

## CUSTOMARY RURAL LAND DISPUTE RESOLUTION IN ETHIOPIA: THE CASE OF *SHIMGLINA* IN BAHIR DAR ZURIA WOREDA OF AMHARA REGIONAL STATE

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### Abstract

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The objective of the study is to analyze the strengths and weaknesses of customary conflict-resolution procedures in rural land dispute settlement in Bahir Dar Zuria Woreda, specifically in the kebeles of Wojer, Feresewoga, Tentakerkose, Sebatamite, and Lejome. To achieve the objectives, the study has adopted a qualitative research approach using a case study research design, incorporating both primary and secondary sources of data. Purposive sampling was used to select informants based on their knowledge and experience in the community regarding the subject of this study. Participants in this study included 91 informants. Using thematic analysis, the data were assessed qualitatively. There are numerous causes, including poverty, a lack of farmland, population growth, rising rural property values, and limited rural land rights, that have been linked to rural land disputes. The study examines the benefits and drawbacks of traditional conflict resolution techniques in Bahir Dar Zuria Woreda, specifically in the kebeles of Wojer, Feresewoga, Tentakerkose, Sebatamite, and Lejome. The objectives of the study are achieved by combining primary and secondary data sources using a case study research design and a qualitative research approach. The administrative system was one of the indirect causes of land disputes in rural areas, which manifested as disagreements over ownership, access, inheritance, and boundaries. The findings of this study also suggested that the Shimglina customary conflict resolution methods played a major role in land dispute resolution, promoting good governance, justice, and the prevention of violence, and were found to be one of the golden cultures for generating peace in society. The government should integrate customary systems into current conflict-resolution processes to address their shortcomings.

**Key Words:** Rural land, Dispute, Conflict Resolution, Customary, Values, *Shimglina*, Peace

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### 1. Introduction

The development of legal systems worldwide has been significantly influenced by indigenous knowledge and customary law. Local knowledge that is specific to a community, culture, or society is referred to as indigenous knowledge. The foundation for peacebuilding, conflict resolution, agriculture, food preparation, healthcare, education, conservation, and a host of other endeavours that support societies around the globe is this knowledge, which is transmitted from generation to generation, usually through oral tradition and

cultural customs. One of the most widely used and traditional methods of resolving conflicts is shimglina. According to Kassa (2020), most people in rural areas use customary/indigenous mechanisms in rural land disputes.

Rural land disputes are a serious social problem in rural Ethiopia, and the issue requires a settlement mechanism that is grounded in the community's social systems (Bedasa and Hussein, 2018). In addition, rural land disputes are often better managed and settled in accordance with customary conflict-resolution practices, grounded in the

community's socio-cultural context, rather than modern mechanisms (Byamugisha, 2013). In developing countries like Ethiopia, the majority of the rural population uses customary conflict-resolution mechanisms to settle land disputes, reflecting the specific cultural context (Kassa, 2020). According to World Bank research, 80% of the rural population in the Amhara region employs customary conflict-resolution processes in rural land disputes (2012b). According to Michel (2010), most customary conflict resolution institutions have some weakness due to their highly custom-based or traditional nature of establishment. In this regard, customary mechanisms for dispute resolution differ from universal principles of human rights and democracy in their processes of resolution and decision-making (Luccaro, 2016). Therefore, this may influence its effectiveness. Accordingly, an in-depth examination of the vulnerabilities and strengths of Shimglina's traditional or indigenous conflict-resolution methods for settling rural land disputes in Bahir Dar Zuria Woreda is deemed necessary.

## 2. Review of Literature

Ethiopia has been the center of governance and social organization around customary conflict management. Researchers also stress the fact that indigenous systems such as Shimglina are incorporated into community values that are transmitted across generations and adapted to local socio-cultural environment (Fien, 2010; Kassa, 2020). These traditional systems are the most significant tools for ensuring peace and governance of communal affairs, especially in rural areas,

where land is valued as an economic and cultural symbol. According to previous studies, land disputes in Ethiopia are closely linked to the distribution of scarce resources and to traditional communal principles that define land distribution and inheritance (Bedasa and Hussein, 2018; Zerihun, 2016). Thus, rural populations tend to hold on to traditional processes that are accepted as valid, accessible, and in line with local justice standards.

Studies demonstrate that Shimglina is among the most institutionalized customary institutions among the Amhara people and is institutionally mediated, founded on consensus, reconciliation, and values held by the community (Tefere & Mulugeta, 2009; Getachew, 1998). Its operation involves more mending relationships through moral persuasion, forgiveness, and social coercion than punishment. This restorative direction reflects the larger values in traditional systems of justice, which are more concerned with social integration and eventual coexistence than with legalism (Zehr, 1985). The researchers believe that Shimglina can be highly effective in resolving interpersonal conflicts, such as land border issues, inheritance disputes, and access restrictions, due to its participatory and dialogical nature (Wondyrad, 2014; Kassa, 2020).

Despite the strengths of the customary dispute resolution system, few studies have identified its weaknesses. According to Michel (2010) and Harper (2011), procedural inconsistencies, exclusion, and enforceability are characteristics of customary institutions, particularly when the claims to complex land are at stake and must be written

down or preserved through the law. Researchers also note that such a mechanism may be incongruent with universal human rights norms, i.e., gender equality and protection of vulnerable populations (Bamlak, 2013; Luccaro, 2016). For example, women often lack structural means to participate in customary forums, yet international norms require their involvement in peace processes (UN Security Council Resolution 1325, 2000). These problems give rise to debates on how to strengthen or integrate indigenous systems with state institutions to make them fairer and more accountable.

The existence of customary dispute resolution mechanisms is also stipulated by the literature as highly valuable in circumstances whereby state institutions are feeble, unreachable, or distrusted. Studies in Ethiopia have shown that rural people prefer Shimglina because of its economic efficiency, its cultural validity, and its effectiveness in conflict resolution (Harper, 2011; Mequanent, 2016). In the same case, the World Bank (2012b) has indicated that approximately 80 percent of land disputes in the Amhara region have been resolved through customary systems, which has the significance of customary systems in the local government. Scholars therefore propose that national and regional governments ought to integrate the indigenous systems into the wider land administration systems and rectify their shortcomings with the help of the legal reforms, training, and procedure safeguards (ANRS Council, 2006; Byamugisha, 2013). Overall, the literature suggests that, in the event of a proper

reconciliation, informal and official systems can be complementary in rural land management.

### **3. Materials and Methods**

This study was conducted in the year 2020. This study employed a qualitative case study design to examine experiences and phenomena related to the strengths and weaknesses of Shimglina's traditional dispute-resolution methods in rural land disputes in the study area. Written sources, both published and unpublished, are employed as secondary sources of information. The researcher employed purposive sampling to choose his key informants and FGD discussants from the kebeles. The kebeles are selected based on preliminary information on the problem being studied obtained from the rural land administration agency. Six senior citizens participated in the study. The researcher employed purposive sampling to choose his key informants and FGD discussants from the kebeles. Preliminary information about the research participant obtained from the rural land administration office is used to choose the kebeles.

The participants in the study comprised six elders, four religious leaders, two Woreda court judges, five kebele land administration specialists, eight landholder farmers who settled their land disputes through traditional conflict resolution procedures, and one expert from the Amhara Region Land Administration Bureau. The study focused on five rural kebeles in Bahir Dar Zuria Woreda, and the target population comprised the residents of the Wojer, Sebatamet, Tentakerkose, Feresewoga, and Lijome kebeles. Concerning the analysis, the gathered data were analyzed based on the

information supplied and developed interpretations from the theme areas pertinent to this study. Four religious leaders, two Woreda court judges, five kebele land administration specialists, eight landholder farmers who settled their land disputes through traditional conflict-resolution methods, and one expert from the Amhara Region Land Administration Bureau. The study focused on five rural kebeles in Bahir Dar Zuria Woreda, and the target population comprised the residents of Wojer, Sebatamet, Tentakerkose, Feresewoga, and Lijome kebeles. Regarding the analysis, the acquired data were evaluated based on the content presented, and interpretations were generated from the theme areas relevant to this study.

### 3.1. Description of the Study Area

Bahir Dar Zuria Woreda is situated in Ethiopia's Amhara National Regional State's North Gojjam Administrative Zone. The Woreda is bordered to the north by Lake Tana, to the east by Achefir Woreda, to the south by Dera Woreda, and to the South by Yilmana Densa Woreda. There are 36 rural kebeles, with a total population of 202,960. The Woreda is about 564 kilometres northwest of Addis Ababa, Ethiopia's capital. With a total size of 151,119 hectares, it is located between 1,700 and 2,300 meters above sea level. Rainfall in the area averages 820-1250 mm per year. The region experiences daily lows of 10 °C and highs of 32 °C, respectively. Agriculture is the main economic activity in the woreda. The primary issue facing the region is a shortage of farmland, driven by both population growth and limited agricultural land. Wheat, barley, millet, teff, and maize were the main

crops grown in the region. The community's cultural and social values are closely linked to the land. Land is a direct economic input used by farmers to produce crops and livestock. Additionally, it can be used to obtain credit from others through a contract and to generate direct income through sharecropping and renting.

### 3.2. Selection of the Research Site

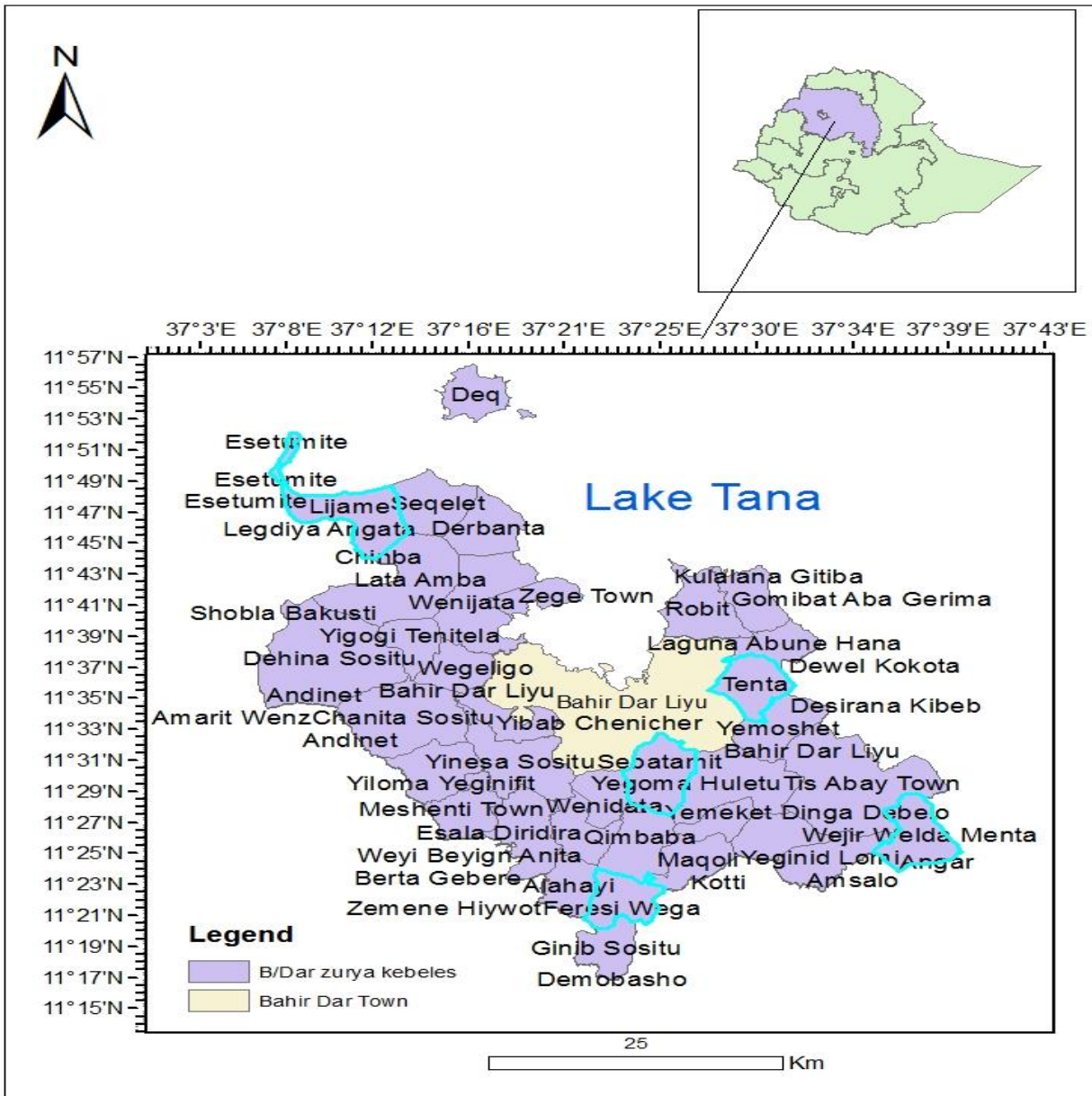
This study was conducted in Bahir Dar *Zuria Woreda*, which has 36 rural *kebeles*. Five participants were purposively selected for this study. These are Wojer, Feresewoga, Tenta Qerkose, Sebatamite, and Lejome *kebeles*. The researcher selected the study site because the prevalence of rural land disputes in the area is high and because there are customary conflict-resolution mechanisms important for settling them. In addition, according to Zerihun (2016), rural land disputes in Ethiopia are increasing at an alarming rate, and the current state-based mechanism for resolving them is failing. As WB (2012b) stated, 80% of land disputes in the Amhara region are resolved through customary conflict-resolution mechanisms. Based on the researcher's experience and observation, people residing in the above-selected kebeles face recurrent serious land disputes, and the formal legal system is unable to resolve them effectively at their source. It is not suited to the community's socially interconnected life.

In addition, the researcher observes numerous challenges in customary conflict-resolution practices in rural land disputes, which reduce their effectiveness, threaten their existence, and erode

trust in these mechanisms within the community. This enables the researcher to select customary conflict resolution practices and challenges in rural land disputes as a case study for the study site, which has received little attention from other researchers on this issue.

### 3.4. The Nature of Dispute

Defining the nature of a dispute is challenging because it is an integral part of our daily lives and a complex concept. Disputes are an inevitable part of human activity across contexts.

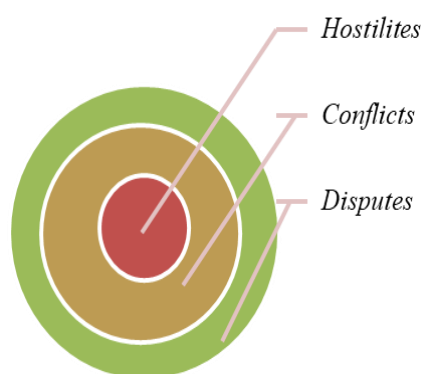


**Figure 1. Map of Bahir Dar Zuria Woreda**

Source: Bahir Dar Zuria Woreda rural land administration and use office (February 2022)

As long as natural resources are scarce and human needs are unlimited, it is challenging to avoid disputes from their very origin. Disputes are natural and inevitable in human social, economic, and political interactions. People can resolve disputes, but they cannot avoid them once and for all from their lives. Disputes differ in their character, extent, and participants. Because the topics and circumstances that can affect the opposing parties differ, variances are easily noticeable even within a category. Disparities are readily apparent even within a category, as opposing sides may be affected by different concerns and factors.

In human relations, disputes often arise in nearly every setting. Furthermore, there has never been a time or a civilization in which some people or groups were not in dispute. To resolve disputes, it is essential to understand the specific causes of the dispute (Kinfu, 2014). Disputes need an appropriate resolution mechanism; if they are not resolved and managed, they can easily escalate into conflict and hostilities. In this context, disputes are the heart of conflict; conflict indicates a pre-hostilities phase, while hostilities refer to prolonged, organized conflict.



**Figure 2: Dispute to Conflict Escalation**

Therefore, the nature of the dispute is various and complicated. It can involve different actors and issues that could be hidden or open, and requires a mutually satisfactory resolution to mitigate its adverse effects.

### 3.4.1. Conceptual difference between Conflict and Dispute

A conflict arises when two or more parties have (or believe they have) divergent objectives or viewpoints. Conflicts might be over who controls whom, high-stakes distributional issues, or underlying moral or value conflicts. Because they reflect negotiable interests, disputes are short-term disagreements that are visible on the surface and reasonably straightforward to resolve. Disputes frequently occur within a larger, more protracted, and deeply ingrained dispute. We have no control over whether or not conflict will occur in our lives, but we do have control over how we handle it. Thus, as a choice of the conflict resolution system, the indigenous system of *shimglina* is the golden peacemaking system in the study area.

### 3.5. Customary Conflict Resolution Mechanisms in the Amhara People

The Regional Government of Amhara established the Council of Elders in 2025 by selecting elders and religious leaders from 22 zones of the Amhara region. The main objective of its establishment is to use the indigenous *Shimglina* systems for sustainable peacebuilding and to contribute to the development of indigenous peace values in the region. The newly established Regional *Shimglina* system (a council of elders) has its own rules and is supported by the Ministry of Culture and Sport.

The newly established *Shimglina* system is assumed to be an impartial cultural peacemaking system working towards national peace, as stated by Shewit Shanka Shashigo, Minister of Culture and Sport, in the inaugural speech for the Regional Council of Elders. She emphasized the greater role of the Yeshimaglawoche Memakert Gubaae (Council of Elders) in conflict resolution and in fostering harmonious relationships within a society.

According to the Minister of Culture and Sport's inaugural speech, the Amhara people have their own conflict-resolution mechanism, with established procedures and practices. The conflict-resolution or peacemaking system is called *Shimglina* (elderliness). Elders perform their functions according to customs passed down verbally, known as Yeabat ager hig (the law of the land of the ancestors), and the dispute resolution process is practiced in accordance with the peacemaking tradition and the knowledge and wisdom of the elders.

In the Amhara society, *Shimglina* is the most commonly used form of dispute resolution mechanism since ancient times (Tefere & Mulugeta, 2009) and *Shimglina* is a committee of elders recognized and carefully chosen by local people as the most effective mechanism to settle disputes in the community based on the long-established norms and values (Getachew, 1998). The major activity of the *Shimageles* (elders and religious leaders) is mediating and reconciling conflicting parties, including extended family members, to create peaceful relationships (Wondyrad, 2014), in line with the society's values

and norms. Religious leaders also play a vital role in *Shimglina* together with local elders. It is used to provide justice, promote good governance, facilitate conflict resolution, and prevent violence.

In Amhara society, Yezemed Dagna, or family arbitrator, is another important institution. This arrangement works effectively for disputes that arise within the family, and the arbitrators are frequently family members. Family arbitrators were tasked with resolving disputes between parties in a cooperative manner. Such an endeavour enabled the parties to resolve disputes out of court, thereby avoiding a ruling that could further deteriorate the already fragile relationship.

Concerning land and land-related dispute resolution mechanisms among the Amhara people, in disputes involving land and land-related issues between individuals and groups, village elders and religious leaders play a significant role in resolving rural land-based disputes. *Shimglina* is the foremost mechanism of dispute resolution. Approximately 80% of rural community members resolve their land dispute cases through customary dispute-resolution mechanisms involving *Shimageles* (village elders and religious leaders) (WB, 2012b).

The Rural Land Dispute Settlement Mechanism under Proclamation No.133/2006 is covered by the Revised Amhara National Regional State Rural Land Administration and Use Proclamation in Amhara Regional State. In particular, the Proclamation's Article 29 addresses the settlement of conflicts involving rural land issues. No civil matter arising from the possession or use of rural land in the region is brought before a regular court

before being sent to a customary-based conflict resolution system, the outcome of which is known.

The elders' arbitration committee (EAC), also known locally as "ye-shemaglewoch shengo," is a government-established body responsible for handling land-related disputes. It is supported by the kebele's rural land administration unit and is managed locally by a land administration specialist to settle land-related disputes within the kebele community.

The Shimglina peace system is guided by culturally constructed rules that regulate human behavior in specific situations within a society. The norms are based on Values and are grounded in a society's underlying values, facilitating judgments of right and wrong, or good and bad. Norms are fundamental to the fabric of society, shaping behavior, maintaining order, and providing a normative framework for harmonious coexistence. However, the government-imposed rules for Shimglina may negatively affect its effectiveness and indigeneness.

#### 4. Causes of land disputes in the study area

##### 4.1.1. Indirect Causes of Rural Land Disputes

- Population Pressure
- Rural Land Scarcity
- Poverty
- Institutional Weaknesses of Rural Land Administration Institutions
- Land Registration and Certification
- Increase in Rural Land Value

##### 4.2. Direct Causes of Rural Land Disputes

- Boundary Dispute
- Dispute on the Transfer of Rural Land

- Rural Land Inheritance Disputes
- Dispute on Squatting on Communal Lands
- Land Disputes in Access to Road or Pathways
- Dispute on Grazing Land
- Divorce-Related Dispute
- Drainage Direction Land Disputes
- Livestock Destroy Crops
- Land Grabbing Dispute
- Dispute on Compensation Payment for Expropriation of Rural Land

#### 5. Challenges of *Shimglina* Customary Conflict Resolution Mechanisms in Rural Land Disputes

*Shimglina's* customary conflict-resolution mechanisms in rural land disputes have limitations that undermine their fairness and effectiveness. In this regard, Michel (2010) indicated that most customary conflict-resolution institutions have inherent weaknesses. Furthermore, Harper (2011:42) listed constraints or weaknesses of customary justice systems in land dispute resolution as follows:

- Lack of predictability and coherence in decision-making
- Discrimination and exclusion of marginalized groups
- Weak procedural safeguards, accountability and enforcement capacity
- Abrogation of human rights and criminal justice standards

The above-listed weaknesses are not far from the experiences used in the study area's community-based Shimglina customary system of dispute resolution for land and land-related disputes. As it

is possible to understand from the above descriptions, even though there are strengths in *Shimglina's* customary conflict resolution mechanisms in land and land related disputes, the weaknesses are less significant than the strong side, seen from the benefits which the rural community enjoyed in the study area to create social harmony, solidarity and peaceful coexistence. Based on the collected data, the following weaknesses are identified in *Shimglina's* customary practices for resolving rural land disputes. Below are discussed in detail:

### 5.1. Unresolved Landholder-Government Disputes

According to research informants, conflicts arising between individuals and the government over land valuation and expropriation have not been resolved through *Shimglina's* traditional conflict-resolution procedures for rural land disputes. In the study area, the problem of rural land conflicts between individuals and the state emerged when the state took over rural property owned by private individuals for a variety of uses, including industrial sites and investments in flora farms, without offering adequate compensation or a fair assessment of the land. One of the *Shimageles* (elders) summarized this issue in the following way:

*The problems occurred because the government refused to allow Shimglina to address the issue, as requested by Shimageles (elders and religious leaders). The disputes were resolved by the government-established grievance*

*hearing committee at the rural land administration and use offices. The problem here is that those committee members were political appointees and lacked neutrality in their decisions, favouring the government. This resulted in landholder farmers facing multifaceted economic hardship and displacement.*

### 5.2. Gender Bias

The nature of *Shimglina's* customary conflict-resolution mechanisms is dominated by the work of Bamlak (2013), Getachew (1998), and Yoseph (2006). Similarly, the informants described how women are not included in dispute-resolution practices in rural land and land-related disputes during *shimglina*. “*Whatever they have the wisdom of shimglina for dispute resolution, women cannot be invited and involved as a dispute resolution actor*” due to the culture of the community. Women must actively participate in peacebuilding and conflict resolution; they are not always only victims of war. The significance and transformative role of women in achieving lasting peace are highlighted in UN Security Council Resolution 1325 (2000), which calls for increased women's participation in conflict-resolution processes. As a result of these advancements, there is a global demand for women to actively participate in peace and conflict concerns.

Women can participate by taking their rural land case to *Shimglina* and attending the meeting as the case owner. Therefore, *Shimglina's* decision to pass on the case of women without their participation and viewpoints in the resolution procedure is also a

weakness of Shimglina's customary conflict resolution in the community of the study area. This revealed that Shimglina treats men and women unequally.

### **5.3. Inconsistent with Human Rights and Democracy**

The practice of customary conflict-resolution mechanisms in resolving disputes was not compatible with the principles of human rights and democracy in their procedures and decisions (Endalkachew et al., 2016; Bamlak, 2013). Informants from Woreda court judges elaborated that *Shimglina* customary conflict resolution mechanisms in land disputes through *Shimageles* (local elders and religious leaders) did not consider and respect the individual human rights and democratic rights of the disputants in the procedures and decision of resolving land disputes, as rural land is the property of the people for their livelihood. Sometimes, Shimaglies (elders and religious leaders) make wrong decisions, and individuals lose their land property and related benefits unjustly. These issues mostly occurred when the land case of some community members, such as women in rural land property division during divorce, and children, arose in the inheritance and division of their family land among other family members. As stated in the Universal Declaration of Human Rights, “no one shall be arbitrarily deprived of his property” (Declaration of Human Rights, 17 (2)). The traditional peacemaking of *shimglina* violated this principle. Thus, it is considered a weakness in Shimglina's customary conflict-resolution practices in rural land disputes.

According to Boege, (2006), the indigenous system may not be able to put an end to violence in the long run, as recourse to violence is seen as ‘normal’ in traditional societies; they may contravene universal human rights and democratic principles; they apply to a limited community the “we”-group; believe in preserving the status quo or the old order; and traditional authorities can abuse them for their own interests and against the disadvantaged members.

### **5.4. Lack of Records**

Research participants explained that *Shimglina's* customary conflict-resolution mechanisms were practiced in the study area. However, there was no written record of the causes of rural land disputes or of the agreements reached by the parties in resolving them. Local elders and religious leaders had no established culture of recording throughout their land dispute resolution activities, which are crucial for resolving recurring land and land-related disputes. Therefore, this is another weakness of Shimglina's customary conflict-resolution mechanisms in rural land disputes in the study area.

### **5.5. Unable to end Violence**

The indigenous law/traditional law system may not be able to put an end to violence in the long run, as recourse to violence is seen as ‘normal’ in traditional societies (Boege, 2006). The customary system is not enough to prevent violence, and there is a need to use other violence prevention strategies.

## **6. Shimglina as a Customary Land Dispute Mechanism**

*Shimglina's* customary conflict-resolution mechanism for rural land and land-related disputes

has its own strengths, benefiting communities. According to Muiguana (2015), the practice of customary dispute resolution remains essential for resolving disputes and accessing justice in Africa. In addition, Boege (2006: 11) identifies the following strengths of customary conflict resolution mechanisms:

- *Fit the circumstances of state failure and fragility; they are regarded as legitimate because they are not state-centric.*
- *are process-oriented and consider the time component;*
- *Provide for full involvement and inclusion;*
- *Pay attention to the spiritual and psycho-social aspects of conflict transformation.*

These listed strengths are also evident in Shimglina's customary conflict and dispute resolution mechanisms. The points are discussed below in light of the information gathered.

### **6.1. Rebuilds the Broken Relationships of the Disputants**

According to the informants, the goal of Shimglina's traditional conflict-resolution procedures is to mend damaged relationships among disputants by addressing the underlying causes of their problems. In support of this, Zehr (1985) stated that customary or traditional restorative justice views criminal conflict as a violation of the relationships among victims, offenders, and the community. In addition, the informants said;

*The practices of negotiation, mediation, and reconciliation within Shimglina institutions are primarily aimed at*

*rebuilding the broken peace and creating peaceful relations among disputants through forgiveness, tolerance, honesty, and faithfulness, thereby settling land and land-related disputes through a forward-looking, win-win solution for both parties. Yet, the formal land disputes resolution system is adversarial to the disputants' future relationships, and its approach to settling the dispute is primarily win-lose, failing to consider the effects of the decision on future interactions between the parties.*

### **6.2. Cost-Effective**

According to focus group participants, Shimglina's traditional conflict-resolution procedures are affordable for the impoverished in rural areas. However, impoverished farmers in rural areas do not place the same importance on the official legal system when managing their land and related matters. They made the following indications:

*We prefer the traditional dispute resolution process from Shimglina's several levels because it is a free service that may resolve our land conflict issue without requiring significant financial outlays. The official legal system, however, is costly and requires additional resources throughout the case's progression until its conclusion.*

### **6.3. Participatory**

The informants confirmed that Shimglina uses participatory techniques to resolve land disputes in rural areas. The disputing parties can meet in

person with shimagles (elders and religious leaders) and with one another to discuss their differences. Both the dispute settlement process and the nomination of local elders and religious leaders to settle land disputes are participated in by the disputants in Shimglina. Furthermore, the parties to the issue must agree to accept or reject the shimageles' (elders' and religious leaders') ultimate decree. In this regard, Luna (2003) argued that restorative justice encourages disputants to voluntarily participate in resolving their shared disputes through consensus.

However, as the informants explained, decisions are made in accordance with the relevant rural land legislation and the facts gathered through the formal land dispute settlement procedure. As a result, their procedures are not open to participation, and acceptance of the verdict is required. As a result, the parties' involvement in the settlement processes facilitated their ability to comprehend one another.

#### **6.4. Timeliness**

According to the data gathered, the period required to settle rural land disputes through Shimglina customary conflict resolution is short. Nevertheless, the official land dispute settlement process takes a long time to react and reach a verdict. The informants described as:

*Shimglina resolves our land disputes quickly, but in the court system it takes more than a year to decide the issue. The long and tedious process of the court proceeding could contribute to disputes being changed into violence and creating*

*loss of life and property destruction. A timely response to land disputes is needed to mitigate their negative impact on people's economic and social lives.*

Thus, timeliness is essential in the traditional Shimglina conflict-resolution process for land disputes to avoid further escalation and harm among disputants, as well as disturbance of the peace in the community as a whole.

#### **6.5. Accessibility**

Informants opined that because Shimglina's customary dispute resolution procedures are readily accessible to their village, farmers prefer them for conflicts involving rural land and related issues rather than formal dispute resolution procedures.

The problem was described as follows:

*The formal legal system institutions for land disputes are far from the community, requiring travel time and expenses to reach them. This consumes our time and resources, which are crucial to our agricultural activities. Therefore, the question of accessibility is acceptable to us, as it helps us save resources and time.*

#### **6.6. Complementary to Formal Rural Land Dispute Resolution**

According to the informants, economically disadvantaged and impoverished community members can resolve their land disputes without paying for the process by using traditional Shimglina dispute-resolution procedures in the research region. Shimglina is being used in land conflicts by the community's impoverished and vulnerable groups. In this regard, Harper (2011)

stated, "Customary justice systems are the cornerstone of dispute resolution for the poor and disadvantaged in developing countries." Because those with financial difficulties are unable to use formal legal channels for conflict resolution, the evidence suggested that Shimglina played a significant role in helping the community's economically disadvantaged members resolve their land-related concerns. Furthermore, the FGD participants explained:

*Shimglina, through shimageles (elders and religious leaders), remains effective even during times when the formal legal system is weakened or unable to govern and resolve rural land disputes in the rural community. The community can govern its rural land issues based on its own customary practices. They have been working over the years to resolve various causes of land disputes for the benefit of the community, leading to a stable, peaceful economic and social life and helping reduce loss of life and property damage.*

Furthermore, Shimglina fills gaps in the government's dispute-resolution services for rural land disputes and helps clear the backlog of land-based court cases at the Woreda court and at rural land administration and usage offices. Additionally, it is imperative to strengthen state-based land dispute resolution procedures and avoid win-or-lose outcomes that could intensify conflict.

### **6.7. Flexibility**

According to the information gathered, the community's traditional shimglina conflict-resolution process for land-related issues is adaptable to the circumstances and the time required to settle the matter. It is not inflexible in certain situations or under certain regulations. Through their ancient wisdom in peacemaking, elders and religious leaders seek to bring disputants together by offering a range of potential solutions tailored to the conflict's circumstances, the disputants, and the society's values. "Elders and religious leaders can easily understand our dispute situation, interest, and the solution to our mutual disputes," stated farmers who used Shimglina to resolve their land issues. Therefore, the adaptability of Shimglina's traditional dispute settlement process has helped the parties involved in the dispute settle their differences by taking into account their unique situation.

### **6.8. Respect and Trust**

"Respect and trust towards shimageles (elders and religious elders) was cherished in the traditions of the community," according to one of the elders' major informants. "Shimglina is one of the socially legitimate mechanisms in land disputes," the other person stated. In the community, disrespecting elders and religious leaders is frowned upon. Since Shimglina was highly regarded and upheld by the community, this value made it easier for them to resolve their land disputes through traditional conflict resolution. The socioeconomic relationships throughout the community were fundamental to the value of shimglina.

### **6.9. More suitable for situations where the state is either absent or weak**

They are not state-centric and are therefore perceived by communities as more legitimate in their own governance. It can create peace and stability through the long-established system of indigenous administration.

### **6.10. Protection and Justice for All**

The Shimglina peace system provides protection and traditional justice for all humans and peoples, including those who are not members of the *Shimglina* cultural group. The system treats all people equally, without discrimination based on ethnicity or religion.

## **7. Conclusion**

The purpose of this study was to evaluate the advantages and disadvantages of traditional dispute resolution techniques in rural land disputes in Bahir Dar Zuria Woreda. The results showed that the community generally uses traditional conflict-resolution techniques to resolve land disputes. The Shimglina customary conflict-resolution processes are applied to address land conflicts within the community. Shimglina comes in various forms. The community uses several forms of Shimglina institutions to resolve land conflicts, and Shimglina is very important in this process. In the practice of Shimglina dispute resolution processes, local elders and religious leaders play a responsible role in fostering amicable relationships between the disputants.

Shimglina's customary conflict-resolution methods were used by the Bahir Dar Zuria Woreda people to resolve rural land disputes. These included disputes

involving land ownership, boundary trespassing, inheritance, donation, transfer, sharecropping, planting shade, drainage direction, divorce-related land disputes, livestock destroying crops, grazing land disputes, access to pathways disputes, squatting on communal land, and land grabbing.

Another topic in this study was the effectiveness of traditional dispute-resolution procedures in rural land disputes. The findings show that Shimglina customary conflict resolution in rural disputes has been advantageous to the rural poor community in several ways, including cost-effectiveness in managing their dispute case, forgiveness as a means of mending strained relationships between the disputants, consensus-based participation in the dispute resolution process, prompt response or speedy resolution, accessibility to their locality, and supplementary services to the government to fill gaps.

The study also evaluated the inadequacy of traditional dispute settlement procedures in rural land disputes. According to this study's data, Shimglina's traditional methods for resolving conflicts have the following shortcomings in settling land disputes. These include: failing to settle land disputes that emerged between the government and people as a result of land expropriation and valuation; gender biases or the exclusion of women and young people from the settlement process; disregarding the universal principles of democracy and human rights during the resolution process; and lacking documentation in the dispute resolution procedures.

## 8. RECOMMENDATIONS

- The following suggestions are made in light of the study's findings:
- Since local conflicts can be settled more effectively through the traditional conflict-resolution techniques of the shimglina in the study area, the study suggests that the government focus on the shimglina, led by elders and religious leaders, for resolving land disputes.
- To remedy the shortcomings of the customary system, the government ought to incorporate it with contemporary dispute resolution techniques.
- For Shimaglies to effectively use Shimaglina customary conflict resolution in rural land conflicts, the government should create a clear legal and policy framework.
- Before disputants turn to the formal legal system for dispute settlement, which is hostile to their future relationships, emphasis should be placed on Shimglina's traditional conflict-resolution methods to mend strained relationships.
- To improve community-based enforcement of the Shimglina traditional conflict-resolution process, which elders and religious leaders use to settle land disputes, the government should establish an enforcement mechanism.
- Government agencies should not influence or interfere with the Shimglina system, as this could skew elders' and religious leaders' judgments and undermine the validity and

confidence in the community's land dispute resolution process.

- To settle land disputes, governments must make it easier for the Shimglina customary conflict-resolution mechanisms to be used. This is crucial for vulnerable members of the community who lack protection under the state's legal systems due to financial difficulties that prevent them from addressing their problems.
- To foster mutual support and establish peaceful coexistence, community members should focus more on the Shimglina customary conflict resolution systems, which have been in use since ancient times and fit into the local culture, economic activity, and social organization, as well as the history and political organization of the community in the study area.

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#### **GLOSSARY OF TERMS**

*Kebele*: the lowest unit of local government in Ethiopia.

*Shimglina*: This literally means 'elderliness' and denotes the resolution of disputes and conflicts by elderly people among the Amhara.

*Woreda*: an administrative division of a local government in Ethiopia, equivalent to a district.

*Yezemed danginia*: Settling disputes/conflicts by the relatives of the disputants.

*Yeabat ager hig*: The law and conflict resolution wisdom of the land of the fathers.