



A Future Gaze: Gadaa Oriented Constitutional Structure for Oromia

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“Africa doesn't need strongmen, it needs strong institutions.”

~ Barack H. Obama 2009, US President

Abstract

The Gadaa System has been studied by several scholars, both by domestic and expatriates. This is undeniably a great opportunity. However, up until today, there is not a great deal of studies conducted from the perspective of how the Gadaa system could be used across Oromia's modern political order. Thus, the general objective of this paper, considering the socio-political order Oromia is in, critically analyses how the Gadaa oriented constitutional structure can be adopted in Oromia. The scope of the analysis is limited to the Gadaa structures such as: the five Gadaa parties (Gogeessa), the Gadaa council (Adula), the Gadaa grades (gulantaa Gadaa), the Gadaa assemblies, and the Gadaa confederacies. Therefore, the mission of this article is to pave the way and kindle discussion on how Gadaa could be implemented across Oromia future. This paper approaches this issue from the concept of neo-Gadaa. By neo-Gadaa, the author mean the revitalization of secular Gadaa values, principles and structures applicable across Oromia irrespective difference in socio-economic practices, religion kinship and clan ties. Furthermore, the concept neo-Gadaa is analogous to the concept of “living law”– which promotes the reinvention of indigenous institutions to solve pressing social, political and economic problems. The author has conducted a field work among the Boorana and the Gujii people; in June, 2016 and February, 2016 respectively. Finally, this article finds that Gadaa oriented constitutional democracy sets a lifelong social and political responsibility than simply a “ballot box” gratification; and above all “neo-Gadaa” reinvigorates the necessity of renaissance of the indigenous Gadaa for the emancipation of politically and economically marginalized Oromoo people.

Keywords - Gadaa system, Neo-Gadaa, Social Capital, the State of Oromia

Axereeraa

Sirni Gadaa hayyoota garaa garaan, kan biyya keessaa fi alaa ta'anin sirna qu'atamee fi qoratame dha. Kun carraa guddaadha. Haa ta'u iyyuu malee, hanga ammaatti, akkaataa kamiin sirni Gadaa sadarkaa har'a Oromiyaan irra jirtutti hojii irra ooluu danda'a qixa jedhuun qorannoo fi quannoon geggeefame baay'ee xiqqaadha. Kaayyoon gooroo barruu kanaas haala qabatamaa har'a Oromiyaan irra jirtu ilaalcha keessa galchuun, akkaataa itti Gadaan guutummaa Oromiyaa keessatti hojii irra ooluu akka danda'u kan xiinxaluu fi fala dhahu ta'a. Qabiyyeen barruu kanaa, caasaa sirna Gadaa keessa caasaalee murteessoo ta'an kan akka: Gogeessa (gadaa classes); Adulaa (Gadaa council); gulantaa Gadaa (Gadaa grades); fi bulchiinsa konfederalaawaa (Gadaa

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confederacies) daanga'aa dha. Kanaaf, ergamni inni guddaan barruu kanaa akkaataa itti caasaan Gadaa (Gadaa structure) gara duraatti Oromiyaa guutuu keessatti hojii irra ooluu danda'u irratti daanddii saaquu fi yaada marii kakaasuudha. Barruun kun dhimma kana gama haaroms-Gadaa – (neo-Gadaa) ilaala. Kana jechuunis, garaagarummaa saalaa, hariiroo hawaasummaa, hariiroo dinagdee, amantii, gosaa fi firoomaa osoo hin ilaalin; duudhaa, hundee fi caasaa Gadaa guutummaa Oromiyaa keessatti hojii irra akkaataa itti oolu xiinxaluu jechuudha. Dabalataanis, yaad-rimeen haroms-Gadaa yaada-rimee “seer-jiraataa” (living law) jedhuun kan wal unatuu fi rakkoo hawaasummaa, siyaasaa fi dinagdee furuuf dhaabota buleeyyii (indigenous institutions) lam-dhalachiisuu kan deeggaru dha. Barreessaan kun hojii qorannoo sirna Gadaa uummata Booranaa fi Gujii Ji'a Waxabajjii bara 2016 fi Ji'a Guraandhalaa bara 2016, tartiibaan, kan raawwatamedha. Argannoon barruu kanaas, heera Gadaa irratti hundaa'e siyaasa filannoo geggeessuu bira darbee; itti gaafatamummaa hawaasummaa fi siyaasaa dhalootaa hanga du'aatti kan diriirsuu dha. Hundaa ol ammoo, haaroms-Gadaa uummata Oromoo gama siyaasaa fi dinagdeen yarate (marginalized) birmaduu baasuu kan danda'u dha.

Jechoota Ijoo – Dimokraasii, Haaroms-Gadaa; Kaapitaala- hawaasummaa, Oromiyaa

1. Introduction

The conceptualization of the postcolonial African state in general and that of Ethiopia in particular is highly influenced by the present predicaments such as: civil wars, famine, corruption and others. Several literatures describe the sub-Saharan African states as neo-patrimonial state, criminal state, collapsed state, and warlord state (Mederd 1982; Bayart et. al. 1999; Zartman 1995; Reno 1995, 1998 respectively). The prescribed pill to address these African problems is the adoption of liberal democracy and the western constitutions. The Occident/the west narrates the standard history of democracy as modernist and universalistic; and thus the rest had to be eliminated.

However, to narrate the Western democracy as the only model makes it a yardstick of success and failure stories of other countries' political systems. This is “a profound misreading of world history” (Amartya Sen 1999 cited in Benjamin and Stephen 2011: 9). It also served as “an ideology that legitimizes subordination to Western imperialism” (Boaventura 2005: xvii). Benjamin and Stephen urge that “it is time for the democratic impetus to be understood in the broader context of human history” (Benjamin and Stephen 2011: 4). Benjamin further notes in this regard that, considering the Western democracy as the only way for the rest of the world will “miss the broader human story of the struggle for and achievement of democracy” (Benjamin n.d.: 5). Citing Roxanne (1997) Melissa and Warren also suggest that, it is vital for political theorists to “problematize the dominance of Western intellectual traditions, conceptual frameworks, and institutional forms and devote our energies to fostering a ‘trans-cultural conversation’ or ‘dialogue among civilizations’” (2014: 30).

Ironically, Ethiopia – non-colonized country's past three regimes (Menelik II, Haile Selassie I and the Dergue regime) as well as the incumbent EPRDF regimes emulated the western legal and political systems to sculpture state institutions. Thus, Ethiopian regimes had neither looked in to its social capitals nor into its indigenous governance institutions such as the Gadaa system to build legal and political institutions. Asefa Jaleta notes in this regard that the successive Ethiopian colonial states have prevented the Oromoo society from having their autonomous national institutions and organizations through violence and other policies (Jalata 2007). The Ethiopian regimes were clearly paternalistic in a sense that, transplanting

the developed nations' institutions could transform the country to "modernity" and ultimately it would create "civilised" citizens. However, for an institution to be sustainable it has to be pragmatic and shall match 'the spirit of the people'; it shall reflect the socio-economic development of the country. Thus, in the process of sculpturing constitutional document, an indigenous political structures and culturally embedded legal institutions of the people should not be stifled (Brietzke 1982),

Embracing the Western epistemological orthodoxy, African elites and leaders, undermined African indigenous egalitarian institutions (Mazrui 2002). An African anthropologist Asmarom Legesse also remarks that "we have no difficulty in identifying those ideas in the Universal Declaration of Human Rights that drive from Magna Carta, the America and French Revolutions and the constitutions modern liberal democracies. Does anything in that document drive from Africa? If not, why should Africans see it as their charter and not as an alien system of ideas that is, once again, imposed upon them from without?" (Asmarom 1980: 123-124). Legesse notes further that "... from the African perspective the individual who is fighting private wars against his society is no hero." (ibid: 124).

As part and parcel of unveiling constitutional democracy other than the Western type as well as tackling the limitation of liberal democracy, this paper reintroduces and analyzes Gadaa structure. The adoption of the Gadaa system in twenty-first century Oromia is vital for the emancipation of politically, and economically marginalized Oromoo nation. It is important to note also that, an attempt to integrate indigenous governance in modern political structure needs caution (See: traditional leaders becoming "vote-brokers").^a Accommodating indigenous institutions should first begin with the epistemological excavation and revitalization of fundamental Gadaa structures, values, and institutions.

This article is presented in six sections. The first section provides the context, and the methodological approach this paper is grounded on. The second section theorizes Gadaa as an institution and as a social capital. Third, the government possible strategies toward Gadaa based constitutional order is discussed. The forth section identifies viable Gadaa structures for further analysis. Envisioning Gadaa in twenty-first century Oromia, an analysis section, took place in fifth section. The final part provides concluding remarks.

1.1. Setting the Context

Geographically, Oromia is located in a central area and borders all of the regional states except Tigray regional state. Oromia covers an estimated area of 359.619 square kilometers that is about one-third of Ethiopia's total land area (Berhanu Gutema 2007: 225). Currently, it is estimated that the State of Oromia comprises of approximately 40% of the country's total population, and the Oromoo language covers approximately 35 % of total language coverage and followed by Amharic language which is 29.3% (CIA, the World Factbook).

Since 1991, a *de facto* and since 1995 a *de jure*, multi-cultural and multi-ethnic federal system was constitutionally declared. The formation of the Oromia National Regional State (the State of Oromia, here in after) is the result of the 1992 Charter of the Transitional Government of Ethiopia. The 1995 FDRE constitution, under article 47 (1) (4), recognize

^a In some African countries, there are issues of co-opting chiefs to act as "vote-brokers" in rural areas and exercise significant informal control over the state intervention in local affairs (Lawson 2002; van Kessel, and et. al., 1997). As vote-brokers, they align themselves with the powers that offer the best chances for safeguarding their positions and advancing their interests.

the State of Oromia as one of the nine regional states. Article 52(2) (b) of FDRE constitution recognises that national regional states can enact their own constitutions. Accordingly, the State of Oromia adopted its first constitution in 2001 and revised twice (in 2005 and 2006). In principle, regional constitutions are meant to be the reflection their respective social, economic, political, and cultural orders, which is replica of self-rule inherent in a federal system. However, contrary to this, in its entirety the State of Oromia's constitution mimicked the FDRE constitution. Nowhere in the Constitution of the State of Oromia are Gadaa principles emulated. Perhaps, the drafters have had no intention and readiness to do so.

The Constitution of Oromia provides the vertical distribution of powers among the four administrative levels, viz.; regional administration, zonal administration, district administration and kebele administration (Berhanu Gutema 2007). Analogous to all these administrative levels, judicial institutions are established; being a supreme legislative power vested in the ONRS Council, the *Caffee*. The *Caffee* has 537 seats and its members are directly elected by the people for a five years' term of office. The *Caffee* members are accountable collectively to the people of the region (Article 46(1), 48 (1), 48(6), 51(1) of the Constitution of the State of Oromia). It would be unwise to suggest that all these constitutional structures set in the Constitution of Oromia to be replaced by Gadaa structures. Instead, it seeks to identify Gadaa structures and suggest its adoption where legitimate and applicable. Moreover, this paper does not seek to address the four layers of administrative structures (i.e. regional, zonal, district and kebele); rather the analysis is limited to the regional and zonal administration level.

1.2. Methodological Approach

In order to make use of Gadaa in contemporary Oromia, we need to adopt a *neo-Gadaa* path. The concept "neo-Gadaa", first, indicates the necessity of renaissance of the indigenous Gadaa system to make it conversant with the 21st century political and social dynamics. Second, kinship, clan system and generation based Gadaa class may not be feasible in contemporary Oromia. Hence, by neo-Gadaa I mean Gadaa values, principles and structures applicable across Oromia irrespective of "blood and flesh" test. Furthermore, the concept neo-Gadaa should not be thought of something suddenly suggested by this author. Instead, it has already been proposed and tested in some African countries and elsewhere. It is analogous to the concept of "living law"– which promotes the reinvention of indigenous institutions to solve pressing social, political and economic problems (Kyed and Buur 2006; Sklar 1999b; Van Kessel and et.al. 1997). For example, Rwanda reinvented *Gacaca*, a traditional justice system, and settled the 1994 genocide far better than the modern justice system could. Therefore, I strongly believe that Gadaa possesses fundamental constitutional tenets and structures that can address the democratic challenges Ethiopia is in. In other words, this paper suggests constitutional entrepreneurship; innovatively sculpturing and pragmatically sorting relevant Gadaa structures which can contribute to social emancipation.

For this paper, primary data collected through interview with knowledgeable Gadaa leaders, and councilors was used. The author has conducted a field work among the Borana and the Guji people; in June, 2016 and February, 2016 respectively. Moreover, primary data such as the legal documents, that is, the Federal Democratic Republic of Ethiopia (FDRE) constitution and the Constitution of the State of Oromia are used. In addition to these primary sources, the author has reviewed relevant literatures.

2. Theoretical Approach: Gadaa as an Institution *and* as a Social Capital

The concept of social capital is used by different authors measuring multiple layers (e.g. micro, *meso* or macro level) of social relations. However, for this paper, I am referring to it as the social ties among diverse social groups at macro level. Moreover, this paper utilizes the concept of social capital interchangeably with the concept of institution for both concepts are inextricably linked. Thus, first, I discuss the concept of institution and then I will introduce the concept of social capital.

It could be argued that no societies exist without institutions. Institutions are the synergy of social norms, legal rules, beliefs and actors. North (1995: 15) notes that institutions are “the rules of the game”. The rules of the game may be official and unofficial; domestic and international. The formal legal domains may include: constitutional laws, proclamations, regulations and directives. Institutions, despite their nature and scope, possess the capacity to produce and preserve norms. In turn, norms shape the behaviors of the society and thus award the adherents and punish the deviants (Coleman 1990: 37). Once institutions are instituted they have the capacity to change the world (Soltan 1998: 49). It has to be noted that the development of institutions is driven by individuals’ and groups’ conscious or spontaneous performances. Thus, this paper upholds the new institutionalism theory which suggests that “institutions must be grounded in the social fabric and thus that rational choice by individuals must be combined with historical and cultural variables” (Soltan, Uslaner and Haufler 1998: 3).

Coming back to the concept of social capital, Robert Putnam has defined it as: “features of social organization, such as trust, norms, and networks that can improve the efficiency of society by facilitating coordinated actions.” (Putnam 1993a: 169 quoted in John Field 2003: 13). The central idea of social capital is that social networks are a valuable asset (Field 2003: 21). Fukuyama also defined social capital from the perspective of trust as a basic feature of social capital: ‘Social capital is a capability that arises from the prevalence of trust in a society or in certain parts of it’ (Fukuyama 1995:26). Thus, social capital is an indispensable asset for the democratization process in any polity (Putnam 2000; Coleman 1988).

Furthermore, as Coleman (1988) rightly recognizes, social capital is productive for marginalized groups, since vertical associations are characterized by hierarchical relationships and an unequal power distribution among members. The underlying logic for the importance of social capital in democracy is, therefore, that it “teach tolerance, promote compromise, stimulate political participation, and train leaders-all of which contribute to a healthy democracy” (Pamela Paxton 2002: 257). Coleman (1988) also recognizes the fact that social capital is productive even for marginalized groups, since vertical associations are characterized by hierarchical relationships and an unequal power distribution among members.

However, where social values are transgressed or untapped, then the political institutions will inevitably depart from this collective spirit. Because, in contrast to truth driven indigenous political discourses, most of the political discourses are not to find the truth but “to speak about the ideology of the party” (Habermas 2007: 294). Therefore, to expect democratic institution devoid of social capital such as cooperation, trust, and reciprocity, no matter how the theory of democracy is profoundly interesting, the outcome would be zero-sum game. Especially, a capitalistic version of democracy, an aggregation of private interests, negates the social capital. Inevitably, such system will be dominated by the haves often driven by “profit maximization” – detached from the *non-commurcium* social values.

When social capital is not utilized, it leads to *ideal culture*. By ideal culture I mean, the fact that there is a belief, for example, in democracy, rule of law, or equal opportunity for all, but it does not exist in practice.^b Another explanation for the crisis could be the underpinning concept of “elitism.” Since elitism asserts itself to “gentle men’s club” than “cultural” fabric – and creates an ivory tower. Democracy is unsustainable and even dangerous where the liberty and equality of the people is in the hands of a few.

Considering Gadaa as a social capital, one can observe that among the Oromoo there are values such as: blessing (*eebba*), tolerance (*wal-dhageetti*), respect (*ulfina*), order (*sirna*), and mutual understanding (*elaa fi elamee*). For instance, the practice of blessing (*eebba*) of the session precedes a deliberation and discussion. Elders bless the assembly before any planned session formally initiated. Blessing has special significance in cooling the emotions of the convened, increase respect, and open space for dialogue. Now, how Gadaa could be constituted in contemporary Oromia? To constitute Gadaa, there is no other best way than developing a constitutional law embracing Gadaa structures and principles. A constitution is an essential document that lays a foundation for the formation of a state and its organs. For instance, in the Plato’s five regimes we have: aristocracy, oligarchy, theocracy, democracy and tyranny.^c Hence, a constitution can be understood as “a founding act, creating a new identity, a new state, a new political order against the political, ethnic or racial reality that it faces” (Ninet 2013: 116). Therefore, a constitution is a wisdom constituting a state.

Nevertheless, the adoption of Gadaa oriented constitutional order in Ethiopia would not be an easy task. Thus, it is reasonable to foresee and analyse the government strategies toward the Gadaa oriented constitutionalism.

3. Gadaa vis-à-vis Government Possible Strategies

Government policies affect social capital either in positive way or negatively. Where it is negative, it may damage the social capital and where it is positive it fosters it. John Field (2003: 144) notes that the government action can, then, inadvertently end up by destroying social capital, and reducing people’s capacity for cooperation to tackle problems. Thus, it would be risky for any policy-maker to ignore social capital altogether. However, in multicultural societies like Ethiopia where tensions arise between competing social orders that create uneasy coexistence, a state is expected to provide way outs. Brian Tamanaha (2007) observed four possible strategies: *accommodation*, *integration*, *neutral* and *elimination*. Accommodation strategy works in liberal states since it allows a certain degree of autonomy to each and attempt to please competing legal orders. Integration strategy “absorbs the competing system as a way to control or neutralize or influence its activities — by paying the participants, providing them incentives to conform, or by situating the absorbed institution in a hierarchy that accords the official legal system final say” (Tamanaha 2007: 375). Neutral strategy explicitly permits its promotion or prohibit a competing/conflicting unofficial institution, but take no action to promote or repress it (Ibid). Finally, elimination strategy refers to the state political and legal system aggressively suppresses competing informal institutions — working towards its elimination (Ibid)

^b For instance, a person may learn that Americans cherish the value of equal opportunity, yet in observing Americans, the person might encounter many cases in which people from different economic, class, racial, ethnic, and religious back ground are treated in a highly unequal manner.

^c Besides, Cicero also affirms that “when supreme authority is in the hands of one man, we call him king, and the form of state is a kingship (*regnum*); when selected, citizens hold this power we say that the state is ruled by an aristocracy (*civitas optimatum*). But a popular government (*civitas popularis*) (for so it is called) exists when all the power is in the hands of the people” (Cicero 1961 quoted in Ninet 2013: 31).

Historically, the Ethiopian imperial regimes as well as that of the *Dergue* regime adopted official “elimination” strategy towards Oromoo identity and the Gadaa system. Ethiopia People’s Revolutionary Democratic Front (EPRDF) seems to have revisited the challenge of advancing elimination strategy, and thus adopted multi-cultural and multi-ethnic groups federation. Thus, at least in formality, if not in practice, it has acknowledged the cultural “suppression” and the longstanding claims of the “oppressed nationalities” claims (Serra-Horguelin 1999: 1). The position of the Federal Democratic Republic of Ethiopia (FDRE) in this regard appears *neutral* – in a sense that the legal principles provide right “to develop and promote its culture, help it grow and flourish” (Article 39 (2) of FDRE constitution); while in fact they are dead letters (see also: Pausewang 2004). Nevertheless, the accommodation of indigenous institutions of governance into constitutional system is next to none.

In principle, federalism is about self-rule and accommodation of the constitutional plurality; that is, “diversity” in systems of governance and plurality in laws and the adoption of distinct administrative structures in a federation (Fiseha 2006, 2007). However, federalism in contemporary Ethiopian constitutional system is highly qualified to the extent that political power centralization is “constitutionally” established. Keller puts this fact as follows: [...] with the exception of linguistic and cultural autonomy, so far the constituent members of the ethnic federation cannot exercise administrative and political autonomy [...] an asymmetrical form of federalism that was overly centralized and operated almost like a unitary centralized state” (Keller 2004: 38). A clear indication of this reality is the absence of state constitutionalism.

I argue that the plurality of state constitutions is essential for the enrichment of the fundamental principles of the federal constitution itself. Because, it helps the constituents of the federation to exercise their power and eventually it necessitates an environment of effective self-governing regional states. In dealing with the Gadaa system in Oromia, the strategy needs to be adopted is integration; while seen from a national federal structure the sustainable approach is accommodation. Therefore, given the historical and political significance of Gadaa for the Oromoo, this paper proposes its *renaissance* – a call for re-engineering of socio-political structure across Oromia drawing lessons from the Gadaa system.

4. Identifying Gadaa Structures Viable in Oromia

The Gadaa system possesses quintessential political structure viable in twenty-first century Oromia. Here below, only Gadaa structures relevant in contemporary Oromia is identified and analyzed. The identification process did not take place recklessly; rather it is based on three guiding principles. First, their capacity to be implemented across Oromia; second, exhibit constitutional features and third, their potential to bring Gadaa renaissance in twenty-first century Oromia. Some of the notable and relevant Gadaa structures are: Gadaa class, Gadaa grades, Gadaa assemblies, Gadaa council, and Gadaa confederacies. These structures are discussed further below.

Gadaa classes: Gadaa classes are one of the fundamental pillars of Gadaa structure. The Gadaa classes are five in number. These five Gadaa classes commonly known among Borana as *Gogeessa* (*Gogeessa 1^{ffaa}*; *Gogeessa 2^{ffaa}*; *Gogeessa 3^{ffaa}*; *Gogeessa 4^{ffaa}*; and *Gogeessa 5^{ffaa}*). Whereas, among the central Oromoo it is called as *Lubaa* and among the Gujii they are known as: *Mudana*, *Halchisa*, *Dhalana*, *Harmufa* and *Robale*. All the five Gadaa classes assume the political authority for eight years and once in every forty years. Among the Gujii as well as the Booranaa, Gadaa classes refer to a segment of genealogical

generations constituted by two cross-cutting elements: gadaa-grades (age-sets) and moieties. Among the Gujii there are two moieties: Daarimu and Kontomaa and among the Booranaa the two moieties are: Sabboo and Gonaa.

Moreover, the five Gadaa classes are related to the five “natural” governments. According to the Oromoo worldview all natural governments are established by divine will. In particular, the Oromoo oral tradition holds that the five cyclic Gadaa classes are derived from the five natural governments: that of men or of *reason*; that of running water or *progress*; that of sheep or *tranquility*; that of lion which represents strength and *domination*; that of vulture which presides over the spoil and *quest*. The Oromoo also believe that each Gadaa class in ascending to political power brings into all affairs the inclination which is appropriate to it, that is, each Gadaa class leads the people according to its natural tendency. Although the five Gadaa classes are based on generational relationships, they can be equated to the contemporary political parties established on political “programmes.”

Gadaa Grades: age is one of the building blocks of the Gadaa system’s socio-political organization. Among the Gujii-Oromoo there are fourteen age sets^d and among the Booranaa they are *eleven*: five active, five passive and one liminal (full retirement) stage. Each one of the eleven Gadaa grades equally bear eight year periods (Leus 2006). They are: *Dabballe* (the first Gadaa grade) from age 0 to 8; *Gaammee xixiqqaa* (junior *gaammee*) from age 8 to 16; *Gaammee gurguddaa* (senior *gaammee*) from age 16 to 24; *Kuusaa* (the fourth Gadaa grade) from age 24-32; *Raba* (the fifth Gadaa grade) from age 32 to 40; *Gadaa* (the sixth Gadaa grade) from age 40 to 48; *Yuuba* (the semi-retired assemblymen) from age 48 to 80; and *Gadamojjii* (liminal or full retirement stage) (Asmarom 2006; Nicolas 2011; Zelalem 2012). However, Gadaa grades and Gadaa classes are two distinct institutions. The Gadaa grades are the phases of development through which the members pass. Gadaa class refers to the group of people who share the same status and who perform their rites of passage together (Nicolas 2010, Asmarom 1973). Thus, where the latter is horizontal and refers to the collective, the former is vertical and defines individual responsibilities assumed successively throughout their careers.

Gadaa Council: It is an executive entity where members have official capacity and collectively represent their people. It is a separate body of the Gadaa government. Among the Booranaa, it consists six members.^e It has a President, two vice-presidents and three senior councilors – and they form the “Gadaa triumvirate” (Asmarom 1973: 63). Moreover, the Gadaa council has auxiliary (helping) members. The auxiliary members of the Gadaa council may be regarded as executive officers. They are mainly selected based on their commitments to serve the Gadaa council. Their number may range from six to nine. In most cases, they are appointed based on the recommendation of Abba Gadaas, respective clans and willingness of the appointed member. The executive officers have their own groups,

^d Dabale (0-8); Qare dura (9-16); Qare Duba (17-24); Kusa (25-28); Raba (29-36); Dori (37-40); Gadaa (41-48); Batu (49-56); Yuba Didiqa (57-64); Yuba Guguda (65-72); Jarsa Guduru (73-80); Jarsa Qulullu (81-88); Jarsa Rageya (89-96); Jarsa Gigna (above 97).

^e Among the Guji there are three clans: Hoku, Mati and Uruga. The senior clan is that of Uruga. All these three clans do have their own Abba Gadaas. However, since the senior clan is Uruga, always the president at apex will be from Uruga clan. Abba Gadaas from Mati and Hoku will serve as vice-presidents. Besides, it embraces three junior councilors (i.e. retired ex-presidents known as *Batu*).

names and functions. Among the Gujii they are: *Jalkeya* (spokesman);^f *Faga* (spiritual advisor);^g *Hayu* (senior councillors);^h *Jaldhaba* (security men);ⁱ *Torbi* (law enforcers).^j

Gadaa Confederacies: Confederacy is an integral part of Oromoo political structure. For example, the Oromoo people's pattern of settlement the Borana confederacy constitutes, but not limited to: the Macha – Tuulamaa, the Darimuu – Kontomaa (the Gujii); and the Sabboo-Gonaa (the Booranaa). Secondly, the Bareentuu confederacy comprises clans such as: Arsii: Sekoo-Mandoo, Karrayyuu: Baaso-Dullachaa; Humbannaa: Anniyaa-Qalloo and Ittuu: Marawa-Rayyaa (Alemayehu et al. 2006: 102).

Gadaa Assemblies: The Gadaa system has a general assembly which is open to the public. Across Oromia, there are a number of Gadaa general assemblies which takes place once every eight years. Among other, the Gumii-gaayoo of the Booranaa and the Mee'ee Bokkuu of the Gujii are the notable ones. The Gadaa general assembly is the supreme legislative authority (Asmarom 1973; Haberland 1963). It can be regarded as “the assembly of deliberation”. It is where new *seera* (laws) are enacted or amended. Wako also describes the Gumii-gaayoo (Gadaa General Assembly among the Booranaa) as the assembly of multitudes Gumii-gaayoo is vested with the powers of legislature, undertakes law reforms, reiterates old laws and enacts new ones. He further reiterates that “persistent disputes, which were unsettled for their gravity or complexity, are brought before an open air court for the community to contribute their wisdom towards its solution” (Wako 1997:647 - 648).

^f It is an executive officer responsible to look after the activities of gadaa Council in general and that of Abba Gadaa in particular. He is expected to make all necessary effort to make smooth and effective the job of Gadaa council. He may also serve as spokesperson for the Abba Gadaa (the president) (Interview with Haji Mona, February, 2016).

^g The *Faga* are two in number. Often, they are selected from the Galalchaa clan of the Gujii people. One of the function of these advisors is to foresee and plan the activities of Abba Gadaa and advise accordingly. Besides, in the blessing ceremony of Abbaa Gadaa by the religious leader known as Kallu, they are the one who selects 100 (hundred) cattle and give to the Kaallu and receive *kumbii*. Moreover, they advise the Abba Gada where his abode should be. Above all, they are the one who takes the “balli” (an ostrich feather – an insignia of power) from the outgoing Abbaa Gadaa and inserts in the incoming Abbaa Gadaa's headdress. Hence, by doing so, they make the power transfer so smooth.

^h The total number of senior councilors is seven. The senior councilors are selected from the seven Gujii clans. Senior advisors are the ex-Abba Gadaas and they have accumulated knowledge and experience to serve their government. The senior advisors term of office, in most cases, is for life. The senior councilors have the power and function to: set new laws for deliberation once every eight years; advises all the five Gadaa classes; and dispose politico-judicial concerns. In order to become senior councilors, they have to undergo the eating *kumbi* ceremony. After that, they will be named after the place where they ate *kumbi*. For example, if the ceremony took place called as Adoola or Ganalee, he will be named as Abbaa Adoola or Abbaa Ganale until his death.

ⁱ Like the senior councilors, the security men are selected from the seven tribes of Gujii. The security men are mainly responsible for ensuring the peace and security of the members of Gadaa council. Their power and function is similar with the work of contemporary police officers. Specially, when the Gadaa general assembly takes place, the security men may not sit, instead, they should stand firm and ensure the order of deliberation. Wherever the Abbaa Gadaas travel, the security will also travel with them.

^j Like the security men, the law and order enforcers are conscripted from the seven Gujii tribes. They enforce cases adjudicated by the Gadaa council. Besides, they enforce the order the security men passes. However, where the *jaldhaaba* position is honorary and voluntary service, the *torbi* position is ordinary and compulsory. Moreover, where the former serve for eight years, the later serves only for a limited period of time (Asmarom 2006).

5. Analysis: Envisioning Gadaa Constitution in 21st Century Oromia

The development of the Gadaa system has never been a spontaneous event. Instead, it took the present shape by adapting itself to the socio-political developments in Ethiopia and beyond. For example, in the 13th Century, Odaa Bultum^k was the settlement area and politico-religious centre for the Oromoo people (Alemayehu et. el 2006). Oromoo oral tradition about Odaa Bultum holds that it was the place where Gadaa renaissance and enactment of new laws took place. It is also believed that a person known as Awusaid took part in the process of the renaissance of the Gadaa System and proclamation of new rules at Odaa Bultum. In the course of Oromoo people's socio-political history, a "renaissance" (*haaromsa*) had also happened in the 16th century. At that time, the Oromoo clans were organized under two Oromoo confederacies namely: the Booranaa and Barentuma confederacies.¹

The socio-political dynamics in Ethiopia and beyond demands transcending the "Awusaidian" and the "confederate" legacies. For example, the depletion of Gadaa system in the last century, the recent political crisis in Ethiopia, the resurgence of the *Qubee* generation across Oromia, and the recent reintroduction of *Foollee* institution and others makes the renaissance of the Gadaa constitution pertinent and timely.

Considering the socio-political and religious diversity of the Oromoo people, one could be cynical of such radical proposal. Although I do, partly, share such worries, here is my stand: if one looks at the secular Gadaa principles and structures; it would be difficult to find an egalitarian system like Gadaa anywhere in the world. A legitimate question is, should we leave our system at bay and worship the dysfunctional western constitutional values? My answer is negative.

Here below are analytically forwarded enabling principles and structures which I am convinced that they can contribute to the renaissance of Gadaa in contemporary Oromia.

1. To emulate Gadaa system in contemporary Oromia's administrative structure system, the two confederacies (the Borana and Barentu) shall be reinvigorated and maintained. One could question, why we need to reinsert Gadaa confederacy in contemporary Oromia. First, the term "confederacy" should not be misinterpreted as something contrary to federal system. It shall simply mean autonomous local administrations answerable to regional (i.e. the State of Oromia) government. Sculpturing Oromia's constitutional structure based on Gadaa confederacies has paramount importance for decentralization of political authority which in turn contribute to balance of power between the two confederacies. Besides, as discussed above, confederacy is one of the

^kOdaa Bultum currently found in Galamso, in Eastern Oromia Region of Ethiopia, inhabited by the Ittuu Oromoo. Odaa (oak tree) is a big tree under which people use to conduct meetings, pass laws and settle disputes. Among the Oromoo people Odaa has special place. For instance, Oromoo customary law does not allow anyone to cut the Odaa tree.

¹ However, there is misunderstanding between the Oromoo elders and native scholars as to the source and meaning of the terms: "Borana" and "Barentu"; whether it refers to the names of individuals or the direction of the Oromoo people's units. Some argue as these terms represent names of individuals. In this regard, they state that Booranaa was senior (angafa) and Barentu junior (qutisu). However, others do assert that where the term "Borana" is the combination of two native terms: Boroo and aana that literally means "distant from sun rise" or simply the 'West' (west of Ganale river); "Barentu" is again the combination of two native terms: Bariii and Aantuu literally which means "next to sun rise" or simply the East (east of Ganale river) (Bokku Dirribi 2011; Alemayehu et el. 2006: 100).

time-tested wisdom of Oromoo political system which allows us to draw a great lesson from for the social, cultural and economic development of the two confederacies.

2. Each confederacy can be subdivided into five each sub-confederate (*shanan Booranaa fi shanan Bareentuu*); based on their geographical proximity, politico-economic interests, cultural affinity and consent of the local people. For example, under the State of Oromia, the Booranaa and Bareentuu confederacy can be established. Under Booranaa confederacy, the following areas can be classed as the five Booranaas: the West Wollega and Kellem Wollega (1); East Wollega and Horroo Guduru (2); Ilubabor and Jimma (3); North Showa and West Showa (4); and East Showa and South-East Showa (5). Under Bareentuu confederacy: Arsii and West Arsii (i); East Hararghe (ii); West Hararghe (iii); Bale (iv); and Booranaa and Gujii (v). However, this is a suggestive example than fixed proposal. This is a mere proposal and I think a better structural adjustment can be sought in the future.
3. Gadaa classes shall be reengineered as Gadaa political parties/organizations, unlike the case of Gadaa classes which follows genealogical generations, – with distinct political programmes. As political organizations, they shall be registered and possess legal personality. It is important to note also that; these five political parties shall have equal opportunity promote their programmes across Oromia. Moreover, any member of the society can embrace any of the political organization of his or *her* choice irrespective of their difference in their geographical locations, socio-economic livelihoods and religious practices. For example, cattle herding *Gaammee-didiqqaa* in Borana and 5th grader in Finfinnee may belong to Gadaa political party “M”.
4. It is necessary to reiterate that the five Gadaa parties shall follow the five world views of the Oromo people. That is the five natural governments: that of *running water* – “W” (progress/liberal); *lion* – “L” (power/patriotic); *men* – “M” (reason); *sheep* – “S” (tranquility/peace); and *vulture* – “V” (resourcefulness/developmental) (De Salviac 1901 (2008): 222). Here, one may relate and positively interpret the Plato’s five regimes.
5. One may wonder how the five Gadaa parties could orderly come to power. Suppose that the Gadaa party “W” assumes power in 2020. Since the term of office is limited to eight years, it will only serve from 2020-2028. In the same fashion, the other Gadaa parties “L” “M”, “S” and “V” shall consecutively come to power once every forty years. Hence, there would not be direct competition among the five Gadaa parties, rather the competition would be among individuals within a party.
6. In principle, every person, irrespective of difference in gender, religious, or socio-economic practices, shall join any party of his or her choice (W-L-M-S-V). Where the subjects are minors, every family owes the right to raise their children according to the party they belong to. However, upon attaining emancipatory stage (18 years of age), they can shift to a Gadaa party of their choice. For example, suppose that parents of Jiru from Borana confederacy and parents of Jiregna from Barentu confederacy belong to Gadaa party “L”. Suppose that, both Jiru and Jirenga grew up as members of Gadaa party “L”. When they attain the majority age, they can switch their party to “M” or “S”.
7. Nevertheless, the Gadaa parties cannot function without embracing Gadaa grades. In our example, Jiru and Jiregna, as members of party “L” they shall pass through all Gadaa grades. However, given the diverse socio-economic practices of the Oromo

people and given the fact that Gadaa institutions are almost extinct in most parts of Oromia, the revitalization of Gadaa grades could be challenging. Hence, it is important to re-think and re-invent Gadaa grades. First, the social, cultural and economic traits attached to all the Gadaa grades *need not* necessarily be uniform across the Oromia. For example, a person at age 32, perhaps married and manager of a community school in Finfinnee, shall have the Raba status with a person at similar age in Arero, perhaps married and manager of Eela as *Abba Herrega*. Second, as part and parcel of promotion of the cultural rights, it is nothing unconstitutional to recognize all the Gadaa grades across Oromia. Above all, one could imagine the significance of legally recognizing *Daballee* or *Kuusaa* or *Rabaa* etcetera – in terms of their economic, social, political and cultural contributions.

8. The election of future leaders, to the office of Gadaa council shall take place at the level of *Kusa* Gadaa grade (between 24 to 32); likewise, the future presidents of Oromia shall be elected at the level of *Kusa* Gadaa grade and shall be made ready to assume the highest political responsibility at the level of Gadaa (40 to 48). Following their candidacy, *de facto* leaders, they shall continue to serve as any public posts entrusted to them and thus could boost their experience. That is, on one hand it eases for the people to test them before they take power and on the other hand, it helps them exhibit their allegiance to their people.
9. Although every Gadaa party shall serve a single term of office of eight years, there shall be examination of the leaders or a sort of “confidence vote” shall be carried out in the middle of the term of office. Provided the performance of the ruling Gadaa council was positive in the first half, the Gadaa general assembly shall vote in favor of the ruling council to finish the second half of the term of office.
10. After completing a term of office, members of Gadaa council shall not be abandoned. In Gadaa system they are required to render counseling services to the general assembly (*Gumii* or *Caffee*). Moreover, they may be required to be assistants to the Gadaa Council in power. That is, as long as they (ex-Gadaa councilors) are not declared individually incapable due to factors such as: incapacity (biologically or legally) they have duty to serve as councilors to the Gadaa council in power as well as to the general assembly.
11. In Gadaa System the highest executive office is entrusted to the Gadaa Council. As you might remember, the Gadaa Council among the Borana consists of six leaders: one Abba Gadaa, two vice Abba Gadaas and three senior Gadaa councilors. Likewise, the constitution of the State of Oromia could be sculptured constitutive of one president at apex, two vice-presidents and three senior councilors. This would lead to a government by council. However, it is noteworthy to stress here the relationship among the members of the Gadaa Council is not hierarchical. Rather, members of the Gadaa Council exercise powers jointly and severally. In other words, the position of the president may be regarded as the *first among equals* (Legesse 2006: 215, 217). Thus, the President shall summon and chair the executive council.
12. However, unlike the case of Borana or Guji, the total number of the Gadaa council of Oromia may not be limited to six. Considering the two confederacies and the five each confederate, the total number of the council may reach ten in number. That is, three will serve as presidents: one Abba Gadaa at apex (e.g. from Borentu confederacy) and two

- vice presidents (e.g. from Booranaa confederacy); and seven senior councilors (e.g. from Booranaa as well as Bareentuu confederacies).
13. In addition to the Gadaa council, there are auxiliary executive officers or junior councilors. Among the Booranaa, an outgoing Abbaa Gadaa has the mandate to appoint additional junior councilors (*garba*) from among all the five Gadaa parties to thereby ensure balanced opposition among all Gadaa parties. This wisdom is also relevant for Oromia. Thus, it is appropriate that an outgoing president of Oromia should nominate junior councilors from among the five Gadaa parties. Thus, the criteria of nomination should not be based on kinship and clanship but should be based on a party's recommendation. The nature of junior councilors resembles to the "council of ministers". In that sense, the number of the junior councilors should not be fixed based on reasonable tasks and missions and therefore, it should not be limited to three. For instance, the junior councilors may be distributed over the following administrative posts: the speaker of the Gadaa legislative assembly (*Caffee*); minister of justice (*Abbaa haqaa*); prosecution office (*Abbaa Alangaa*); minister of defense (*Abbaa duulaa*); minister of economy (*Abbaa dinagdee*); and so on.
 14. The Gadaa general assemblies are relevant in contemporary Oromia. There are numerous Gadaa assemblies across Oromia. Although the political liberals advocates for majoritarianism, the attainment of the will of the people through representatives (See: Dahl 1996; Habermas 1996; Rawls 1999 Drzek 2000; Benhabib 1996; Mouffe 1996); in state-society's asymmetrical power relations, the agent-principal relation type of explanation does not work always. Because, the transformation of the will of the people into public policy is harder than simple casting of a vote. Especially, where the larger segments of the populations left unrepresented in the *first-past-the-post* electoral systems being practiced in Ethiopia, one can see the liberal democracy is clearly a zero-sum game where the winner takes all. Therefore, it is commendable to reserve public sphere where Gadaa assemblies deliberate and recommend.
 15. In Gadaa general assemblies, "seats" are reserved for the semi-retired Gadaa leaders and the future Gadaa leaders. Moreover, in the mid-term of the president's term office Gadaa General Assembly reviews the performance of the Gadaa Council in power. Likewise, the *Caffee* shall reserve seats for the ex-presidents and vice-presidents of Oromia so that they can serve as legal advisors after retiring from the office. However, their membership shall be transitory; their position shall change once every eight years like the Gadaa system.
 16. Another essential feature of the Gadaa general assembly is that it is "open to everyone" who has vested interest in an issue the assembly is expected deliberate over and anyone who has the knowledge of Gadaa System. However, an open general assembly may not be feasible and thus the Gadaa legislative assembly can be established at two levels: at regional (as house of unity where representatives are directly elected by the people) and at local level (house of deliberations where any interested party can take part in). Hence, *Caffee* shall be maintained as house of unity – where regional laws are enacted and amended. Whereas, the local level Gadaa general assemblies shall be established at

zonal levels. Currently, there are twenty-two^m zonal administrations in Oromia. If we take this a point of departure, then there will be twenty-two Gadaa general assemblies.

17. Finally, as the Gadaa general assemblies in Booranaa and Gujii are named after the place where the assembly takes place, so does the rest should be named accordingly. However, it should be noted that the missions of the Gadaa general assemblies is limited to deliberating over regional policies/laws and enacting regulations that are specific to their zonal administrations.

6. Concluding Remarks

Throughout this paper, I have attempted to answer how the Gadaa system could be adopted in contemporary Oromia. It is indicated also that Gadaa is a living example of the fact that democracy is not all about election – of “winner-loser” dichotomy of the Western liberal democracy. Rather, it is an egalitarian system encompassing age-based social stratification from early ages up to death. Thus, it is vital to envision constitutional democracy as a lifelong responsibility than simply a “ballot box” gratification (Bruce and Fishkin 2006: 8). Approaching the Gadaa system as a social capital and as an institution has made it possible to discern relevant Gadaa principles and structures.

Among others, the orderly succession of the Gadaa grades, the five Gadaa parties, the Gadaa assemblies, the Gadaa council, the junior Gadaa councilors, and the Gadaa confederacies are essential and significant structures. The paper finds that Gadaa age grade system necessitates the organization of social groups and allows the members to exercise leadership skills from early ages. The adoption of the five Gadaa parties’ system avoids the pre-election and post-election uncertainties, political crisis, and time and financial costs related to election campaigns.

In nutshell envisioning Gadaa oriented constitutional order in Oromia is not without legitimate ground. Although it is good news that such an egalitarian system has been recognized by UNESCO, since the end of twentieth century, the Gadaa system is depleting. Moreover, it has to be recalled that the Ethiopian constitutional power arrangement since 1995 (federalism) allows the plurality of state constitutions. One viable and significant example should be Gadaa oriented constitution. Finally, the paper argues that the resurgence of the *Qubee* generation across Oromia, and the recent reintroduction of *Foollee* institution in Oromia and others makes the renaissance of the Gadaa constitution pertinent and timely.

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^m Arsi, Bale, Bedele, Borana, East hararghe, East Shoa, East Welega, Guji, West Guji, Horo Guduru, Illubabor, Jimma, Jimma special zone, Kelem, North Shoa, South West Shoa, West Arsi, West Hararghe, West Shoa, West Welega, Adama, and special zone surrounding Finfinnee.

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