

TOWARDS HISTORICIZING AN AFRICAN INDIGENOUS CONFLICT RESOLUTION METHOD: THE TOLFENA CAFFEE CAANCOO OF THE OROMO OF DIBATE DISTRICT (NORTHWEST ETHIOPIA) THROUGH A TEMPORAL PRISM

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ABSTRACT

Ethiopia is a country located in Northeast Africa. Its various peoples have developed unique cultures and interacted with each other for several centuries. Each of its ethnic groups have their peculiar conflict resolution mechanisms which remained intact with them for far too long, but at the same time- especially with the rapid onslaught of globalization in the last few decades, have undergone changes. The main objective of this paper is to explore the changes and continuities observed on one of these indigenous conflict resolution mechanisms of the country. It is known in the local Oromo language as Tolfena Caffee Caanchoo. It is believed that this practice has existed at least since the imperial period among the Oromo of Dibate district, Metekel Zone of the Benishangul Regional State, Northwest Ethiopia. Dibate is one of the seven weredas of Metekel Zone of the Benishangul-Gumuz Regional State. To conduct this research both primary and secondary sources were used. Among the primary sources' key informant interviewee in which first data relevant to the topic under discussion were collected directly from community from four Kebeles were selected purposefully based on their geographical proximity to Tolfena Caffee Caanchoo institution. These Kebeles were Galessa, Chancho, Korke and Gipo. were used, Journals, books and presenting papers were used as secondary sources.

Key words: *Dibate, Tolfena Caffee Caanchoo , Wereda, Galessa, Salgie, Dangab*

INTRODUCTION

The Oromo of Dibate, and of course many places in Metekel, are believed to have come to the area sometime in the 17th century from Wellega, just south

of the Abay. There were reasons such as interclan conflict, violent crimes and discontent with their social status, that forced some Oromo to live Wellega and Settle in Dibate District. In some case such as the Dongorroo Oromo in Eastern Wanbara, clan conflict

over land and abundant land was sufficiently. The occurrence of Abay river between Dibate and Wallaga made earlier an ideal place for hiding to avoid the seriousness consequence of traditional blood feud called Gumaa. The homicide of a person created gumaa between the killer and the family of the victim. After committing such misconducts many individuals move to Dibate to avoid being killed. (Tsega,2012)

In the late 19thc, other external factors drove the migration of Oromo people in to Dibate. Following the Shewan subjugation of Wallaga, the gabbar (tribute exaction) system was established. So, the people were forced to leave their families and move in to comparatively harmless areas, Mainly Dibate District. Dibate was kept free of such political control until the end of 19thc. The great Ethiopian Famine of 1888-1892 was also another important factor instigating the Oromo of Northern Wallaga to move and settle in Dibate. Ibid

According to the informants there were two major ways for Oromo movement in to Dibate District. The first was the Eastern route, started from Limmu and Hebantuu and Made mainly Dangab and other part of Eastern Wanbarra. The second started from the district of West Wellega and mainly targeted the Western part of Wanbera. The major Oromo settlement in Dangab region seems to have taken place to the end of 18thc. About eight generations ago, abbaa Duulaa Gaaggaa Deedde organized and led the Oromo of Hebantuu to settle in Eastern Wanbarra. The Oromo under Gaagaaa occupied productive areas in Dangab and Wanbarra. They acquired the highest part of Sombosire, Dimituu, Qorqa, Galessa and Caancoo.

It would look that the modern of the movement involved of various Oromo and Gonga groups such as Hindibo and Hindobo, who had been largely marginalized by the traditional *qabiyye* system of land property that gave priority in the land right to the first Oromo immigrants over latter arrivals.

The Hindibo were huge group and thus, they spearheaded the new expansion in to Dibate District. The Hindibo sub-clans Jangiro, Nabbijano, Narbo crossed to Dangab through what was latter called *Malka Limmuu* (Literary, Limmu Ford). These early

migrants first settled around Tullu Dangab. There they divided the fertile land among themselves inhabiting Sombosire, Tullu Jingin, Gongo and Diimtuu.

They succeeded in controlling the area by expelling the Shinasha and Gumuz inhabitants owing mainly to their advantage of better spears and reinforcements from Limmu, further to the south of the Abay river. (Cheesman, 1968: 328)

Their further advance northwards and eastwards was later checked by the army of King Teklehaimanot of Gojjam and Kefa (1847-1901). It is said that the king treated them well owing to their peaceful submission. He Christianized their chiefs and built the Debre Zeyit church at Wembera town. Itu, the Oromo chief, was baptized and given a Christian name Gebre Mariyam with the court title Fitawrari. Other Oromo chiefs were also baptized and the king confirmed their overlordship over the Shinasha of the region. (Abdusamad, 57)

Over Dibate District of Dangab area king Tekele Hayimanot selected a man called Motti Guduruu as super intendent with his power base in Sombosire for which he was also made qoroo. Under him were appointed the following two local administrators. These were Nonnoo Gaaggaa, the qoroo of Qorqa and Jiloo Goosuu, the qoroo of Kookkoo which was part of Sombosire. The qoroos were however, very much on their own, which attracted further Oromo settlement and assimilation in the region from the South of the Abay river.

The early pioneers of Oromo founded resting locations in Eastern Wanbarra for more planned voyage farther north. At first, they set up temporary center at a place called Gafaree in Dangab. There they built temporary huts called *godoo duulaa* (literary war hut), where they debated rules and principles and overall strategy for upcoming operations. (Tsega,2012)

Then, these expanding Oromo groups who made their way to present day *Dangab* area of Eastern Wanbarra used to practice their original social organization at *Chaffee Dhibba*. It advanced in to main center where disagreements were determined, prayer made to Waqqa (God) and laws were propagated.

Some marginal Oromo clan also crossed to Dibate District together with Gonga. These groups contained mainly of weavers and Blacksmith (Tumtuu). In Oromo society the Tumtuu had very inadequate right to individual land related with other groups. The Tumtuu were reliant on mostly on their crafts, rather than for making living's limited right seem to have forced the Tumtuu to move in to Wanbara. But some occupied productive lands in the Dangab area and set up their own Caffee Caancoo. Today there are many tumtuu Oromo in Dangab region.

The incorporation of Dibate under the Gojjame King Teklehaimanot made serious attempt to diminish the role of Gada system in the area by introducing Christian faith. This weakened the unifying role of the socio-cultural and economic organization. (Tsega ,2012)

1870s was the time when Dangab first got place in the political affair of the Gojjam province under King Tekelehaymanot of Gojjam with the direct connection with local Qoros (landed aristocracies) in the area. Before the emergence of the modern state and its formal justice system, Oromo had customary rules, procedures and institutions through which conflict were resolved. (Elechi,2004)

Gafaree also served as launching pad for the movement farther north ward, the Oromo founded other resting centers. After such campaign some travelers returned to Limmuu and Hebantuu in north Wellega only to return with their families and friends immediately.

Since that time onwards, the Oromo of Dibate had interacted with the state and various ethnic and religious groups of the region on a wider scale. As a result of this interaction, they had adopted different practices, while at the same time also transferring theirs to other peoples. Withstanding such mutual interdependence, however, they had managed to preserve some of their culture intact even to this date. (Tsega ,2012)

One of these indigenous cultural practices unique to the Oromo of Dibate, is their indigenous conflict resolution system called Tolfena Caffee Caancoo. (Yaregal ,2020)

It is evident that, parallel to the formal criminal justice systems of Ethiopia, societies also have their own customary ways of dealing with conflict and crime. In many regions of the country, and especially in the remote and peripheral areas, the customary dispute resolution mechanisms are more influential and applicable than the formal criminal justice system both in the past and now, which is considered alien to the traditional societies (Macfarlane, 2007: 488). Even after passing through the procedures and penalties in the formal criminal court, people tend to use the customary dispute resolution mechanisms for reconciliation and in order to control acts of revenge.

According to the key informants, Tolfena, the assembly of the representatives of the entire society, is lawmaking body among the Dibate Oromo. Their body has the highest degree of political expert. The Tolfena is held under a green area called Caffee Caancoo. For the Oromo, green is a symbol of justice. This is common practice among Oromo groups throughout Ethiopia. The Tolfena hears and resolutions conflicts of any sort when it is adequately important to be discussed at the level of assembly (Tolfena).

Tolfena institution has significant role in maintaining peace, safeguarding justice and reducing the possible burden of state courts. The prevalence of Tolfena Caffee Caancoo institution of conflict resolution among the Macha Oromo in Dibate is thus the reflection of the continuation of some of the former indigenous practices and systems. It has been surviving both Christianity and abandoning of Gada system. Because Tolfena Caffee Caancoo is closely related with the Gada System in general and Gada court of Tolfena in particular (Dinsa, 1975).

Clan leaders are actors that are involved in resolving conflict or contributing as mediators. Thus, they are highly respected and feared by the community. They participate as mediators for the high level of conflict cases like killing a person. Oath is still serving as one of the ways to prove the honesty of the case in the point. Elders gather evidence from different sources including confession of the suspect or front print and oath of innocence as the last alternatives. Ibid

The current FDRE constitution authorizes state court and only state court to adjudicate those offences that the law categorizes as offenses against the public. However, in practical instances, customary justice system including the *Tolfena* institution adjudicate all offences regardless of their degree of severity. (The 1995 Ethiopian Constitution).

Homicide among the Macha Oromo of Dibate District was a serious offensive and an antisocial act. It may be followed by at least two reactions. By ritual of purification and special form of compensation called *Guma*. *Guma* means blood feud resulted in blood price or compensation that follows homicide or seriously body injuries. Among the Oromo of Dibate District *gumaa fughatan* meaning they received blood price and *Gumaa basan* meaning they paid blood price are common. (Tilahun, 1989).

The cause of conflict was implementation of the land policy of the Darg government. Land resource conflict before 1991 continued after the fall of the Darg regime because the policy has also been pursued by the present government. So, struggle over land resource is the result of the land policy. Many frequent conflicts are related to or centered on land.

We are not sure as to when exactly the Tolfena Caffee Caancoo was devised among the people. Nevertheless, oral tradition has it that it might have been during the early days of the imperial regime. According to this tradition, it appears that the practice had been there among the people until the central government imposed the *gult* system in the area, probably since the second half of the 19th century when the region fell first under King Teklehaimanot and then the central government of Emperor Menelik II (1889-1913). With the gradual incorporation of the region into Menelik's empire, local cultures related to conflict resolution gradually began to give way to the modern judicial system. Even so, however, the role of Tolfena Caffee Caancoo did not die out immediately as the modern judicial system did not penetrate the area due to infrastructure, man power and other related problems.

GENESIS AND EVOLUTION

Due to the absence of documentary evidences, we have to once again turn to oral accounts to locate when

this practice came into being. According to the oral sources circulating in the society, the Tolfena Caffee Caancoo practice began at a particular place called Gafare, located some 150 kms to South direction from Dibate, the wereda capital. A person called Hafa Bidiqa is attributed to have mobilized the people and undertaken the ceremony. Here, it seems clear that the date of the beginning of the Tolfana in Dibate is open for speculation. Some accounts, as stated by the wereda culture and tourism office, claim the practice started during the early days of the imperial government. However, it also appears that the beginning of this practice might have been well connected with the early arrival of the Oromo in the area sometime in the 18th or 19th century.

Whatever the case, the place of institution was later transferred to a place called Tulu Dimtu by a certain Wiritu Tufa. This probably was due to the transfer of the expansion base further north in the later times. Currently, the center of practicing the activities of this institution is at Caancoo kebele located between two streams, *Cunde* and *Geshe*. The land at Caancoo is covered by green grass which makes very attractive for the eyes. (Yaregal, 2020).

The practice/institution is formally known as Tolfana Caffee Caancoo representing the symbol of Tolfana (goodness in Afan Oromo language)- the institution, Caffee - a green grass, and Caancoo - the place name near Galessa where the practice takes place. Here at Caffee Caancoo, not only annual ceremonies, but also assemblies by the selgie (traditional judges) take place openly. (Ibid, p. 96)

According to oral informants, the Tolfana Caffee was reinstated during the early days of the imperial regime. At that time, the area was under a *gult* system which brought dissatisfaction among the people. The locals resented the imposition of the *gult* rule in their area. Thus, clan leaders secretly gathered and made an oath of promise, went to the nearby governor at Sembosire to appeal and submitted their application to administer themselves. Their application was accepted by the governor and the Tolfana was instituted/reinstated. From that moment on, the Tolfana Chaffe became a place annually attended with warm cultural ceremony in commemoration of their

success. (Dibate Wereda Communication Office Bulletin, 2010).

Since the 1930s enactment of Criminal law of the Empire of Ethiopia, the Oromo of Dibate have been dealing with dispute cases through two different administrations of justice- the government court and the traditional system of justice. The latter has undergone considerable changes due to internal dynamics and external influences. However, basic administration of justice still persists. (Shak, 1969: 163)

Though traditional dispute resolution mechanisms continue to play a significant role, the laws of Ethiopia do not provide adequate breathing space for these practices. (Assefa & Pankhurst, 2008: 5) This was manifested by the repeal provision of the Ethiopian Civil Code that abrogates the application of customary laws (Civil Code of the Empire of Ethiopia, 1960 Article 3347 I)

De facto, however, the traditional conflict resolution mechanisms continued to operate, as can be clearly understood from the Tolfena Caffee Caancoo of Dibate Oromo. Despite the banning of these indigenous laws, initially the intervention of alien structure in the system of justice was too minimal among the Oromo of Dibate. Neither the people took their cases to the attention of government courts nor the bureaucrats were able to penetrate into the community to deal with disputes. However, government progressively increased its interventions though the indigenous mechanisms have survived these interventions and still the Dibate Oromo deal with the majority of disputes from mere insult to homicide through various local modes of conflict resolution.

Regardless of its wider popular acceptance among the community, the Tolfena Caffee was marginalized since the 1950s and 1960s when the imperial regime was engaged in extensive codification and overhaul of the existing laws with the aim of unifying and modernizing the laws. By then, the country involved itself in legal transplantation activities through a grand codification process in which six codes, namely the Penal Code, the Civil Code, the Maritime Code, the

Criminal and Civil Procedure Codes, and the Commercial Code, were produced from 1957 to 1965. (Ajanaw, 2018)

At about the same time, the imperial government decided to strengthen its control over the area. One of the things it did was splitting Dibate and Mandura into two separate weredas or districts. By doing this, the central government managed to impose the modern bureaucratic apparatus including modern court into the area.

As a result, there started the deterioration of indigenous conflict resolution systems in the area under study. The elders started to weaken and people were torn between either choosing the indigenous or the newly imposed judicial approaches as a result.

But the worst was to come during the Derg period (1974-1991). Elders recall that this practice was stopped during the Derg regime for the state ideology in practice then did not have a room for such cultures. Coupled with this, in the late 1970s and early-to-mid 1980s, the socialist government undertook series of resettlement programs in the area from different parts of the country, most importantly from drought affected provinces of the north. The result was that societies in the region were no more in control of the fertile land and leadership of the district, as the settlers gradually started to become more dominant and several modern infrastructure and services were introduced in the area. Thus, the earliest inhabitants including the Oromo, the Gumuz and the Shinasha or Gongga were forced to be incorporated in the modern state apparatus more than ever. This resulted in the gradual strengthening of government's grip so much so that the local culture faced challenges. (Informants: Takele Akalu; Diguma Adula, Lemesa Amsalu).

In the aftermath of the Derg regime, a significant change in recognizing the role of the traditional justice system has taken place. That is the revival of formal legal recognition of customary laws mainly to private and family disputes. The current Ethiopian constitution recognizes traditional laws only under Article 34, Sub Article 5 where it allows citizens to resort to religious or customary laws in cases of

personal and marital disputes. (FDRE Constitution, 1995)

After a long absence though, the Tolfana Caffee Caancoo was reactivated in 2015 by the initiation of the community and good will of the regional government due to maximizing productivity by minimizing crime in the area.

CURRENT REALITIES AND FUTURE PROSPECTS

Since time immemorial, people were neither free from nor incapable of finding solutions to their conflicts. Even before the formal institutionalization of the Tolfana Chaffee, the people used to solve their conflicts by other traditional means. The establishment of the Tolfana was based on Oromo clan representatives that were called Selgies. Selgies are traditional judges who seat on traditional courts to make justice. They meet four times a year (Yaregal,2020).

As has been pointed out above, the place where the Selgies make justice had changed on several occasions. Currently, it is made at a place called Caffee Caancoo, hence Tolfana Caffee Caancoo. The Selgie are usually divided into four or more groups during justice provision. In addition to the Selgie, there are other supporters named Jarsuma. These are local elders who resolve smaller cases of conflict. Cases relatively complex ones are seen by the Selgie, which is the highest decision-making body in terms of traditional conflict resolution. When the aggressor and the victim fail to resolve their conflict and if they believe the case has to be submitted to the selgie, they can apply their case and wait for the assembly to get decisions. The selgie, taking notice of the applied case, they make calls to defendants to come and defend their case; they arrange the date of assembly and organize sub-courts in which they are part. Two people would be selected on the victim side and two others on the defendant. The four people would be added to one or two selgie as head of the team responsible to lead the process of reconciliation. (Gonfa, 2014)

The Benishangul region, which Dibate is a part, has for long been one of the peripheral areas of the Ethiopian state, even by the standards of contemporary

events. However, it equally is undergoing dramatic transformation in recent decades that deep-rooted indigenous cultures and practices are undergoing changes of various scale and magnitude. The changes observed in the Tolfana Caffee Caancoo practice are a good testimony to this state of affairs.

Inability and unwillingness to know more about the modern legal system and try to accommodate it in the Tolfana Caffee Caancoo system is also one reason for the declining role of this indigenous conflict resolution system, besides pressures from the state-sanctioned legal system, modernization and expansion of infrastructure, the youth tending to ignore the local culture and adopt rather more western ways.

As mentioned everywhere in this article, the Tolfana Caffee Caancoo has undergone some changes with the passage of time. Nature and magnitude of conflict cases then and now was changed. In the 1950's cause of conflict in the area were mainly rape, abduction and hunting grounds but now the conflicts arise among the community were due to shortage of farming as a result of increase of the population grazing and farming lands, water, theft, robbery and the like.

Procedures of conflict resolution and reconciliation then and now was also changed. In the past period most of compensation was in kind but now it was in cash. Level of acceptance among conflicting parties and society at large then and now was also changed. In the past since the society have no opportunity to modern laws, infrastructure mostly accepted the nearby local institution but now due to globalization and awareness have the opportunity to select what was better for him there was decreasing the value for local institutions. Commitment of the elders (selgies) then and now was also changed through time. Formerly, they have serious commitment to serve their society due to the society gave value for such local institutions but now it was not as before.

Another aspect of this traditional conflict resolution practice which underwent change has been the level of treatment for both sexes. Formerly, men and women were not treated in this system equally. Women even could not appear in court before elders. Rather, they would be represented by a male representative. In

addition, the amount of compensation paid to a female victim was half that which might be due to a male victim. Thus, the practice could be said to have been gender-biased. (for example, in the past when females' consciousness was at its lowest, when there is divorce, the selgie would order the husband to give the wife just a few possessions that may be way below what the wife claims or deserves. After that, the wife would not attempt to have her dissatisfaction heard in another selgie or the formal courts. Everybody would tell her that she had got enough, and refusal to accept such decisions would be considered taboo)

- *“Yeeroo Duurri namini hararame hojin Jiraataa yeeroo kan wan Hijaaraamuraati wan digaamuuti bayaataa”*
- In the past, respecting elders and obeying their rule was common and strong among the society, but now almost gone
- Now, the youth have especially withdrawn from their indigenous culture and tradition by adopting western ways, hence affecting the Tolfana Caffee Caancoo
- *“Yero Hamma Kan Dhagauf Kan Dhagamu Hinjiru”* (Now adays no one can seriously listen to each other.
- *“Yeeroo Hamma Ijooleen Jaarsoolee Duursineee Ebifinaa Jedhuu”* (Now adays the children's said we have to first tender the others.
- In the past, it used to be said that *“Jaarsi biyaa Bishaaniraa Hincallaa wan Hunduumaa Hinkabanessa”* (The elders are respected high who cool down every problems) but currently this has become a thing of the past.
- There are also changes in the amount of compensation a person would pay: there have been efforts by the selgie to check the amount of money a guilty person would pay in the modern court system so that when they decide a compensation to be paid to be near that amount.

Currently, there seem to be some improvements to treat both sexes on equal terms, though we could not confidently speak that equality has been maintained in this regard. Globalization and the subsequent spread of

the gender movement is believed to have played a part in this, as more and more women have received awareness about gender equality, and as both governmental and non-governmental bodies have strived to bring a balance in this regard.

Another feature of this cultural practice that changed through time is that while it is more deep-rooted and more widely applicable in the rural areas of the study are, those communities near or in towns tend to overlook the importance of this practice, hence prefer the modern court system.

In this connection, one of the wereda judges remarked “diro diro be irq yalku yeneberut ahun lay dagnaw yaregegnin yaregegn blo memtat neger ale” which means people now a days prefer the modern to the traditional when it comes to settling disputes. He stressed that indigenous conflict resolution mechanisms such as this paper discussed shall be encouraged and promoted to be applicable in so far as they do not contradict the law of the land and the morale of the society.

Thus, one of the things currently being observed is that the local government courts are encouraging different cases to be resolved through the indigenous conflict resolution systems. In relation to this, the selgies whom I interviewed at Galessa for this research showed me a certificate they received from the wereda court recognizing and legalizing their activities in conflict resolution and peace making. Only severe cases such as murder, theft, bodily harm, burning of houses and harvests... will be brought to the modern court system.

In 1984, Lewis was talking about as to whether or not these traditional institutions of conflict resolution would continue. Today, we can with confidence say that these traditional procedures are still functioning, but with inevitable changes. That is exactly what is happening to the Tolfana Caffee Caancoo of the Dibate Oromo, and unless the government and most importantly the people of the area take timely and corrective actions, it would not be too long to see this tradition going for good. After all, societies are always in constant change in response to internal dynamics and external influences. However, it is the duty of a

particular society and its leadership to maintain and preserve aspects of its culture that define its very identity and existence. Not everything of these societies is supposed to change.

CONCLUSION

Oromo settlement and integration north of the Abbay river continual persistent until the end of 19thc. Many people including the Oromo themselves are ignorant of the existence today the Oromo living north of the river on the Sudan border with their uniqueness, linguistic, gadaa government, and spiritual exercise still unbroken. In spite of strong integration at work in their distant border, the Oromo of Dibate District achieved to preserve their identity, and Afaan Oromo is the lingua-Franca in the region. Among this the Tolfana Caffee Caancoo as mechanism of conflict resolution still active and surviving.

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