

Customary Rural Land Dispute Resolution in Ethiopia: A Feminist Analysis of Gender Dynamics in Shimglina

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Abstract

Shimglina plays a significant role in resolving rural land disputes and expanding access to justice, particularly where formal legal institutions remain inaccessible. However, this mechanism presents a paradox for rural women. While it offers accessible forums for dispute resolution, it often reproduces gender inequalities and undermines women's rights. Although existing scholarship has examined Shimglina in relation to access to justice, social cohesion, and its interaction with formal legal systems, relatively little attention has been paid to its gendered dimensions. This article addresses this gap by employing feminist theory and a gender-transformative approach to examine how gender norms, relations, and institutional structures shape women's agency, relational positioning, and structures within Shimglina as women resolve land disputes. The empirical findings demonstrate that women experience limited opportunities for meaningful participation, constrained avenues for self-representation, and systematic exclusion from decision-making roles within Shimglina. The article argues that enhancing women's agency within Shimglina requires gender-informed reforms, including stronger normative and institutional linkages between Shimglina and the justice system. The article contributes to the literature by exposing embedded gendered power structures within Shimglina and providing empirical and theoretical foundations for transformative and inclusive land governance reform in Ethiopia.

Keywords

Access to Justice; Feminist Legal Theory; Gender-Transformative Approach; *Shimglina*.

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1. Introduction.

In Ethiopia, customary dispute resolution mechanisms are diverse and play an important role in providing access to justice for rural communities. For instance, the *Gada* system among the Oromo,¹ *Mada'a* among the Afar,² and *Seeraa* among the Kembata and Hadiya³ are customary dispute-resolution mechanisms in Ethiopia. In particular, customary dispute resolution is widely used and preferred in the lowland part of Ethiopia to resolve disputes over water, grazing and even criminal matters.⁴

The Amhara Region is characterised by a rich and diverse landscape of customary dispute resolution mechanisms, each rooted in the social and cultural practices of specific localities. Notable examples include Ze-Weld, practised in Raya Kobo of North Wollo;⁵ Aba Garr, which operates across both North and South Wollo, and Zufan Wal Waj, found in Tach Aremacheho of North Gondar. Additional mechanisms such as Sebatu Kezeera in Debarek (North Gondar), Rekebot in Aregoba and the Oromia Special Zone, and Awesade in Kelala of South Wollo further illustrate the regional variation and institutional richness of customary justice systems in Amhara.⁶

Although multiple dispute resolution mechanisms operate in the Amhara region, *Shimglina* is chosen as it is the most widely practised and socially legitimate customary institution in the study area. Its prominence makes it a critical site for analysing power relations, social norms, and gender dynamics in dispute resolution. The *Shimglina* institution uses respected community elders, known as *Shimagilles*, to help people who conflict with each other.⁷ These community elders restore peace

¹ Abebe Bedada, 'The Role of Traditional Institutions in Managing Natural Resources; The Case of Oromo "Gada" System in Ethiopia: A Review' Vol. 2 No. 3 Journal of Agricultural Research, Pesticides and Bio Fertilisers' 2021 p. 1, https://aditum.org/images/currentissue/1628677738Galley_Proof.pdf, accessed on 14, February, 2026

² Kelemework Tafere Reda, 'Conflict and Alternative Dispute Resolution among the Afar Pastoralists of Ethiopia' vol. 3 No.3 African Journal of History and Culture, 2011, p. 38.

³ Daniel Handino Onsamo and Jadi Musalaiah, 'The Path to Reconciliation: Understanding the Hiraago Cultural Peacemaking Social Philosophy of the Hadiya, Ethiopia' vol.5 No. 3 South Asian Journal of Social Sciences & Humanities 2024 p. 258

⁴ Kinfu Abreha Gebre-Egziabher, 'Dispute resolution mechanisms among the Afar People of Ethiopia and their contribution to the Development Process' Vol.10 No.4 TD: The Journal for Trans disciplinary Research in Southern Africa 2014, p. 152

⁵ Sisay Mengistie Addisu, 'Customary Conflict Resolution Mechanisms in Ethiopia: A Case Study of the Raya community' Vol. 2 No.1 Ethiopian Journal of Federal Studies 2014, p.173.

⁶ Amhara Media Coperation , ' በአማራ ክልል ጠቅላ ፍርድ ቤት እውቅና እና ፍቃድ የተሰጣቸው 15 የባህላዊ ግጭት መፍቻ ሥርዓቶች' < <https://web.facebook.com/watch/?v=872171942183135> > accessed 16 July 2026.

⁷ Asmare Shetahun, 'Customary rural land dispute resolution in Ethiopia: The case of *Shimglina* in Bahir Dar Zuria Woreda of Amhara regional state. Ethiopian Journal of Governance and Development, Vol., No 4, No. 2, 2025, p.1 < <https://journals.hu.edu.et/hu-journals/index.php/ejgd/article/view/1321> > accessed 16 July 2026

and harmony rather than determining a legal winner or loser. Also, *Shimglina* is widely trusted by the community because it derives its legitimacy from long-established customs.⁸

According to Alemenh, *Shimglina* provides an accessible, affordable, and culturally accepted forum for resolving land disputes, particularly where formal justice mechanisms are geographically distant, costly, or time-consuming.⁹ While customary dispute resolution plays a crucial role in maintaining social order and managing land conflicts, it often falls short in adequately addressing gender issues, particularly the protection of women.¹⁰ Ethiopia has sought to protect women's rights by adopting key international human rights instruments, including the Universal Declaration of Human Rights,¹¹ the Convention on the Elimination of All Forms of Discrimination against Women,¹² and the African Charter on Human and Peoples' Rights.¹³ It has also endorsed the Beijing Declaration and Platform for Action, as well as national policies to address gender inequality.¹⁴ Despite the protection afforded to women under these various legal instruments, gender inequality persists.

Although Ethiopia has shown modest progress in gender equality, ranking 75th in the 2025 Global Gender Gap Index, an improvement of four places from 2024, this progress was largely driven by increased women's representation in ministerial positions, which rose from 57.1 per cent in 2024 to 83.3 per cent in 2025.¹⁵ However, these improvements in political representation do not necessarily eliminate the deeply rooted cultural norms that continue to influence gender relations and women's access to opportunities at the community level. For instance, Tsegamariam argues that deep-rooted cultural traditions enhance men's control over economic resources and reinforce

⁸ Ibid

⁹ Ibid

¹⁰ Tihut Asfaw and Terre Satterfield, 'Gender relations in local-level dispute settlement in Ethiopia's Zeghie Peninsula, Human Ecology Review', Vol. 17, No. 2, Special Issue, 2010, p. 160

¹¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res. 217 A(III) (UDHR), https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf, Accessed on June, 19, 2025

¹² Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted on Dec., 1979, by UNGA), <https://www.ohchr.org/sites/default/files/cedaw.pdf>, accessed on 19, June, 2025

¹³ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986, OAU) from <<https://au.int/en/treaties/african-charter-human-and-peoples-rights> > accessed at 2/12/2025 6:57

¹⁴ UN, WOMEN, The Beijing Declaration and Platform for Action, https://archive.unescwa.org/sites/www.unescwa.org/files/u1281/bdpfa_e.pdf, accessed on 8 August, 2025

¹⁵ World Economic Forum, Global gender gap assessment report, 11, June, 2025 <https://www.weforum.org/publications/global-gender-gap-report-2025/> accessed on 12 August, 2025

unequal gender power relations in Ethiopia.¹⁶ Ethiopia has made many advancements in reducing gender disparities in sectors such as women's ministerial leadership and reproductive health. However, gender issues are deep-rooted in the social norms, cultural practices and stereotypes that continuously perpetuate inequalities.¹⁷ One of the areas where gender inequalities are manifested is in customary dispute resolution mechanisms, which are based on customary norms. Some aspects of these norms contravene the gender equality principles.¹⁸ Therefore, addressing areas in which persistent gender inequalities continue to exist is an important step toward achieving gender equality. Prior studies have examined customary laws from different perspectives. For instance, one study examined customary law from an access-to-justice perspective, while another examined customary dispute resolution through the lens of social capital and social solidarity theory.¹⁹ Yet still, few address the gap by employing a feminist theoretical approach to assess customary dispute resolutions.²⁰

This article fills this gap by integrating a feminist perspective and using a gender-transformative approach as an analytical framework to assess the customary dispute resolution mechanism of *Shimglina*. Specifically, it examines the norms, institutional frameworks, and practices of *Shimglina*, analyses its gender dynamics, identifies deficiencies in agency and power relations, and consequently formulates essential recommendations to achieve gender equality within Ethiopia's customary land dispute resolution system. For this purpose, using Jabi Tehnan *Woreda* as a case study, this article employs a qualitative case study approach to investigate and document empirical evidence of the customary practice of *Shimglina* and to explore participants' lived experiences and perceptions through focus group discussions, key informant interviews, and observation. It thematically analysed the data and interrogated the empirical evidence through a critical feminist framework that incorporated a gender-transformative perspective. Accordingly, this article argues that the customary institutions, norms, and practices of *Shimglina* are part of

¹⁶ Tsegamariam, Dula, 'Impact of gender inequality in socio-economic development: The case of women in Ethiopia. Developing Country Studies', Vol.9, No. 1, Nov. 2019, p. 46
< <https://share.google/DEL8Ced6w5Nsw140K>., accessed on 11 February, 2026

¹⁷ Ibid

¹⁸ Tihut, and Terre, Supra note 10, p. 2

¹⁹ Asmare, Supra note 7, p.2

²⁰ Eyayu Kasseye Bayu, 'Gender and conflict management: The role of women in indigenous conflict resolutions for peace building in Ethiopia: A systematic review and meta-analysis, International Affairs and Global Strategy', Vol.80, Feb., 2020. p. 1

<<https://iiste.org/Journals/index.php/IAGS/article/view/51415>> Accessed on February 14, 2026

patriarchal power structures that limit women's agency, particularly in their social relations and structural roles.

Structurally, the findings of this article are systematically organised and presented in five sections following this introduction. The second section discusses the article's methodological approach in detail, reflecting on the methods of data collection and analysis. The third section discusses its theoretical approach, highlighting feminist and gender-transformative perspectives and *Shimgilina* as a customary form of dispute resolution. The fourth section analyses the empirical results of the case study on the *Shimgilina* proceedings, alongside a critical analysis of the *Shimgilina* proceedings from transformative gender dimensions. Finally, section five draws concluding remarks.

2. Methodological Approach

This article is the result of qualitative research conducted as a case study. A qualitative research approach examines the behaviours, perceptions, opinions, and lived experiences of individuals.²¹ In the case study, involving a smaller number of participants, in-depth engagement with each participant is conducted. This methodological design allows research subjects to articulate their perspectives in their own words, which, in turn, enables the researcher to document rich and contextualised insights into the complex social and normative phenomena of *Shimgilina*. Besides, it offered the researchers the opportunity to explore societal perceptions and lived experiences within the case study area. Furthermore, this methodological choice has enabled the researchers to employ a feminist theoretical framework by linking it to a gender-transformative approach, while using empirical evidence as an important analytical lens.

Accordingly, this article documents qualitative empirical evidence, interrogates and analyses the customary practice of *Shimgilina* through a case study. For this purpose, Jabi Tehnan Woreda, located in the West Goam zone of the Amhara National Regional State, Ethiopia, is selected as a case study.²² Jabi Thenan Woreda has a total population of 179,342, of whom 89,523 are men and 89,819 women.²³ Similarly, the predominant ethnic group is the Amhara people, and about 98 %

²¹ Pathak, Vibha, Bijayini Jena, and Sanjay Kalra. "Qualitative research", *Perspectives in Clinical Research*, Vol.4, No. 3, 2013, p. 192.

²² Taye Tibebe, 'Evaluation of the Impact of World Vision Ethiopia, Water, Sanitation and Hygiene Project on the Community: The Case of Amhara Region, West Gojam Zone, Jabi Tehnane Woreda.' (Master's thesis. St. Mary's University, Sep. 2016)

²³ The 2007 population and housing census of Ethiopia, Addis Ababa: Central Statistical Authority. <https://ess.gov.et/download/population-and-housing-census-2007-affar_statistical> accessed on September 6, 2025

of them speak the Amharic language. The majority of the population (93.8%) lives in rural areas and is predominantly dependent on subsistence agriculture.²⁴ Based on this case, the article interrogates and analyses the customary norms and practices of *Shimglina*, highlighting its theoretical implications at the national level.

To this effect, qualitative data were collected through focus group discussions, key informant interviews, and direct observation of dispute resolution practices from August to October 2024, in Jabi Thena Woreda, Amhara region. Focus group discussions were used to collect rich qualitative data by bringing together selected participants to engage in in-depth discussions on a specific topic under the guidance of a moderator. This method enabled the researcher to explore participants' perceptions, opinions, experiences, and interactions regarding the issues under investigation.²⁵ The focus group discussion was specifically designed to examine perceptions of women's roles in *Shimglina* and to assess the extent of women's participation and representation in land-related dispute resolution processes. As such, data were gathered using focus group discussions in the two selected *Kebeles*, namely Mankusa and Hondanshi. Each *Kebele* hosted a group comprising eight participants, including elders, male and female farm household heads, community police officers, and youth representatives. At the *Woreda* level, sessions included representatives from the women's affairs office, the *Woreda* land administration office, the *Woreda* judges, the public prosecutor, and police officers. Semi-structured interview guides were used to ensure both consistency and flexibility in the discussions.

In addition, this article used key informant interviews to gather data, treating them as a source of high-level perspectives and comparative insights on the issues or questions under study.²⁶ Accordingly, key informant interviews were conducted by selecting participants purposefully based on their roles, experience, and knowledge of local customs, social norms, and land dispute resolution processes. These included elders, religious leaders, land administration officers, and representatives from women's affairs offices. Moreover, interviews were conducted with women and men from the community. In-depth interviews aim to attain a profound understanding of

²⁴ Ibid

²⁵ Alam, Md Saiful, Adelina Asmawi, and Sayeda Fatema, 'Focus Group Discussions (FGDs) for qualitative and mixed-method approaches: Principles, applications, and key considerations', *Integrated Journal for Research in Arts and Humanities*, Vol. 5, No. 4, July, 2025, pp. 51- 56.

²⁶ Pahwa, Manisha, Alice Cavanagh, and Meredith Vanstone, 'Key informants in applied qualitative health research, *Qualitative Health Research*' Vol. 33, No. 14, Dec. 2023, pp. 1251-1261.

individual perspectives.²⁷ Data were collected until the addition of new data or information no longer contributed significantly. Furthermore, the article employs observation as a data-gathering tool. According to Gorman and Clayton, observation studies are defined as those that “involve the systematic recording of observable phenomena or behaviour in a natural setting.”²⁸ Hence, an observation was conducted in Jabi Tehnan Woreda, focusing on Hondashi and Mankusa Kebeles.

Using a thematic method of analysis, this article documented and analysed these qualitative materials. The thematic method of analysis, a well-established and flexible approach to analysing qualitative data, enabled researchers to identify, analyse, and report patterns and themes within the data.²⁹ Accordingly, the qualitative data collected in this article were analysed thematically to uncover recurring ideas, perceptions, and experiences related to customary dispute resolution and gender dynamics. In addition, direct observations were conducted of local customary dispute-resolution practices, specifically *Shimglina*, in the two selected *Kebeles*. These observations were documented and narrated to provide contextual insight into the practical operation of *Shimglina*. Secondary sources, including academic books, journal articles, policy reports, and official documents, were also reviewed to support the analysis and provide a broader theoretical and legal context for this article.

3. Theoretical Considerations

3.1. Feminist Gender-Transformative Approach

This article relies on a feminist theoretical framework, linking it to a gender-transformative approach while interrogating and analysing the customary practices of *Shimglina*. Feminist theory is grounded in the recognition that gender-based oppression and inequality are structurally embedded within social, economic, and legal institutions.³⁰ Rather than viewing inequality as the

²⁷ Mantula, Fennie, Amos C. Mpofu, Favourite Y. Mpofu, and George N. Shava. "Qualitative research approach in higher education: Application, challenges and opportunities, East African Journal of Education and Social Sciences' Vol. 5, No. 1 (2024) pp. 1-10.

²⁸ Gorman, Gary Eugene, Peter Robert Clayton, Sydney J. Shep, and Adela Clayton, *Qualitative research for the information professional* (2nd ed., Facet Publishing, London, 2005)

²⁹ Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology, Qualitative research in psychology', vol. 3, No. 2, July 2008, pp. 77-101.
<<https://www.tandfonline.com/doi/abs/10.1191/1478088706qp063oa#:~:text=In%20this%20paper%2C%20we%20argue%20that%20it,theoretically%20flexible%20approach%20to%20analysing%20qualitative%20data.> > (accessed on 11 February 2026).

³⁰ Ulug'bek qizi Rasulova, Durdona, Olima Obidjon qizi Turobova, and Said-Fozilxon Akmalxonovich Akmalxonov, 'Fundamental Principles and Development of Feminist Theory, In International Conference on Modern Development of Pedagogy and Linguistics', vol.1, No. 11, Dec. 2024, pp. 56-61.

result of individual bias, feminist perspectives emphasise how patriarchal power relations shape norms, authority, and access to justice.³¹ From this standpoint, customary dispute resolution mechanisms are understood as sites where gendered hierarchies are reproduced and legitimised.

Sultana conceptualises patriarchy as a system of male domination operating across both public and private spheres.³² These insights are particularly relevant for analysing customary dispute resolution institutions, where women's participation is often hindered by household chores and prohibitions on women's participation in public space in the name of culture. Although customary institutions are commonly portrayed as accessible, feminist theory cautions that their procedures and norms can systematically disadvantage women by limiting their participation and framing their claims within relational terms rather than as enforceable rights.³³

Hence, gender inequality cannot be addressed solely through procedural reform or inclusion within existing structures. Instead, it requires a critical examination of the underlying power relations and cultural norms that sustain male dominance. Applied to customary dispute resolution, this perspective raises questions about whether dispute resolution mechanisms can deliver substantive gender justice without structural transformation. Furthermore, Liberal feminist critiques highlight how customary dispute resolution mechanisms often prioritise collective harmony and social cohesion over individual entitlements.³⁴ This tension is particularly significant in contexts where reconciliation is valued over women's ability to pursue land-related claims.

At the same time, counter-perspectives that frame customary dispute resolution as an expression of cultural identity and community self-governance are acknowledged. From a cultural relativist standpoint, customary institutions are valued for their social legitimacy and accessibility.³⁵

³¹ Jane Flax, 'Postmodernism and gender relations in feminist theory, *Signs: Journal of women in culture and society*', Vol.12, No. 4, 1987, pp.621-643.; Deniz Kandiyoti, 'Bargaining with Patriarchy, *Gender and Society*', Vol. 2, No. 3, Special Issue. Sep. 1988, pp. 274-290.

³¹ Shah, Noreen, Rebecca Rafi, Afshan S. Mahmood, and Humaira Yousaf. 'Patriarchy in Hijabistan, A critical examination of Gender inequality in Pakistan, *Journal for Current Sign*' Vol. 3, No. 2, 2025, pp. 162-173. <<https://currentsignreview.com/index.php/JCS/article/view/161/120> > accessed on 12, February, 2026

³² Sultana, Abeda, 'Patriarchy and women's subordination: a theoretical analysis, *Bangladesh Journals Online*', vol. 4, Dec.,2012, p. 1-18

³³ Albornoz-Arias, Neida, Camila Rojas-Sanguino, and Akever-Karina SantaFe-Rojas, 'Empowerment of Rural Women Through Autonomy and Decision-Making, *Social Sciences*' Vol.14, No. 8, 2025, p. 469.

³⁴ Bimer Eyayu Enyew, and Alemeneh Getaneh Mihrete, 'Liberal feminism: Assessing its compatibility and applicability in the Ethiopian context', *International Journal of Sociology and Anthropology*, Vol.10, No. 6, Aug. 2018, pp.59-69

³⁵ Park, Seungbae. 'Defence of cultural relativism, *Cultura*' Vol., 8, No. 1, 2011 pp. 159-170.

Cultural relativists contend that externally imposed legal norms, particularly those grounded in international human rights frameworks but rooted in Western historical contexts, do not adequately reflect the experiences and realities of the Global South.³⁶ However, feminist analysis cautions that cultural legitimacy cannot obscure the exclusionary practices embedded within these mechanisms.³⁷ As evidenced in many previous studies, women's exclusion from meaningful participation in customary institutions mirrors broader patterns of gendered power relations in these institutions.

A gender-transformative feminist approach focuses on interrogating and transforming the power relations, norms, and institutional arrangements that sustain gender inequality.³⁸ This framework provides a critical lens for examining customary dispute resolution mechanisms by indicating dimensions of change. It seeks to expand women's choices, decision-making authority, and control over resources, offering three interrelated perspectives to analyse embedded systemic barriers: agency, social relations, and social structures.³⁹

These interrelated theoretical lenses provide this article with a framework for assessing women's position within *Shimglina*, as provided in Figure 1. The first dimension, agency, emphasises women's capacity to challenge social norms, individually or collectively, and to effect change through action and achievement.⁴⁰ The second dimension, social structure, refers to socially produced norms that, once normalised, shape and constrain women's choices and opportunities.⁴¹ The third dimension is about social relations. "Social relationships are where women negotiate their needs and rights with other social actors, including men."⁴² Hence, these three key dimensions offer a broad framework for understanding where change is needed to advance gender equality.⁴³

³⁶ Ibid

³⁷ Okin, Susan Moller, 'Feminism, women's human rights, and cultural differences', *Hypatia*, Vol.13, No. 2, 1998, pp. 32-52.

³⁸ Rachel Marcus, Fiona Samuels, Shoubo Jalal, and Helen Belachew, Background Paper on Gender Transformative Programming: UNICEF Gender Policy and Action Plan 2022–2025 (UNICEF 2020) [unicef.org](https://www.unicef.org/gender-policy) accessed 13 August 2024

³⁹ Gender Transformative Approach, https://www.giz.de/de/downloads/giz2020_en_Gender-Transformative_Change.pdf, accessed at 15 July, 2025

⁴⁰ Ibid

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid

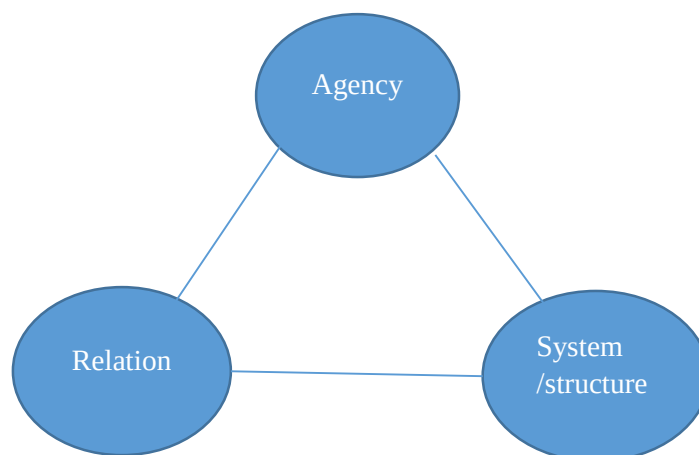


Figure1. Key dimension of Gender transformative change⁴⁴

3.2. *Shimglina* as a Customary Dispute Resolution Mechanism

The *Shimglina* mechanism is widely recognised as a customary form of dispute resolution in the Amhara region. *Shimglina* involves a process of reconciliation conducted by the council of elders. The council of elders is often composed of religious leaders and elders who mediate and settle disputes ranging from civil to criminal matters.⁴⁵ The council of elders in *Shimglina* is dominated by male members of society serving as mediators, known locally as *Shimaglewoch*. Elders are selected not only for their age but also for their wisdom, integrity, and respected character within the community. According to an interview with a local elder, the composition of the council of elders depends on the parties' preferences. It typically comprises an odd number of members, ranging from three to five, to facilitate voting.⁴⁶ A chairperson is chosen among them to lead the proceedings.

4. Results and Discussion

In this section, the article presents empirical data collected through interviews, focus group discussions, key informant interviews, and observations in Jabi Tehnan *Woreda* of the Amhara

⁴⁴ Adopted from the consortium of international agricultural research centres, gender impact platform, Guidelines for measuring gender transformative change in the context of food security, nutrition and sustainable agriculture. (2023). FAO, WFP, and the Consortium of International Agricultural Research Centres (CGIAR) Gender Impact Platform, Guidelines for measuring gender-transformative change in the context of food security, nutrition, and sustainable agriculture. Accessed at < <https://openknowledge.fao.org/items/08dccbe0-4bf0-4bc5-bd96-94410b2eafc2>> accessed on Sep. 12, 2025

⁴⁵ Ibid

⁴⁶ Interview with Getahune Fente, elder priest, Mankusa *Kebele*, West Gojjam, Sept. 29, 2024. Interview with elder Melake Sewenet, West Gojjam, Aug. 12, 2025

region. It analyses the norms, institutional frameworks, and practices of *Shimglina* proceedings. In addition, this section critically interrogates its gender dynamics, identifying deficiencies in agency and power relations using a gender-transformative framework across agency, structural, and relational dimensions.

4.1. Gender Dynamics in Attending *Shimglina* Proceedings

Prevailing gender norms and power relations within the community shape attendance in customary dispute resolution proceedings.⁴⁷ Although the *Shimglina* institution serves as an accessible mechanism for resolving disputes and restoring social harmony, women's and men's opportunities to attend and participate in proceedings are not always equal.⁴⁸ This is because of social expectations, cultural practices, household responsibilities, and unequal power relations.⁴⁹ Research indicates that locally established institutions, such as *Shimglina*, resolve a substantial proportion of land disputes before they reach the formal judicial system.⁵⁰ *Shimglina* is an accessible dispute resolution mechanism, particularly for rural communities to resolve land disputes.⁵¹ In this sense, it expands access to justice and serves as a primary forum for hearing and resolving disputes.

Shimglina proceedings permit women to attend the process, unlike some customary systems that explicitly prohibit their presence.⁵² While this underscores the practical importance of *Shimglina* in providing access to justice, it also raises concerns regarding the quality and inclusiveness of the justice delivered. Women are frequently excluded from institutional structures due to social

⁴⁷ Tesfaw, Mekuanint. 'Ethiopian Women; Agents and Subjects in the Shimglina (a Customary Conflict Resolution Institution): Amharas' Experience in Meket District, North Wollo Zone Sociology and Anthropology', Vol. 3, No. 2, 2015, pp. 95-103.

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Managing land disputes in Ethiopia, Ministry of Agriculture report < <https://igad.int/download/managing-land-disputes-in-ethiopia>> accessed on 17, June, 2025

⁵¹ Alula Pankhurst & Getachew Assefa, *Grass-roots Justice in Ethiopia: The Contribution of Customary Dispute Resolution* (1st ed., Centre Français des études éthiopiennes; Gebre Yinteso, Fekade Azeze & Assefa Fisseha, 2012),

⁵² Eyayu Kasseye, *supra* note, 21 p. 3

norms.⁵³ Even though access to justice is provided, it also requires meaningful participation, fairness, and effective remedies.⁵⁴

An interview with a land administration officer affirmed that although women's participation was limited in earlier periods, their presence has gradually increased.⁵⁵ This change can be described as a significant milestone, particularly given that there were periods when women were not allowed to participate at all. This statement reflects a gradual shift toward the inclusion of women in dispute resolution processes, signalling a departure from periods of outright exclusion. While the increase in women's participation is framed as a significant milestone, it simultaneously reveals the depth of historical gender-based barriers that normalised women's absence from such forums. MacKinnon emphasises that women's "inclusion" in legal and political processes does not automatically lead to real influence or justice unless the underlying structures that produce inequality are transformed.⁵⁶ This highlights that simply including women in legal or political processes does not guarantee they will achieve justice if the institutions and power structures that create gender inequality remain unchanged.

In addition, women's access to *Shimglina* is constrained by discrimination embedded in social norms. Such embedded norms affect gender relations, which manifest as discrimination, marginalisation and subordination of women and girls.⁵⁷ An interview with a woman villager indicated:

Shimglina proceedings are formally open to both men and women. However, women's participation is usually limited to cases involving family members, relatives, or neighbours. In other instances, women often learn about the outcomes indirectly through

⁵³ Williams, Susan H. 'Women and Judging: A Feminist Approach to Judging and the Issue of Customary Law. Thomas Jefferson Law Review, Vol.36, 2013, p. 25.

⁵⁴ Rhode, Deborah L., 'Access to justice: Connecting principles to practice, Geo. J. Legal Ethics, Vol. 17, Jan. 2003, p. 369.; Adem Kassie Abebe, 'Human rights under the Ethiopian constitution: a descriptive overview, Mizan Law Review' Vol.5, No. 1, 2011, PP. 41-71.

⁵⁵ Interview with land administration officer Bezabeh Welelaw, Jabi Tehnan *Woreda*, on 29 September 2025, West Gojjam zone.

⁵⁶ MacKinnon, Catharine, 'Feminism in legal education', Legal Education. Review Vol. 1, Jan, 1989, p. 85.

⁵⁷ Van Eerdewijk, A. H. J. M., Franz Wong, Chloe Vaast, Julie Newton, Marcelo Tyszler, and Amy Pennington. 'White paper: A conceptual model on women and girls' empowerment.' 2017.

<https://www.researchgate.net/publication/315516870_White_Paper_a_Conceptual_Model_on_Women_and_Girls'_Empowerment> Accessed on 12, Feb.,2026

others. Their absence from proceedings is largely linked to the domestic responsibilities they are expected to manage.⁵⁸

This explanation reveals that women's involvement is conditional and limited to cases perceived as socially important, such as family and neighbourhood disputes. Household responsibilities operate as a structural barrier.⁵⁹ This reflects how gender roles diminish women's access to justice and voice in dispute resolution.

Even though women's attendance at *Shimglina* as observers is limited, their mere presence disrupts the traditionally male-dominated arena and allows them to gain procedural knowledge, provide social support for each other, and assert agency at individual and collective levels.

Thus, at the agency level, women possess both individual and collective awareness regarding their right and ability to attend and observe *Shimglina* proceedings. This awareness reflects that their attendance is not merely a passive presence but a conscious decision to engage with a customary institution that has historically excluded them. Williams argues that feminists advocate women's equal access in matters that concern them.⁶⁰ Thus, women's involvement in *Shimglina* represents both a practical and ideological challenge to gender inequality in customary institutions.

At the relational level, women's attendance in *Shimglina* is reinforced through social support from men and women, including family members and neighbours. Relational dimensions indicate that women are not acting in isolation; rather, their participation is enabled and legitimized through collective presence and shared responsibility. An interview with the land administration officer indicated that "women attend *Shimglina* when a family member is either initiating a claim or being sued, primarily to demonstrate solidarity and observe the proceedings."⁶¹ This interview reflects that the relational dimension is also positively reinforced by both men and women through kinship affiliation. However, the relational dimension is affected by gender roles, which constrain

⁵⁸ Interview with women *Shimglina* participant, Enatenesh Fente on 29, January, 2024; Interview with *Shimglina* participant Banchamelak Enawegaw Jabi Tehnan *Woreda*, West Gojjam Zone on 27 October, 2024

⁵⁹ Milazzo, Annamaria, and Markus Goldstein. 'Governance and women's economic and political participation: Power inequalities, formal constraints and norms, The World Bank Research Observer' Vol. 34, No, 1, Feb.2019, pp. 34-64.

⁶⁰ Williams, Susan, Supra note 54, p.14

⁶¹ Interview with Bezabeh Welelaw, supra note 56, p. 14

women's presence in these proceedings. At the structural level, allowing women to attend *Shimglina* proceedings represents a positive development, as the *Shimglina* framework formally permits women's presence and observation during the process. In general, *Shimglina* has limited capacity to facilitate women's attendance at its proceedings.

4.2. Representation During *Shimglina* Proceedings

Representation is crucial for women because it directly shapes whose voices are heard, whose interests are recognised, and whose rights are protected within decision-making processes. The following cases demonstrate women's participation in *Shimglina*.

4.2.1. Observation One

This observation documents a *Shimglina*-based rural land inheritance dispute that took place on November 17, 2024, in Jabi Tehnan *Woreda*, West Gojjam Zone, Hondashi *Kebele*.⁶² The case is examined analytically through the interconnected dimensions of agency, structure, and social relations, with particular attention to how customary dispute-resolution processes shape women's participation and substantive equality. While *Shimglina* is formally open to community participation, the conduct and outcome of this case reveal how culturally embedded norms influence both decision-making and the distribution of power among disputants.

The dispute involved four siblings contesting the division of inherited rural land. The claim arose after the sisters alleged that their brothers had allocated themselves a disproportionately larger share of the land. Although *Shimglina* proceedings are generally public, attendance in this case was limited to family members due to security concerns in the area.

During the proceedings, the sisters were represented by their uncle, who argued that the land division was unjust and required rectification. The reliance on male proxy representation, rather than self-representation by the sisters themselves, reflects constrained agency shaped by prevailing gender norms. Although the *Shimglina* structure permits women's participation, women's direct engagement remains mediated through male relatives, indicating that formal access does not necessarily translate into an effective voice.

⁶² Observation conducted by the researcher on the proceedings of *Shimglina*, Hondashi *Kebele*, Jabi Tehnan *Woreda*, West Gojjam Zone, on 17 November, 2024,

In response, the brothers justified their larger share by emphasising their labour contributions, including intensive cultivation and the purchase of fertiliser to maintain soil fertility. These claims were framed as economically rational and future-oriented, aligning with dominant masculine ideals of productivity and investment. When the sisters' representative countered by highlighting the sisters' care work, particularly nursing their late father and performing household responsibilities, these contributions were acknowledged but implicitly treated as less valuable. This hierarchy of labour illustrates how customary dispute resolution processes privilege male-defined economic inputs over socially reproductive labour traditionally performed by women.

After hearing witnesses and holding separate discussions with the parties, the elders proposed that the land be used jointly and that the harvest be divided equally. While this decision appeared to promote fairness and reconciliation, it reflected a culturally specific notion of equity aimed at restoring social harmony rather than addressing underlying inequalities. By avoiding a reassessment of contribution and entitlement, the elders prioritised relational stability over substantive gender equality, thereby reproducing existing power imbalances within the family.

The brothers objected to equal sharing of the harvest, reiterating that their labour and financial investment justified a larger portion. Following prolonged debate, the sisters eventually accepted the brothers' position. The elders did not intervene to renegotiate the distribution but instead proceeded directly to the reconciliation ceremony, concluding with a communal prayer. This moment reveals how reconciliation norms within *Shimglina* can function to close disputes prematurely, limiting women's capacity to sustain claims once resistance from male parties intensifies. Consent, in this context, appears less as a product of equal bargaining and more as an outcome of social pressure and constrained choice.

4.2.2. Observation Two

The *Shimglina* proceeding between Eme Eseyenu Worku and Molla Berku took place in the compound of a village church, a public and symbolically authoritative space.⁶³ Although community members were present, the attendees were overwhelmingly male. This gendered

⁶³ Observation by the researcher where the council of elders resolved a land dispute in Mankusa *Woreda*, West Gojjam Zone on September 29, 2024.

composition reflects how customary institutions, while formally public, remain socially masculinised, shaping whose voices carry authority and whose presence is normalised.

The dispute arose from a sharecropping agreement in which Eme Eseyenu, an elderly woman, rented out her land and was entitled to half of the harvest. However, she alleged the defendant had not given her the harvest. Her decision to bring the case to *Shimglina demonstrates that* customary institutions are readily accessible, particularly in rural contexts where formal courts may be out of reach. However, feminist analysis highlights that women often turn to customary mechanisms not because they are empowering, but because alternatives are structurally limited.⁶⁴

Eme Eseyenu represented herself during the proceedings. While this could be interpreted as a sign of procedural equality, she struggled to articulate her claim clearly, becoming emotional and crying, which undermined its strength. The elders attempted to listen to her grievance, but urged her to make her points.

In contrast, the defendant, Ato Molla, presented a coherent defence, emphasising his agricultural risk and his labour investment. Feminist analysis underscores how men's familiarity with public negotiation and dispute forums often enables them to frame arguments in ways that resonate more strongly with male elders, reinforcing gendered power asymmetries even in ostensibly neutral proceedings.⁶⁵

The elders, entirely male, were selected by both parties, with a religious leader acting as chairperson. The absence of women among the decision-makers is significant. Feminist legal theory stresses that representation is not merely symbolic; it shapes substantive outcomes.⁶⁶ After hearing witnesses and deliberating, the elders found the defendant at fault and ordered him to provide two quintals of wheat, allowing instalment payments if necessary. This decision appears favourable to the woman's claim and reflects a degree of responsiveness to her grievance. However, the feminist critique becomes sharper in the elders' subsequent ruling. Despite the

⁶⁴ Williams, Susan, Supra note 54, p.14

⁶⁵ Mazei, Jens, Joachim Hüffmeier, Philipp Alexander Freund, Alice F. Stuhlmacher, Lena Bilke, and Guido Hertel. 'A meta-analysis on gender differences in negotiation outcomes and their moderators, Psychological Bulletin' Vol. 141, No. 1, 2015, p. 85.

⁶⁶ Dang, Minh Hoang, 'Applying feminist legal principles to achieve gender equality in Vietnam's labour legislation', Cogent Social Sciences, Vol.10, No. 1, April, 2024, pp. 235-566.

<<https://www.tandfonline.com/doi/full/10.1080/23311886.2024.2350566>> accessed on 16 February 2026

plaintiff's explicit request to terminate the contract, the elders decided that the sharecropping arrangement should continue, citing the defendant's labour and financial investment.

While reconciliation is celebrated as a strength of customary systems, in this case it effectively constrained the woman's freedom to exit a contractual relationship that had already failed her. In addition, focus group discussions indicate that women's limited agency stems from a lack of confidence and limited experience in public negotiation, shaped by long-standing social exclusion from decision-making spaces.⁶⁷ As the focus group discussions indicate, women's limited agency is not inherent but socially produced through long-standing exclusion from decision-making spaces. This exclusion undermines women's confidence and familiarity with public negotiation, constraining their ability to assert claims and reinforcing dependence on male or customary authority during dispute resolution processes.

Thus, in terms of agency, although women are formally entitled to represent themselves, this right is rarely exercised in practice, revealing a clear gap between cultural permission and effective participation. In this sense, agency is not merely absent but actively suppressed through informal social controls. In this regard, an interview with Mulusew Anemawe, who previously participated as a plaintiff in a *Shimglina* proceeding to resolve a rural land dispute with her husband, revealed the gendered dynamics of the process. Reflecting on her experience, she explained:

I participated as a plaintiff in a *Shimglina* process with my ex-husband in a divorce case, where most of our disagreements concerned rural land. I represented myself during the proceedings. However, the council of elders treated me as a troublemaker because I openly expressed that I would not accept their proposed solution. They pressured me into agreeing to a land division that I believed was unfair. As a result, I decided to take my case to the *Woreda* court to obtain both my divorce and my land.⁶⁸

The participant's self-representation challenged customary expectations of female compliance, leading elders to label her as a troublemaker. Such framing functioned as a disciplinary mechanism, pressuring her to accept an inequitable land division. Her decision to pursue the case

⁶⁷ Focus group discussion, at Hondashi Kebele, Jabi Tehnan Woreda, on September. 29, 2024. Also, Focus group discussion, Mankusa Kebele, Jabi Tehnan Woreda, West Gojjam Zone, on Aug. 12, 2024.

⁶⁸ Interview with Mulusew Anemawe, a villager at Mankusa Kebele, West Gojjam Zone, on September 29, 2024.

in the *Woreda* court reflects both resistance to patriarchal customary authority and the strategic use of formal legal institutions to reclaim autonomy over divorce and land rights.

Furthermore, cultural discourses embedded within the society are expressed through widely used proverbs such as “*set wede bet, wend wede chilot*” (women to the house, men to the public) and “*set ye’eletun, wend ye’ametun*” (women think for today, men think for a year) that normalise women’s exclusion from public deliberation and frame them as irrational or short-sighted.⁶⁹ These narratives function as structural barriers by shaping expectations about who is qualified to speak, decide, and lead.⁷⁰

The relational dimension further illustrates how women’s participation is mediated through dependency rather than autonomy. Women in *Shimglina* proceedings are often represented through male proxies, reflecting unequal social relations and limited interdependence among women themselves. Interviews with women villagers reveal that those who pursue their cases directly are frequently labelled as “troublemakers,” a stigma that discourages collective support and weakens relational networks.⁷¹ As a result, women lack the social reinforcement necessary to challenge authority or sustain claims within the customary forum.

Taken together, agency, structure, and relations operate in a mutually reinforcing manner. Restrictive cultural norms diminish women’s confidence and agency; institutional structures dominated by men sustain these norms; and unequal social relations discourage collective action and mutual support. Formal openness within *Shimglina*, therefore, does not translate into substantive equality, as women’s representation remains largely limited.

From a feminist and gender-transformative perspective, these findings demonstrate that meaningful representation requires transformation across all three dimensions. Enhancing women’s agency must be accompanied by structural reforms that redistribute decision-making authority and by relational changes that strengthen social support and collective empowerment.⁷²

⁶⁹ Tesfaw, *supra* note 48, p. 13

⁷⁰ Hussein, Jeylan Wolyie, ‘A discursive representation of women in sample proverbs from Ethiopia, Sudan, and Kenya, *Research in African Literatures*’ Vol.3, No.3, 2009, p. 96- 108.

⁷¹ Interview with Banchiamlak and Enatenesh, *Supra* note 59, p.15

⁷² Verma, Ritu, ‘Business as unusual: The potential for gender transformative change in development and mountain contexts, *Mountain Research and Development*’ Vol.34: No. 3, Aug. 2014. pp. 188-196.

Without such interconnected interventions, *Shimglina* will continue to resolve disputes in ways that preserve social harmony while reproducing gender inequality.

4.3. Gender Dynamics in the Council of Elders in the *Shimglina* Process

Gender dynamics, as a fundamental aspect of social structures, play a profound role in shaping individuals' lives and societal norms.⁷³ According to focus group discussion, women's participation in customary dispute resolution systems, particularly in *Shimglina*, has largely centred on women as justice seekers rather than as adjudicators or decision-makers. Feminist perspectives explain and suggest directions for change in social settings.⁷⁴ One area of change is women's position as decision-makers within cultural institutions.⁷⁵ An interview with members of the council of elders emphasised that,

Women play an important role in dispute resolution; they significantly help encourage reconciliation within families, especially in rural land disputes. However, traditions have long prevented women from serving as elders in dispute resolution. This is how we inherited the custom from our ancestors.⁷⁶

This statement reflects an appeal to tradition as a source of legitimacy for existing customary practices. While ancestral inheritance is often invoked to preserve social cohesion and continuity, such reasoning tends to naturalise and freeze customs, rendering them static and shielding them from critical scrutiny or reform. By framing practices as inherited rather than chosen, the statement obscures the power relations embedded within the custom, particularly those that disadvantage women. Moreover, reliance on ancestral authority can function as a discursive tool to resist change, especially when customary practices conflict with constitutional principles of equality and human rights. In this sense, tradition is treated as an unquestionable norm rather than a dynamic social institution capable of adaptation. This undermines the possibility of reforming customary dispute resolution mechanisms to align with constitutional and human rights principles.

⁷³ Luiz, Fernandez, 'Unveiling gender dynamics: An in-depth analysis of gender realities, Influence: International journal of science review', Vol.5: No. 3, 2023, pp. 61-70.

<<https://doi.org/10.54783/influencejournal.v5i3.182>> accessed on 12, February, 2026

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ Key informant interview with Getahun Fente, elder at Mankusa Kebele, Jabi Tehnan *Woreda*, West Gojjam, on September 29, 2024.

Data from the key informant further revealed that inclusion of women in customary dispute resolution mechanisms provides an important entry point to justice; however, women's participation within these institutions remains limited in the study area. The informant emphasised that women should actively participate in resolving issues that primarily affect them, particularly land disputes, where women are often disproportionately impacted. The informant further stressed that customary institutions must deliberately create space for women's meaningful inclusion within their systems.⁷⁷

This statement highlights the gap between formal access to justice and substantive participation. While women's inclusion is acknowledged as beneficial, their limited role reflects entrenched gender hierarchies within customary institutions. The call for deliberate institutional space underscores that meaningful inclusion does not occur naturally but requires intentional structural reforms to ensure women's voices influence outcomes, especially in land-related disputes that directly shape their livelihoods and security.

Supporting this, *Marege*, a former member of a government-established social court at the *Kebele* level, shared her experience:

When I was selected to serve on the social court as a decision maker, my participation was often undermined. My input was overlooked, and at times, I was not even informed of scheduled proceedings. This lack of respect discouraged me from continuing.⁷⁸

The interviewee's experience illustrates that, although she was officially selected as a decision-maker in the social court, her inclusion was largely symbolic rather than substantive. Her account reflects broader patterns of gendered exclusion from decision-making institutions. Similar dynamics are evident in *Shimglina*, where women are rarely represented as elders or decision-makers. In both institutions, women's limited participation restricts their influence over dispute resolution processes and reinforces existing gender inequalities.

⁷⁷ Key informant interview with Zina Getachew, Amhara Regional Women Affairs Bureau vice head, on 16 February 2026

⁷⁸ Key informant interview with Marege Shetaye, former Social Court Judge, on 15 August 2024.

Moreover, the absence of women's representation in *Shimglina* as elders highlights the broader problem of gendered exclusion. Gender exclusion in *the Shimglina* institution deprives women of gaining access to decision-making roles.

In addition, interviews conducted with women villagers revealed

The exclusion of women in *Shimglina* as elders has long been normalised as a cultural practice. Even when opportunities for women's participation are made available in social court, many are reluctant to accept them due to fear of ridicule and social stigma. Nevertheless, the women expressed optimism that meaningful change may occur for the next generation.⁷⁹

These interviews indicate that women's exclusion from *Shimglina* as elders is deeply institutionalised and culturally normalised, reflecting entrenched patriarchal structures. Even when formal opportunities for participation exist, social pressures such as fear of ridicule or stigma discourage women from exercising agency. It also demonstrates that mere legal or procedural openings are insufficient; social norms and informal sanctions continue to limit women's effective engagement in dispute resolution in the study area.

Feminist critique how cultural practices and power hierarchies systematically marginalise women in patriarchal society, sustaining male dominance in decision-making spaces.⁸⁰ The optimism expressed by women for future generations suggests an awareness of inequality and a desire for transformative change, highlighting the potential for gradual dismantling of patriarchal barriers if structural and cultural reforms are pursued together.

The above data reveal deeply embedded cultural norms, reinforced by *Shimglina*'s long-standing exclusion of women from elder roles, sustaining a self-reinforcing cycle of unequal gender power relations in *Jabi Thenan Woreda*. In addition, when cultural practices systematically marginalise women, they come into tension with fundamental human rights principles of non-discrimination and inclusive participation, revealing a structural conflict between customary authority and gender

⁷⁹ Interview with women villagers Wede Tebekew and Netehu Garede at *Mankusa Kebele*, on September 29, 2024

⁸⁰ Saima Usmani, Elsadig Hussein Fadlalla Ali, Musadhique Kottaparamban, and Samreen Hadi, 'Role of feminist theories in addressing issues of gender diversity', *Kurdish Journal*, Vol.11, No. 3, 2023, pp. 439- 452.

equality norms. From a feminist perspective, such marginalisation is not merely cultural but a mechanism that maintains patriarchal power, limiting women's agency and access to justice.⁸¹

Therefore, at the agency level, women often lack the skills, awareness, and knowledge required to serve as *Shimglina* elders. This is not a reflection of inherent incapacity but stems from the historical exclusion of women. As the position of elder has been occupied exclusively by men for generations, it makes it uncharted territory for women. As a result, women have no opportunities to acquire the customary knowledge, procedural expertise, and confidence required to participate effectively as elders. This limited exposure reinforces the perception that women are less capable of holding decision-making roles, which in turn undermines their agency and ability to assert themselves in public spheres.

At the structural level, the design and operation of *Shimglina* institutions systematically exclude women from participation as elders. The rules, practices, and cultural norms embedded in the institution assume male authority as standard, creating barriers to women's inclusion. This institutional arrangement not only prevents women from occupying positions of power but also perpetuates male dominance as a normalised feature of social governance. Structural exclusion thereby restricts women's opportunities to influence decisions that directly affect their lives, reinforcing existing inequalities.

At the relational level, while some communities are open to expanding women's roles within *Shimglina*, others resist such changes, reflecting deeply ingrained cultural norms. These relational dynamics influence both women's willingness to participate and their acceptance within the community. The interplay of support and resistance shapes the environment in which women operate, affecting not only their agency but also their ability to challenge or negotiate existing power hierarchies.

In general, all three dimensions have gaps in agency, structure and relation aspects in gender dynamics in *Shimglina* as elders.

The male-only composition of *Shimglina* elders illustrates how local governance practices sustain male-dominated decision-making, revealing a disconnect between formal gender equality mandates within the Ethiopian policy framework and their implementation at the community level

⁸¹ Walby, Sylvia, 'Theorising patriarchy', *Sociology*, Vol. 23, No. 2, May, 1989 pp. 213-234.

in the study area. Also, this tension highlights structural limitations in translating national policies into inclusive local governance and underscores the persistent challenges women face in accessing leadership positions. Although recent efforts to reform customary dispute resolution and clarify the mandate of courts are ongoing in Ethiopia in different regions, more work is needed to eradicate women's marginalisation due to customary norms.⁸² Research indicates that the recognition and integration of customary mechanisms within the national legal framework offer multiple advantages in protecting individuals and vulnerable groups from gender inequality and marginalisation.⁸³ This article advocates that such reform and policy direction should include feminist informed changes. One possible policy direction could be to mandate the inclusion of women as mediators or elders in newly recognised and established regional customary courts and in the regional land administration proclamation. In this regard, a formal court could play a major role by providing oversight and reviewing the alignment of customary courts' decisions with constitutional and human rights principles.⁸⁴ This will ensure customary laws are reformed and developed to conform to constitutional and human rights norms.

5. Conclusion

Women's participation in *Shimglina* is constrained by entrenched gender norms and male-dominated structures. Despite Ethiopian policies promoting gender equality, the male-only composition of *Shimglina* elders exposes a gap between law and practice, underscoring persistent structural barriers to women's community leadership and decision-making. Feminist theory critiques customary law for preserving patriarchy, as male-dominated dispute resolution mechanisms marginalise women's legal standing in *Shimglina*. A gender-transformative approach addresses this through agency, structural, and relational dimensions of change.

Therefore, the article's findings show that in the context of Jabi Tehnan Woreda, the *Shimglina* dispute resolution structure is open to women attending and observing the proceedings. However,

⁸² Managing land disputes in Ethiopia, Supra note 51, p.13

⁸³Awet Halefom, 'Integrating Traditional and State Institutions for Conflict Prevention: Institutional, Legal and Policy Frameworks in Ethiopia, Mizan Law Review', Vol. 16, No. 2, Dec. 2022, pp. 339-368.; Zelalem T. Sirna and Moti Mosisa G, 'Legal Pluralism and Its Implication on Human Rights in Ethiopia: A Look for Policy Framework, Ethiopian Human Rights Law Journal', Vol. 7, 2015. p. 71

⁸⁴ Kiye, Mikano Emmanuel. 'Conflict between customary law and human rights in Cameroon: the role of the courts in fostering an equitably gendered society, African Study Monographs,' Vol. 36, no. 2, 2015, pp. 75-100.

women's agency is limited due to cultural norms and assigned gender roles in society. This also limits the relational dimension as women's gender roles limit their participation.

On the other hand, the *Shimglina* structure allows women disputants to present their cases themselves. However, there are limitations on women's ability to exercise agency in representing themselves, stemming from a lack of skill in presenting a coherent claim or defence and limited exposure to the *Shimglina* process. Relation-wise, women in *Shimglina* are often represented through proxy, with family and friends showing support in encouraging their defence.

Furthermore, the structure of *Shimglina* excludes women as elders. Hence, women can't exercise their agency and social relations. This creates limitations on agency, structure, and relations in *Shimglina* proceedings.

Therefore, the *Shimglina* structures must be reformed to ensure the meaningful inclusion of women as elders in *Shimglina* institutions. In such reform, formal courts play a major role in providing oversight to customary dispute resolution mechanisms in general and *Shimglina* in particular.

Rather than being overlooked, customary institutions should be reformed to align with constitutional principles and international human rights standards. When reformed, they can advance justice, gender equality, and women's empowerment for the rural community. Such reforms have important implications for land governance by addressing gendered power relations, strengthening legal frameworks, and promoting women's equitable access to land.

Conflict of Interest

The authors declare no conflict of interest.