like *Mararoo*, *Rakoo*, and *Meendhichaa*), motherhood institutions (like *Faatimaayyee*, *Cüfre* and *Shanan*), and womanhood institutions (like *Asaraa* and *Hoofuu*) represent women's agency towards socio cultural activities of the society. They ensure women's autonomy to make decision-makings, freedom of movement questions, and control over spending of women, which is part and parcel of micro and meso level psychological, socio-cultural, and familial/ interpersonal empowerment dimensions. The self-help institutions of *Gumaata*, *Marroo*, *Ayyoo Meetoo*, and *Wüjjoo* serve as institutions of women's economic empowerment and social security system.

Those customary institutions of women play an important role in ensuring and promoting parts of the civil and political rights, socio-economic rights and group rights of women. They ensure guaranteeing of such rights through protection of women from violence and promotion of women's rights. Accordingly, exercising either of customary institutions guarantees the enjoyment

of multiple rights since rights are interrelated and interdependent as a single customary institution has multiple roles in the society. For instance, the institutions of *Sinqee*, *Ruufoo Marabbaa*, *Ateete* and *Ayyoo Meetoo* play multiple roles in the society that ensures civil and political rights, socio-economic and cultural rights as well as group rights.

However, in reality, they encounter numerous challenges that hinder them from ensuring the protection of rights of women effectively. For instance, the belief and practices by some customary agents are inconsistent with human rights and positive laws of government. This weakens the integration between formal/government and informal customary institution. The cultural diffusion among society (due to influence of religion, urbanization, modern education and western model modernizations), patriarchic societal structure, limited leadership capacity to transform and adopt into current generation need and development, absence of codification of cultural rules, conflict of interest and other related factors curb the women institutions to ensure their rights based on indigenous knowledge. To this effect, a number of women institutions are vibrant in remote rural area and face the risk of disappearance.

The Ethiopian policy and legal frameworks give little recognition to customary institutions and focused on eradicating harmful traditional practices rather than promoting and empowering beneficial customary practices to defend women's rights. Moreover, government plays lesser role in shaping and modifying patriarchal customary rules to be gender-sensitive and inclusive. The non-establishment of customary courts based on constitutional recognition also undermines their role in promoting human rights. The women's customary institutions are less promoted than the men lead customary institutions. The *Haadha Siiqqee* and *Abbaa Gadaa* institutions established in different areas have less institutional, functional and financial autonomy to bear their role in promoting human rights and empowering women in the society.

Media and online documentations less promote the importance of customary institutions towards ensuring human rights. There is lesser initiation and commitment to register those customary institutions as national or international heritages. In some circumstances the nomination of some heritages to UNESCO are not representative of the entire society. For instance, the *Ingiittaa*/

*Aladdu Buqqisaa* girls' institution was nominated under Ethiopian girls' festival as it were practiced only in northern part of the country. However, this study found that such festival similarly celebrated among *Shawaa* and *Wallaggaa*, which symbolizes cultural unity with diversity. Last, but not least, the Oromo cultural center, *Afaan Oromoo* and *Oromoo* folklore departments that have been established in various public universities that are found in Oromia are not well functional in studying and researching the culture of the community at local level.

## 6.2 Recommendations

Based on the findings of the study, the author forwards the following recommendations:

### Recommendations to government concerning Policy and laws

The government organs concerned at different levels should

- ▶ adopt inclusionary and integrative approach to work with customary institutions in realization of women's rights and human rights.
- ▶ engage in vernacularizing internationally agreed human rights standards to local context within margin of appreciation. In doing so, the government should use customary human rights institutions as agent of change and realization of rights.
- ▶ redesign the policies and laws of the country in a manner that incorporates the cultural values and norms of the society's indigenous knowledge contribute to realization of human rights including rights of women. To do so, the government should conduct multidisciplinary research with concerned stakeholders.
- ▶ amend the constitution and relevant laws in a manner that gives wider jurisdiction to customary institutions based on consent of parties and subject to review by formal judiciary.

- ▶ recognize and empower customary institutions that protect the rights of women. Such as, customary courts in general and customary women courts in particular like Siinqee and Ruufoo Marabbaa should get recognition and support from the government.
- ▶ engage in codifying indigenous customary rules and practices that ensure human rights including women and access to justice to ensure their accessibility, predictability and to save from danger of disappearance and diffusion.
- ▶ design frameworks and platforms to register valuable cultural practices as national heritage and more committed to register as universal intangible heritage at UNESCO.

### **Recommendations to government concerning Operational activities**

The government organs concerned at different levels should

- ▶ engage in promoting endangered customary women institutions to revitalize them.
- ▶ adequately include the customary women institution in educational curriculum to empower next generation to practice its own culture. Establishing cultural clubs in primary and secondary schools are also vital to enable young generation to practice its own culture
- ▶ respect the institutional, functional and personnel autonomy of Indigenous institution.
- ▶ urgently correct the Ethiopian Girl's festival nomination file to register at UNESCO's intangible heritage. Accordingly, the *Ingicca nekela* festival indicated in the file as it is only practiced among northern Ethiopia nations and regions. However, *Ingiccaa* is similarly practiced by West *Shawaa* and East *Wallaggaa* zones of Oromia regional state, which reverses the content of above nomination file to register at UNESCO. Hence, the concerned organ should correct such error and conduct further study whether such festival is practiced

by other nations/localities to make the nomination file inclusive and representative.

- ▶ regularly work together to empower customary institutions and allocate adequate budget to promote and defend women's rights
- ▶ start regular journal publication in collaboration with scholars and stakeholders that specifically focused on local cultural institutions to encourage quality research on the area.
- ▶ recognize Oromo women's customary institutions day to promote valuable customary practices.

### **Recommendation to other Stakeholders**

- ▶ The customary institution leaders and elites should work together to balance and harmonize modern education, human rights and indigenous cultural knowledge and practices.
- ▶ The customary institution leaders, media, governmental and nongovernmental organs should promote valuable customary institutions and practices to be revitalized in the society to ensure human rights based on indigenous knowledge.

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## FOCUSED GROUP DISCUSSIONS

**TABLE 5**

|   | Zone                   | Place of FGD                                   | City/ District | Date       |
|---|------------------------|--|----------------|------------|
| 1 | Booranaa               | Galma Abbaa Gadaa                              | Gayoo          | 17/08/2020 |
| 2 | Arsii                  | Tiyyo District Culture and Tourism Office      | Asellaa        | 01/09/2020 |
| 3 | Iluu Abbaa Boor        | Zone Culture and Tourism Office                | Mettu          | 17/09/2020 |
| 4 | Jimma                  | Omo Naadda District Culture and Tourism Office | Omo Naadda     | 21/09/2020 |
| 5 | East Wallaggaa         | Zone Culture and Tourism Office                | Nekemte        | 25/09/2020 |
| 6 | West Shawaa            | Zone Culture and Tourism Office                | Amboo          | 29/09/2020 |
| 7 | East Harargee          | Zone Culture and Tourism Office                | Harar          | 09/10/2020 |
| 8 | ANRS Oromo Nationality | Zone Culture and Tourism Office                | Kemisee        | 12/10/2020 |
| 9 | East Shawaa            | Dugda District Culture and Tourism Office      | Meki           | 15/10/2020 |

## INTERVIEWS

**TABLE 6**

Interviews with Abba Gadaa and Elders

| S.n | Interviewee Name (Obboo) | Zone         | Title/Position                   | Place of Interview | Date of Interview |
|-----|--------------------------|--------------|----------------------------------|--------------------|-------------------|
| 1   | Ab/Tamam A/Foggi         | Jimmaa       | Abbaa Bokkuu                     | Om/Nada            | 21/09/2020        |
| 2   | Abdulmalik Jundi         | E. Harargee  | Afran Qalloo Abbaa Bokkuu        | Harar              | 04/09/2020        |
| 3   | Aliyyii Muhaammad        | Baalee       | Baalee Ab/Gadaa                  | Gindhiir           | 13/08/2020        |
| 4   | Aloo Barshoo             | Baalee       | Sinaana A/Gadaa                  | Roobee             | 16/08/2020        |
| 5   | Amsalu Mokonnin          | E. Wallaggaa | Abbaa Gadaa                      | Nekemte            | 17/09/2020        |
| 6   | Biqqaa Cabaqaa           | Booranaa     | Indigenous culture Expert/elder  | Dhaas              | 05/09/2020        |
| 7   | Daalacha Jaatanii        | Booranaa     | Indigenous culture Expert/elder  | Gayoo              | 18/08/2020        |
| 8   | Darsuu Waaree            | Arsii        | Tiyyoo Ab/Gadaa                  | Asellaa            | 01/09/2020        |
| 9   | Dhibaa Waaqoo            | Booranaa     | Elder                            | Dhaas              | 17/09/2020        |
| 10  | Doorii Dalcha            | E. Shawaa    | Former Ab/Gadaa & current Hayyuu | Meki               | 06/09/2020        |

| S.n | Interviewee Name (Obboo) | Zone        | Title/Position   | Place of Interview | Date of Interview |
|-----|--------------------------|-------------|--|--------------------|-------------------|
| 11  | Gammada Nageesso         | Arsii       | Abbaa Gadaa  | Bokoji             | 16/09/2020        |
| 12  | Girma Didhaa             | W. Shawaa   | Xule Abbaa Gadaa   | Amboo              | 15/09/2020        |
| 13  | Godaanaa Jaarsoo         | Booranaa    | Jaarsa Kosii-Abba Gadaa Hall Construction chief                | Gaayoo             | 17/08/2020        |
| 14  | Goobanaa Hoolaa          | E. Shawaa   | Tuulama A/ Gadaa   | Bishooftu          | 19/08/2020        |
| 15  | Hajii Abbaa Biyyaa       | Jimma       | Abbaa Malkaa   | Om/Nada            | 21/09/2020        |
| 16  | Hayilu Laggasaa          | I/A/Boor    | Abbaa Gadaa  | Mettuu             | 26/08/2020        |
| 17  | Hon. Dr. Borbor Bule     | Booranaa    | Booranaa Gadaa system Expert/elder                             | Dubluq             | 16/08/2020        |
| 18  | Ibraahim Abegaaz         | ANRS ONZ    | Abbaa Gadaa  | Kemisee            | 04/10/2020        |
| 19  | Jaatanii Diidaa          | Booranaa    | Booranaa Culture Expert  | Yaabello           | 19/08/2020        |
| 20  | Jiiloo Aagaa             | Booranaa    | Former 66th Booranaa A/Gadaa (1978-85) & current Chief Justice | Gayoo              | 16/08/2020        |
| 21  | Jiloo Gufuu              | Booranaa    | Indigenous culture Expert                                      | Dhaas              | 08/09/2020        |
| 22  | Kabbadaa Ejjetaa         | Or. Sp. Zon | Abbaa Gadaa  | Burraayu           | 05/10/2020        |
| 23  | Kadir Mummee             | E. Harargee | A/Gadaa secretary and Historian                                | Harar              | 03/09/2020        |
| 24  | Kuluula Areeroo          | Booranaa    | Makkala (Assistant) of Abbaa Gadaa                             | Dhaas              | 17/08/2020        |
| 25  | Kuraa Jaarsoo            | Booranaa    | Boorana A/ Gadaa   | Gayoo              | 17/08/2020        |
| 26  | Laggasaa Dhaabaa         | W. Shawaa   | Amboo Ab/Gadaa   | Amboo              | 29/09/2020        |
| 27  | Lataa Goonfaa            | W. Shawaa   | Boji Gabbisaa Abbaa Bokkuu                                     | Amboo              | 15/09/2020        |
| 28  | Nagaash Ab/Foggii        | Jimmaa      | Abbaa Heeraa   | Om/Nada            | 21/09/2020        |
| 29  | Nageessoo Kaawoo         | Arsii       | Abbaa Gadaa  | Bokojii            | 16/09/2020        |
| 30  | Qamphee Buttee           | Booranaa    | Ayyuu Fiixee Garba (Vice Abbaa Gadaa)                          | Dhaas              | 17/08/2020        |
| 31  | Tasamma Muluna           | I/A/Boor    | Abbaa Gadaa  | Mettuu             | 26/08/2020        |

**TABLE 7**  
Interviews with Haadha Siinqee and Women Elders

| S.n | Interviewee Name (Addee) | Zone        | Title/Position            | Place of Interview | Date of Interview |
|-----|--------------------------|-------------|---------------------------|--------------------|-------------------|
| 1   | Adiilaa Dabballee        | E. Shawaa   | Haadha Siinqee            | Mekii              | 29/08/2020        |
| 2   | Alimaa Abdulkadir        | Baalee      | Haadha Siinqee            | Roobee             | 17/08/2020        |
| 3   | Amaanee Hajii            | Arsii       | Haadha Siinqee            | Asellaa            | 01/09/2020        |
| 4   | Aminat Umar              | ANRS ONZ    | Haadha Dubartii           | Kemisee            | 25/09/2020        |
| 5   | Anshaa Arbeyye           | ANRS ONZ    | Haadha Dubartii           | Kemisee            | 13/10/2020        |
| 6   | Ashaa Ab/ Zinaab         | Jimmaa      | Haadha Siinqee            | Om/Nadda           | 21/09/2020        |
| 7   | Girja Annotaa            | West Arsii  | Haadha Siinqee            | Shaashemenne       | 25/08/2020        |
| 8   | Had/ Kanzi A/Gissa       | Jimmaa      | Haadha Siinqee            | Om/Nadda           | 21/09/2020        |
| 9   | Hawwa Bashir             | Arsii       | Haadha Siinqee            | Bokoji             | 10/09/2020        |
| 10  | Ikram Abdalla            | Dirre Dawa  | Afran Qalloo Ayyoo Meetoo | Dirre Dawa         | 31/08/2020        |
| 11  | Layila Ab/ Jabal         | Jimmaa      | Haadha Siinqee            | Om/Nadda           | 21/09/2020        |
| 12  | Loomii Roobaa            | E. Shawaa   | Haadha Siinqee            | Awash Melkasa      | 15/09/2020        |
| 13  | Lootuu Usmaan            | West Arsii  | Haadha Siinqee            | Shaashemenne       | 25/08/2020        |
| 14  | Shukiir Kadir            | Baalee      | Haadha Siinqee            | Roobee             | 18/08/2020        |
| 15  | Taddalach Zawude         | I/A/Boor    | Woman Elder               | Mattu              | 18/11/2020        |
| 16  | Tajitu Birruu            | E. Wallagga | Haadha Siinqee            | Nekemte            | 10/09/2020        |
| 17  | Tajitu Camadaa           | E. Wallagga | Woman Elder               | Nun/Kumba          | 17/09/2020        |
| 18  | Tinoo Helen              | E. Shawaa   | Haadha Siinqee            | Mekii              | 29/08/2020        |
| 19  | Urgee Roobaa             | I/A/Boor    | Haadha Siinqee            | Mattu              | 08/09/2020        |
| 20  | Warqee Ceewichaa         | Arsii       | Haadha Siinqee            | Bokoji             | 17/09/2020        |
| 21  | WarqiiTolosaa            | W. Shawaa   | Haadha Siinqee            | Amboo              | 28/08/2020        |
| 22  | Zawuditu Tufa            | Or. Sp. Zon | Haadha Siinqee            | Burrayyuu          | 05/10/2020        |
| 23  | Zeenabaa Abdoo           | Jimmaa      | Haadha Siinqee            | Om/Nadda           | 21/09/2020        |
| 24  | Zeetuna Aloo             | Baalee      | Haadha Siinqee            | Roobee             | 28/08/2020        |
| 25  | Zehara Mohammed          | ANRS ONZ    | Haadha Dubarti            | Kemise             | 13/10/2020        |
| 26  | ZeharaYaasiin            | Dirre Dawa  | Haadha Siinqee            | Dirre Dawa         | 31/08/2020        |
| 27  | Zeyinaba H/Usman         | Baalee      | Haadha Siinqee            | Roobee             | 16/08/2020        |

**TABLE 8**

Interviews with Culture and Tourism Office Official/ Experts

| S.n | Interviewee Name (Obboo/Addsee) | Position & Place of Work with in Culture & Tourism office | Place of Interview | Date of Interview |
|-----|---------------------------------|---|--------------------|-------------------|
| 1   | Abbabaa Fiitee                  | Expert (West Shawaa Zone)                                 | Amboo              | 19/08/2020        |
| 2   | Abbonesh Lammaa                 | Expert (Burraayyuu City)                                  | Burraayyuu         | 25/09/2020        |
| 3   | Alemayyo Gammachu               | Head (Burraayyuu City)                                    | Burraayyuu         | 05/01/2020        |
| 4   | Alemayyoo Haile                 | Director (Oromoo Culture and History Center)              | Finfinnee          | 16/09/2020        |
| 5   | Amaan Nashaa                    | Expert (Baalee Zone)                                      | Roobee             | 18/08/2020        |
| 6   | Amanaa Galatoo                  | Expert (Arsii Zone )                                      | Asellaa            | 31/08/2020        |
| 7   | Amiinoo Ida'oo                  | Expert (Arsii Zone)                                       | Asellaa            | 02/09/2020        |
| 8   | Amsaalu Tamasgen                | Expert (East Wallagga Zone)                               | Nekemte            | 30/09/2020        |
| 9   | Arabu Umar                      | Expert (Baabbilee District)                               | Baabbilee          | 24/08/2020        |
| 10  | Ayyuba Nafoo                    | Culture Expert (Arsii Zone)                               | Asellaa            | 31/09/2020        |
| 11  | Birhanu Daadhii                 | Expert (Baalee Zone)                                      | Roobee             | 14/08/2020        |
| 12  | Caaltuu Awwal                   | Head (Jimmaa Zone)  | Jimmaa             | 16/08/2020        |
| 13  | Dabala                          | Head (Dugdaa District)                                    | Meki               | 19/09/2020        |
| 14  | Ato Dajanee                     | Expert (Federal Cultural Conservation Authority)          | Addis Ababa        | 02/09/2020        |
| 15  | Diidaa Garboole                 | Expert (Booranaa Zone)                                    | Yaabelloo          | 15/09/2020        |
| 16  | Faanaa Qajeelaa                 | Expert (West Shawaa Zone)                                 | Amboo              | 19/08/2020        |
| 17  | Fayyisa Waakushie               | Expert (Lemu & Bilbilo district)                          | Bokoji             | 21/09/2020        |
| 18  | Galaanaa Guuboo                 | Expert (Gujii Zone)                                       | Bulee Horaa        | 20/08/2020        |
| 19  | Huseen Ismael                   | Expert (Sinaanaa District)                                | Roobee             | 25/08/2020        |
| 20  | Huseen Sultan                   | Expert (Sinaanaa District)                                | Roobee             | 13/08/2020        |
| 21  | Kabbee Tolosaa                  | Expert (Burraayyuu District)                              | Burraayyuu         | 25/09/2020        |
| 22  | Kitaabee                        | Expert (Adami Tullu Jiddoo kombolcha District)            | Baattuu            | 08/09/2020        |
| 23  | Makda Adem                      | Expert (Roobee City)                                      | Roobee             | 28/08/2020        |
| 24  | Malkamu Tafarraa                | Expert (Bulee Horaa district)                             | Bulee Horaa        | 21/08/2020        |
| 25  | Mohammad Kiyaar                 | Expert (East Harargee district)                           | Harar              | 02/09/2020        |
| 26  | Mohammad Asaffa                 | Expert (Iluu Abbaa Boor Zone)                             | Mattu              | 19/08/2020        |
| 27  | Mohammad Sheeka                 | Expert (Baalee Zone)                                      | Roobee             | 18/08/2020        |

| S.n | Interviewee Name (Obboo/Addee) | Position & Place of Work with in Culture & Tourism office | Place of Interview | Date of Interview |
|-----|--------------------------------|---|--------------------|-------------------|
| 28  | Mohammad Abdulle               | Expert (Baabbilee district)                               | Baabbilee          | 25/08/2020        |
| 29  | Najash Aliyyii                 | Expert (East Harargee Zone)                               | Harar              | 02/09/2020        |
| 30  | Nazif Naasir                   | Expert (Iluu Abbaa Boor Zone)                             | Mattu              | 19/08/2020        |
| 31  | Nonno Borbor                   | Expert (Booranaa Zone)                                    | Yaabelloo          | 15/09/2020        |
| 32  | Nuuru Imaam                    | Head (ANRS ONZ Dawaa Caffaa district)                     | Kamisee            | 04/10/2020        |
| 33  | Olaanaa                        | Expert (Regional Bureau)                                  | Finfinnee          | 01/09/2020        |
| 34  | Saadik Ahmed                   | Head (ANRS Oromo Nationality Zone (ONZ))                  | Kamisee            | 05/10/2020        |
| 35  | Saaraa Duubee                  | Expert & Former Head (West Arsii Zone)                    | Shaashamannee      | 25/08/2020        |
| 36  | Tibbeessoo Obsaa               | Expert (Shaashamannee city)                               | Shaashamannee      | 24/08/2020        |
| 37  | Tigist Dayyaas                 | Expert (Nakemte city)                                     | Nekemte            | 17/09/2020        |
| 38  | TigistTasfayee                 | Expert (Bishooftuu city)                                  | Bishooftuu         | 25/08/2020        |
| 39  | Teyiba Aliyyii                 | Expert (Arsii Zone)                                       | Asellaa            | 30/09/2020        |
| 40  | Turuneesh Waaqee               | Expert (Dugda district)                                   | Meki               | 17/09/2020        |
| 41  | Yaquta Mahammad                | Expert (Jimmaa city)                                      | Jimmaa             | 22/09/2020        |
| 42  | Zelaalam Abaatee               | Expert (Bishooftuu city)                                  | Bishooftuu         | 29/08/2020        |
| 43  | Zeenuu Amiid                   | Process Owner (Jimmaa Zone)                               | Jimmaa             | 19/08/2020        |

**TABLE 9**

Interviews with Women and Children Affairs Office Official/ Experts

| S.n | Interviewee Name (Obboo/Addee) | Position & Place of Work with in Women & Children Affairs | Place of Interview | Date of Interview |
|-----|--------------------------------|---|--------------------|-------------------|
| 1   | Ababaye Abdata                 | Expert (Guutoo Giddaa District)                           | Nekemte            | 30/09/2020        |
| 2   | Abarrash Buzuna                | Expert (West Shawaa Zone)                                 | Amboo              | 13/09/2020        |
| 3   | AbbaynechTasama                | Expert (Amboo District)                                   | Amboo              | 20/08/2020        |
| 4   | Abdurro Alamu                  | Expert (Bishooftuu City)                                  | Bishooftuu         | 27/08/2020        |
| 5   | Adaanech Dhaabasa              | Expert (Amboo District)                                   | Amboo              | 20/08/2020        |
| 6   | Aleikaa Nesraddin              | Head (East Harargee Zone)                                 | Harar              | 20/08/2020        |

| S.n | Interviewee Name (Obboo/Addee) | Position & Place of Work with in Women & Children Affairs | Place of Interview | Date of Interview |
|-----|--------------------------------|---|--------------------|-------------------|
| 7   | ArbeTuri Baasa                 | Head (Gujii Zone)   | Bulee Horaa        | 20/08/2020        |
| 8   | Asaffaa Addunyaa               | Expert (Asellaa city)                                     | Asellaa            | 01/09/2020        |
| 9   | Asallafuu Ittafaa              | Expert (Guutoo Giddaa District)                           | Nekemte            | 30/09/2020        |
| 10  | Asteer Asmaraa                 | Expert (East Harargee Zone)                               | Harar              | 15/08/2020        |
| 11  | AsteerYaadata                  | Expert (Iluu Abbaa Boor Zone)                             | Mattu              | 21/09/2020        |
| 12  | Bijigdu Guttata                | Expert (Burraayyuu City)                                  | Burraayyuu         | 10/10/2020        |
| 13  | Birhanu                        | Expert (Oromia Bureau)                                    | Finfinnee          | 16/09/2020        |
| 14  | DassaalegnTaafaa               | Expert (Baalee Zone)                                      | Roobee             | 22/08/2020        |
| 15  | Geetachoo Zawudee              | Expert (Baalee Zone)                                      | Roobee             | 22/08/2020        |
| 16  | Halakee Godaanaa               | Expert (Yaabelloo district)                               | Yaabelloo          | 18/09/2020        |
| 17  | Hawwaa Adem                    | Head (ANRS Oromoo Nationality Zone)                       | Kamisee            | 05/10/2020        |
| 18  | Hindiyaa Kadir                 | Expert (Sinaanaa District)                                | Roobee             | 15/08/2020        |
| 19  | Kadir Sayiid                   | KemiseeYouth Association                                  | Kamisee            | 25/09/2020        |
| 20  | Najaash Ahmed                  | Expert (Baabbilee District)                               | Baabbilee          | 20/08/2020        |
| 21  | Ogatu Gammachuu                | Expert (Bishooftuu City)                                  | Bishooftuu         | 03/09/2020        |
| 22  | Kenaate Gooloo                 | Expert (Burraayyuu City)                                  | Burraayyuu         | 10/10/2020        |
| 23  | Rabbirra Baalchaa              | Expert (Bishooftuu City)                                  | Bishooftuu         | 03/09/2020        |
| 24  | Ruukiyaa Amaan                 | Expert (Lemu & Bilbilo District)                          | Bokoji             | 14/09/2020        |
| 25  | SaamiyaaYusuuf                 | Expert (Baabbilee District)                               | Baabbilee          | 21/08/2020        |
| 26  | Simmagn Maasresha              | Expert (Iluu Abbaa Boor Zone)                             | Mattu              | 21/09/2020        |
| 27  | Taarikuwa Makuria              | Expert (Mattu District)                                   | Mattu              | 21/09/2020        |
| 28  | TawabechTsaggaye               | Expert (Sinaana District)                                 | Roobee             | 22/08/2020        |
| 29  | Zaaraa Shaankoo                | Expert (Arsii Zone)                                       | Asallaa            | 25/09/2020        |
| 30  | Zeyitunaa Kamaal               | Head (Yaabelloo District)                                 | Yaabelloo          | 20/09/2020        |

**TABLE 10**  
Interviews with University Scholars and Experts

| S.n | Interviewee Name (Obboo/Addee) | Position       | University  | Place of Interview | Date of Interview |
|-----|--------------------------------|----------------|-------------|--------------------|-------------------|
| 1   | Almaaz Unguu                   | Lecturer       | Haramaya    | Haramaya           | 18/09/2020        |
| 2   | CherinnnetWaakweya             | Culture Expert | Wallagga    | Nekemte            | 30/09/2020        |
| 3   | Daaniel Mirkana                | Lecturer       | Mettu       | Mettu              | 22/09/2020        |
| 4   | Girmaa Dheeressaa              | Lecturer       | Ambo        | Ambo               | 24/08/2020        |
| 5   | Lammeessa Waggarii             | Lecturer       | Mettu       | Mettu              | 06/09/2020        |
| 6   | Obsaa Maammoo                  | Lecturer       | MaddaWalabu | Roobee             | 23/08/2020        |
| 7   | Tafarii Mitikkuu               | Lecturer       | Jimma       | Jimma              | 24/08/2020        |
| 8   | Wudde Caalaa                   | Lecturer       | MaddaWalabu | Roobee             | 23/08/2020        |

**TABLE 11**  
Interviews with Journalists work on Culture

| S.n | Interviewee Name (Obboo/Addee) | Position          | Media Institution | Place of Interview | Date of Interview |
|-----|--------------------------------|-------------------|-------------------|--------------------|-------------------|
| 1   | Ahmad Muktaar                  | Journalist        | OBN Harar         | Harar              | 06/09/2020        |
| 2   | Ayyaana Elemoo                 | Journalist        | Roobee FM 96.5    | Roobee             | 21/09/2020        |
| 3   | Efreem Nugusee                 | Journalist        | Roobee FM 96.5    | Roobee             | 21/09/2020        |
| 4   | Guyyoo Jiloo                   | Chief Coordinator | OBN Booranaa      | Yaabello           | 19/08/2020        |
| 5   | Kamaal Addame                  | Journalist        | OBN Harar         | Harar              | 14/09/2020        |

# ANNEXES

**TABLE 12**

Annex 1-Oromo Gadaa System Age Structure Name and Responsibility

| Le | Age     | Maccaa   | Tuulama                 | Gujii              | Boorana               | Duty/Rights                                 |
|----|---------|--|-------------------------|--------------------|-----------------------|---|
| 1  | 0-8     | Ittimakoo/<br>Dabballee                                  | Ittimakoo/<br>Dabballee | Dabballee          | Dabballee             | The right be treated and care by family     |
| 2  | 9-16    | Gaamnee  | Gaamnee                 | Qarree<br>Duraa    | Gaamnee<br>Xixiqqoo   | Rearing and herding calf, goat and sheep    |
| 3  | 17-24   | Foollee/<br>Bandaa<br>Korree,<br>Kuusaa,<br>Foollee      | Foollee,<br>Kuusaa      | Qarree<br>Duubaa   | Gaamnee<br>Gurguddoo  | Train hunting and war skill                 |
| 4  | 25-32   | Raabaa   | Raabaa/<br>Qondala      | Kuusaa             | Kuusaa                | Standby Military force                      |
| 5  | 33-40   | Qondaala/<br>Doorii                                      | Doorii                  | Raabaa<br>Doorii   | Raabaa Doorii         | Assistant & Trainer of Gadaa administration |
| 6  | 41-48   | Aduula, Luba,<br>Gadaa, Furi                             | Luba, Gadaa             | Gadaa              | Gadaa                 | Administering People (Active Gadaa rulers)  |
| 7  | 49-56   | Abbaa<br>Bokkuu, 1 <sup>st</sup><br>Yuuba, Luba<br>Siree | 1 <sup>st</sup> Yuuba   | Baatuu             | 1 <sup>st</sup> Yuuba | Advisory role to Active Gadaa rulers        |
| 8  | 57-64   | 2 <sup>nd</sup> Yuuba,<br>Gamessa                        | 2 <sup>nd</sup> Yuuba   | Yuuba              | 2 <sup>nd</sup> Yuuba | Advisory role/ oral historiographer         |
| 9  | 65-72   | 3 <sup>rd</sup> Yuuba,<br>Beekaa,<br>Noole               | 3 <sup>rd</sup> Yuuba   | The great<br>Yuuba | Yuuba                 | Advisory role to Abba Gadaa in Power        |
| 10 | 73-80   | Eebbisaa,<br>Offolaa                                     | Gadamojjii              | Jaarsa<br>Guduruu  | Gadamojjii            | Teach Dabballes about Oromo world view      |
| 11 | 81-88   | Gadamojjii   | Jaarsaa                 | Jaarsa<br>Qulullu  | Jaarsaa               | Teach Dabballes about Oromo world view      |
| 12 | 89-96   | Raagoo,<br>Raagaa  | -                       | Jarsa<br>Raqeya    | -                     | Retired                                     |
| 13 | 97-100  | Jaarraa  | -                       | Gigna              | -                     | Retired                                     |
| 14 | 105-112 | Raagessa<br>raagaa                                       | -                       | -                  | -                     | Retired                                     |

Source- Wandimmu and Boonii (Foot note 271) and Interview with Ob. CherinetWakweya

## Annex 2-Five Parties of Gadaa System among Oromo clans

**TABLE 13**

| S.n | Maccaa   | Tuulama  | Gujii     | Booranaa | Ittuu     | Arsii    |
|-----|----------|----------|-----------|----------|-----------|----------|
| 1   | Birmajii | Birmajii | Harmufa   | Moggisa  | Horata    | Birmajii |
| 2   | Horata   | Horata   | Robalee   | Sabbaqa  | Mardiida  | Roobalee |
| 3   | Michilee | Michilee | Muudana   | Libaasa  | Bultuma   | Bahara   |
| 4   | Roobalee | Duuloo   | Haalchisa | Daraara  | Horata    | Horata   |
| 5   | Duuloo   | Roobalee | Aldada    | Mardiida | Badhaadha | Bultuma  |

Source- Wandimmu Nagaash fi BooniTasfayee (Footnote 271)

## Annex 3- Oromo Women/ Girls Institutions and Practices\*\*\*

**TABLE 14**

| S.n | Name of Practice/ Institution | Purpose/Activities  | Zone it practiced** |
|-----|-------------------------------|---|---------------------|
| 1   | Abaabballii                   | Girl's marriage by agreement with boy   | Jimma, Wallaga      |
| 2   | Amessa*                       | Helping indigents by giving milk cows or ox to plough land for certain period           | Wallo/Shawa/ Arsi   |
| 3   | Ansosille                     | Girls' nuptial song to praise virginity of girl   | Macca Oromo         |
| 4   | Arrabsoo                      | Girls' nuptial song intended to besmear, ridicule or undermine bad behaviors            | Macca Oromo         |
| 5   | Awumagannee                   | Women praying under sacred tree during hardship times                                   | Hararghe            |
| 6   | Buusaa Gonofa*                | Emergency assistance for a person in needy  | Booranaa            |
| 7   | Dalagaa                       | Dance performed by women  | Iluu Abba Boor      |
| 8   | Dikkoo                        | Women and girls song during preparation of wedding dishes                               | Harargee            |
| 9   | Dimmisha*                     | Groom's labour work support to family of betrothed girl before marriage                 | Harargee            |
| 10  | Duufana*                      | Providing food for a person in needy  | Walloo Oromo        |
| 11  | Faaruu                        | Girls' nuptial song to appreciates or adorns individual/ groups belonging to the singer | Macca Oromo         |
| 12  | Faraqee*                      | Rotational mutual assistance in kind or in labour                                       | Harargee            |
| 13  | Fedhii                        | Girl's marriage by agreement with boy   | Jimmaa, Wallaga     |

| S.n | Name of Practice/ Institution | Purpose/Activities   | Zone it practiced** |
|-----|-------------------------------|--|---------------------|
| 14  | Guduru buusaa*                | A ritual of shaving original hair of child and giving heifer gift named guduru                         | Shawaa              |
| 15  | Hawaaddii                     | Girl's marriage by agreement with boy  | Gujii               |
| 16  | Hawwii                        | Girl's marriage by agreement with boy  | Iluu Abba Boor      |
| 17  | Heeruma                       | Girl's marriage by agreement with boy  | Booranaa            |
| 18  | Hirphaa*                      | Emergency assistance for a person in needy   | Wallo/Shawa/ Arsi   |
| 19  | Iddoo buufata                 | Married women ritual during jilaa  | Gujii               |
| 20  | Imbiliqo                      | Collecting butter for purpose of wedding   | Arsii               |
| 21  | Jala deemmaa                  | Girl's marriage by agreement with boy  | Harargee            |
| 22  | Lafjalee                      | Bride friend Girls song starting from 15 days before the day of wedding ceremony                       | Walloo Oromo        |
| 23  | Maalaa                        | System of allowing widow to form marriage  | Harargee            |
| 24  | Maqa baasa*                   | Formal name giving ritual to child at sirna Gubbisaa ceremony  | Booranaa and Gujii  |
| 25  | Massagoo*                     | Agreement between owner of cow and indigent to share from breeding/milk                                | Jimmaa              |
| 26  | Qayyaa                        | Traditional steam bath by taking herbal smoke for fragrance  | Walloo /Arsii       |
| 27  | Qulfoo                        | Honeymoon period of bride & groom at groom parent home that takes from 15 to 30 days after wedding day | Walloo Oromo        |
| 28  | Saglan*                       | Ritual to give formal name to child  | Iluu Abba Boor      |
| 29  | Soddomee*                     | 30th day birthday celebration  | Iluu Abba Boor      |
| 30  | Wal hanqisu and gargar kutuu  | Traditional cooling period mechanisms to prevent divorce   | Booranaa            |

Source- Author's Gathered Data

\*- Applicable for both men and women, separately

\*\* - The cited places/zones are based on collected data. Hence, it doesn't mean that the institution is exclusively practiced only in those areas.

\*\*\* - This table summarizes the institution and practices that are not separately discussed in chapter four sub sections.



The development of this research is supported by CARD Werdwet Research Fellowship Program. Werdwet Fellowship is named after Yeqaqe Werdwet, a woman who fought for women's right among the *Guraghe* Community in the 19th Century. The research investigated the potential role of *Oromoo* women's customary institutions in the *Gadaa* system towards ensuring the realization of women's rights protection. The study covered 12 zones of *Oromia* National Regional State and *Oromoo* Nationality Zone of *Amhara* National Regional State. The data collection included 147 interviews, 9 Focused Group Discussions, in addition to exploration of other primary and secondary sources. The data were collected from *Abbaa Gadaa's*, *Haadha Siinqee's*, women and men elders familiar with the issue, journalists who worked on the area, eight study area universities, Culture and Tourism offices, and Women and Children Affairs Offices found at different levels of the study sites. The study identified more than fifty Oromo women customary institutions practiced in study sites. Those institutions engaged in multifaceted tasks ranging from socio-economic, political and human rights issues. The research calls for more inclusionary and integrative towards indigenous customary institutions and knowledge's in realizing human rights in general and women rights in particular.

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Printed by: ELDEL Printing 0960437353