Appendix 3
Terms of Reference
ToR Under Purpose 1 Output 6

Access to Justice Programme
Nigeria

Research On Accessible Justice and Land Rights In Jigawa State
June – August 2003

Background
Land Rights of the Poor
At the July 2002 Jigawa Justice Forum – a workshop organized by the Jigawa State Ministry of Justice in collaboration with the Access to Justice Programme – the need to improve processes around the formal documentation of land rights to ordinary people was identified as an accessible justice issue. The argument was that documentation of rights can help farmers to raise credit for investment in farming and is, thereby, an important means of economic empowerment for the rural poor. Participants at the workshop made a number of suggestions on how to enhance the protection of land rights for poor people. A specific recommendation was to advise rural farmers who own their land to acquire statutory certificates of their rights of occupancy.

Other evidence also points to the importance of secure land rights for the economic advancement of the rural poor. For example, the World Bank’s Voice of the Poor study revealed that livelihood and unemployment insecurity in rural areas is a function of access to potable water, access to loans, the acquisition of skills and ownership of farmland.

Ownership alone, however, does not guarantee security of tenure. Recent studies in West Africa show that simply recognizing local practice and experience – even where it falls short of ‘legal’ ownership – can help rural farmers to feel more secure about their land rights and, thereby, promote activities that tend toward long-term economic security.

With respect to Jigawa State, specific information on the local patterns of practice for obtaining and securing rights in land along with a clear understanding of the patterns of disadvantage and how they work against the rural poor, is needed. Findings from such research will help to build an evidence base for pro-poor interventions relating to land rights in Jigawa State.
Purpose
Access to Justice Programme Research
The Access to Justice Programme uses multiple methods to collect, analyze and interpret information on perceptions of the poor and on justice-related institutions and processes in Nigeria. The purpose is to use findings from the research to build an evidence base, particularly in the Programme’s focal states: Benue, Ekiti, Enugu and Jigawa. This evidence base will inform the development of pilots and demonstration projects for the Programme. The hope is that outcomes of the monitoring and evaluation of the pilots will reveal successful initiatives that can enhance and expand access to justice for poor and vulnerable people in the focal states in particular and ultimately in Nigeria as whole.

The Current Project
The proposed research will document and analyze the implementation of current land law, administrative rules, and local policies and practices to see how they restrict women’s access to land and negatively affect poor people’s security of land tenure in Jigawa State. The research will also obtain information on the experiences and perceptions of poor people in Jigawa State with specific reference to how current laws and local practices, relating to obtaining, documenting and securing land rights, negatively impact them.

Methodology
Research methods
The research will make use of a variety of methods including personal interviews, observations, and desk reviews. The research will take place in at least two local government areas of Jigawa State. The consultant will prepare a plan for participation and consultation with key audiences at the inception of the research.

Primary research questions
1. What are the formal procedures for obtaining, documenting, registering, and securing rights to land in Jigawa State?
2. How do ordinary people in Jigawa State acquire land rights (e.g. farming, fishing, grazing hunting and residential) and what are the (formal and informal) obligations that attach to these rights?
3. What do poor people say about the problems of access to and peaceful enjoyment of land rights in Jigawa State?
4. What (according to women and the poor) are the advantages of current law, rules and practices relating to land rights in Jigawa State?
5. What (according to women and the poor) are the disadvantages of current law, rules and practices relating to land rights in Jigawa State?
Key Research Outputs and Contents of the Final Report

Research outputs
The outcome of the research activities should be a report providing the following:

• A description of the procedures and practices relating to the acquisition of land rights in Jigawa State.
• A summary of the formal and informal procedures for the documenting, registering and securing of those rights in Jigawa State.
• A description and explanation of the obligations arising from specific land rights in Jigawa State.
• An analysis of the advantages and disadvantages accruing to women and the poor of current law, rules and practices relating to land rights in Jigawa State.
• An assessment of the potential impact of recent changes to the Land Use Act on the land tenure rights of women and the poor in Jigawa State.

Contents of the final report:
1. Description of the persons interviewed by silent demographic characteristics including (where such descriptors are relevant) but not limited to: gender, age, education, ethnic background, family size and composition, housing structure and living arrangements, income, religious and cultural orientation.
2. Descriptions of what poor people – both women and men – say about how current laws, administrative policies, and local practices affect their enjoyment of specific land rights.
3. Description of current laws, administrative policies and local practices relating to the acquisition, documentation and registration of land rights in Jigawa State.
4. Identification of the system structures, administrative policies and local practices that are inimical to women's enjoyment of land rights.
5. Identification of the problems relating to the acquisition, documentation and registration of land rights for the poor in Jigawa State.
6. Suggestions for modifications to current policies, rules and structures, as well as for future activities to promote the easy acquisition and secure tenure of land rights for women and the poor in Jigawa State.
7. Copies of all instruments and complete bibliography of all reference materials used during the research.

Deliverables
• Detailed description of the research plan with a timeline for completion and plan for participation and consultation with key audiences at the time of contract signing (week of June 16, 2003. Exact date to be agreed).
• Draft questionnaires, focus group questions, etc. no later than July 11, 2003.
• Weekly, one-page status reports by e-mail or fax from the time of signing of the contract.
• Detailed table of contents of the final report by Friday August 8, 2003. The report should be in the format specified for research consultant reports to the Programme and should contain all items specified above.
• Good draft of the final report by Friday August 15, 2003.
• Final report by August 22, 2003. The final report should be provided (a) in hard copy and (b) as a Microsoft Word document on a 3.5” computer disk or by e-mail.
Timeframe
The research will be conducted from June to August 2003.

Management Arrangements
On a day-to-day basis to Dr. Muhammed Tabiu, Jigawa State Justice Advisor. All periodic reports and deliverables to Dr. Lola Odubekun, Research and Evaluation Manager. Final Report to Vincent del Buono, Programme Co-ordinator.

Budget
See attached.

\(^2\) From the outcomes of a seminar on making land rights more secure held in Ouagadougou, Burkina Faso, 19 – 21 March 2002, IIED. GRET & GRAF.
Appendix 1

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