



**Gender from an Indigenous Perspective: The indigenous rights of women among the  
Borana Oromo Gadaa system and misconceptions in modern approaches**

**Galma Wako**

**Department of Geography and Environmental Studies, Bule Hora University College of  
Social Science and Humanities**

**Abstract**

*Various historians and scholars of the classical and contemporary cultures attest that the Oromo Gadaa system is one of the democratic systems of governance. Protection of women right is among the important democratic aspects of the Gadaa system. However, this aspect of the Gadaa system received less research attentions. This paper, therefore, aims at assessing and uncovering the situation of women's right in the indigenous Gadaa system of the Borana Oromo. Towards this end, the author used qualitative approach by conducting interview with community elders, Gadaa leaders, oral historians and women representatives. The author supported the primary data by data from secondary sources and review of the literatures. Moreover, the findings revealed that the women and girls have special rights and protection in the Borana Gadaa system. The respondents witnessed that within the Gadaa system, lies customary "law of women and girls" literally referred to as "seera unwaa" which is meant for empowering and protecting the women and girls against any forms of abuses, harassment, and violence. These legitimate laws have been translated into practices and people abided them in the daily life. On the other hand, the contemporary activists and practitioners of women right and gender empowerment fail to recognize such valuable traditional right of women. They, thus, (mis)conceive and generalize that indigenous cultures contribute nothing positive than violating human rights of women. Consequently, various gender-based advocacy efforts, policy narratives and interventions are designed and implemented based on such misconceptions and generalizations. This made them incongruent with some traditional values and hence faced resistance from indigenous communities. The paper concludes that an indigenous perspective of women's right is viable and needs to be recognized and encouraged, but not be undermined. Therefore, the modern efforts of promoting and protecting women right should (re)consider creating space for harmonizing useful indigenous gender and women right perspective.*

**Key words:** *Gender, women right, Borana Oromo, Gadaa system*

## **1. Introduction**

The contemporary human rights issue and development agenda shaped by the globalization project become a joint venture for all nations across the globe. In this globalized world, where poverty and injustices have been escalated especially among the poor nations like Africa, the gender inequalities and violation of women right are considered as factors contributing to poverty and underdevelopment. This made gender and women empowerment project the top priority and leading agenda of the contemporary world. This has been evident in the fact that the goal of promoting/achieving gender equality and empowering women is among the various critical commitments identified in various global and regional frameworks.

In this arena, indigenous communities and their cultures were universally blamed to have had impeding impacts on women by subordinating them and violating their human right. There are scholars who have nevertheless attempted to find some explanation for the near universality of subordination of women. For example, Sherry Ortner's in his article 'Is male to female as nature is to culture?'(1974), argues that nature is universally devalued by culture; because of their role in reproduction, women are closely identified with nature; therefore, women share in the universal devaluation of nature by culture (Ortner 1974).

Arising from these conceptions, the gender equality and women empowerment interventions geared towards appropriating the indigenous communities and traditional cultures. This subject, however, became critically debatable topic among different scholars based on global south-west divisions. Some scholars disagree with the universalization of gender concepts that universally claim that indigenous cultures subordinate and violate women right and thus consider such arguments to be generalizations.

For the Marxist thinkers, gender relations are located within systems of production and reproduction that characterize different societies and which have historically evolved to take the presently dominant form of capitalism. In his classic work, titled *the origin of family, private property and the state*, Engels (1948) locates the source of women's subordination, not in biological differences but in the emergence of private property and in women themselves being rendered as a form of property. In this view gender inequality is not universal and arises under particular socio-historical situations. Another view that rejects universal subordination of women argues on a different plane that subordination and domination arise contextually and women are not powerless under all conditions in a society. Thus, women may exercise considerable influence within the domestic domain while the same is usually true for men in the public domain.

However, Anuja (2007) criticized the idea that woman is devalued by culture hardly withstands the test of universality and is a deeply Eurocentric position. Oyewumi (2001), for example, has criticized gender as a universal concept and shown the extent to which it is particular to Anglophone/American. In this regards, Oyewumi (2001), in her research on Yoruba society of southwestern Nigeria, put her findings as follows: “the traditional Yoruba family can be described as a non-gendered family. It is non-gendered because kinship roles and categories are not gender-differentiated. Significantly then, power centers within the family are diffused and are not gender-specific. Because the fundamental organizing principle within the family is seniority based on relative age, and not gender, kinship categories encode seniority not gender.” According to Oyewumi, therefore, blaming Yoruba community for practicing gender inequality and discrimination can be generalization.

Similarly, various historians attest that the Oromo Gadaa system is one of the democratic systems of governance where, in particular, the protection of women right is among the important aspects of its democracy. However, the gender aspect of the Gadaa system has been overlooked and received little research attentions, especially among the Borana Oromo. This paper therefore aims to answer the following **basic questions**:

1. How does the Borana community view and treat women and girls in their customary life?
2. What are the roles and rights of women in the Borana Oromo Gadaa system?
3. What are the conceptual and operational gaps in the gender policies and practices?

## 2. Methodology

**The study area:** The study was carried out in the Borana community. The Borana community lives in southern Ethiopia, Oromia region and northern Kenya.

**Research approach:** The author used combination of qualitative approach and Appreciative Inquiry (AI)<sup>1</sup> approach. The qualitative approach was selected due to the fact that the paper deals with values and norms of the communities that are methodologically difficult to measure with quantitative approach. The appreciative inquiry begins with discovering and appreciating the existing positive and useful practices. According to Kessler (2013), Appreciative Inquiry (AI) is a method for studying and changing social systems (groups, organizations, communities) that advocates collective inquiry into the best of what is in order to imagine what is and what could be. The initial set of principles for AI is that the inquiry should begin with appreciation, should be

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<sup>1</sup> Appreciative inquiry is an approach to researches and practices where the first job is to identify and appreciate/recognize the existing positives practices and values and then build on the gaps.

collaborative, should be provocative, and should be applicable (Kessler 2013). Therefore, appreciative inquiry was considered appropriate to reveal the misconceived and undermined realities/truth such as the indigenous roles and rights of women that are overwhelmed by and hidden behind the veil of the widely acknowledged contemporary agendas like gender movements.

**Site selection and sampling procedures:** In southern Ethiopia, the Borana community inhabit in two administrative zones, namely Borana zone and East Guji zone. The present study focuses on Borana zone, whereby four woredas, namely Yaballo, Dirre, Areero, and Dhaas were selected among the 13 woredas of the zone. These woredas were purposely selected due to the fact that they consist of various ritual sites where cultural rites and activities are periodically undertaken and that they are home for Gadaa officials/members and oral historians.

The study, therefore, purposively selected appropriate key informants both men and women who are known for possessing rich knowledge and information related to the research questions at hand. The key informants include the community elders, oral historians, customary institutions/Gadaa leaders including women participating in Gadaa processes such as the wives of the senior Gadaa officials and junior councils, as well as development stakeholders/practitioners. In general, the 20 (twenty) key informants comprise of men and women, five from each woreda, were sampled and contacted for data collection.

**Data Sources and Data Collection Techniques:** The study utilized both primary and secondary sources of data. The primary data obtained from “*argaa-dhageetti*” literally mean “*lived, observed, and heard realities*”, narrated by the key informants sampled from community members described above. In line with this, an author made an in-depth assessment and inquiry of the historical and current realities of life among the Borana community with regard to the roles and rights of women and girls. These data were collected through combination of appropriate techniques such as narrative interview and focus group discussions. Similarly, observations to real life situation were made whereby author himself attended various ritual ceremonies and customary activities such as law making events and secured relevant data.

The secondary data were gathered from both published and unpublished reports, books and articles on classical and contemporary issues of feminism, gender and women right.

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<sup>2</sup> *Argaa-dhageetti* is an accumulation of knowledge, wisdom and information about the lived realities (past and present histories and legacies) that encompass the cultural, economic, political, and social (all aspects) of the Borana life. That are accumulated in the memory of some elders (oral historians) and orally transmitted to successive generations and reached current generation.

**Data analysis:** Finally, the data were categorized, then analyzed and interpreted through expert opinion. The paper and its major findings were supplemented and strengthened by intensive Literature review.

### 3. Results and discussion

#### 3.1. Gender from an indigenous perspective

The researcher believes in an argument that there is no any culture that is perfect nor there is a culture that is completely useless and harmful. The gender perspective is not exceptional and thus this general truth applies also to it. Coming back to the point, in this paper researcher does not claim that the Borana culture in general and gender aspect of it in particular is perfect; I rather argue that it is not gender blind and harmful to women and girls as conceived by outsiders. Thus, the researcher's intention is to uncover and shade the light on the existing, but unknown or misconceived positive elements of gender among the Borana Oromo Gadaa system.

##### 3.1.1. The Borana's concept of sex and gender

In Borana context, the concept of gender and sex can be understood from two important viewpoints, namely from spirituality or naturalistic point of view and sexual particularity point of view. These are presented below.

**Gender and sex from spirituality/naturalistic point of view:** The Borana concept of gender, in spirituality viewpoint, lies in its cosmology, “*uumama*<sup>3</sup>, i.e ‘*dhala-korma*’<sup>4</sup>”. Borana reiterate that, “*uumamii waan cufaa lama: dhala fi korma*,” meaning, the foundation of all lives is twosome/couple, that is, female and male. The first thing in existentiality of the Borana is a wish for multiplicity/prosperity, longevity, and peacefulness of lives for which they usually pray the God. In such prayers, usually in coffee ritual, the first common ones, among other things are the goodness and peacefulness to be for *dhala-dhalcha* (reproduction- maternity and paternity, respectively); *dhala-korma* (female-male /feminine-masculine), and *dhiirsaa-nitii* (Husband-wife). The prayers usually equate male and female without differentiating on their cause. It all goes “*Dhala-kormii nagaan! Dhala-dhalchii nagaan! Hormaataa-bultuma qabna!*” meaning, *May peace be to female and male! May peace be to dhala-dhalcha! May all prosper and livelong (endure)!*” respectively. From this, one can imagine that the Borana community from the very origin and spirituality is gender sensitive. Because, this philosophy of life, which is, undifferentiated positive views (longevity, prosperity &

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<sup>3</sup> Creation

<sup>4</sup> Male-female (masculine and feminine)

peacefulness of lives) towards “*dhalaa-dhalcha*” and “*dhalaa-korma*” give important indication which are beyond the mere sex.

Next to these, as the product of *dhalaa-dhalcha*, they pray for having son and daughter, and live long to see grandsons & granddaughters, locally narrated as, “*Lubbuu bulaa! Ilmaa-intala boraad!*” “*akekoo-akaakuu argaa!*” respectively. Then, equally, the descendants- sons and daughters- are blessed to flourish and live long. Here also, the words of blessing and prayers give due consideration for gender equality not only for sexes. While the subjects, *ilmaa-intala* (son and daughter), represent sexes, the content of the undifferentiated wishful blessing for prosperous, peaceful and long lives to both sexes shows gender sensitivity.

### **Gender from particularity of sex: Borana’s views and treatments toward women and girl**

In conventional sex-gender concept, the term “**women**” encompasses both married women and unmarried girls; but for the Borana, women are only married ones and do not include girls. Rather, the Borana use the term “*umwa*” which equates the conventional term of women, in that it also include both married women and unmarried girls. Therefore, I mostly use this term “*umwa*” to address both married and unmarried female regarding the issues of gender and right or *women* or *girls* as per the contexts.

### **Girls as mark of respect and social bond: marriage and family**

Like women, unmarried girls have special place and respect among the Borana people. The girls are the marks of love and respect (*saalaa-fokkeoo*<sup>5</sup>) among the people and the above all the glue that binds the Borana community. One common saying that goes, “*intala fuulaatiif waldbaban/walii saalan!*” meaning, ‘it is because of virgin girl that we shall respect one another!’ can best explain their socialization roles. That is to say, whilst still haven’t built marriage ties the Borana people respect each other and try to avoid dispute with anyone (of Borana) based on the assumption that he (his/her family member) would get marry to a girl of yet unidentified family, which would potentially be family in law. For you don’t know who would be your wife and family in law, you don’t have to offend any Borana people. Because there are possibilities that you may unfortunately love (plan to marry) a girl from a family which you already offended (disputed with) and thus face confrontation. In such case, that family of her would make the past offense the case for refusing

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<sup>5</sup> Respect for people and culture; ethical character



to give you their girl for marriage. Therefore, to avoid such an unexpected incidence, one should respect others. These all show that girls have special place and role in socialization.

**Women considered as “Light” of their home or family:** among the Borana Community the women are called “*ibidda*,” which means the light/fire for their home or households. This can be elucidated in various practical aspects, especially, those related to family, marriage life. For example, if a bachelor/ young man gets married, then he is traditionally said “to have got a light (symbol of life)”, literally read as “*ibidda borate*.” Similarly, if a man does not have wife, then it is said that he has no light (fire) meaning that he has no life, literally translated as “*ibidda hin qabu*.” If, however, someone or a husband lost his wife, then it is said that his light is gone-off or his fire is extinguished/ceased, locally translated as “*ibiddaat dhaame!*” so that he is considered to live in a dark house. Thus, such a man, who lost wife, immediately marries to another girl not to live in a lightless house, connoting without wife. But these terms and situations are not applied to women counterparts who lost husbands. Because, it is believed that in case of death of spouse, a widowed woman can stay/live alone with her children as household head but man cannot. Moreover, from this, one can understand that the roles and importance of women is much decisive than those of men in the family life, as well as in the life of the Borana. However, this is far different from the outsiders’ conception of women/gender among indigenous communities universally considering them as household servant.

**Mother’s (women’s) reputation as criteria for choosing a girl for marriage:** In marriage (couple) selection, originally the girls are selected for boys by their parents. The selection is based on the reputation of her family in the community, where the important thing to see is the behavior and personalities of her mother, rarely that of her father. A famous Borana adage goes, “*haadha laalii intala fuudh!*” translated as “before deciding to marry a girl first look at her mother’s personality behavior / reputation.”

The mother’s reputation is to mean that if a mother is known for being a strong and ethical person in leading her family’s life and maintaining good relation with the communities, then her daughter can also be appropriate person for marriage. This is true because, the role of mother in shaping the personal character of a child (daughter) is high not only in biological aspects but also in the arts and ethics of bringing them up. The Borana put this kind of human behavior or ethics as “*saalaa-fokkoo*,” a term/phrase that contain many dimensions of personality character and behavior difficult to be translated to simple English word/s.

The modern gender advocates, however, criticize this kind of things with negative connotation as, for example, “good wife.” For them such good behaviors and ethical characters of the women is important only to make them good servant for their dominant husbands. Here, the Borana’s concept of mother’s reputation, the “*saalaa-fokkeoo*” goes beyond the wife-husband power relations.

### **3.1.2 The moral rights of *huwwa* among the Borana Oromo**

Women and girls have special roles and rights (of participation) in different socio-economic and political affairs of the community. These, among other things, include their participation role in the leadership and the rituals activities. The fact that they participate and play their roles in political and ritual activities are not just for grant but it is legitimate rights and institutional recognition guaranteed by the Gadaa institution and laws.

The facts about why and how they participate in these activities are presented below.

#### **Legitimate roles and rights of participation in leadership and political decisions**

The Borana women have immense roles in indigenous politics and leadership. In the processes of leadership election, women have legitimate right to consultation and power to nominating the Gadaa leaders and councils. Surprisingly, the candidates who won the supports of women would inevitably be nominated. In short, no Laws refused by women can be proclaimed, no issue is given priority than that of women, and no issue suggested by women is ignored.

On the other hand, the wives of Gadaa leaders are also leaders. For instance, a wife of Abba-Gadaa (leader) is also called *Haadba-gadaa* or *Haadba yaa’ad*<sup>6</sup>, which seems to be similar with an American political context where a wife of a President is called the First Lady.

#### **Legitimate rights and roles in spiritual and ritual activities**

Rituals and rites are the critical elements of the Oromo Gadaa system. Thus, Borana women reserve crucial role in the undertakings of the Gadaa rituals. Solely, no ritual can take place without (in absence of) women, and if any ritual happens without them it is considered incomplete, literally called “*hanqun*”, “*aada-malee*”. As incompleteness is impossible and culturally unacceptable, men alone can never perform rituals. There are other best examples in this regards. In the Borana Gadaa system, *Qaalluus* and *Abba-bokkunu* are usually nominated at their early childhood. A nominated kid, *Qaalluu* and/or *Abba-bokku*, get marry formally to a kid girl of his age, *Qaallittii*, immediately after

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<sup>6</sup> The mother of Gada or the mother of Gadaa assembly



nomination. Whatever his age is obviously not enough for marriage, a *Qaalluu* cannot be so and perform any rituals without having *Qaallittii*, a wife, with him.

For instance, a man who should (plan to) perform a given ritual ceremony may not have wife during that period for whatever reason, either due to divorce or death. Thus, to conduct the rituals, he must bring home his divorced (ex-) wife for that particular event in case of divorce or marry other wife in case of death of first wife. In some special case where these options found to be unable, other woman among his relatives acts up on and plays the intended roles of women on behalf of his wife towards the accomplishment and completeness of the rituals. In nutshell, these premises confirm the roles and participation right of women in the Gadaa system and impossibility (incompleteness) of the system without active involvement of women.

With regard to spiritual, the Borana community has its own spiritual order and religious beliefs, whereby people believe in one God, called *Waaqa*. Whether in religious/spiritual or ritual realm, women are considered the sign of peace and calm, which are among religious principles. Institutionally, the Oromo religion is represented by *Qaalluu* institution. This institution constitutes *Qaalluu*<sup>7</sup> and *Qaallittii*<sup>8</sup>, meaning religious father and mother, respectively. To that matter, both *Qaalluu* and *Qaallittii* have equal roles to play and power to decide in their respective domain. Moreover, the position/place of *Qaallittii* in the Borana context is similar with that of a Queen in European's (Western's) context.

However, some gender advocator, for example, Anuja (2007) argue that the religious approach has universally naturalized gender differences and treated women as inferior and dangerous equating them to evil spirits. Such, arguments are all sheer generalization and failed to understand positive aspects of indigenous gender perspective like the case of Borana people by mere name of universalization.

Generally, the Borana's moral rights of women that provide them participation rights in these societal issues can be compared/ equated with constitutional rights of women outlined under (article 35) of the constitution of Ethiopia (FDRE constitution 1995).

### 3.1.3. The customary law of women and girls, *Seera Huwwaa*<sup>9</sup>, under the Gadaa laws

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<sup>7</sup> Religious leaders

<sup>8</sup> Wife of Religious leader

<sup>9</sup> It is the customary law that underlines the moral rights of women and girls, protect them against violence and crimes, and gives corrective decision of these acts.

The Borana community has an array of customary or prerogative laws under the Gadaa system. One of the critical moral laws within this system is the *Moral laws for women and girls*, “*seera buummaa*” which underlines the moral rights of the women and girls. The system has already endorsed women and girls with a legitimate rights protected by the laws and recognized by entire community members. It is this very law that binds peoples together and guides interaction of men and women including wives and husbands while maintaining equality, unity, respect and peace among them.

The Borana customary laws, in protecting the rights of women, underline that women and girls deserve special care and protection; enjoy equality and equity in gaining all kinds of opportunities. According to one of my informant, abba Gadaa Guyyo Gobbaa, the Borana General Assembly declares that “no any acts of violence, discrimination, crime and alike shall be committed against women & girls,” Thus, according to these laws<sup>i</sup>, anyone who ever accused of infringing these customary declarations shall be punished, “*karra-mataa*<sup>10</sup>” based on the agreed fines that are already in place for any kinds of infringement. These punishments range from the simplest verbal advice to total ostracization<sup>11</sup> accused person out of the communality of identity and life, the “*Boorantitti*”, based on the levels, types and weights of the committed crimes or unethical acts.

Therefore, any immoral acts (violence, discrimination) against women & girls by individual or group, which some outsiders (like Western) and gender practitioners consider cultural elements, are neither culture nor accepted by cultural people. Rather, they are individual miss-behaviors resulting in punishment as mentioned earlier. Hence, those immoral acts like sexual abuses, physical violence, arranged marriage and abduction ... are all individual acts of violence and crime despite being categorized as traditional practices by those who are unfamiliar with the traditional context.

**Implementation of the laws:** these laws are not taken for grant, but translated into practice in the daily lives of the Borana communities. For instance, anyone who is accused of raping a woman is punished by giving 5-10 heads of cattle. Here, the number of cattle is determined by the condition of victim women where the punishment is greater if a woman is lactating and pregnant on one hand and if she is a wife of higher Gadaa officials on the other. Any person accused of

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<sup>10</sup> Refer to all the punishments that result in paying property which include cash and cattle.

<sup>11</sup> The act of casting an individual out of being Borana where he would not any more shares life with other member of Borana community. Thus, he would not be buried if dead, searched if lost, helped in difficulty.... He is not allowed to use communal resources like water and pasture, to attend Borana’s meetings and events of happiness & sadness. Generally, he has nothing with Borana at all.

causing premarital pregnancy (to unmarried/virgin girl) is completely ostracized from the community, the *Borantitti*<sup>12</sup>. Especially concerning the cases of sexual violence, once the victims (women and girls) exposed a responsible person, then other witnesses are no longer needed to justify up on him. The logic behind this is the fact that no one knowingly commits such crimes in presence (in front) of other people who could potentially witness upon him or her, but tend to do so in hide to dismiss the witnesses. Indeed, the probability of getting witness against such cases is very low or null. Thus, the justice procedure requiring eye witness in such cases may damage the legal protection of the victims, while favoring the criminals. The other justification for this is that the women and girls do not lie by such ugly cases. It is to address such problems that the customary *law of the huwwa* rejected the need for an eyewitness for crimes against women and girls. This, however, is an important aspect of justice for women that the modern legal procedures failed to address.

Moreover, anyone who refuses to accept the final punishment decisions is recognized as refusing to obey the customary law neglecting the Borana culture, and thus he is denounced of being a Borana. Hence, the final decision up on her or him is ostracization. The same procedures and punishments decisions are applied against all unethical acts of violence, crimes and discrimination although the intensity of punishments differs depending on their weight and type.

However, such heavy decisions like ostracization are reached after passing through series of long chains of appointment for decision making if continued unsolved at different levels of institution. This is just to respect also the right of criminal and not to give unjust decision before making sure that all necessary rules and procedures are kept.

Given these attested realities, it seems that criticizing the Borana for denying the rights of women and girls, or disempowering and discriminating against them is not palatable.

### **Amendments to the laws of *huwwa*: The case of 40<sup>th</sup> Gumii Gaayoo<sup>13</sup>/ General Assembly**

Gumii is a macro level assembly of all Borana that takes place once at the halfway of each eight years, a leadership term of one Abba-gadaa. The very purposes of this, among other things, are: to discuss on and solve the major cases and conflicts among community members (including gender

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<sup>12</sup> Borantitti is being a Borana.

<sup>13</sup> The Gumii is made up of all the Gadaa assemblies and councils of the Borana- active and semi retire- who meet, as a single body, once every eight years (Legesse, 2000). Traditionally, the Borana govern their common goods by consensus through open and participatory discussions at various levels. The low level meetings deal with issues at household, neighborhood and madda levels but if a problem is not solved at these levels, the issue can be passed to a clan assembly or the Gadaa officials. If the issue is still not resolved, the problem may be appealed to the mass assembly called Gumi Gaayoo (Gashe, 2011).

based violence) that remain totally unsolved with different gathering at the micro level; pass on bigger decisions to the all Borana; and above all to review, strengthen and amend the Borana customary laws.

The 40<sup>th</sup> Gumii Gaayoo was held in August 2012 at the ritual site called Gaayoo during the mid-term of the leadership of Guyo Goba, the 70<sup>th</sup> Abba-gadaa. During this assembly, it has been witnessed that a number of gender issues have been addressed in addition to the larger agenda of the Borantitti. Particularly, the '**Law of Huwwa**' was proclaimed. It was not only laws and decisions that are publicized to the communities, but also all the punishments following the infringement of these laws and decisions. Above all, the most important learning from this (40<sup>th</sup>) assembly with regard to gender issue is that the *Law of Huwwa* was given the first priority among the Borana customary laws.

**Generally, the following resolutions were passed at this Gumii Gaayoo:**

**-Girls' Education:** It has been discussed that some girls have been left illiterate while others have been dropping at the threshold of joining higher academic institutions beside recording high results. The most challenging reasons for this are highly because of poverty and partly because of early marriage, among others. It has been thus consensually underlined that every household must send their girl children to school and give them equal opportunity to education. Thus, as a remedy for poverty driven dropout it has been decided at the assembly that the financial resources should be mobilized locally/internally from the Borana community and this will be used to support the girls from poor families to complete their education. Anyone, who uses this contribution for his /her personal interests or out of its intended purpose, will pay it back and also punished by ten (10) heads of cattle. In my view, if succeeded, this would at least put a drop on the contribution towards the achievement of Millennium Development Goal (3) in promoting gender equality and empowering women while increasing literacy level among women and girls and narrowing gender disparity in education.

**-Early marriage:** the girls' marriage below eighteen years of age has been decided to be stopped, although it has so far considerably been reduced.

**-Female Genital Mutilation (FGM):** this was one of traditional norms commonly practiced among the Borana community. The communities and Gadaa leaders recognized it to be harmful, but also of less value. And hence the assembly proclaimed to stop practicing it and that anyone accused of committing it against girls shall be punished by head of cattle.

Moreover, it is of good hope that once an Abba-gadaa solidly underlines and articulates the decisions and resolutions at the general assembly, then the entire Borana community would never practice it as they highly believe in and comply with his decisions.

**-Gender based Violence and discrimination:** the customary law and punishment for violence against women and girls are already in place in the Borana Gadaa laws. Thus, based on these, several severe cases of domestic violence (between spouses) have got solutions during the 40<sup>th</sup> General Assembly at Gaayoo. Similarly, one case of premarital pregnancy (of unmarried girl) has got solution whereby the man impregnated the girl continuously refused to attend the series of meetings called-on by the elders for the investigation of the case prior to the assembly. Finally, the issue got decisions during the assembly whereby he was totally ostracized from the Borantitti.

In nutshell, when meticulously assessed, one can understand that the Borana has strong moral ground towards women and girls' wellbeing. The system is also flexible enough in making positive adjustment/amendments, if deemed necessary, along with the changing circumstances.

Thus, it can be concluded that it is necessary for development practitioners to appreciate, learn from and build on such essentially valuable cultural practices in their way towards women empowerment while at the same time focus on filling the hitherto prevailing gaps. Similarly, the policy makers should also consider such indigenous realities in designing gender policies.

### 3.2. Key Global and Regional Commitments to Gender Equality (UNDP, 2014)

There are series of global and regional policy frameworks and practices on gender equality and women empowerment. The most common one are described below.

**The Convention on the Elimination of All Forms of Discrimination against Women:** The 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) provides a comprehensive framework to guide all rights-based action for gender equality. Under this treaty, gender inequality is understood to be the result of discrimination against women. CEDAW defines discrimination and the range of steps that states must take to eliminate it, affirms women's rights in specific areas, and makes provisions for ratification, monitoring, reporting and other procedural matters.

**The Beijing Platform for Action:** The 1995 Beijing Platform for Action is "an agenda for women's empowerment" signed by all governments that is seen as a "necessary and fundamental

pre-requisite for equality, development and peace.” The Platform includes gender analysis of problems and opportunities in 12 critical areas of concern, and clear and specific standards for actions to be implemented by governments, the UN system and civil society, including, where appropriate, the private sector. The Platform provides the first global commitment to gender mainstreaming as the methodology by which women’s empowerment will be achieved.

**The Millennium Development Goals and Sustainable Development Goals by 2030:** The MDGs, in effect, consolidated previous agreements, including those on women’s rights, women’s empowerment and gender equality, into a single set of core goals, targets and benchmarks for the development community. The Millennium Declaration from which they were drawn took a clear position that gender equality is both a right in itself and a driver of development. The development community is in the process of reviewing lessons learned and progress toward the achievement of the MDGs with a view to accelerating progress before the 2015 MDG deadline and elaborating on a post 2015 development agenda, the Sustainable Development Goals by 2030.

**UN Declaration on the Elimination of Violence Against Women:** The 1993 Declaration on the Elimination of Violence against Women, the first international human rights instrument to exclusively and explicitly address violence against women, affirms that the phenomenon violates, impairs or nullifies women’s human rights and their exercise of fundamental freedoms. The Declaration states that gender-based violence takes many different forms and is experienced in a range of crisis and non-crisis settings. It is deeply rooted in structural relationships of inequality between women and men.

**Women, Peace and Security Framework and Commitments:** The UN’s guiding documents for women, peace and security are Security Council Resolutions 1325 (2000) and 1889 (2009) on women, peace and security and 1820 (2008), 1888 (2009), 2106 (2013) and 2122 (2013) on sexual violence in armed conflict. These resolutions have laid the foundation for the efforts of the UN community to expand the role of women in leadership positions in every aspect of prevention and resolution of conflicts, including peacekeeping and peacebuilding efforts, and to improve protection of women and girls within a framework of rule of law and respect for human rights.

**UN Framework Convention for Climate Change:** The Cancun Agreements emerging out of the UN Framework for Climate Change COP-16 in 2010 were the first global climate change policy to include multiple references to gender equality. Since then, more gains have been made to



foster women's participation in negotiations and entrench gender equality in UNFCCC outcome documents as well as in the Green Climate Fund, the Adaptation Fund and Climate Investment Funds. At COP-18 in Doha in 2012, a decision was adopted promoting gender balance and improving the participation of women in UNFCCC negotiations and in the representation of Parties in bodies established pursuant to the Convention or the Kyoto Protocol.

### 3.3. Conceptual and operational Gaps in modern Gender policies and practices

The feminists and gender advocates propagate an understanding and conception that generalize, without any differentiation, all non-Western indigenous communities and traditional cultures at everywhere in the world subordinate, discriminate and violate human rights of women. Hence, such generalizations, for example in the case of the Borana, seem to be emanated from the biased mentality and attitude towards indigenous perspectives.

#### Indigenous vs modern women right contexts

The modern human rights such as Universal Declarations of Human Rights (UDHR, 1948) and Convention on Elimination of All forms of Discrimination Against Women (CEDAW, 1973), that now criticize indigenous cultures, are themselves a late and recent phenomenon.

If one compares the indigenous and modern gender aspects, he/she could conclude that the indigenous one had practiced women rights far before the modern one. For one thing, customary rights and law of women under the Gadaa system is much older than the modern one. On the other hand, the Gadaa system provide such rights and laws of women right from its origin, while however the UDHR (1948) itself is highly criticized in that it laid out the idea of the universality of rights, but failed to take into account women's needs and interests as women<sup>14</sup>. The then, women right movements such as CEDAW (1973); the mobilization organized to outcry the slogan of "Women's rights are human rights!" during the World Conference on Human Rights in Vienna (1993) and continued during UN Beijing Women's Conference (1995) and alike are all the recent issues and were aimed at filling the gaps for which UDHR was being criticized.

Importantly, the Borana Gadaa in the law of women & girl "*seera ummad*" has originally outlined the prohibition of all kinds of violence including sexual and domestic ones (rape, abduction...). Thus, despite their categorization as "informal", the Borana Gadaa laws had been addressing for centuries what the CEDAW tried to address very recently in 1973. Similarly, the 1993 Vienna

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<sup>14</sup> Reeves and Baden, 2000

Conference on Human Rights was a watershed as it marked the first international recognition of violence against women as a human rights violation. Beside their recent birth that I consider too late, the many countries have failed to ratify CEDAW, and some that have ratified it have failed to uphold it.

**Impositions of legal Laws:** Originally, the customary (Gadaa) laws are a legitimate traditional instrument for strengthening unity among the community, resolving conflicts and domestic violence among the Borana people. Thus, anyone (both women and men) who is mistreated, abused, and etc appeals to the customary leaders at different levels who therefore handle the case/s by the institutional power vested in them. However, the imposition of legal laws has been dislocating the functioning of moral laws by devaluing the decisions and corrective measures taken against criminals by traditional institutions, especially in case of violence and crimes against women. This manifests itself in the fact that those criminals who are harshly punished by customary laws for committing crime and violence against women and girls would redirect the case to the legal court whereby, in most instances, the cases are simplified and the criminals are scot-free at the expense of corruption.

Some scholars state that, before colonization and the introduction of the modern (European) laws to the Africa, the indigenous peoples had gradually developed customary laws, on which the statutory laws were later imposed by the colonialists (Gashe, 2011, citing Malinowski, 1926 and Merry, 1988).

### **Misconception generalizations about indigenous perspective**

Many of an indigenous concepts and activities have been misconceived and misinterpreted variously by modern gender advocators and practitioners. Some of them presented below.

The Borana's narrative of "*nadbeenii-ijoollee*"<sup>15</sup> meaning 'women and children', has been misinterpreted to negative connotation by local gender practitioners as the acts of belittling and equating women to the children. Such misinterpretation, however, failed recognize the reason behind categorizing women and children and their affairs in one segment. The worst thing, however, is that the gender promoters contradict their claim while putting in place institution responsible for gender and women empowerment, but with the same name, "Women and Child Affairs office" for which the Boranas were being criticized. However, misconceived or

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<sup>15</sup> Women and children

misinterpreted without any ground, the Borana's intention for categorization of "nadheenii-ijoollee" is not different from the mission/objectives of the formal 'Women and Child Affairs office'. Therefore, the former one can be taken as the base for the foundation and operation of the latter, and thus needs to be reconstructed (built on) than being deconstructed simply because of misconceptions/generalization arising from universalization.

The common critiques by gender advocates are the claims that women have less or unequal access to and control over resources/ properties. This is argued to be universal among the non-Western, indigenous communities. However, such arguments cannot hold true in the context of the Borana where resources are owned and used communally that everyone has equal access to them. Let alone one family (household), even entire community members have equitable rights to access these resources such as land, water and rangelands, etc. At family level, too, there is no property to be owned and controlled by husband or wife alone, rather every decision on communally owned resources/properties is done based on the consent of both wife and husband, of all people at community level.

### **Separatist approach of Gender interventions**

Traditionally, the Borana people live together in a spirit of 'onenes', called "*Borantitti*". It is this Borantitti- communality - that binds them together under its umbrella including women and men. They own the common properties where women and girls are highly taken care of by clans and elders in this communal life. Hence, every family member considers land, livestock and water ... resources as their common properties, feels accountability to protect and use in a communally responsible ways. It is very common to hear from them using the words or phrases expressing pluralistic possession such as "ours!" in their daily communications, which shows their commune. They always say "*our cows, our house, our grass, our land*", and so on. The social norms and values shared among the community members also promote cooperation and trust in their entire lives. This implies that the Borana's social capital can be considered as an asset for such communal life.

However, the introduction of modern approach to gender empowerment has been accused of perpetuating the social de-unification and family disintegration among the local communities. This has been replicated in the sarcastic ways that gender interventions are stepping at best in 'liberating' the women and girls from the culture and moving them out of the *Borantittii* while aiming at redressing gender disparity/inequality. Here, the problem lies in an ambivalence of intervention approaches that orient the women and girls that they are mistreated and their rights are violated by the culture. It is thus shaped by such provocative orders of mentality that women and girls

start and continue to disregard, hate and liberate themselves from the traditional cultures. They thus moved into struggling against their fellow men, especially husbands. This, therefore, as repeatedly witnessed by community members and elders, has resulted in high rate of divorce which would in long run end up with the fabrication of unhealthy community. According to Doyo (2015), as opposed to this, the concept of divorce does not exist in the Gadaa customary laws and cultures.

Hence, the present paper calls for the utilization of *appreciative inquiry* as an alternative approach to the current inappropriate approach to gender interventions (policies and practices) that hinged on predetermined universalization and misconceptions.

On the other hand, beside the fact that the Borana indigenous culture endows women and girls with special moral rights, still the prevalence of some traditional practices that could contribute to the gender inequality and women disempowerment is not condemnable. In fact, despite being accused for de-recognizing some of valuable indigenous practices, gender interventions by the joint contribution of multi-stakeholders' have increased the participation of women and girls in development efforts, especially in the congruent milieu where there is no or minimum local resistance. These efforts, to some extent, have put remarkable bases towards ensuring gender equality and women empowerment whose impacts in various political, economic and social aspects have been witnessed.

In summary, the gaps in conceptual and operational approaches to gender interventions can be justified by their failure in the following aspects:

**First**, failure to recognize the existence of Borana customary law that originally empowers and value women & girls. **Second**, failure to distinguish individual acts of violence from cultural/institutional norms while wrongly concluding that individual violence is product of and supported by the culture. **Third**, failure to understand the sex based oracles (jokes, playing)...? while actualizing them as the real conception of Borana for purposely disempowering women and girls and violating their rights. **Fourth**, the special care and protection made for the women by Borana were considered discrimination and exclusion. **Fifth**, the indigenous culture and traditions are considered to be rigid and unchanging.

#### **4. Conclusion**

The paper tries to analyze the gender situation in an indigenous perspective while focusing on traditional right of women and girls under the Gadaa system in the Borana Oromo vis-à-vis a modern gender alternative. The paper thus concludes that the Borana's concept of gender equality

lies in its very cosmology/spirituality in the belief of undifferentiating or equal enduring of *dhalaa-korma*, *dbalaa-dhalcha*, and *ilmaa-intala*. Similarly, the women and girls have special place and respect granted by the Borana culture and Gadaa tradition. They have rights and big roles of participating in socio-political activities including participation in customary leadership and decision-making and ritual activities. The Borana Gadaa system provides the traditional *law of bunwa* that promotes the rights of women and girls and protects them against any forms of violence and abuses. Beside these, however, the modern gender concepts were spoiled with misconceptions and generalizations and thus fail to recognize such valuable elements of the traditional Gadaa system and undermine them. Some gender empowerment approaches, policies and practices that are designed and implemented found to be incongruent with the existing local contexts and values leading to local resistance. In summary, an indigenous perspective of women's right is viable and needs to be recognized and encouraged, but not be undermined. Therefore, the modern efforts of promoting and protecting women right should (re)consider creating space for harmonizing useful indigenous gender and women right perspective.

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