



HAWASSA UNIVERSITY

SCHOOL OF GOVERNANCE AND DEVELOPMENT STUDIES

**THE PRACTICES AND CHALLENGES OF CUSTOMARY CONFLICT
RESOLUTION MECHANISMS IN RURAL LAND DISPUTES: THE CASE
OF BAHIR DAR *ZURIA WOREDA*, AMHARA REGIONAL STATE,
ETHIOPIA
(Tentakerkose, Wojer, Sebatamet, Lijome and Feresewoga Kebeles)**

MA THESIS

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July, 2020

Hawassa University, Ethiopia

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**A THESIS SUBMITTED TO HAWASSA UNIVERSITY, SCHOOL OF
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Asmare Shetahun Alemneh

Hawassa University, Ethiopia, July, 2020

DECLARATION

I hereby declare that this MA thesis entitled “**The Practices and Challenges of Customary Conflict Resolution in Rural Land Disputes: The Case of Bahir Dar Zuria Woreda, Amhara Regional State**” is my original work and has not been presented for a degree to any other university, and all sources of materials used for this thesis have been duly acknowledged.

Name of the student: Asmare Shetahun Alemneh

Signature: _____

Date: _____

List of Acronyms

ANRS	Amhara National Regional State
CCRM	Customary Conflict Resolution Mechanisms
CAC	Elders Arbitration Committee
ECA	Economic Commission for Africa
FAO	Food and Agriculture Organization
FGDs	Focused Group Discussions
IIDEA	International Institute for Democracy and Electoral Assistance
KLAC	Kebele Land Administration Committee
MOARD	Ministry of Agriculture and Rural Development
N.D.	No Date
NEPAD	New Economic Partnership for Africa's Development
UNEP	United Nations Environmental Program
UNDP	United Nations Development Program
USAID	United States Agency for International Development
WB	World Bank

Glossary of local terms

Debo: A customary mechanism of performing agricultural tasks together.

Derg: The Military Council ruled over Ethiopia from 1974-1991.

Giligil: Conforms to a kind of amicable process of dispute resolution.

Iddir: A customary institution used for ceremonial of sorrow.

Irq: The term Irq is the Amharic translation of the term conciliation.

Kebele: It is the lowest unit of local government in Ethiopia.

Mahiber: An association which is organized for the feast of saints such as St. Michael.

Mehala: An oath and swearing.

Sembete: A religious based practice mainly on the Sabbath day.

Shimglina: This literally means elderliness, denotes dispute solution by elderly persons.

Wodaje: A kind of established good relationship with individuals.

Woreda: It is an administrative division of a local government in Ethiopia that is equivalent to a district.

Yetut lij: A kind of adoption to be relatives based on the religious practices of orthodox Christianity.

Yezemed danginia: Settling disputes by the relatives of the disputants.

Yekirstina lij: A relationship created through God parenthood based on orthodox Christianity.

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ABSTRACT

The objective of the paper is to assess the practices and challenges of customary conflict resolution mechanisms in rural land dispute resolution in Bahir Dar Zuria Woreda of Wojer, Feresewoga, and Tentakerkose, Sebatamite, and Lejome kebeles. To achieve the objectives, the study has employed qualitative research approach with case study research design by using primary and secondary sources of data. Data were collected using focus group discussion, interviews, and non-participatory observation; and relevant literatures and documents are reviewed. Key informants and FGD participants were selected based on purposive and snowball sampling methods. Purposive sampling used to select informants on the basis of their knowledge, and experience in the community about the issue in this study. Snowball sampling also used to select informants having better experience on issue studied. The total number of informants participated in this study were 61. The data were analyzed qualitatively through the use of thematic analysis. It is found that rural land disputes were instigated due to various factors like the increases in population number, scarcity of farm land, poverty, the increase in rural land value, and weak rural land administration system were the indirect causes of rural land disputes and manifested in the forms of boundary disputes, inheritances disputes, transfer of land disputes, access, and ownership disputes. The findings of this study also indicated that shimglina customary conflict resolution mechanisms played great role in land dispute resolution. The strengths of shimglina in which, people prefer it over the formal legal system were, in terms of time, resource, accessibility, and restoring the broken peaceful interaction. The study revealed that shimglina faced many challenges that hinder its effectiveness in the resolution of land disputes. Unless the underlying challenges of shimglina are not solved, the effectiveness of the mechanism in the resolution of land dispute is difficult. The absence of clear legal and policy framework in the practices of shimglina in rural land disputes, lack of attention to shimglina by the government, the absence of strong enforcement mechanism, the influence and intervention of the government and politicization of shimglina are the major challenges in the practices of shimglina in rural land disputes resolution. The government should give attention to shimglina in rural land disputes for peaceful co-existence and community solidarity.

Key words: Rural land dispute, customary conflict resolution, challenges of customary conflict resolution, *Shimglina*, *Shimaglies*, Bahir Dar zuria Woreda

CHAPTER ONE

1.1. BACKGROUND OF THE STUDY

Societies worldwide have long used customary conflict resolution mechanisms to resolve conflicts and disputes that happened between individuals, groups, and among the community. In every community customary conflict resolution practices are often based on community customs, values, familial relationships, or embedded in institutional practices run alongside the formal state sanctioned processes to settle, and reestablish the peaceful relationships of disputants (Macfarlane, 2006, and Mapara, 2009). In a society where the majority of the people are poor with widespread illiteracy culminating in lack of access to justice and the high cost of modern conflict resolution, and scarcity of lawyers; customary conflict resolution stands out as the best method of conflict resolution (Alemie, and Hone, 2018).

The formal legal system is adversarial to the disputant and often overlooking facts and consensus which are at the heart of customary conflict resolution mechanisms (Luccaro, 2016). The aim of devising mechanisms to give effective dispute resolution is to ensure that the disputants are settled their dispute through effective and efficient means for the benefits of the disputants and the society in general (Taschuk and Chamber, 1999) to make their overall relationships and interaction harmonious.

Most world community especially developing world depend their economy on subsistent agricultural productivity. Land is the fundamental resource for the rural area residents to increase their agricultural productivity and to lead their life. The importance of existing adequate farm land to satisfy the food staff supply for the world community is unquestionable. Therefore, without land availability it is impossible to produce agricultural productivities for the rural people. Since interest on land possession and control is increasing from time to time among individual farmers, investors, and it became the main factor of dispute because of the scarcity of land (Siyum, et al, 2015).

As Niang and Dieng (2004), assessed land disputes are a major hindrance to land use, development, peace and tenure security in Africa. In a number of sub-Saharan African countries

land disputes have resulted in violent conflicts that have devastated communities, people's lives, livelihoods and relations of individuals, groups and communities.

Land is increasingly becoming a source of conflicts in Sub-Saharan Africa, where land access had traditionally been characterized as relatively egalitarian. It has been shown that local land dispute can erupt into large-scale civil strife and political movements (Daudelin, 2002). Dispute over land is inevitable, regardless of the nature of the ownership system (Hillo, 2018). In addition, land disputes are common in almost all societies. To resolve the problem, in an ideal setting, strong institutions and transparent procedures can resolve such disputes or at least channel them into a process that minimizes their potential to foster violent conflict.

Rural land disputes are a serious social problem in rural Ethiopia and the problem need a settlement mechanism which works based on the social systems of a community (Bedasa and Hussein, 2018). In addition, rural land disputes are often better managed and settled in accordance with customary conflict resolution practices based on the socio-cultural context of the community than the modern conflict resolution mechanisms (Byamugisha, 2013) in the rural community. In developing countries like Ethiopia the majority of the rural population used customary conflict resolution mechanisms to settle down their land dispute based on the specific context of their cultural reality (Kassa, 2020). However, customary conflict resolution mechanisms face challenges like government interference and cultural defect in rural land disputes settlement (Girma, 2014) which affects its effectiveness in resolving various types of rural land disputes.

The majority of farmers in Amhara region have experienced land disputes due to inheritance, boundary, land transfer and divorce (Shibeshi, et al. 2015 and Gebeyhu, 2012). In addition, Zirehun (2016) stated that the current rural land proclamation is failed to resolve land disputes in Ethiopia. In this situation, measures that can help include reinforcing customary dispute resolution mechanisms in the resolution of land disputes (USAID, 2013).

According to Jembere, (1998) and Endalkachew (2016), the informal ways of dispute settlement in its pervasive sense includes customary dispute resolution ways, and religious based dispute resolution mechanisms. Customary practices are deeply rooted in different ethnic groups of Ethiopia and arise from age-old practices that have regulated the relationships of the community

(Regassa, 2008). They are essential to deal with different kind of dispute based on the local context reality and by take in to account the future relationships of the parties (Jembere, 1998).

The Amharas have been their own customary conflict resolution mechanisms that are working to resolve land disputes. According to Solomon (1992), Yohanness (2003), and Yoseph (2006), the customary law that is applied among the Amhara is not written. The mechanism is used to resolve various types of disputes including rural land dispute in the region. *Shimglina* or elderliness is the most common form of dispute resolution all over the region at a local community level. Besides to this, religious leaders and elders have been playing a key role in dispute resolution in many parts of Amara Region (Getachew, 1998).

Accordingly, an in-depth investigation of the practices, challenges, strengths, weakness of customary conflict resolution in resolving rural land disputes and the causes of rural land disputes in Bahir Dar zuria Woreda in focus is found to be indispensable.

1.2. Statement of the Problem

Customary conflict resolution mechanisms are one of the practical tools for rural land dispute, even though there are challenges that reduce its effectiveness, and practices (Mequanent, 2016, and Kassa, 2020). Customary conflict resolution mechanism has been in existence in Amhara regional state, since time of immemorial (Solomon (1992), Yohanness (2003), and Yoseph (2006), and serves as the mechanism to settle rural land disputes (Bamlak, 2013) but the government has methodological weakness in using customary conflict resolution mechanisms. In this regard, Endalew, (2014) noted that in Ethiopia the customary dispute resolution mechanisms is not properly organized or institutionalized. Despite, the Ethiopian policy of turning a blind eye to the customary dispute resolution mechanisms, they are playing an important role in resolving conflicts of any kind and maintaining peace and stability in the community.

According to Girma (2014), Endalkachew, et al. (2016) and Kassa (2020), many issues challenge the practice of customary conflict resolution mechanisms in resolving rural land disputes. Besides to this, Ajanaw & Hone, (2018) stated, the challenges of customary conflict resolution practices created difficulties in the appropriate and effective application of customary dispute resolution systems. However, these studies did not assess the challenges of customary conflict resolution mechanisms in land disputes.

Land and land related issues are the major source of disputes in the rural community of Ethiopia, and needs effective settling mechanism (Abebe, 2009 and Zirhun, 2016). In fact, “land disputes are very serious and fierce, nobody takes the matter flippantly, and hence any silly issues can result in big conflicts costing even the life of the disputants or resulting in injuries or costly court case proceedings” (Behailu, 2015:139). Furthermore, land disputes often have extensive negative effects on economic, social, spatial and ecological development (Desalegn, 2018). The disputes are perhaps more serious in Ethiopia due to the absence of steadfast land administration system to respond the recurrent land disputes (Hillo, 2018). In addition, according to Bamlak, (2013) and Mequanent (2016) a case study conducted in Simada and Lay Armacho Woredas respectively, in Amhara region, most of the disputes are land based. Based on the World Bank report (2012b), eighty percent of the rural people in Amhara region are using customary conflict resolution mechanisms in rural land disputes.

The existing empirical evidence ascribes, “customary conflict resolution mechanisms via local conflict mediator are preferable in rural land disputes” (Mulugeta, 2017:62). However, using formal mechanisms to settle disputes especially for the rural peoples is very difficult because the rural people expending more time in these justice system and administrative institutions that led them to economic disaster, and deteriorates the social relationship of the rural society (Fekadu, 2009). Therefore, addressing land grievances and dispute through customary dispute resolution mechanism is fundamental in creating sustainable peace (UNIFP, 2012).

There are studies regarding customary conflict resolution in Amhara people made by Solomon (1992), Yohannes (2003), Yoseph (2006) and Bamlak, (2013). However, most of these studies did not assess the practices, and challenges of customary conflict resolution in rural land disputes. They studied the role of *shimglina* in Amhara people. Solomon studied the role of *shimglina* in the Shewa Amhara. Bamlak and Yohannes assessed the contribution of *shimglina* in Gondar Amhara. While Yoseph examined how *shimglina* customary conflict resolution works in Gojjam Amhara people. In addition, previous works like Mequanent (2016) assessed in his study “the application of traditional dispute resolution in land administration in lay Armachiho Woreda Northern Ethiopia” Amhara people. Nevertheless, the study does not fully assessed issues of rural land disputes resolution by customary conflict resolution mechanisms and its challenges. In

addition, the weakness and strengths of customary conflict resolution in rural land disputes are not examined.

Again, Kassa (2020) studied “Managing land conflicts in plural societies: Intergroup land governance in Ethiopia”, she indicated, most people in rural areas used the customary mechanism in rural land, Then again, the study did not examine the challenges of customary conflict resolution in rural land disputes. In addition, Mulugeta (2017) studied “assessing rural land dispute and dispute settlement mechanisms in *Wore Jarso Woreda*, Oromia region”. This study focused on the modern formal mechanisms of rural land dispute settlement. However, the practices and challenges of customary conflict resolution in land disputes did not assess in it.

Thus, it is in this regard that this study was proposed to assess, and fill these gaps with regard to the practice, and challenge of customary conflict resolution in rural land dispute by taking *Bahir Dar Zuria Woreda* as a case study.

1.3. Objectives of the Study

1.3.1. General Objectives

The major objective of this study was to examine the practices and challenges of customary conflict resolution mechanisms in resolving rural land dispute in the study area.

1.3.2. Specific Objectives

The specific objectives of this study were the following;

- To assess the practices of customary conflict resolution in rural land disputes settlement.
- To identify the causes of rural land disputes.
- To identify the strength and weakness of customary conflict resolution mechanisms in rural land disputes.
- To assess the challenges of customary conflict resolution mechanisms in settling rural land disputes.

1.4. Research Questions

The main research question that were answered in this study were; what are the practices and challenges of customary conflict resolution mechanisms in resolving rural land dispute in Bahir Dar *Zuria Woreda*?

1.4.1. The Specific Research Questions

The following questions were addressed in this study;

- What are the practices of customary conflict resolution mechanisms in rural land disputes?
- What are the causes of rural land disputes?
- What are the strengths of customary conflict resolution mechanisms in rural land disputes?
- What are the weaknesses of the practices of customary conflict resolution mechanisms in rural land disputes?
- What are the challenges of customary conflict resolution mechanisms in resolving rural land disputes?

1.5. Scope of the Study

This study was focused on analyzing the practices and challenges of customary conflict resolution mechanisms in resolving rural land disputes. Geographically, the study was limited in Bahir Dar *Zuria Woreda* in the national regional state of Amhara. Specifically it was limited in five rural *kebeles* of Bahir Dar *Zuria Woreda* such as Tentakerkose, Feresewoga, Lijome, Sebatamet and Wojer. Conceptually, the study was limited to assess the practice, challenges, strengths, and weakness of the various variants of *shimglina* customary conflict resolution mechanisms in rural land disputes in the study area. Methodologically, the study was employed qualitative research approach with case study design so as to understand the issue in a more detail comprehensive way. Accordingly, any of the analysis and the findings of the study were specific to the study area. Thus, because of the study were limited to Bahir Dar *Zuria Woreda*, the findings of this study were not generalizable to other *Woredas* of Amhara region.

Furthermore, the study was not analyzed the practices, and challenges of customary conflict resolution mechanisms in the resolution of urban land disputes.

1.6. Significances of the Study

The study of the practices and challenges of customary conflict resolution mechanisms in resolving rural land dispute in Bahir Dar *Zuria Woreda* could be important from the following viewpoints: The finding of this study will be important to provide information for local government bodies, researchers and non-governmental bodies on the practices, and challenges of customary conflict resolution in rural land disputes in the study area. It will also help rural land policy makers to understand the practices, challenges, and contribution of customary conflict resolution mechanisms in rural land dispute resolution and thereby to recognize and integrate it into the modern rural land dispute settlement mechanisms. Besides, this study will contribute to the recent discourse on how rural land dispute is going on in the study area.

1.7. Limitation of the Study

This study did not reach at this stage without any challenge throughout the study. The first challenge was the *kebele* land administration committee, and the *kebele* elderly arbitration committee did not have documented data about the issue under study; these were making document analysis difficult. However, this problem was addressed by using documented data from the *Kebele* and *Woreda* rural land administration and use office. The second challenge of this study was the fear that the community perceived the researcher as the agent of the government to collect, take and allocate their land to diaspora investors and they did not have interest to provide any information about land. To secure their trust, the researcher enlightened them to know the purpose of the study with the help of field assistants who were selected from there.

1.8. Operational Definitions of Terms

Disputes: A more focused, and articulated expressions of difference, needs and interests over particular land resources.

Conflict resolution: In this study conflict resolution refers to the process of resolving a dispute through the customary or traditional way of resolving dispute among *Bahir Dar Zuria* rural community of Amhara region.

Norms: shared rules, customs, and guidelines that govern the society and define how people should behave in the society or rules defining appropriate and inappropriate behavior in *Bahir dar Zuria Woreda* community or society.

Rural Land dispute: Disagreements over rural land and occurs when individuals, groups and community's interests, needs, claims relating to rural land are incompatible.

Rural land: Rural land in this study means small scale lands preserved to the farmers residing in the study area to plough, produce crops, plant trees, build houses or maintain livestock etc. It is both the agricultural and non-agricultural land that is important to the livelihood of the farmer in the study area.

1.9. Organization of the Study

This study is organized into five chapters. The first chapter contains background of the study, statement of the problem, research questions, objective of the study, scope of the study, expected limitations, operational definitions of terms, and significance of the study.

The second chapter also discuss about the examination of literatures that are related to this study like the definition of dispute ,the nature of dispute, defining land and concept of land dispute, and its nature, rural land dispute in Ethiopia, the cause of rural land disputes, theoretical ground to conflict resolution by customary mechanisms, customary conflict resolution in Africa, and Ethiopia, processes of customary conflict resolution, customary conflict resolution in Amhara, strength and weakness of customary conflict resolution in rural land disputes, challenges of customary conflict resolution practices in rural land disputes, empirical literature review, and customary mechanisms of enforcing decisions.

The third chapter describes about method and methodologies of the study and the description of the study area. Next to this, the fourth chapter presents research findings and discussions of the study and covers contents of the causes of rural land disputes in the study area, direct and indirect cause or drivers of rural land disputes, the practice of customary conflict resolution in

rural land disputes, the procedures of *shimglina* customary conflict resolution in rural land disputes, the selection criteria of *shimageles* (elders and religious leaders), the established kebele *shimglina shengo* by the government to rural land disputes, case studies of different cause of land disputes, the enforcement mechanisms of *shimglina* customary conflicts resolution, the strength and weakness of *shimglina* customary conflict resolution in rural land disputes, and the challenges of *shimglina* customary conflict resolution in rural land disputes . The fifth chapter contains conclusion and recommendation of the study respectively; In addition, the list of references and appendix related to the instrument of data collection are the last parts of this thesis.

CHAPTER TWO: LITERATURE REVIEW

2.1. Introduction

The main objectives of this research paper are to assess the practices and challenges of customary conflict resolution mechanisms in rural land disputes. Therefore, to achieve objectives, the researcher discusses related pertinent literatures as well as empirical studies. Accordingly, this chapter provides an overview of literatures on the concepts of disputes, the concepts of rural land disputes, the cause of rural land disputes, rural land disputes in Ethiopia, the practices and challenges of customary conflict resolution mechanisms in rural land disputes, customary conflict resolution in Africa, the strength and weakness of customary conflict resolution mechanisms, the enforcement mechanisms of customary conflict resolution mechanisms and research gaps. The theoretical grounds of this study are social capital and social solidarity theories. For the purpose of this research, the researcher used social solidarity theory.

2.2. Definition of Dispute

Dispute is defined as manifestations of conflict arising from a clash of interest or aspirations, actual or perceived between or among individuals and groups on an issue (Leonard, et al. 2005). In addition, dispute can be defined as situation in which that manifests itself in distinct, justifiable issues that contains disagreement over issues capable of resolution by conciliation, negotiation, mediation or any other dispute settlement process involving neutral third party. The neutral third party can play crucial role in the way to create peace between the disputant (Foskett, 1989) and the resolution process involves customary conflict settlement mechanisms through elders and religious leaders. Besides to this, Gonfa (2014), defined as dispute involves a situation in which the opposing parties feel entitled to something, and they are prepared to enter into a contest in order to obtain or win that to which they feel entitled. This contest may involve more than words and even violent actions.

Disputes arise where two or more people or groups who perceive their needs, interests or goals to be incompatible, communicate their view to the other person or group. Disputes lead to a variety of responses, some interest-based, some rights based, and some power-based (Condliffe, 2002). In addition, dispute can develop in any situation where people interact, in every situation where

two or more persons, or groups of people, perceive that their interests are opposing, and interests cannot be met to the satisfaction of all the parties involved (Shamir, 2003).

Generally, dispute refers to a situation in which individuals, groups, and communities enter into disagreement over issues as a result of the parties feeling their needs, goals or interests are incompatible in actual or perceived to others and themselves and understand others' interest or goal is an obstacle to achieve what they need or want. Hence, it needs a resolution mechanism which is constructive and can create peaceful relations among or between the disputants.

2.3. The Nature of Dispute

Defining the nature of dispute is challenging, because dispute by itself is part of our daily life and idea. Dispute is an inevitable part of different human activities in different issues. As long as natural resources are scarce and human needs are unlimited, it is difficult to avoid dispute from its very origin. Disputes are natural and inevitable in human social, economic, and political interaction of the people. Peoples can resolve dispute but cannot avoid once and for all from their life. Disputes vary in nature, range and the actors involved in it. Even within a category, differences are readily apparent due to the difference in issues and factors that can influence the opposing parties (Siddiqui, 2010).

Disputes are ever present in human relations and occur at all times and in almost all places. Moreover, there has never been a time or a society in which some individuals or groups did not come into dispute. To resolve disputes it is essential to understand the causes of the particular dispute wisely (Kinfe, 2014). According to Barringer (1972), disputes need appropriate resolution mechanisms and if they are not resolved and handled, they can easily develop and change into conflict and hostilities. In this context, disputes are the heart of conflict; conflict indicates as a pre-hostilities phase and hostilities as prolonged and organized conflict.

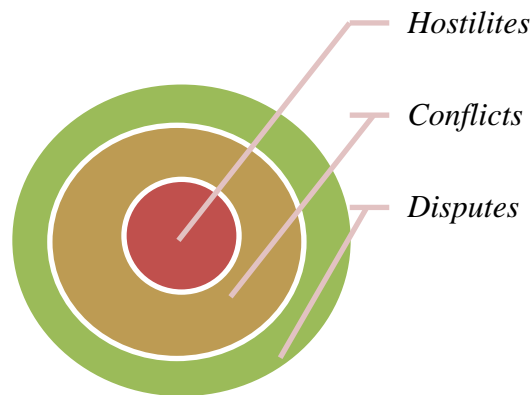


Figure: 1. The three Concepts

Source: Barringer, (1972:17)

Therefore, the nature of dispute various and complicated. It can involve different actors, and issues that could be hidden or open and needs mutual satisfactory resolution to reduce its adverse effects.

2.4. Defining Land, and the Concept of Land Dispute

Land encompasses all the material things attached to the soil by natural means, such as the growing of crops, trees, plants, grasses, and all the water bodies including rivers, lakes and the sea, which are carried on it. Therefore, land is one of the most important elements of nature upon which humans depend for their living, thus, land largely determines their lifestyle, culture, and their level of organization, hence land is important for their relationships among themselves, or their progress in general (Habteab, 2014). In fact, rural life is dependent on land to fulfill their needs.

Rural human life depends on land, and humans need land to cultivate food crops, fruits, and other plants; to graze their animals; to build houses for a variety of purposes such as for shelter, for school, for health service, churches and others. For the rural people land is connected with their entire life progress and this makes land the central object of dispute. Land dispute can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land, the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land dispute, therefore, can be understood as a misappropriation, restriction or dispute over property rights to land (Wehrmann, 2005 and Bruce, (2011).

According to Catula, Toulmin, & Hesse (2004), the major factor underlying land disputes in Africa is linked to the large flows of people seeking land where they can settle and farm for their livelihood. The population increase and the scarcity of farm land and settlement area causes land dispute. Increase in population increases the demand for land, although land is fixed in supply. With the fixed supply of land and the high demands for independent use, people compete for land and these results in dispute.

In order to successfully resolve land dispute, it is important to be aware of the many different causes of land dispute that exist in the rural population. One difference is found in the identity of the actors involved, some of them being legitimated to act in the way they do, others not. Other differences are found in aspects of the land itself, whether the dispute occurs on state, private or commonly owned land. Still other differences result from the complexity of causes of the dispute, as well as how these influence and intensify one another. Finally, the dimension of a land dispute varies significantly which makes a major difference for its resolution. Understanding the specific nature of the land dispute under consideration is a vital step in its eventual resolution (Wehrmann, 2008). Actually, investigating and finding the nature of rural land dispute is vital to the application of an effective mechanism which is best suited to the nature of the disputes.

Weak land tenure system is the sources of rural land disputes in developing countries and mostly in Africa (USID, 2007). There is a close relationship between tenure and dispute over land as it is found that the competing claims for control and use of land may provoke conflicts in the society (FAO, 2002). In this regards, the Ethiopia's land tenure system is incomplete and do not fulfill unmet demands for land rights of rural farm population. Failed or incomplete institutional response to meet demands for land rights contributes to land related dispute, litigation and conflict (Tesfaye, Teklu, n.d.). Thus, it is essential to develop and use effective dispute resolution mechanisms to the welfare of the rural people.

A deficient institution to manage scarce resources, and dispute also triggers the dispute situation in the community, thereby tenure system is a key aggravating or contributing factor to dispute in rural land and encroaching over protected area to access land for various purpose (Cotula, 2004, and Ayalneh, et al. 2006). The land tenure system in a rural community that

provides effective, accessible, and speedy response to the land dispute contributes the peace and development of the rural people (Ibid).

Land and land related conflicts or disputes are increasingly becoming a threat to rural economic activities such as agriculture in most sub-Saharan African countries. It is prevalent in rural communities and needs appropriate settling mechanism (Yamano and Deininger, 2005).

Accordingly, the above definition and concepts are important to explain and understand land and land disputes in the context of the study area. Indeed, there is no doubt that land is the base to fulfill their basic needs, to accumulate wealth, to obtain good social prestige, and improving their life in multiple ways to the rural people. However, land shortage is a serious problem in the community. There is very low level of access to land for farming, settlement, grazing and other purposes in the community. These makes land as a source of dispute in the community and a threat to the relationships, life, peace, stability of individuals, families, groups and the community in general.

2.5. Rural Land Disputes in Ethiopia

Historically, the origin of many conflicts in Ethiopia may be traced back to disputes over rural land issues. There has been a little attention given to rural land dispute settlement mechanisms in Ethiopia. Even if land dispute constituted much of the courts cases beginning from the imperial period, the cases were supposed to be try to settle through the formal judicial system which was not accessible to the rural people due to lack of infrastructures and trained personnel and other related factors. During the time of the Derge regime, rural land dispute settlement was handled mainly by a local peasant association without a right to appeal to formal courts, and as a result the procedure was spoiled with corruption, inefficiency and lacks effectiveness to resolve land and its related disputes in rural Ethiopia and the disputes were not resolved effectively (Zerihun, 2016). In addition, the rural land administration and use proclamation of Ethiopia which is revised in 2005 is failed to address rural land and rural land related disputes (Ibid).

Land dispute is a social problem in Ethiopia that arises from different sources in the rural population. In rural Ethiopia, the root cause of dispute is shortage of agricultural land in the face of high population pressure that demands land and very limited alternative means of livelihood to the rural people and land as a single source of income and lake of experience to involve in other

activities out of depending on plugging farm lands. This can be manifested in the form of plant shade ,boundary disputes, encroachment and land grab of community owned, divorce, land transaction related disputes (Share cropping, inheritance, donation and lease) and corruption by land administration officers (Bedasa et al. 2018, Siyum, et al. 2015 and Zerihun, 2016).

In Ethiopia, land has always been the main sources of the livelihood of the people as well as the main sources of individual, and group disputes and regional conflicts next to the political conflict and struggle for power (Kassa, 2020). Land dispute composes various types of dispute which range from a simple boundary dispute to a wider ownership rights claim. Land is a source of dispute in Ethiopia, just as in other parts of the world. The issue of land dispute between individuals and the state in Ethiopia arises when there is an expropriation of individual land holding by the state. The existing dispute settlement mechanism can be said to be inappropriate as the land taker is empowered to handle the dispute in its favor. This in turn makes landholders face multifaceted social and economic hardship (Hillo, 2018).

According to Yonas (2011), land has an economic, political, cultural and social importance for rural communities of Ethiopia. Therefore, there is no doubt that land is one factor of power strengthening among rural communities and user of land has power and controls over resource found on that definite plot of land. In terms of economic and social case, land also provides subsistence, ensuring life, and is very crucial for human existence. To achieve the above objectives, and needs peoples compete to seize piece of land and the competition led to dispute.

Rural land dispute occur among individual farmers, between farmers and government or between farmers and foreign or local investors. In addition, rural land administration related disputes are most of the time arise between farmers and the government (Haftom, 2011). Farmers are the main agricultural stakeholders in Ethiopia. The farmers are currently facing several challenges of land fragmentation and land degradation, which is resulting in a decline in their agricultural productivity and are threatening their livelihoods. Farmers largely rely on the fragmented plots and rainwater as input to their production. The increase in the pressure resulting from land degradation and fragmented plot are aggravating the situation of competition and disputes or conflict among farmers on land (Birehu, et al. 2019).

Furthermore, Ayalneh, et al. (2006), stated the presence of scarcity and shortage of land has resulted in dispute among rural households in Ethiopia. Indeed, Moreda (2016) indicated that in Amhara region the available land holdings are intensively cultivated and often insufficient for household livelihood requirements due to continuing sub divisions and land degradation. This aggravates land and land related disputes. In this regards, Sewnet (2018), indicated that the issue of rural land is very sensitive in Bahir Dar Zuria Woreda due to many factors such as unfair land valuation and expropriation by the government for investment, as a result it cause high level of grievance and disputes with the community members.

As a matter of fact, the researcher agrees with the description of the above researchers and occurrence of land and land related disputes in the rural society are endemic and manifested in different ways like land grabbing due to many factors such as land fragmentation, commercialization of land, urbanization e.t.c., and needs great attention to establish mechanisms that can settle the problem on time by considering the desirability of restoring and sustaining social harmony in the rural community of the study area.

2.6. Causes of Rural Land Dispute

In Africa many of land related dispute in rural area is the result of weak governance of land administration, weak and loosely structured institution, systems and ineffective responses for escalated dispute related with land. In fact, land and dispute are closely linked, as land is a highly desired resource by states, societies, communities, groups, individuals and investors (Kagwanja, 2006). Therefore, weak land administration institutions contribute to the intensification of land disputes.

In Eastern Africa land, in combination with inequitable access to resources, resource degradation and demographic pressures, poor land governance has been a key driver in land dispute (ECA, 2012). Equally important, USAID (2005) described that land is a power to fulfill the needs and wants, because people have strong attachment with land since the modern history records began and they apply all of their efforts to control plot of lands which sometimes encompasses loss of life, property distraction and displacement. Further, Kironde, (2012) argues that Africa in general and Eastern Africa in particular is the scene of many disputes related to land and other natural resources. This is partly a result of the increasing demand on the existing resources as a result of

population growth, land governance deficits and lack of developing appropriate land dispute handling mechanisms in the rural areas.

The causes of the dispute are clashes of interests between the private parties or individuals, like failing to fulfill one's own obligation among peasants and competition over access, transfer and use of land may breed a dispute across individuals and groups of a community. Together with this, when symbolically or emotionally important land or property is at issue, chances of dispute and violence increase significantly (USAID, 2005). Additionally, Marry, (2004) explains that dispute over land is exacerbated by increment of individual's desire to much land to maintain food security and stability of their families. One of mechanisms used to expand land particularly among rural society is through, competing to control public land and cutting down trees of forests for expanding of the farmland and for house or shelter place. This could be leads to dispute between individuals to expand their land and the government to save forest or protected areas and communal lands.

The weak enforcement potential of rural land administration institutions, weak land governance, lack of transparency and accountability in land governance, the prevalence of corruption in institutions and limited access to land administration services for the poor rural population causes to rural land dispute (Ashenafi, 2013) due to maladministration.

In this regards, rural land administrators do not play their given roles cause disputes. Subsequently, land disputes arise due to the irresponsible actions such as poor record keeping, unnecessary bureaucratic system and if there is lack of a land registration to show who owns what and where. Similarly, corruption and lack of capacity in public land management and land administration exacerbate and increased tensions over land. Improving these processes can lower dispute and increase opportunities to resolve land disputes, relying not only on courts, which may be disabled, but on customary authorities and NGOs through use of mediation and/or arbitration (Wehrmann, 2017). Accordingly, the researcher argues, land and land related disputes needs serious attention from all stakeholders to form and apply effective resolution mechanisms in the rural society.

2.7. Theoretical Grounds for Conflict Resolution by Customary Mechanisms

There are theories which support conflict resolution by customary mechanisms through elders based on the cultural foundation of the society. Some the theories are the following:

2.7.1. Social Capital Theory

Social capital theory can be defined as the shared norms, relationships, reciprocal obligations, trust, and the horizontal and vertical social networks that facilitate coordination and cooperation for mutually beneficial collective action in the community is seen as an important asset and advantages that people use and depend on it to settle conflicts that happening in the community due to social interaction and incompatibility of interests among the member of the community in their life time. Social capital resources inspires participation by community members in the activities of the community which are important to its members and the community as a whole and respect of local values and customs that are essential to the perpetual peace of the community. It also enables the community to make decision through mutual support, collaboration, mutual agreement, and shared benefits often fostering local reconciliation by customary mechanisms to different kinds of dispute that arise in the community (Sanginga, et al. 2007).

The social capital theory can also explain the restorative nature of dispute resolution by elders in African Societies. Customary dispute resolution by elders target in restoring the social ties or social capital that had been broken by the wrong committed due to the dispute. The theory described that without strong social relationships or ties, communities could not exist and function effectively in their day to day activities. In the course of serious conflict cases such as murder, the threat of exclusion from the community participation, and therefore exclusion from social ties, acted as a preventive for wrongdoing and also to reconciliation (Kariuki, 2015).

The theory explains how the community and local elders resolve disputes and reestablish social ties. In addition to this, it also describes how social ties or social capital contributes and play role in the peaceful relationships and existence of the community (Ibid).

2.7.2. Social Solidarity Theory

The social solidarity theory is part of a functionalist theory that explains the importance of dispute resolution by customary conflict resolution mechanisms through elders even in modern societies that have adopted the western legal systems as dispute resolution mechanism. It is very important where a community cannot have access to the formal dispute resolution mechanisms due to disliking of the western legal system, dissatisfaction, costs, time, transportation and other factors. Thus, customary practices of conflict resolution by elders are used to resolve the arising disputes within the community (Durkheim, 1984 and Kariuki, 2015).

In a society, individual members are social actors who are controlled by social facts (values, norms, and social structures) in their life and social facts are functionalist in nature in the society. Social facts exist only if the society can obtain benefits from it (Ibid). Using this theory for dispute resolution by elders is possible in which, dispute resolution by elders is viewed as a social fact from which society gains benefit from it.

In his theory of social action, parsons (1991) argued that shared values and norms, which are provided for by the cultural system of the society, support the order and harmony of society. In this regards, shared value patterns are integrated in actors (individuals) mind sets and actions through the process of internalization. The social integration in a society rests on a society wide agreement on basic norms and values that long established in a society and it contributes to the peaceful co-existence of the society. Furthermore Murithi, (2006:13) stated as follows:

An integral part of the process of achieving positive peace is the need to promote social solidarity. Achieving social solidarity means that members of the society once again begin to recognize each other as fellow human beings and begin to share a concern in the common welfare and well-being of each other. Social solidarity makes sense because only by ensuring the security, safety, and well-being of other people, can we hope to secure our own security, safety, and well-being. To emphasis the need to foster social solidarity is to recognize the interconnectedness of each human being.

The social solidarity theory is essential to understand and explain the practices of the various variants of *shimglina* customary conflict resolution in rural land disputes by *shimageles* (elders and religious leaders) and how individuals and the community benefited from the *shimglina*

customary conflict resolution mechanism within the resolution of their land disputes based up on their shared values and norms.

2.8. Analyzing the Relevance of Theories to this Study

From the two main theories presented above, this study theoretically falls within the social solidarity theory. This is because people prefer the customary conflict resolution institutions as a result of the following main reasons; customary conflict resolution mechanisms or institutions focuses on reconciliation and re-establishing social harmony between or among the disputants, focuses on future harmony, not past discord, it is deep rooted in the culture of the society, and it allows flexibility in its procedures of resolutions where needed to resolve the disputes. Furthermore, it can be trusted to handle the issue effectively, and while the effectively settlement of disputes and trustworthiness of the state legal system are under suspicion. There are obviously cases of more serious disputes, in which at least the formal court procedures are important. However, the imported western philosophy formal legal court system may be and they are surely not perfect to settle problems (Zelege, 2010).

Land disputes are a social problem in Ethiopia (Bedasa, et al., 2018) in which disputes that arise from the social interaction of the community are effectively resolved through customary conflict resolution mechanisms rooted in local structures to resolve and prevent disputes escalating into conflict, instability, and violence.

The formal state based rural land dispute resolution mechanisms are not effective and failed to resolve disputes and the disputes are increasing in an alarming rate (Zerihun, 2016). Therefore, it can create negative impacts on the social and economic life of individuals, families, groups and the community.

According to Mequanent (2016) and Kassa (2020), customary conflict resolution mechanisms are more effective to resolve rural land disputes in the community based on the social norms and values. They also indicated that, there are many challenges that hinder the efficiency and effectiveness of this practical tool to resolve land disputes from its source for instance the absence of legal frameworks in the harmonization and institutionalization of customary conflict resolution in rural land disputes are the main challenge. As Luccaro (2016), assessed customary conflict resolution mechanisms has also various weakness in the resolution procedures of cases

but the weakness are not more than what the society is benefited from the strength of customary conflict resolution mechanisms.

Thus, the researcher argues that it is not only the absence of legal frameworks in the harmonization and institutionalization of customary conflict resolution in rural land disputes rather it is the low attention given by the government in working to reduce the challenges in the practices of customary conflict resolution mechanisms in rural land disputes resolution. Therefore, the researcher employed social solidarity theory to explain the practices and challenges of customary conflict resolution in rural land disputes by taking Bahir Dar *zuria Woreda* as a case study.

2.9. Customary Conflict Resolution in Africa

Customary mechanisms are grass root approaches to solve conflicts based on the values, norms, and rituals of the society. Besides to this, the most important elements involving in this mechanism include the tradition of forgiveness, respect for elders because of their traditional authority to enforce decisions and transfer of resource as compensation (Zartman, 2000).

Conflict resolution in traditional Africa is geared towards reconciliation, maintenance and improvement of social relationships. The significance and efficacy of the processes lie in the fact that they strive to restore a balance, to settle conflict and eliminate disputes (Ahmad and Ademowo, 2017). Traditional societies in Africa and elsewhere are believed to hold secrets of peacemaking locked in their ways that are formed from centuries of custom before the disruption of colonization. In places and practices that modernization has passed by, these traditions are often claimed to still be in use, keeping the heart of society in harmony and stability (Zartman, 2005) by resolving disputes within the community.

The elders in traditional African societies form a dominant component of the customary mechanisms of conflict management and resolution. The elders have the sources of authority that make them effective in maintaining peaceful relationships. The elders function as a court with broad and flexible powers to interpret evidence, impose judgments, and manage the process of reconciliation (Masinde, et al. 2004). As a result, disputes can settle effectively in it.

Furthermore, in sub Saharan Africa, customary dispute resolution mechanisms or the informal justice system has its own ideal typical attributes. These are; its focus is on reconciliation and restoring social harmony, there is an emphasis on restorative penalties, the problem is viewed as that of the whole community or group, the enforcement of decisions is secured through social pressure, there is no professional legal representation, decisions are confirmed through rituals aimed at reintegration, the rules of evidence and procedure are flexible, the process is voluntary and decisions are based on agreement, traditional arbitrators are appointed from within the community on the basis of status or lineage ,and there is a high degree of public participation (IIDEA, 2008).

Above all, customary conflict resolution mechanisms comprise social, economic, cultural and religious-spiritual dimensions in accordance with the entirety of traditions, customs and world views of a society within the different spheres of societal life. The methods involve negotiations, mediations and reconciliation based on the knowledge, customs and history of the community (Nwolise, 2005).

2.9.1. Customary Conflict Resolution Mechanisms in Ethiopia

Ethiopia is a country for different ethnic groups. Different ethnic and tribal groups of Ethiopia have different customary conflict resolution mechanisms in their cultural practices to settle various kinds of disputes within the community, between individuals, groups (Esayas, 2015, Gonfa, 2014, and Regassa, 2008). There are different customary conflict resolution mechanism institutions in Ethiopia like Gadaa system of Oromo; Yejoka of Gurage; sera among the Gordana, Silte, Masqan, Kambata and Dulata among the Gamo people to mention a few (Getinet, 2009). Customary conflict resolution mechanism institutions of various ethnic groups were the main body of law in Ethiopia for centuries that are deeply rooted in their cultures and traditions which could contribute in settling conflicts or disputes (Jembere, 2000). As Kelemework (2011), stated that customary conflict resolution mechanisms are the normative frameworks that the people are referring to control misbehaviors in the society. In addition, Fekadu, (2007) indicated that normative character of customary institutions based on norms, promises and moral rules that can reduce the cost of conflict and prevent it from escalating into destructive violence.

The customary conflict resolution practices of Ethiopia are mostly used in rural areas where the formal legal system is unable to penetrate because of lack of resources, infrastructure and legal personnel as well as a lack of legitimacy, for the modern law is seen as unfamiliar, imposed, and ignorant of the cultural realities on the ground to settle disputes, and not considering the influence of decisions in the relationships of disputant parties. Hence, in the face of such a shortage of facilities and legitimacy, the customary dispute resolution mechanisms play very vital role in the administration of justice and dispute resolution in rural communities of Ethiopia (Endalew, 2014). They are applied based on local realities and helps to resolve conflicts at a grass root level (Kelemwork, 2011).

In customary disputant resolution mechanisms, disputant parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups (Adane, 2004).

Customary dispute resolution mechanisms or the customary law is not only well equipped to handle disputes about access to natural resources, but its judicial processes also provide a mechanism for restoring harmony between or among the disputants. Furthermore, in the absence of strong state institutions, these institutions provide a reliable base for maintaining social order and security for the people. The community is making innovative use of these institutions to resolve disputes on land and other natural resources (Haftom, 2011 and Kassa, 2020). The most acceptable rural land dispute settlement mechanisms in Ethiopia are informal dispute resolution mechanisms (Ashenafi, 2013).

When rural land conflicts arise, it is the responsibility of conflicting parties to seek assistance from traditional leaders; traditional authorities in all regions agreed that they did not first approach conflicting parties when they heard of a conflict. Local authorities set a time and place for conflict resolution, call witnesses, and sometimes make site visits to contested land (UNDP, 2007).

In Ethiopia, the customary mechanisms of disputes resolution in rural land and rural land related disputes are functional and effective in spite of the position of the formal mechanism. This

glaring factual reality calls for a new legal regime on conflict or dispute resolution that recognizes the importance of local values and customary institutions (Kassa, 2020).

The customary mechanisms emphasize on collective values and collective responsibility; the family of the person who caused the harm has to participate in the collection of the compensation; the family of the adversary may also bear some responsibly which is different from the formal legal system which focuses on single responsibility of the disputants (Assefa, 2012).

In general, the practices customary conflict resolution mechanisms in Ethiopia played a great role in resolving conflicts or disputes that arise between or among individuals, and groups all over the country. In this regards, the researcher argues that the various ethnic and tribal groups of Ethiopia have strong conflict resolution mechanisms that are not disrupted by colonialism and till effective to govern and settle conflicts and disputes in the community.

2.9.2. Customary Conflict Resolution Mechanisms in Amhara People

In Amhara people, the procedure and practices of *shimglina* (elderliness), elders work with reference to orally transmitted customary norms referred to as Yeabat ager hig (the law of the land of the fathers) and the dispute resolution process is practiced based on the tradition and knowledge of elders (Yoseph, 2006). In the Amhara society, *shimglina* is the most commonly used form of dispute resolution mechanism since ancient time (Tefere & Mulugeta, 2009) and *shimglina* is a committee of elders recognized and carefully chosen by local peoples as the most effective mechanism to settle disputes in the community based on the long establish norms and values (Getachew, 1998). The major activity of the *shimageles* (elders and religious leaders) are mediating and reconciling conflicting parties including extended members of the party to create peaceful relationships (Wondyrad, 2014) based on the values and norms of the society. Religious leaders also play vital role in *shimglina* together with local elders (Ibid).

Another important institution in Amhara community is *Yezemed Dagna* (family arbitrator).The arbitrators are family members and it works for disputes that arose within family. Functions of the family arbitrators were to bring the disputant parties to an amicable solution. Such attempt enabled to settle cases without going to courts whose decision might impose further damage on an already precarious relationship (Tefera, and Mulugeta, 2009) of the disputants.

Concerning land and land related dispute resolution mechanisms in Amhara people, in any disputes on land and land related between individuals, and groups' village elders and religious leaders have been given great role and contributes a lot in resolving rural land based disputes. *Shimglina* is the foremost mechanism of dispute resolution. About 80% of the rural community takes their land dispute cases to customary dispute resolution mechanisms through *shimageles* (village elders and religious leaders) (WB, 2012b).

In the Amhara Regional State, the Revised Amhara National Regional State Rural Land Administration and Use Proclamation, deal with Rural Land Dispute Settlement Mechanism in Proclamation No.133/2006. Specifically, it is Article 29 of the Proclamation that deals with the resolution of disputes relating to rural land issue. In the Region, no civil dispute arising from the holding or use of rural land submitted to a regular court before it is submitted to customary based dispute resolution mechanism and the result of such resolution mechanism is known (Mequanent, 2016 and Shewakena, 2007).

A body which is responsible and established by the government for land and land related disputes is the elders' arbitration committee (EAC), locally known as “*ye-shemaglewoch shengo*” that are supported by the rural land administration unit in the kebele and run by a land administration expert at the local level (Gashu and Amsalu, 2017) for the resolution of land and land related disputes in the kebele community.

2.9.3. Strength and Weakness of Customary Conflict Resolution Mechanisms

The practices of customary dispute resolution in resolving dispute, access to justice and conflict management in Africa is still relevant especially due to the fact that they foster positive relationships. For this reason, most communities in Africa still hold on to customary practices under which the application of dispute resolution mechanisms is common (Muiguana, 2015). In addition, the advantages of customary mechanisms are that customs and values are part of the heritage of the people, hence, people easily admit to its principles and community practices. Further, dispute resolution is a very expensive process, mainly when we think of addressing using imported knowledge and skills or the western system of dispute resolution mechanism, which is new for our people and individualistic in its nature (Jembere, 1998). Indeed, conflict or

dispute resolution could be effective, when it is practiced based on the community based philosophy.

The other strength of customary conflict resolution mechanism is their use of ritual symbols and interpretation of myths to bring conflicts to an end between or among the disputants. The rituals and interpretation of myths have psychological impacts on the parties in dispute to create peaceful relation and co-existence in the society (Luccaro, 2016 and Hone, et al., 2018) and can also create durable lasting peace.

Perhaps, the most important strength of the customary conflict resolution system is that it focuses on the psycho-social and spiritual dimensions of disputes (Danile, 2016). Dispute resolution, and peace making is not only about negotiations and material reconstruction but also about reconciling mental issues and spiritual healing of the disputants (Sackey, 2010). Additionally, customary conflict resolution mechanisms are also important mechanisms of overcoming the barrier of illiteracy and gaps in dispute resolution service in rural populations in their area which makes it easy to access (Hone, et al. 2018).

Various kinds of weakness are also identified by different researchers to the customary conflict resolution mechanisms in general. According to Michel, (2010) most customary conflict resolution institutions have some sort of weakness in it due to their nature of establishments are highly custom based or traditional workings. In this regards, customary mechanisms to dispute resolution disagree with universal principles of human rights and democracy in its process of resolution and decision (Luccaro, 2016). Therefore, this may influence its effectiveness.

2.9.4. The Challenges of Customary Conflict Resolution Practices

Customary conflict resolution mechanisms face many challenges in the society which practiced it since ancient time. The challenges impose influences on its effectiveness in resolving conflicts which arises within the community and it is also a threat to the existence of the mechanism itself (Kariuki, 2015).

Customary conflict resolution mechanisms in different parts of the world have been highly perishing by the influence of globalization and the modernizing powers of capitalism such as the alarming expansion of urbanization, privatization and other contemporary practices. Therefore, it

could be hard or even impossible to implement customary practices to dispute resolution in the areas where modernization become expanding dramatically (Muiguana, 2015, and Shamir, 2003). This shows that African societies customary conflict resolution systems are severely weakened not only by colonialism but also by the influence of globalization or the influence of western dispute resolution mechanisms (Ben-Mensah, 2004).

In developing countries, the significance and practical implementation of customary strategies have been very much disabled by the politicization, corruption and abuse of traditional structures, which have progressively affects negatively the conflict resolution built around them in the eyes of many and diminished confidence in their efficiency and trust (Boege, 2006 and Kariuki, 2015).

Customary conflict resolution has facing challenges in the rural communities in Ethiopia, in which majority of the disputes are land based and land related (Kassa, 2020), Thus it is an obstacle that reduces its effectiveness and applicability in rural land and rural land related disputes (Mequanent, 2016).

The researcher argues that, the above stated challenges could influence the effectiveness, existence and trust of customary conflict resolution mechanisms. However, taking the influence of colonialism as challenges to customary conflict resolution is not acceptable in Ethiopia in which Ethiopians was not colonized.

2.9.5. Customary Mechanisms of Enforcing Decisions

In African communities, social order is to be maintained through inherent sanctions and exclusion. They are effective mechanisms through which community members are shaped to respect social norms, invariably creating a sort of civil religion, contained as spiritual or mental codes, for the benefit and honor of the whole community (Ben-Mensah, 2004).

Many of the customary conflict resolution mechanisms in Ethiopia did not have written law and well organized structure in resolving conflicts and to enforce its decision in their community. This makes customary conflict resolution mechanism to highly dependent on consents of the disputant, custom and spiritual belief of the community for the execution of its decision (Macfarlane, 2006).

In this regard, Tarekegn & Hannah (2008) and Habtamu, (2017) also showed that many customary institutions of conflict resolution use oath, blessing, cursing and many spiritual mechanisms to prove and accept the decision by the conflicting parties.

Concerning the enforcement mechanisms of customary conflict resolution, the researcher argues that their potentials to enforce the decision of elders and religious leaders are limited. As a result, it needs some forms of inclusion in the legal codes of the country for the strengthening of the enforcement mechanisms of customary conflict resolution practices in the community.

2.10. Empirical Literature Review

This part reviews major findings obtained from different studies related to the practices and challenges of customary conflict resolution mechanisms in rural land disputes. Muigua (2019) conducted a study on effective application of traditional dispute resolution mechanisms in the management of land conflicts in Kenya. He points out; traditional or customary disputes resolution mechanisms are associated with many advantages when appropriately used in management of land and other natural resource conflicts. The mechanism has many intrinsic values that make them preferable to the formal mechanisms in management of land conflicts and disputes; and there are procedural and appropriateness challenges that should be addressed to make them legally and practically applicable.

In this regards, the challenges are the enforcement of their outcome or decision is prove difficult due to the non-binding nature of the mechanism and determination of the expertise of practitioners are also challenge to the government to use the mechanism by harmonizing in the state legal system in which it is difficult to know elders who have the knowledge and competence of traditional dispute resolution and the modern legal system altogether due to that most elders cannot read and write. He also added that, effective application of traditional disputes resolution mechanisms in the management of land conflicts and disputes is possible and effective.

However, his study focused only in relation to the challenges observed in the practices of the legal frameworks which concerns to support the traditional dispute resolution mechanisms in rural land disputes and he did not assessed fully the challenges of traditional dispute resolution mechanism institutions in land disputes.

Berhanu (2018), assessed rural land disputes resolution mechanisms in Oromia regional state and his work indicated that village elders played higher role in land dispute resolution than the courts but he did not examined the challenges of it. In addition to this, Musto (2018) studied on the influence of indigenous conflict resolution mechanism on land use management in pokot central sub-county, Kenya and his findings shows customary conflict resolution in land is practiced from neighbors' conciliation up to council of elders and it is effective in resolving land and land related disputes. He also identified some challenges that the customary system is faced which include: non recognition by the government and also some members of the community, Christianity, conflicts between modern and justice systems among others. These challenges hindered the performance of the indigenous mechanism.

Moreover, Hebo (2005), studied on land disputes settlement in a plural institutional setting. He stated, the customary dispute settlement institutions are vastly practiced in the resolution of land and land related disputes in the community and the peoples are more interested in it rather than taking land issues to courts and the land administration and use institutions. Also, Mequanent (2016) assessed on the application of traditional dispute resolution in land administration in Amhara region and finds out that the application of traditional community based dispute resolution mechanisms are contributed a lot to resolve disputes at the local level.

Furthermore, the WB (2012b), survey report shows that eighty percent of the people in Amhara regions take their land and land related disputes cases to customary conflict resolution institutions and the institutions are efficient to settle the issue. Gashu and Amsalu (2017) also studied decentralised rural land administration in Ethiopia: the case of Amhara region and explained in his findings in which the elderly arbitration committee is established by the government for the resolution of land and land related disputes at the local level.

Generally, the above researchers studied the role of customary conflict resolution mechanisms in rural land disputes. However, they did not assess the challenges that faced the practices of customary mechanisms in the resolution of rural land disputes. Therefore, this study were assessed the practices and challenges of customary conflict resolution mechanisms in rural land disputes in Bahir Dar *Zuria Woreda*.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1. Description of the Study Area

Bahir Dar *Zuria Woreda* is found in west Gojjam Administrative Zone of Amhara National Regional State of Ethiopia. The *Woreda*, shared boundaries with Lake Tana in north, Achefir *Woreda* in the east, Dera *Woreda* in the east, and Yilmana Densa *Woreda* in the south. It has 36 rural kebeles with its total population 202,960. The *Woreda* is located at a distance of 564 km north-west of the capital city of Ethiopia, Addis Ababa. It is situated at an altitude ranging from 1700-2300 meters above sea level and has area coverage of 151,119 ha. The area receives an average annual rainfall ranging from about 820 to 1250 mm. The minimum and maximum daily temperatures of the area are 10 and 32°C, respectively (DOA, 2000a).

The *woreda's* dominant economic activity is agriculture. Shortage of farm land is the main problem in the area because of population pressure and scarcity of farm land. The major crops grown in the area were wheat, barley, millet, *teff* and maize. Land is intimately connected to the cultural and social value of the community. Economically, farmers use land directly as an input for crop and livestock production. Moreover, it is a direct cash source through renting, share cropping, and can be used to get credit from others by contract (Abebe, 2007).

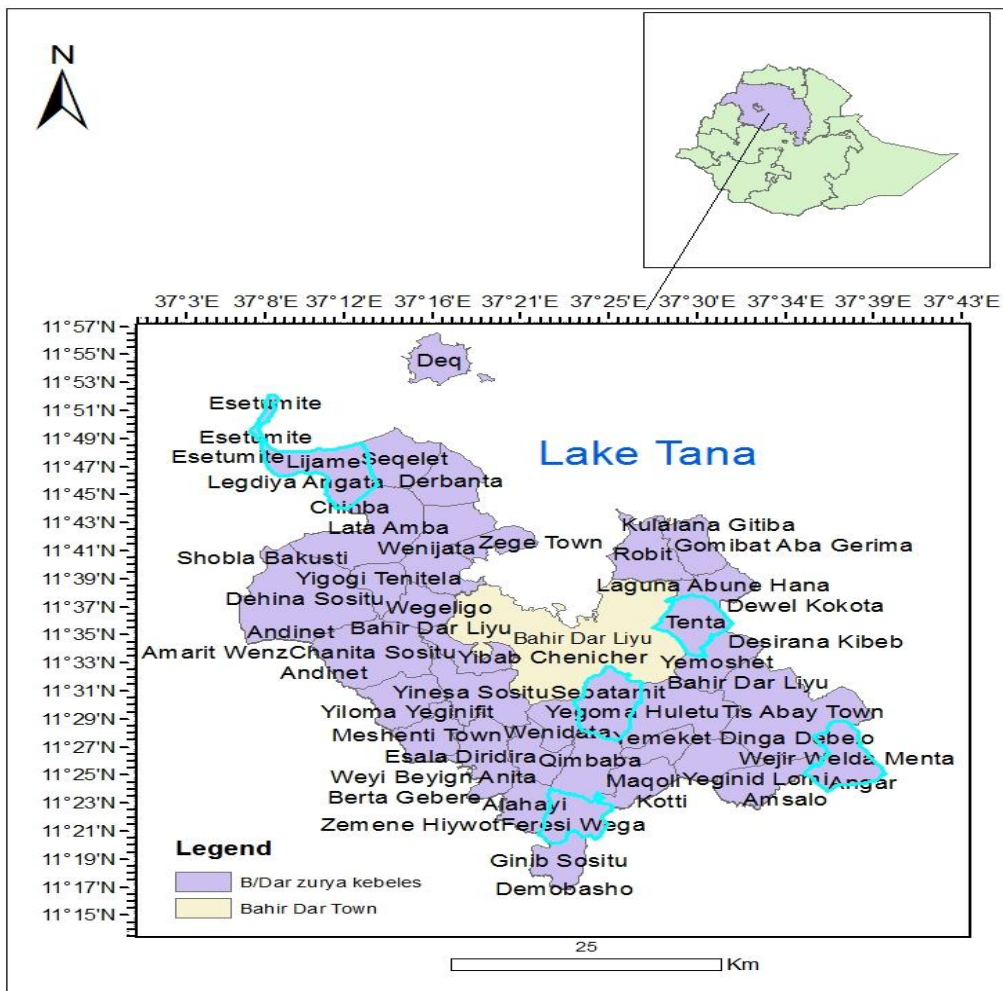
3.1.1. Selection of the Research Site

This study was conducted in Bahir Dar *Zuria Woreda* and the *Woreda* has 36 rural *kebeles*. Five are selected purposively to conduct this study. These are Wojer, Feresewoga, Tenta Qerkose, Sebatamite, and Lejome *kebeles*. The researcher selected the study site due to the rational in which the prevalence of rural land disputes in the study area and there are customary conflict resolution mechanisms that are important in the study area in settling rural land disputes. In addition, according to Zerihun (2016), the rural land disputes in Ethiopia are increasing in an alarming rate and the current state based rural land dispute resolution mechanism is failed. As WB (2012b), stated eighty percent of land disputes in Amhara region are taken to customary conflict resolution mechanisms. Based on researcher experience and observation, peoples who reside in the above selected *kebeles* face recurrent serious land disputes and the formal legal

system is unable to resolve the disputes effectively from its source and not suited with the socially interconnected life of the community.

In addition, the researcher observes many challenges in the practices of customary conflict resolution in rural land disputes that reduce its effectiveness, endanger its existence and the trust of customary conflict resolution mechanisms in the community. This makes the researcher to select the practices and challenges of customary conflict resolution in rural land disputes as a case study in the study site which has given little attention by researchers.

Figure: 1. Map of the case study area (Bahir Dar Zuria Woreda)



Source: Bahir Dar Zuria Woreda rural land administration and use office (February, 2020)

3.2. RESEARCH DESIGN

Research design is plan to study a problem scientifically and the framework that have been created to answer the research questions (Kothari, 1990). This study used case study research design to get the detailed understanding of the issue under study within a setting. According to Deribsa, (2018) case study is important to investigate groups, events, situations or culture and to reflect its uniqueness. In addition, (Bromley, 1997), explained that, case study is a systematic inquiry in to an event or set related events which aims to describe and explain the phenomena.

The reason for using this research design is that the objectives, research questions, and nature of the problem under investigation require in-depth analysis of the practices and challenges of customary conflict resolution mechanisms in rural land dispute in its natural setting. Using case study design was enabled the researcher to collect the detailed information from the experience of participants of the study by using different data collection instruments.

As Yin (2009) stated, case study research design helps for an in-depth understanding of the phenomenon in its natural settings. Second, it provides a holistic and in-depth explanation by closely examining the topic in question through individual perspectives.

Accordingly, the case study design gave the researcher to examine the practical reality of the practices and challenges of customary conflict resolution mechanisms in rural land disputes within its natural environment based on the ideas or viewpoints of the study participants. In addition, it was also enabled the researcher to assess the types of rural land disputes, the cause of the dispute, and the resolution process.

3.3. Qualitative Research Approach

The study employed qualitative research approach to this study as the nature of the research that target on community beliefs, opinions, experiences, and relationships, cultural and social phenomenon with regard to the practices and challenges of customary conflict resolution mechanisms in rural land disputes in the study area.

According to Dawson (2007), qualitative approach is a typical research approach which enables the researcher to come up with data that cannot be easily produced by statistical measures or

other means of quantification. It is also the means for exploring and understanding the meanings individuals or groups ascribe to social or human problems.

Qualitative research approach is suited for the researchers' task following interpretive paradigm (Adams, Collair, Oswald & Perold, 2004) as the overall framework of this study was based on the philosophical assumption of interpretive paradigm. The interpretive paradigm claims that the social world should be studied in its natural setting through the viewpoint of the participants of the study (Creswell, 2009). Accordingly, this study assessed the practices and challenges of customary conflict resolution mechanisms in relation to rural land disputes. How they employed customary conflict resolution mechanisms to resolve rural land disputes and maintain community solidarity based on the experiences and views of the society.

Land disputes are a social and individual problem that disrupts the peaceful relationships and development of individuals, groups and the community in general. Thus, qualitative research approach enabled the researcher to explore and understand the practices and challenges of customary conflict resolution in rural land disputes.

Qualitative research uses a naturalistic approach that seeks to understand phenomena in context specific settings, such as real world setting where the researcher does not attempt to manipulate the phenomenon of interest (Patton, 2001, cited in Golafshani, 2003). Besides, qualitative research explores attitudes, behavior and experiences through such methods as interviews or focus groups. It attempts to get an in-depth opinion from participants. As it is an attitude, behavior and experiences which are important to the study (Dawson, 2007). The practices and challenges of customary conflict resolution mechanisms in rural land disputes as being one aspect of social reality; qualitative analysis was believed to provide an appropriate understanding of the subject. This research approach were enabled the researcher to deeply explore and analyze the experience of the participants and provided essential data in studying the practices and challenges of customary conflict resolution in rural land disputes. Accordingly, the research questions are found to be effectively addressed by the qualitative approach.

Qualitative approach was selected because of its very useful role to gather firsthand, rich information, and to understand the practice and challenges of customary conflict resolution in rural land disputes, the cause of land dispute, the strength and weakness of customary conflict

resolution in rural land disputes, forms of customary conflict resolution mechanism in the study area to resolve rural land disputes, and to come up with reliable findings. Therefore, qualitative research method was enabled the researcher to examine the perspectives and experiences of the participants of the study.

3.4. Methods of Data Collection

In conducting this research, the researcher used both primary and secondary sources of data to achieve the purpose of this study.

3.4.1. Primary Sources of Data

The primary data is the information that was gathered through interview, focus group discussion and observation. In this research, basically primary data source was employed to gather first-hand knowledge about what is going on in the community with regard to the practices and challenges of customary conflict resolution in rural land dispute to achieve the objectives of this research. The sources of primary data was rural local elders, and rural religious leaders, the *kebele* elderly arbitration committee for land disputes, *kebele* and *Woreda* rural land administration experts, the kebele land administration committee, *Woreda* court judges, rural land holders who settled their land dispute in CCRMs, and rural land administration experts from Amhara region land administration and use Bureau.

3.4.2. Secondary Sources of Data

Secondary data is the data that have been collected by others and already existed. The secondary data was collected and analyzed from sources such as institutional records, books, journal articles, working papers, reports, and from published, unpublished MA and PhD thesis and from legal documents. In the secondary data, there was detail examination of the different reports of the *Woreda* court, *kebele* land administration offices to collect data about the cause and types of rural land dispute in the study area. Additionally, documents and reports of the *Woreda* rural land administration were analyzed.

3.5. Data Collection Instruments

3.5.1. Semi-Structured Interview

Semi-structured interview is perhaps the most common type of interview used in qualitative social research. In this type of interview, the researcher wants to know specific information which can be compared and contrasted with information gained in other interviewee (Dawson, 2007). Moreover, interviewing is a valuable data collection tool because it allows the participant to share their experiences, attitudes, and beliefs in their own words to the researcher. The use of direct quotations in the study findings helps the researcher present an accurate depiction of what is being studied, evaluated or assessed (Schuh & Upcraft, 2001).

Semi structured in-depth interview was conducted with seven elders, five religious leaders, eight farmers who settled their land dispute through customary conflict resolution systems, two *Woreda* court judges, two *Woreda* and four *kebele* rural land administration and use experts, and two experts from Amhara region rural land administration and use bureau. This helped the researcher to understand and identify the cause, types of rural land dispute, the practices and challenges of customary conflict resolution in rural land disputes.

3.5.2. Focus Group Discussion (FGD)

The most important advantage of focus group discussion is participants can ask questions of each other, lessening impact of researcher bias and helps people to remember issues they might otherwise have forgotten (Dawson, 2007).

The researcher were conducted FGD to collect vital data from the view points and beliefs of the participants. Therefore, considering the advantage of conducting FGD, focus group discussion session was conducted with various informants with the aim of accessing different views about the practice and challenges of customary conflict resolution in rural land dispute, and collected large amount of data relating to the issues under study. To accomplish these task four focus group discussions were organized. The numbers of participants in each focus group were ranges from six up to ten persons. The participants were eight local elders and religious leaders, seven members of the elderly arbitration committee for land disputes, ten rural land administration committee; seven rural land holder farmers who settled their land dispute through customary

conflict resolution mechanisms were included under focus group discussion. The participants were selected through purposeful and snowball sampling method.

3.5.3. Document Analysis

Document analysis is a systematic procedure for reviewing or evaluating documents both printed and electronic material. Like other analytical methods in qualitative research, document analysis requires that data can be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Corbin & Strauss, 2008). In addition, document analysis is often used in combination with other qualitative research methods as a means of triangulation (Denzin, 1970).

Analyses of published and unpublished writings from diverse sources were part of this study. The opinions and views of prominent scholars, and researchers with respect to the practices and challenges of customary conflict resolution in rural land disputes were analyzed to achieve the objectives of the study by evaluating their reliability.

In addition, the previously documented information about the weakness and strength of customary conflict resolution systems, causes and types of rural land dispute were analyzed qualitatively with great care in order to get reliable information.

3.5.4. Non-Participatory Observation

The objective of observation is to collect data in a “natural setting.” As with most qualitative data collection methods, the individual identified as the observer is the instrument for the data collection. The observer notes things such as what people say, do, their locations, etc. (Schuh & Upcraft, 2001). Accordingly, observation is important to grasp the practices of customary conflict resolution in rural land dispute in its natural setting in the rural community. The researcher was observed the activities of *shimaglies* (elders, and religious leaders), and the elderly arbitration committee in the procedure of rural land dispute resolution and the rituals. The researcher observed three events of rural land dispute resolution through the various variants of customary conflict resolution mechanisms of *shimglina*.

3.6. Target Population, Sample and Sampling Techniques

Purposive sampling is where the researcher selects what the researcher thinks is a typical sample based selection criteria that the samples have the information about the issue under study (Walliman, 2006). The tool that the researcher was used to select his FGD discussants and key informants was purposive sampling. It is a technique in which the participants are selected on the basis of certain predefined purposes to accomplish the objective of this study. As the study is aimed at in-depth understanding of the community customary practices in conflict resolution of rural land disputes, and challenges of customary conflict resolution in rural land disputes, and purposive sampling method were employed to select the study participants.

In this case, the participants of the study were elders, religious leaders, *Woreda* courts judges, and *Woreda* and *kebele* land administration experts, the land administration committee, and land holder farmers who settled their land dispute with customary conflict resolution mechanisms and experts from Amhara region land administration and use Bureau. Key informants were selected on the bases of their experience, wisdom, and social acceptance with customary conflict resolution methods by the help of the community members, and my own personal experience in the study area. In this regards, Elmusharaf, (2012) key informants, as a result of their personal skills, or position within a society, are able to provide more information and a deeper insight into what is going on around them and in the community.

In addition, the researcher was used snowball sampling to select the rest of participants. Snowball samplings were implemented to get the elders and religious leaders experienced and well recognized by the community in conflict resolution in the study population. According to Elmusharaf, (2012) in snow ball sampling, the researcher initially contact a few potential respondents and then ask them whether they know of anybody with the same characteristics that the researcher is looking for the research and sampling usually continues until data saturation.

The study was focused on five rural *kebeles* of Bahir Dar *zuria Woreda* and respondents were selected from it. Therefore, the target population of the study was residents of Wojer, Sebatamet, Tentakerkose, Feresewoga and Lijome *kebeles* of Bahir Dar *Zuria Woreda*.

3.7. Method of Data Analysis

The method of data analysis is decided by the research approach that is used by the researcher and the types of data collection instruments used. Thus, for this study the researcher used qualitative method of data collection methods and qualitative research approach. Therefore, the collected data were analyzed qualitatively.

After collecting the necessary data about the practices and challenges of customary conflict resolution mechanisms in rural land disputes through the help of the above data collection tools, the next tasks that were done is coding, categorizing, combining, synthesizing, and in accordance with its source, type and themes.

In other words, the collected data from various sources for the purpose of this research paper were analyzed by using the data analysis stages of Huberman and Miles (1994) stated as data reduction, data display and conclusion drawing and verification.

3.8. Ethical Considerations

According to the Belmont Report (1979), the researcher should be guided by research ethics which is universally accepted. Besides to this, Deribsa (2018), the researcher should respect confidentiality of informants, except where explicit written consent is given.

In this study the researcher were taken into consideration the academic research ethical principles in the interactions of the study population or participants. The researcher was respected and preserved the confidentiality of participants' identities and data at all times. The principles of anonymity were respected, which essentially means that the participants were remaining unnamed throughout the study.

3.9. Validity and Reliability of the Research

For the purpose of the dependability and credibility of the research, the researcher was assured by the use of multiple methods. For instance, the researcher used data collection tools that were different to cross-check the trustworthiness of the data that were collected from the participants of the study. This is for the purpose of data triangulation in social science research (Mitchell, 1986).The collected data from various sources such as from FGD, interview, case study, non-

participatory observation, and document analysis were cross-checked or triangulated for the purpose of reliability and data collection instruments were properly prepared for the purpose of data validity. In addition to this, throughout the study the researcher was communicated with advisors to reduce errors.

CHAPTER FOUR: RESULTS AND DISCUSSION

4. THE PRACTICES AND CHALLENGES OF CUSTOMARY CONFLICT RESOLUTION MECHANISMS IN RURAL LAND DISPUTES

4.1. Introduction

The practices of customary conflict resolution mechanisms existed among Bahir Dar *Zuria Woreda* people from time immemorial. They have been transferred orally from one generation to the other next generation. This chapter first proceeds by identifying and contextualizing the drivers or causes of rural land disputes among Bahir Dar *zuria Woreda* people followed by an in-depth description of the institutions, rituals and practices of customary conflict resolution mechanisms, its challenges, strengths and weakness of customary conflict resolution mechanisms in rural land disputes of the Bahir Dar *Zuria Woreda* people.

4.2. Causes of Rural Land Disputes

Interview with the Woreda Rural Land Administration shows, rural land and rural land related disputes are the main types of dispute in rural communities of Bahir Dar *zuria Woreda*. As he argued, “the dispute aroused from various causes which are land based due to shortage of land for various purposes to the rural people like land for farming”. In this regard, Zerihun, (2016) indicated that in the rural Ethiopia, the root cause of the increasing rural land dispute is shortage of agricultural land in the face of high population pressure and very limited alternative means of livelihood for the rural community. Furthermore, focus group discussants explained as follows:

We encountered and observed in our villages that rural land disputes among individual landholders, family members, government officials and the community is increasing at an alarming rate within community as land is a multipurpose resource for livelihood (FGD 2 with the elderly arbitration committee at Sebatamet kebele 9th February, 2020).

This evidence showed rural land disputes are highly disruptive in the community. The study reveals that causes of rural land disputes in the study area are divided in to two major categories even if they are interconnected to each other. These are briefly discussed below.

4. 2.1. Indirect Causes of Rural Land Disputes

4.2.1.1. Population Pressure

The collected data indicated that natural population growth with unbalanced land for farming, settlement and grazing purpose is a factor for land disputes in the study area (Interview with kebele rural land administration and use expert 1 at Wojer kebele, 9th February, 2020). In this regards, Kironde (2012), USAID (2016), and Wehrmann, (2008) Africa in general and Eastern Africa in particular is the scene of many disputes related to land and other natural resources. This is partly a result of the increasing demand on the existing resources as a result of population growth, land governance deficits and lack of developing appropriate land dispute handling mechanisms in the rural areas. As the informant argued,

Due to population increase, most of our farmers hold inadequate plot of land to cultivate for their food security and there is high demand for farm land within the community members. Thus, this makes land as a source of dispute between and among individuals (Interview with Woreda rural land administration expert1 at Bahir Dar zuria Woreda, 18th February, 2020).

Furthermore, some of the focus group discussants also narrated the issue of rural land shortage in their community in the following way:

There is great imbalance between the available farm land and the farming community who needed land for farming. Control of the available farm land through different mechanisms created unproductive competition and it aggravated land disputes. A case in point, focus group discussants illustrated, many people in the study area are landless and they asked the government to get access from the communal land for farming, ranching and settlement purpose (FGD5 with ¹kebele land administration and use committee at Tentakerkose kebele, 10th, February 2020).

¹The *kebele* rural land administration and use committee is a body responsible for all the practical matters of land administration and use at kebele level. Its responsibilities includes activities such as defining boundaries of kebele and sub-kebeles, communal lands, land held by institutions (e.g., religious centers, schools, health services, etc.), registration of individual holdings and approval of land transfers.

As a result, this natural phenomenon resulted in the increased land dispute in the community. Therefore, population increases were the root cause or indirect driver for land disputes in the community of the study area.

4.2.1.2. Rural Land Scarcity

Rural land scarcity and shortage causes land dispute. In supporting this, Ayalneh, et al. (2006) stated that the presence of scarcity and shortage of land has resulted in dispute among rural households in Ethiopia. In addition, Moreda, (2016) explained that in Amhara region the available land holdings are intensively cultivated and often insufficient for household livelihood requirements due to continuing sub divisions and land degradation. Therefore, the evidence gained from Woreda rural land administration asserts also, rural land scarcity and shortage largely drives land disputes within the community. The informant described the problem in the following ways:

In our community, most of the young members of the community are landless due to shortage of access to land. They used different mechanisms to get access to farm land like rent, buying, and share cropping. This created unproductive competition to control land through the above stated mechanisms and mostly led to disputes among and between individuals (Interview with kebele rural land administration expert 2 at Tentakerkose kebele, 9th, February, 2020).

As Marry (2004), explained dispute over land is exacerbated by increment of individual's desire to much land to maintain food security and stability of their families in their life. As a result, this evidence showed, shortages of land for farming, settlement, and grazing purpose largely drives land disputes in the community. Informants also added, the shortage of farm land in which the rural people depend upon it as a major livelihood to a achieve food security and this contributes competition to use and access the farm and grazing land, and resulted in disputes among individuals, groups, and families. Accordingly, peoples' competitions for land to use, control, or access are the sources of dispute (Interview with Woreda rural land administration expert 1 at Bahir dar zuria Woreda, 18th, February, 2020).

4.2.1.3. Poverty

According to informants, rural economic poverty also causes for individuals and groups to involve in land and land related disputes. As land is an important economic asset to alleviate their level of poverty and to achieve food security (Interview with *Woreda* rural land administration expert1 at Bahir dar *Zuria Woreda* rural land office, 18th February, 2020). Rural land is a very important economic factor of production to produce food and other primary goods for survival from poverty. In addition, land for the rural people is the source of income and social insurance, and reputation (ECA, 2012, and Baranyi, 2006).

As informants said “farm land is the only source of income and livelihood due to the absence of alternative source of income and lack of experience to inter into other ways of life beyond farming”. This affirmed that people who are poor in land and having economic problems are more vulnerable and involved to land disputes due to that their small plot of land is not enough to sustain their life in agriculture (Interview with *kebele* rural land expert 4 at Lijome, 10th February, 2020). In this regards, Wehrmann (2008:22), indicated in his study as follows:

The root of land disputes and conflicts are psychological fears and desires (e.g. fear for existence, fear of insecurity, desire to be recognized, cared for and loved) resulting in material and emotional needs (need for shelter, need for a production base, longing for self-esteem, or seeking power and wealth). These needs shape people’s interests, which then result in their attitudes and positions and finally define their behavior to land disputes and conflicts.

In addition, informants also indicated, community members attempted any possible means which are acceptable or not in the community or by the government to get access to plot of arable land for the fulfillment of their needs to secure their living. Hence, they encounter dispute with individuals, families, and the community and the government.

4.2.1.4. Institutional Weakness of Rural Land Administration Institutions

The weak enforcement potential of rural land administration institutions, lack of transparency and accountability in land governance, the prevalence of corruption in institutions and limited access to land administration services for the poor rural population are structural causes to rural

land disputes (Ashenafi, 2013, and Wehrmann, 2017). Again, the data gained from informants revealed that the potential of *kebele* and *Woreda* rural land administration and use offices were limited and failed to govern and address rural land disputes which are recurring in the community due to various causes (FGD3 with farmers who settled their land disputes through customary conflict resolution mechanisms at Sebatamet *kebele*, 11th February, 2020). Furthermore, the informants complained as follows:

Our kebele and Woreda rural land administration institutions are fragile to govern the causes of rural land disputes because of their irresponsible activities such as corruption, lack of accountability, transparency, poor record keeping, unnecessary bureaucratic system, the absence of well-timed response and decision to our land cases and this aggravated and derived land disputes more serious in the community (FGD1 with elders at Wojer kebele, February, 10th 2020).

Besides, two key informants disclosed that rural land and rural related disputes were vastly existed among families, people and state officials, due to abusing of power and forcing officials by different mechanisms like creating influence by other body that have a relationship to divert the existing normal legal working procedures towards the interest of a person to have farm land illegally is common. As a result, violation of the rights and benefit of most vulnerable people like the economically poor in transferring and using of rural land rights were the most common sources of disputes in the study area (Interview with community elder 2 and religious leader 1 at Feresewoga *kebeles* , 23rd , February, 2020). These issues resulted to fuel the problem.

4.2.1.5. Land Registration and Certification

The major advantage of rural land registration and certification was to reduce land based dispute and land related disputes. Indeed, the government in the study area conducted rural land certification and registration of the rural lands to ensure the holding rights (USAID, 2016, Berhanu, & Fayera, 2005, Shewakena, 2007). Rural lands are recorded and farmers acquire certificate of their peace of land in order to ensure tenure security and to reduce land dispute that arise among or between farmers (FGD1with the kebele rural land administration and use committee at Lijome *kebele*, February, 10th, 2020). However, the researcher observed the *Woreda* courts and land administration offices were crowded by large amount of people who

have land and land related disputes due to lack of land registration and certification problems. Furthermore, the annual reports of the rural land administration and use offices showed that most of the cases were rural land registration and certification related disputes (see table, 2 below).

According to the interview with the kebele rural land administration and use expert 3 at Wojer kebele, 9th February, 2020, said “rural land registration and certification procedure was very complex” due to that, there were many interested people in one plot of land and difficult to know and identify the right owner. Moreover, individuals and families arouse ownership disputes during the times of land registration and certification procedures and the disputes were investigated at the grass root level within the community to identify who have the right holding right based on the rural land administration proclamations. The community and villagers were witness to identify a certain plot of land was owned by whom from its source. Thus, land registration and certification disputes were still continued and needs effective resolution mechanisms.

4.2.1.6. Increase in Rural Land Value

The value or price of land increased due to many reasons which include expansion of urbanization, the existence of high demand for land and commercialization of rural land for farming (USAID, 2005). In fact, two Woreda rural land experts indicated, the issue as follows:

The area is peri urban so that commercialization of farmland for flora farms to national and foreign investors and industry sites formed. Hence, causing land disputes between individuals, and investors and the government because of unfair land valuation and expropriation problems were happened. Above all, the price of land in the area was very high and people who trade in land were increasing from time to time due to the expansion or enlargement of the city. Equally important, the land market were ran out of the government system and these practices were the source of dispute when the government attempts to control the land market and what the government call “illegal land grabbing” (Interview with the Woreda rural land administration expert1 and 2 at Bahir Dar zuria Woreda rural land administration and use office, 18th, February, 2020).

In this regards, the dispute arose, when the government tried to control the illegal land market by damaging their constructed houses without considering their expenses of the price of the land they paid and the price of house construction in general (Interview with kebele rural land administration expert⁴ at Sebatamet *kebele*, 9th February, 2020).

Furthermore, three focus group discussants were argued on this issue and summarized as follows:

The values of farm land such as farm land is single source of survival, source of social privilege, source of wealth accumulation, and means of getting care takers for old age in the community due to limited alternative means of livelihood beyond using land as a major sources of income to lead their life and this indirectly contributed to the frequently emerging rural land disputes (FGD2 with the ²elderly arbitration committee at Wojer kebele, February, 9th, 2020).

4.2.2. Direct Causes of Rural Land Disputes

4.2.2.1. Boundary Dispute

Boundary disputes between individual farmers who are neighboring in farm and private grazing land were mostly happened in the rural population (Bamlak, 2013, Haftom, 2011 and Kassa 2020). According to one key community elder informant, this attributes of rural land dispute was due to boundary trespassing of individuals' farm and private grazing land of the other farmers. In addition, boundary disputes also happened between the community and individuals when individuals encroach and garbs communal lands (Interview with elder² at Wojer kebele 5th February, 2020).

The other informant also added that community members in the study area used collected stone, tree, ditch, and small rivers to demarcate the boundary of their agricultural farm land, private grazing lands and communal grazing lands from individual holding. The symbols gradually disappear due to natural and man-made forces through time. The removal of border demarcation symbols brings boundary trespassing between individuals. Due to this reason, dispute would

² *Shimagile shengo* or the elderly arbitration committee is a body established by the government for rural land disputes only at the *kebele* level.

occur between individual farmers, groups and the community. Also, boundary disputes occurred between individuals and the community when individuals pass the boundary of the lands of the community owned institutions like school and church compounds (Interview farmer 2, who settled their land dispute through *shimglina* at Sebatamet *kebele*, 14th February, 2020).

The rural people involved in farm land boundary disputes and the natures of the disputes were difficult to govern with formal state based conflict resolution mechanisms. Because, no one knows the real boundary of a certain disputable land except, the guise of the neighboring farmers. The upshot of all, informants suggested that the various forms *shimglina* customary conflict resolution mechanisms are more suitable to settle this types of disputes (Interview with the *kebele* rural land administration expert 3, at Wojer *kebele*, 9th, February, 2020).

Three FGD4 discussants said that:

we knew members of our villagers who are now in jail as a result of serious farm land boundary trespass disputes and who emotionally took direct physical violence and we knew individuals who killed each other to keep a little portion of their farm land boundary (FGD4 with the kebele rural land administration and use committee at Tentakerkose kebele, 10th, February, 2020).

This evidence indicated how farm land boundary dispute was serious issue in the community and needs effective resolving mechanisms.

4.2.2.2. Dispute on the Transfer of Rural Land

These causes of dispute is related to the transfer of farm and private grazing land from one landholder to another land user in the form of rent, donation, inheritance, sell, and share cropping for a limited period of time was common activity in the rural community (Behailu, 2015, Mequment, 2016, Ashinafe, 2013, USAID, 2016). According the data obtained from the elderly arbitration committee, transfer of rural land was the most prevalent cause of dispute in community. Farmers transfer their farm land and private grazing land to other farmers through informal traditional local agreement for a few years. Commonly, farmers rent and sell their land to individuals who have insufficient farm land or no farm land in contractual traditional local agreements because of different reasons. During the end of the contract, individuals violated

their holding terms of agreement and unable to return the land to its owner (FGD2 with the elderly arbitration committee at Lijome *kebele*, 9th February, 2020). This causes disputes between individuals.

In addition, the informants stated that share cropping was common activity in the community of the study area. Elders, women and disable land holders who cannot do agricultural labor activity used their land as a source of income through share cropping mechanisms based on the tradition of the community. In this regards, *Siso* (one third) and *Iqul* (Equal) is the most commonly used share cropping mechanisms in the community. *Siso* share cropping means the legal land holder takes one third of the crops from the total amount of crops and the remaining is for the share cropper holder. *Iqul* (Equal) share cropping means the legal land holder and share cropper holder divide the total crops equally. In addition, sometimes they also shared agricultural input expenditures including labor work based on their agreement. Both share cropping mechanisms were practiced based on local traditional agreements. Here, the dispute arise when one of them are violated their share cropping agreement they forwarded (Interview with elders at Feresewoga *kebele*, 19th, February, 2020).

As the *kebele* rural land experts described the issue in the following manner:

Almost in all working days, disputes related to the transfer of rural land were reported to our office to find a solution to the disputes. Most of the disputants were individuals and families. They also added that these types of disputes were mostly resolved effectively through the community based conflict resolution mechanisms to maintain the peaceful interaction of the disputants (Interview with kebele rural land administration expert4 at Sebatamet kebele, 9th, February, 2020).

4.2.2.3. Rural Land Inheritance Disputes

Inheritance is one of the mechanisms to get access to rural land for livelihood. Disputes over the inheritance of parental farm land between family members' causes serious disputes in rural communities because of incompatible interests of inheritors (Wehrmann, 2017, Wehrman, 2008, FAO, 2002). Likewise, in the study area community, unequal division of rural land when family members inherit their family farm land led to disagreements and cause serious disputes. Families who divide their family farm land are not equally satisfied by considering who serves and cares

the most to the owner of the land during their life time. Therefore, the disputes arises within the family members due to their interest are incompatible to inherit the land (Interview with elders and religious leaders at Wojer kebele, 7th and 24th February, 2020). The other informants also summarized the issue as follows:

There were individuals who ask inheritance right without knowing the inheritance regulation of the government in the community. In addition, there were families who killed with each other due to disagreements over the inheritance of their family farm lands. Therefore, land inheritance dispute were also common problem in the community (Interview with the kebele rural land administration expert1 at Ferezewoga kebele, 10th, February, 2020).

4.2.2.4. Dispute on Squatting on Communal Lands

Illegal occupation of communal grazing lands through squatting was the common problem in the rural community (Assefa, 2012, Mulugata, 2017). As most of FGD discussants described, squatting on communal grazing lands near the farm lands and at the frontier of settlements were also the cause of dispute between individual farmers and the community. Farmers who holds farm land near to the communal land squats to expand their farm land (FGD2 with the elderly arbitration committee at Sebatamet kebele, 9th, February, 2020). The weak management of communal lands by the government and the community, shortage of land, and landlessness were encouraging causes for squatting. However, the community has the interest to protect the communal land for common grazing purpose and the dispute arose, when the community tries to manage and return the occupied land; though squatters were not voluntary to do and the dispute were disruptive in the peaceful coexistence of the community. Above all, the weak management of communal lands opens the room for squatting and causes to disputes (Interview with kebele rural land administration expert 2 at Wojer kebele, 12th February, 2020). Thus, squatting on communal land were one the causes of rural land dispute which involved many actors and needs effective solution to resolve the problem.

In this regards, the kebele rural land administration and use committee indicated as follows:

In our area, almost all farmers who had farm land in a shared boundary to the communal land squats some portion of it to expand their farm land, to shelter private grazing land

for ranching. The dispute instigated when the community started to demarcate the boundary to return the squatted parcel communal lands. Most important of all, the community was the protector of communal lands. Despite the fact that, formal state based mechanisms were weak to settle and govern communal land related disputes which arose between the community and individuals (FGD 5 with kebele rural land administration and use committee at Tentakerkose kebele, 10th February, 2020).

4.2.2.5. Land Disputes in Access to Road or Pathways

Based on the information obtained from elders, access to pathway was one source of land dispute in the community. The community needed pathways or road for going to farm fields, grazing lands, connection to villages, church, and to governmentally known public roads. Farmers in the study area were sowing pathway purpose allocated lands which shared boundary to their farm land and closed it. The movement of people and animals to their farm fields were in problem. Therefore; this causes disputes among community members to open the closed pathways. The root of this dispute were shortage of farm land and lack of governing mechanisms related pathway related disputes within government rural land administration systems (Interview with elder 4 at Tentakerkose *kebele* February 7th, 2020).

Further, the existence of pathways to access the community to different places from their home was acceptable by the community and the government, but shortage of farm land was significantly a push factor to use pathways for cultivation activity. The dispute was more intense especially during summer season in which it was the time that the movement of farmers and animals to their farm field increased (Interview with elders and religious leaders at Lijome *kebele*, 13th, and 17th, February, 2020).

4.2.2.6. Dispute on Grazing Land

Dispute on grazing arable land is often happened in African rural society (Wehrmann, 2008 and Daudeline, 2002) the Ethiopia experience is not much far from this phenomenon. In the study area, there are disputes between individual land holder and the community over communal grazing land. The dispute is happened when individual land holders take some portion of the communal land for private grazing purpose (Demek, 2012). In the same manner, there were disputes related to communal grazing land between the community and the government when the

government took their communal grazing land for flora farming investments to private investors without considering the livelihood of the people who use that area for grazing (FGD1 with elders at Feresewoga *kebele*, 10th February, 2020).

In addition, elders explained the issue as follows:

In our area, grazing land disputes were happened in the community, when farmers used their farm land for grazing as a result of shortage of communal grazing land in the community due to environmental degradation and the dispute mostly happened when individuals who took over other private grazing lands. The dispute involved families, and individuals (FGD2 with the elderly arbitration committee at Sebatamet kebele, 9th February, 2020).

4.2.2.7. Divorce Related Dispute

Dispute due to land property division was common when land holders make divorce in the rural community (Gerima, 2014, Shibeshi et al. 2015). Similarly, in the study area, the husband mostly neglects the rights of his divorced wife to divide the farm land and interred in to dispute between families of the wife and husband. Land property division during divorce cause serious dispute among the families of husband and wife and sometimes led to violence and loss of life (Interview with elder 4 and religious leader 3 at Wojer *kebele*, 17th February, 2020). Four FGD1 participants said:

In our community, there was no divorce which was peaceful in the procedures of land property division between the divorced individuals. The dispute was common to all divorced individuals but it was more serious to those farmers who married landless women and led to divorce. The dispute was serious due to that as he is asked to give half of his farm land to her. The government supports the equal share of landless women from her husband during divorce in conditions but the community did not recognize this activity. Accordingly, divorces completed with dispute and sometimes families inter into destructive disputes (FGD1 with elders at Tentakerkose kebele, 10th, February, 2020).

4.2.2.8. Drainage Direction Land Disputes

Drainage direction on farm land to the flows of flood is a source of disputes in the rural community. Farm land drainage is seasonal cause of farm land disputes (Melak et al. 2012). As FGD discussants explained, a lot of farmers involved to farm land disputes because of drainage direction of flood. Mostly, in summer rainy season, farm land disputes caused by drainage direction are common in the community to protect their farmland from degradation or erosion (FGD2 with the elderly arbitration committee at Lijome kebele, 9th February, 2020). In addition the informant described it in the following ways:

Our farmers used drainage in their plot of land to the flow of floods and farmers divert the direction of the drainage which comes to their farm land in order to protect from erosion and the health of crops from flood damage. Since, the farm lands are interconnected to many other farm lands, and the drainage runoff inter into the neighbor farm lands, hence, it were damaged the crops of others and disputes happened between and among farmers in the community. There is no regulation to govern drainage direction disputes in rural land administration institution of the state. However, the community has their working habits in regulating drainage systems across many plots of farm lands (Interview with the kebele rural land administration expert1 at Feresewoga kebele, 10th, February, 2020).

4.2.2.9. Plant Shade Land Disputes

Peoples in the study area planted trees for timber, housing and firewood and for other related purposes. Plants that are planted near harvested farm land have been influenced the productivity of crops due to the plant shades. The owner of the plant wants to benefit from it after it is growing up to the needed stage to use for different purpose. On the other hand, the owners of the crops are also interested to reduce the effect of the plant shade in on the crops health and productivity. Thus, their incompatible goal cause disputes (Interview with elder 6 at Sebatamet kebele, 30th February, 2020). The informant indicated the problem in the following ways:

The government and the community accepts that plant shade has a great effect on the health of crops and the productivity of the farm land which are near to the tree planted area. Despite, the fact that, the activity of individuals in the community

created dispute by the reason that individuals did not consider the benefits of others who losses due to the plant shade that are planted in the border of their farm land (Interview with the kebele land administration expert 3 at Wojer kebele, 10th February, 2020).

Therefore, this shows that it is an attribute of the direct cause of land disputes in the community and needs effective resolution mechanism to reduce the adverse effect of the problem.

4.2.2.10. Livestock Destroy Crops

Based on the collected data, distraction of crops or harvests by cattle or livestock caused serious disputes between individuals in the community. The informant explained it as:

This cause of disputes mostly happened in our area when the landholder's farm land shared boundary with the communal grazing lands and pathways. The owners of the crops needed compensation for the damaged crop and accuse the owner of the livestock and sometimes, the owner of the livestock might reject its accusation so as not to pay compensation triggers the disputes and changed to direct violence as revenge (Interview with elder4 at Tentakerkose kebele, 13th February, 2020).

In this regards, in concerning this dispute *shimglina* customary conflict resolution mechanisms contributes a lot in reconciling the disputants to restore their earlier peaceful relationships.

4.2.2.11. Land Grabbing Dispute

Land grabbing disputes are the most commonly happened dispute in the community due to that individuals seizing the communally owned rural lands. Peoples who do not have sufficient land or no land are more participated in such types of activities. Peoples who grabbed some portion of the communal land registered it illegally and they claim ownership, when the community and the government asked them to leave the land and directly inter in to disputes (FGD5 with the kebele land administration and use committee, at Lijome kebele, 9th February, 2020).

In addition, the informants explained it the cause of the dispute as follows:

Now a days government officials and their relatives is the main actor in land grabbing activity through different mechanisms like taking some portion of the communal land by establishing associations in the name of job creation for the unemployed job seekers. In fact, its objective is significant, but it creates grieving among the community members and results to dispute between the government and the community members because of the unfair practice of government officials in the recruitment of job seekers to create job on the lands of the community (FGD2 with elders at Sebatamet kebele, 9th February, 2020).

This form of dispute is difficult to settle within the state system of state based formal conflict resolution mechanisms as it is more exposed to corruption and unable to manage and resolve the disputes on time and sometimes it also aggravated the problem (FGD2 with the elderly arbitration committee at Sebatamet kebele, 9th February, 2020). Therefore, land grabbing largely causes disputes among community members.

4.2.2.12. Dispute on Compensation Payment for Expropriation of Rural Land

As to key informants revealed, dispute in rural land expropriation with unsatisfactory compensation for the farm land they lost by the government was the most common disputes that arise in the study area (Interview with elder1 at Sebatamet kebele, 19th February, 2020). In supporting this argument, Hillo, (2018:18) stated that:

The issue of rural land dispute between individuals and the State in Ethiopia arise when there is expropriation by the State of rural land under individual holding with inadequate compensation. Where land is expropriated by regional governments for leasing to agricultural and industrial investors, there is a large variance between what the investors pay and what is paid out in compensation in many cases. Many farmers complain that government agencies are just taking their land in order to lease it to another individual or company without the interest of farmers.

Indeed, the rural land administration institutions should discuss with the land holders about their ideas to lose their land rights and to receive compensation. This helps the rural land administrative bodies to pay the compensation with a fewer grievances and to get consensus with

the parties who lose their farm land by compensation (Interview with Woreda rural land experts at Bahir dar zuria Woreda, 9th February, 2020). But, in practice the informants explained that:

No one was discussed with us and we were not asked our interests about our farm land and our choice of interest in we needed compensation money or another plot of land to be replaced for farming. As a result, we were in dispute with the government because of that they were not satisfied us in the compensation payments. Besides, the grievance hearing committee in the rural land administrative body was not impartial to resolve the dispute that aroused because they were politically appointed to do this task and they favored to the government in their discussion and decision to resolve the disputes. Accordingly, the dispute resolution mechanisms in relation to this issue were not effective in resolving the dispute that were arose due to unfair land valuation and expropriation (Interview with elders at Tentakerkose kebele, 17th, February, 2020).

In addition to the above stated issue rural land disputes were destructive and sensitive in the study area. In this regard Sewnet (2018: 87) stated it as in the following manner:

Expropriation to farms resulted in political violence, tenure insecurity, strained government-society relations and created distrust and deterioration of government legitimacy. Conflict and resistance to land usurpation was an integral part during and after land acquisition. The pandemonium was caused by deep rooted grievance of economic crisis, top-down approach of expropriation, inadequate compensation; breaking of promises and absence of rehabilitative measures of dislocated landholders. The evictees had been participated in conflict at the time of land appropriation but it was mostly peaceful resistance. Unlikely, all residents were participants of the strife after the commencement of farms which was very violent and destructive in terms of human life and material wellbeing.

Table: 2. Land disputes in Bahir Dar Zuria Woreda of five kebeles

Causes of rural land and rural land related disputes	Years in Ethiopian calendar		
	2009	2010	2011

Inheritance disputes	216	224	246
Land property division disputes during divorce	121	135	139
Share cropping disputes	163	150	194
Land transfer disputes	215	191	199
Plant shade land disputes	122	145	201
Drainage direction land disputes	51	57	62
Livestock destroy crop land disputes	38	59	51
Disputes on grazing land	14	45	32
Access to pathways land disputes	78	81	97
Dispute on squatting of communal lands	203	212	248
Boundary trespass land disputes	218	312	319
Land grabbing disputes	205	312	322

Source: Woreda Rural Land Administration and Use office, Annual Reports from 2009 – 2011 E.C

The Woreda rural land expert indicated, land disputes were provoked from farmers' unproductive competition activity to use and access farm land. In addition, farmers' greediness contributed to the increasing of rural land disputes (Interview with Woreda rural land expert 2 at Bair dar zuria Woreda, 18th, 2020). Additionally, as the table showed, rural land and rural land disputes are increasing from time to time. As one key informant indicated, the institutional weakness in establishing new mechanisms to prevent and resolve land disputes contributes to the increasing of land disputes (Interview with elder 6 at Tentakerkose *kebele*, 7th February, 2020).

4.3. THE PRACTICES OF CUSTOMARY CONFLICT RESOLUTION MECHANISMS IN RURAL LAND DISPUTES

4.3.1. The Practices of *Shimglina* Customary Conflict Resolution Mechanism in Rural Land Disputes

Resolving disputes before it changed into conflict and hostilities are important as dispute is the heart of any conflict and hostilities (Barringer, 1972). Most of the farming communities in Bahir Dar zuria Woreda were using shimglina customary conflict resolution in rural land disputes (Abebe, 2017) and the various variants of *shimglina* customary conflict resolution mechanisms have been practical tools for resolving rural land disputes and they are recognized by the constitution (Interview with regional land expert 1 at Amhara region rural land administration and use Bureau, February, 18th, 2020). In this regards the 1995 Ethiopia's constitution has been made specific provisions for their acceptance.

Article 34 (5)

This constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute.

Article 78 (5)

Pursuant to Sub Article 5 of Article 34 the House of People's Representatives and State Councils can establish or give official recognition to the religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adaptation of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

The above articles shows, the constitution took significant steps in the practice and recognition of customary conflict resolution mechanisms. However, according to Endalew (2014), such recognition is applicable only to civil disputes. The Constitution does not consider the resolution of criminal disputes through customary dispute resolution mechanisms, despite the fact that they are still being practiced and functional on the ground

to resolve criminal disputes and serve as the main way of obtaining justice, mainly in rural Ethiopia.

Customary conflict resolution mechanisms are practiced in resolving rural land disputes in Ethiopia in general (Kassa, 2020) and various variants of *shimglina* customary conflict resolution mechanisms in Bahir Dar *Zuria Woreda* in particular (Interview with elder 2 at Lijome *kebele*, February, 7th, 2020). In supporting this argument, the revised rural land administration and use proclamation of Amhara National Regional State No.133/2006 article 29/1, stated, “any civil dispute that may arise in connection to land holding or using right shall priory be seen and resolved in arbitration” (ANRS, Zikre Hig, No,18:30). Thus, this evidence indicated that customary conflict resolution mechanisms were essentially established by the government for land disputes resolution at the *kebele* level.

Shimglina is one of the customary conflict resolution mechanisms in land disputes resolution in the study area to repair harm, and relationships hurtled due to the effect of land disputes (Interview with elder 2 at Lijome *kebele*, February, 7th, 2020). As *shimglina* is a committee of elders that are establishing for resolving different types of conflict and disputes in the society, it works for sustaining the future peace of the disputants (Getachew, 1998 Solomon (1992), Yohanness (2003), and Yoseph (2006). *Shimglina* customary conflict resolutions have been practiced in different forms like *kebele* level *shimglina*, village level *shimglina*, neighbor level *shimglina* and family level *shimglina*. It is the major and widely used conflict resolution mechanism practiced in rural land disputes (Interview with elder 5 at Lijome *kebele*, 7th February, 2020). In this regards, elders in traditional African societies form a dominant component of the customary mechanisms of conflict management and resolution. They have social recognition that make them effective in handling dispute to make the life of the society peaceful (Masinde, et al. 2004).This mechanism has-been at the grass root level to resolve disputes over land, grazing land rights, boundary, inheritance, ownership rights, and water (Mkangi,1997).The community in the study area are using various variants of *shimglina* customary conflict resolution mechanism in rural land disputes settlements (Interview with elder 5 Lijome *kebele*, 7th, February, 2020).

According to informants, *shimglina* customary conflict resolution mechanisms are practiced in the society based on the shared values and norms and the community used *shimglina* as a major

means of land dispute resolution for strengthening their social solidarity and peaceful co-existence (Interview with elder 5 Lijome *kebele*, 7th, February, 2020). In this regard, parsons (1991) argued that shared values and norms, which are provided for by the cultural system of the society, support the order and harmony of society. According to social solidarity theory, customary conflict resolution mechanisms are vital and important to resolve disputes even in societies that have adopted and using the western legal system due to various factors like to maintain social ties, interpersonal relations, and functional interdependences as society is a collective being (Durkheim, 1984).

Shimgelina is the mechanism that practiced largely in the resolution of land disputes in the rural society of Amhara (WB, 2012b, and Yohanness (2003). Besides, the informants asserted that the community in the study area practiced it to handle land disputes that arise within community members at the grass root level by using the wisdom of *shimageles* (elders and religious leaders) for the harmonious life of the community, to reestablish the then peaceful interaction of the parties who were in disputes and to maintain inter individual and intra community solidarity. In this regard, one of the informants narrated as:

God gave land for our livelihood and we cannot tolerate what comes in our land and God gave shimglina for our peace. As land is everything for us, disputes also recur among and between individuals in the community. We resolve our disputes through shimglina like our forefathers and we reduced enmity through forgiveness, tolerance love, and peaceful supportive coexistence (Interview with elder 1 at Tentakerkose kebele, February, 5th, 2020).

In Ethiopia, the customary mechanisms of disputes resolution in rural land disputes are functional and effective in spites of the position of the formal mechanism. This obvious factual reality calls for a new legal regime on conflict or dispute resolution that recognizes the importance of local values and customary institutions (Kassa, 2020). The *shimglina* customary conflict resolution mechanisms as a ways of land disputes settlement are not fully recognized by the government to be practiced side by side with the formal legal system and this resulted to the decision of elders and religious leaders are legally non-binding (FGD1 with elders at Feresewoga *kebele*, 9th February, 2020). As one key informant community elder said:

The practices of shimglina customary dispute resolution mechanism is used for political motives to deceive the community as their cultural practices are accepted and respected for the benefit of community problems without essential supports for the advancement of the mechanism in handling different disputes which are land based. Again, the government bodies involved in the practice of community based shimglina in land disputes and the interference makes the mechanism corrupted in the decision and resolution of the issue (Interview with elder 3 at Sebatamet kebele, 15th February, 2020).

According to Endalew (2014), customary dispute resolution mechanisms play a very vital role in the administration of justice and dispute resolution in land related and other kinds of disputes. In the study area, most of the disputes are land based and the practice of *shimglina* by local actors plays major role in traditional peace making and restoration of the peaceful interaction of the disputants (Interview with the *kebele* rural land administration expert 1 at Tentakerkose *kebele*, 9th, February, 2020).

The *shimageles* (elders and religious leaders) are the main actor in the settlement of rural land disputes as they are accepted and respected by the community members (Interview with a farmer 1, who resolved his land disputes through *shimglina* customary system at Wojer *kebele*, 14th February, 2020). The community of the study area have developed and used customary laws that can forbids and allowed a certain activity to keep the peaceful existence and interaction of individuals as well as the community in general (Yoseph, 2006).

As explained by informants, *shimglina* customary conflict resolution practices, in which to govern actions or behaviors have been practiced in rural land disputes among the community. These values have the potential to make peace through traditional wisdoms and can change the interest of the disputants through local elders and religious leaders. The customary practice that keeps the harmony of the community, individuals, families and groups in the community of the study area is called “*shimglina* or *shimagile Shengo*” (FGD1 with elders at Feresewoga *kebele*, 9th, February, 2020). In relation to this, Haftom (2011), explained customary dispute resolution mechanisms or the customary law is not only well equipped to handle land related disputes but its judicial processes also provide a mechanism for restoring harmony. One community elders explained it as:

In the institution of shimglina mediators and conciliators are residents and stakeholders within their community they are living. They work in the resolution of land disputes for the shared benefits of the disputant and for the general community, since they are closely connected with the disputants as a member of the community (Interview with elder 4, who resolved his land disputes through shimglina at Sebatamet kebele, 11th February, 2020).

The society in Ethiopia is making innovative use of the customary institutions to resolve disputes on land and other natural resources (Wondimu, 2014). Equally, in the study area, there are various variants of *shimglina* customary disputes resolution institutions which are practiced to resolve land and land related disputes in the community and they are serving the community in keeping the peace of the society more than government disputes settlement institutions. *Shimgelina* have different variants in the community as it is stated above. Disputants were settle their land disputes based on their choice from the above listed variants of *Shimgelina*. The informants also explained that, *Shimglina* is a preferable and respected dispute resolution mechanism in land disputes (FGD1 with elders at Wojer kebele, 9th February, 2020). Furthermore, elders also described it as follows:

Shimglina serve as a mechanism to resolve land disputes to maintain the community in peace and stability based on its respected shared norm of the society that promotes forgiveness, tolerance, peaceful coexistence, respect and truthfulness are among others. The variants of the practices shimglina customary conflict resolution mechanism are hierarchical in the community. The dispute resolution activity is guided by the traditional shared norms and values (Interview with elder 6 at Tentakerkose kebele, 17th, 2020).

In this regards, Kariuki, (2015) explained that dispute resolution by the social facts (norms and values) is important to solidity the peaceful coexistence of the society and to restrain the action of the disputants because dispute resolution by elders itself is a social fact. Therefore, individual disputants as a social actor cannot be out of it.

Concerning the hierarches of *shimglina*, kebele level *shimglina* is the highest level of *shimglina* in the study area. The *shimageles* at this level is called “*Yehager Shimagile*” and the actors of

shimglina in this level are *shimageles* (elders and religious leaders) that are selected from the villagers within the *kebeles* who are well respected and well known in dispute resolution. The community has the right to follow up the procedure of the reconciliation. This form of *shimglina* is more effective in resolving communal land disputes between the community and individuals that happened due to squatting on communal lands. In addition, the kebele level *shimglina* by *yehager shimagile* is practiced to resolve more serious escalated problems of land disputes (Interview with elder3 and religious leader1 at Lijome *kebele*, 24th and 5th, 2020).

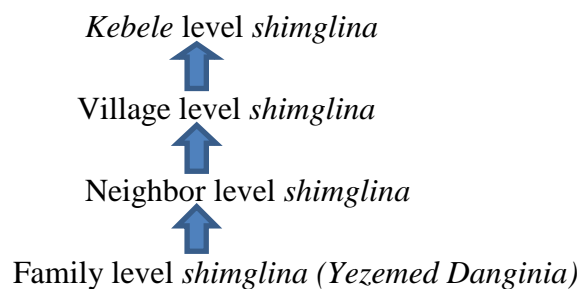
The second level of *shimglina* is village level *shimglina* which is functioned within the members of one village or within one *Iddir* (self-help association of the village). Despite, the primary purpose of *Iddir* is for funeral related services within its members but now their service in the rural community extends to settle disputes which arise within its members. In this self-help association land disputes are governed based on their established norms and rules. The informants indicated, this level of *shimglina* is functional and effective to settle land disputes in which it were happened in one village members and included in one self-help association (Interview with elder 2 Ferezewoga *kebele*, 5th ,February, 2020).

In addition, *shimglina* in this level involved three chiefs of one *Iddir* (self-help association) and elders. In the procedures of the resolution, it is mandatory to all members of the *Iddir* or villagers to attend the meeting and can suggest their ideas in relation to the disputes. Reconciliation could be conducted based on the values of the community and the wrongdoer is punished based on the specific rules of the *Iddir* in terms of money.

The third level of *shimglina* is neighbor level *shimglina*. It is practiced by farmers who are living as neighborhood in one village and they are interconnected through the social ties such as *wodaje*, grateful, *yekeristena lij*, and marriage. This level of *shimglina* dispute resolution mechanism is effective to settle land disputes which could be happened between neighborhoods in one village. It is important to resolve disputes of divorce related land division, inheritance; cattle crop distraction dispute, private grazing land dispute, drainage directions, access to pathways dispute and plant shade disputes that arise between or among neighbors (Interview with elder 4 and religious leader 1 at Sebatamet *kebele*, 23rd February, 2020).

The fourth level of *shimglina* is *shimglina* in the family level. It is called *yezemed danignet* (family arbitration) (Focus group discussion with elder1 at Wojer *kebele*, 9th February, 2020). The *shimglina* processes is facilitated, negotiated, and reconciled through blood relationships of the disputants or the relatives and family members of the disputants (Getachew, 1998 and Yoseph, 2006). This forms of *shimglina* customary disputes resolution practice is used significantly when the rural land and land related disputes are within family members. Mostly, it is importantly used to resolve intra family land disputes that arise due to inheritance of the rural land of their family, divorce related land division disputes, donation disputes and it did vital role in the harmonious existence of families (Interview with elder 3 at Tentakerkose *kebele*, 17th, February, 2020). Therefore, this evidence indicated that *shimglina* contributes great role in the peaceful relationships of families and for the restoration of their harmonious interactions in their day to day social and economic interactions.

Figure: 2. Levels of *shimglina* customary conflict resolution in rural land disputes among the rural community in the study area



Source: Adapted from the collected data (March, 6th, 2020)

In this level of *shimglina*, there is no separation of authority in the settlement of rural land disputes. Thus, disputants have the right to take their cases to any level of *shimglina* based on their choice or preference. *Shimglina* significantly helps the community to restore the broken social ties due to land disputes that were happened between individuals, groups and families (Interview with elder 1 at Tentakerkose *kebele*, 5th February, 2020).

The social practices have played a vital role in creating peaceful relations in the community. The different social practices that tie or bound the community together are like *Iddir*, *mahiber*, *debo*, *sembete*, marriage, *yekeristena lij*, *yetut lij*, good neighborhood, and *wodaje*. They are system of

social relations in the community and enable the community to live in with a strong peaceful coexistence. This showed that the principle of mediation and reconciliation in customary conflict resolution mechanisms of *shimglina* confirms the social ties that exist among the community members. This enables the community to handle disputes based on their shared values to restore and solidify social and economic interactions. Again, this makes the disputants to easily persuade to resolve their disputes so as not to lose their social ties and peaceful relations within the community (FGD1 with elders at Lijome *kebele*, 9th, February, 2020).

Land and land related dispute is a common phenomenon in the society even between sisters and brothers (Bamlak, 2013). These disputes are mostly resolved through *shimglina* by using elders and religious leaders. What obliged the disputants to inter into *shimglina* are their social relations and the culture of *shimglina* because respecting *shimageles* in *shimglina* is one of the social ties that linked them together with shard duties and social trust with each other in the community (FGD5 with farmers who resolved their land disputes through *shimglina* at Feresewoga *kebele* ,11th February, 2020).

4.3.2. The Selection Criteria of *Shimageles* (Elders and Religious Leaders) in *Shimglina* Customary Conflict Resolution

Based on the collected data, *shimageles* (elders and religious leaders) tend to be selected only when it were in the interest of the disputant parties. As the informants affirmed as:

In our community there was a socially accepted criterion to select elders and religious leaders for shimglina in dispute resolution within the community. They were selected based on social trust, experience or wisdom of shimglina and to be shimagele (an old man). Actually, there is no socially agreed age to serve in shimglina and selected as a shimagele in the community (FGD1 with elders at Tentakerkose kebele, 9th, February, 2020).

In *shimglina*, age is not always a selection criterion; a case in a point, young, conservative, bright and energetic individuals are sometimes preferred for *shimglina* (Getachew, 1998, and Birhanu, 2018). In addition, the informants indicated that 45 up to 60 age is advisable due to that the community believes in through age a person can develops the skill of what is expected in *shimglina* is needed to settle land disputes in the community, family, groups, and inter

individual. As a result, a person can serve in *shimglina* if he has good wisdom of *shimglina* without take in to account his age (Interview with elder 5 at Lijome *kebele*, 7th, February, 2020). Above all, the informants described it as:

In the selection criteria of shimageles, the personal qualities of the shimagele (elders and religious leaders) like social acceptance, truthfulness, neutrality, good conduct, and the status of the shimageles (elders and religious leaders) in the community in settling land disputes are some of the major essential criteria. In this regard, the personal qualities of the shimageles are manifested by the behavior and concern for the peaceful coexistence of the community and their pacific relation with the community members in their day to day interactions to the villagers, neighbors and the community in general (Interview with elder 1 and religious leader 3 at Feresewoga kebele, 5th and 23rd February, 2020).

Therefore, personal quality and having the experience of *shimglina* is the key criteria in selecting *shimageles* (elders and religious leaders) for dispute resolution.

4.3.3. The Procedures of *Shimgelina* Customary Conflict Resolution in Rural Land Disputes

Shimglina customary conflict resolution mechanisms are practiced in procedures from the beginning up to the end (Tefere & Mulugeta, 2009). According to informants, *shimglina* customary conflict resolution has been working procedures to settle a certain kinds of land disputes through (*Shimageles*) elders and religious leaders based on the shared values and norms of the community in the study area. In other words, shared values and norms are social facts which practiced and recognized by the people to resolve disputes. Reconciliation is conducted based on the values or elements of *shimglina* such as forgiveness, love, tolerance, peaceful co-existence, compensation, and truth (Interview with elder 7 at Sebatamet *kebele*, 19th February, 2020).

In Amhara people, the procedure and practice of *shimglina* (elderliness) through *shimageles* (elders and religious leaders) work together based on the orally transmitted customary norms and values referred to as *yeabat ager hige* (the law of the land of the fathers) to resolve disputes. The dispute resolution process is practiced based on the tradition and knowledge of elders and religious leaders in the society (Getachew, 1998 Solomon (1992), Yohanness (2003), and

Yoseph (2006). As a matter of fact, in the procedures of *shimglina* in land disputes, the *shimageles* are formed during the initiation of *shimglina*. Therefore, there is no constant *shimageles* which are formed for the resolution of land disputes and dissolved after the issue is settled (Interview with elder 4 at Wojer *kebele*, 17th, February, 2020).

In the Amhara society, *shimglina* is the most commonly practiced form of dispute resolution mechanism since ancient time for various kinds of disputes (Tefere & Mulugeta, 2009). *Shimglina* is regarded and valued by local peoples as the most effective mechanism to settle disputes between or among individuals, groups and communities (Getachew, 1998). *Shimglina* has its own procedures in the resolution of rural land and rural land related disputes. Rural land disputes resolution through *shimglina* is held at the place where it is selected by both the disputants and the *shimageles* (elders and religious leaders). Most of the time, the place is the disputable land area under the tree or after site visit of the disputable land, held in at a free field area in front of the village, the church or the central area of the *kebele* (Interview with elder 4 and religious leader 1 at Tentakerkose *kebele*, 25th February, 2020). Thus, there is no constant place for *shimglina* in the community.

The main task of the *shimageles* in *shimglina* procedures is mediating, fact finding, and reconciling the disputant parties based on community customs and values. The primary step in *shimglina* procedure is initiating the case through oral communication with the concerned forms of *shimglina*. At the beginning, call for *shimglina* in land disputes can be invited by either by one of the disputants or by elders or relatives or families of the disputants. From this point, the process of *shimglina* were started after both parties of the dispute are showed willingness to settle their issue in one of the variants of *shimglina* (FGD1 with elders at Lijome *kebele*, 9th, February, 2020).

According to informants in FGD1 with elders at Lijome *kebele*, 9th, February, 2020, the next steps is selecting three up to five *shimaglies* and sometimes selected more than this and call for a meeting on a day which is chosen by all parties for the dispute resolution process. As the researcher has observed, the mediation and reconciliation process was began with the briefing of one from the elders (*shimageles*) who is *Kase* (a priest) (a religious leader in the community) about the reason of their meeting in that place. Thus, the *shimageles* began to hear the cause of the rural land disputes. Hence, the disputants described their issue in detail, their interests and the

ways how they settle their land dispute case. Disputants discuss face to face and in shuttle with *shimageles*. Elders were tried to convince the disputants and mitigate disputes by using various Amharic proverbs like;

“ሳይቃጠል በቅጠል”; this means in English, “Put out the fire before it destroys.”

Implications: It important to indicate and aware the disputants for resolving the disputes on time to prevent further escalation and physical violence in human life and property.

“ግራ እና ቀኝ እግርም ይጋጫል”; this means in English “Even the legs of one person get the friction of a quarrel.”

Implication: It is important to create understanding about the inevitable nature of disputes between peoples who live together in different social and economic interactions. In addition, it said to indicate disputes are part of the daily life and needs to be resolved.

“ነገርን ከስሩ ወሃን ከጥሩ”; this means in English “Fetch water from the source; verify the matter from deep within.”

Implication: It is important to identify the cause of the disputes from its root cause and understand the different interest of the disputants towards the disputable land based issue.

“ለዳኛ እብለቱን፣ ለሽማግሌ እምነቱን”; this means in English “one may lie before the judge but confess the truth for the *shimageles*”

Implication: It shows that *shimglina* is trusted and respected mechanism by the community to resolve disputes.

In addition, to investigate and discuss the issue, to find the truth, and to come up for reconciliation, elders calls witness for evidence. As the informants described, after investigation, the *shimageles* can be decided on the issue by considering the evidences that they heard from the parties, the future relationships of the disputants and express their decision to the parties to be agreed. If the parties agreed on the verdict of elders, the next task would be the return of the plot of land, portion, boundary demarcated, compensation for plant shad, and crop distraction by

cattle, or the return of lands seized by land holders without land holding right to the right owner (Interview with elder 2 at Ferezewoga *kebele*, 5th, February, 2020).

In the practices of *shimglina*, if one of the disputants is not voluntary to accept the decision of elders and religious leaders (*Shimaglies*), various mechanisms are used to influence the offender so as to agree with the decision of elders and religious leaders. These mechanisms are exclusion and sanction from the involvement of various significant social life of the community. Hence, public pressure influences to accept the decision of *Shimageles* (FGD1 with elder at Sebatamet *kebele*, 9th, February, 2020).

In all the procedures of *shimglina* the major role of *shimageles* (elders and religious leaders) are convincing both the disputing parties to come to a win-win solution and mutual agreement for their shared disputes with balanced compensation and the restoration of the peace of the disputants as it was before. Therefore, the goal of *shimglina* is reconciling the disputants and establishing enduring peaceful relationships with no loss of face (Interview with elder4 and religious leader 5 at Wojer *kebele*, 24th February, 2020).

According to the observation of the researcher, in the *shimglina* customary conflict resolution traditional peace making procedures for the enforcement of the decision, the parties make Mehala (oath) that binds them obedient not to violate their agreement or reconciliation and do not involved again in the dispute that were resolved. As one community *shimagele* (elder) said:

Mehala played great key role in keeping the disputants' parties persistent to their agreement, to decision of shimageles and to stands for truth as the community believe in it as the one who make mehala deceptively results the happening of bad things in his life, family and work (Interview with elder4 and religious leader 5 at Wojer kebele, 24th February, 2020).

The disputants were committing *mehala* (oath or swearing) based on the culture of the community in front of *shimageles* (elders and religious leaders) by saying the following curse oaths (*mehala*): These are;

መግለጺ

ይህንን እርቅ ያፈረሰ እግዚአብሔር ኑሮውን ያፍርስ

የ ዘ ራው አይጥቀመው

ቡቃያ ውአይለ ምልምላት

ባረሰ ውአፈር ሰብል አይብቀል

ምርቱ አይበርከትለት

የ ወለደው አይባረክ

In my translation to English, it gives the following meanings;

If you violate our conciliation (*Irq*);

Let God distract your whole life

Let your harvest never benefiting you

Let your harvest never be fruitful

Let your plough farm cannot be germinate good crop

Let you loss the blessing of God to your crop

Let your children never be blessed

Source: The researcher observation (February, 27th, 2020)

There were ceremonies (rituals) that were observed after making *Mehala* (an oath). The ceremony includes; *Enjira* (a kind of Ethiopian food) with traditional beer *Tella* and *Araqe* are used. During that time, both parties bend down and said “*yiker legzeabher*” (forgive enemies for God). In addition, the disputant parties kiss, shake hands each other and shared the ceremony. At the end of it, the *shimglina* procedure were closed or ended with the blessing of one of the *shimageles*, who is a religious leader. The blessings of the elder are;

ምርቃት

እርቃችንን ያፀናልን

እስከ መጨረሻው ድረስ ማለት?

ሰላም ይስጠን?

ቃላቶቻችንን ስምታችንን እና እግዚአብሔር አምላክ ይባርካችሁ

እኛን እንዳይከበራችሁ ተከባብራችሁ በሰላም ኑሩ

በፍቅር ኑሩ

እግዚአብሔር አምላክ ፍቅር ይስጣችሁ

ፈጣሪ ከስተቶች ይጠበቅን?

ጠብ ዘመድ አይሆንም ከጠብ እራቁ

የወለዳችሁት ይባርክ

የሽማግሌ ቃል ክብር ነው እና አክብሩት

መሃላ እሳት ነው አክብሩት

In my translation to English, it gives the following meanings;

Let our conciliation be persistent

Let our agreement continues up to the end

Let God give us peace

Just you hear our word, let God also hear what said

Like you respect us, respect with each other

Live with love

Let God give us love

Let God protect us from mistakes

Dispute is not be relatives, be far from it

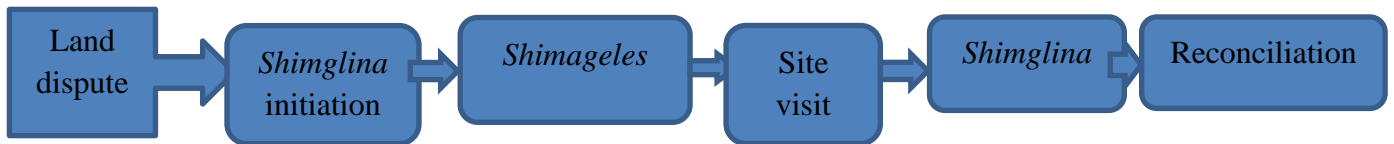
Let your children blessed

The word of elders are honored, respect it

Taking an oath is a fire respects it.

Source: The researcher observation (February, 9th, 2020)

Figure: 3. Procedures of *shimglina* in rural land dispute resolution



Source: Adapted from the collected data (April, 4th, 2020)

4.4. The Established *Kebele Shimagele Shengo* by the Government for Rural Land Disputes

According to the information gained from the *kebele* rural land administration and use experts, the government established and the community were using *shimglina* as a rural land dispute resolution mechanism (Interview with *kebele* rural land administration and use expert 1 at Sebatamet *kebele*, 9th, February, 2020). Besides to this, Demek, (2012) and Mequanent, (2016) assessed, the regional government practiced *shimglina* customary conflict resolution institution in resolving rural land disputes based on the Amhara regional state rural land administration and use proclamation no.133/2006 and Amhara region rural land administration and use system implementation regulation no.51/2007. Land and land related disputes that arise between and among farmers are primarily tried to resolve by *shimglina* at the local level based on the specific cultural disputes and conflict resolution mechanisms of the community. The informants also narrated the issue as follows:

The government established shimglina shengo in rural land disputes in order to provide complimentary service to farmers at the kebele (local) level and complementary service to the government in order to reduce the work load of the rural land administration and

use offices of the Woreda and kebele and the Woreda courts at large (Interview with Woreda rural land administration and use experts at Bahir dar zuria Woreda, 18th February, 2020). Moreover, the informants clarified, the practice of shimglina is implemented in each kebeles of the rural people in the study area.

The *shimageles* who served in *shimglina* are elected based on the above proclamation from the kebele community based on the free will of farmers. It has five members of *shimageles* and its main purpose is to deal with rural land and rural land related disputes only in the community. They are called by the government and the community as “*shimagele shengo*” or the elderly arbitration committee (Interview with *kebele* rural land administration and use expert 3 at Ferezewoga *kebele*, 9th, February, 2020).

In addition, they were conducting their activity based on the local customary conflict resolution practices of *shimglina* by considering the local context reality. The local *shimglina* customary dispute resolution practices were effective in resolving rural land disputes (Interview with kebele rural land administration expert 1 at Lijome *kebele*, 11th, February, 2020). Further, based on the interview with *Woreda* court judges, it is also important for the government to reduce budget deficit to deal with rural land dispute issues (Interview with *Woreda* court judge 1 at Bahir Dar zuria *Woreda*, 29th, February, 2020).

The establishment of the *kebele shimagele shengo* in the community by the government indicated the problems of rural land and rural land related disputes gained attention by the government to reduce the impacts of the problem in the productivity, and relationships of farmers (Interview with the kebele rural land expert 2 at Tentakerkose *kebele*, 9th, February, 2020).

According to informants, the *shimageles* (elders) were elected by the qualification criteria like social acceptance and good reputation, traditional or customary wisdom in *shimglina*, good social relationships in the community, truthfulness, impartiality and some level of literacy essential to read and write reports about their activity. They were elected in terms of three years and their decisions was based on the customary practice of the *kebele* community (Interview with *kebele* rural land administration expert 4 at Wojer *kebele*, 9th, February, 2020). Accordingly, the *shimageles* (elders) passed a verdict that was traditionally binding including compensation for

rural land and rural land related loss of benefits due to disputes. Thus, their decisions were not legally binding.

As the collected data showed, request for *shimglina* of land disputes should be submitted to the kebele *shimagele* (the elderly arbitration committee) in written application at the day of their meeting by a person who encounters land disputes. The *shimageles* meets once a week at the center of the *kebeles* and the government provides office and stationery service to their activity in each kebeles. In the procedure of the settlement, the disputants have the right to withdraw themselves from the *shimglina* process if they feel that the *shimageles* are not protecting their benefits and can go to the *Woreda* court. In addition to this, if the *shimageles* finds the case of the disputes are difficult to resolve within *Shimglina*, they referred to the *Woreda* court and write a report to the *Kebele* land administration and use office. Therefore, both the governmentally established *shimglina* and the community based *shimglina* were consensus based to resolve land disputes. Peoples could be used *shimglina* based on their choice from the governmentally established *shimglina* and community based *shimglina* (Interview with the *kebele* rural land administration expert 4 at *Ferezewoga kebele*, 9th, February, 2020).

4.5. Case Studies

Case 1

Inheritance Disputes Case

Farm land plot inheritance dispute is mostly happened in the community. Four brothers, who were landless, dispute over the farm land of their parents, following their death. The dispute started on the distribution of farm land among them. Three of them interested in the equal division of the land but one of the younger brothers refused to accept their interest of equal division is not fair by considering his service in caring his old parents in their old age until they passed away. He needs some amount of land to him more than others. Despite, three of them oppose his idea by saying, "all of us served our parents not only you". Therefore they needed to divide the plot equally.

The parties took their case to shimglina. The Shimageles started to hear the case of the disputes. All of them forward their claim to shimageles (elders and religious leaders).

They discussed the issue face to face with the disputants and finally decide to divide the land by giving some amount of land to the younger brother more than others by considering as he was served in caring his parents and others are not served their parents in the time of their old age. However, the formal dispute settlement mechanism supports the equal division of the land among inheritors without take in to account who served most to the deceased family during their old age (Source: Taken from the elderly arbitration committee for land disputes at Lijome kebele February, 9th, 2020).

As the above stated case indicated, parental land inheritances were resulted to disputes due to incompatibility of interests in the division of the amount of land among family members. In addition, it showed the practical constructive role played by (*shimagile shengo*) the elderly arbitration committee in the resolution of land disputes.

Case 2

Share Cropping Dispute Case

Two individuals agreed to use the farm land in share cropping for six years. The land owner and the share cropper agreements were based on the tradition of the community as discussed above in share cropping as a cause of land disputes. The disputes begin during the share cropper violated their mutual agreement of returning the farm land to the owner after six years share cropping. However, the share cropper was not voluntary and claim ownership question. He was registered the plot secretly in his name through corrupted way in the kebele and Woreda land administration and use office. The owner of the plot took his case to kebele and Woreda land administration offices. They told for him, the land was registered in the share cropper not in his name. Hence, to know the fact, his case should start from the elderly arbitration committee for land and land related disputes. The land owners apply his case to them. The committee investigates the case with witness from villagers who know the right owner of the land and convince the share cropper as he committed a wrong action out of the value of the community. Finally, they decided to return the land to the right holder with five hundred Birr compensation to cover the cost of the appellant travel expenses to Woreda land administration. Yet, in the culture of the community compensation was not really taken, it is returned after some

days and the complainant return the money based on the culture of the community (source: Taken from the Kebele elderly arbitration committee for land disputes at Tentakerkose kebele, February, 17th, 2020).

According to this case, breaches of share cropping agreement were one source of land disputes in the study area. Moreover, corruption in land registration and traditional agreement in share crop holding contributes to the dispute. In addition, the case showed, using the elderly arbitration committee for land dispute enabled the rural land administration and use institution investigating and resolving land disputes at the *kebele* and village levels.

Case 3

Farm land Boundary Trespassing Dispute Case

*Two farm land plot holder farmers were seriously disputed and beaten with each other due to boundary trespassing of one of them by removing the symbols which were put on as boundary line to separate their plot. After one plough and sowed, the other again farmed and sowed. Then after, one of the disputant calls for *shimglina* by communicating with one village elder to initiate mediation and conciliation or what is called *Giligil* by the local people. Elders met with disputants and make site visit on the disputable parcel of land. When elders asked the parties to indicate the real place of their boundary, both of them said that he took my land and our boundary is over there. Two of them pointed out to a different place. After a long discussion with elders the boundary was demarcated again by dividing the indicated portion equally and resolved their disputes (Taken from community elders at Wojer kebele, February, 10th, 2020).*

This case indicated that farm land boundary disputes were serious issue in the community and can be effectively resolved through the traditional dispute resolution mechanism of *shimglina* for the reestablishment of the peaceful relationships the disputants.

Case 4

Divorce Related Dispute Case

The dispute happened due to divorce. The land holder husband was married to landless woman and during land registration and certification his farm land were registered with the name of both husband and wife. Once up on a time, they disputed by their personal case and they led to divorce. The wife asked land property division should be made before their divorce was completed. However, the husband refused to divide the land to her by arguing that “you were landless and the land is to me”. Hence, “you can go without land or live with me” he claimed. The wife took her case to kebele rural land administration and use office. The offices call and asked him to divide the land equally, again he refused their saying and the office directed to settle their case through the kebele shimagele shengo. The wife took her case to the kebele shimagele shengo. The shengo discussed their case by considering the rural land proclamation and pass a verdict to divide the plot of land equally. Yet, he did not accept the decision of shimageles and the case referred to Woreda court. The Woreda court reposes the decision of the shimagele shengo. Also he refused the verdict of the court. Their dispute changed to inter familial disputes between the family of the divorced due to lack enforcement the decision of the court. Again, they come to shimglina through their relatives, because of their dispute was escalated and he gave some portion plot of farm land for her and resolved their incompatibilities (Taken from a Farmer who resolved his land dispute through shimglina at Sebatamet kebele, February, 24th, 2020).

This land dispute case showed, the dispute was escalated after the intervention of the formal dispute resolution institutions and they could not enforce their decision for the resolution of the issue. In addition, disputants were can be resort for reconciliation through *shimglina* even after the decision of courts to prevent revenge.

Case 5

Transfer of Land through Selling and Buying Disputes

Farmers who have insufficient farm land bought land from farmers who sold their land due to different reasons like unable to fulfill the necessary input to cultivate and inability to do labor work. The land buyer took the land from a man who sold his land for two years to pay in cash within four months to the land owner. They agreed without witness

as they were trusted before. The buyer paid some amount of money to the land owner and asked the seller to reduce some money from their agreed price for two years or to postpone the time of their payment period for one year. The seller did not want to agree rather he was interested to return his land. The two seriously disputed in achieving their incompatible goal. The seller took his case to *shimglina* through elders and religious leaders. The *shimageles* heard the case and discussed with the disputants and decided to be agreed based on their previous agreement. But, the buyer told to *shimageles* as he is unable to pay on the time provided. Then, the *shimageles* again discussed on the issue of their disagreement and passed a decision to be agreed to the buyer should pay the remaining money within six months to the land owner. Finally, the two agreed to do the decision of elders and reconciled (Taken From community elders and religious leaders at Tentakerkose kebele, February, 7th, 2020).

The above described rural land dispute case indicated that rural land disputes are complicated to resolve and it were serious social problem of the community, and needs effective dispute handling mechanism for the peaceful coexistence of disputants in particular and the stability and peaceful social and economic interactions of the community in general as land were the main source of income to lead their life. In addition, it also confirms that *shimglina* remain efficient and played effective role to resolve land disputes and to reduce the negative effects of the disputes. Moreover, it showed the practice of *shimglina* was contributed to the restoration of the peace of the disputants through the wisdom of *shimaglies* and religious leaders psychological healing.

4.6. The Enforcement Mechanisms of *Shimglina* Customary Conflict Resolution Mechanisms

The customary conflict resolution practices of *shimglina* have their enforcement mechanisms for the decision of *shimageles* which are deep rooted in the society like a civil religion for communal peace (Interview with elder 1 at Sebatamet kebele 5th February, 2020). In this regards, in African society customary conflict resolution mechanisms in the settlement of disputes are enforced through inherent social sanctions for the peace of the whole community (Ben-Mensah, 2004). In the same manner, *shimglina* as a customary conflict resolution mechanisms in rural land disputes in the community of the study area had established traditional enforcement system that are

recognized by members of the community for the implementation of the judgment of local elders and religious leaders based up on the norms and values of the community (Interview with elder 7 and religious leader1 at Lijome *kebele*, 23rd, February, 2020).

The community enforces the decision through the societal based accepted norms of curses and social sanctions, which are the traditionally acceptable enforcement mechanisms of the people (Tefere & Mulugeta, 2009). Further, the informants said that:

The community in the study area believed and recognized that curse and social sanctions are used for enforcement mechanisms of the decisions of shimageles (elders and religious leaders). Consistent with this, the people believe in curse causes death, property distraction, illness, bad luck in life and his family in the future to the violator of these values. For this reason, people do the commandment of elders or shimageles in the resolution of disputes. Above all, due to the existence of this type enforcement system, community members refrain from violating the decision of shimageles (elders and religious leaders) and helps to mutual peaceful coexistence (Interview with elder 3 and religious leader 2 at Tentakerkose kebele, 24th, February, 2020).

Social sanctions are central in the enforcement of customary dispute resolution by elders (Yoseph, 2006 and Getachew, 1998). In fact, informants assured that, social sanctions are also the mechanisms in enforcing the decisions of elders and religious leaders' too. Henceforth, the social sanctions are; the offender could be excluded from the social interactions and cooperation of his neighbors, self-help associations (*Iddir*) and from his village community at large. Furthermore, the community imposes sanctions on the offender not to participate in various social practices like funeral, wedding, and *Debo* (working agricultural activities together or in group) (FGD1 with elders at Wojer *kebele*, 24th, February, 2020).

4.7. The Strength of *Shimglina* Customary Conflict Resolution in Rural Land Disputes

Shimglina customary conflict resolution mechanism in rural land and rural land related disputes has its own strength in which the communities are benefited. According to Muiguana, (2015) the practice of customary dispute resolution in resolving disputes and access to justice in Africa is still important. In addition, Boege (2006: 11) identifies the following strength of customary conflict resolution mechanisms:

- *Fit situations of state fragility and failure;*
- *Are not state-centric and hence credited with legitimacy;*
- *Take the time factor into due account and are process-oriented;*
- *Provide for comprehensive inclusion and participation;*
- *Focus on the psycho-social and spiritual dimension of conflict transformation.*

These listed strengths are also found in the customary conflict and dispute resolution mechanisms of *shimglina*. The points are discussed below based on the collected data;

4.7.1. Rebuilds the Broken Relationships of the Disputants

The informants asserted that, the natures and aim of customary conflict resolution mechanisms of *shimglina* is practiced in land disputes for the purpose of restoring broken relationships between or among the disputants by healing their issue from its sources (Interview with elder 1 at Wojer kebele, February 7th, 2020). In supporting this, Zehr, (1985) stated, customary or traditional restorative justice views criminal conflict as a violation of a relationship between or among victims, offenders and the community. In addition the informants said;

The practices of negotiation, mediation and reconciliation within shimglina institutions are mainly working to rebuild the broken peace and creating peaceful relations between or among the disputants through forgiveness, tolerance honesty, and faithfulness for settling the land and land related disputes based on forwarding a win-win solution to both parties of the disputes. Yet, the formal land disputes resolution system is adversarial to the disputant's future relationships and its approach to settle the dispute is mostly win-lose and cannot consider the effects of the decision in the future all over interaction of the parties (FGD1 with elders and religious leaders at Wojer kebele, 10th February, 2020).

4.7.2. Cost Effective

As the focus group discussants indicated, customary disputes resolution mechanisms of *shimglina* are cost effective to the rural poor. However, the formal legal system is not equally important to the rural poor farmers to run their land and land related cases. They indicated as in the following ways:

We prefer shimglina customary disputes resolution from the various levels of shimglina due to the fact that it provides free service and it is worthy to solve our problem of land disputes without high financial cost. However the formal legal system is expensive and needs extra resource in the procedures of the cases up to its final decision (FGD5 with farmers, who settled their land disputes through shimglina at Sebatamet kebele, 14th February, 2020).

4.7.3. Participatory

The informants affirmed that *shimglina* is participatory in its procedures of settling their rural land disputes. Disputant parties can discuss their disagreement in face to face with *shimageles* (elders and religious leaders) and with each other. In *shimglina*, the disputants are parts of the dispute resolution process and in the selections of local elders and religious leaders to resolve their land disputes. In addition, the final decision of *shimageles* (elders and religious leaders) needs the consent of the parties who are in disputes to accept or reject the decision (FGD2 with the elderly arbitration committee at Feresewoga kebele, 9th February, 2020). In this regards, Luna, (2003) argued, restorative justice encourages the voluntary participation of the disputants based on their consensus for finding solution to their shared disputes.

However, as the informants described, in the formal land dispute resolution mechanism, decisions are made based on the evidences gained and the concerned rural land laws. Hence, their processes are not participatory and the verdict is mandatory to accept (FGD2 with the elderly arbitration committee at Feresewoga kebele, 9th February, 2020). Thus, the participation of the parties in the resolution procedures helped them for mutual understanding.

4.7.4. Timeliness

Based on the collected data, settling rural land disputes through *shimglina* customary conflict resolution is speedy in terms of time it takes to resolve. However, the formal land dispute resolution system is not fast to respond and decide. The discussants described as:

Shimglina is speedy to resolve our land disputes but in the court system it takes more than a year to decide on the issue. The long and tedious process of the court proceeding could contributes to the disputes are changed in to violence and creates loss of life and

property distraction. Timely response to land dispute is needed to reduce the negative effect of the problem in the economic and social life of the people (FGD5 with farmers who settled their land disputes through shimglina at Lijome kebele, 11th, February, 2020).

Therefore, timeliness is vital in the customary conflict resolution of *shimglina* in land disputes to reduce further escalation and damage between and among disputants in particular and the disruptions of the peace of the community in general.

4.7.5. Accessibility

According to informants, farmers choose to use *shimglina* customary conflict resolution mechanisms in rural land and rural land related disputes over the formal dispute resolution mechanism due to ease of access to their village. They explained the issue as:

The formal legal system institutions for land disputes are far from the community and it needs transportation expenses and time to travel the physical distance to get the access of institutions like court and rural land administration and use institutions. This consumes our time and resource that were important to our agricultural activity. So, the question of accessibility is acceptable without doubt to us to save our resource and time (Interview with elder 4 and religious leader 1 at Tentakerkose kebele, 25th February, 2020).

4.7.6. Complimentary To the Poor and Complementary To the Formal Government Institutions in Rural Land Dispute Resolution Service

As the informants explained, customary dispute resolution mechanisms of *shimglina* in the study area are important for the economically poor and disadvantaged members of the community to settle their land disputes without expense in the procedure of dispute resolution. The poor and vulnerable groups in the community are using *shimglina* in land disputes (FGD2 with the elderly arbitration committee at Tentakerkose kebele, 11th, February, 2020). In this regard, Harper, (2011) stated “customary justice systems are the cornerstone of dispute resolution for the poor and disadvantaged in developing countries”. Hence, the evidences’ indicated, *shimglina* largely served the economically poor members of the community to settle their land and land related

dispute, as a result of people who have economic problems are in problem to use the formal legal mechanisms for dispute resolution. In addition the FGD discussants described:

Shimglina through shimageles (elders and religious leaders) are effective even during the time of the formal legal system is weakened or not to govern and resolve rural land disputes in the rural community. The community can govern their rural land issues based on the customary practices of themselves. They have been working to resolve different cause of land disputes over years for the benefit of the community to led stable and peaceful economic and social life and can reduced loss of life and property distraction (FGDI with elders at Wojer kebele, 9th, February, 2020).

In addition to this, *shimglina* also contributes to the government as a complementary in filling the gaps in providing dispute resolution service in rural land disputes and reducing backlog of land based court cases in the *Woreda* court and in rural land administration and use offices. It is also too important to strengthen the state based land dispute resolution mechanisms and potential avoidance of exclusively win-lose outcomes that may escalate a dispute (Interview with the *Woreda* rural land administration and use expert 2 at Bahir Dar *zuria Woreda*, 18th , February, 2020).

4.7.7. Flexibility

Based on the collected data, the customary conflict resolution mechanism of *shimglina* for land and land related disputes in the community is flexible towards the conditions and time to resolve the issue. It is not rigid to a certain circumstances and rules. Elders and religious leaders are trying to reconcile disputants by suggesting various possible ways based on the circumstance of the disputes, the disputants and the values of the society through their traditional wisdom of peace making (Interview with elder 6 at Lijome, 9th, February, 2020).

Farmers who were settled his land disputes through *shimglina* said: “elders and religious leaders can easily understands our dispute situation, interest and the solution to our mutual disputes” (Interview with a farmer who settled his land dispute at Lijome, 9th, February, 2020). Hence, the flexible nature of *shimglina* customary conflict resolution has been benefited the disputant parties in resolving the problem by considering their circumstances.

4.7.8. Respects

As one key informant from elders explained, “respects and trust towards *shimageles* (elders and religious elders) was cherished in the traditions of the community”. The other also added that, “*shimglina* were a socially legitimate mechanism in land disputes”. Disrespect to elders and religious leaders are taboo in the community. This value helped the community to resolve their land disputes easily through *shimglina* customary conflict resolution system as *shimglina* was highly valued and adhered to by the members of the community and the value of *shimglina* was deep rooted in the socio economic interaction of the community (Interview with elder 1 religious leader 5 at Feresewoga *kebele*, 24th February, 2020).

4.8. THE CHALLENGES OF *SHIMGLINA* CUSTOMARY CONFLICT RESOLUTION MECHANISMS IN RURAL LAND DISPUTES

The collected data showed *shimglina* customary conflict resolution mechanism has been encountered many challenges in settling rural land disputes. The challenges have negative influences in the handling of land disputes effectively (Interview with elder 2 at Sebatamet *kebele*, 9th, February, 2020). The implementation of customary conflict resolution in rural land dispute settlement practices has been challenges from different directions (Kassa, 2020 and Girma, 2014). The main challenge was designing appropriate policies and institutional frameworks that create conducive environment for an effective deployment of customary dispute resolution institutions in rural land disputes (Mequanent, 2016). According to the collected data, the challenges of *shimglina* customary conflict resolution in rural land disputes resolution in the study area community are discussed below:

4.8.1. The Absence of Incentives

Shimglina customary conflict resolution through *shimageles* (elders and religious leaders) had no incentives for their disputes resolution activity from anybody (Bamlak, 2013). The informants also added that the absence of encouragements negatively influence the *shimageles* (elders and religious leaders) interest in their dispute resolution activity and on their effectiveness. They provide voluntary or free service to their community by scarifying their time that was very important in their personal agricultural activities. They serve in the resolution of disputes in the

community as a moral responsibility and as well as they are concerned for the peaceful existence of the community members. Therefore, the absence of incentives is one of the challenges in *shimglina* customary conflict resolution in land disputes (FGD2 with the elderly arbitration committee at Feresewoga *kebele*, 11th February, 2020).

As most informants agreed, land dispute resolution in the community took their time that is important for their personal work to feed their family members. Agricultural activity by its nature needs a lot of time to cultivate. Therefore, providing *shimglina* dispute resolution service consumes their time especially during farming and harvest season. They also told, “we are unpaid judges in resolving land and land related disputes by our traditional wisdom but the government did not support us in different things like money or other things to credit our service” (FGD2 with the elderly arbitration committee at Feresewoga *kebele*, 11th ,February, 2020).

There were no budget or financial support in the practice of *shimglina* customary conflict resolution mechanisms in rural land disputes settlements to the *shimageles* (elders and religious leaders, even though most disputes are resolved at local level through customary systems of *shimglina* (A religious leader 2 at Sebatamet *kebele*, 23rd February, 2020).

4.8.2. The Absence of Legally Recognized Enforcement Mechanisms

According to the informants, the existence of the shared values or norms of the society was not enough to enforce the decision after they decided on a certain kind of land disputes through *shimglina*. In this regard the FGD discussants said that:

We need supportive or strengthening mechanisms from the government for the application of our decision as binding. The potential of social sanctions and mehala (curse) within shimglina customary conflict resolution mechanisms in enforcing the decision of elders and religious leaders in the resolution of rural land disputes are sometimes limited. The government has no mechanism to enforce the decisions of shimageles (Elders and religious leaders) in the community (FGD2 with the elderly arbitration committee at Feresewoga *kebele*, 11th, February, 2020).

Therefore, according to this evidence, *shimglina* needed a legal framework to solidify the enforcements mechanisms of the society. As to Kariuki (2015), South Africa is a good example, in which “in South Africa, if a person fails to obey the decision of a traditional elder, the person is reported to a magistrate who gives the person 48 hours to show cause and if he fails to, he is punished”. Hence, in the study area, the absence of strong enforcement mechanism is the challenges of *shimglina* customary conflict resolution in rural land disputes.

4.8.3. The Influence of Globalization

Due to the influence of globalization and the modern formal dispute resolution system, new ideas are introduced and inculcated in the society (Kariuki, 2015). Similarly, some young members of the community in the study area are influenced by the effect globalization and the introductions’ and expansion of the modern legal system of disputes resolutions and shared new ideas that results to changes of understanding towards *shimglina* customary dispute resolution in rural land disputes as backward mechanism of the ancient society. This makes them negligent to accept and respect the values of the community which are important in customary dispute resolution (Interview with elder 3 at Wojer *kebele*, 9th, February, 2020). This evidence indicated, there were existed some levels of influence of globalization and modern education on the young a little schooled member of the community. Furthermore, two members of elderly arbitration committee stated the issue in the following ways:

Young farmers in our area were educated with compared to the majority of the farmers and they are at least grade 10th and 12th completed. Due to the influence of their modern education, the values they give to shimglina in rural land dispute were reduced. Even though they were taking their land dispute to shimglina, mostly they violate the decisions of elders and agreement of themselves (FGD2 with the elderly arbitration committee at Feresewoga kebele, 11th, February, 2020).

4.8.4. The Low Attention Given by the Government to *Shimglina* Customary Dispute Resolution Mechanism

In developing countries the significance and practical implementation of customary strategies have been very much disenabled by the politicization, corruption and abuse of traditional structures, which have gradually, affects negatively the conflict resolution built around them in

the eyes of the people and reduced confidence in their efficiency (Boege, 2006 and Kariuki, 2015). Lacks of attention to *shimglina* were one of the challenges in the practices of *shimglina* for land dispute resolution. In affirming this idea, two key informants summarized this issue in the following way:

In our area, shimglina in general and shimageles (elders and religious leaders) in particular are given less attention by the government to settle different cause of rural land disputes. For the advancement of shimglina, in settling different rural land and rural land related disputes, the support and promotion of the government is very significant. Despite the fact that, the governments more focus on informing the community about the formal mechanisms of rural land dispute resolution institutions rather than encouraging the community in using the local dispute resolution mechanism in local land dispute problems. i.e. Shimglina through local elders and religious leaders in the community to resolve land and related disputes. The government did not give recognition to the work of elders and religious leaders in land dispute resolution and only call us for when land disputes were escalated in our locality. We calm down the disputes, soon after the governments forget us. More over the government use us for political input to interact with the community and to protect their interest in land related benefits (Interview with elder 4 and religious leader 2 at Tentakerkose kebele, 24th, February, 2020).

4.8.5. The Deterioration of Acceptability of *Shimageles* (Elders and Religious Leaders) in dispute resolution

The informants revealed that some peoples in the community consider *shimglina* customary conflict resolution mechanisms as secondary alternative to settle their land and land related disputes. So far, some community members lack trust, and neutrality in elders and religious leaders in the procedures and decision of their cases due to the fact that elders and religious leaders were influenced by a government body and local influential peoples that are linked to one of the disputants (Interview with elder 6 at Lijome kebele, 10th, February, 2020). In this regard, two informants explained it as follows:

We understand the shimageles sometimes decides biased decision due to the hidden interference and influence of other body which is the relatives of one of the disputants from the community members or from the government rural land administration offices (FGD5 with farmers, who resolved their land disputes through shimglina at Feresewoga kebele, 11th, February, 2020). In addition to this, shimageles (religious leaders and local elders) are struggle for survival due to their low level of living condition and this exposed them to corruption. They sometimes decide corrupted decision. This reduces the trustworthiness of religious leaders and elders (Shimageles) in the community (Interview with farmer 5, who resolved his land dispute through shimglina at Lijome kebele, 23rd February, 2020).

4.8.6. The Absence of Clear Policy Direction

Most African countries lack clear policies on customary dispute resolution mechanisms (Kariuki, 2015). Concerning the study area, there is no policy for the practices of *shimglina* in rural land and rural land related disputes (Interview with regional rural land administration expert 1 at Amhara region rural land administration and use Bureau, 17th, February, 2020). The practice of *shimglina* customary conflict resolution in rural land disputes settlement needs national or regional policy direction that deals with the institutionalization and application of customary conflict resolution mechanisms in land and land related disputes (Mequanent, 2016). The absence of clear policy direction, resulted to negative influence in the effectiveness of the mechanism due to that the system is practiced with no enabling policy and legal framework that led the activities and enforcement mechanisms of local elders and religious leaders (*Shimageles*) in the area of rural land disputes resolution (Interview with regional rural land administration expert 1 at Amhara region rural land administration and use Bureau, 17th, February, 2020) Furthermore, one of the regional land experts explained this problem in the following manner:

The nonexistence of polices contributed to the absence of funding for the operation and advancement of shimglina customary conflict resolution in rural land and rural land related disputes as most of the dispute is land and land related in the community. The regional land expert interviewee emphasized that the existence of a single proclamation that hints about the practice of customary conflict resolution in rural land and rural

land related disputes is not enough for its implementation. It needs clear policy direction from the national level up to the local administrative units in the practice of customary conflict resolution mechanisms like shimglina (Interview with regional rural land expert 1 at Amhara region rural land administration and use Bureau, 17th, February, 2020).

Thus, the absence of clear policy direction is a major challenge in the practice of *shimglina* customary conflict resolution mechanisms in land and land related disputes.

4.9. WEAKNESS OF SHIMGLINA CUSTOMARY CONFLICT RESOLUTION MECHANISMS IN RURAL LAND DISPUTES

Shimgelina customary conflict resolution mechanisms in rural land disputes have some limitation that was reduced its fairness and effectiveness. In this regard, Michel (2010), indicated, most customary conflict resolution institutions have some sort of weakness in it due to their nature of establishments. Furthermore, Harper, (2011:42) listed constraints or weakness of customary justice systems in land disputes resolution as follows:

- *Lack of predictability and coherency 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 that have been used in the study area community based *shimglina* customary system of disputes resolution in land and land related disputes. As it is possible to understand from the above descriptions, even though there are strengths in *shimglina* customary conflict resolution mechanisms in land and land related disputes, the weakness are less significant than the strong side, seen from the benefit in 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 the practices of *shimglina* customary conflict resolution in rural land disputes. Here below are discussed in detail:

4.9.1. Unable to Resolve the Land Disputes between Individual Landholder and the Government

According to research informants, *shimglina* customary conflict resolution mechanisms in rural land disputes failed to resolve the disputes that arise between individuals and the government due to land expropriation and land valuation. The issue of rural land dispute between individuals and the state in the study area were aroused when there were land expropriations by the state of rural land under individual holding for various purposes like industry site and flora farm investments without enough compensation and fair land valuation (Interview with elder 2 at Tentakerkose kebele, 15th, February, 2020). One of the *shimageles* (elders) summarized this issue in the following way:

The problems were occurred due to the fact that, the government did not allow the issue to Shimglina by shimageles (elders and religious leaders). The disputes were resolved by the governmentally established grievance hearing committee in the rural land administration and use offices. The problem here is those committee members were political appointees and they lack neutrality in their decision and favors to the government. This resulted to landholder farmers face multifaceted economic hardship and displacement (Interview with elder 2 at Tentakerkose kebele, 15th, February, 2020).

4.9.2. Gender Bias

The nature of *shimglina* customary conflict resolution mechanisms are male dominated (Bamlak, 2013) and Getachew, (1998) Solomon (1992), Yohanness (2003), and Yoseph (2006). Similarly, the informants described, women are not included in the practice of dispute resolution in rural land and rural 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 are participated only by taking their rural land case to *shimglina* and can attend the meeting as owner of the case. Therefore, the *shimageles* pass decision on the case of women without their participation and viewpoints in the procedure of the resolution is also the weakness of *shimglina* customary conflict resolution in the community of the study area (FGD1 with elders

at Sebatamet *kebele*, 10th, February, 2020). This revealed that *shimglina* treats men and women unequally.

4.9.3. Disrespects the Universal Principles of Human Rights and Democracy

The practice of customary conflict resolution mechanisms in the resolution of disputes was not compatible with the principle of human right and democracy in its procedure and decision (Endalkachew et al. 2016 and Bamlak, 2013). Informants from Woreda court judges elaborated, *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) decides wrong decisions and individuals lost their land property and benefits related to land unjustly. These issues mostly happened when the land case of some members of the community like women in the rural land property division during the time of divorce, and children, in the inheritance and division of their family land with other members of the family (interview with Woreda court judge 2 at Bahir Dar *zuria Woreda*, 29th, February, 2020). As in the universal declaration of human rights stated “no one shall be arbitrarily deprived of his property” (Declaration of Human Rights, 17 (2)). The traditional peacemaking of *shimglina* violated this principle (interview with Woreda court judge 2 at Bahir Dar *zuria Woreda*, 29th, February, 2020) Thus, it was the weakness of *shimglina* customary conflict resolution in rural land disputes.

4.9.4. Lack of Records

Research participants in the interview explained that *shimglina* customary conflict resolution mechanisms were practiced in the study area without written record of the cause of rural land disputes and the agreements of the parties in the resolution. Local elders and religious leaders had no working cultures of recording throughout their land dispute resolution activity that are important to resolve when the land and land related disputes are recur (Interview with *kebele* rural land administration expert at Tentakerkose *Kebele*, 9th, February, 2020). Therefore, this is also the other weakness of *shimglina* customary conflict resolution mechanisms in rural land disputes in the study area.

CHAPTER FIVE

5. CONCLUSION AND RECOMMENDATIONS

5.1. Conclusion

This study was carried out in Bahir Dar *Zuria Woreda* to examine the practices and challenges of customary conflict resolution mechanisms in rural land disputes. The findings showed that the resolution of land disputes by customary conflict resolution mechanisms are largely practiced in the community. *Shimglina* customary conflict resolution mechanisms are practiced in the resolution of land disputes in the community. There are various variants of *shimglina*. The various variants of *shimglina* institutions are used to settle land disputes in the community and *shimglina* plays great role in the resolution of land disputes. Local elders and religious leaders are responsible actors in the practices of *shimglina* conflict resolution mechanisms to create harmonious relation between or among the disputants.

Rural land disputes were addressed through *shimglina* customary conflict resolution mechanisms in Bahir Dar *Zuria Woreda* people such as disputes related to land ownership, boundary trespass, land inheritance, donation, land transfer, share cropping, plant shade, drainage direction, divorce related land disputes, livestock destroy crops, disputes on grazing land, access to pathways disputes, dispute on squatting communal lands and land grabbing disputes.

The strength of the customary conflict resolution mechanisms in rural land disputes were also other issues addressed in this study. The findings indicated that *shimglina* customary conflict resolution in rural disputes have been its own strength for the rural poor community in many ways like cost effectiveness to run their dispute case, builds the broken relationships of the disputants through forgiveness, consensus based participation in the process of dispute resolution, timely response or speedy resolution, accessible to their locality, and complementary service to the government to fill gaps were the strength of *shimglina* customary conflict resolution mechanisms in settling rural land disputes in the case study area.

The other issue which was assessed in this study was the weakness of the practices of customary conflict resolution mechanisms in rural land dispute. The evidence from this study indicated that *shimglina* customary conflict resolution mechanisms have the following weakness in the resolution of land disputes. These are; unable to resolve the land disputes which arose between government and individuals due to land expropriation and valuation, gender biases or lack of inclusiveness of women, and youth in the settlement procedures, disrespects the universal principles of human rights and democracy within the resolution process, and lack of records in the dispute resolution practices.

Concerning the challenges of the practices customary conflict resolution in rural land dispute, the result of this study reveals that *shimglina* customary conflict resolution mechanisms has encountered and faced many challenges in settling rural land disputes that occurred within the community at large. These challenges were; the absence of incentives to elders and religious leaders, the absence of legally recognized enforcement mechanisms for the decision shimageles (elders and religious leaders), the low attention given by the government to *shimglina*, the deterioration of the acceptability of elders and religious leaders, the absences of clear policy direction for the institutionalization and harmonization of the mechanism which results to lack of funding or budget and interference and influence of the government and the politicization of *shimglina*.

In general, the findings indicated, the practices of *shimglina* mostly used and effective in the community to settle land disputes. However, the challenges were extensive and a lot needs to be done to reduce the challenges of *shimglina* customary conflict resolution mechanisms in rural land disputes for the realization of its goal.

5.2. RECOMMENDATIONS

Based on the findings of the study, the following recommendations are drawn:

- The study recommends that for the resolution of land disputes the regional and local governments should give high attention to *shimglina* by elders and religious leaders as a result of local disputes can be better resolved by the customary conflict resolution practices of *shimglina* in the study area.

- The government should develop a clear legal and policy framework for the practice or effective implementation of *shimglina* customary conflict resolution by *shimaglies* (elders and religious leaders) in rural land disputes.
- Emphasis should give for customary conflict resolution mechanism of *shimglina* to restore the broken relationships of disputants before the disputants approaching the formal legal system of dispute resolution, which is adversarial to their future relationships.
- The government should develop an enforcement mechanism to strengthen the community based enforcement mechanisms for *shimglina* customary conflict resolution by elders and religious leaders in settling land disputes.
- The *shimglina* system should be free from the influence and intervention of government bodies which make the decision of elders and religious leaders biased and jeopardize the trust and legitimacy of the mechanism have in the community to resolve land disputes.
- The governments need to strengthen the practice of *shimglina* customary conflict resolution mechanisms to resolve land disputes, which are important to vulnerable members of the community who are deprived of protections in the state legal systems land disputes resolution due to economic problems to run their issue.
- The community members should give more attention to *shimglina* customary conflict resolution systems which has been used since ancient time and fits into the local cultures, economic activity, and social organization, as well as the history and political organization of the community in the study area to promote mutual support and solidify harmonious co-existence.
- Academicians should provide training for community *shimageles* (elders and religious leaders) and government bodies for the reduction of the challenges of *shimglina* in rural land dispute resolution processes.

REFERENCES

Books

- Adams, Q., Collair, L., Oswald, M., & Perold, M. (2004). Research in Educational Psychology in South Africa. In Ebersohn, L., Eloff, I. (eds.). *Keys to Educational Psychology* (pp. 353-374). Cape Town: UCT Press.
- Alula, P. & Getachew, A. (2008). *Grass Roots Justice in Ethiopia*. Addis Ababa: French Center of Ethiopian studies.
- Behailu, D. (2015). *Transfer of Land Rights in Ethiopia: Towards A Sustainable Policy Framework*. Eleven International Publishing.
- Bruce, J. W., & Holt, S. (2011). *Land and Conflict Prevention. Initiative on Quiet Diplomacy*, University of Essex, Colchester.
- Boege, V. (2006). *Traditional Approaches to Conflict Transformation: Potentials and Limits*.
- Byamugisha, F. (2013) *Securing Africa's Land for Shared Prosperity: A program to scale up reforms and investment*.
- Cotula, L., Toulmin, C., & Hesse, C. (2004). *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*. London: International Institute for Environment and Development.
- Corbin, J. & Strauss, A. (2008). *Basics Of Qualitative Research: Techniques And Procedures For Developing Grounded Theory* (3rd ed.). Thousand Oaks, CA: Sage.
- Creswell, J. (2009). *Research design: qualitative, quantitative and mixed method approaches* (3rd ed.). London: Sage
- Dawson, C. (2002). *Practical Research Methods: A User-Friendly Guide To Mastering Research Techniques And Projects*, How To Books Ltd, 3 Newtec Place, Magdalen Road, Oxford OX4 1RE. United Kingdom.

- Deribsa, A. (2018). *Research Methodology: Hand Book for Research Students and Practitioners*; mega publishing and distribution p.l.c.
- Denzin, N. K. (1970). *The Research Act: A Theoretical Introduction to Sociological Methods*. New York: Aldine.
- Durkheim, E.(1984).*The Division of Labor in Society* (W.D. Halls, Trans.). London: MacMillan.
- Harper, E. (2011). *Customary Justice: From Program Design to Impact Evaluation*. Published by International Development Law Organisation (IDLO). Rome.
- Herrera, A., Guglielma, M., & Passano, D. (2006). *Land Tenure Manual 2: Land Tenure Alternative Conflict Management*. Rome: FAO.
- Jembere, A. (1998). *Legal History of Ethiopia 1434-1974. Some Aspects of Substantive and Procedural Laws*. Rotterdam: Erasmus University.
- FAO, (2002). *FAO Land Tenure Studies: Land Tenure and Rural Development. Vol.3*.Rome, Italy: Viale delle Terme di Caracalla, 00100.
- Huberman, M. & Miles, B. (1994). *Qualitative Data Analysis* (2nd ed.). London: sage publications.
- Leonard ,R., J.E. Westbrook, C. Gutherie, T.J. Heinsz, Richard C. Reuben, & Robbennolt, J.K. (2005) *Dispute Resolution and Lawyers*, 3rd Edition, Thomson West.
- Mitchell, E. S. (1986). *Multiple Triangulation: A methodology for nursing science*.
- Luccaro, T. (2016). *Customary Justice: An Introduction to Basic Concepts, Strengths, and Weaknesses. Practitioner’s Guide*. International Network to Promote the Rule of Law.
- Mulugeta, G. & Tefera, E. (2009). *Alternative Dispute Resolution*.
- Parsons, T. (1991). *The Social System*.With a New Preface by Bryan S. Turner. London: Routledge.

- Regassa, T. (2008). Restorative Justice in Oromia, Baseline Study. Addis Ababa, Central Printing Press.
- Shamir, Y. (2003). Alternative Dispute Resolution Approaches and Their Application; Israel Center for Negotiation and Mediation, Israel.
- Tefera, E. & Mulugeta G. (2009). Alternative Dispute Resolution Teaching Material Justice. Legal System Research Institute.
- Wehrmann, B. (2017). Understanding, Preventing and Solving Land Conflicts: A practical guide and tool box. GTZ.
- Wehrmann, B. (2008). Land Conflicts: A Practical Guide to Dealing with Land Disputes. Eschborn: GTZ.
- Yin, R. K. (2009). Case Study Research: Design and Methods (4th ed.). Thousand Oaks, CA: Sage.
- Zartman, W. I. (2005). Traditional Cures for Modern Conflicts: African Conflict Medicine. Boulder, CO: Lynne Rienner Publishers.
- Zartman, W.I. (2000). Introduction: African Traditional Conflict Medicine. Traditional Cures for Modern Conflicts: African Conflict Medicine.

Journal Articles

- Ahmad, N., & Ademowo, J. (2017). Indigenous Knowledge and Conflict Management in Africa: A Study of Proverb Use in Conflict Management among Hausas of Northern Nigeria; International Journal of History and Cultural Studies, Volume 3, Issue 4, 2017, PP 36-44.
- Ayalneh, B., Taeb, M., & Endo, M. (2006). Land ownership and Conflicts over the Use of Resources: Implication for Household Vulnerability in Eastern Ethiopia. Ecological Economics, 58(1), 134-145.

- Alemie, A., & Hone, M. (2018). Roles of Indigenous Conflict Resolution Mechanisms for Maintaining Social Solidarity and Strengthening Communities in Alefa District, North West of Ethiopia. *Journal of Indigenous Social Development Volume*, 7(2).
- Bedasa, N. A., & Hussein, J. W. (2018). Challenges in Managing Land-Related Conflicts in East Hararghe Zone of Oromia Regional State, Ethiopia. *Society & Natural Resources*, 31(3), 351-366.
- Daniel, M. (2016). Maaga Indigenous Conflict Resolution Institution among Libido-Mareko Ethnic Group in Gurage Zone Southern Ethiopia. *International Journal of Scientific and Research Publications*, 6 (1), 327-330.
- Endalkachew, B. (2016). Challenges and Opportunities of Indigenous Conflict Resolution Mechanism in Oromia Regional State: The Case of Rayitu Woreda, Bale Zone. *European academic research vol. IV, issue 6/September 2016*.
- Endalew L. (2014). Ethiopian Customary Dispute Resolution Mechanisms: Forms of Restorative Justice? *African Journal on Conflict Resolution*, 14(1), 125-154.
- Fekadu, P. (2009). Underlying Distinctions between ADR, Shimglina and Arbitration. *Mizan Law Vol. 3, No.1. Addis Ababa University, Ethiopia*.
- Gashu, A. & Amsalu T. (2017). Decentralised Rural Land Administration in Ethiopia: The Case of Amhara Region. *Journal of Land and Rural Studies* 6(1) 34–49.
- Golafshani, N. (2003). Understanding Reliability and Validity in Qualitative research. *The Qualitative report*, 8(4), 597-606.
- Hebo, M. (2005). Land Disputes Settlement In A Plural ‘Institutional’ Setting: The Case Of Arsii Oromo Of Kokossa District, Southern Ethiopia. *African study monographs. Supplementary issue (2005), 29: 125-135, Departmental Bulletin Paper, Textversion publisher*.
- Hillo, M. K. (2018). Individual and State Land Dispute Management Aystem (sic) in Ethiopia: Appraisal of the Legislative Framework. *Üniversitepark Bülten*, 7(2), 96-107.

- Kelemework, T. (2011). Conflict and alternative dispute resolution among the Afar pastoralists of Ethiopia; *African Journal of History and Culture (AJHC)* Vol. 3(3), pp. 38-47, April 2011; Mekelle University, Ethiopia.
- Kinfe, A. (2014). Dispute resolution mechanisms among the Afar People of Ethiopia and their contribution to the Development Process; *The Journal for Trans disciplinary Research in Southern Africa*, 10(3) December 2014, pp. 152-164
- Luna, E. (2003). Punishment theory, holism, and the procedural conception of restorative justice. *Utah Law Review*, 205 (1), pp. 205–302.
- Macfarlane, J. (2006). Working towards restorative justice in Ethiopia: Integrating traditional conflict resolution systems with the formal legal system. *Cardozo J. Conflict Resol.*, 8, 487.
- Mequanent, G.(2016). The Application of Traditional Dispute Resolution in Land Administration in Lay Armachiho Woreda (District), Northern Ethiopia. *World Development*, 87, 171-179.
- Muigua , K. (2019). Effective Application of Traditional Dispute Resolution Mechanisms in the Management of Land Conflicts in Kenya: Challenges and Prospects.
- Murithi, T. (2006). African approaches to building Peace and social solidarity: Reflections on Ubuntu. *The Journal of Pan African Studies*, 1 (4), June, pp.25–34.
- Niang, T. & Dieng, S. D. (2004). Land tenure and family farming in Africa: With special reference to Senegal. In J. Quan, S. F. Tan & C. Toulmin (Eds.), *Land in Africa: Market asset or secure livelihood?* Pp.61-74. London: International Institute for Environment and Development.
- Nwolise, O. (2005). Traditional Modes of Bargaining and Conflict Resolution In Africa. In: *Perspectives on Peace and Conflict Studies In Africa*, Olawale, I. A. (Ed.). John Archers Publishers Ltd, Ibadan. Pp: 152–168.

- Sanginga, P. C., Kamugisha, R. N., & Martin, A. M. (2007). The Dynamics of Social Capital and Conflict Management in Multiple Resource Regimes: A Case of the Southwestern Highlands of Uganda. *Ecology and Society*, 12(1), 1-17.
- Siyum, B. A., Bihon Kassa, B. S., Gebremedhin, M. A., & Mekelle, E. (2015). Farm Land Conflict and its Socio-Economic Consequences in Tahtay Qoraro, Tigray, Ethiopia. *International Journal of African and Asian Studies*, 9, 44-55.
- Solomon, G. (1992). Conflict Management in Traditional Amhara Society. In Alula Pankhurst and Tshai Berhane Selassie (Eds.) , *Sociology, Ethnology Bulletin*, volume I, Number 2 march 1992 (pp 55-60) Addis Ababa University: Department of Sociology and social administration.
- Walliman, N. (2006).*Social Research Methods*, SAGE Publications Ltd London EC1Y 1SP.
- Wondyrad, A. (2014).*The Practice of Indigenous Conflict Management Systems in a Multiethnic Society: The Case of Shimgelena in Guangua and Dibate Districts of Metekel Area; Ethiopia.*
- Zelege, M. (2010). *YeShakoch Chilot (The Court of the Sheikhs): A Traditional Institution of Conflict Resolution in Oromiya Zone of Amhara Regional State, Ethiopia.* *African Journal on Conflict Resolution*, 10 (1), pp. 63-84.
- Thesis and Dissertations
- Abebe, H. (2017). *Rural Land Conflicts and Resolution mechanisms: The Case of Bahir Dar Zuria Woreda, West Gojjam Zone, Amhara National Regional State, Ethiopia.* (Unpublished MA thesis). Bahir Dar University.
- Abebe, M. (2009). *Compatibility between Rural Land Tenure and Administrative Policy and Implementation of Law in Ethiopia; in land law and policy in Ethiopia since 1991: Continuities and Change.* Addis Ababa University.
- Abebe, K. (2007). *Agricultural Product Marketing: Challenges Towards A Commercial Approach With Particular Reference To Cereal Crops (A Case Study In Bahir Dar Zuria Woreda)* (Unpublished Ma Thesis, Addis Ababa University).

- Ashenafi, G. (2013). Local Governance in Rural Land Conflict Management: The case of Ganta Afeshum wereda, Eastern Zone of Tigray,(Unpublished MA Thesis) Mekelle University.
- Bamlak, Y. (2013). Assessment of Indigenous Conflict Resolution Systems and Practices: Implication for Socio-Economic Development: A Survey of Simada Woreda, Amhara Region, Ethiopia (Unpublished MA Thesis, Mekelle University).
- Birhanu, B. (2018). Ethnic Federalism and Inter-ethnic Relations in Ethiopia: A Focus on the Peoples of Amhara and Kemant (Unpublished MA Thesis, Bahir Dar University).
- Berhanu, D. (2018). Rural Land Disputes Resolution Mechanisms In Oromia Regional State: A Case Study Of Dugda Woreda Court In Eastern Shoa Zone (Unpublished Ma Thesis, Addis Ababa University).
- Desalegn, B. (2018). Rural land disputes resolution mechanisms in oromia regional state: a case study of dugda woreda court in eastern shoa zone. (Unpublished MA thesis, Addis Ababa University).
- Demeke, Z. (2012). Land tenure security and certification in northern Ethiopia: The case of Amhara region (Un published MA Thesis, Wageningen University, Netherlands).
- Dereje, S. (2010). The role of local governments in conflict management: The case of Meiso Woreda (MA Thesis, AAU, 2010).
- Esayase, A. (2015). Indigenous conflict resolution institutions: A study among the Gofa People of the Demba Gofa District, SNNPR (Published MA Thesis, Addis Ababa University).
- Getachew, M. (1998). Capacity Building for Local Development: A Comparative Study of "Formal" and "Informal" Organizations in Gondar, Northern Ethiopia (PHD dissertation, Carleton University, 1998).
- Girma, G. (2014). The Role Of Sidama Traditional Institution In Rural Land Dispute Resolution: A Case Study In Sidama Zone.(Un Published MA Thesis, Hawassa University).

- Gonfa,E. (2014). Customary conflict resolution among the Haro Limmu Oromo of Northwest Wallaga: The case of Qaalluu institution (UnPublished MA Thesis, Addis Ababa University).
- Haftom, T. (2011). Rural land dispute settlement mechanisms in Tigray: The case of Humera (UnPublished MA Thesis, school of graduate studies, school of law, Addis Ababa University).
- Habtamu, B. (2017). The Role of Indigenous Conflict Resolution Mechanisms in Peace Building Process: The Case of Mareka Woreda in Dawro Zone, SNNPRS. (Haramaya University, MA Unpublished thesis).
- Habteab, W. (2014). Land disputes between villages in the highland of Eritrea: the case of gaaquat and geddele villages.(PhD dissertation , University of KwaZulu-Natal, Durban).
- Kassa, S. A. (2020). Managing land conflicts in plural societies: Intergroup land governance in Ethiopia. (PhD dissertation, University of Amsterdam, in collaboration with the Ethiopian government, and financed by the Dutch embassy in Addis Ababa).
- Kironde, J. (2012). Natural Resources and Conflict Management: the Case of Land. Kigali: Economic Commission for Africa.
- Kagwanja, J. (2006). Land Tenure, Land Reform, and the Management of Land and Natural Resources in Africa, in Land Rights for African Development: From Knowledge to Action. Esther Mwangi, International Food Policy Research Institute.
- Mulugata, M. (2017). Assessing rural land disputes and dispute settlement mechanisms in Wore Jarso Woreda, Oromia Regional state.(Unpublished MA Thesis,Bahir Dar University).
- Musto, L. (2018). Influence of Indigenous Conflict Resolution Mechanism On Land Use Management Inpokot Central Sub-County, Kenya. (Unpublished MA Thesis, KISII University).
- Muigua, K. (2015). Legitimizing Alternative Dispute Resolution in Kenya: Towards a Policy and Legal Framework university of Nairobi, Kenya.

- Moreda, T.S. (2016). The political economy of the land–livelihoods nexus in an era of ecological change and the global land rush: Access to land, land conflict and large-scale land acquisitions in Ethiopia. (PhD dissertation) Erasmus University Rotterdam, international institute of social studies).
- Sackey, G. (2010). Investigating Justice Systems in Land Conflict Resolution: A Case Study of Kinondoni Municipality, Tanzania.
- Sewnet, A. A. (2018). The nature of land expropriation and compensation in Amhara National Regional State: a focus in Bahir Dar Zuria Woreda. (MA Thesis, Bahir Dar University).
- Shewakena, (2007). An assessment of rural land registration and land information system in Amhara region, Ethiopia: a land administration perspective. (Unpublished MA Thesis Royal Institute Of Technology (Kth), Stockholm, Sweden.
- Yohannes, B. (2003). Shemgline (moot): Indigenous Institutions for resolving conflicts outside the codified legal system, case studies from six kebeles in North Gondar. In Tafesse Olika, Yacob Arsano and Oyvind Aadlan 9Eds.), Topics in Contemporary political Development in Ethiopia (Towards research Agenda in the Framework of DPSIR-NIHR Research Programmed, 1998-2003). Addis Ababa University.
- Yonas, T. (2011). Women and Land Rights in Rural Ethiopia: The Case of Wolaita. Thesis Submitted to University of Troms.
- Yoseph, G. (2006). Bahelawi erq bemisraq Gojjam Mestedader zone Debay Tilat Gin Worda (Traditional conflict Management in East Gojjam Administrative Zone Debay Tilat Gin Distric) (Addis Ababa University, MA Thesis).

Conference Papers

- Assefa, F. (2012).The proceeding of the national conference on land and development: legal pluralism and traditional justice systems and the roles of legal actors in Ethiopia.
- Daudeline, J. (2002). Land as a source of conflict and in post-conflict settlement. In World Bank regional workshop on land issues in Africa and the Middle East.

- Desalegn, C., Edossa, M., & Singh, B. (2005). Indigenous systems of conflict resolution in Oromia. In Ethiopia International Workshop on 'African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa.
- Economic commission for Africa, (2012). Natural resource and conflict management: the case of land.
- Fekadu, B. (2007). The role of customary institutions in managing conflict on grazing land: A case study from mieso district, Eastern Ethiopia; ICAR discussion paper.
- Getinet, A. (2009). Legal institutional hierarchies, justice and social order in Gurage area of Ethiopia; In: Proceedings of the 16th International Conference of Ethiopian Studies, ed. by Svein Ege, Harald
- Harper, C. (2011). Traditional Justice: Practitioners Perspectives' Working Paper Series. Paper No. 7, Engaging With Customary Justice Systems.
- Kariuki, F. (2015). Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities: Chartered Institute of Arbitrators Centenary Conference Learning from Africa. At the Victoria Falls Convention Centre, Livingstone, Zambia.
- Michel, J. (2010). Alternative dispute resolution and the rule of law in international development Cooperation. Seminar on Alternative Dispute Resolution and the Rule of Law, University of Missouri, Columbia.
- Taschuk, P. & Chambers, S. (1999). The latest in Dispute Avoidance Techniques: paper prepared for the construction super conference.
- Yamano, T. & Deininger, K. (2005). Land conflicts in Kenya: causes, impacts, and resolutions. FASID Discussion Paper.
- Zehr, H. (1985). Retributive justice, restorative justice. New perspectives on crime and justice: Occasional Papers of the MCC (Mennonite Central Committee) Canada Victim-Offender Ministries Program and MCC U.S. Office of Criminal Justice. Issue No. 4, pp. 1-16.

Reports and Lecture Series

Ben-Mensah, F. (2004). Indigenous approaches to conflict resolution in Africa. Local Pathways to Global Development: Marking Five Years of the World Bank Indigenous Knowledge for Development Program, World Bank, Washington, DC, 39-44.

DOA, (2000a). Annual progress report. Bahir Dar Zuria Woreda Department of Agriculture, Bahir Dar, Ethiopia.

Elmusharaf, K. (2012). Qualitative sampling techniques: training course in sexual and reproductive health research. RCRU/UMST: Geneva.

FAO, (2016). Non- judicial grievance mechanisms in land- related disputes in Sierra Leone.

The Belmont Report. (1979). Ethical principles and guidelines for the protection of human subjects for research. Washington DC.

Zerihun, H. (2016). Land Governance Assessment Framework Implementation in Ethiopia Final Country Report with Contributions from Expert Investigators, Supported by the World Bank.

Schuh, J. & Upcraft, M. (2001). Assessment Practice in Student Affairs. Jossey-Bass: San Francisco.

Shibeshi, G.B., Fuchs, H. & Mansberger, R. (2015) Lessons from systematic evaluations of land administrations systems: The case of Amhara national regional state of Ethiopia. World development, 68, 282,-295.

USAID, (2016). Land administration to nurture development (land) quarterly report no. 13, by the United States Agency for International Development by Tetra Tech, through Land Administration to Nurture Development Project.

USAID, (2013). Issue brief: land and conflict; land disputes and land conflicts.

USAID, (2016). Ethiopia strengthening land tenure and administration program end line report An Impact Evaluation of the Effects of Second-Level Land Certification Relative to First-Level Certification: The Cloudburst Group.

World Bank report, (2012b). Federal Democratic Republic of Ethiopia - Options for strengthening land administration. Washington, DC: World Bank. Report No: 61631ET.

Legal Documents

ANRS Council (2006). The Revised Amhara National Regional State Rural Land Administration and Use Proclamation Number 133/2006. Zikre Hig, No.18.

Constitution of the Federal Democratic Republic of Ethiopia, (1995). Federal Negarit Gazeta, proclamation No. 1/1995.

United Nations General Assembly: Universal Declaration of Human Rights. New York 1948.

Appendices I

Data Collection Tools

INTERVIEW GUIDELINE QUESTIONS FOR RURAL COMMUNITY *SHIMAGELES* (ELDERS)

1. How do you explain rural land and rural land related disputes in your community?
2. What are the causes of rural land disputes?
3. What is the most emerging cause of rural land dispute?
4. What are the types of rural land disputes?
5. What are the most frequently observed types of rural land disputes?
6. What are the impacts of rural land disputes?
7. Who are the major actors involved in rural land disputes?
8. What is the dynamics of rural land and rural land related disputes?
9. What are the institutions of customary conflict resolution mechanisms in resolving rural land dispute within your communities?
10. What are the practices of customary conflict resolution mechanisms in rural land dispute?
11. What are the procedures of customary conflict resolution in resolving rural land dispute?
12. What are the rituals in settling rural land disputes through customary mechanisms within community?
13. What makes different the settlement of rural land disputes through customary conflict resolution mechanisms and in the formal system?
14. How do you describe the effectiveness of customary conflict resolution mechanisms in resolving rural land dispute?
15. What are the weaknesses or disadvantage of customary conflict resolution system in rural land dispute settlement?
16. How the government supports or promotes for the development and effectiveness of customary conflict resolution mechanisms in settling rural land disputes?
17. What challenges are observed in the practice of customary conflict resolution in rural land disputes?
18. What do you think should be done in the future to reduce the challenges?

19. How do you explain the current status of customary conflict resolution mechanisms in resolving rural land dispute?
20. What measures will be taken if the decision made by the customary mechanism is rejected by one of the disputants?
21. What are the enforcement mechanisms for the decisions made by customary conflict resolution?

INTERVIEW GUIDELINE QUESTIONS FOR RURAL RELIGIOUS LEADERS

1. How do you explain rural land and rural land related disputes in your community?
2. What are the causes of rural land disputes?
3. What is the most emerging cause of rural land disputes?
4. What are the types of rural land disputes?
5. Who are the actors in rural land disputes?
6. What are the impacts of rural land disputes?
7. What is the dynamics of rural land disputes?
8. What are the institutions of customary conflict resolution mechanisms in resolving rural land dispute within your communities?
9. What are the procedures of customary conflict resolution in resolving rural land dispute?
10. What are the rituals?
11. What makes different the settlement of rural land disputes through customary conflict resolution mechanisms and in the formal systems?
12. How do you describe the effectiveness of customary conflict resolution mechanisms in resolving rural land dispute?
13. How the government supports or promotes for the development and effectiveness of customary conflict resolution mechanisms in settling rural land disputes?
14. What challenges are observed in the practice of customary conflict resolution in rural land disputes?
15. What do you think should be done in the future to reduce the challenges?
16. How do you explain the current status of customary conflict resolution mechanisms in resolving rural land dispute?

17. What measures will be taken if the decision made by the customary mechanism is refused by one of the disputants?
18. What are the enforcement mechanisms for the decisions passed by customary conflict resolution?

INTERVIEW GUIDELINE QUESTIONS FOR FARMERS WHO SETTLED THEIR RURAL LAND DISPUTES THROUGH CUSTOMARY CONFLICT RESOLUTION MECHANISMS

1. How do you explain rural land disputes in your community?
2. What are the causes of rural land disputes?
3. What are the types of rural land dispute?
4. Who are the actors in rural land disputes?
5. What are the impacts of rural land dispute?
6. What are the institutions of customary conflict resolution mechanisms in resolving rural land dispute?
7. What are the impacts of rural land dispute?
8. What are the practices of customary conflict resolution mechanisms in rural land dispute?
9. What makes different the settlement of rural land disputes through customary conflict resolution mechanisms and in the formal system?
10. What are the procedures of customary conflict resolution in resolving rural land dispute?
11. What are the contributions of settling rural land dispute through customary conflict resolution mechanisms?
12. How the government supports or promotes for the development and effectiveness of customary conflict resolution mechanisms in settling rural land disputes?
13. How do you evaluate the effectiveness of customary conflict resolution mechanisms in resolving rural land dispute?
14. What challenges are observed in the practice of customary conflict resolution in rural land disputes?
15. What do you think should be done in the future to reduce the challenges?
16. What are the weaknesses of customary conflict resolution in rural land disputes?

17. How do you explain the current status of customary conflict resolution mechanisms in resolving rural land dispute?
18. What measures are taken if the decision made by the customary mechanism is refused by one of the disputants?
19. What are the enforcement mechanisms for the decisions passed by customary conflict resolution?

INTERVIEW GUIDELINE QUESTION FOR WOREDA COURT JUDGES

1. How do you explain rural land disputes in your Woreda community?
2. Which types of rural land disputes cases do you receive from the rural people and the reasons for the disputes?
3. What are the most frequently observed causes of rural land disputes?
4. Who are the actors in rural land disputes?
5. What is the dynamics of rural land disputes?
6. How the court give recognition for the settlement of rural land disputes through customary systems?
7. To what extent the decisions of customary conflict resolution are acceptable by the court?

INTERVIEW GUIDELINE QUESTIONS FOR WOREDA RURAL LAND ADMINISTRATION AND USE EXPERTS

1. How do you explain rural land disputes in your Woreda community?
2. What are the causes of rural land and rural land related disputes?
3. What is the most emerging cause of rural land disputes?
4. What are the most common types of rural land disputes that frequently observed in your Woreda?
5. Who are the actors in rural land disputes in your Woreda?

6. What is the dynamics of rural land disputes in your Woreda?
7. What are the impacts of rural land disputes?

INTERVIEW GUIDELINE QUESTIONS FOR KEBELE RURAL LAND ADMINISTRATION AND USE EXPERTS

1. How do you explain rural land disputes in your kebele community?
2. What are the causes of rural land disputes?
3. What is the most emerging cause of rural land disputes?
4. Who are the actors in rural land disputes?
5. What are the types of rural land disputes?
6. What are the most common types of rural land disputes frequently observed in your kebele?
7. What was the dynamics of rural land disputes?
8. What are the impacts of rural land disputes in your kebele?
9. How rural land disputes are resolved in your kebele?
10. What makes different customary dispute resolution in rural land dispute and in the formal systems?
11. What is the preference of the disputant in resolving their rural land dispute? Customary or the formal system? Why?

INTERVIEW QUESTIONS FOR THE REGIONAL RURAL LAND ADMINISTRATION AND USE EXPERTS

1. How do you explain the regional government engagement with customary conflict resolution in rural land disputes?
2. How the government supports or promotes customary conflict resolution mechanisms in rural land disputes?
3. What are polices or strategies in the practice of customary conflict resolution in rural land disputes? Is there an institutional framework in the application of customary conflict resolution in rural land disputes?

**FOCUS GROUP DISCUSSION GUIDELINE QUESTIONS FOR RURAL COMMUNITY
ELDERS (*Shimageles*)**

1. How do you explain rural land disputes in your community?
2. What are the causes of the disputes?
3. Who are the actors in rural land disputes?
4. What is the dynamics of rural land disputes in your community?
5. What is the preference of the disputant in resolving their rural land dispute? Customary or the formal system? Why?
6. What are the institutions of customary conflict resolution mechanisms in your community used to resolve rural land disputes?
7. What are the procedures of the practices of customary conflict resolution in rural land disputes?
8. What are the rituals in settling rural land disputes?
9. What makes different customary dispute resolution in rural land dispute and the formal system?
10. What are the challenges of customary conflict resolution in rural land disputes?
11. What do you think should be done in the future to reduce the challenges?
12. What are the weaknesses in customary conflict resolutions of rural land dispute?
13. What is the current status of customary conflict resolution mechanisms in rural land disputes?
14. How the government supports the practice of customary conflict resolution in rural land disputes?
15. What are the impacts of rural land disputes in your community?

**FOCUS GROUP DISCUSSION GUIDELINE QUESTIONS FOR FARMERS WHO
SETTLE THEIR RURAL LAND DISPUTE THROUGH CUSTOMARY CONFLICT
RESOLUTION MECHANISMS**

1. How do you explain rural land disputes and rural land related disputes?
2. What was the cause of the disputes?

3. What are the institutions of customary conflict mechanisms in resolving rural land dispute?
4. What are the practices of customary conflict resolution to settle rural land disputes?
5. What are the rituals in rural land disputes resolution?
6. What makes different customary dispute resolution in rural land dispute and in the formal systems?
7. What is the preference of the disputant in resolving their rural land dispute? Customary or the formal system? Why?
8. What is the strength of customary conflict resolution mechanisms in rural land disputes?
9. What are the weaknesses in customary conflict resolutions of rural land dispute?
10. What are the challenges of customary conflict resolution in rural land disputes?
11. What do you think should be done in the future to reduce the challenges?
12. What is the current status of customary conflict resolution mechanisms in resolving rural land disputes?
13. How the government supports or promotes the practice of customary conflict resolution in rural land disputes?

FOCUS GROUP DISCUSSION GUIDELINE QUESTIONS FOR THE ELDERLY ARBITRATION COMMITTEE (*YE SHIMAGLEWOCH SHENGO*) OF RURAL LAND DISPUTES

1. How do you explain rural land disputes in the community?
2. What are the causes of the rural land and rural land related disputes?
3. What are the types of rural land disputes?
4. What are the most frequently observed cause of rural land disputes?
5. What is the dynamics of rural land and land related disputes in your kebele?
6. Who are the actors in rural land disputes?
7. What are the impacts of rural land disputes?
8. How rural land disputes are settled though customary conflict resolution mechanisms?

9. What are the procedures in resolving rural land disputes through customary conflict resolution?
10. What are the rituals?
11. What makes different customary dispute resolution in rural land dispute and in the formal systems?
12. What is the preference of the disputant in resolving their rural land dispute? Why?
13. What is the strength of customary conflict resolution mechanisms in rural land disputes?
14. How the government supports or promotes the practice of customary conflict resolution in rural land disputes?
15. What are the weaknesses in customary conflict resolutions of rural land dispute?
16. What is the current status of customary conflict resolution mechanisms in rural land disputes?
17. What are the challenges of customary conflict resolution in rural land disputes?
18. What do you think should be done in the future to reduce the challenges?

Focus Group Discussion Guideline Questions for the Kebele Rural Land Administration and Use Committee

1. How do you explain rural land disputes?
2. What are the causes of rural land disputes in your kebele?
3. What are the most frequently observed cause of rural land disputes?
4. What types of rural land disputes are exist in your kebele?
5. Who are the actors in rural land disputes?
6. How rural land disputes are resolved in this community?
7. What was the role of the customary system in rural land disputes?
8. What is the dynamics of rural land disputes?
9. What is the impact of rural land dispute in your kebele?

Interview Guideline Questions for Farmers Who settled their Land Disputes in Customary Conflict Resolution

1. How do you explain rural land disputes and rural land related disputes?
2. What was the cause of the disputes?
3. What are the institutions of customary conflict mechanisms in resolving rural land dispute?
4. What are the practices of customary conflict resolution to settle rural land disputes?
5. What are the rituals in rural land disputes resolution?
6. What makes different customary dispute resolution in rural land dispute and in the formal systems?
7. What is the preference of the disputant in resolving their rural land dispute? Customary or the formal system? Why?
8. What is the strength of customary conflict resolution mechanisms in rural land disputes?
9. What are the weaknesses in customary conflict resolutions of rural land dispute?
10. What are the challenges of customary conflict resolution in rural land disputes?
11. What do you think should be done in the future to reduce the challenges?
12. What is the current status of customary conflict resolution mechanisms in resolving rural land disputes?
13. How the government supports or promotes the practice of customary conflict resolution in rural land disputes?