



## **Beyond Cultural Heritage and Symbolism: A Quest for Constitutional Recognition of the Oromo Gadaa System in Ethiopia**

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### **Abstract**

This study argues for the formal legal and functional recognition of the Oromo Gadaa System (OGS) beyond its current status as intangible cultural heritage. Through a qualitative analysis of Ethiopia's legal framework and the implications of UNESCO's 2016 inscription, the research has found that while Proclamation 839/2014 provides a basis for safeguarding heritage, it fails to address the integration of the OGS's governance mechanisms. Constitutional provisions allow for such recognition but remain unimplemented. The study has identified the OGS's core democratic principles-such as periodic succession, checks and balances, and restorative justice-as potential contributors to strengthening Ethiopia's governance architecture. However, significant structural incompatibility between the centralized state and the decentralized, consensus-based logic of Gadaa present fundamental challenges. The findings, derived from interviews and document analysis, suggest that moving from symbolic to functional recognition requires navigating complex questions of legal pluralism, power-sharing, and institutional hybridity. The study concludes that a constitutionally recognized, hybrid model is necessary to leverage the OGS's indigenous values for enhanced political stability, administrative effectiveness, and socio-cultural harmony.

**Keywords:** Cultural Heritage, Constitutional Recognition, Legal Pluralism, Indigenous Governance, Oromo Gadaa System, UNESCO, Ethiopia

## 1. Conceptual and Theoretical Background

The integration of indigenous governance systems into the constitutional frameworks of modern nation-states remains a pivotal challenge for plurinational societies. This study examined this complex endeavor through the case of the OGS in Ethiopia. Inscribed by UNESCO in 2016 on the Representative List of the Intangible Cultural Heritage of Humanity, the OGS is globally acknowledged as a sophisticated indigenous socio-political system (UNESCO, 2016). UNESCO describes it as a system that “regulates political, economic, social and religious activities of the community, dealing with issues such as conflict resolution, reparation and protecting women’s rights” (UNESCO, 2016: 33).

Conceptually, the OGS transcends classification as a mere cultural artifact; it embodies a comprehensive democratic philosophy that has shaped Oromo ontological and epistemological foundations for generations. Its core ethos is built on principles of social equality (*Walabummaa*), participatory governance, and balanced authority (Asafa, 2012). Theoretically, this study engages with the framework of legal pluralism, which acknowledges the coexistence and interaction of multiple legal orders-state and customary-within a single social field (Merry, 1988). Furthermore, it draws on concepts of hybrid governance, which explore the dynamic interfaces and potential synergies between formal state institutions and customary systems (Cleaver & de Koning, 2015). The central analytical tension arises from the clash between the Ethiopian state’s historically centralized, bureaucratic model and the OGS’s decentralized, consensus-based, and mass-oriented logic.

A subtle historical understanding of the case is essential. There has been a notion of a single, centralized *Abbaa Gadaa* ruling a unified Oromo polity for centuries. This, however, is an oversimplification that obscures the dynamic and diverse realities of Gadaa practice across different Oromo subgroups (Hinnant, 1978). Gadaa has functioned historically as a shared system of principles adapted by various Oromo nations-including the Borana, Guji, Arsi, Tulama, Macha, etc.-each with distinct terminologies, structural subtles, and political emphases while maintaining the governing core tenets and/or principles (Bassi, 2005). For instance, while the Borana are celebrated for their documented continuity (Asmerom, 1973), the Guji Oromo have similarly maintained robust, federated Gadaa structures emphasizing local autonomy (Debsu, 2009). The system’s resilience is evident, but its history is also marked by internal contestation, adaptation, and varying degrees of conflict or coexistence with expanding imperial and later state projects since the late 19th century (Asafa, 2012). This study therefore moves beyond a monolithic view to consider the OGS as a dynamic set of practices characterized by both unifying ideals and significant local manifestations.

This goes with the political philosophy of the OGS, which is anchored in institutional principles designed to prevent the concentration of power. Key among these are: 1) periodic Succession: an enforced eight-year term limit for leadership, ensuring mandatory rotation (Asmerom, 2001); 2) checks and balances: a system of balanced opposition among parties (*miseensa*) or classes (*luba*) to mitigate the dominance of any single group (Interviewees 2, 4, 8); and 3) decentralized authority: power is distributed across semi-autonomous levels of social organization-such as *olla* (village), *ganda* (district), and *gumaa* or *roba* (confederacy)-based on a mass-based and consensus logic, rather than a rigid, top-down bureaucratic hierarchy (Bassi, 2005; Firdissa, 2025). Categorizing this structure with terms like “local, regional, and central” is often misleading, as it imposes a modern administrative template onto a fundamentally different political ontology.

The system further incorporates a separation of political functions, balanced mass representation, stringent leader accountability, dispute resolution through reconciliation (*araara*), and the protection of communal rights (Asmerom, 2001). Leadership eligibility is based on criteria like integrity (*safuu*), bravery, and wisdom, with candidates undergoing prolonged training and testing through the age-grade system (*hirijya*) before assuming office (Asmerom, 1973). This intricate structure presents a profound opportunity for enriching Ethiopia's governance landscape, while simultaneously posing a formidable challenge for integration into a unitary constitutional order.

## **2. Statement of the Problem**

The UNESCO inscription of the OGS in 2016 represents a significant symbolic achievement, yet it has not precipitated its functional integration into Ethiopia's governance and legal frameworks. This disconnect reveals a deeper, structural problem that extends beyond mere political neglect. Despite the international recognition and the system's well-documented democratic principles, neither federal nor regional legislatures have enacted substantive laws to translate this symbolic status into operational reality. Consequently, the OGS remains largely peripheral to the state's administrative and juridical machinery, operating in a parallel space without formal articulation with modern institutions.

The core issue lies in a fundamental incompatibility between the Ethiopian's historically centralized, hierarchical model and the Gadaa system's decentralized, community-based, and consensus-oriented logic. The modern Ethiopian state is built on a template of bureaucratic authority and singular legal sovereignty, whereas the OGS derives its legitimacy from communal covenants, people relationships, and rotational authority distributed across semi-autonomous assemblies. This is not merely a technical challenge of integration but a profound structural tension between two distinct political ontologies. Compounding this structural dilemma is a discursive and legal shortfall. Domestically, there is a tendency to misrepresent the Gadaa system by describing its practices through the administrative lexicon of the modern state—"local, regional, and central". This framing imposes a hierarchical, state-centric model onto a fundamentally different, non-hierarchical political organization, thereby obscuring its unique logic and inadvertently reinforcing the very paradigms that marginalize it. Legally, while Proclamation 839/2014 provides for safeguarding intangible heritage and constitutional Articles such as 39 (self-determination) and 52 (powers of states) offer theoretical openings, these provisions remain abstract and inert. They have not been activated through specific legislation or policy frameworks designed to navigate the complex interface between state law and customary governance.

Therefore, the central problem is the absence of a viable pathway to transform symbolic recognition into a legally pluralistic and operationally functional governance hybrid. This inertia leaves critical questions unresolved: How can power be shared and jurisdictions delineated between the state and the Gadaa system? What practical models can reconcile a centralized constitutional order with a decentralized customary system? Without deliberate mechanisms to address these questions, the potential of the OGS to contribute to more legitimate, effective, and culturally-grounded governance in Oromia and Ethiopia remains fundamentally hindered.

### **3. Objectives of the Study**

The main objective of this study was to critically analyze the quest for the constitutional recognition of the OGS by examining the structural tensions, legal opportunities, and practical challenges of integrating an indigenous governance system into the modern Ethiopian state. Specifically, the research pursued the following four objectives:

1. to analyze the core governance principles and the diverse historical practices of the OGS that are relevant for contemporary integration;
2. to examine the explicit and implicit motivations behind the UNESCO inscription and assess their alignment with domestic legal and policy actions;
3. to evaluate the compatibility of Ethiopia's cultural heritage proclamation and constitutional provisions with the integration of the OGS as a governance system; and
4. to propose actionable recommendations for constitutional and legislative reforms aimed at creating a functionally recognized hybrid governance model.

It is acknowledged that the pursuit of these objectives was subject to certain methodological limitations, which inform the scope and interpretation of the findings. The study's reliance on a purposive sample of ten expert interviewees, while yielding rich, in-depth qualitative data, necessarily limits the generalizability of the perspectives captured. The voices of community elders, local administrators, and citizens from the diverse spectrum of Oromo nations may not be fully represented. Furthermore, the use of in-person interviews, though valuable for depth, constrained the geographical reach of the research, potentially underrepresenting crucial viewpoints from more remote rural areas where Gadaa is actively practiced.

Consequently, while the analysis offers significant insights into the structural and legal dimensions of the recognition debate, the conclusions are built on a data foundation that may not encompass the full complexity and variation of on-the-ground realities across all Oromia. The study's design, which synthesized interviews with documentary analysis, would have been strengthened by incorporating additional methods such as focus group discussions for broader community-level triangulation. These limitations highlight the need for further complementary research while framing the present findings as a critical, though not exhaustive, contribution to the discourse.

### **3. The Research Methodology**

This study employed a qualitative research approach focusing on an in-depth, exploratory case study of the OGS recognition debate. The methodology was chosen to capture the complex, subtle perspectives on this socio-legal issue. Primary and secondary data were gathered through semi-structured interviews; and document review. The interviews were conducted with 10 purposively selected key informants from- five professionals across various academic units at Addis Ababa University, two experts each from the Oromo Cultural Center and from Oromia Culture and Truism Bureau, and a lawyer with extensive knowledge of the Oromo governance system. The interviews were conducted in person, recorded with consent, and later transcribed. Secondary data were

collected through a comprehensive document review. This included analysis of the UNESCO nomination file (2016), Ethiopia's Cultural Heritage Proclamation No. 839/2014, the FDRE Constitution (1995), and scholarly literature on the OGS, legal pluralism, and Ethiopian politics.

Thematic analysis was used to analyze the interview transcripts and documents. Themes were developed inductively from the data and triangulated across interview responses and documentary sources to enhance validity. To ensure confidentiality, each participant was assigned a unique identifier (i.e., Int1, Int2, Int3...Int10) in place of their actual names.

#### **4. Results and Discussions**

This section presents results and discussions of the data generated on the features of the OGS, implications of inscribing the system in UNESCO's list of Intangible World Heritage, relevance of the FDRE pertinent proclamation(s) to the features of OGS as well as to intents of the inscription, and finding out evidences that make OGS a tangible heritage of Humanity.

##### ***4.1. Core Tenets of the OGS and its Integration Challenges***

Document review and interviews confirm that the OGS is underpinned by cardinal values like *Safuu* (moral order), *Walabummaa* (self-determination), *Tokkummaa* (unity in diversity), and *Nagaa* (peace) (Interviewee 7). Its operational principles-such as eight-year leadership terms, checks and balances between parties, and decentralized authority-were frequently cited as valuable resources for contemporary governance (Interviewees 2, 3, 8). However, the interviewees consistently highlighted a critical tension. As one academic (Int4) noted, "[t]he Gadaa system is not a pyramid with an Abbaa Gadaa at the top issuing commands to regional and local branches. It is a network of mass-based assemblies (chaffe) that build consensus upwards. Mapping this onto a state hierarchy is the fundamental challenge".

The age-grade system (*birjyya*), which prepares leaders through progressive stages of training and responsibility, was identified as a unique mechanism for ensuring qualified and tested leadership. The interviewees contrasted this with electoral systems that may prioritize popularity or wealth over proven capability and character (Int3, Int8). Furthermore, the practices of *buqqisuu* (peaceful recall through legal process) and conflict resolution through *araara* (reconciliation) were emphasized as indigenous mechanisms for accountability and restorative justice worthy of integration (Int5, Int9).

The Gadaa council operates under a structured leadership framework. Class membership is traditionally open only to men whose fathers were members, while women contribute to decision-making and safeguard social order through the *Siinnee* institution (Interviewee 7). As illustrated in Figure 1, though variations exist across the Oromo communities, the system features distinct roles such as the *Abbaa Boku* (presiding chair), *Abbaa Gadaa* (leader), *Abbaa Duulaa* (defense), and *Abbaa Sa'aa* (treasury), embodying a separation of functions (Bassi, 2005; Int3, Int7).



Figure 1: *The Structure of the Oromo Gadaa Officials* (Firdissa, 2025:7)

Although there is no as such structural uniformity across all Oromo community, as there are slight variations across Borana, Guji, Arsi, Macha, Tulama, Karrayyuu, etc.

Retired councilors form an advisory body, ensuring intergenerational equity. A defining feature, as discussed by interviewees, is this equitable distribution of power across generations, which contrasts with models where authority and wealth concentrate in a permanent elite (Int3, Int4, Int8).

*The Abbaa Gadaas*, collectively known as the *Abbaa Gadaa Council (or Yaa'a)*, deliberate on key societal matters, including governance, politics, social issues, economics, culture, peace, and environmental concerns *as* represented in Figure 2.



Figure 2: *Abbaa Gadaa Council (Yaa'a) Deliberate on Governance, Political, Social, Economic, Cultural, Peace, and environments* (Taken from OBN, 2021)

The governance is rule-bound. As Int8 explained, “[t]he duties of Abbaa Gadaas have long been governed by Seera (laws) and Heera (proclaimed constitution)”. These foundational practices, the interviewees argued, should be formally incorporated into Ethiopia’s governance framework (Int2, Int3, Int8). The system also includes a robust accountability mechanism. *Buqqisuu*, as clarified by respondents, is not a violent overthrow but a formal, judicially supervised process of impeachment and removal for leaders who violate fundamental laws (Int5, Int9), akin to modern constitutional

impeachment but rooted in customary procedure. The OGS progresses through an eleven-grade age-system, detailed in Table 1.

Table 1: Gadaa grades, names, ages and features

Grades	Ages	Designations	Features
1	1–8	<i>Dabballe</i>	the grade of the uninitiated sex
2	9–16	<i>Ittimako</i>	Mixing with others
3	17–24	<i>Foollee</i>	readiness for responsibilities
4	25–32	<i>Qondaala</i>	junior warriors
5	33–40	<i>Raaba Dori</i>	senior warriors
6	41–48	<i>Gadaa</i>	the stage of political and ritual leadership
7	49–56	<i>Yuuba 1ffaa</i>	stage of partial retirement
8	57–64	<i>Yuuba 2ffaa</i>	stage of partial retirement
9	65–72	<i>Yuuba 3ffaa</i>	stage of partial retirement
10	73–80	[ <i>Yuuba 4ffaa</i> ]	stage of partial retirement
11	80–88	<i>Gadaamoojiii</i>	the terminal sacred grade
After 88		<i>Jaarsa</i>	at which care and support is rendered.

(Source: Firdissa, 2022: 227)

While the core structure is consistent, nomenclature varies across the different Oromo communities, reflecting the system’s adaptive nature (Dirribii, 2009; Firdissa, 2022). It should, however, be noted that there are differences in naming conventions, structural details, and other factors across Oromia and among the Oromo communities. As a unifying practice, nonetheless, the eight-year elected terms of Abbaa Gadaas, along with the Gadaa system’s grades, names, age groups, and features, exemplify a robust framework of democratic governance and power rotation. This indigenous Oromo system also encompasses legal and conflict resolution mechanisms, environmental conservation, sustainable resource management, and a strong cultural and spiritual foundation (Firdissa, 2022).

#### 4.2. *Intentions Behind UNESCO Inscription of the OGS*

A document analysis reveals a duality of intentions behind the UNESCO inscription-explicit and implicit. Explicit intents include cultural preservation, global recognition, strengthening identity, promoting peace, and aligning with sustainable development goals (UNESCO, 2016). Implicit intents, inferred from interviews and socio-political context, were more strategic. Interviewees indicated the inscription serves as a tool for political legitimization of the Oromo and as resistance against cultural assimilation (Int1, Int2, Int9). One interviewee (Int4) stated, “UNESCO recognition is a shield. It gives us an international instrument to defend the system from being erased or trivialized as mere folklore”. Other implicit intents included leveraging the recognition for claims to greater self-determination and seeking economic benefits through cultural tourism (Int6, Int10). This duality frames the inscription not only as an act of preservation but also as a strategic move within broader socio-political struggles, transforming it into a landmark for indigenous sovereignty (Int10).

### 4.3. Compatibility of the country's Legal Frameworks with the OGS

Ethiopia's legal trajectory on cultural heritage, from Proclamation 229/1966 to 839/2014, shows a progressive expansion to include intangible heritage, aligning with UNESCO conventions (FDRE, 2014). However, interviewees consistently argued its relevance is limited. A legal expert (Int10) explained, "Proclamation 839 is about safeguarding 'heritage'-songs, rituals, sites. It is not designed to recognize a parallel governance jurisdiction or a living legal system. It treats Gadaa as a museum piece, not as a constitution".

The FDRE Constitution offers more potent, albeit unrealized, grounds. Articles 39 (self-determination), 52 (powers of states), and 78(5) (recognition of customary courts) were cited as a constitutional basis for integration (Int8, Int10). However, the implementation gap was stark. As one official (Int6) noted, "[t]he Constitution has many good doors, but they are locked. No law or policy has been enacted to turn these keys for the OGS". The core challenge remains the absence of legislative vehicles to translate constitutional potential into a workable model of shared governance.

Furthermore, the study has found that the OGS encompasses significant tangible heritage-ritual objects like the *Bokku* (sceptre), *Odaa* (sacred sycamore), *Kalachaa* (bracelet), and ceremonial attire used in *Irreechaa* (thanksgiving) and power transfer ceremonies. These are not merely symbols but constitutive elements of governance and social continuity. As shown in Figure 3, these tangible items are integral to practice.



**Figure 3: Tangible Heritage of the OGS/Irreechaa Ceremony (Taken from OBN, 2021)**

Regardless of these, the current legal and UNESCO frameworks, focused on intangibility, risk overlooking this material dimension, which is essential for holistic safeguarding. Moreover, there are also a number of tangible heritages displayed at different occasions, including, *Hadha Sinqe's stick*, *Qanafa*, *Abbaa Gadaa* Flag, *Odaa*, symbolic clothes, water, flowers along fresh grasses on *Irreechaa* festivity as symbols of thanks giving, peace, and hope, etc. In addition, felt movements, proverbs, folktales, dances, blessings, songs, and the like rituals, ceremonies during formal power transfer, *Irreechaa*, circumcisions and other public festivals signify that the OGS is more of tangible heritages rather than just intangible. The inscription as well as the proclamation, therefore, failed short of recognizing OGS as a tangible heritages of humanity.

## 5. Conclusion

This study demonstrates that the OGS embodies a profound and sophisticated indigenous governance model, whose core principles—including periodic succession, decentralized authority, checks and balances, and restorative justice (*araara*)-hold significant potential for enriching Ethiopia’s contemporary governance architecture. Rooted in values such as *Safuu* (Moral Integrity) and *Nagaa* (Peace), the OGS offers a framework for accountability, inclusivity, and intergenerational equity that contrasts with centralized power models. Its rigorous leader preparation through the age-grade system and mechanisms for recall (*buqqisuu*) provide tested solutions to challenges of corruption and authoritarianism. Therefore, the OGS represents not merely a cultural artifact but a viable repository of democratic political knowledge relevant to national governance.

However, the path to constitutional recognition is obstructed by a fundamental tension. The 2016 UNESCO inscription, while a landmark achievement, operates primarily within a symbolic and cultural heritage domain, exposing a critical gap between international acclaim and domestic functional integration. The inscription itself carries a duality of purpose: an explicit intent to preserve culture and an implicit political strategy to legitimize and shield Oromo sovereignty. Domestically, Proclamation 839/2014, though progressive, is limited to a heritage-safeguarding mandate that fails to address the OGS’s functional governance and juridical roles, treating it as a relic rather than a living institution.

Constitutionally, while articles guaranteeing self-determination (Art. 39), regional powers (Art. 52), and recognition of customary law (Art. 78) create a plausible framework for integration, these provisions remain dormant. The core impediment is a structural incompatibility between the centralized, hierarchical logic of the Ethiopian state and the decentralized, people-based, consensus logic of the Gadaa system. Without deliberate legal innovation and political will to craft hybrid models, this incompatibility will continue to relegate the OGS to the periphery of the state’s operational framework, despite its constitutional potential.

Consequently, moving forward necessitates a paradigm shift from viewing the OGS solely through a cultural heritage lens to engaging with it as a partner in governance. This requires initiating a structured dialogue to negotiate power-sharing and jurisdiction, enacting specific legislation to activate constitutional provisions, and piloting hybrid models in areas like conflict resolution and resource management. Ultimately, genuine recognition involves navigating legal pluralism to construct a mutually respectful interface between the state and the OGS, transforming symbolic heritage into a functional pillar for a more inclusive and legitimate Ethiopian polity.

## 6. Recommendations

Based on the findings, the study recommends that the FDRE and the Oromia Regional State should:

1. establish a high-level commission comprising state officials, Gadaa council elders from major Oromo groups (Borana, Guji, Macca, Tulama, Karrayyuu, etc.), and legal scholars to formally negotiate questions of power-sharing, jurisdiction, and hybrid models;
2. develop and test pragmatic integrations in specific sectors, such as formally recognizing *Araara* reconciliation councils for certain civil and family disputes, or integrating Gadaa’s

environmental stewardship principles (*seera*) into local land-use and natural resource management policies;

3. utilize constitutional Articles 39 and 52 to draft a *cultural and governance autonomy or legal pluralism* law at the federal or regional level, providing a clear framework for recognizing, regulating, and synergizing the functional aspects of indigenous systems like the OGS with state institutions;
4. amend Proclamation 839/2014 or its implementing guidelines to create a special category for the OGS, which is a living governance heritage that explicitly links safeguarding to mechanisms for functional consultation and integration in local administration and justice; and
5. advocate for the documentation, legal protection, and national/international recognition of the OGS's tangible ceremonial artifacts (e.g., *Bokku, Odaa, Siinqee, etc.*) as vital components of Ethiopia's cultural legacy and as essential tools of a living system.

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