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Intangible Cultural Heritage of Ethiopia

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1. **Background**

The Somali People National Regional State is one of the regional states organized as members of the Federal Democratic Republic of Ethiopia. The Somali-Isaa communities, like the other peoples and fellow citizens elsewhere in Ethiopia and the horn of Africa have an extensive and very rich culture and tradition which have been recreated and handed down from generation to generation for centuries as a source of pride and sense of identity and continuity.

The traditional Socio-Political System of Somali-Issa Communities based on Oral Customary Laws (Xeer Ciise) is one of these intangible cultural heritages that has been practiced for centuries and remains functional into the present among all of the Somali-Issa People in Ethiopian Somali Regional State mainly in Sity Zone, Dire Dawa, Republic of Djibouti and Federal Republic of Somalia (Somali Land).

Generally, the Somali-Issa settled in countries found in East Africa (horn of Africa). The Somali-Issa people live in Dire Dawa City and in Sitti Zone which is one of the eleven zones structured or organized in the Ethiopian Somali People National Regional State. Sitti zone is located in the boarder of Ethiopia and Djibouti. In addition to this, large number of Somali-Issa live with the Afar Communities in Djibouti and about half of the population of Somali Land are also Somali-Issa.

As such, the Somali-Issa Communities who inhabited the three countries have in common an Oral Customary Laws known as Xeer Ciise which is the basis for the traditional Socio-Political System of Somali-Issa Communities. The Somali-Issa community members in the three countries are also led by one political leader known as 'Ugaas" who is also the spritual father and the symbol of the law and guardian of the unity of the confederation. The main headquarter of the Ugaas is customarily fixed to be in Dire Dawa City in Ethiopia.

The Oral Customary Laws (Xeer Ciise) was drafted and compiled in the sixteenth century. Xeer Ciise is given maximum respect by the members of the communities in the three countries who consider it as the common heritage for maintaining and promoting the peaceful co-existence of the Somali-Issa communities and treating one another equally.

In addition of being one of the manifestations of the identity of Somali-Issa, Xeer Ciise (Oral Customary Laws of Somali-Issa) has social, economic, cultural and political significances.

The economic well being of the Somali-Issa who lived in towns is mainly based on trade. But most of the Somali-Issa who inhabit in the rural areas of Djibouti, Ethiopia and Somalia are transhumant pastoralists who are engaged in rearing domestic animals such as cattle, goats, sheep and camels. Thus, they are mainly generating their income from production of these livestock. They are engaged in pastoral way of life. Pastoralism is a subsistence pattern in which people make their living by tending herds of large animals. It is most often an adaptation to arid and semi arid open countries. The Somali-Issa pastoral production system is characterized by common use of natural resources including pasture and water sources.

Xeer Ciise is one of the intangible heritages that stand as the living heritage and manifestation of the Somali-Issa identity. This national inventory also deals with Xeer Ciise (Oral Customary Laws of Somali- Issa).

2. Description of the Intangible Heritage

2.1 Domain of the Heritage

It can be categorized in the oral traditions and expressions including language as a vehicle of the intangible cultural heritage, social practices, rituals and festive events, knowledge concerning nature and the universe, traditional craftsmanship and performing arts.

2.2 Name of the element, as used by community or group concerned

2.3 Community(ies), Group(s) or Individuals Concerned

The Somali-Issa community members in Ethiopian Somali Regional State,Republic of Djibouti and Federal Republic of Somalia are concerned with the nominated element. Xeer Ciise is also open for all neighbouring communities who live with Somali-Issa.

2.4 Description of the element

The Somali-Issa people, like the other peoples and nationalities in the horn of Africa, have immense tangible and intangible heritages which have been created over centuries through the interactions of the people with natural and social environments.

The intangible heritages of the Somali-Issa which stand as the manifestations of the identity of the people include oral traditions, traditional food preparation and preservation methods, numerical and counting system including traditional calendar, environmental conservation and ecological knowledge and practices, livestock husbandry, costume, traditional craftsmanship and traditional dancing and singing.

The Oral Customary Laws (Xeer Ciise) is one of their main intangible cultural heritages which upholds the values of mutual respect, peace, tolerance, amicability and human rights. Therefore, the safeguarding of this cultural heritage would have a significant contribution to the efforts of strengthening democratic system. This intangible cultural heritage has been practiced for centuries among all of the Somali-Issa communities in Ethiopian Somali Regional State mainly in Sity Zone, Dire Dawa City, Republic of Djibouti and Federal Republic of Somalia.

As such, the Somali-Issa are known for their remarkable indigenous Oral Customary Laws known as Xeer Ciise. Xeer Ciise is a holistic traditional justice and administrative system of Somali-Issa communities.

Xeer Ciise is a traditional judicial system which has grown gradually to complexity and all-roundedness. There are historical evidences which indicate that the Somali-Issa Communities have been governed according to the Xeer Ciise for a very long period of time. According to the historical investigations, Xeer Ciise was drafted in the sixteenth century. This period could be considered a turning point for the peoples of the Horn of Africa. In, particular the second half of the 16th century was marked by a series of natural disasters and human upheavals that profoundly changed the social, political, economic and ethnic configurations of the region. It inaugurated a long period of setbacks and harsh conflicts between the competing powers and populations of the region.

For example, Imam Ahmad ibn Ibrahim Al Ghazi' (1506-1543) nicknamed Gragn 'the left-handed' leading the Somali, Harari and other people in the Horn of Africa, embark on a conquest in the south-eastern Ethiopia in March1527 to restore Muslim Political power. Two years later, in 1529, Ahmad won a decisive victory over the Christian army under the command of Lebna Dengel at the battle field of Shembera Kure found amid the present day Mojo and Ziquala which lasted for half a day. The Christian army suffered defeat because of lack of organization and absence of competent leadership and the Imam's ability to organize and equip his small army with better fighting techniques and strategy (Ibid).

In 1531, Ahmad ibn Ibrahim conquered and occupied Dawaro and Shawa crushing the resistance there. In 1533, he marched northwards occupying Amhara (the present day Wello) and Lasta. The former Muslim kingdoms of Bali and Hadiya as well as the Sidama, Guraghe Kingdoms and Sharqa were taken in his stride.

Once he had conquered the Christian territory, Imam Ahmad made Dembiya, in south Gondar, his government and Islamic religious center from 1535 to 1543. Together with his officials, he ruled the Christian highland territory for a little more than a decade (Trimingham: 1965:87).

However, with the military assistance that the Christian army received from the Portuguese government, the Imam was injured and defeated at the battle of Wayna Dega near Lake Tana in February 1543 due to the change in the balance of power (Lapiso, 1982, 144).

After the defeat of the Islamic Sultanate of Imam Ahmad Ibn Ibrahim al-Gazi (Ahmed Gragn) by the Portuguese, the people who lived in the area of Zeila and in the eastern part in general were subjected to Portuguese rule. For example, the port of Sokrat, which was their commercial center,

was captured by the Portuguese. As a result, their foreign trade was cut off. There start conflicts, abuses and crimes ranging from minor to serious.

Xeer Ciise is a response to this general disorder. It is designed to build a new society based on the rule of law. It is a new socio-political system which aims at reconciling individual aspirations with the obligations of the general will and common interest. It is a political response challenging a situation of anarchy and violence.

The oral customary laws (Xeer Ciise) are drafted on Sitti Mountain by 44 fathers. All of them represented the Somali-Issa communities in the three countries. These scholars and knowledgeable community members who participated in drafting the laws are referred to as Gande. It has taken them two years in order to realize the work. After having the necessary review and amendments, Xeer Ciise has entered into implementation.

The Sitti Mountain where the laws were drafted is located in Ethiopian Somali Regional State, Sitti Zone, Ayisha District, Lass Hadad kebele (the smallest administrative unit in Ethiopia). The stones on which the Gande fathers who drafted the traditional laws had sat are found in this mountain. Fathers who participated in the process of drafting the laws have inscribed the mark of their respective clan and sub clan in such flat and comfortable stones used to sit on top of the mountain. The mountain also served as a tower to recognize out whether enemy is approaching or not from all directions.

The oral customary laws aimed at avoiding bad mannered actions such as searching for wealth and property that is not one's own, raiding, robbery and murder. The laws focuses on these illegal activities identified by the Somali-Issa communities from the point of view of protecting human rights and taking care of one's own culture and tradition, as well as, advising and returning people who have a lack of morals in general. The laws also aimed at creating fair access to all members of the society in the economic activities.

When the above-mentioned problems and crimes occur among the community, the punishment levels set by the law will be applied according to the severity of the crime by the Guddi assembly members. Often when minor conflicts occur between individuals or groups among the Somali-Issa community members in the countryside, the cases are heard and resolved in the shade of trees used as courts by the community. In urban areas, the Guddi assemble in modern Halls known as Gedeka Nabda meaning tree of peace. For serious crimes, such as murder, blood indemnity is enforced in the middle of a river.

Among the Somali-Issa community, there is a strong belief that human life should not be lost under any circumstances. However, a system of reconciliation has been established whereby a person who has killed a human being for various reasons will be judged according to the tradition. For example, one who kills a boy will pay 100 camels as compensation. Whoever kills a girl will be punished with 50 camels for the victim's family. It is not only the killer who pays the compensation but the entire members of the tribe of the killer.

In the reconciliation process, the families of the deceased go down to the river and sit for months while the health of the camels is examined and taken care of. The murderer's family is obliged to go down to the river and feed the family of the deceased and take care of them. When they fulfilled their obligations, they slaughter a goat for peace. The performance of this ritual is a symbol that indicates the killers have fulfilled their punishment.

The Somali-Issa Customary Law (Xeer Clise) has six main sections, 160 articles, 336 sub-articles and 444 regulations that deal with the fundamental human rights and freedoms. According to the laws, the election of the Ugaz is undertaken in a way that preserves the culture of the community. The criteria for the election of the Ugaz are related to one of the main six articles of the customary laws. The six main articles include among others *kabtachiga* (murder case), *kabta dhaqaaalka* (economic issue), *kabtadheerta* (humanitarian), *kabtadhqanka* (Culture), *kabta dhiblaha* (land issues), *kabta dhulka* (maintaining the social order) and clauses related to the protection of interests of other nationalities living in the area are also included in the laws.

According to the constitution of Ethiopia, marriage concluded under system of customary laws with the free and full consent of the spouses can be enacted and given recognition. According to this provision, the Somali-Issa customary laws fulfill the constitutional requirements.

The oral customary laws give great attention and respect to women. It provides severe punishment for violence and crimes against women. For example, among the Somali-Issa, women are called *Baraad, Bilaad, Gemboad* and *Hayin Gogla.*

Baraad is the name given to a girl or an immature woman. According to the traditional law, a person who defies this woman will be punished with 16 female camels and is ostracized by the society and forbidden to marry another woman. The law states that a person who marries his daughter to this person will be punished with 12 camels.

Bilaad is the name of a betrothed woman. The law mandates that a person who violated the rights of betrothed must be punished with 15 camels.

Gemboad is the name of a widowed woman. The law stipulates that anyone who rapes this woman within 4 months and 10 days of her husband's death will be fined 15 camels. The punishment for this individual is not only to provide the specified number of camels. The laws also prohibit him from having any kind of relationship with other women. This is why such crimes are rarely seen.

Various laws have also been enacted to protect the safety of children and prevent potential attacks because they cannot defend themselves. At the same time, in relation to children, there are laws stipulated in Article 36 of the Constitution about the protection of children's rights. The provision states that children have the right to be free from cruel and inhumane acts on their bodies. A lot of attention has been paid in the oral customary laws regarding the rights of children and various penal provisions have been included. From this point of view, Somali-Issa's traditional laws or Xeer Ciise prevent inhumane acts against women and children and makes a great contribution to improve the respect given to women and children by the society.

Ono of the six articles deals with the choice of Ugaas. There are procedures to be followed to elect the Ugaas. The Gande fathers, who primarily worked with the previous Ugaas, inform the Somali-Issa community members who live in the three countries that a new Ugaas will be elected. After this 144 fathers that represent the 12 clans of Somali-Issa communities will be gathered at the Waruf or joint council meeting place on the appointment date.

Three reasons are given for the meeting of the 144 fathers at Waruf. The first is to reconcile those who have been quarreled and help them return to their previous peaceful life. The second reason behind their meeting is to make prayer and the third and last one is to choose the Ugaas, the political leader of the Somali-Issa Communities. The fathers that gathered at Waruf should not exceed 144. Out of the 144 members, 44 are elected as executive known as Gande. The Gande work closely with the Ugaas and approve the final decision on any matter. The rest, the hundred fathers, serve as a committee to elect the Ugaas.

The 144 fathers have a meeting at Waruf for duration of 4 months and 10 days. During this time, they usually pray. It is a common practice in the Somali-Issa culture for fathers who sit down for a meeting to start and end their meeting with praying. The descendant of the eldest son of the Issa tribe known as "urad" is the one that perform the praying first. After this, the 144 Fathers start the process of electing the Ugaas.

The place where the Ugaas is chosen is called Gele Abesi Ye or Gugumaad. Fathers choose an interim leader from Wardiq Rer Hasan (a tribe from which the Ugaas is chosen) and request him to go to Gugumaad and select and bring young people who will compete for the Ugaas' position. The Wardiq Rer Hassen clan assigns people to different places to find boys that fulfill the criteria for the Ugaas' position. After the search, they report to Gande fathers the names of young children with their father and grandfather's names as well as the names of their mothers' clans. The major criteria used for electing Ugaas from the young people on the list are the following. The candidate must be from ``Wardiq Rer Hasan" clan of the Somali-Issa. The candidate must not commit crime and involve in any kind of conflicts and wars. He should be in his teens and has to be handsome and free from any kind of addiction.

As for his mother, the criteria states that she must have been born to Saad Musa clan of Somali-Issa and married his father as a girl and must be his first wife.

A young man who meets and fulfills all the criteria is elected as Ugaas. Then his relatives from Wardiq Rer Hasan" go to his family's residence and bring and deliver the new Ugaas, to "Sayed Muse Rer Gulane". The latter calls him Ugaas Keirle or "Blessed King".

The Uga,z will sit on the carpet known as gundate that is laid on the ground by Hasan Gadidshe. Wardiq Yusuf helps him wear his turban. After this, he will be taken to Waruf, where the 144 fathers stay. On his way, the community members accompany him and shout with high voice of excitement and traditional dances.

When he arrives at "Gugumaad" fathers welcome him with joyful greeting and blessings. The Ugaas stays here for seven days according to the law. A person known as "Hasen gadidshe" lays a mat for the Ugaas to sit on. This person is also the one who sits behind him. During his stay, the Somali-Issa community members express the respect they have for the Ugaas by kissing his hand and performing different traditional dances.

The 144 fathers of Somali-Issa will entrust the Ugaas to Wardiq Rer Hasan for 40 days. When they hand over, they say "Rear Hasan, the great Isse, we have kept the Ugaas with you for 40 days". Rer Hasan says, "We have received and he will stay with us with the support of Aallah (God)". After this process, the 144 fathers will go to their homes and stay for 40 days and returned back on the appointed day.

According to the customary laws, there are different types of compensation for different functions performed for the Ugaas. For example, wardiq yusuf who help him wear the turban is given 100 young goats. Each of the young boys who participated in the competition for the title of Ugaas are given a small female camel. The Ugaas' family will also be compensated for their son because starting the day he is chosen, he is considered as the son of all Somali-Issa and not theirs. All these costs are covered by the Somali-Issa according to the customary law.

After this, the Ugaas will be kept in the countryside for 6 months and goes through all the lands of Issa. He makes his journey to the 12 rivers. He crosses the 12 rivers barefoot. The 12 rivers are divided into two. 6 are sandy and 6 are muddy. The 6 sandy rivers are found in Ethiopia and 2 of the muddy rivers in Djibouti and four in Somali Land.

After this, he will be taken to Zeila or Seila and put his feet in the Red Sea water for seven days. On the 8th day, Wardiq Rer Yusuf puts the turban on his head and he is given the title of Ugas (political leader and spiritual father of Somali-Issa).

The term of office of the Ugaas is for life. However, if the Ugaz fails to achieve the purpose for which he was elected during his term of office or if accused of violating laws and regulations, could be impeached, tried and uprooted from office and replaced by another Ugaas.

Xeer Ciise is a complex system that incorporates pivotal institutions such as the Ugaas, Guddi and Gande whose ultimate goal is to safeguard peace and cohesion within society.

The political leader and spritual father of the Somali-Issa communities is the Ugaas. He presides over the assembly. His task is to facilitate the decision making of the assemblies and to bless and promulgate the decisions taken. The Ugaas is responsible for the day to day administration of the community's local affairs, maintenance of social order and plays the role of arbiter in conflicts between members of his community and even between them and other groups not affiliated to the Xeer Ciise. His position is neither hereditary nor elective. As stated above, He is chosen after a long process of collective search. The main headquarter of the Ugaas is customarily fixed to be in Dire Dawa City in Ethiopia.

The Guddi is an assembly of judges, with a very large set of powers at local level. It has legislative and judiciary power and serves also as executive council. The Guddi comprises 44 members chosen as follows. Twenty four of them are representatives from the 12 tribes of the confederation of Somali-Issa Communities according to the ratio of two representatives per tribe. Twenty members are selected by the representatives of the tribes according to their wisdom, moral integrity and knowledge.

The Gande is the constitutional Court. It controls the constitutionality of the decisions of the Guddi and discusses any modification of the oral Customary laws (Xeer Ciise). It is also composed of 44 members, with the same representation like Guddi, but chosen through a specific process of selection. As a supreme, it handles exceptional cases that are not resolved by the local judges, notably those that passed through the procedure of the twelve trees or appeals. As a training institution, each member of the Gande is supposed to transmit his experience and the expertise acquired during his term to the community. Women played an advisory role to these assemblies and they are consulted in making decisions to ensure women's and youth's rights are protected.

For the Somali-Issa, Xeer Ciise constitute a dynamic living culture and they recognize it as part of their cultural heritage. The System organizes the Somali-Issa communities and has guided their social, economic and political life. It distributes power across clans and down to community members and creates a strong link between them and gives a sense of identity and continuity.

Xeer Ciise functions as a mechanism of judicial administration, conflict resolution, peace maintenance, cooperation, social cohesion and enforcement of moral conduct. Xeer Ciise gives primacy to legality and enhance equity and good governance. Xeer Ciise functions in agreement with the modern state system

Xeer Ciise is a holistic system that intervenes in all aspects of the social, political and economic life of the Somali-Issa communities. The values and principles of the oral customary laws which the Somali-Issa Communities have been putting into practice, have contributed significantly to the efforts of ensuring peaceful co-existence within the community and also with other ethnic groups. It incorporates the values and principles towards which the whole world has been striving such as respecting the rights of women and children, conservation of environment, peaceful conflict resolution, mutual assistance and the provision of asylum to seekers.

Although, Xeer Ciise was developed in the 16th century, it is modern in certain of its concepts. The fundamental principles which form the basis for the political philosophy or thought of the laws include among others "the Issa are all equal and no one is above the other". The principles of Xeer Ciise also recognise the human origin of law rather than the divine origin of law promulgated by chiefs to justify their power. It is adapted to facilitate a democratic approach to decision making and rule of law.

2.5 Significance of the Intangible Cultural Heritage

Xeer Ciise (Oral Customary Laws) is approved by the consensus of the Somali-Issa communities, Gande and Guddi fathers. In addition of being one of the manifestations of the identity of Somali-Issa, Xeer Ciise has social, cultural, economic, political significances and relevance to environmental conservation as well. It consists of an ensemble of values, norms and laws that form a coherent system vis -a-vis the other pillars of pastoral culture.

Xeer Ciise functions as a mechanism of judicial administration, conflict resolution and social harmony and cohesion. Based on the Customary laws (Xeer Ciise), the assembly or a body of judges provides traditional legal administration services. Every member of the community who has been involved in any sort of dispute or quarrel with someone else is required to reconcile based on the oral customary laws. The Guddi and Gande fathers arbitrate disputes which require traditional adjudication to enable the community live in peace and harmony. For this purpose, they hold meetings at their respective areas under the shade of trees at any time whenever there are social problems for which they have to seek solutions.

The oral customary laws were prepared in a way that does not contradict the religion or the formal law but instead work in harmony with it. According to the oral customary laws, all human beings have to be treated equally. It does not tolerate discrimination in any form and serves the society with fairness and equality.

The fact that human rights of the Somali-Issa communities are strictly respected by Xeer Ciise has contributed to the prevalence of an outlook of freedom and liberty. Xeer Ciise is also open for all neighbouring communities who live with Somali-Issa. As a result, it has a great contribution to strengthening the brotherhood and solidarity of the community living in the area and strengthens the social bond and people-to-people ties and mutual respect and compassion with other neighboring regions and communities.

The importance of Xeer Ciise is multi-faceted as it binds the Somali-Issa community members in all the three countries, namely Djibouti, Somaliland and Ethiopia together and strengthens their unity since they are led by one traditional political leader known as Ugaas and benefiting from the practice of the oral customary laws with equality and fairness.

Xeer Ciise is compatible with existing international human rights and promotes peaceful coexistence and the wellbeing and good upbringing of children, respecting and supporting the old age. It also function as enforcement of moral conduct. In this regard, the Guddi members give advices to the members of the community to work hard and abstain from bad-mannered activities such as testifying falsely and theft. The customary law has a significant contribution in helping the formal law and reducing crimes ranging from simple to serious.

The oral customary laws of the Somali-Issa serve as a guarantee to ensure peace and stability among the communities and functions towards the strengthening of social relations. It also promotes harmony and mutual respect for cultural diversity.

The great attention and respect given to women in particular is taken as an experience for other communities groups and individuals.

In general, Xeer Ciise enhance equity, good governance, social coherence, peaceful co-existence through which all the aspirations of Somali-Issa communities are fulfilled. It also enforced rules of resource protection and environmental conservation.

3. Characteristics of the Element

3.1. Associated Tangible Aspects

Xeer Ciise of Somali-Issa people has different tangible aspects. Among these material manifestations, the trees shade areas, the twelve rivers and Sity Mountain could be cited. In terms of clothing, men participate in wearing traditional costumes. Above their waist, they wear a white t-shirt. They also put on a small white cotton garment on their shoulders. Below their waist, they wear light cotton cloth which has woven strips in the middle. The apron (light cotton cloth) does not cover their full leg but remain just below their knee. They wear a cowhide belt on their waist to fasten the apron. They also wear a *gile* (traditional knife) on their waist. Apart from this, they carry a small stick. As for the women, they wear a traditional light shoes made of cowhide. They prepare it by tanning the leather of cattle and then cutting it into pieces on the size of a person's foot the shoe is made. There is no differentiation for the right and left foot. As any one of it could be used for either foot left or right sides. To protect the safety of women, their Shoes have the same design at the back and front so that the direction of their trip is not known from their footstep.

The other material manifestations of the heritage are camels that are offered as compensation to the victim in the form of punishment. The numbers of camels is determined by the law according to the seriousness and severity of the crime in the conflict resolution procedures.

3.2. Associated Intangible Aspects

There are various physical activities that are performed when traditional judges gather in the shade of trees used as courts by the community to resolve conflicts between individuals or groups and to provide solutions to the case. The judgment kicks off with the prayer and blessings of the great fathers. When the prayer is done, all those present at the traditional court stand and perform the various prayers and blessings.

In the cultural place that is shaded by trees, representative members of the twelve clans of the Somali-Issa sit around in circle and hear the case of the applicant and the defendant and the judicial process continues according to the law. The assembly of judges representing the twelve clans sits on stone seats marked with the tribe's identity. Plaintiff and defendant stand side by side and attend their case. The applicant will be given the opportunity to present his opinion first. One of the judges repeats the words said by the applicant and defendant. When the defendant is given an opportunity to answer the case, he files a response. In general, various physical activities are performed by the law enforcement bodies in presenting and following up on the case and accepting the statement of the accuser and the accused.

On the other hand, when the testimony of witnesses is heard, they argue according to the law and the nature of the crime committed. When the penalty is imposed and reconciliation between the applicant and the defendant is reached, there will be physical activities that are expressed in different ways.

In general, peace is expressed through various physical activities by performing cultural rituals such as by hugging, eating together and drinking from the same vessel. At the end of the verdict, just as the ceremony started with prayer, it ends with the prayer and blessing of the great fathers according to the culture and tradition of the society.

4. Individuals and Institutions Partaking with Regards to the Inventoried Heritage

4.1 Practitioners/Performers of the Heritage

The Somali-Issa community members in Ethiopian Somali Regional State, Republic of Djibouti and Somalia are concerned with the nominated element. They are the creators, bearers and practitioners of the element. The major actors in practicing and safeguarding the heritage are the

Ugaas, Guddi and Gande assembly of judges. The Ugaas, the political leader and spritual father of the traditional political system of Somali-Issa communities facilitates the decision making of the assemblies and bless and promulgates the decisions taken. The Ugaz is responsible for the maintenance of social order and plays the role of arbiter in conflicts between members of his community and even between them and other groups.The Guddi is an assembly of judges, with a very large set of powers at local level. It has legislative and judiciary power. The Gande is the constitutional Court. It controls the constitutionality of the decisions of the Guddi and discusses any modification of the laws of Xeer Ciise. As a supreme, it handles exceptional cases that are not resolved at the regional level. Women played an advisory role to these assemblies and they are consulted in making decisions that ensure women's and youth's rights are protected.

4.2 Other Participants (Custodians)

The major actors in practicing and safeguarding Xeer Ciise are Somali-Issa community members in Ethiopian Somali Regional State, Republic of Djibouti and Somalia. They are the creators, bearers and practitioners of the element.

At institutional level, the Ministry of Tourism, Ethiopian Heritage Authority, Ethiopian Somali Regional State Culture and Tourism Bureau, Djibouti National Agency to promote Culture, Development societies, various media institutes and NGOs such as Sitti Heritage Foundation are the custodians of the element. These institutions are making significant contributions to safeguard, promote and transmit the tradition to the next generation keeping its cultural values intact.

In this regard, great efforts are being made to create a generation that is committed to safeguard and cares for the heritage by educating children and teenagers in theory and practice.

4.3 Customary Practices Governing Access to the Element or to Specific Aspect of it

There are no customary practices that govern access to the element based upon age, sex, social status, religious background or any other reasons. The system operates in a transparent manner. Therefore, anyone who is willing to observe is welcomed. The knowledge, tradition and information associated with the system are open for anyone to learn and to participate. Open access is provided for the academic institutions who can collect information regarding Xeer Ciise, coduct research and publish the outcomes.

5. Sustainability, Wellbeing and Status of the Heritage/Element

5.1. Current Status of the Element

The Oral Customary Laws (Xeer Ciise) of Somali-Issa Communities have been practiced for centuries and handed down from generation to generation. The Somali-Issa recognize it as part of their cultural heritage and as a source of pride and sense of identity and continuity.

Xeer Ciise is a cultural intangible heritage that is still practiced and recreated through time by the Somali Issa communities. Traditional judges of the community resolve conflicts in accordance with the laws proclaimed and make sure that peace and stability is maintained.

The members of the community living in all the three countries come together and exchange information on current and regional issues as needed. They provide solutions to urgent problems and strengthen peace and security.

Although the oral customary laws do not have the amendment rules and regulations like the formal law, the existing laws that do not go along with the times and are obstacles to the social, political, economic and spiritual life of the society are thoroughly reviewed and amended through extensive discussions so as to accommodate the changing contexts. This makes the overall life of the society easier. For this reason, the Somali-Issa Community members especially those living in the rural areas prefer the traditional judicial administration rather than the formal one. Even in the cities, besides the formal law, the oral customary law is practiced widely.

In general, the oral customary laws constitute a dynamic living culture and serve as a traditional judicial administration system that functions in agreement with the contemporary formal law and remains functional until now.

5.2 Mode of Transmission of the Heritage from Generation to Generation

The cumulative experiences, knowledge and skills about Xeer Ciise has mainly been transmitted across generations through oral and other formal and informal channels of communication.

The other modes of transmission is through formal educational curriculum. The values and importance of this intangible heritage has been promoted through panel discussions, symposiums and through the use of print and electronic media. In general, audio visual records and documentation are being used as means of transmission of the element. This help educate the new generation and sustain the core values of the element.

Research works are conducted and made available for the general public. The Ugaz, Guddi and Gande fathers thransmit the Knowledge, skills, values and historical heritage of Xeer Ciise using different platforms.The young generation is encouraged to participate in the practice of the heritage so that they are acquainted with knowledge, skills, values and tradition that have been created and accumulated for centuries.

The joint social platform of the Somali-Issa Communities in the three countries have also planned to work together to transmit the heritage to the young generation. In addition to this, when current and national security issues occur, they use the oral customary laws to ensure regional peace in the joint discussions and forums where the representatives of all the three countries are present.

Promotion of Xeer Isee and raising its awareness is also undertaken through brochures and the various media such as radio and television programs in Somali Language. The oral customary laws are promoted as the shared heritage beyond the borders by organizing events, symposiums, seminars and meetings with joint participation of bearers and practitioners of the element from the three countries..

Utmost care will be taken to preserve the cultural places such as Sitti Mountain, the twelve rivers and tree shade areas associated with the implementation of Xeer Ciise. The necessary infrastructure will be built for these cultural places to facilitate tourism.

Governmental and non-governmental organizations such as Sitti Heritage Foundation have taken a number of measures for the enactment and transmission of the element.

5.3 Threats to the Enactment:

5.3.1 Physical Threats

There are no physical or material threats associated with the practice of the heritage. When crimes occur among the Somali-Issa community, Guddi assembly judges gather under the shade of trees used as courts by the community to resolve conflicts between individuals or groups. The punishment levels set by the law will be applied according to the severity of the crime. Often, minor cases are heard and resolved. For serious crimes, such as murder, blood indemnity is enforced in the middle of a river.

The traditional laws played an important role to reconcile those who have been quarreled in the Somali-Issa communities and return to their previous peaceful life. There are no physical or material threats to be mentioned as such.

5.3.2 Socio-Economic Threats

The oral customary laws are being implemented in harmony with the formal law. From an economic point of view, it does not cause the society to various abuses and expenses. The service works in a way that saves energy, time and cost for the community members. At the same time, since the wrongdoer and the victim will be judged according to the law, there are no winners and losers.

However, modernization has become one of the challenges that hinder the traditional laws from being properly implemented. For example, the community members, especially the youth, that emigrate from the countryside to the city and getting accustomed to modern life pay little attention to the oral customary laws and are leaning towards official courts instead.

In addition to this, some of the Guddi and Gande fathers and elders of the Somali-Issa communities, who know the culture and the traditional law well, are passing away before transmitting the knowledge and skills to the young generation as expected.

However, Somali Region Culture and Tourism Bureau, non-governmental organizations such as Sitti Heritage Foundation and the community at all levels and individuals are working closely together to address the problem presented as threats by using formal and informal channels of communication and audio visual records and documentations to transmit the knowledge associated with the oral customary laws.

The values and importance of this intangible heritage has been promoted through panel discussions, symposiums and through the use of print and electronic media.

5.4 Safeguarding Measures in Place

The Ethiopian Somali Regional State and other governmental and non-governmental organizations such as Sitti Heritage Foundation have taken a number of measures to safeguard this intangible heritage. They allocate budget to undertake various safeguarding activities with the participation of the concerned community members. Various research works have been conducted on Xeer Ciise. The bearers and practitioners are also involved in the joint research projects undertaken so far.

Promotion of Xeer Isee and raising its awareness is undertaken through brochures and the various media such as radio and television programs in Somali Language. The oral customary laws are promoted as the shared heritage beyond the borders by organizing events, symposiums, seminars and meetings with joint participation of bearers and practitioners of the element from the three countries..

Efforts are being taken to preserve the cultural places such as Sitti Mountain, the twelve rivers and tree shade areas associated with Xeer Ciise. The necessary infrastructure will be built for these cultural places in the future to facilitate tourism.

The Ethiopian Heritage Authority in collaboration with Ethiopian Somali Regional State Culture and Tourism Bureau, Sitti Heritage Foundation, Djibouti National Agency to promote Culture and Somalia have nominated the Oral Customary Laws of Somali-Issa Communities for inscription on the Representative List of Intangible Cultural Heritage of Humanity by UNESCO.

6. Data Gathering and Inventorying

6.1 Consent from and Involvement of the Community/Group in Data Gathering and Inventorying

The Ethiopian Heritage Authority (EHA) as well as the Culture and Tourism Bureau of Somali Region and Sitti Heritage Foundation have participated in the national inventory of Xeer Ciise. After making preliminary preparation and reviewing, experts of Ethiopian Heritage Authority and Sitti Heritage Foundation directly proceeded to the inventorying process. Representatives of the Somali-Issa communities have participated and contributed their share towards the success of this inventory.

Moreover, the Ugaz (political leader and spiritual father of the Somali-Issa), prominent individuals, scholars, assemblies of judges and heads of government bodies have freely participated in the course of interviews and focus group discussions held in the process of data gathering. Relevant governmental and non-governmental institutions have also provided their comments on the inventory with due responsibility and commitment.

6.2 Restrictions, if any, on Use of the Inventoried Data

There is no restriction or limit to the use in utilization of the data as resource towards the effort in promoting and developing this intangible heritage and raising awareness about its importance. However, unauthorized utilization of the data without consent from the legal authorized entity as well as the custodians is not permitted. Moreover, using the heritage for activities of personal gains, for commercial purposes and other activities basing private interest or acts that are contradicting the custom shall be subject to legal accountability in accordance with the relevant laws of the country.

6.3 Date and Place of Data Gathering

The element was inscribed in the National Register of the Intangible Cultural Heritage of Ethiopia under register No. 0008 on November 4, 2022 (ጥቅምት 25 ቀን 2015 ዓ.ም). Data for this inventory has been collected from Ethiopian Somali Regional State, Jigjiga, Aysha, Dire Dawa, Djibouti and Somalia.

6.4 Responsible Body to the National Inventory/Register of the element

The national register of the Xeer Ciise is undertaken by the experts of Heritage Research and Study Directorate of the Ethiopian Heritage Authority (Gezahegne Girma and Kelemuwa Mekonen in co-operation with Somali Regional State Culture, Heritage and Tourism Bureau, Sitti Heritage Foundation Head Woizero Ayan Ali, Ato Abdurahman Usman and Dr. Ali Abdulahi. The authority section in charge of the approval of the inventory is the Heritage Inventory, Inspection and Standardization Directorate of the Ethiopian Heritage Authority.

Andualem Girmaye

Cultural Heritage Research Directorate Director

Federal Democratic Republic of Ethiopia * Ministry of Tourism * Ethiopia Heritage Conservation Authority

17 MAR. 2023

የማይዳሰስ (ኢንታንጀብል) ባህላዊ ቅርስ በአገር አቀፍ ደረጃ ለመመዝገብ የተዘጋጀ የኢንቬንቶሪ ፎርማት

Format for national register of the intangible cultural heritage of Ethiopia

መለያ ቁጥር 0008

Register no. 0008

1. ዳራ (background)

የሶማሌ ብሔራዊ ክልላዊ መንግሥት በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፑብሊክ መንግሥት ከተዋቀሩ አሥራ አንድ ክልሎች መካከል አንዱ ነው፡፡ ብሔረሰቡ በኢትዮጵያ ውስጥ እንደሌሎች ብሔሮች፣ ብሔረሰቦችና ሕዝቦች የራሱ የሆነ ታሪክና ባህል ያለው ሕዝብ ነው፡፡ የሶማሌ ኢሳ ማኅበረሰብ ባህላዊ ሕግ ወይንም በብሔረሰቡ አጠራር ሔር ኢሴ (Xeer Ciise) አንዱ የማኅበረሰቡ መገለጫ እሴት ነው፡፡

ከሶማሌ ብሔረሰብ መካከል ከፍተኛ ቁጥር ያለው የኢሳ ማኅበረሰብ ዓባላት በድሬዳዋ ከተማና በሲቲ ዞን ይኖራሉ፡፡የሲቲ ዞን በሶማሌ ክልል ከተዋቀሩ አሥራ አንድ ዞኖች መካከል አንዱ ሲሆን ኢትዮጵያን ከጅቡቲና ሶማሊያ ጋር የሚያዋስን ነው፡፡ ከዚህ በተጨማሪ ከፍተኛ ቁጥር ያለው የኢሳ ማኅበረሰብ በጅቡቲ ከአፋሮች ጋር በጋራ የሚኖር ሲሆን በሶማሌ ላንድ ደግሞ ግማሽ ያህሉ የኢሳ ማኅበረሰብ እንደሆነ ይገለጻል፡፡

በአጠቃላይ የኢሳ ማኅበረሰብ በምሰራቅ አፍሪካ በተለይም በአፍሪካ ቀንድ አገራት ላይ በብዛት የሚኖር ሕዝብ ነው፡፡ የሕዝቡ የኢኮኖሚ መሠረት በከተማ ያለው በንግድ የሚተዳደር ሲሆን በገጠር ያለው ደግሞ በአርብቶ አደርነት የተሠማራ ነው፡፡ በእነዚህ ሦስት የተለያዩ አገራት የሚኖሩ የማኅበረሰቡ ክፍሎች አንድ የሚያደርጋቸውና የሚያስተሳስራቸው የረጅም ጊዜ ታሪክ ያለው አንድ የጋራ መተዳደሪያ ባህላዊ ህግ ወይንም በማኅበረሰቡ አጠራር ‹‹ Xeer Ciise ሔር ኢሴ›› ያላቸው መሆኑና በዚሁ ባህላዊ ህግ በፍትህና በእኩልነት የሚተዳደሩበት መሆኑ ነው፡፡ ሌላውና ዋነኛው ጉዳይ ደግሞ በሦስቱም አገራት የሚኖሩ የማኅበረሰቡ አባላት የአስተዳደር ማዕከሉን ወይንም መቀመጫውን በኢትዮጵያ ድሬዳዋ ከተማ ባደረገ አንድ መሪ ወይንም በብሔረሰቡ አጠራር ‹‹ኡጋስ›› መመራታቸው ነው፡፡

ባህላዊ ህጉ ከዛሬ አምስት መቶ ዓመታት በፊት የተዘጋጀና አገልግሎት እየሰጠ ያለ ሲሆን ሥራ ላይ ከዋለበት ጊዜ አንስቶ እስከአሁን ድረስ እየተተገበረ ያለ የማኅበረሰቡ ህያው የማይዳሰስ ባህላዊ ቅርስ ነው፡፡ ይህ ባህላዊ ህግ በሦስቱም አገራት በሚኖሩ የማኅበረሰቡ አባላት ዘንድ ከፍተኛ ክብር የሚሰጠው፣እኩል የሚተዳደሩበትና የሚጠብቁት እንዲሁም ለቀጠናውየሰላም መሠረት የሆነ የጋራ ሀብት ነው ብሎ መውሰድ ይቻላል፡፡ ይህ አገር አቀፍ ኢንቬንቶሪም የማኅበረሰቡ ህያው ሀብትና የመተዳደሪያ ህግ በሆነው የማኅበረሰቡ ባህላዊ ህግ ወይንም በብሔረሰቡ አጠራር ‹‹ሔር ኢሴ››ን የተመለከተ ነው፡፡

2. የማይዳሰስ ቅርሱ መረጃ

2.1 የቅርሱ ምድብ (Domain)

የኢሳ ማኅበረሰብ ባህላዊ ህግ አፋዊ (ቃላዊ) ትውፊቶችናመገለጫዎች፡-(oral traditions and expressions, including language as a vehicle of the intangible cultural heritage)፣ማኅበራዊ ክንዋኔዎችና ሥነ-ሥርዓቶች (Social practicesand rituals)፣ ስለ ተፈጥሮና ዓለም ዕውቀትናትግበራ ወይም አገርበቀልዕውቀቶች (knowledge and practices concerning nature and the universe)፣ ትውፊታዊ የዕደ ጥበብ ዕውቀቶችና ክህሎቶች (traditional crafsmanship) እና ትውን ጥበባት (performing arts)ውስጥ ሊካተት ይችላል፡፡

2.2 የቅርሱመጠሪያ በማኅበረሰቡ/በቡድኑ ቋንቋ (Name of the element, as used by community or group concerned)

ሔር ኢሴ (Xeer Ciise) ነው፡፡

2.3 የቅርሱ ባለቤት ማኅበረሰብ፣ ቡድን ወይም ግለሰብ (Community(ies), group(s) or individuals concerned)

የቅርሱ ባለቤት በኢትዮጵያ፣ በጅቡቲ እና በሶማሌ የሚኖሩ የሶማሌ ኢሳ ማኅበረሰብ አባላት ናቸው፡፡

2.4 ስለ ቅርሱ ምንነት ማብራሪያ (Description of the element)

የኢሳ ማኅበረሰብ ባህላዊ ህግ የማኅበረሰቡ የማንነት መገለጫና ለረጅም ዘመናት ሲተገበረው የኖረው የዘላቂ ሰላሙ ማስጠበቂያናባህላዊ እሴቱ ነው፡፡ ማኅበረሰቡ በሦስቱም አገራት የሚኖሩ አባላቱን እንደየሚኖሩበት አገር ነባራዊ ሁኔታ በእኩልነትና በፍትኃዊነት ከሚያስተዳድርበት ባህላዊ ህግ ባሻገር ሌሎች በርካታ መገለጫ የሆኑ የማይዳሰሱ ቅርሶችና እሴቶች ያሉት ሕዝብ ነው፡፡ ከእነዚህ እሴቶቹ መካከል ሀገረሰባዊ ጭፈራዎች፣አፋዊ ትውፊቶች፣ የዘመን አቆጣጠር ሥርዓት፣ ልዩ ልዩ ባህላዊ ጨዋታዎች፣ ባህላዊ አልባሳትና አለባበሶች፣ ባህላዊ አጊያጌጦች፣ ባህላዊ ምግቦችና የአመጋገብ ሥርዓቶች፣ ሀገረሰባዊ የዕደጥበብ ዕውቀቶችና ክህሎቶች የመሳሰሉትን መጥቀስ ይቻላል፡፡ ከዚህ በተጨማሪ ከሌሎች ብሔሮች፣ ብሔረሰቦችና ሕዝቦች ጋር በአንድነት ተከባብሮ የመኖር በጥቅሉ የአብሮነት ህይወት ተምሳሌትነታቸው የሆኑ ለዘመናት በትውልዶች ቅብብል የደረጁ ባህላዊ እሴቶች አማካይነት ጠንካራ የሕዝብ ለሕዝብ ትስስርና ግንኙነት ያላቸው መሆኑ ከሚጠቀሱ ጥቂት መገለጫዎቻቸው መካከል ናቸው፡፡

የኢሳ ሶማሌ ማኅበረሰብ ባህላዊ ህግ ወይንም ሔር ኢሴ ታሪካዊ ዳራ ወይንም አመሠራረት የሚጀምረው ከአምስት መቶ ዓመታት በፊትበ16ኛው ክፍለ ዘመን ነው፡፡ አባቶች ይህን ሕግ ለማርቀቅና ለማሻሻል የተለያዩ ቦታዎች የተቀመጡ ሲሆን በመጨረሻ ላይ ግን «ሲቲ ተራራ» ላይበመቀመጥ የአሁኑን «ሔር ኢሴ» የተባለውን ህግ እንዳረቀቁት ይገለጻል፡፡ ህጉን በጊዜው ያረቀቁት አባቶች 44 ሲሆኑ 44ቱም ከኢሳ ብሄረሰብ ተወክለው የተውጣጡ ናቸው፡፡ እነዚህ አካላት በህጉ መሠረት ገንዴ ይባላሉ፡፡ ይህ ባህላዊ ህግ በሂደት ብዙ ማሻሻያዎችከተደረጉበት በኋላ ወደ ሙሉ ትግበራ እንደገባ ተያይዞ ይገለጻል፡፡ ህጉን ለማሻሻል በጊዜው የነበሩትን የጎሳው አባቶች፣ የማኅበረሰቡ ምሁራንና አዋቂዎች ሰብስቦ ሥራውን እውን ለማድረግ ዓመታት እንደፈጀባቸው ይነገራል፡፡በዚህም ሁኔታ ከ16ኛው ክፍለ ዘመን ጀምሮየኢሣ ሶማሌ ማኅበረሰብ አባላት በዲሞክራሲያዊ መንገድ በራሳቸው በተረቀቀ ባህላዊ ሕግ መሠረትይተዳደሩ እንደነበር ይነገራል፡፡

ሕጉ የተረቀቀበት ሲቲ ተራራ በሶማሌ ክልል ሲቲ ዞን አይሻ ወረዳ በላስ ሀዳድ ቀበሌ ውስጥ የሚገኝ ነው፡፡ የተራራው አቀማመጥ ሁለት የተገጣጠመ ሲሆን አንደኛው ህግ አውጪ አባቶች ሲቀመጡበት ሌላኛውን ደግሞ እነሱን የሚጠብቁ ወታደሮች ይቀመጡበት ነበር፡፡ በዚህ ተራራ ላይ እስካሁን ድረስ በዚያን ጊዜ ባህላዊ ሕጉን ያረቀቁአባቶች ይቀመጡበት የነበሩ ድንጋዮች ይገኙበታል፡፡ በሕጉ ማርቀቅ ሂደት የተሳተፉ አባቶችየየራሳቸው ንዑስየጎሳ ክፍል ምልክት በእነዚህ በተራራው አናት ላይ ባሉ ጠፍጣፋና ለመቀመጥ ምቹ የሆኑድንጋዮች ላይ አኑረውባቸዋል፡፡ አባቶች በዚያን ጊዜ ጦርነት ይበዛባቸው ስለነበር ሥፍራው ጠላት እየመጣባቸው እንደሆነና እንዳልሆነ ለመለየት በአራቱም አቅጣጫ ረጅም ርቀት የሚያሳያቸው በመሆኑ ጭምር የተመረጠ እንደሆነ ይነገራል፡፡

ኢማም አህመድ ኢብን ኢብራሂም አልጋዚ እ.ኤ.አ. ሰሜን ኢትዮጵያን በጦርነት ካዳረሰና ገዥነቱንና የበላይነቱን ካረጋገጠ በኋላ እ.ኤ.አ. ከ1535 እስከ 1543 ድረስ በደቡብ ጎንደር ደምቢያን የፖለቲካ እና የእስልምና ሃይማኖት ማዕከል በማድረግ የሰሜንና የምስራቅ ሕዝቦችን እንዲሁም የሶማሌ ሕዝቦችን ጨምሮ ሲያስተዳድር መቆየቱ ይታወሳል (Trimingham፣ 1965፣87)፡፡ ይሁንና ከፖርቹጋል መንግስት በተገኘ ወታደራዊ እርዳታ ኢማሙ በጦርነቱ ከመቁሰሉም በላይ በፖርቹጋል መድፍና ጠመንጃ ምክንያት የኃይል ሚዛን በመቀየሩ ሊሸነፍ ችሏል (ላጲሶ፣1982፣144) ፡፡

የኢማም አህመድ ኢብን ኢብራሂም አልጋዚ (አህመድ ግራኝ)ኢስላሚክ ሱልጣኔት በፖርቱጋሎች ከተሸነፈ በኋላ በሰይላ (ዘይላ) አካባቢና በአጠቃላይ በምስራቁ ክፍል ይኖሩ የነበሩት ሕዝቦች በፖርቱጋሎች ብዙ ጫናዎች ይደርስባቸው የነበረ መሆኑ ለአብነትም የንግድ ማዕከላቸው የነበረችው ሲቅጦራ የተባለች ወደብ በፖርቱጋሎች መያዝና በዚህም ምክንያት የውጭ ንግዳቸው በመቋረጡ በአከባቢው ይኖሩ የነበሩት የኢሳ ህዝብ ከተማውን ጥለው ወደ ገጠር በመሄድ እርስ በርስ በሚፈጠሩ ግጭቶችን፣በደሎችንና ከቀላል እስከ ከባድ የሚፈጸሙ ወንጀሎችን ለመከላከል በቀዳሚነት ሁሉንም እኩል የሚያስተዳድር ህግ መደንገግ አስፈላጊነቱ በማኅበረሰቡ አባላት በመታመኑና ስምምነት ላይ በመደረሱ የኢሣ ሶማሌ ማኅበረሰብ ባህላዊ ህግን ለማውጣት ምክንያት እንደሆነ ይገለጻል፡፡

በሌላ በኩል በወቅቱ በኢትዮጵያ ሶማሌ፣ በጅቡቲ እና በሶማሌ አገራት መካከል ምንም ዓይነት ድንበር ባለመኖሩ፣ ኢሳዎች ያሉበት መልክዓ ምድራዊ አቀማመጥም ተያያዥነት ያለው በመሆኑና በአንድ አስተዳደር ሥር ስለነበሩ በፍትሀዊነትና በእኩልነት ሊያስተዳድራቸውየሚችል ህግ ማውጣት አስፈላጊና ቅድሚያ የሚሰጠው ጉዳይ የነበረ መሆኑየኢሳ ሶማሌ አባቶች ሌላኛው ምክንያት እንደሆነ ይገልጻሉ፡፡

በባህላዊ ህጉበማኅበረሰቡ ዘንድ የሚፈጸሙ በደሎችን ወይም ከሌላ አካል የሚፈፀምባቸውን ችግሮችለመከላከል እንዲቻል በአጠቃላይ 4 ነገሮችን በዋናነትለመከላከል አሰቀምጠዋል፡፡

እነዚህም 1.የራስ ያልሆነን ሀብትና ንብረት አለመፈለግ፣

2. ወረራ፣

3. ቅሚያ ወይንም ዝርፊያ እና

4. ግድያ ናቸው፡፡

ከዚህም አንጻር ለኅብረተሰቡ ተገቢውን ጥበቃ ለማድረግና ለመከላከል ሲባል የተጠቀሱትን ችግሮች መነሻ አድርጎ ህጉ ትኩረት ያደረገባቸው ጉዳዮችየሚከተሉት ናቸው፡፡ ከደም አፋሳሽ ተግባር ከመቆጠብ፣ የምጣኔ ሀብታዊ ተግባራትን ሁሉንም የኅብረተሰብ ዓካል ፍትሀዊ ተጠቃሚ ከማድረግ፣ እንዲሁም የማንኛውንም ሰው ክብር ካለመንካት፣ የራስን ባህልና ወግ ከመጠበቅና ከመንከባከብ እንዲሁም ከመሬት ጋር በተያያዘ የሰውንም ድንበር ሳይገፉ የራስንም እያስጠበቁ ከመኖር በአጠቃላይ የሥነምግባር ግድፈት ያላቸውን ሰዎች ከመምከርና ከመመለስ አንጻር የተቃኘ ነው፡፡

የኢሳ ሶማሌባህላዊ ህግ የራሱ የመተግበሪያ ቦታ ወይንም ሥፍራ አለው፡፡ የመተግበሪያ ቦታው እንደችግሩ ወይንም ግጭቱ ቅለትና ክብደት የሚወሰን ሆኖ በሁሉም ቦታዎች ማለትም በገጠርም በከተማም እንደፍርድ ቤት የሚገለገሉባቸው የዛፍ ጥላዎችናወንዞች (በተለይ የደም ካሳ ለመፈጸም የሚገለገሉባቸው የወንዞችዳርቻዎች) ዋነኛ የመተግበሪያ ቦታዎች ናቸው፡፡ በከተማዎች አካባቢ ደግሞ ጌድካ ነበዳ ወይም የሰላም ዛፍ የተሰኙ ዘመናዊ አዳራሾች በቅርሱ መተግበሪያ ሥፍራነት ያገለግላሉ፡፡

በማኅበረሰቡ ውስጥ ከላይ እንደስጋት የተለዩ ችግሮችና ወንጀሎች ሲከሰቱ እንደጥፋቱ ቅለትና ክብደት በህጉ የተቀመጡ የቅጣት ደረጃዎች ተፈጻሚ ይሆናሉ፡፡ ብዙ ጊዜ ቀላል ጥፋቶችና ግጭቶች ሲከሰቱ በየአካባቢው ባሉ የዛፍ ጥላዎች ወይንም በማኅበረሰቡ አጠራር ፍርድ ቤቶች በሚሏቸው ቦታዎች ላይ ጉዳዮቹ ታይተው ውሳኔ ያገኛሉ፡፡ ከባድ ወንጀሎች ለምሳሌ ግድያ ከሆነ የደም ካሳ በወንዝ መሀል ተፈጻሚ ይሆናል፡፡

እነዚህ የመተግበሪያ ቦታዎች የማኅበረሰቡ የእርቅ ሥርዓት መፈጸሚያ ቦታዎች ናቸው ብሎ መውሰድም ይቻላል፡፡ በኢሳ ሶማሌማኅበረሰብ በማንኛውም ሁኔታ ክቡር የሆነው የሰው ልጅ ህይወት መጥፋት የለበትም የሚል ጽኑ እምነት አለ፡፡ ይሁንና በተለያየ ምክንያትና አጋጣሚ የሰው ህይወት ያጠፋ ግለሰብ በባህሉ መሠረት የሚዳኝበትና ሰላም የሚወርድበት የእርቅ ሥርዓት ተዘርግቷል፡፡ ለምሳሌ የወንድ ልጅ ህይወት ያጠፋ 100 ግመሎችን በካሳ መልክ ይከፍላል፡፡ ሴት ልጅን የገደለ ደግሞ 50 ግመሎችን በመቀጣት የተበዳይ ቤተሰቦችን ይክሳል፡፡ ካሳውን የሚከፍለው ገዳዩ ብቻ ሳይሆን የገዳዩ ጎሳ በሙሉ ነው፡፡ የአከፋፈሉ ሂደት የገዳይና የሟች ቤተሰቦች ወደ ወንዝ ወርደው ለወራት በመቀመጥ የግመሎቹ ጤና እየተመረመረ የሚረካከቡበት ነው፡፡ የገዳይ ቤተሰብ ወንዝ ወርደው የተጣለባቸው ቅጣት እስኪሟላ ድረስ የሟች ቤተሰቦችን የመመገብ ግዴታ አለባቸው፡፡ ተሟልቶላቸው ከተረካከቡ በኋላ ለማረጋገጫ ፍየል ያርዳሉ፡፡ ይህ ሥርዓት መከናወኑ የገዳይ ወገን የተጣለባቸውን ቅጣት ያሟሉና ግዴታቸውን የተወጡ ስለመሆናቸው ምልክት ነው፡፡

ኢሳ በሶማሌ ሕዝብ ታሪክ ውስጥ ሠፊ ቦታ ያለው ነው፡፡ በጎሳ ደረጃም 12 (አሥራ ሁለት) ጎሳዎች ያሉት የማኅበረሰብ ክፍል ነው፡፡ የማኅበረሰቡ መነሻ ግን 3 (ሦስት) ጎሳዎች ናቸው፡፡ እነዚህም ዳሎል፣ አብጋልና ወርዲቅ ናቸው፡፡ እነዚህ 3 (ሦስት) ጎሳዎች እያንዳንዳቸው ሁለት ሁለት ልጆች በመውለዳቸው 6 (ስድስት) ሆኑ፡፡ እነዚህም ሆሌ፣ ሀውላቃዴ፣ ኤሌዬ፣ ወርዲቅ፣ ሆሮኔ እና ኡርዊኒ የተባሉ ናቸው፡፡ እዚህ 6 (ስድስት) ጎሳዎችም እንዲሁ እያንዳንዳቸው ሁለት ሁለት ልጆችን በመውለዳቸው ብዛታቸው 12 (አስራ ሁለት) ሆኑ፡፡ ከዚህ በመነሳት ነው የኢሳ ማኅበረሰብ 12 (አሥራ ሁለት) ጎሳ አለው የሚባለው፡፡

የኢሳ ማኅበረሰብ የትም ቢኖር አንድ ነው፡፡ አንድ የጋራ ኡጋስ ወይንም መሪ አለው፡፡ ኢሳ እንደሌሎች ሶማሌዎች በገራድና ሱልጣን አይወከልም፡፡ ያለው አንድ ኡጋስ ነው፡፡ ኡጋሱ ወይንም መሪው በየአካባቢው እንደ መንፈሳዊ አባት የሚቆጠር ነው፡፡ የኡጋሱ ሥልጣን በዘር የሚተላለፍ አይደለም፡፡ በኢሳ ህግ ኡጋስ ለመሆን በዚህ አገር አቀፍ ምዝገባ ሰነድ (ኢንቬንቶሪ) ከታች እንደቀረበው የራሱ የአመራረጥ ሥርዓትና ህገ ደንብ አለው፡፡ ኡጋሱከማኅበረሰቡ ወጣት ትውልዶች መካከል በፍሊጋ ተመርጦ በፖለቲካዊ መሪነትና በመንፈሳዊ አባትነት ወደመንበረ ስልጣን የሚመጣ ነው፡፡ የኡጋሱ የአስተዳደር ማዕከል ወይንም መቀመጫ በኢትዮጵያ ድሬዳዋ ከተማ ነች፡፡ ድሬዳዋ ከተማ እስካሁን ድረስ ለነበሩ ኡጋሶች ወይንም መሪዎች መቀመጫ እንደነበረችና አሁንም እንደሆነች የማኅበረሰቡ አባቶች ይናገራሉ፡፡

የኢሳ ሶማሌ ባህላዊ ህግ (Xeer Ciise- ሄር ኢሴ) በስድስት ዋና ዋና ክፍሎች የተደነገገ ነው፡፡ ስድስቱ ዋና ዋና ክፍሎች 160 አንቀጾች፣ 336 ንዑስ አንቀጾች እና 444 መመሪያዎች አሉት፡፡ በድንጋጌው መሠረት የኡጋሱ አመራረጥ የማኅበረሰቡን ባህል በጠበቀ መልኩ የሚከናወን ነው፡፡ ይህም በህጉ ከተቀመጡስድስት ዋና ዋና አንቀጾች መካከል በአንዱ የተመላከተ ነው፡፡ ስድስቱ ዋና ዋና አንቀጾች የሚባሉት የደም (kabtadhiga) ወይንም የነፍስ ግድያ ማለትም የአካል ጉዳት ፍርድ የሚሰጥበት በብሔረሰቡ አጠራር ‹‹ዲግ›› የተባለው፣የኢኮኖሚ (kabta dhaqaalka)፣ የሰብዓዊነት (kabtadheerta) ወይንም የሰብዓዊ መብቶች ጥሰት እንዳይኖር ጥበቃ የሚደረግበት በብሔረሰቡ አጠራር ‹‹ዴር››፣ የባህል (kabtadhqanka) ወይንም የማኅበረሰቡ ባህልና ወግ የሚጠበቅበት በብሔረሰቡአጠራር‹‹ደቀን››፣ አብሮት ለሚኖር ህበረተሰብ (kabta dhiblaha)፣ እና የመሬት ጉዳዮች(kabtadhulka)የሚታዩበት ‹‹ዱል››እና ለሌሎች በአካባቢው ለሚኖሩ ብሔር ብሔረሰቦች ከለላ ማድረግን የተመለከቱ አንቀጾች ተካተውበት የተደነገጉ ናቸው፡፡

በዚህ መልኩተቀርጾ ከትውልድ ወደትውልድ እየተሸጋገረ የመጣው እና ህጋዊሰውነት ያለው ባህላዊ ህግ ወይንም ሔር ኢሴ የማኅበረሰቡን የዕለት ተዕለት የህይወት እንቅስቃሴና የኑሮ መስተጋብር ሰላማዊ እንዲሆን እያደረገ ይገኛል፡፡ ከዚህ በተጨማሪ በቀጠናውና በድንበር አካባቢዎች የሚከሰቱ ከቀላል እስከ ከባድ የሚደርሱ ችግሮችና ወንጀሎችን በተቀመጠው ህግና ሥርዓት መሠረት ችግሮቹ ስር ሳይሰዱ በፍትኃዊነት እየዳኘና እርቀ ሰላም እያወረደ ማኅበረሰቡ ወደቀድሞ ሰላሙ እንዲመለስ እያደረገ ይገኛል፡፡ በሌላ በኩል አላስፈላጊ ግጭቶችንና ወንጀሎችን በመቀነስ ረገድምመደበኛውን ህግ በከፍተኛ ሁኔታ እያገዘና እየደገፈ ይገኛል፡፡

በኢትዮጵያ ህገ መንግስት መሠረት የሃይማኖትና የባህል ፍርድ ቤቶች ሊመሰረቱ እንደሚችሉና እውቅና ሊሰጣቸው እንደሚችል ተደንግጓል፡፡ለአብነትም በባህል ህግ ሥርዓት ላይ ተመስርቶ ለሚፈጸሙ ጋብቻዎች እውቅና የሚሰጥ መሆኑ፣ የግልና የቤተሰብ ህግን በተመለከተ በተከራካሪዎች ፈቃድ በሃይማኖትና በባህል ህጎች መሰረት የሚዳኝ መሆኑ ከሚጠቀሱት ህገ መንግስታዊ መሠረቶች መካከል ጥቂቶቹ ናቸው፡፡ በዚህ ድንጋጌ መሠረት የኢሳ ሶማሌ ባህላዊ ህግ ህገ መንግስታዊ መሰረቶች ያሟላ ሆኖ ተገኝቷል፡፡

በባህላዊ ህጉ የዳኝነት ሥርዓት ላይ ሴቶች ተሳታፊ ባይሆኑም ህጉ ለሴቶች ከፍተኛ ትኩረትና ክብር የሚሰጥ ነው፡፡ በሴቶች ላይ ለሚደርሱ ጥቃቶችና ወንጀሎች ህጉ ከፍተኛ ቅጣት አስቀምጧል፡፡ በተቀመጠው ህግ መሠረትም ቅጣቱን ተፈጻሚ ያደርጋል፡፡ ለምሳሌ በኢሳዎች ዘንድ ሴቶች ባራአድ፣ ቢላአድ፣ ገምቦአድ እና ሐይን ጎግላ በሚል ተከፋፍለው የሚጠሩበት ስያሜ አላቸው፡፡ ባራአድ ማለት ልጃገረድ ወይንም ለአቅመ ሔዋን ያልደረሰች ሴት መጠሪያ ነው፡፡ ይህችን ሴት የደፈረ ግለሰብ በባህላዊ ህጉ መሠረት 16 ሴት ግመሎችን ይቀጣል፡፡ ከዚሁ ጋር ግለሰቡ ከማኅበረሰቡ የተገለለ እና ሌላ ሴት እንዳያገባ ይከለከላል፡፡ ለዚህ ግለሰብ ሴት ልጁን የዳረ ሰውም 12 ግመሎች እንደሚቀጣ ህጉ አስቀምጧል፡፡ ይህ በመሆኑም ግለሰቡ በዚህ ድርጊቱ ከማኅበረሰቡ ጋር ጤናማ ማኅበራዊ ህይወትን መኖር ስለማይችል አካባቢውን ለቆ እንዲሰደድ ምክንያት ይሆንዋል፡፡ቢላ አድ የተባለችው ደግሞ የታጨች ሴት መጠሪያ ሲሆን የታጨች መሆኗ እየታወቀ የደፈራት ግለሰብ 15 ግመሎችን እንዲቀጣ ህጉ ያዛል፡፡ ገምቦ አድ የምትባለው ደግሞ ባል የሞተባት ሴት መጠሪያ ነው፡፡ ይህችን ሴት ባል በሞተባት በ4 ወር ከ10 ቀን ጊዜ ውስጥ የደፈራት ሰው 15 ግመሎችን እንዲቀጣ ህጉ ይደነግጋል፡፡ የዚህ ግለሰብ ቅጣት የተጠቀሰውን የግመል ቁጥር ማቅረብ ብቻ ሳይሆን ከሌሎች ሴቶች ጋርም ምንም ዓይነት ግንኙነት እንዳይኖረው ህጉ ይከለክላል፡፡ይህ በመሆኑም እነዚህን መሰል ወንጀሎች ብዙም አይታዩም፡፡

በሌላ በኩል ህጉ ለሴቶች ብቻ ሳይሆን የህጻናት ደህንነትን ከማስጠበቅና ሊደርሱ የሚችሉ ጥቃቶችን አስቀድሞ ከመከላከል አኳያ የተለያዩ ሕጎች የተደነገጉበት ነው፡፡ ለምሳሌ ሴት ልጅ ትንሽም ትሁን ትልቅ አትገደልም፤ ህጻናትም ራሳቸውን መከላከል ስለማይችሉ አይገደሉም፡፡ ከዚሁ ጋር ከህጻናት ጋር በተያያዘ በህገ መንግስቱ አንቀጽ 36 ላይ ስለህጻናት መብት ጥበቃ የተደነገጉ ሕጎች አሉ፡፡ ድንጋጌውም ህጻናት በአካላቸው ላይ ከሚፈጸሙ ከጭካኔና ከኢ-ሰብዓዊ ድርጊቶች ነጻ የመሆን መብት እንዳላቸው የሚገልጽ ነው፡፡ እነዚህ ድንጋጌዎች ከባህላዊ ህጉ ጋር የሚዛመዱ ቢሆኑም በባህላዊ ህጉ ላይ ከፍተኛ ትኩረት የተሰጠውና ልዩ ልዩ የቅጣት ድንጋጌዎች የተካተቱበት ነው፡፡

ከዚህ አንጻር የኢሳ ባህላዊ ህግ ወይንም ሔር ኢሴ ከመደበኛው ህግ በተሻለ መልኩ በሴቶችና ህጻናት ላይ የሚደርሱ ኢ-ሰብአዊ ድርጊቶችን ለመከላከል ብሎም ለማስቀረት ከፍተኛ አስተዋጽኦ የሚያበረክት እና በማኅበረሰቡዘንድም ለሴቶችና ህጻናት የሚሰጠውን ክብር በዘላቂነት የሚያስጠብቅ ሆኖ እናገኘዋለን፡፡

ከስድስቱ አንቀጾች መካከል የባህል የሚለው አንቀጽ ኡጋሱን በባህሉ መሰረት ለመምረጥ የራሱ ህግና ደንብ የተቀመጠበት አንቀጽ ነው፡፡

ኡጋሱን ለመምረጥ የሚታለፉ ሥርዓት- ሂደቶች አሉ፡፡ በቀዳሚነት ከመጀመሪያ ኡጋስ ጋር ይሰሩ የነበሩ የገንዳ አባቶች ኡጋስ ለሕዝቡ መመረጥ እንዳለበት በመስማማት ይጀምራሉ፡፡ ስምምነታቸውንም ሕዝቡን ሰብስበው እንዲያውቀው ያደርጋሉ፡፡ ከሕዝቡ ውስጥም ኮሚቴ

የሚሆኑ ሰዎችን በመምረጥ በሁሉም ቦታ ለሚኖር የኢሳ ማኅበረሰብ አባላት ኡጋስ እንደሚመረጥ ካሳወቁ በኋላ ሁሉም የማኅበረሰቡ አባላት በሚገኙበት ከ12ቱ ጎሳዎች የተውጣጡና ማኅበረሰቡን ወክለው የተመረጡ 144 አባቶች ወደዋሩፍ ወይንም ወደጋራ ምክር ቤት የመሰብሰቢያ ቦታ በቀነ ቀጠሮ እንዲሰበሰቡ ይደረጋል፡፡

የእነዚህ የ144 አባቶች የዋሩፍ ላይ ስብሰባሦስት ምክንያቶችን መሠረት ያደረገ ነው፡፡ የመጀመሪያው የተጣሉና የተቀያየሙ ሰዎች እንዲታረቁ ማድረግ፣ ከዚህ በተጨማሪ በሁሉም የኢሳ ሶማሌ ማኅበረሰብ ላይ ችግሮች ካሉ መፍታትና ወደቀደመ ሰላማቸው መመለስ ነው፡፡ ሁለተኛው ጸሎት ወይንም ዱአ ማድረግ ነው፡፡ ሦስተኛውና የመጨረሻው ኡጋሱን መምረጥ ናቸው፡፡ በዋሩፍ ላይ የሚሰበሰቡት አባቶች ከ144 መብለጥ የለባቸውም፡፡ ከ144ቱ አባላት 44ቱ ተለይተው ይመረጣሉ፡፡ 44ቱ አባላት ከላይ እንደተገለጸው ገንዳ ወይንም ሥራ አስፈጻሚ ተብለው ይሰየማሉ፡፡ እነዚህ ገንዳዎች ከኡጋሱ ጋር በቅርበት የሚሠሩና በማንኛውም ጉዳይ ላይ የሚደረስበትን የመጨረሻ ውሳኔ ለኡጋሱ አቅርበው የሚያጸድቁ ናቸው፡፡ እነዚህ አባላት እንደመደበኛው የህግ ሥርዓት የሕገ መንግስት አጣሪ ጉባዔ ናቸው ማለት ይቻላል፡፡ የተቀሩት መቶዎቹ ደግሞ ኡጋሱን ለመምረጥ በኮሚቴነት የሚያገለግሉ ናቸው፡፡

እነዚህ አባቶች ወይንም የፓርላማ አባላት የዋሩፍ የስብሰባ ቆይታቸው 4 ወር ከ10 ቀን ነው፡፡ በዚሁ የቆይታ ጊዜ ብዙውን ጊዜ ጸሎት ወይንም ዱአ ያደርጋሉ፡፡ በኢሳ ባህል ለስብሰባ የሚቀመጡ አባቶች ስብሰባቸውን በምርቃት ጀምረው በምርቃት ማጠናቀቅ የተለመደ ሥርዓታቸው ነው፡፡ ምርቃት ወይንም ዱአ በማድረግ የሚጀምረውም ከመካከላቸው በዕድሜ ትልቅ ሳይሆን፣ በኢሳ ጎሳ የበኩር ልጅ የሆነው የ ‹‹ኡረድ›› ጎሣ ዓባል የሆነ ሰው ነው፡፡ ዱአው ካለቀና የተፈጠሩ ችግሮች ከተፈቱ በኋላ 144ቱ አባቶች ኡጋሱን የመምረጥ ሂደቱን ይጀምራሉ፡፡

ኡጋሱ የሚመረጥበት ቦታ በአካባቢው ጌሌ አበሲዬ ወይንም ጉጉማአድ የተባለ ቦታ በመሆኑ አባቶች ወደዚያው ለመሄድ ለዋርዲቅ ሬር ሀሰን (ኡጋስ የሚመረጥበት ጎሳ) ጥያቄ ያቀርባሉ፡፡ ወርዲቅ ዩሱፍም በሚይዝላቸው ቀነ ቀጠሮ መሠረት ወደ ጉጉማአድ ከመሄዳቸው በፊት ጊዜያዊ መሪ ከወርዲቅ ሬር ሀሰን ይመርጣሉ፡፡ አያይዘውም ለወርዲቅ ዩሱፍ ለኡጋስነት በመስፈርቱ መሠረት የሚወዳደሩ ወጣቶችን መርጠው እንዲያመጡ ይነግራሉ፡፡ ወርዲቅ ሬር ሀሰን ለዚህ የመረጣ ተግባር ጊዜ ይጠይቁና ወደተለያየ ቦታ ሰዎችን ይልካሉ፡፡ በመጨረሻም የተገኙ ወጣት ልጆችን ስም ከነአያታቸው እንዲሁም የእናታቸውን ጎሳ ቆጥረው ለገንዳ አባቶች ያስረክባሉ፡፡ አባቶችም ‹‹መገንአሌ›› ብለው ይቀበላሉ፡፡ በስም ዝርዝር የመጡ ወጣቶችን ለመለየት በመስፈርትነት የተቀመጠው ከኢሳ ማኅበረሰብ ‹‹ወርዲቅ ሬር ሀሰን›› ከተባለ ጎሳ የተወለደ፣ በአሥራዎቹ የዕድሜ ክልል ላይ ያለ፣ ምንም ወንጀል ያልሠራ፣ ሰው ያልገደለ፣ እንዲሁም በጦርነት ያልተሳተፈ፣ መልከ መልካም የሆነና ከማናቸውም ሱስ የጸዳ መሆን አለበት የሚል ሲሆን፣ እናቱን በተመለከተ ከኢሳ ማኅበረሰብ ከ ‹‹ሰአድ ሙሳ›› የተወለደችና በልጃገረድነት አባቱን ያገባች እንዲሁም ለአባትም መጀመሪያ ባለቤት ወይም ሚስት የሆነች መሆን እንዳለባት ያስቀምጣል፡፡

እነዚህን መሥፈርት ያሟላ ወጣት ሲገኝ አዲሱ ኡጋስ መሆኑን ከተስማሙበት በኋላ ከቤተሰቦቹ ጋር በመነጋገር በሁለተኛው ቀን የኡጋሱ ቤተዘመድ የሆነና ወርዲቅ ዩሱፍ የሆኑት ኡጋሱን ለ‹‹ ሰኢድ ሙሴ›› ሬር ጉለኔ›› ያስረክባሉ፡፡ እሱም ኡጋስ ከይርሌ ወይንም ‹‹የተባረከ ንጉስ›› ይለዋል፡፡

ከዚህ ሂደት በኋላ ኡጋሱ መሬት ላይ እንዲቀመጥ ይደረጋል፡፡ የሚቀመጥበትን ጉንደቱ ወይንም ምንጣፍ ጨርቅ ‹‹ሀሰን ጋዲድሼ›› የተሰኘ ሰው እንዲያነጥፍ ይደረጋል፡፡ጥምጣሙን ደግሞ ወርዲቅ ዩሱፍ ያለብሰዋል፡፡ ከዚህ ሥርዓት በኋላ በሰፊው ዱአ ተደርጎ በማግስቱ ጠዋት ወደ 144ቱ አባቶች ወደተቀመጡበት ቦታ ወደዋሩፍ ጉዞ ይጀመራል፡፡ እዚህ ቦታ እስኪደርስ ድረስ ሕዝቡ በየቦታው እየወጣ በእልልታና በባህላዊ ጭፈራ ይሸኘዋል፡፡ ‹‹ጉጉማአድ›› ሲደርስ አባቶች በፍቅር ተቀብለው ምርቃት ያደርጉለታል፡፡ እዚህም ቦታ በህጉ መሠረትሰባት ቀን እንዲቀመጥ ይደረጋል፡፡ ይህ ሥርዓት ሂደት እስኪጠናቀቅ ድረስ የሚቀመጥበትን ጉንደት ወይንም ምንጣፍ የሚያነጥፍለት ሁል ጊዜ ‹‹ሀሰንጋዲድሼ›› የሆነ ሰው ሲሆን ይህ ሰውም ከኋላው የሚቀመጥ ነው፡፡ እዚህ ቦታ እስካለ ድረስ ሕዝቡ (የማኅበረሰቡ አባላት) ከያሉበት እየመጡ የተለያዩ ባህላዊ ጭፈራዎችን እየጨፈሩና እየተጫወቱ የኡጋሱን እጅ በክብር እየሳሙ ምርቃት ያደርጉለታል፡፡

ከሰባት ቀን ቆይታ በኋላ ኡጋሱ ወደ ሚሌ ይወሰዳል፡፡ ሚሌ እና ጉጉማአድ የ5 ኪ.ሜ. ልዩነት አላቸው፡፡ ጉጉማአድ ደርሰው ካረፉ በኋላ 144ቱ የኢሳ አባቶች ለወርዲቅ ሬር ሀሰን ኡጋሱን ለ40 ቀን ያህል በአደራነት ያስቀምጣሉ፡፡ ሲያስቀምጡም እንዲህ በማለት ነው፡፡ ‹‹ሬር ሀሰን ሆይ ታላቁ ኢሴ ከዛሬ በኋላ ኡጋሱን ለ40 ቀን በአደራነት እናንተ ጋር አስቀምጠዋል›› ሬር ሀሰንም ‹‹ተቀብለናል ከአላህ ጋር እኛ ጋር ይቆያል›› ይላል፡፡ ከዚህ ሂደት በኋላ 144ቱ አባቶች ወደየቤታቸው ይሄዱና በቀጠሮው ቀን ከ40 ቀን በኋላ በመምጣት ይዘውት

ሌላው ሂደት ይጀመራል፡፡ ኡጋሱ ሰይላ እስኪወስድ ድረስ ለ6 ወራት ያህል ገጠር ውስጥ እንዲቆይና ወደ ሁሉም የኢሳ መሬቶች እንዲጓዝ ይደረጋል፡፡

በህጉ መሰረት በኡጋስ መረጣው ስራ በሚደረጉ ልዩ ልዩ ተግባራት የተለያዩ የካሳ ክፍያዎች አሉ፡፡ ለአብነት ጥምጣሙን የሚያለብሱት ወርዲቅ ዩሱፍ ሲሆኑ ጥምጣሙን ባለበሱበት ጊዜ 100 ትንንሽ ፍየሎች ይሰጣቸዋል፡፡ ለኡጋስነት ለውድድር የቀረቡና በየቤታቸው እየተሄደ የታዩ ወጣቶች ደግሞ አንድ አንድ ትንሽ ሴት ግመል ይሰጣቸዋል፡፡ የኡጋሱ ቤተሰቦችም የልጁ ካሳ ይከፈላቸዋል፡፡ ምክንያቱም ከዚያን ቀን ጀምሮ ልጁ የኢሳ ልጅ እንጂ የእነሱ አይደለም፡፡ የሚጠብቀውም በህጉ መሠረት ኢሳ ኅብረተሰብ ነው ተብሎ ይታሰባል፡፡

በሌላ በኩል ለኡጋሱ ክብር የሚደረጉ የስጋና ወተት ሥርዓተ ሂደቶች (አኖ ኢዮ አዲን) አሉ ፡፡ ለክብሩ ሲባል ከተመረጡ የግመል፣ የላምና የበግ ዘሮች የታለበ ወተት እንዲጠጣ ይደረጋል፡፡ በየሄደበትም ደግሞ ከሁሉም ዓይነት እየታረደለት ከሕዝቡ ጋር አብሮ ይበላል፡፡ የኡጋሱ የወተትና ስጋ ሥርዓት- ሂደት ካላቀ በኋላ ጉዞውን ወደ 12ቱ ወንዞችና ኡጋስነቱን የመቀበል ሥነ-ሥርዓቱ ወደሚጠናቀቅበት ወደ ሰይላእ ወይንም ዘይላ ከተማ ያደርጋል፡፡ 12ቱን ወንዞች የሚያልፈው በባዶ እግሩ ነው፡፡ 12ቱ ወንዞች በሁለት የተከፈሉ ናቸው፡፡ 6ቱ አሸዋማ፣ ሲሆኑ 6ቱ ደግሞ ጭቃማ ናቸው፡፡ 6ቱ አሸዋማ ወንዞች ኢትዮጵያ ውስጥ ሲሆኑ፣ 6ቱ ጭቃማ ወንዞች ደግሞ በጅቡቲና ሶማሌ ላንድ ውስጥ የሚገኙ ናቸው፡፡ይህን ሂደት ካጠናቀቀ በኋላ ወደ ሰይላእ ወይንም ዘይላ ተወስዶ ሰባት ቀን የቀይ ባህር ውኃ ውስጥ እግሩን ካስገባ በኋላ በ8ኛው ቀን ኡጋስነቱን የመቀበል ሥነ-ሥርዓት ይጠናቀቃል፡፡ የንግስና ወይንም ኡጋስነት የመቀበል ሥነ-ሥርዓቱ የሚጠናቀቀው ወርዲቅ ሬር ዩሱፍ ኢማመቱን ወይንም ጥምጣሙን ካለበሱት በኋላ ነው፡፡

የኡጋሱ የሥልጣን ጊዜ የዕድሜ ልክ ነው፡፡ ይሁንና ኡጋሱ በስልጣን ቆይታው የተመረጠበትን ዓላማ ማሳካት ካልቻለ ወይም ሥልጣኑን አላግባብ ከተጠቀመ የመረጠው ማኅበረሰብ እንዳስቀመጠው ሁሉ ያወርደዋል፡፡ የኡጋሱ ስልጣን ዘውድ ወይንም ክራውን እንደሚባለው በኢሳ ህግ ጥምጣሙ ‹‹እማማው›› ነው፡፡ ስለዚህ ወደ ሥልጣን ሲወጣ ወይንም ሲነግስ እማማውን እንደሚያለብሱት ሁሉ ከስልጣን በሚወርድበት ጊዜ ደግሞ ጥምጣሙን ቀምተው ሥርዓቱን በጠበቀ መልኩ ሌላ ኡጋስ ይመርጣሉ፡፡

በአጠቃላይ የኢሳ ማኅበረሰብ ባህላዊ ህግ ወይንም ሔር ኢሴ በማኅበረሰቡ ዘንድ የረጅም ጊዜ ታሪክ ያለው የእያንዳንዱ ትውልድ አሻራ እየታከለበት ከትውልድ ወደትውልድ እየተሸጋገረ የመጣ፣ የማኅበረሰቡን አባላት በእኩልነት በማስተዳደር የዕለት ተዕለት ህይወታቸውና መስተጋብር በጠንካራ መሠረት ላይ እንዲገነባ፣ በባህሉ የማይደራደርና የሚኮራ ትውልድ የፈጠረ እና እየፈጠረ ያለ መደበኛውን ህግ የሚያግዝ እንዲሁም ለሌሎች የማኅበረሰብ ክፍሎች የአብሮነት ህይወትንና ወንድማማችነትን የሚያስተምር ብሎም በቀጠናው ዘላቂ ሰላምን በመፍጠር ረገድ የፍትኃዊነት፣ የእኩልነትና አብሮ የመኖርና የመልማት አስተምህሮት ያለው የማኅበረሰቡ ህያው ሀብት ነው ብሎ ማጠቃለል ይቻላል፡፡

2.3 የቅርሱ አስፈላጊነትና ጠቀሜታ (significance of the intangible cultural heritage)

የኢሳ ማኅበረሰብ ባህላዊ ህግ ሃይማኖትንም ሆነ መደበኛውን ህግ በማይጻረር ይልቁንም ባጣማ መልኩ የተዘጋጀና በማኅበረሰቡ የጋራ ስምምነትና ይሁንታ የጸደቀ፣ ግልጽ አሠራርን ተከትሎ የሚፈጸምና በፍትኃዊነትና በእኩልነት ማኅበረሰቡን የሚያገለግል በመሆኑ ለማኅበረሰቡ የሚሰጠው ጠቀሜታ ከፍተኛ ነው፡፡

ባህላዊ ህጉ የኢሳ ሶማሌ ማኅበረሰብ መገለጫ ቢሆንም ሌሎች የማኅበረሰብ ክፍሎች አብሮ ከመኖርና እንደራሳቸው ባህል ከመልመዳቸው አኳያ እየተዳኙበትና በሥርዓቱ ላይ እየተሳተፉበት እንዲሁም ከለላም ሆኖ እያገለገላቸው ይገኛል፡፡ ይህ ደግሞ በአካባቢው ለሚኖረው ማኅበረሰብ ሰላማዊ ህይወትን በማስፈን ወንድማማችነትንና አብሮነትን በማጠናከር ረገድ ከፍተኛ አስተዋጽኦ የሚያበረክት ነው፡፡

ህጉ የርስበርስ ሰላምን ከማረጋገጥ አንጻር ብቻ ሳይሆን ከሌሎች አጎራባች ክልሎችና የማኅበረሰብ ክፍሎች ጋር የሕዝብ ለሕዝብ ትስስርን ሊያጠናክር በሚችል መልኩ የተደነገገ በመሆኑ ከአካባቢው አልፎ ለቀጠናው ሰላም መረጋገጥ የህልውና መሠረት ሆኖ የሚያገለግል ነው፡፡

ከዚህ በተጨማሪ በሦስቱምአገራት ማለትምበጅቡቲ፣በሶማሊ እና በኢትዮጵያ ያሉ የኢሳ ሶማሌ የማኅበረሰብ አባላት በያሉበትና በሚኖሩበት አካባቢ ሁሉ በአንድ ኡጋስ የሚመሩናበባህላዊ ህጉ አሠራር በእኩልነትና በፍትኃዊነትተጠቃሚበመሆናቸው ባህላዊ ህጉ ይበልጥ የሚያስተሳስራቸው፣ የሚያቀራርባቸውና አንድነታቸውን የሚያጠናክሩበት በመሆኑ ጠቀሜታው ዘርፈ ብዙ ነው፡፡

ከዚህ ሌላ የማኅበረሰቡ አባላት በዕለት ተዕለት የህይወት እንቅስቃሴያቸው ውስጥ በሚፈጥሯቸው መስተጋብሮች የሚፈጠሩ ችግሮች ስር ሳይሰዱ እልባት በመስጠት የሚዳኝና አሸናፊና ተሸናፊ ሳይኖርበት ወደቀደመ ሰላማቸው የሚመልስ በመሆኑ ለማኅበረሰቡ አባላት የሰላም ዋስትና ሆኖ እያገለገለ ይገኛል፡፡

በሌላ በኩል ባህላዊ ህጉ መደበኛውን ህግ በማገዝና ከቀላል እስከ ከባድ የሚደርሱወንጀሎችን በመቀነስ ረገድ ከፍተኛ አስተዋጽኦ ያለው ነው፡፡ በተለይ ለሴቶች የሚሰጠው ከፍተኛ ትኩረትና ክብር ለሌሎች የማኅበረሰብ ክፍሎች እንደተሞክሮ የሚወሰድ ነው፡፡ ከዚህ በተጨማሪ ባህላዊ ህጉን ከማዘጋጀት እስከ ትግበራ ባለው ሂደት ውስጥ በየደረጃው ያሉ ወንዶች የሚሳተፉበት በመሆኑ በተለይ ተተኪው ትውልድ የሆነው ወጣት ለባህላዊ ህጉ ተገገር፣ ህጉን አክባሪ፣ አስቀጣይና ፍትኃዊ ተጠቃሚ እንዲሆን በማስቻል ረገድ ፋይዳው ከፍተኛ ነው፡፡

በአጠቃላይ የቅርሱ ትግበራ ከታች ከግለሰብ ጀምሮ እስከ በላይ አስፈጻሚ ድረስ የተስማሙበት ውሳኔ ያለልዩነት ሁሉም እንዲያውቀው ተደርጎ የሚተገበር በመሆኑ በማኅበረሰቡ ዘንድ እኩል እምነትንና ግልጽ አሠራርን ማስፈን ያስቻለ ነው፡፡ ይህምሁኔታ ማኅበረሰቡ በባህላዊ ህጉ እኩል ተገልጋይና ተጠቃሚ እንዲሆን ያስቻለ በመሆኑ ጠቀሜታው ሁለንተናዊ ነው፡፡

3. **የቅርሱ መለያ ባህርያት** (Characteristics of the element)

3.1 **የቅርሱቁሳዊመገለጫ** (Associatedtangible aspects)

በባህላዊ ህጉ የአፈጻጸም ሥነ- ሥርዓት ላይ የተለያዩ ቁሳዊ መገለጫዎች ጥቅም ላይ ይውላሉ፡፡ ከቁሳዊ መገለጫዎቹ መካከል ጥላ ያላቸው የመተግበሪያ ሥፍራ ዛፎች፣ መቀመጫ ድንጋዮችና ወንዞች ዋናዎቹ መገለጫዎች ሲሆኑ ከአለባበስ ጋር በተያያዘ የኢሳ ማኅበረሰብ አለባበስ በማንኛውም ዐውድ ላይ የተለየ አይደለም፡፡ የዘወትርም ሆነ የሽምግልና ሥርዓት አለባበሱ ተመሳሳይ ነው፡፡ ይህም ከወገብ በላይ ነጭ ካኒተራ ወይንም ቲሸርት፣ ከወገብ በታች ደግሞ ጉንደቱ (ነጭ ግልድም ወይንም ሽርጥ መሀሉ ላይ ጥለት ያለው) ይለብሳሉ፡፡ ወገባቸው ላይ ደግሞ ጉንዴቱውን ወይንም ግልድሙን ለማሠርና ለማጥበቅ ከላም ቆዳ የተሠራ ቀበቶ ይታጠቃሉ፡፡ ከዚህ ሌላ ትንሽ ዱላ ይይዛሉ፡፡ ጊሌ (ባህላዊ ቢላዋ) በወገባቸው ላይ ያደርጋሉ፡፡ መጫሚያን በተመለከተ ግራና ቀኝ የሌለው ከላም ቆዳ የተሠራ ጫማ ይጫማሉ፡፡ ትከሻቸውም ላይ ትንሽና ስስ ኩታ ጣል በማድረግ በሥነ-ሥርዓቱ ላይ ይታደማሉ፡፡ በሌላ በኩል በግጭት አፈታት ሥነ-ሥርዓቱ ላይ እንደወንጀሉ ክብደትና ቅለት በህጉ ተወስኖ የተቀመጠውና በቅጣት መልክ ለተጎጂ ወይንም ተበዳይ በካሳ መልክ የሚቀርበው የግመል ብዛት ሌላው የቅርሱ ቁሳዊ መገለጫዎች ሆነው የሚጠቀሱ ናቸው፡፡ሌላው ደግሞ ለኢሳ ማህበረሰብ ብቻ የሚያገለግል ልዩ ምልክት እያንዳንዱ የኢሳ ክፍል አለው፡፡ ይህንንም በማንኛውም እቃ ወይም ሀበታቸው ላይ ማለትም ከበቶቻቸው ላይ ግመሎች ፤እንዲሁም ፍየሎቻቸው ላይ ያደረጉታል፡፡ ይህም ንብረታቸው እንዳይጠፋባቸውና ከተገኘም እንዲመለስላቸው ይረዳቸዋል፡፡

3.2 **የቅርሱ አካላዊ መገለጫ** (Associated intangible aspects)

በኢሳዎች ዘንድ የተለያዩ ከቀላል እስከ ከባድ ወንጀሎች ሲፈጸሙ እንደወንጀሉ ቅለትና ክብደት የዳኝነት ሥርዓት ለማከናወንና ለጉዳዩ መፍትሔ ለመስጠት የተለያዩ አካላዊ እንቅስቃሴዎችና ሥነ-ሥርዓቶች ይኖራሉ፡፡ የዳኝነት ሥነ-ሥርዓቱ በታላላቅ አባቶች ጸሎት ወይንም ዱአይጀመራል፡፡ጸሎት ሲደረግ በሥነ-ሥርዓቱ ላይ የታደሙት ሁሉ በመቆም ሥርዓቱን ይፈጽማሉ፡፡

በኢሳ ማኅበረሰብ የእርቅና የዳኝነትሥርዓት የሚፈጸምበት የተከበረ የማስፈጸሚያ ቦታ አለ፡፡ ይህ ቦታየማኅበረሰቡ አባላት እንደፍርድ ቤት የሚገለገሉበት ጥላ ያላቸው ዛፎች ናቸው፡፡ በዚህ የዳኝነት ሥፍራ ላይ የሚቀመጡት ከ12ቱ የኢሳ ጎሳ የተውጣጡየገንዴ ተወካይ አባላት የሆኑ ወንዶች ናቸው፡፡ እነዚህ የገንዴ ተወካይ አባላትና ሌሎች በኮሚቴነት የሚያገለግሉ የየጎሳው ተወካዮች ሥነ-ሥርዓቱን ክብ ሠርተው በመቀመጥ የከሳሽና ተከሳሽ ጉዳይንና የዳኝነት ሂደቱን በህጉ መሠረት ያስፈጽማሉ፡፡ የየጎሳው ተወካዮች የሚቀመጡት ለየጎሳው በመለያነት ምልክት በተደረገባቸው የድንጋይ መቀመጫዎች ላይ ነው፡፡ ከሳሽና ተከሳሽ ግራና ቀኝ በመቆም ጉዳያቸውን

ይከታተላሉ፡፡ ሥነ-ሥርዓቱ በታላላቅ አባቶች ጸሎት ይጀመራል፡፡ከሳሽና ተከሳሽ ወደ ጉዳያቸው ከመግባታቸው በፊት ዋሳቸውን ያቀርባሉ፡፡ ቀጥሎም አንድ ሰው እንደ ጸሀፊ ይመረጣል እያንዳንዱ ሰው አንድ ቃል በተናገረ ቁጥር በመድገም ይናገራል፡፡ ምንም አይነት የቃል ስህተት ወይም አለመረዳት እንዳይመጣ ተናጋሪው ሲጨርስም ያለውን ሀሳብ በመድገም ትክክለኛነቱን ያረጋግጣል፡፡ በዚህ አይነት ሁለቱም ሰዎች ጉዳያቸውን ያስረዳሉ፡፡ ከዛ ከሳሽ ሀሳቡን በቅድሚያ እንዲያቀርብ ይደረጋል፡፡ ተከሳሽ በተከሰሰበት ጉዳይ ላይ መልስ እንዲሰጥ እድል ሲሰጠው ምላሹን ያቀርባል፡፡በጥቅሉ የህጉ አስፈጻሚ አካላት ወንጀል ፈጻሚዎችን በማቅረብ፣ጉዳዩን በመከታተል፣ የከሳሽና ተከሳሽ ቃልን በመቀበል ረገድ የተለያዩ አካላዊ እንቅስቃሴዎች ይደረጋሉ፣

በሌላ በኩል የምስክሮች የምስክርነት ቃል ሲደመጥ፣እንደተፈጸመው የጥፋት ሁኔታ የሚጣል ቅጣትን ተከትሎየሚፈጸሙ ሥርዓተ ሂደቶች ላይና በመጨረሻም በከሳሽና ተከሳሽ መካከል እርቅ ሲወርድበልዩ ልዩ መልኩ የሚገለጹ አካላዊ እንቅስቃሴዎች ይኖራሉ፡፡

ለአብነትም ሰላም መፈጠሩን በመተቃቀፍ የመግለጽ፣ አብሮ የመብላት፣ የመጎራረስ፣ በአንድ ዕቃ የመጠጣት በጥቅሉ ልዩ ልዩ ባህላዊ ሥርዓቶችን በመፈጸም ሰላም መውረዱ በተለያዩ አካላዊ እንቅስቃሴዎች ይገለጻል፡፡በሥነ-ሥርዓቱ ማጠናቀቂያም በማኅበረሰቡ ባህልና ወግ መሠረት ሥነ-ሥርዓቱ በጸሎት እንደተጀመረ ሁሉ በታላላቅ አባቶች ጸሎትና ምርቃት ይጠናቃቃል፡፡

4.ምዝገባ (ኢንቬንቶሪ)ከተደረገለት ቅርስ ጋር በተያያዘ ተሳትፎ ያላቸው ግለሰቦችና ተቋማት፡-

4.1 የቅርሱ ፈጣሪዎች/ተግባሪዎች/አከናዋኞች/Practitioner/s/Performer፡-

የቅርሱ ፈጣሪዎችም ሆኑ ተግባሪዎች በኢትዮጵያ፣ በጅቡቲ፣ በሶማሌ የሚኖሩ የኢሳ ሶማሌ ማኅበረሰብ አባላት ናቸው፡፡

4.2. ሌሎች ተሳታፊዎች/ባለቤቶች/ጠባቂዎች Other participants (custodians)፡-

ለቅርሱ ጥበቃና እንክብካቤ የሚያደርጉት በዋናነት በሶማሊ ላንድ፣ በጅቡቲ፣በኢትዮጵያ የሶማሌ ብሔራዊ ክልላዊ መስተዳድርና በድሬዳዋ የሚኖሩ የኢሳ ሶማሌ የማኅበረሰቡ ተወላጆች እና ኡጋሱና የገንዴ አባቶች ወይንም የጎሳ አባላትቢሆኑምየሶማሌ ክልል የባህል ቅርስና ቱሪዝም ቢሮ፣ ሲቲሄርቴጅ ፋውንዴሽን የተባለ መንግስታዊ ያልሆነ ድርጅት ፣የክልሉ አስተዳደር እና በየደረጃው የሚገኙ የአስተዳደር አካላት የቅርሱ ጠባቂዎች እና ተሳታፊዎች ናቸው፡፡ባህላዊ ህጉ ትክክለኛ የማኅበረሰቡን ነባር ትውፊት ጠብቆ ከትውልድ ወደ ትውልድ እንዲሸጋገር ከቅርሱ ባለቤቶች፣ ግለሰቦችና የባህል ቢሮውእና ሲቲ ሄርቴጅ ፋውንዴሽን ከተባለ መንግስታዊ ያልሆነ ድርጅት ባለፈሌሎች ተቋማት ተሳትፎ እያደረጉ ይገኛሉ፡፡ በዚህም የባህላዊ ህጉ ትግበራናትውፊታዊ ሥነ-ሥርዓት ተጠብቆ እንዲቆይናበትውልዶች ቅብብል እንዲጎለብትህጻናትና ታዳጊዎችን በጽንሰ ሀሳብ እና በተግባር በማስተማር የቅርስ ተቆርቋሪ ትውልድ እንዲፈጠር በማድረግ ረገድ ከፍተኛ ጥረት እየተደረገ ይገኛል፡፡

4.3. ቅርሱን ለማየት ወይም ለመድረስ ያሉ ሥርዓቶችና ደንቦች /Customary practices governing access to the element or to specific aspect of it/:-

በተግባር ዳኝነቱን ከማስፈጸም አኳያ ሙሉ በሙሉ የወንዶች ኃላፊነት የነበረ ቢሆንም ባህላዊ ህጉን ከማዘጋጀት ጀምሮ ሴቶች የራሳቸውን አስተዋፅኦ አድረገዋል፡፡ባህላዊ ህጉ በሚረቀቅበትም ጊዜ በቦታው ከ44 ወንዶች ጋር የተሳተፈችው ብቸኛዋ ሴት ነበረች፡፡ በህጎቹም ላይ ቀጥተኛ ተሳትፎ አድርጋ በተለይ ሴቶችን በተመለከተ በሚደነገግበት ጊዜ ህጎች ላይ በአብዛኛው የርሷ ሀሳብ እና አስተያየት የታከለበት ነበር፡፡ ሴቶችም በሴቶች መሀል ችግር ሲፈጠር ወደ ወንዶች ከመሄድ ይልቅ ሴቶች እራሳቸው ተሰባስበው ችግሮቹን ለመፍታት ይሞክራሉ፡፡ ሴቶች በባህላዊ ህጉ ላይ ትኩረት የተሰጣቸው ቢሆንም ቀጥተኛ ተሳትፎ የላቸውም፡፡ ከዚህ ውጪ ባህላዊ ህጉ በእኩልነት የሚገለገሉበት በመሆኑ በተለየ ሁኔታየቅርሱን ክዋኔ ለማየት፣ ለመድረስ ወይም ለመከወን የተጠቀሰ ምንም አይነት ገደብና ክልከላ የሌለው መሆኑን አስረጂዎች ገልጸዋል፡፡

5. የቅርሱ ቀጣይነትና ደህንነት፡-

5.1. ቅርሱ አሁን የሚገኝበት ሁኔታ/ current status of the element/:-

የኢ.ሳ ማኅበረሰብ ባህላዊ ህግ የማኅበረሰቡ አባላት የረጅም ጊዜ የማንነት መገለጫና ታሪክ ነው፡፡ ባህላዊ ህጉ በየዘመኑ ያለው ትውልድ የራሱን አሻራ እያከለበትና እየተቀባበለው ለህጉ ተገዢ በመሆንና በማክበር ሲገለገልበት የኖረ የማኅበረሰቡ እሴት ነው፡፡ በሦስቱም አገራት የሚገኙና የሚኖሩ የማኅበረሰቡ አባላት በወቅታዊና ቀጣናዊ ጉዳዮች ላይ እንደአስፈላጊነቱ በመሰባሰብ በመምከር ለተፈጠሩ ጊዜያዊ ችግሮች መፍትሔ በመስጠትና ባህላዊ ህጉንለማጠናከር የመረጃ ልውውጥያደርጋሉ፡፡

ባህላዊ ህጉ እንደመደበኛው ህግ የማሻሻያ ደንብና ሥርዓት ባይኖረውም ህጉ በየጊዜው እንዲሻሻል ይደረጋል፡፡ በዚህም ሂደት ከአያት ቅድመ አያቶቻቸው የተቀበሏቸውን ህጎች ከማስፈጸሙ ጎን ለጎን ከጊዜው ጋር የማይሄዱትንና ለኅብረተሰቡ ማኅበራዊ፣ፖለቲካዊ፣ ኢኮኖሚያዊና መንፈሳዊ ሕይወት እንቅፋት የሆኑ ነባር ህጎች እንዲሻሻሉና ከአድሎና ከኢ-ፍትኃዊ አሠራር በራቀ መልኩ የተዘጋጁአዳዲሶችም እንዲወጡ፣ እንዲታወቁና ስራ ላይ እንዲውሉ በማድረግ የኅብረተሰቡ ሁለንተናዊ ህይወት እንዲሳለጥ ይሰራሉ፡፡በዚኅ ጉዳይ ላይ የተቀመጠው የህግ አንቀጽ አለው፡፡ አንቀጹም እንዲህ ይላል‹‹xeerku waa wax la sugay iyo wax la sugaayo ›› ማለት ‹‹ይህ ህግ የተደነገገና የሚደነገግ ነው›› ለማለት የተፈለገውም ዋናው ምክንያት መጨመር ወይም ማሻሻል እንደሚቻል ነው፡፡በዚህ ምክንያት ማኅበረሰቡ ከመደበኛው ህግ ይልቅ በባህላዊ ህጉ መዳኘት ይፈልጋል፡፡ በተለይ በገጠር የሚኖረው ማኅበረሰብ ሙሉ በሙሉ በሚባል ደረጃ በባህላዊ ህጉ የሚገለገል ነው፡፡ በከተማም ቢሆን ከመደበኛው ህግ ጎን ለጎን በአብዛኛው በባህላዊ ህጉ ይገለገላል፡፡ ከዚህ በመነሳት ቅርሱ አሁንም በከፍተኛ ሁኔታ እየተተገበረ የሚገኝ የማኅበረሰቡ ህያው ሀብት ነው ብሎ መውሰድ ይቻላል፡፡

5.2. **ቅርሱን ከትውልድ ወደ ትውልድ ማስተላለፊያ መንገዶች**/ Modes of transmission from generation to generation፡-

ይህ ቅርስ ከትውልድ ወደ ትውልድ እንዲተላለፍ የረዳው እያንዳንዱ አንቀጽ ሲደነገግ በአባባል መልክ ነው የተቀመጠው፡፡ይህም ሕጎቹ ከትውልድ ወደ ትውልድ በቀላሉ እንዲተላለፉና እንዳይረሱ አድርጓል፡፡የቅርሱ ክዋኔ ትክክለኛ ትውፊቱን በጠበቀ መልኩ ለማስተላለፍ ዋነኛውና ተቀዳሚው ተግባር ማኅበረሰቡ (የጎሳ አባላት) የቅርሱን ሥርዓተ ክዋኔ በትክክለኛው መንገድ እንዲተገብሩት ማበረታታትና ወጣቱ ትውልድ ትውፊቱንና ባህሉን እንዲያውቅ በቅርሱ ትግበራ ሂደት ተሳትፎ ማድረግ ይጠበቅበታል፡፡በቅርሱ ዙሪያ ጥናትና ምርምር ማድረግ፣ለቅርሱ ማከናወኛ ባህላዊ ሥፍራዎችበዋናነት ማኅበረሰቡ እንደፍርድ ቤት የሚገለገልባቸው የዛፍ ጥላ ሥፍራዎችንና ወንዞችን ተገቢውን ጥበቃ በማድረግና ከቅርሱ ጋር የተያያዙ ዕውቀቶችን በሥርዓተ ትምህርት ውስጥ በማካተት ለትውልድ የሚተላለፉበትን ሥርዓት መዘርጋትቅርሱን ከትውልድ ወደ ትውልድ ማስተላለፊያ መንገዶች መካከል የሚጠቀሱ ናቸው፡፡ ከዚህ አንጻርየጎሳው አባላት በተለይ የገንዴ አባቶች ኡጋሱን ጨምሮ ፣የአገር ሽማግሌዎች ፣አዛውንቶችና የሃይማኖት አባቶች ስለ ቅርሱ ታሪካዊ አመጣጥ፣ የአፈጻጸም ሂደት የተለያዩ መድረኮችን በመጠቀም ለዘመናት ያካበቱትን ዕውቀትና ክህሎት ተተኪው ትውልድ በተለይም ወጣቱን ተሳታፊ በማድረግመቅሰም እንዲችል የበኩላቸውን ድርሻ እያበረከቱ ይገኛሉ፡፡ ከዚህ በተጨማሪ ትውፊታዊ ሥርዓቱን በተለያዩ የኅትመትና የተለያዩ የመገናኛ ዘዴዎች ማለትም በቴሌቭዥን፣ በሬዲዮ፣ በጋዜጦች፣ በድረ ገጾች ወዘተ..፣ በመደበኛና ኢ-መደበኛ የመገናኛ መድረኮች ለአብነትም በፓናል ውይይቶች፣ በሲምፖዚየሞች፣ በተለያዩ የምክክር መድረኮች በመጠቀም እየተላለፈ ይገኛል፡፡ከዚህም በተጨማሪ ወቅታዊና አገራዊ የጸጥታ ጉዳዮች ሲከሰቱ ቀጣናዊ ሰላምን ከማረጋገጥ አኳያ የሶስቱም አገራት ተወካዮች በሚገኙበት በሚደረጉ የጋራ ውይይቶችና መድረኮች ባህላዊ ሕጉን ጥቅም ላይ እያዋሉት ይገኛሉ፡፡የቅርሱን እሴቶችና ጠቀሜታዎች በትግበራከማስተዋወቅ ጎን ለጎን፤ በምስል፣ በድምጽና በጽሑፍ ቀርጾና ሰንዶ በማስቀመጥ ለትውልድ ለማስተላለፍ ከፍተኛ ጥረት እየተደረገ ይገኛል፡፡ከዚህ ባለፈ የሚመለከታቸው መንግስታዊናእንደ ሲቲ ሄርቴጅ ፋውንዴሽን የመሳሰሉ መንግስታዊ ያልሆኑ ድርጅቶችናተቋማት በሙሉ ለቅርሱ ህልውና ቀጣይነት የሚከናወኑ ማናቸውንም ተግባራት በመምራትና በመደገፍ ለባህላዊ እሴቱ ወይም ትውፊቱ ቀጣይነት የላቀ አስተዋጽኦእያበረከቱ ይገኛሉ፡፡

5.3. **ቅርሱን ለመተግበር ያሉ ስጋቶች**/ Threats to the enactment፡-

5.3.1. **አካላዊ /ቁሳዊ ስጋት** (physical threat)፡-

ቅርሱን በመተግበር ረገድ እንደስጋት የሚወሰዱ አካላዊም ሆነ ቁሳዊ ስጋቶች የሉም፡፡ በቅርሱ ትግበራ ወቅት የጎሳው ተወካዮች (የገንዴ አባቶች) በመተግበሪያ ቦታቸው በመሰባሰብ በተፈጠሩ ችግሮች ዙሪያ በህጉ መሠረት በመነጋገርና በመደማመጥ የሚፈቱት በመሆኑ እንደስጋት የሚጠቀስ አካላዊም ሆነ ቁሳዊ ስጋት የለም፡፡

5.3.2. **ማኅበራዊና ኢኮኖሚያዊስጋቶች** (socio-economic threats)

ባህላዊ ህጉ ከመደበኛው ህግ ጋር ተስማምቶ እየተተገበረ የሚገኝ ሲሆን ከኢኮኖሚ አንጻርም አገልግሎቱ ፈጣን ጉልበትን፣ ጊዜንና ወጪን በሚቆጥብ መልኩ የሚሠራ በመሆኑ ማኅበረሰቡን ለተለያዩ እንግልቶችና ወጪዎች የሚዳርግ አይደለም፡፡ ከዚሁ ጋር በዳይና ተበዳይ ህጉ በሚያስቀምጠው አግባብ የሚዳኝ በመሆኑ አሸናፊና ተሸናፊ የማይኖርበት ነው፡፡

ይሁንና ይህ እንደተጠበቀ ሆኖ አሁን ላይ ባህላዊ ህጉ በአግባቡ እንዳይተገበር ዘመናዊነት አንዱ ተግዳሮት እየሆነ መጥቷል፡፡ ለአብነትም የማኅበረሰቡ አባላት በተለይም ወጣቱ ከገጠር ወደከተማ የመግባትና የከተማ ህይወትን የመልመድ ሁኔታ እየታየ በመምጣቱ በተወሰነ ደረጃ ባህሉን የመተው ዝንባሌ እና ለባህላዊ ህጉ ትኩረት የመቀነስ ሁኔታ እየተስተዋለ ይገኛል፡፡ ከዚህ በተጨማሪ ባህሉንና ህጉን በደንብ የሚያውቁ የጎሳው አባቶችና የአገር ሽማግሌዎች ለተተኪው ትውልድ ዕውቀታቸውን ሳያስተላልፉ በማለፋቸው ተተኪው ትውልድ ለባህሉ ትኩረት ከመስጠት ይልቅ ወደዘመናዊነት እያዘነበለ ይገኛል፡፡ ይሁንና የቅርስ ተቀርቋሪ ግለሰቦች፣ መንግስታዊ ያልሆኑ ድርጅቶች በተለይ እንደሲቲ ሂርቴጅ ፋውንዴሽን ዓይነቶችና የክልሉ የባህልና ቱሪዝም ቢሮ እና በየደረጃው ያሉ የማኅበረሰቡ ክፍሎች ለጉዳዩ ትኩረት በመስጠት የፓናል ውይይቶችንና ሲምፖዚየሞችን በማዘጋጀት ከባህላዊ ሕጉ ጋር የተያያዙ ዕውቀቶችና ክሎቶች ወደ ወጣቱ ትውልድ እንዲተላለፉ በማድረግ እንደ ሥጋት የቀረበውን ችግርለመቅረፍ በከፍተኛ ሁኔታ በትብብር እየሠሩ ይገኛሉ፡፡

5.4. ለቅርሱ ቀጣይነት እየተደረጉ ያሉ እንክብካቤዎች/ Safeguarding measures in place፡-

የክልሉ የባህልና ቱሪዝም ቢሮና ሌሎች መንግስታዊና መንግስታዊ ያልሆኑ ተቋማት በተለይም ሲቲ ሂርቴጅ ፋውንዴሽን የተባለ መንግስታዊ ያልሆነ ድርጅት ባህላዊ ህጉን በማጥናት፣ ዶክመንት በማድረግ፣ ክዋኔውን በምስል በመሰነድና በተለያዩ የመገናኛ ዘዴዎች ማለትም በኅትመትና በኤሌክትሮኒክስ ሚዲያዎች እንዲተዋወቅ በማድረግ ረገድ የተለያዩ የጥበቃና የእንክብካቤ ሥራ እየሰሩ ይገኛሉ፡፡ ከዚህ በተጨማሪ አንዳንድ የቅርስ ተቋርቋሪ ግለሰቦች በባህላዊ ሕጉ ላይ በተለያየ መልክ ጥናት በማካሄድና በመሰነድ፣ የመመረቂያ ጽሑፋቸውን በህጉ ላይ በመሥራት፣ በመጣጥፍና በመጽሐፍ መልክ በማሳተምለባህላዊ ህጉ መጎልበትና ቀጣይነት ብሎም ይበልጥ ተጠቃሚነት ከፍተኛ አስተዋጽኦ እያበረከቱእንደሚገኙ መረጃ ሰጪዎች ገልጸዋል፡፡

ከዚህ በተጨማሪም በቱሪዝም ሚኒስቴር የኢትዮጵያ ቅርስ ባለሥልጣን ከሱማሌ ብሔራዊ ክልላዊ መንግስት ባሕልና ቱሪዝም ቢሮ እና ከሲቲ ሂሪቴጅ ፋውንዴሽን ጋር በመተባበር የኢሣ ማኅበረሰብ ባህላዊ ሕግን በዩኔስኮ የሰው ልጆች ወካይ የማይዳሰስ ባሕላዊ ቅርሰ ዝርዝር ውስጥ በዓለም አቀፍ ቅርስነት ለማስመዝገብ እያደረገ ያለው ጥረት ለቅርሱ ቀጣይነት እየተደረጉ ካሉ እንክብካቤዎች መካከል የሚጠቀስ ነው፡፡

6. የመረጃ አሰባሰብና ጥንቅር (Data gathering and inventorying)

6.1 በኢንቬንቶሪው ወቅት የኀብረተሰቡ፣ የቡድኖችና ግለሰቦች ተሳትፎ መገለጫዎች (Consent from and involvement of the community/group in data gathering andinventorying)

የኢሳ ማኅበረሰብባህላዊ ህግ ሥርዓት - ክዋኔ የማይዳሰስ ቅርስ ኢንቬንቶሪ በተከናወነበት ወቅት ጉዳዩ የሚመለከታቸው የመንግሥት አካላት፣ ኢንቬንቶሪው የተካሄደበት የሶማሌ ክልል የባህልና ቱሪዝም ቢሮ ኃላፊዎች፣ የሲቲ ሂርቴጅ ፋውንዴሽን መስራች አባላት እና ባለሙያዎች፣ እንዲሁም የኢትዮጵያ ቅርስ ባለሥልጣን የማይዳሰስ ቅርስ ጥናትና ምርምር ባለሙያዎች በከፍተኛ ኃላፊነትና ተነሳሽነት በኢንቬንቶሪው ላይ ሙሉ ተሳትፎ አድርገዋል፡፡ ኢንቬንቶሪው በተካሄደበት አካባቢ የሚገኙ የአካባቢው የጎሳ አባቶች፣ የኢሳ ሶማሌ የፖሎቲካ መሪና መንፈሳዊ አባት የሆኑት ኡጋስ፣ የአገር ሽማግሌዎች፣ ታዋቂ ግለሰቦች፣ የእስልምና ሃይማኖት መሪዎች (ሼሆች)፣እናቶች፣ ወጣቶች፣ ምሁራንና የመንግሥት የሥራ ኃላፊዎች ስለ ቅርሱ ምንነት መረጃዎችን ለመሰብሰብ በተደረጉ ቃለ መጠይቆችና የቡድን ውይይቶች ላይ በዋናነት ተሳትፈዋል፡፡

6.2ኢንቬንቶሪ የተደረገውን ቅርስ ለመጠቀም ያሉ ገደቦች (Restriction, if any, on use of inventoried data)

በአገርአቀፍ ደረጃ የኢንታንጀብል ወይም የማይዳሰስ ቅርሱን ለማስተዋወቅና ለቅርሱ ባለቤቶች የባህል ዕድገት በሚኖረው ፋይዳ ዙሪያ ለሚደረጉ እንቅስቃሴዎችና ጥረቶች በግብዓትነት መጠቀም ክልከላ ወይም ገደብ የለውም፡፡ ነገር ግን ማንኛውም ሰው ወይም ህጋዊ ሰውነት ያለው አካል መረጃውን ከሚመለከተው አካልና ከባህሉ ባለቤቶች ፈቃድ ሳያገኝ ለንግድና ትርፍ፣ የግል ጥቅምን መሠረት

ላደረጉ ሌሎች ተግባራት ወይም ከባህሉ ጋር ተፃራሪ ለሆኑ ተግባራት መጠቀም የአገሪቱ ሕግ በሚደነግገው መሠረት ተጠያቂነትን ያስከትላል፡፡

6.3.**ምዝገባው የተካሄደበት ቀንና ቦታ**(Date and place of data gathering)

ምዝገባውየተካሄደው ጥቅምት25 ቀን 2015 ዓ.ም. (November4, 2022) ነው፡፡ ይህን ኢንቬንቶሪ ለማከናወን መረጃ በዋናነት የተሰባሰበው ከኢትዮጵያ ሶማሌ ብሔራዊ ክልላዊ መስተዳድር በተለይ ከሲቲ ዞን፣ከድሬዳዋ፣ጅግጅጋእንዲሁም ከጂቡቲና ከሶማሊያ ነው፡፡

6.4**ቅርሱንበአገርአቀፍደረጃየመዘገበውአካል** (Responsible body to the National Inventory /register of the element)

ቅርሱንበአገርአቀፍደረጃ የመዘገቡት በኢትዮጵያ ቅርስ ባለሥልጣን የቅርስ ጥናትና ምርምር ከፍተኛ ባለሙያዎች ገዛኸኝ ግርማ እና ቀለሟ መኮንን፣የሶማሌ ክልልየባህልና ቱሪዝም ቢሮ የባህል ባለሙያዎች እና ሲቲ ሄርቴጅ ፋውንዴሽን የተባለ መንግስታዊ ያልሆነ ድርጅት መስራች አባላት እና ባለሙያዎች ማለትም ወይዘሮ አያን አሊ፣ አቶ አብዱራህማን ኡስማን እና አቶ አሊ አብዱላሂናቸው፡፡ ኢንቬንቶሪውን ያጸደቀው የባለሥልጣኑ የሥራ ክፍል /Approved by/ በኢትዮጵያ ቅርስጥበቃ ባለሥልጣን የቅርስ ኢንቬንቶሪ፣ ቁጥጥርና ደረጃ ማውጣት ዳይሬክቶሬት ነው፡፡

እንዱዓለም ግርማዩ
የቅርስ ጥናትና ምርምር
ዳይሬክቶሬት

መጋቢት 08 2015