

TERMS OF REFERENCE

Activity Title	AM 13454 - Think Paper on Land and Justice
Duration:	April - August 2026
Estimated Level of Effort:	3 months
Duty Station	Manila (with hybrid/virtual meetings as needed)
Reports to:	Senior Program Officer

I. Background

From 21–25 July 2025, the FAIR Justice Program organized a study visit to Australia for the Supreme Court Sub-Committee to Develop a Judicial Curriculum on the Rules on Land Registration, with representatives from courts and justice-sector agencies. The delegation examined the Torrens Title system to draw lessons for the Philippines. Key takeaways were that land disputes remain a major caseload, disproportionately affecting Indigenous Peoples, women, PWDs, smallholder farmers and other marginalized groups, while current registration and dispute-resolution processes are fragmented, redundant, and costly. The visit highlighted the need for interoperable electronic registration to improve efficiency and curb fraud, alongside inclusive reforms that address GEDSI, climate and conflict-related vulnerabilities.

The think paper will synthesize these lessons and inform a proposed Land and Justice Summit and a Technical Working Group to harmonize procedures and explore legislative and institutional options.

II. Purpose of the Assignment

Produce an evidence-based, policy-oriented think paper (one full 20–30 page paper and a 4–6 page concise version) that map the landscape of land registration and land disputes across residential, agricultural and ancestral lands; identify procedural inconsistencies, overlaps, delays, and human costs; and propose actionable institutional, procedural and legislative reforms to streamline land registration and dispute resolution processes. These outputs will inform summit discussions and the Sub-Committee to Develop a Judicial Curriculum on the Rules on Land Registration and the Land Registration Technical Working Group.

III. Specific Objectives

- a. Describe the current evidence-based landscape of registration and dispute resolution for residential, agricultural and ancestral lands, including scale, types of claims, common causes, and how these disproportionately affected socially disadvantaged populations.
- b. Map agency and adjudicative mandates, identify overlaps, redundancies and jurisdictional conflicts (courts, quasi-judicial bodies, administrative agencies), including fraud and corruption issues, capacity gaps and/or attitudinal biases that limit institutions and agencies in carrying out their mandates with sensitivity to the land and legal rights/needs of disadvantaged groups such as women, IPs, PWD.
- c. Document human costs (time, expense, social/psychological harms, vulnerability impacts), with attention to marginalized groups and intersectional vulnerabilities (GEDSI, climate, social disruption, and conflict impacts).
- d. Identify institutional, procedural and technology-enabled reforms to improvement land registration and land dispute resolution. These include inter-agency interoperability, simplified procedures, and policy or legislative options, and present relevant risks (e.g., unintentionally making systems and processes more difficult to access by socially disadvantage groups who are not familiar with technical language or have no internet access).
- e. Provide concrete and targeted recommendations (e.g., on improving capacity of lawyers and judges in handling land dispute cases) and draft language for instruments the Summit may endorse (e.g., elements of a Joint Circular, or proposed improvement to an existing one, MOU, or standardized procedures).
- f. Include a discussion that clarifies the general knowledge on the Assurance Fund and the possible ways that claims against it may be filed to afford recompense in fraud situations.

IV. Scope of Work

1. **Geographic:** National scope with illustrative regional case studies (at least 3) that represent urban/residential, rural/agricultural and indigenous/ancestral contexts.
2. **Thematic:** For each land type (residential, agricultural, ancestral) cover (a) registration pathways; (b) principal dispute types; (c) key actors and institutions; (d) timelines and cost estimates for typical dispute resolution; (e) existing legal/regulatory frameworks; and (f) barriers and human costs associated with access to justice for vulnerable groups.

V. Methodology

- **Desktop review:** laws, regulations, administrative procedures, case law, relevant agency guidelines, and existing studies.
- **Primary data collection:** Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) with stakeholders (see suggested participants, tools below). FGD/KII instruments to be co-designed with the Supreme Court and FAIR Justice.
- **Institutional mapping:** flowcharts showing registration and dispute resolution pathways across agencies and courts.
- **Validation:** present draft recommendations to stakeholders or LR TWG and incorporate feedback into final products.

VI. Duration and Level of Effort

- Inception note and detailed workplan (within 2 weeks of contract start).
- Draft full think paper (20–30 pages) and short brief (4–6 pages) with annexes (data tables, process maps, sample forms) (by week 8).
- Presentation slide deck for pre-summit circulation (by week 9) including infographics where appropriate.
- Presentation to TWG (by week 10)
- Final full and short think papers incorporating TWG feedback (by week 12).
- Data appendices (FGD transcripts, KII summaries, codebook) (with final submission).
- All materials to be provided in editable Word/PDF and slide formats, and infographics.

VII. Team Composition and qualifications

- Lead consultant(s) with expertise in land law, land administration, dispute resolution and access to justice.
- Senior researcher with experience in qualitative methods and vulnerable-group engagement.
- Legal analyst (judicial procedure / administrative law).
- Local field researchers (for FGDs/KIIs) with local language skills and experience engaging indigenous and rural communities.
- At least one advisor experienced in digital land registry/IT interoperability is desirable.

VIII. Ethics, inclusion and risk mitigation

Ensure free, prior and informed consent for FGDs/KIIs; apply confidentiality protocols; and use safe spaces for vulnerable participants. Co-design tools with the Supreme Court and FAIR Justice as required.

IX. Evaluation criteria for proposals

- Demonstrated technical expertise on land tenure and dispute resolution.
- Prior experience conducting FGDs and KIIs with vulnerable and indigenous communities.
- Strong methodological approach and realistic timeline.
- Demonstrated ethical conduct and practice and track record in research.