

# Re-examining the Philosophy of Constitutionalism and Governance in the Gadaa Republic of the Oromo People

Solomon Emiru Gutema  
Assistant Professor of Law [LL.B, LL.M]  
Wollega University, School of Law

## Abstract

Constitution and government are the different faces of the same coin in any political ideology. Since, Constitution is an instrument through which a government governs its citizens. However, a constitution may be either democratic [legitimate or accepted] one; or undemocratic [illegitimate or not accepted] one by the people at large in certain country. Accordingly, the legitimacy or acceptance of certain constitution is based on its making process, contents and practices/implementations in a certain state. Thus, if its making process is participatory; if it consists of fundamental human rights and democratic principles in its contents; as well as, if it is implemented practically by the government; a constitution is legitimate or accepted constitution, if not it is an illegitimate one. Therefore, constitutionalism is the act of governing the nation based on the basic principles of a legitimate Constitution. Consequently, this Article gives its emphasis to re-examine the extent of constitutionalism in Gadaa republic of the Oromo people. Its main objective is to assess the prevailing opportunities and challenges in the making process, contents and practices of Gadaa Constitution to ensure constitutionalism. Additionally, it excavates the reason why these Gadaa principles of governance have been never evolved to the zeal of modern Constitutional Principles. Furthermore, it has checked for its compatibility with the modern constitutional world and thereby to redeem the gaps/inconsistencies if any through recommending. To achieve its purpose, this Article has employed a qualitative methodology which includes review of related literatures, analyses of legal documents, Gadaa Constitutional Principles, Internationally Recognized Human Right Instruments, and philosophy of the Oromo in various aspects. The findings of this research has illustrated that the supreme authority belongs to the people at large in Gadaa republic not vests in the hand of the government officials or leaders. Accordingly, law is above all including Abbaa Gadaas (who are administrating the country) and also, the Oromo values the laws more than their own children. Consequently, the principles of constitutionalism are well recognized in the Gadaa republic.

**Keywords:** (Gadaa, Constitution, Constitutionalism, Oromo)

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## 1. Introduction

Constitution and constitutionalism are almost common terms in modern constitutional and democratic governance system; though each term may be defined in multiple ways as per the partisan interests who define them. However, talking the concepts of constitutional governance and constitutionalism in sixteenth century is really an astonishing one. The Oromo people had been governing themselves through magnificent systems of governance; which is very similar or even sometimes better than the contemporary constitutional governance system of the democratic republics of this world. In Gadaa republic the concepts of constitution (unwritten constitution) and constitutionalism (limited government and sovereignty of the people) had been known in or before sixteenth century. However, the concept of constitutionalism has been nurturing after the Second World War even in the western democracies.

At this juncture, highlighting the concept of constitution and constitutionalism has paramount importance before delving into clarify and compare the Gadaa based constitution and constitutionalism with the modern constitutionalism. Accordingly, this Article has strived a lot to re-examine the origin and evolution of these concepts in Gadaa republic in their traditional aspects through comparing with the modern concepts of constitution and constitutionalism.

Hence, primarily the term 'Constitution' and Constitutionalism must be elaborated appropriately, prior to examining these concepts in Gadaa republic in their traditional aspects.

Accordingly, 'Constitution' is both legal and political document which governs the legal, political and socio-economic aspects of certain nation. Constitution contains principles, objectives, values and guidelines on a very important national matters and interests like political, social and economic objectives. Moreover, it gives directions on country's foreign policy, election system, language policy, religion policy, matters of human and democratic rights, and system of governments, fiscal matters and others. Generally constitution serves as a framework for government organs, limits the power of governments, ensure rule of law and democracy, guarantee rights and freedoms for citizens, forging unity among diversities, develops human dignity and values which calls for sustainable development.

On the other hand ‘Constitutionalism’ deals with all about controlling, limiting and restraining the power of the state; hence, it is a legal limitation on government. ‘Constitutionalism is the idea, often associated with the political theories of John Locke and the founders of the American republic, that government can and should be legally limited in its powers, and that its authority or legitimacy depends on its observing these limitations’ (Stanford Encyclopedia of Philosophy, 2016). This means government must act as per the contents of the constitution which is already made.

Also, constitutionalism enshrines respect for human worth and dignity as its central principle. To protect that value, citizens must have a right to political participation, and their government must be hedged in by substantive limits on what it can do, even when perfectly mirroring the popular will. Broadly, constitutionalism can be viewed as a principle that limits the exercise of power through the instrumentality of a constitution that serves as a constraint (Murphy, 2000).

In general talking, constitution is a set of laws and rules setting up the machinery of the government of a state and which defines and determines the relations between the different institutions and areas of government, the executive, the legislature and the judiciary, the central, the regional and the local governments (Mv. Pyee, 2012). In fact, a constitution is the source, the jurisprudentially fountain head from which other laws must flow, succinctly and harmoniously (Ibid). However, constitutionalism is the issue of linking the constitutional text with its practices. Accordingly, a country may have a ‘constitution’ but not necessarily ‘constitutionalism’ (Jain M.P, 1994). Therefore, constitutionalism is all about practicing or implementing the contents of the constitution as it is provided in the constitutional text by government.

Hence, this Article has examined the extent to which the Gadaa based principles fulfill the principles of constitutionalism and democratic governance. Additionally, the making process of Gadaa based laws has been seriously assessed to check whether it is compatible with the modern and legitimate way of making constitution in democratic world or not. Furthermore, this Article has tackled a lot to critically investigate the extent to which Gadaa system is favorable to accommodate the principles of constitutionalism. Moreover, it has pointed out the reasons why Gadaa principles have never developed to the status of modern constitutionalism or constitutional governance. Finally, it forwards some important recommendations on the manner in which Gadaa principles will be molded to the status of modern constitutionalism.

## 2. Literature Review

The concepts of constitution and constitutionalism considered in various literatures; so, it is not a new idea. A number of researches have done on these important areas. Similarly, many scholars have tackled a lot to show the democratic aspects of Gadaa system in their scholarly works. Among these scholars, Asmarom Legesse, Asafa Jalata, Dirribi Demissie, Mohammed Hassen, Martial De Salviac and others have revealed that Gadaa as an indigenous African based democracy. However, this Article differs from the previously conducted Gadaa oriented research and from the modern researches on constitutionalism; since it claims that Gadaa system consists of constitutionalism principles. Moreover, this Article has examined the concept of constitutionalism as a governance ideology in the African traditions particularly in Gadaa republic of the Oromo people. Therefore, this Article tries a lot to explore the mechanisms in which the Oromo people ensure these principles of constitutionalism while practicing their Gadaa system for centuries.

In the western democracies, the idea of constitutional governance and constitutionalism has become a political agenda after the Second World War. Also the Post Second World War constitutions can be categorized into three types based on their legitimacy/acceptance from their nations as follows (Tommaso, 2015):

- I. **Garantiste Constitutions:** These are constitutions proper, congruent with the 19<sup>th</sup> century consensus, which limit arbitrary government power and ensure limited government.
- II. **Nominal Constitutions:** These constitutions are “fully applied and activated,” but they perform no limiting function vis-a-vis the government because they merely formalize “the existing location of political power for the exclusive benefit of the actual power holders.”
- III. **Facade Constitutions:** These take on the appearance of a true constitution, but “what makes them untrue is that they are disregarded”

Accordingly, the concept of constitutionalism in its modern sense is linked to ‘*Garantiste*’ constitution; whilst the other two (*Nominal* and *Façade* constitutions) have no relation with the notion of constitutionalism.

In the modern state belonging to the western legal system, the power of the government is effectively limited through the mediation of particular principles of law, traditions and institutional mechanisms (Sajó A., 1999). The model of governance in such a state is based upon the principles of state governed by law (rule of law), democracy and human rights (European Commission for Democracy through Law (Venice Commission) Report on the Rule of Law, 2013). Traditionally the principles of state governed by law and human rights are included in the concept of constitutionalism (Jean Carzou, 2013). Hence, constitutionalism is a sufficiently complex model of state governance, demanding not only declaration of the respective values and principles in the texts of the constitution, but also their practical implementation (Ibid). Constitutionalism is also the tendency

to promote the impact of Constitutional law on all law branches within the State and beyond (Ibid).

Throughout centuries, jurists and politicians believe that the evolution of constitutionalism has become inalienable and significant heritage of Western legal traditions. Nevertheless, the notion of constitutionalism and constitution itself has got its recognition broadly after the Second World War even in the western countries. For instance, in Eastern Europe, and in parts of Asia, the constitutional foundation began in 1989 when communism collapsed in the region (Ibid). About the same time Latin American states moved away from authoritarian forms of government, and South Africa moved away from apartheid towards constitutional democracy recently.

However, in Gadaa democracy the tenets of constitutional governance and constitutionalism like respecting human dignity, limited duration of political power, the right to asylum, election, accountability of officials and others had started during sixteen century (Makoo Bili Laws, Article 13, 41, 55). Hence, this Article claims that the origin of constitutionalism and constitutional government was originated here in the horn of Africa by the Oromo people, before the Westerners have molded and nurtured the principles of constitutionalism and constitutional governance in its modern parlance.

A number of scholars concluded that Gadaa is a very complex social structure created and practiced by the Oromo people in their previously conducted researches. Among these scholars and researchers some of their findings about Gadaa system are reviewed hereunder.

The well known Anthropologist Asmarom Legesse, who had conducted research on Gadaa system for a long period of time, articulated it as follows: “Gadaa is a system of generation classes that succeeded each other every eight years in assuming political, military, judicial, legislative and ritual responsibilities” (Legesse, 2006). Moreover, according to him ‘Gadaa system is an elaborate, well constructed system for distributing power among all the generational segments of society (Ibid). Furthermore, Legesse explained that: Oromo democracy is one of those remarkable creations of the human mind that evolved into a full-fledged system of government (Ibid). It contains genuinely African solution for some of the problems that democracies everywhere had faced (Ibid).

According to Legesse Gadaa have three interrelated meanings: it is the grade during which a class of people assumes politico- ritual leadership, a period of eight years during which elected officials take power from the previous ones, and the institution of Oromo society (Legesse, 1973, 2000/2006).

Asafa Jalata concluded in his works that ‘Long before democracy and social equality were the norm in Europe and North America, the design of Gadaa as a social and political institution worked to prevent exploitation and political domination in Oromo society’(Asafa Jalata, 2013). Consequently, under the Gadaa system, Oromo society enjoyed relative peace, stability, sustainable prosperity and political sovereignty (Ibid).

According to Dirribi, “The law of Gadaa of the Oromo cannot be break or collapse by any means after it has made; which means, “Tumeen Seera! Hinjigu, hin dhangala’u; seera Gadaa Oromooti” (Dirribi, 2011). De Salviac, said that ‘we would not have trouble to understand that the Oromo, who do not know how to write have laws all so valuables as that of English’ (De Salviac, 1901). He precisely compared the system of unwritten constitution [not codified constitution in a single text] of England with the Oral Gadaa system of the Oromo and said both are similar. This shows the extent of Gadaa democracy though it is oral principles/unwritten.

Lambert Bartels pointed out that Gadaa system was more than a merely socio-political system; it was all a shrine for Matcha’s traditional view of the world and their moral values (Lambert, 1990). Apart from upholding the Gadaa laws, the Gadaa set in power had to perform many rituals to ensure the country’s well being: fertility of the people and animals, good harvest (especially through rain), and mutual peace which they considered as a condition for Waaqa’s /God/sky) blessing (Ibid). Hence, according to Lambert Gadaa comprises all the aspects of Oromo people; it was a very general study conducted by him in western Oromia more focused on religious affairs.

Therefore, the uniqueness of this research is that the perception of limiting the power of government or constitutionalism has been embedded in the custom and traditions of the Oromo people as per Gadaa constitutionalism; whereas, the modern notion of western constitutionalism ensured, after disastrous wars had taken place and caused immeasurable loss of life in human history. Accordingly, this research is different from the previously conducted researches in two ways. Firstly, it argues that the birth place of constitutionalism and constitutional governance was here in the horn of Africa in the Oromo Gadaa republic. Hence, the thesis that concludes the western legal system as the only source of constitutionalism and constitutional governance is today questionable or must be re-examined as per this research claims. Secondly, previous researches conducted on Gadaa system have been focused on its origin, structure, its religious aspect, generally concluded that Gadaa is a traditional system which deals with all the affairs of the Oromo people including their culture, politics, religion, economy, and social affairs. But this research gives its emphasis on the governance aspects of Gadaa republic. The way in which leaders’/government officials’ powers were traditionally limited. The institutional and legal frameworks established traditionally in Gadaa republics to limit the powers of the leaders and the way in which laws were enacted legitimately; as well as, the place of law in the Oromo philosophy.

### 3. Methodology of the Study

This research has attempted to make an appropriate review of the existing literature on Gadaa system, Constitutionalism, rule of laws and broadly on concepts of constitutional administration. It explores the ways in which one can utilize the principles of Gadaa system as modern constitutional principles. It re-examines the extent to which the traditional principles in Gadaa republic are compatible with the modern principles of constitutionalism.

Additionally, it strives to explore the way in which the Oromo people had limited the powers of their leaders in their traditional system/Gadaa republics. To fulfill these objectives, it reviews various literatures written on Gadaa system, constitutional governance and constitutionalism in general.

For this reason, its research methodology is qualitative one. Hence, various related literatures, written or previously conducted researches on Gadaa system, as well as, on constitutionalism and constitutional governance has critically analyzed. Moreover, the principles of Gadaa system have been compared with the modern principles of constitutionalism in order to show the prevailing and possible challenges and opportunities to develop the Gadaa constitutionalism in Ethiopia in particular and in Africa in general.

### 4. Result and Discussions

Herein above, the concept of constitution and constitutionalism in its modern sense is already elaborated. Accordingly, one can deduce that Constitution is a text/document which is just written at one time, like the USA Constitution or evolved through time in case it is unwritten one, like UK Constitution. Truly speaking, constitutionalism is not simply a text or a document; however, it is a culture which developed/ evolves through a long period of time. So, the culture of making or enacting a constitution is an event or component of constitutionalism. Thus, striving for codifying the constitution, state structure and its power in a certain text itself legitimately indicates one sense of constitutionalism.

After certain constitution is already enacted we must assess its practices again to check its legitimacy. Moreover, the culture of distributing powers among government branches; the existence of democratic and functional institutions to assist this legitimate political, economic and social culture is also necessitated to ensure constitutionalism. Additionally the availability of accepted and recognized governmental and non-governmental frameworks to limit government powers in their daily actions and inactions is another aspect of constitutionalism. Furthermore, the power of ordinary courts to review the constitutionality of legislations/laws enacted by the government is also the sign of constitutionalism in certain country.

Accordingly, the concept of constitutionalism is too broad to be summarized in a single saying. Constitutionalism may be considered as a theory; like liberalism, socialism or scientism; it is perhaps, worthy asking what that theory is and, whether the claims it comprises are true or valid (Cf. Walter Murphy, 2009). Constitutionalism can be, therefore, refers to the sort of ideology that makes this attitude seem sensible, i.e. the attitude of adhering to constitutional principles (Waldren, 2010). Therefore, constitutionalism is all about practicing legitimate relationship based on democratic and accepted culture between the government and their citizens/nations on one hand, and the legitimate political culture in which the relationship among the three wings of governments are governed.

Writing constitution and rewriting constitution is not rare especially in Africa; what is rare is its legitimate making process; as well as, its implementation at least to the extent that satisfies the majority of its nations' interest. Moreover, the contents of certain constitution must accommodate fundamental principles of Human and democratic rights which limits government powers to ensure constitutionalism. Additionally, to have constitutionalism and practicing it certain government must committed itself to fulfill, enforce and protect the principles of constitutionalism; like entrenchment of Human rights, Sovereignty of the people, Supremacy of constitution/basic principles, Establishing accountable and transparent government, and Separation of powers.

All these principles of constitutionalism and constitution are recent phenomenon, especially in African countries. Even, in the Western civilized nations, the concept of limiting the governments' powers had guaranteed after huge scarifies and atrocities had happened; especially after Second World War (Post 1945).

However, the Oromo people had been nurtured the principle of constitutionalism in sixteenth century in their traditional Gadaa system. It is difficult to recall exactly when and where Gadaa system had started. However, it is determined beyond any reasonable doubt that the Oromo people have been utilizing Gadaa system as a traditional mechanism to ensure social justice for centuries. It was evolved from the cumulative experiences gained from experiments, practices, customs, and lessons of many generations of the Oromo society since immemorial time (Dirribi, 2011).

Accordingly, hereunder, the researcher would like to analyses and compare the elements of constitutionalism which created by modern politicians, jurists and other social scientists with the traditional tenets of Gadaa constitutionalism. This evaluation puts its emphasis on the philosophy of state/government formation, the making process of basic laws, and other vital principles related to constitutionalism. The researcher would like to re-examine and discuss this part in dividing into five sections; namely, State formation,



Basic Laws/Constitution Making Process, Contents of the Basic Laws, and Practices/Implementation of the Basic Laws, as well as, the challenges of Gadaa system in general sections to assess the extent of Constitutionalism and legitimate governance in Oromo Gadaa Republic.

#### **4.1 Theory of Formation of State/Polity**

##### **4.1.1. Formation of Government: In Modern Political System Versus in Gadaa Republic**

In political history polities may be formed in three different manners (Daniel, 1985). The first one is hierarchical model. In this form of government system everything is imposed from above including the constitution itself (Ibid). The subjects/citizens' interest in all aspects are not considered; hence the ruler made all their laws to suppress the nation for their own interest. For instance, states formed through conquest, dictatorship, and Monarchical government is categorized under this model.

The second form of polities' formation is through evolution in an organic model (Ibid). Hence, some states were evolved organically out of more limited forms of human organization and which over time concretize power centers which govern their peripheries (Ibid). Polities founded and organized on the organic model seemingly grow naturally, and as they develop, the more powerful or otherwise talented leaders form a political elite at the polity's center that rule over the vast majority in the polity, who are relegated to the peripheries (Ibid). The constitutions of the organically created states are enacted through evolution from the traditional body of accepted rules and customary practices (Ibid). The apotheosis of this model is Westminster-style parliamentarianism with the parliament sovereign (Ibid).

Furthermore, some states are founded by design through covenant or compute in which power is shared through a matrix of centers formed by the government of the whole, on the basis of federal principles (Ibid). The covenantal model is different from the above ways of state formation. Since, under the covenantal model of polities formation, at least two states, one is the federal state and the other is the regional states must bargain between themselves on all political, social and economic aspects of the nations living in that polity (George, 2008). This covenantal model of state formation is all about federation or federal way of organizing a polity in certain country. Hence, federations are originated from particular bargains on various issues related to political and socio-economic aspects of the public at large, which struck at a particular time and designed to serve for generations (Assefa, 2006). In these bargaining between the federal and sub-units on a number of issues, a written and supreme constitution necessitates mandatorily (Ibid).

From these three political theory of polities formation discussed hereinabove, the Oromo Gadaa Republic shares the characteristics of the second (Organic Model) and mainly the third (Covenantal Model). Similarly in Gadaa Republic of the Oromo, each clan or pair of clans of Oromo possessed religious and political centres (Odaa) where assemblies take place for religious or political purposes. However, even though each clan possess Odaa of their own, all of them have blessing of the 'Abba Mudaa' (Ritual and cultural leader) at one centre altogether. Accordingly, there was one Abba Mudaa at one centre at a time to bless all the Oromo clans rules in different regions who were autonomously administer themselves with the binding general Gadaa system. Hence, the Oromo have had Abba Mudaa which unifies them and they have been administering themselves autonomously in other aspects. Thus, the researcher strongly claims that there are the concepts of shared rules and self rule in Gadaa system like in the modern covenantal Constitutions of federations.

Consequently, the process of state/polity formation in the Gadaa Republic was very democratic. The Oromo never knows establishing their government forcefully or through conquest by imposing rules and regulations on their citizens; since the Gadaa rules prohibits such acts. Hence, the principle of constitutionalism is well respected in formation of government in the Gadaa Republic.

#### **4.2 Law Making Process**

##### **4.2.1. Making Basic Laws: In Modern Governments Vs. In Gadaa Republic of the Oromo**

Making Basic Laws/constitution is the most important event in the political life of a certain country. A constitutional moment is a revolutionary event (Regassa, 2010). It is a moment of constitutional festivity and it is a moment of negotiating national identity too (Ibid). Unfortunately, very few nations are blessed with constitutional moment even in modern government system. In the making process, the makers of a constitution are confronting with various, complicated and competing interests from different groups. For the defeated party, it is a moment of frustration, desperate, criticism, conflict, extremist etc. Hence making a constitution is verily a difficult task. If the making process of a constitution is inclusive, broad based and participatory, it makes that constitution more legitimate. Not only restricted to the making process but also legitimacy of a certain constitution can be evaluated by its content and practical application in the post making process.

Accordingly, the making process of any constitution may be categorized as either democratic or not in modern republics. Hence, many scholars categorized constitutional making in to two basic approaches; namely, the traditional and the new approaches (Tesfatsion, 2008). According to the traditional approach a constitution is an act of completion. It is perceived as a contract, negotiated by appropriate representatives, concluded, signed

and observed (Viven Hart, 2003). The issues are deemed settled with presumed finality and conclusiveness (Ibid). The new constitutionalism approach on the other hand is an approach centering on the participatory constitutional making or conversational constitutionalism (Paul R. William, 2006). It is perceived as a continuing conversation between the elites of a given society and the population (Louis Aucoin, 2007). It is carried on by all the stakeholders and is open to new entrants and issues (Ibid). Its aim is to fashion and provide a workable formula that will be sustainable rather than assuredly stable (Ibid). This approach (new constitutionalism) is more sensible especially considering the essential nature or function of the constitution (Ibid).

Therefore, various principles of legitimate way of making a Basic Laws or Constitution for certain state includes the following, as per the modern principles of constitutionalism.

**The principles of inclusivity:** This means that the participation of all the people or the groups in which they are represented should be ensured. The people should take part in the process and influence the contents of the constitution (Tefatsion, 2008). If we read Article 25 of the International Covenant on Civil and Political Rights [ICCPR], it provides that “every citizen shall have the right and the opportunity”, among others, “to take part in the conduct of public affairs, directly or through freely chosen representatives”.

**Political parties:** “The role of political parties depends on the history of the country or polity concerned. The phrase “political parties” here refers to organizations whether labeled parties or not established for political purposes including that of contesting for or sharing state power. Hence, “Fronts” are parties. The history of South Africa was such that the role of political parties in the constitution-making process was considerable” (Ibid).

**The principle of openness/Transparency:** This means that the process is such that it is possible and open for the public to make their inputs. There are no impediments blocking them from being heard and making their contributions. This is of crucial importance for legitimacy: It is when the people feel that they could make their contributions that they would consider the final document as legitimate, in fact as their own (Ibid).

Since any basic law or constitution can be neither value neutral nor agenda free; its making process must be all inclusive, participatory/give chances for all and transparent or open to all interested parties and to the public at large. This may determine its legitimacy or recognition in front of its nation.

Consequently when compared with these constitutional and legitimate way of making basic laws in modern republics, the making process of important and basic principles in Gadaa Republic was really unbelievable. Accordingly, the making process of basic laws/constitution in Gadaa republic has seriously fulfilled all the modern principles of legitimate way of making constitution discussed hereinabove.

In their culture, the Oromo people believe that law is not something sent from God to be kept forever; but it is something that is made and if necessary changed based on the need of the people (Dirribi, 2011). The concept that says the law is there naturally and it cannot be changed is not as such known among the Oromo (Ibid). Even the Oromo believe that the law should be made by considering the situation and in accordance with human needs (Ibid). On this issue Professor Asmareom Legesse said:

*One of the most interesting aspects of the Oromo tradition is that laws are treated as a product of human deliberation not a gift of God or of heroic ancestors. There is little in Oromo thought that suggests that laws are natural and, therefore, immutable. There is even less evidences that suggests that the laws are supernatural and, therefore, beyond discussion. On the contrary, they say that all their laws were created by men and can thus be changed by men” (Asmareom, 2006).*

Accordingly, the Oromo people are well known with making laws by themselves and executing it (Dirribi, 2011). It is said that the Gadaa laws of Booranaa people were made by Gadaa under the leadership of **Gadaawoo Galgaloo**; the Gadaa laws of Tuulamaa were made by the Gadaa under the leadership of **Caangaree Korboo** (Ibid). The Gadaa under the leadership of **Makoo Bili** made the Gadaa Laws of Maccaa (Ibid). The Oromo people give great respect for laws. The Oromo believe that law is more valuable than one’s own child which means the Oromo people sacrifice their children for the observance of rule of law (Ibid).

Furthermore, the Oromo makes the laws in the way that satisfies at least the majority of the people. In law making process the Hayyuus, Abbaa Gadaas, the raagaas and Ayyaantuus and the people at large participates (Dirribi, 2011). The Oromo employs the peaceful process of discussion in legislating laws (Ibid). The legislation will be become law only if it is declared and accepted by the people (Ibid). According to the Gadaa laws, anybody can oppose the draft law by saying “damman qabe; korman qabe; fardaan qabe; tuni tuni sirri miti”; and this means that this law is not correct (Ibid).

Moreover, in legislation of laws no one would be silenced, but they are expected to talk based on the seniority of age (Ibid). When the people discuss and accept the laws made through such procedures, the Abbaa Gadaa slaughters a bull and touches that blood with his bokkuu and says, “Tumeen Seera! Hinjigu, hin dhangala’u; seera Gadaa Oromooti” (Ibid). Which means law has been made; it does not collapse; it does not break; it is the law of Gadaa of the Oromo. From this moment onwards, these laws will rule the country (Yilma, 1959). For the Oromo, no position of superiority puts a man beyond control or criticism from his fellows (Donald, 1974).

The Oromo people believe that ‘it is we who are judges, it is we who make the law, and it is we, the people, who obey it and the Gumii will disagree anybody that breaks the law (Dirribi, 2011).

*In the words of De Salviac: The Abba Bokku announces Serri bu’e! The Laws have fallen. The people object saying, “The law, the law, we want the law!The Abba Bokku then announces Seeri ba’e! The laws have risen again (Asmarom, 2000, Cited in Dirribi, 2011).*

This cultural tradition indicates that the people view the laws as being their own, not something imposed up on them by superior force such as God or elite class or a group of learned men.

Therefore, the making process of law is all inclusive, participatory, give chances to contest and transparent enough even far well than the modern constitutional way of making laws. When compared with the constitutional way of legislating laws in modern era, the Gadaa brand of making laws is truly legitimate and fulfilled all the criteria of enacting laws in the world of constitutionalism. Consequently, it is possible to conclude in Gadaa republic the making process of basic laws for nation is in line with the principles of constitutionalism and consistent with the modern western democracies.

#### 4.3 Contents of the Basic Laws

##### 4.3.1. The Philosophy of Human Rights: In Gadaa Republic versus Modern Governance

The principle of Human Rights are recognized and broadly incorporated under International Human Rights Instruments and National Constitutions after the Second World War. As per the modern democratic Constitutions, Human rights and freedoms, emanating from the nature of mankind are inviolable and inalienable (FDRE Constitution, Article 10). The same promises have incorporated and adopted in various international Human rights treaties and declarations like Universal Declaration of Human Rights [UDHR], International Covenant on Civil and Political Rights [ICCPR], International Covenant on Economic, Social and Cultural Rights [ICESCR] and others to avert gross human right violations throughout the world.

These Human rights and fundamental freedoms are therefore, not given by the state or authorities; but pre-exist their legal recognition by the state or the authorities. Because of the universal nature of human beings, Human rights are endowed with certain universal rights which are natural, inalienable and inviolable. Consequently, these human rights includes the right to life, prohibition against inhuman treatment, freedom of movement, the right to be free from torture, the right to food, shelter and clothing, the right to equality, the right to have health and clean environment, and others (FDRE Constitution, Chapter Three); UDHR, ICCPR, ICESCR)).

The Oromo philosophy pursuant to Gadaa republic gives a very high place for the fulfillment, protection and respect for Human rights in a very fantastic manner. Accordingly, Gadaa system is the well crafted and nurtured traditional system of governance which protects the human rights, ensures democratic governance, rule of law and constitutionalism. Far before the invention of all these concepts of human rights and democratic administrations and earlier than their incorporation in the well known Human Rights Declarations and Covenants like UDHR, ICCPR, ICESCR, CRC, and others in human history; Gadaa system recognizes, enforces, and fulfills all these concepts of human rights and constitutionalism.

Very surprisingly, in 16<sup>th</sup> century, when human beings were hunted, made slave and sold like property, the Oromo people had been committed for the protection of human rights (Makoo Bili Laws, Article 13, 41, 55). According to various evidences, Makoo Bili laws which is parts of the Gadaa system of the Maccaa Oromo was enacted in 1580s (Dirribi, 2011). This law protects, females, children, refugees, and ensures equal protection and equal subjection of laws, adoption, accountability and transparency of the highest authorities (Ibid).

Moreover, among the Oromo people, not only human rights, but the rights of dogs are legally respected. That is why the Borana people say, “Seerri muumee seera saree”and the Tulama also say “Huru dheeroo akka seeri, huru gabaabo akka seeri” They mean dog and cat. Having a dog is not compulsory but if you have it, feeding is obligatory (Dirribi, 2011). Professor Asmarom also argues that:

*Galma Liban said that the law does not only disciple the highest, it also protects the lowest. By way of illustration, he suggested that the dog is one of the lowest creatures in Borana: nevertheless, there are laws that protect him from harm. Borana says that “Seerri muumee seer-saree”(Asmarom, 2006).*

Furthermore, Balambaras Jabessa Ejjeta (who was born in 1909 in Horroo-Guduruu) had written the following human rights protection in the Oromo:

*“The Oromo considered the an already born child as human being; all human beings have humanitarian dignity; A child of a nation is just like one’s own; and the problem of the wife is the problem of the husband, any cattle has dignity.”(Dirribi, 2011).*

As a result, the Oromo people has created and utilizing this Gadaa system which respects and exercises human rights not only for mankind but also extends it to the animals at all. Thus, it is possible to claim that Gadaa respects and enforces the principles of sanctity of human rights even better than the modern written and codified constitution of the western democracies and thereby ensure constitutionalism in modern sense.

#### 4.3.2. The Principles of Sovereignty of the People

The concept of sovereignty in political science has many definitions; however, usually, sovereignty is defined in one of two ways (Cf. Charles Merriam, 1900 et. al). The first definition applies to supreme public power, which has the right and, in theory, the capacity to impose its authority in the last instance, and the second definition refers to the holder of legitimate power, who is recognized to have authority (Ibid). When national sovereignty is discussed, the first definition applies, and it refers in particular to independence, understood as the freedom of a collective entity to act (Ibid). When popular sovereignty is discussed, the second definition applies, and sovereignty is associated with power and legitimacy (Ibid).

Therefore, the sovereignty of the people means, all the sovereign power vests in the hand of the people and their sovereign power is expressed in the Basic laws/ Constitution (e.g. see FDRE Constitution, Article 8(1, 2)). Their sovereignty shall be expressed through their representatives elected in accordance with this Constitution and through their direct democratic participation (Ibid, Article 8(3)).

In the same scenario, the Oromo Gadaa system consists of smart principles which guarantee the principle of sovereignty of the people. The Oromo believe or have had a premise which claims that the law stands above all men. But the law does not stand above its makers or legislative assembly which represents the Oromo people in making laws. That is the reason why the statement that says, "The Oromo are governed by the law made by the people" goes right true is (Dirribi, 2011). According to Asmarom; as explained hereinabove, "one of the most interesting aspects of Oromo tradition is that laws are treated as a product of human deliberation not a gift of God or of heroic ancestors". The Oromo say that all their laws were created by men and can thus be changed by men" (Asmarom, 2006). So, the makers (legislative assembly) or the representatives of the people at large are sovereign to make and unmake the laws on behalf the people.

Again Dirribi has written the following which precisely point out the sovereignty of the people:

*In Oromo democratic culture, the supreme power is not in the hands of those well-respected individuals (elders) having the knowledge of law making. It is also not in the hands of electoral committees, the 'Ayyaantuus', who get power through inheritance. The ultimate power holder is again not in the hand of 'Abba Duulaa' who gives military leadership for the armies; or those who are in the stage of kuusaa (qondaalaa) and gives military service in an organized way. All these have nothing to do with the ultimate power. The Abba Gadaa who are administering the country have no such authority. However, the supreme authority belongs to the people's Gumii (Assembly) the representatives of the people." (Dirribi, 2011)*

Thus, the sovereign power is vests in the hand of the people and the people are also considered as sovereign in the Gadaa system of the Oromo similar with modern constitution.

#### 4.3.3. Supremacy of the Constitution/Basic Laws

The supremacy principle shows that the decisions of the people which are expressed and embodied in the basic laws are immutable and cannot be violated by any force, law or body. No actions of bodies of representative democracy (the legislature, the executive, the judiciary and their officials) may override the decisions of the whole people as inscribed in the constitution. According to Supremacy principle, the Constitution is the supreme law of the land; any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect (FDRE Constitution, Article 9).

The Supremacy principle in Gadaa republic is more genuine than the modern Constitution in guaranteeing the supremacy of Constitution/ Core Gadaa Principles. The premise that laws stand above all men is the foundation of Oromo's Gadaa administration laws (Dirribi, 2011). Consequently the Oromo have recognized the principle of supremacy of basic laws in their Gada republic. Thus this is one key element of constitutionalism in modern context.

#### 4.3.4. Accountability and Transparency of Government Officials/leaders

As per Gadaa republic all are answerable to the law. The premise that laws stand above all men is the foundation of Oromo's Gadaa administration (Dirribi, 2011). The Oromo are accustomed to govern by the law made by the people (Ibid). Concerning this Professor Asmarom has witnessed the following:

*"The Abba Gadaa himself is subjected to the same punishment as all other Borana if he violates laws, same laws, and same punishments. That is the evidence that shows us that law is above everybody including the Abba Gadaa." (Asmarom, 2006)*

Pursuant to the modern constitutional government, the conduct of affairs of government shall be transparent; as well as, any public official or an elected representative is accountable for any failure in official duties (FDRE Constitution, Article 12). This accountability of public officials is both political and legal responsibility. Transparency for instance has to be measured against clear standards and requirements to be placed in detailed legislations and similarly accountability may be ensured by putting in place clear duties and responsibilities of the appointed and elected officials in various laws that pertain to their areas of operation, and by penal legislation in case of violations (Getachew Assefa, 2012).

Both the elected and appointed government officials cannot escape from responsibility under democratic



leadership. This responsibility is both legal and political. If the representatives of the people didn't fulfill their duty in favor of the people or the constituency who elected them, they will punish them with their cards up on election, so the right to elect is one guarantee to ensure accountability. In addition to this, any government officials are subjected to legal punishment and court trial according to the law if they commit crime.

Verily, the Gadaa system embodied the principles of transparency and accountability in an excellent manner. The major principles in Gadaa Laws is not only protecting the rights of the weak, but also controlling and limiting the highest authorities (Dirribi, 2011). According to the law of accountability of Gadaa system, any authority that goes beyond his legitimate power shall be accused. Moreover, the concepts of privilege and veto power of the western democracies are not recognized in Oromo Gadaa republic as well.

In Oromo, all are answerable to the laws. Even though Abba Gadaa cannot be assassinated but he can be removed from his office if he abuses his power according to Borana Oromo. Hence, after dismissed from power, now he can be punished just like other individuals; therefore, the only privilege of Abba Gadaa is that he is immune against capital punishment (Ibid). Under Gadaa republic, the General Assembly serves this purpose (assessing the performance of leaders' in the first-half of the term office); it may endorse the presidents' continuation or uproot a leader before completion of his term (Zelalem, 2015). Unlike the presidents and premiers across sub-Saharan African countries, where they stay on power for unlimited period of time, the single term office principle under the Gadaa leadership reveals an incredible value of democracy. These all evidences of accountability show that how the Gadaa Oromo ensures the principles of limited government (Constitutionalism) in darken ages, during the sixteenth century where slavery was rampant here and there in Africa and other parts of the world.

Even today, most of the Constitutions of states do not put the term office of the top executive like Prime Ministers and Presidents. For instance, the 1995 FDRE Constitution of Ethiopia does not specify how many times can a certain Prime Minister re-elected is not precisely specified whilst in Gadaa system no one can be re-elected as Abba Gadaa for the second time under any condition.

#### **4.3.5. The Principle of Separation of powers**

In the modern democratic constitution, especially in federation power may be separated horizontally between the federal and regional states. This is vertical division of power between the federal and states in a federation are named as division of power. Whereas, the division or sharing of power among the three wings of governments (Legislature, Executive and Judiciary) is considered as separation of power. The main objective behind the principles of separation and division of powers is to protect the people against capricious tyrannical and whimsical powers of the State (Tej Bahadur, 1999). For instance, the Federal Democratic Republic of Ethiopia comprises the Federal Government and the State members (FDRE Constitution, Article 50(1)). The Federal Government and the States shall have legislative, executive and judicial powers (Ibid, Article 50(2)).

The Gadaa republic also recognizes the principles of separation of powers. The Gadaa is entitled with powers to govern country and defend it from the enemy (Dirribi, 2011). For instance, the Kuusaa (qondaalaa) has the rights and responsibilities of attacking the enemy up on request (Ibid). The Gumii (Assembly) has the powers of changing laws, advising and guiding the Gadaa or uprooting and making other elections (Ibid). The Ayyaantuus (Abba Mudaa) also has the powers to decide Election Day, to bless the authorities like the ya'aas, jiila, Gumii, and Abba Gadaas (Ibid). All groups work in cooperation and they do not have the super-ordinate and subordinate powers complexities (Ibid).

However, unlike the division of powers between the federal and the states, the Gadaa System of division of power follows generation and age-group based power division (Zelalem, 2015). It is the type of division of power in which every citizen involves actively in political and legal affairs of their country (Ibid). Hence, the Gadaa ensures the separation and divisions of powers even far better than the modern democratic constitutions. Since, the division of power is across the generation, so it has great value in creating egalitarian society. It is all inclusive political system in which all age group shoulder responsibilities.

#### **4.4 Practicing/Implementing the Content of this Basic Laws/Constitution**

The constitution will become a big bull without horn if not practiced or implemented. Accordingly, if certain constitution is practiced and enforced by the government in its day to day decisions and actions; as the same time, if the public at large believe that the guaranteed constitutional rights in the constitutional text is enforced without violation by the government or by any other organs; we can say that there is a constitutionalism under such system. If what is written in the constitution is respected, we call such constitution as '*Grantiste* constitution'. However, if what is written in the text is not enforced or violated by the government itself, there is no constitutionalism under such system; the public at large cannot accept such constitution as well. We call such constitution '*Nominal or Faced Constitution*', i.e. a constitution for name; which is the sign of undemocratic governance or dictatorship.

Hence, legitimacy and entrenchment of constitutionalism can be the most important factors to enhance the quality of constitutional practices. Accordingly, the above constitutional principles must be seriously considered

to have sound constitutional practices. If the core principles discussed above are appropriately implemented, that constitution/basic laws gets recognition and acceptance from the public at large. Therefore, the legitimacy of constitution is rooted in moral, legal and sociological foundation (Richard, 2005). As Belgin argues, “legitimacy of a constitution requires a genuine social acceptance, where the relevant public reverses and honors both political intention and expression behind the constitution and legal forms and foundational institutions instituted by the constitution (Belgin, 2007). Consequently, constitutional legitimacy ensured if the contents are continuously applied both by the government and the concerned organ/ people with at most commitment in all aspects.

In Gadaa republic, the commitment to implement or practices the basic principles of Gadaa system is very high. All persons including Abba Gadaa himself, is subject to law and all laws are only enacted as per the interest of the whole people. All basic Gadaa principles are considered as a covenant among the Oromo people since all are evolved from their values, custom, traditions and beliefs in a long period of time.

The critical investigation of the Gadaa system reveals that it fulfills the three main elements ‘consenting, promising and agreeing’ of a covenantal Constitution of modern democratic federation like USA, Germany, India, Canada and others. Because, as all the Oromo give their consent to enact, to implement and to enforce Gadaa principles and exercising the practices of self administration for thousands of years. They (each clan) have agreed to administer themselves autonomously and also agreed to have some common center and rules that govern the affairs of all the Oromo’s at once like ‘Abbaa Mudaa’.

Additionally, the Oromo has a genuine custom of transferring authority (Baallii) timely. In Oromo seizing power in it longer than the time it is expected to be transferred is abnormal (unconstitutional) (Dirribi, 2011). It is believed that if one doesn’t transfer authority (Baallii), he may phase a punishment from God (Ibid), whilst the nearest monarchies and kings existing at that time claimed that they must rule forever as the authority was given for them from the God. Hence, the Oromo have their Gadaa republic as a guarantee or promise for administering themselves through shared rule and self rule very similar with the modern covenantal/ federal system of administration without any suspicions about the violation of their private and collective rights. Hence, the question of legitimacy of the government, the basic laws and its implementation are absolute and the Oromo believe and trust in their laws and their leaders without any suspicions.

#### **4.5 The Challenges of Gadaa Republic**

The challenges blown to the Oromo Values and their Gadaa republic have been taking place in various manners and at different times. Among the challenges some of them are discussed hereunder.

##### **a) Foreign Aggression**

The main challenges of Gadaa system were alien forces or colonizers who suppressed these values of Gadaa for centuries. The campaigns of alien forces had targeted on all affairs of the Oromo: their religion (waqeffanna), socio-political institution (Gadaa), economy, politics and all values of oromumma in general to eliminate the Oromo identity and thereby to destroy the property. The project of destroying the Oromo values had been conducted both forcefully and peacefully for a long period of time. Mesfin Wolde Mariyam, said about the Oromo in the following manner:

*“It was really during the time of Tewodros that Oromo supremacy was weakened. It was Menelik who systematically assimilated them and making them share power in government, and through intermarriage at the time of Menelik, Oromo movement as a nomadic destructive and purposeless had ceased completely” (Mesfin, 1972).*

This gives a clue for us that the Oromo culture and values were destroyed by foreign invasions and wars in the past.

##### **b) Lack of own Written Literature**

Lack of written literature until the introduction of ‘Qubee’ (Oromo Alphabet) had been the greatest challenges to the Gadaa system. All Oromo philosophy and Principles/laws were oral. The Oromo Alphabet was adapted from Latin alphabet around 1970s (Dirribi, 2011). This was a serious barriers and one main reason since the Gadaa principles had not supported written documents or not possible to codify them in olden ages. Though the Oromo are brilliant in creating amazing government system (Gadaa), follow monotheistic religion (Waqeffanna) and invented calendar; but on the area of wisdom of writing and literature; it was a regretful history.

##### **c) Historical Challenges**

From history itself, it is clearly known that the history of the Oromo people in general and Gadaa system in particular is written not by the Oromo themselves in the earliest time. The Habesha, Europeans and the Arabs were writing the history of the Oromo (Dirribi, 2011). Therefore, the majority of these alien writers were reflected their hatred and tried to despise the Oromo history and culture (Ibid).

The Habesha writers (historians) like Abba Bahire had had strived a lot to harm the psychology of the Oromo people and thereby destroyed culture and religion. He said the Oromo people are cruel and inhuman in his book entitled as history of the Oromo. Moreover, Professor Mesfin Woldemariam says, “The Oromo

military force has no other objective than destroying” (Mesfin, 1972). Furthermore, Professor Getachew Haile argues that the Oromo people were ignorant and destroyed the Habesha’s civilization by invading civilized Habesha people (Getachew, 2012). The European writers have affected and blurred the history of the Oromo system, particularly the Gadaa system though some the European writers like Martial De Salviac, Antoine D’Abbadie and others have strived a lot to write the true history of the Oromo people.

For instance, the Portuguese who like the Habesha, and hate the Oromo people in the past; as they did not know the Oromo or Oromo language. However, they got distorted information and facts about the Oromo from the Habesha people (Dirribi, 2011). Moreover, even though the Arabs came to Africa for trade and religion purpose, they wrote the history of the Oromo in negative manner like some of the Europeans.

Moreover, historically the Oromo people have resisted the colonizers for centuries and protecting themselves and their lands. However, since 19<sup>th</sup> century, they have been crushed by their enemies (Ibid). After captured by the enemies through war, their history and culture have been violated and seriously destroyed (Ibid).

As a result, continuous the history of the Oromo people were disturbed and cracked for centuries. Consequently, the Oromo have been suffering symbolic and cultural segregations within the Ethiopian Empire. For instance, Professor Mohammed Hassen argued as follows same manner as follows:

“The new Ethiopian ruling class, typified by Emperor Menelik... found it necessary and profitable to denigrate the Oromo people, their culture, and their history in all ways great and small. This ruling class especially perceived the danger of the larger Oromo population to its empire. Consequently, the ruling class systematically depicted the Oromo as people without history, and belittled their way of life, and their religious and political institutions (1990: 2). Thus, history affects the development of Gadaa system negatively, and also, it has an immense effect on current status of Gadaa system.

#### **d) Legal Challenges**

In history of Ethiopia until the flourishing of federalism in Ethiopia in 1991, Gadaa system is prohibited or banned by the laws at different time. Starting from Menelik II (1889) up to the introduction of federal democratic state structure which was established under the 1995 FDRE Constitution, Gadaa system was banned by the Government laws. Hence, utilizing and promoting Gadaa system was unthinkable during Monarchies and during the Military regime (Derg) in Ethiopia.

Even today under the federal system of Ethiopia, it is too difficult to promote and harness Gadaa principles in molding and enacting Regional State Constitution and Federal Constitution. Since both the 1995 FDRE Constitution and the Oromia Regional State Revised Constitution of 2001 have not accommodated the principles of Gadaa system at all. Of course, the 1995 FDRE Constitution incorporates Articles which give home for utilizing the traditional governance system. For instance, Article 34(5) says, “This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.” Furthermore, the same Constitution says, “Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.”(Ibid, Article 39 (2)). Moreover, it claims that government shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions Constitution (FDRE Constitution, Article 91(1)).

Additionally, at the regional level of Oromia Gadaa system only recognized as a traditional ritual ceremony only. The 2001 regional state Constitution of Oromia and its amendments are not give consideration to Gadaa principles. This regional Constitution is the direct replica of the federal Constitution (FDRE Constitution of 1995). Also, this regional Constitution is subordinate to the federal Constitution (FDRE Constitution, Article 9). Accordingly, the regional state Constitution of Oromia is molded inline of the FDRE Constitution. Hence, this is a serious legal challenge as the Gadaa principles are not recognized at least at regional state level of Oromia.

#### **e) Educational Challenges (Not Accommodated in the Curriculum)**

The Educational policy or Curriculum of Ethiopia does not accommodate satisfactorily the principles of Gadaa system neither at federal level nor at regional level of Oromia in its curriculum both at primary and higher education level. A critical investigation of the Ethiopian educational curriculum pointed out that the Principles of Gadaa system is rarely highlighted or touched in courses like History and Civics only.

Rather than accommodating these Golden principles, the educational courses contain the history of Ethiopian monarchies like Tewodros, Yohannes, Menelik, Haileselesie and others. There is no center which promotes, gives training and conduct researches about Gadaa system in detail. Hence, this may be considered as a serious challenge, since without educating the generation, and conducting further studies about Gadaa system a comprehensive and detailed manner; it is very difficult to mold these Gadaa principles in modern Constitutional governance.

## 5. Conclusion and Recommendations

The world state and the world people had been claimed for centuries, even claiming at this moment to have constitutional and limited government, in other way constitutionalism since the creation of state in political history. Among this making and remaking the constitution is the big way to constitutionalism and constitutional governance. Of course at this stage (making process) the legitimacy of constitution or certain principles must be checked. Accordingly, whether at making process certain system/constitution takes into consideration the interest of the people at large or whether the people give their consent to have such constitution/system must be checked to determine the legitimacy of certain constitution.

Additionally, the consent is the source of constitution's/system's legitimacy. So, legality or legal validity indicates appropriateness of measures within the framework of the existing law or legal system. Legitimacy is however about the fundamental justification that asks whether a certain constitution/system is made in according to the internationally accepted principles is also cumulatively required. Furthermore, the extent to which the government/leaders of certain system committed to enforce, fulfill and protect the contents of certain constitution or system/tradition is also a critical criterion to examine the prevalence of constitutionalism in certain nation/people.

That is why the researcher interested to re-examine the philosophy of Constitutionalism in Gadaa republic. Consequently, Gadaa is like a hidden treasure; which had never disclosed to the Westerners and the other world; though it contained all the golden principles of Constitutionalism. For instance, the principles of human rights, the principles of sovereignty of the people, supremacy of the basic laws, accountability of government officials, separation of power, conservation of natural recourses and even wild and domestic animals

Accordingly, in its making process/ evolution, it is too difficult to recall exactly when and where Gadaa system had started/made. However, it is determined that the Oromo people have been utilizing Gadaa system as a traditional mechanism to ensure social justice for centuries. Also, it has been developed and evolved from the cumulative experiences gained from experiments, practices, customs, and lessons of many generations of the Oromo society in a very long period. Hence, in its evolution Gadaa is very legitimate as it evolved from the values, customs and tradition of the Oromo; even better than the current making process of constitution.

On the other hand the contents of Gadaa republic have full with amazing principles which give protection for even the unborn children, the animal, foreigners/ refugees, war prisoners, women, and for the natures in general.

To sum up, this researcher would like to conclude that Gadaa system is a covenant for the Oromo people and the principle of constitutionalism considerably recognized. Since all the Oromo people participate in their law making process at different level and different ages grades. Since all the Oromo, in all age groups will give their consent to select or elect their representatives/leaders. Since the people puts limitations on the powers of elected representatives through the principles of Gadaa administration and furthermore, as the nation, the Oromo people have Gadaa system as guarantees to make their leaders accountable and transparent both legally and politically in their day to day official decisions; and more importantly, since all the Oromo people and their leaders are highly committed to enforce, to fulfill and protect all the tenets of Gadaa republics.

That's why, the researcher would like to recommend all the concerned party in general and all the Oromo scholars and peoples in particular must strive a lot to re-examine the Oromo philosophy towards the principles of constitutionalism in their modern administration at national and international level. Finally, the researcher would like to encourage the potential researchers on redeeming Gadaa Democracy by saying of Obbo Samuel Dafaaw Jamoo as it taken from Dirribi Damissie Bokku, in his Book Oromo Wisdom in Black Civilization, 2011, P. 23.

*"We must, ever never let down the intelligent works of our ancestors, done during our Oromo glorious days; that means "Bara Oromoon Kaawoo of harkaa qabu"*

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