

# Civil Justice Transformation in Ogun State

Supporting data and know-how

April 2021



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# Summary

This Deep Dive Report accompanies the Strategy Document, Civil Justice Transformation in Ogun State, published in April 2021. Between January and March 2021, the Ogun State Attorney General and Commissioner of Justice, Gbolahan Adeniran, convened 25 distinguished justice leaders in the state's first Civil Justice Transformation Lab. The aim of this process was to deliver a vision on civil justice in Ogun State whereby people can safely live, work and do business.

During these months, four Civil Justice Transformation Goals and three Game-changing Pathways to achieving them were outlined, always keeping the people of Ogun and the outcomes they need at the centre. The four goals are related to land problems, neighbour problems, and family problems (divorce/separation and domestic violence). This report has been developed along the transformation lab process, informing and subsequently being informed by the different stakeholder dialogues. It contains data on justice needs and research on "what works".

For each of the goals, and following the pathways set out by the stakeholders, the Hiil research team collected the following relevant data:

- The expected number of problems, the most vulnerable groups, whether people take action and what percentage of problems is resolved in a way that is satisfactory to people experiencing these problems (Chapter 2).
- We then look at data (from a survey on justice needs in Nigeria) to obtain an impression of the type of action people take to resolve problems and how they actually manage to resolve their problems (Chapter 3).
- The report also contains experiences and insights on how other jurisdictions deal with these problems, following similar pathways. The report refers to evidence-based practice, as it is developing in the justice sector worldwide, where an increasing body of research is becoming available on effective interventions. The advancement of knowledge on how to address domestic violence and land disputes is impressive, and more best practices are also becoming available for the resolution of family conflicts and neighbour disputes. Reformers in Ogun State can benefit from the successes and mistakes in other jurisdictions in Nigeria, in other middle-income countries and from highly specialised programmes elsewhere (Chapter 4).
- We also briefly explore the enabling environment for further developing the pathways; that is the setting of laws, procedures and regulation of legal services in which the next steps will have to be embedded (Chapter 5).

The conclusion wraps up these different parts of the report, and highlights that the findings generally support the pathways that the stakeholders developed, while providing anchor points for the next steps towards implementation (Chapter 6).



## **Neighbour problems**

In Ogun State, 250,000 neighbour disputes can be expected every year. For such disputes, community justice services using Alternative Dispute Resolution (ADR) are recommended, which is fully in line with the pathways set out by the stakeholders.

This report refers to a number of models for local dispute resolution services that can be considered. One important issue identified by the stakeholders was how to entice disputants to use such services. Programmes in other countries have discovered a number of good practices for inviting the other party to the dispute. The report also shows how other jurisdictions have dealt with conflicts about noise and identified the particular forms of mediation that work for neighbour disputes. Another issue brought up by the stakeholders was the one of enforcement. Several ways to improve compliance with (negotiated) decisions have been tried and tested. Linking informal justice in communities to a supervisory role of the courts can be done in different ways. During the implementation phase, this know-how can inform the design of standardised “treatments” for the many neighbour disputes that are likely to occur in Ogun State.

## **Land problems**

In Ogun State, the yearly expected number of land disputes is at least 100,000. Disputes over boundaries/access, land titles/ownership, use of land and land grabbing are most frequent. Standardising the interventions to resolve land disputes is very much supported by the literature. Fit for purpose land registration is a tested approach, with many best practices identified. Local record keeping, and solving land disputes locally, is recommended.

We cite examples of similar programmes. Although the costs of such programmes are substantial, they offer a pragmatic alternative to centralised land registration systems. These programmes can provide adequate protection to people living on the land, whilst balancing the interests of investors and government agencies. Interesting best practices include the use of ‘halfway-documents’, dialogues and support with filling out standard forms by neutral persons. The literature recommends affordable and consistent record keeping of all tenure forms, locally grounded land records in close proximity to communities and reflecting the situation on the ground. Besides recommending alternative dispute resolution mechanisms, there are also many findings about the way this can be organised, informed by (contradicting) evidence and preserving future relationships between disputing parties.

## **Family problems: divorce or separation**

Family disputes in Ogun State are mostly related to divorce and separation. The number of divorce cases going to Ogun State courts is in the hundreds, whereas 15,000 disputes related to divorces and separation can be expected every year, based on survey data. Both formal marriages and informal family relationships are often dissolved.

This report confirms the need for specialised family justice services. It summarises high quality studies, including valuable ones conducted by Nigerian researchers. One study details nine outcomes of “good divorce law,” such as preserving the sanctity of marriage and the stability of

the family; saving marriages that are salvable; reducing the bitterness associated with divorce; and protection for the economically weaker spouse, victims of domestic violence and the children of the marriage.

Many international good practices around “dispute system design” are described, including the tendency towards a mandatory mediation process. For mediation, guides and training manuals list the techniques and interventions that can be used, which have already been adapted to the Nigerian context. HiiL and others worked on recommendations for justice practitioners for the key dilemmas they identified in their family justice practices. When implementing local justice services for separation and divorce, a sound financial and organisational model will be needed. In this way, justice services to families can be of good and consistent quality.

### **Family problems: domestic violence**

On the basis of the Nigeria JNS survey, the expected yearly number of domestic violence problems in Ogun state is 15,000. But domestic violence is likely to be underreported. The Deep Dive Report provides access to the vast literature on domestic violence worldwide. There are hundreds of studies on domestic violence in Nigeria in particular.

A one stop domestic violence response has been implemented in quite a few settings. A recent literature review lists the barriers and enablers of setting up such services in lower and middle income countries. Increasing voice and participation in the design of responses is a recurring theme. We summarise some of the lessons learned and best practices developed by domestic violence practitioners. One problem to address is the usage rate of such services. Another issue prominent in the literature is the need to finetune the use of criminal justice interventions. Finally, the effectiveness of different forms of therapy (for victims, perpetrators, couples) needs to be considered when implementing these services.

# 1. Supporting Civil Justice Transformation Dialogues and Strategy

## 1.1 This report

Between January and March 2021, the Ogun State Attorney General and Commissioner of Justice, Gbolahan Adeniran, convened 25 distinguished justice leaders in the state's first Civil Justice Transformation Lab. Through a series of three stakeholder dialogues, the aim was to deliver a vision on civil justice in Ogun State whereby people can safely live, work, and do business. HiiL was asked to assist in this process and identify the prevalence of civil justice problems and the bottlenecks in the administration of civil justice for businesses and individuals in Ogun State.

During the stakeholder dialogues, four goals and the game-changing pathways to achieving them were outlined, always keeping the people of Ogun State and the outcomes they need at the centre. These goals and their pathways have been documented in a strategy document for civil justice transformation in Ogun State.

This report supports the civil justice transformation strategy in Ogun State. It provides relevant data and knowledge to support the strategy developed during the stakeholder dialogues. It has been developed along the transformation lab process, informing and subsequently being informed by the different stakeholder dialogues. The final result is a Deep Dive report into civil justice transformation in Ogun State, based on a combination of stakeholders' ideas, knowledge, and expertise, and research conducted by HiiL. For each of the four goals and pathways formulated by the justice leaders, the report provides data on the expected annual number of problems that need resolutions, how people go about resolving them and what works, and the main enablers and obstacles to implementing the pathways identified to achieve the goals.

## 1.2 Methodology

This report is based on a combination of different data sources to create a nuanced and in-depth picture of civil justice in Ogun State.

1. **Quantitative research data from the JNS survey:** By examining data on people's experience with civil justice problems, we can obtain a people-centred understanding of the main problems in the lives of Nigerians, what they do to solve them, and how successful these resolution strategies are. This data is based on a study from 2018, when we conducted a nationwide Justice Needs and Satisfaction survey in Nigeria. We interviewed over 6100 Nigerians in 18 different states across six different regions about

their experiences with legal problems in the previous four years. Although Ogun State itself was not included in the final sample, the results of the study are considered representative for Nigeria.

2. **Literature review:** During the stakeholder dialogues, justice leaders formulated four goals and the pathways to achieve them. For each of these goals, we conducted literature research on the main obstacles and enablers to implement these pathways, looking at studies conducted both in Nigeria and in other countries with similar services. This research is part of HiiL's ongoing research on game-changing services for people-centred justice.
3. **Input from justice leaders:** As noted above, this report has been developed alongside the three stakeholder dialogues held between January and March 2021. Earlier versions of this document provided relevant data and knowledge to support the stakeholder dialogues, while the dialogues themselves informed the further development of the report. The justice leaders were also interviewed about civil justice in Ogun State before the first stakeholder dialogue. All this information has been integrated into the development of this report.
4. **Additional data:** More data is still being collected and will be integrated into this report later. These additional data include interviews with a diverse group of 13 experts on civil justice in Ogun State and quantitative court data from the Office of The Chief Registrar High Court of Justice in Ogun State.

## 2. Capacity needed

What are the most pressing civil justice problems in Ogun State for individuals, small and medium-sized enterprises, and large businesses? What is the impact of these problems? Who are the vulnerable groups? And to what extent are problems resolved?

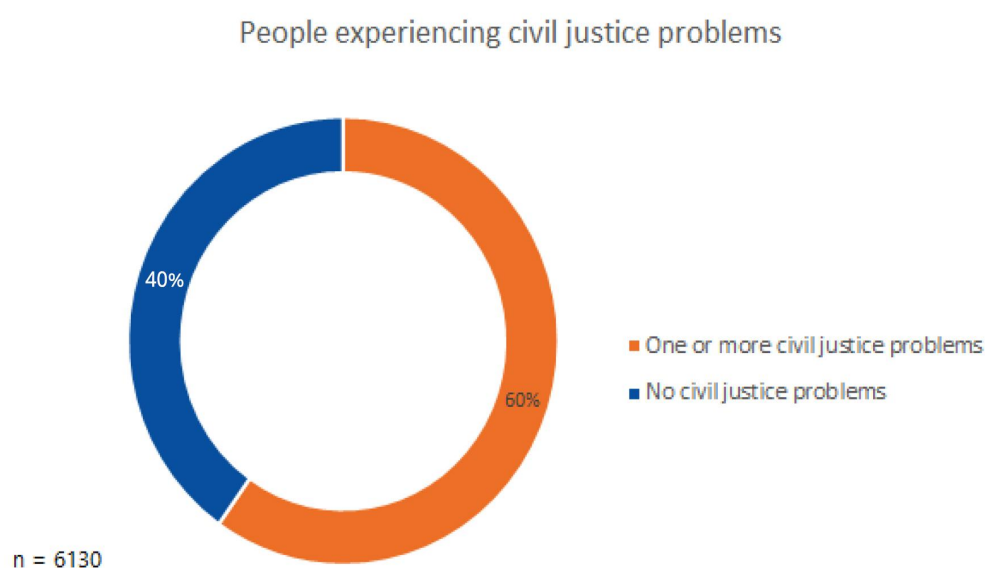
The answers to these questions inform the civil justice capacity needed in Ogun State. Courts, legal services and informal justice services will have to provide this capacity. Quantifying the impact of civil justice problems can help make the case for creating this capacity.

### 2.1 Most pressing civil justice problems for individuals, SMEs, and large businesses

During the enrolment interviews for the Civil Justice Transformation Lab, stakeholders raised land conflicts, neighbour conflicts, and family conflicts as the most pressing justice needs in Ogun State. As we will see below, the data indicate that the three most common civil justice problems people experience in all of Nigeria are neighbour problems, money problems and land problems. Family conflicts are less frequent and may have more impact on people. The interviews suggested that people from outside the state may come to Ogun State for divorce petitions in courts.

#### For individuals

Most Nigerians see themselves facing civil justice problems: 60% of Nigerians experience one or more civil justice problems in the previous four years.





These are serious problems: 75% of those experiencing one or more legal problems (or 55% of all Nigerians) indicated that their most serious problem was a civil justice problem.

Many people experience more than one civil justice problem. On average, people who report at least one civil justice problem experience 1.34 of these problems.

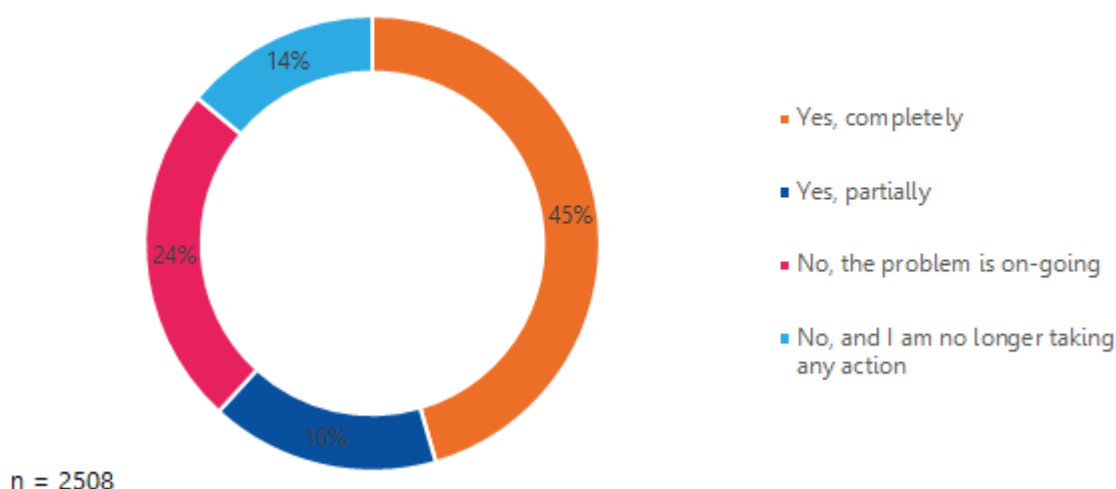
The most frequent serious civil justice problems are related to neighbours and money, each accounting for about 20% of the most serious civil justice problems. Other common civil justice problems include disputes over land, employment, housing, and family. Business-related and consumer problems are in the top ten of the most common problems but occur less frequently. Based on input from the stakeholders prior to, and during the stakeholder dialogues, it is clear that land problems in particular constitute a significant challenge in Ogun State.



The civil justice problems lead to a number of negative consequences for the people who experience them. Roughly speaking, land and employment problems have more severe consequences. Based on these data, depending on the problem category, between 10% and 40% of problems have a very serious impact on people's lives.

75% of people whose most serious problem was a civil justice problem took action to resolve this problem. Almost half of these people were not able to resolve their problem. 38% of people had not (yet) resolved their problem, including 14% of people who had completely abandoned their problem. People with lower incomes are especially unlikely to resolve their civil justice problem.

## Has the problem been resolved?



### For small and medium-sized enterprises

What are the most pressing civil justice problems for SMEs? The graph on page 7 suggests that the surveyed individuals have 16,000 contractual business disputes every year. This may underestimate the number of problems experienced by medium-sized enterprises. 5,000 individuals have problems with licenses or permits. 27,000 have other problems.

There is little research on the legal problems experienced by SMEs\ in Ogun State or Nigeria that can explain what is in this “other” category. The only study Hiil has conducted in this area was in a vastly different country: Ukraine.<sup>1</sup> It is therefore unclear to what extent the findings of that study are also valid in Ogun State.

The JNS survey among SMEs in Ukraine found that the most common problems are:

1. Problems related to trade disputes with suppliers and clients (often an insolvent supplier or client, or disputes over contracts);
2. Corporate fraud (theft of company property and raiding, the illegal seizure of property or equipment owned by a business, a problem particular for Ukraine);
3. Problems related to business premises (troubles with land acquisition, registration, transfer, lease, or tenure).

Only 27% of the problems were resolved at the time of the survey. To resolve existing legal problems, SMEs in Ukraine mostly negotiate directly with the other party in the dispute. Lawyers are usually involved when dealing with regulatory compliance or diverse issues that emerge around company registration, legal status, and ownership. Complaints to administrative authorities or to judicial bodies are more often filed in situations of fraud (raiding) and difficulties with enforcement of contracts and previous decisions

<sup>1</sup> <https://smes-in-ukraine.hiil.org/>

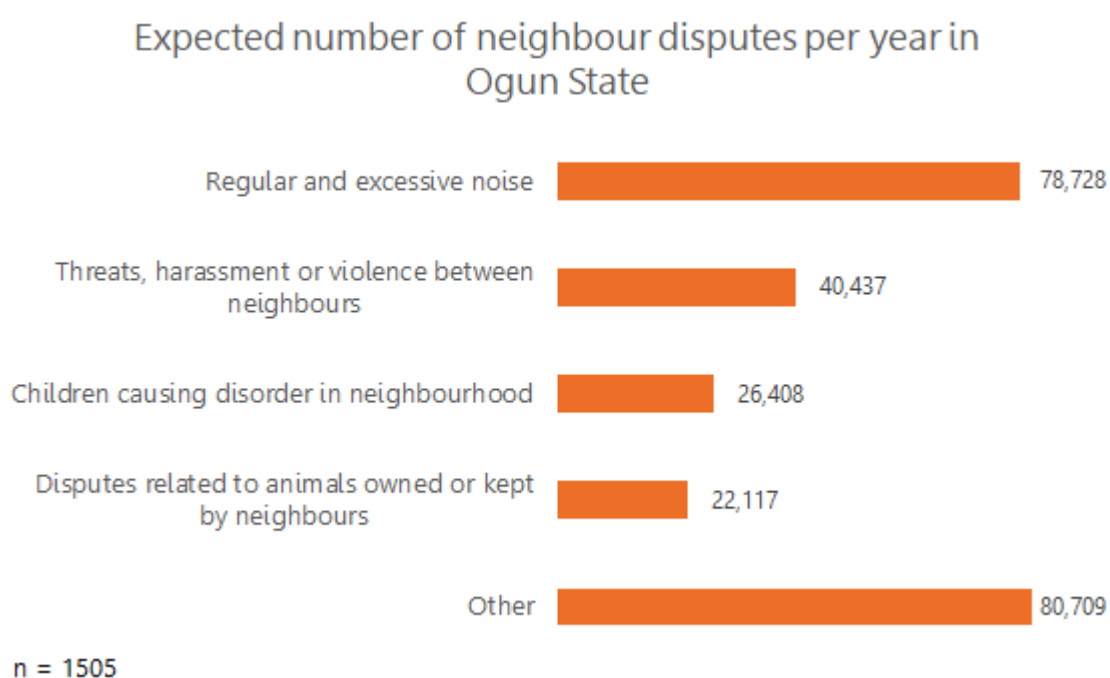
## For large businesses

We are aware of no data on these issues in Nigeria or Ogun State. Stakeholders may have data on this. A small focus group with experts on civil justice from law firms, the judiciary and arbitration centres may help to collect these data. In most countries, large businesses tend to concentrate their legal affairs in commercial centres. Depending on priorities set by stakeholders, data on the civil justice litigation needs of major companies in Ogun State, which is close to Lagos, can be collected.

## 2.2 Capacity needed for resolving neighbour disputes

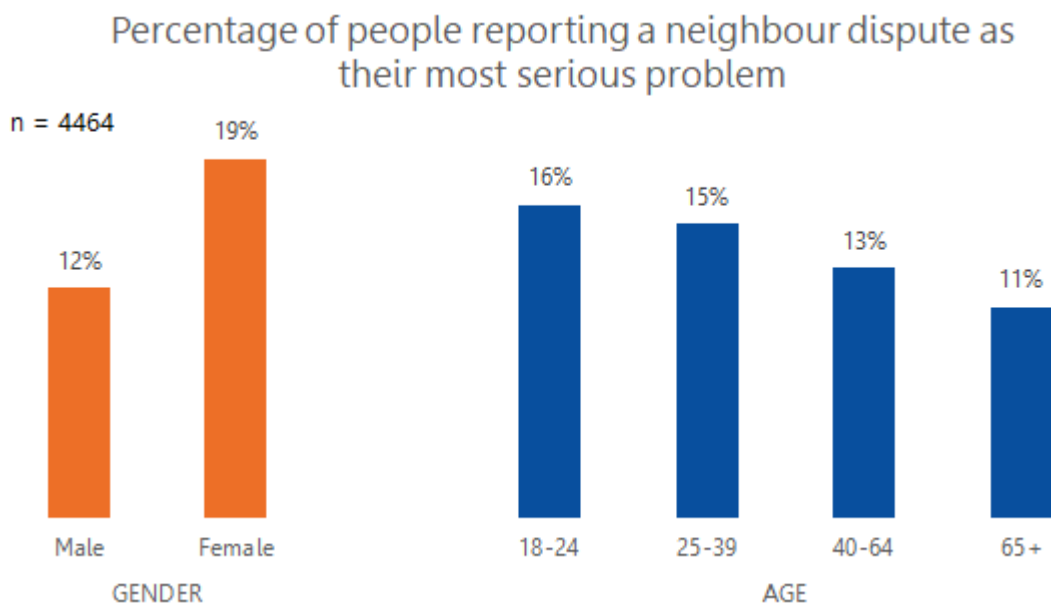
The graph below shows the most common types of neighbour dispute in Nigeria. The number behind each bar indicates an estimate of how often the problem occurs on an annual basis in Ogun State. This is estimated by applying the percentage of people in the JNS survey who experienced this problem to the number of people of working age in Ogun State (57% of 7.1 million people).<sup>2</sup> This number is thus in many ways a very rough estimate based on many untested assumptions and should be interpreted carefully. However, it gives an indication of the capacity needed in the Ogun State civil justice system.

The most common neighbour disputes involve regular and excessive noise, threats, harassment or violence, children causing disorder, and disputes related to animals. In total, almost 250,000 neighbour problems can be expected to occur in Ogun State every year.



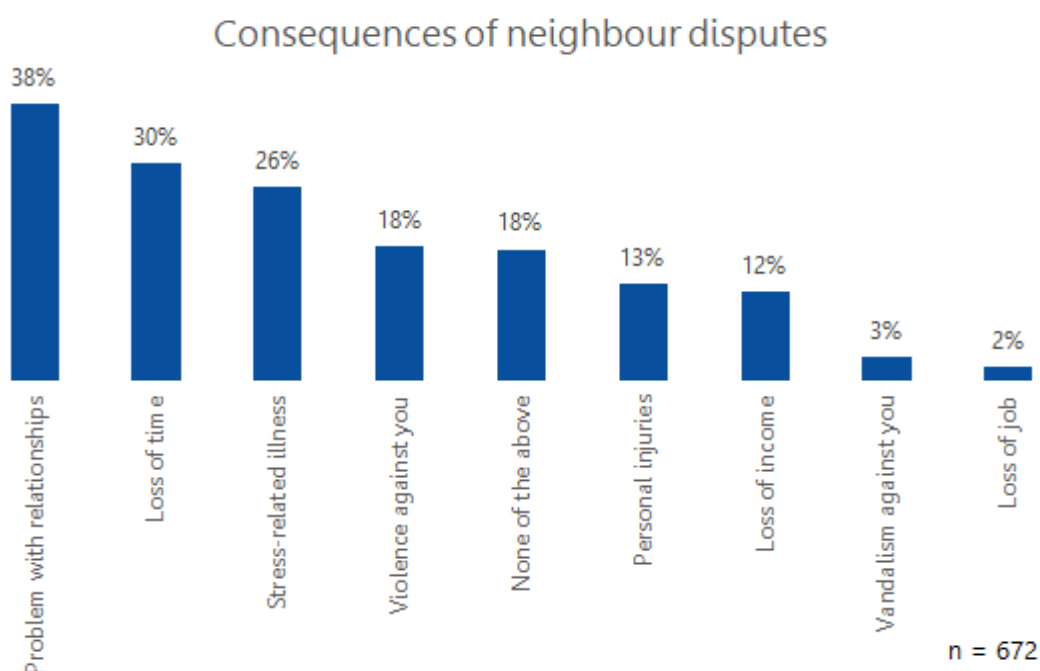
<sup>2</sup> <https://www.ogunstate.gov.ng/ogun-state/>

Neighbour disputes are not equally distributed among the population. They are more common among women than among men. Younger people experience neighbour problems more frequently than older people.

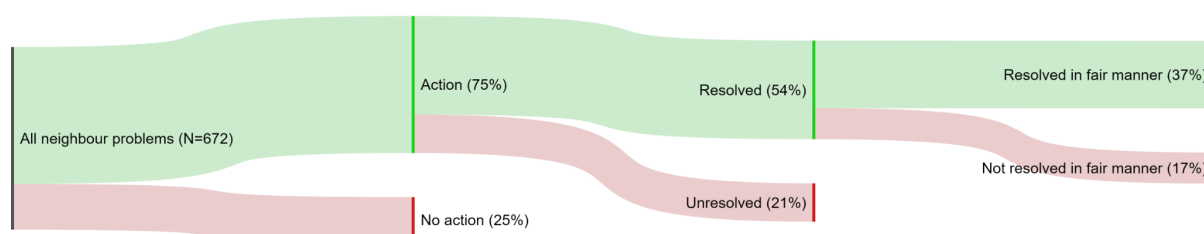


The average impact score for neighbour problems on a score from 1 (hardly affected me negatively) to 5 (the negative effect was severe) is 3.32. This is slightly higher than the average for all civil justice problems in Nigeria (3.22).

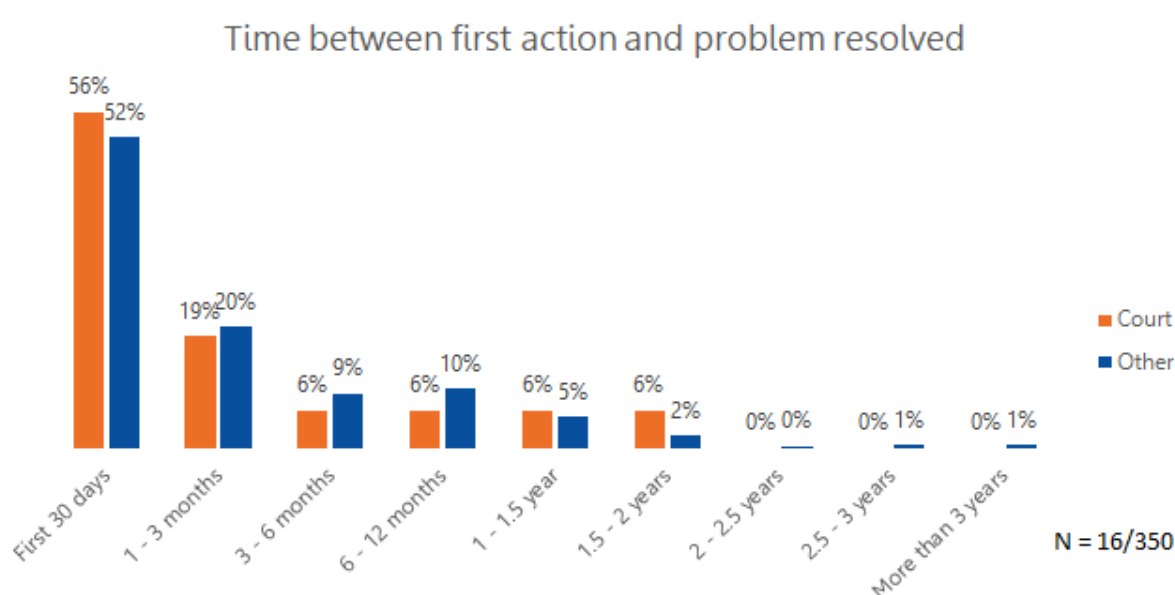
82% of people experience negative consequences because of their neighbour problem. The most common consequences are problems with relationships, loss of time, and stress-related illnesses.



75% of people with neighbour disputes took action to resolve their problem. This is equal to the average for civil justice problems in Nigeria (75%). 54% of people manage to resolve their problem completely or partially. Most of these people found the resolution fair. In the end, 37% of people whose most serious problem was a neighbour problem received a fair resolution. This means 63% of people with neighbour problems are looking for more effective and fair solutions.



The graph below shows how long it took to resolve a neighbour dispute. On average, people who managed to resolve their neighbour dispute did so 15 weeks after they first took action. However, there are big differences between individuals, with the range going from problems that are resolved the same day to problems that are resolved after more than three years. There are no significant differences between people who resolved their problem in court and people who resolved their problems in another manner, but keep in mind that the number of people who went to court is very low.

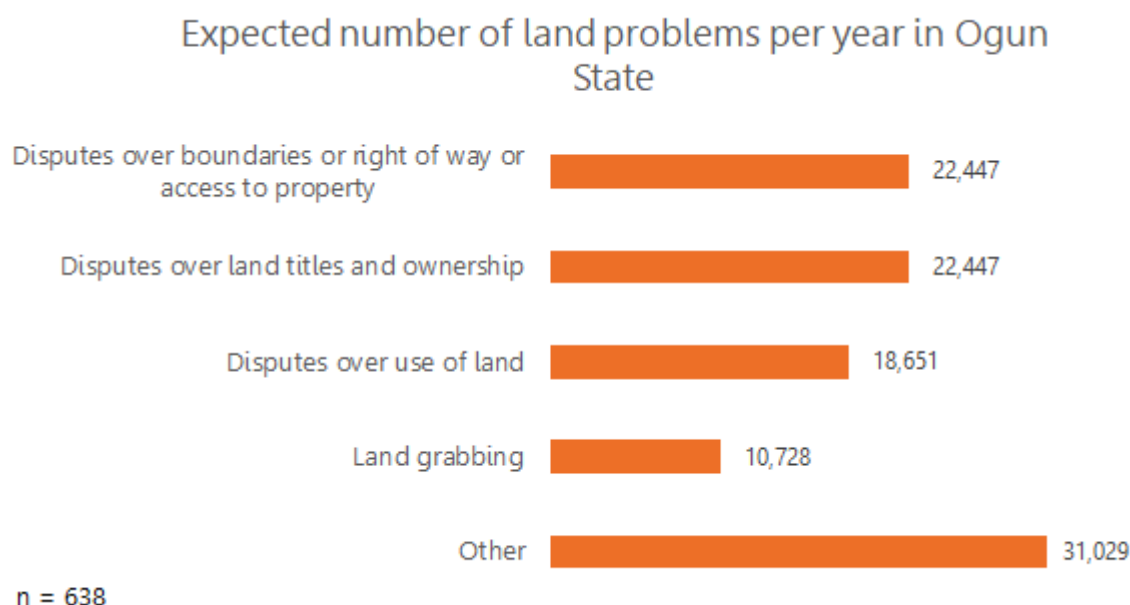


## 2.3 Capacity needed for resolving land problems

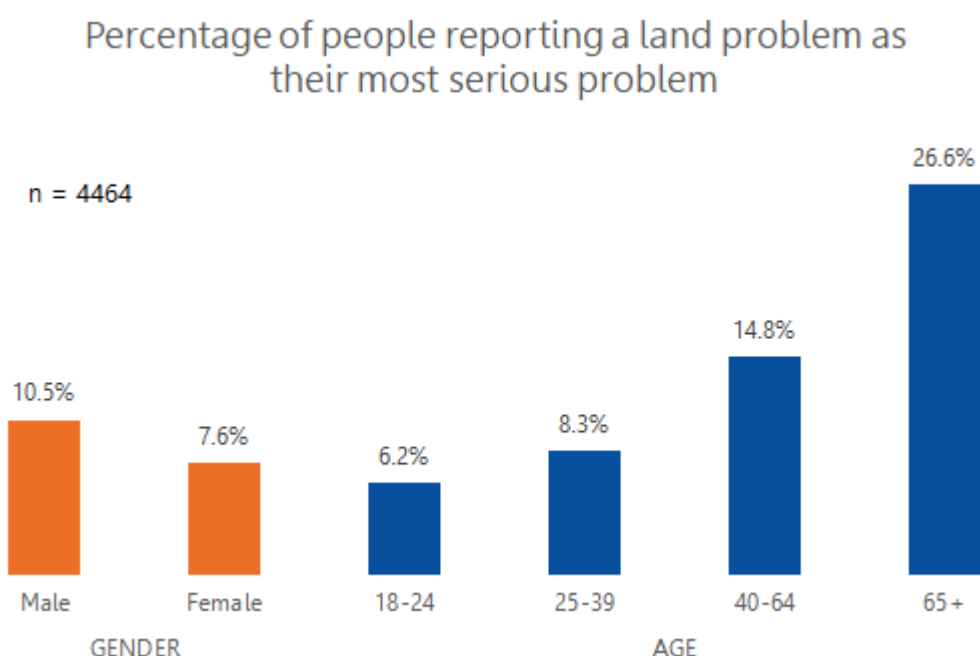
The graph below shows the most common land problems in Nigeria and how often they can be expected to occur on an annual basis in Ogun State. It shows that disputes over boundaries and disputes over land titles are the most common land problems, followed by disputes over use of



land and land grabbing. In total, more than 100,000 land problems can be expected to occur in Ogun State every year.

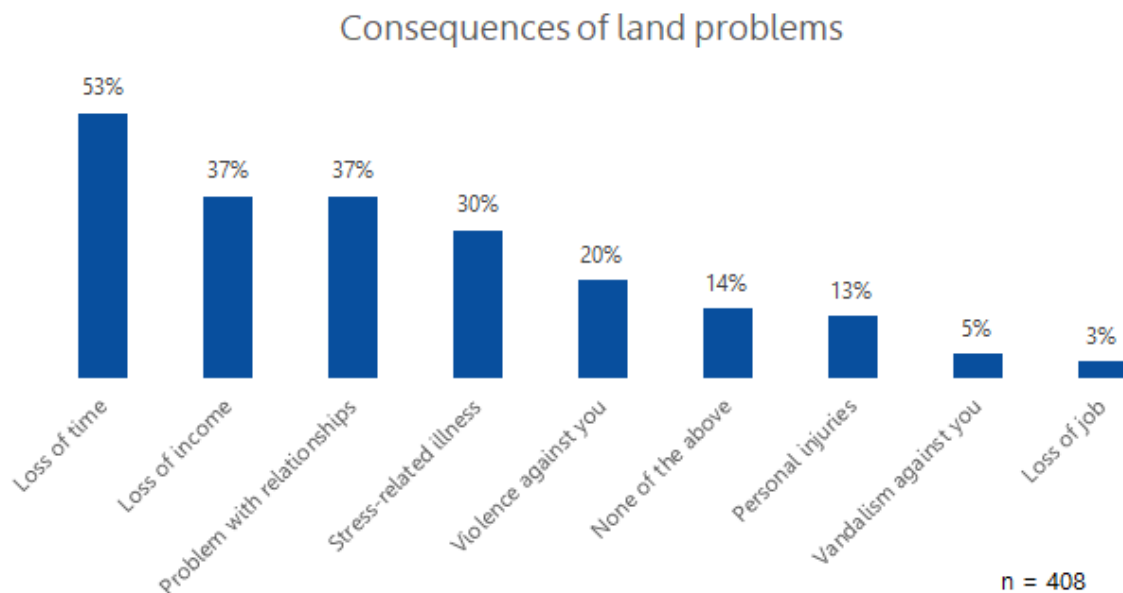


Land problems are not equally distributed among the population. They are more common among men than among women. They are also considerably more common among older people than among young people.



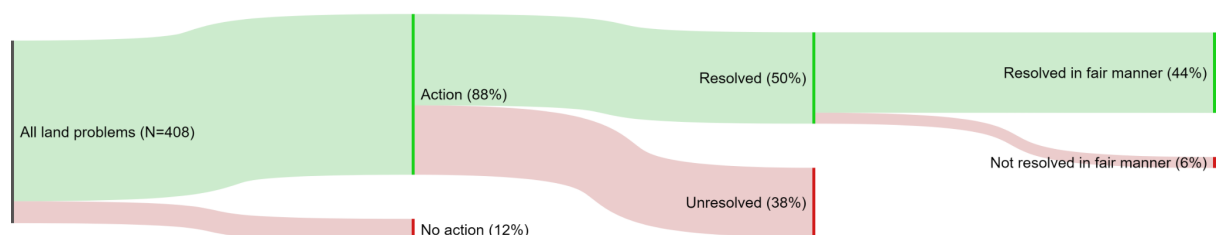
The average impact score for land problems on a score from 1 (hardly affected me negatively) to 5 (the negative effect was severe) is 3.35. This is slightly higher than the average for all civil justice problems in Nigeria (3.22).

86% of people experience negative consequences because of their land problem. The most common consequence is loss of time, followed by loss of income and stress-related illnesses. 20% of people with land problems report experiencing violence against them.

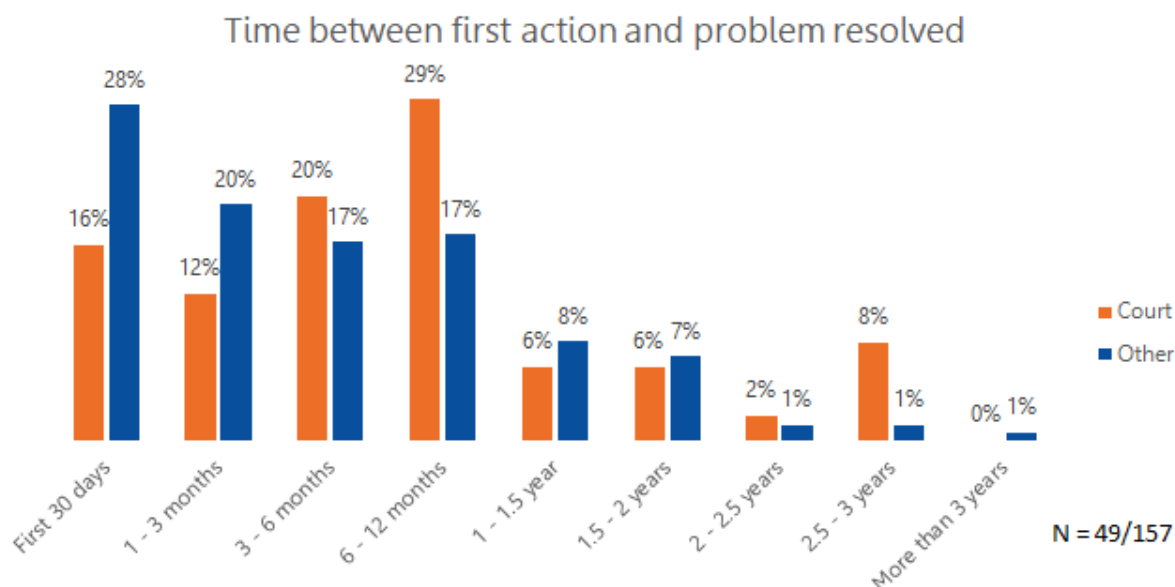


88% of people with land problems take action to resolve their problem. This is higher than the average for civil justice problems in Nigeria (75%).

50% of people managed to resolve their land problem completely or partially. Most of these people found the resolution fair. In the end, 44% of people whose most serious problem was a land problem received a fair resolution. This means 56% of people with land problems are looking for more effective and fair solutions.



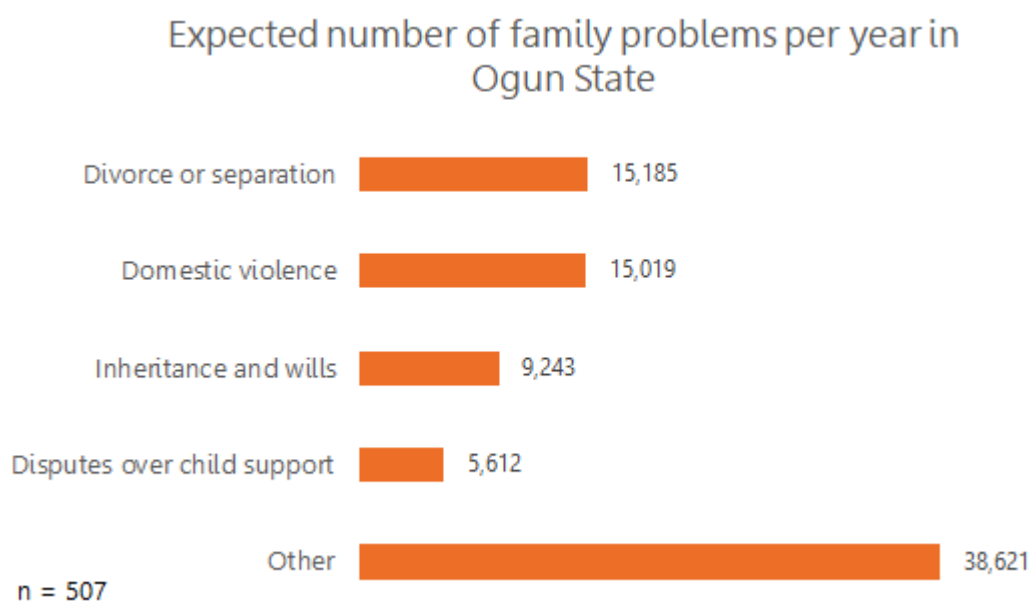
The graph below shows how long it took to resolve a land problem. People who managed to resolve their land problem generally did so 31 weeks after they first took action, almost twice as long as for neighbour disputes. However, there are big differences between individuals, with the range going from problems that are resolved the same day to problems that are resolved after more than three years.



People who went to court needed a lot more time to resolve their land problem (41 weeks on average) than people who resolved their land problem in other ways (28 weeks). Whereas land problems resolved in other ways are often resolved within the first thirty days after taking action, land problems resolved by a court decision tend to take more often between 6 and 12 months.

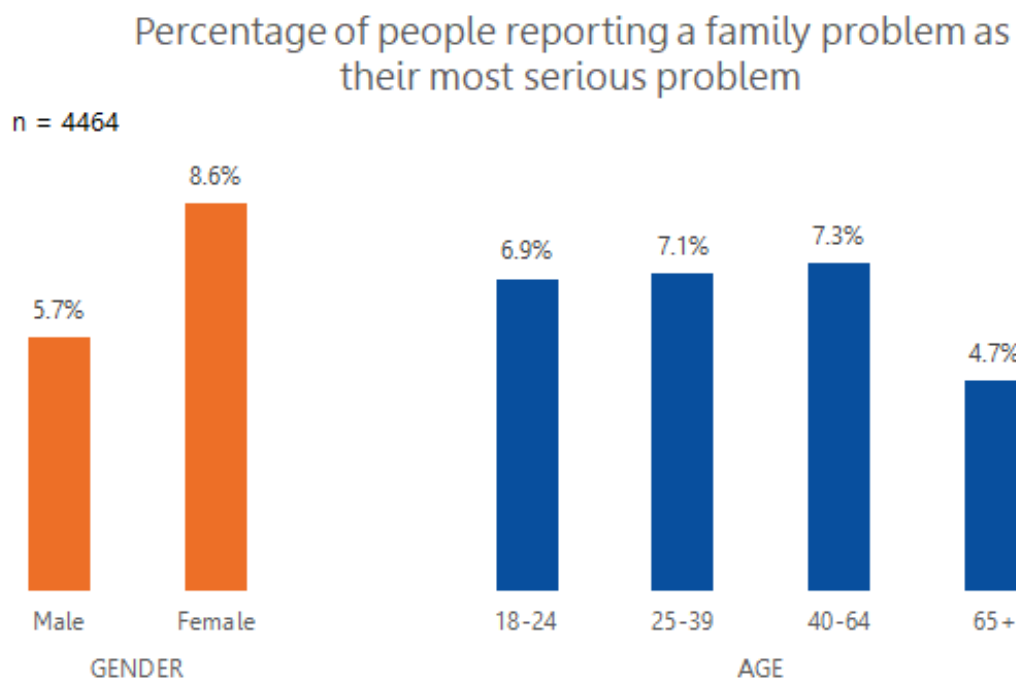
## 2.4 Capacity needed for resolving family problems (divorce or separation and domestic violence)

The graph below shows the most common family problems in Nigeria.



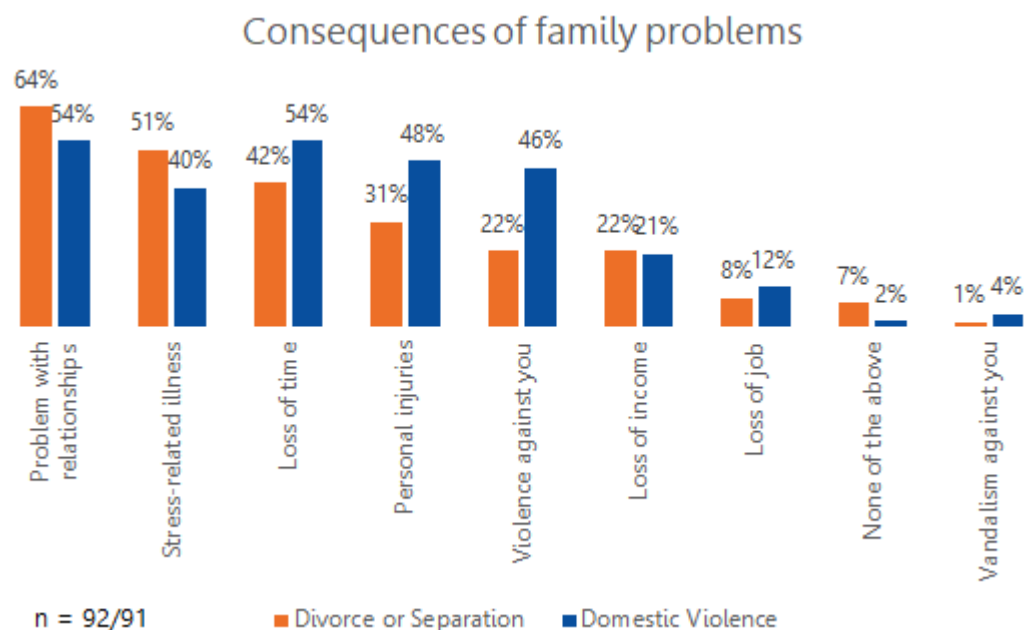
It shows that divorce or separation and domestic violence are the most prevalent family problems. These are also the problems stakeholders decided to focus on in the strategy. Both can be expected to occur more than 15,000 times per year in Ogun State. In total, more than 80,000 family problems can be expected to occur in Ogun State every year.

Family problems, including both divorce/separation and domestic violence, are more common among women than among men. The only difference between age categories is that people above 65 experience fewer family problems than younger people.

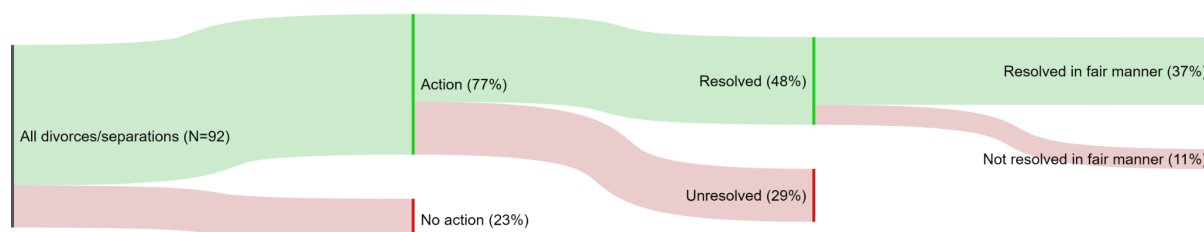


The average impact score for divorce/separation on a score from 1 (hardly affected me negatively) to 5 (the negative effect was severe) is 3.4. This is slightly higher than the average for all civil justice problems in Nigeria (3.22). For domestic violence it is 3.2.

93% of people going through divorce/separation and 98% of people experiencing domestic violence experience negative consequences because of their problems. The most common consequence is loss of time, followed by loss of income and stress-related illnesses. 20% of people with land problems report experiencing violence against them.

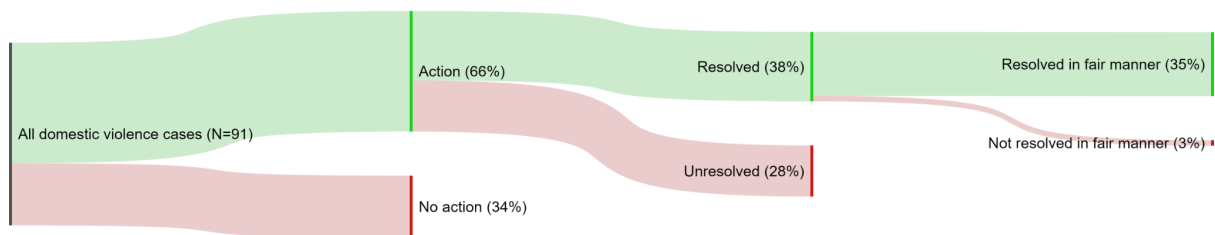


77% of people going through a divorce or separation took action to resolve their problem. This is slightly higher than the average for civil justice problems in Nigeria (75%). 48% of people manage to resolve their problem completely or partially. Most of these people found the resolution fair. In the end, 37% of people whose most serious problem was a divorce or separation received a fair resolution. This means 63% of people are looking for more effective and fair solutions.

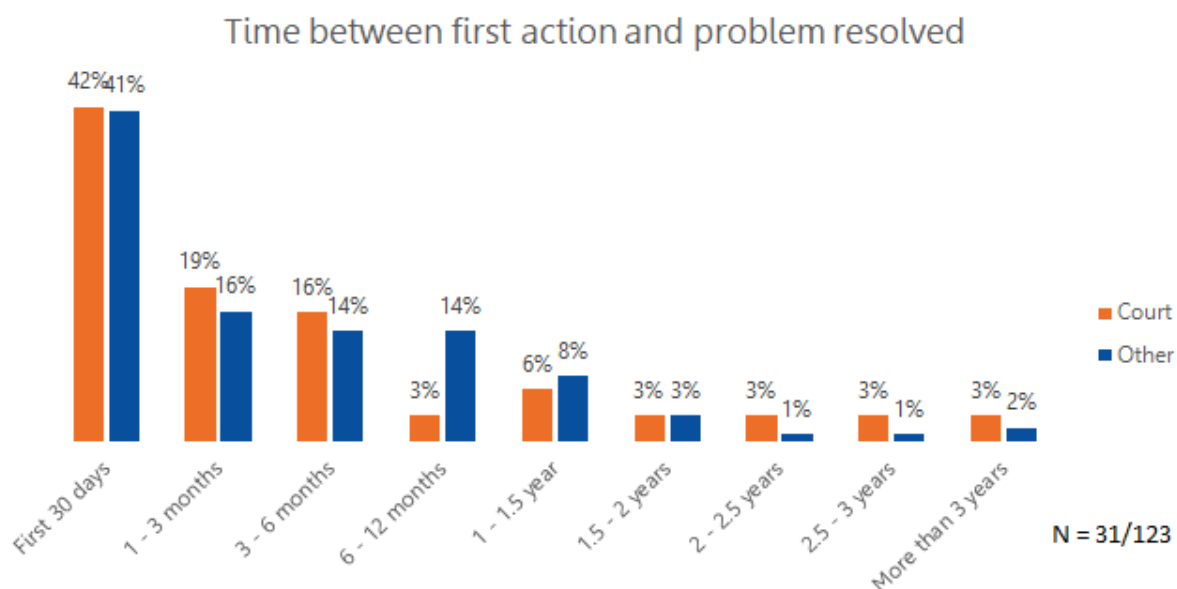


66% of people experiencing domestic violence took action to resolve their problem. This is equal to the average for civil justice problems in Nigeria (75%). 38% of people manage to resolve their problem completely or partially. Most of these people found the resolution fair. In the end, 35% of people whose most serious problem was domestic violence received a fair resolution. This means 65% of people experiencing domestic violence are looking for more effective and fair solutions.





The graph below shows how long it took to resolve a family problem. Because the numbers for divorce and domestic violence become too low in our dataset to draw meaningful conclusions, we do not show them individually. On average, people who managed to resolve their family problem did so 24 weeks after they first took action, so faster than people with land problems (31 weeks) but slower than people with neighbour disputes (15 weeks). However, there are big differences between individuals, with the range going from problems that are resolved the same day to problems that are resolved after more than four years.



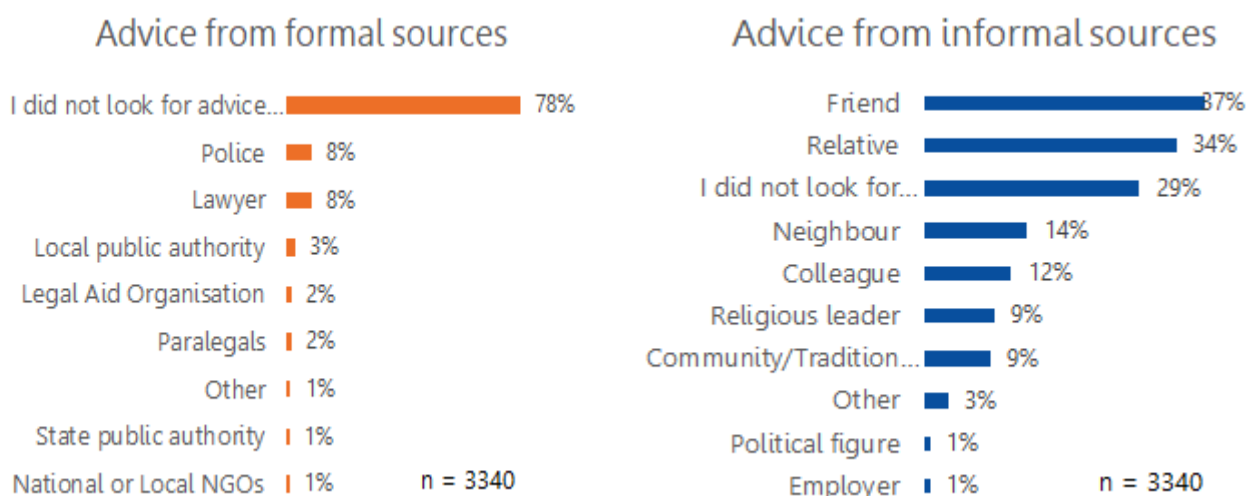
There are no significant differences between people who resolved their problem in court and people who resolved their problems in another manner, but keep in mind that the number of people who went to court is very low.

### 3. Increasing fair resolution rates: what works?

What do people with civil justice problems do to resolve their problems? Who do they turn to for legal advice? How do they manage to resolve their problems? And what are some of the best practices that have been proven to resolve civil justice problems? The answers to these questions can inform how the civil justice problems in Ogun State could be effectively tackled.

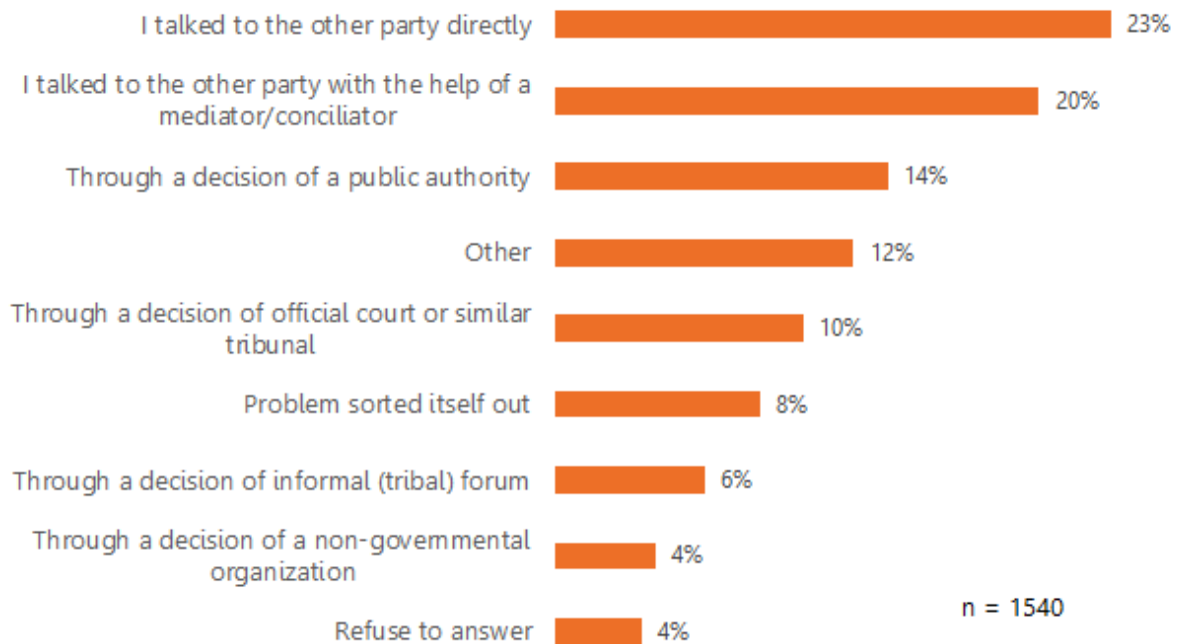
#### 3.1 What works to resolve and prevent civil justice problems?

75% of the people with a civil justice problem in Nigeria took action to resolve the problem and 62% of those achieved a complete or partial resolution. The JNS survey data show that few individuals use lawyers, police or other justice sector organisations for advice. Only 22% of people with a civil justice problem sought advice from a formal source, such as the police or a lawyer. On the other hand, 71% of people sought advice from an informal source, especially from friends and relatives.



The data show that most problems are currently resolved through combinations of negotiation, mediation and (formal/informal) adjudication. Between 4% and 5% of people who have a problem reached a court or other tribunal. This is in line with what we find in other countries. When asking people why they decided not to involve a formal court, the most common reasons were a lack of money, the problem was perceived as not serious enough, or because people preferred to turn to a traditional or community leader to resolve the problem.

## How has the problem been resolved?



We have not found data on how SMEs and large companies resolve conflicts in Nigeria or in Ogun State. It is likely, however, that they also use combinations of negotiation, mediation and adjudication.

The stakeholders interviewed suggested procedures at courts may be slow, formal and expensive. This is in line with only 10% of resolutions being achieved by courts or similar tribunals according to survey participants in Nigeria.

These data suggest a possible way forward for improvements. Integrating negotiation, mediation, settlement and adjudication into civil justice may lead to improved procedures that can increase resolution rates.

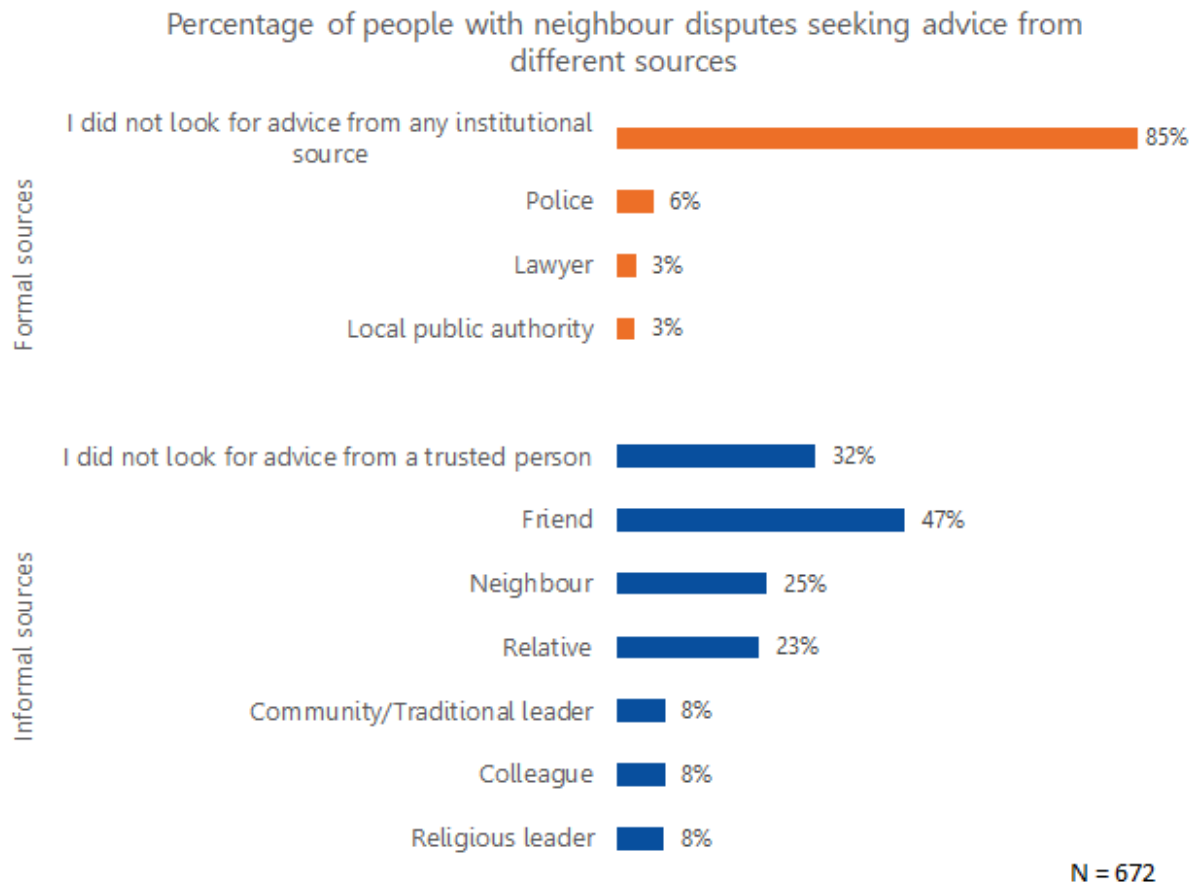
Research on dispute system design and effective conflict resolution is ongoing, as is research on procedural justice and effective court procedures. One recommendation from international access to justice research<sup>3</sup> is to focus on outcomes. Questions to guide this can be: what kind of sustainable solutions do people need for land grabbing or other types of justice problem? What are the elements of fair, sustainable peace between these people? What does a great settlement for such a problem look like?

Once the elements of fair and effective outcomes are clearer, progress towards these outcomes can be monitored. Procedures can be improved in such a way that they are more likely to achieve these outcomes.

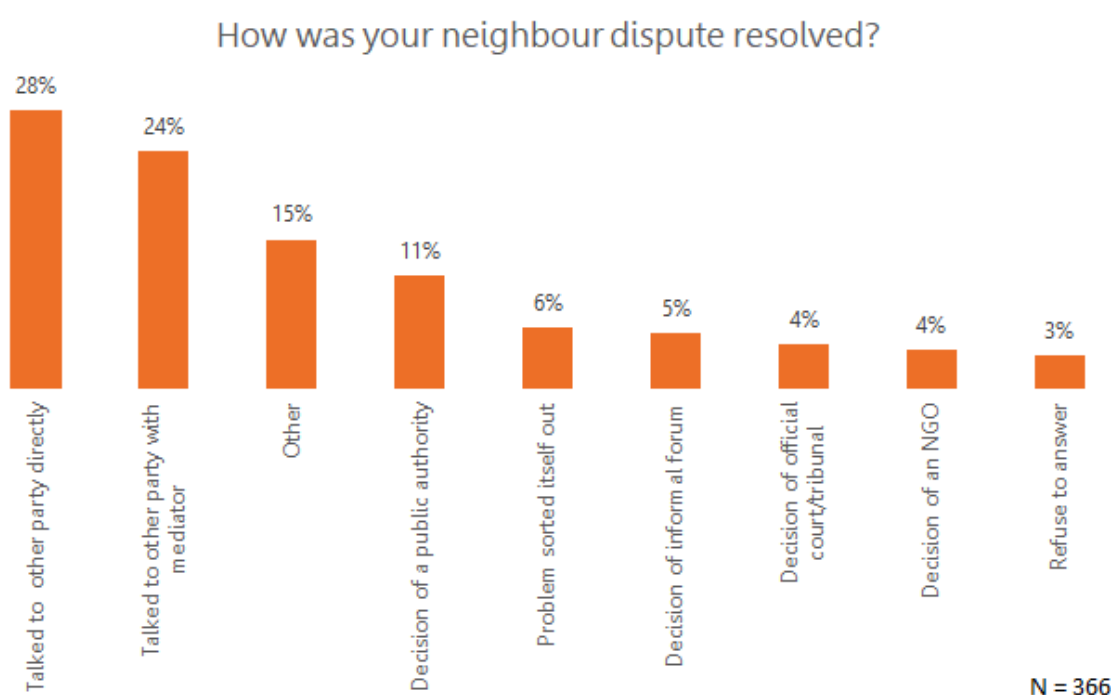
<sup>3</sup> OECD, Equal Access to Justice for Inclusive Growth: Putting People at the Centre, 2019.

### 3.2 What works to resolve and prevent neighbour disputes?

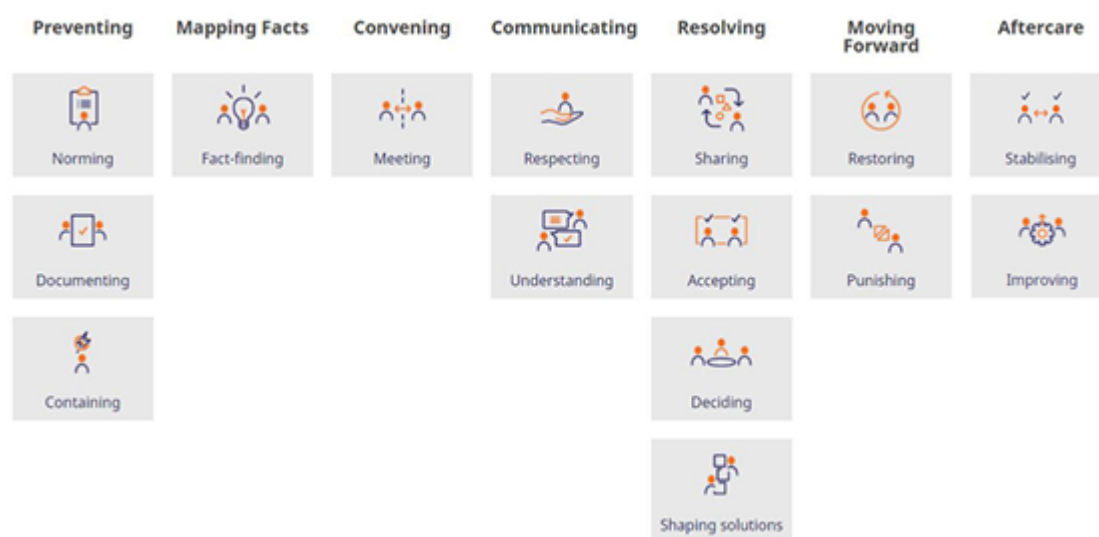
68% of Nigerians with a neighbour dispute seek advice from a trusted person, while only 15% seek advice from an institutional source. The most popular trusted persons are friends (45%), neighbours (25%), and relatives (23%). The most popular institutional sources for legal advice are the police (6%), lawyers (6%), and local public authorities (3%), but very few people use these providers for advice.



In terms of resolutions, most people who manage to resolve their neighbour dispute talked to the other party directly (28%) or with a mediator (24%). This means more than half of all resolved neighbour disputes were resolved by talking to the other party. Only 4% of resolved neighbour disputes were eventually resolved in a formal court.



HiiL has identified a series of interventions that are most used to prevent and resolve conflicts or crime issues: [the building blocks](#). These building blocks can be broken down into seven basic categories, which together form an ideal dispute resolution process.

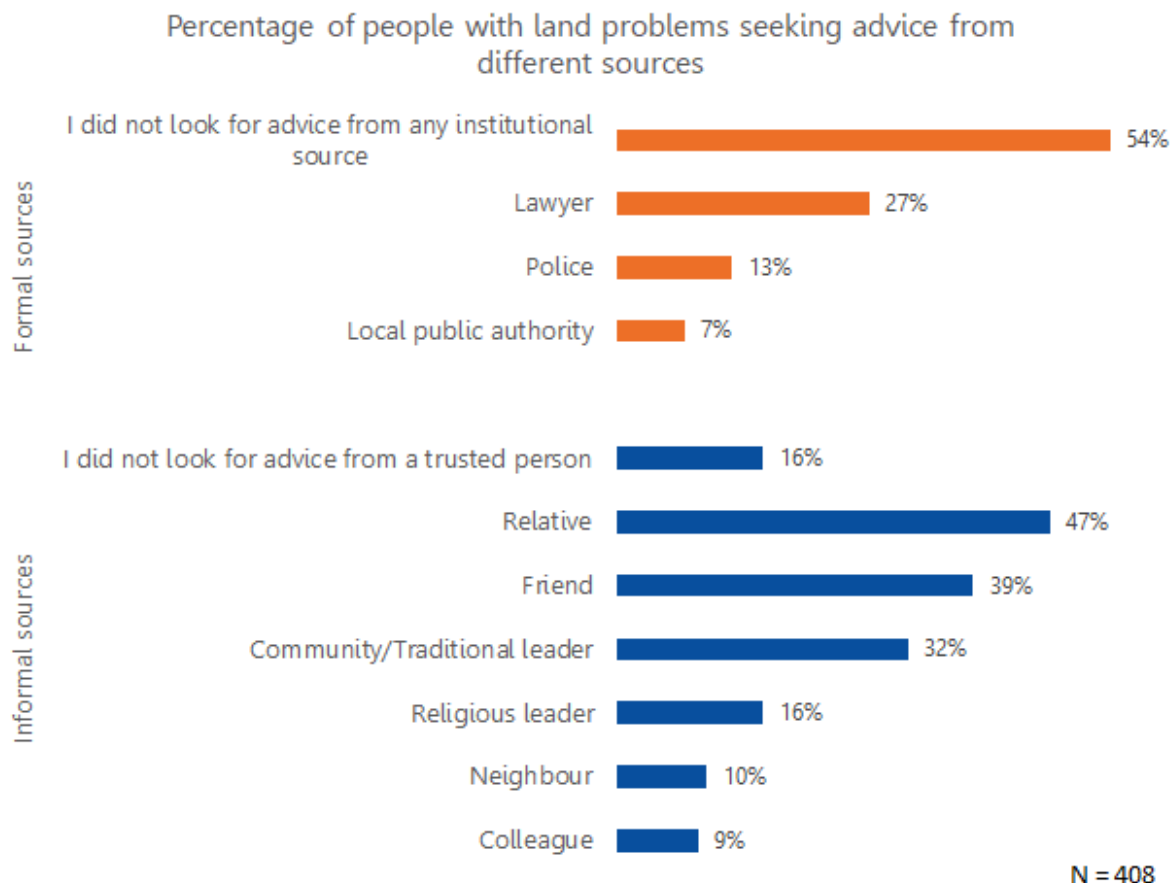


For different types of problems, HiiL has also developed a set of evidence-based best practices for resolving them. A guideline for preventing and resolving neighbour disputes are currently being developed and will become available on the [HiiL dashboard](#).

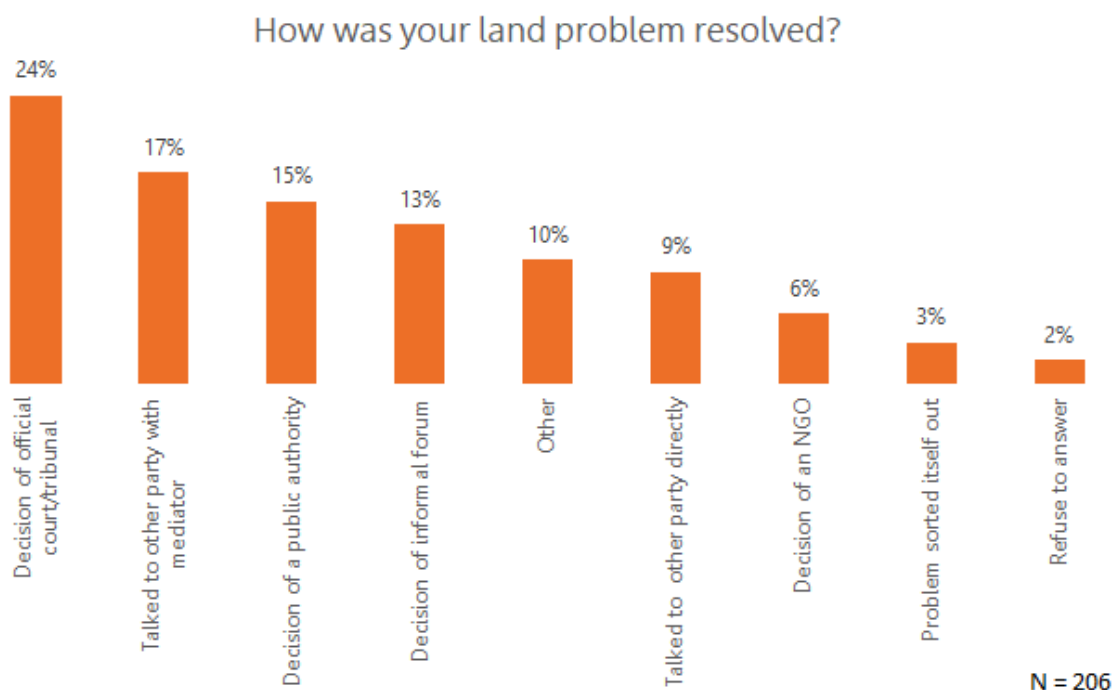


### 3.3 What works to resolve and prevent land problems?

84% of Nigerians with a land problem seek advice from a trusted person, while only 46% seek legal advice from an institutional source. The most popular trusted persons are relatives (47%), friends (39%) and community or traditional leaders (32%). The most popular institutional sources for legal advice are lawyers (27%), the police (13%), and local public authorities (7%).



In terms of resolutions, most people who manage to resolve their land problem achieve this through a court decision (24%). This is considerably higher than for other civil justice problems, but it still means three out of four land problems are resolved outside official courts or tribunals. Other ways land problems are resolved is through mediation (17%), a decision from a public authority (15%), and a decision from an informal forum (13%). In only 3% of the cases did the problem sort itself out.



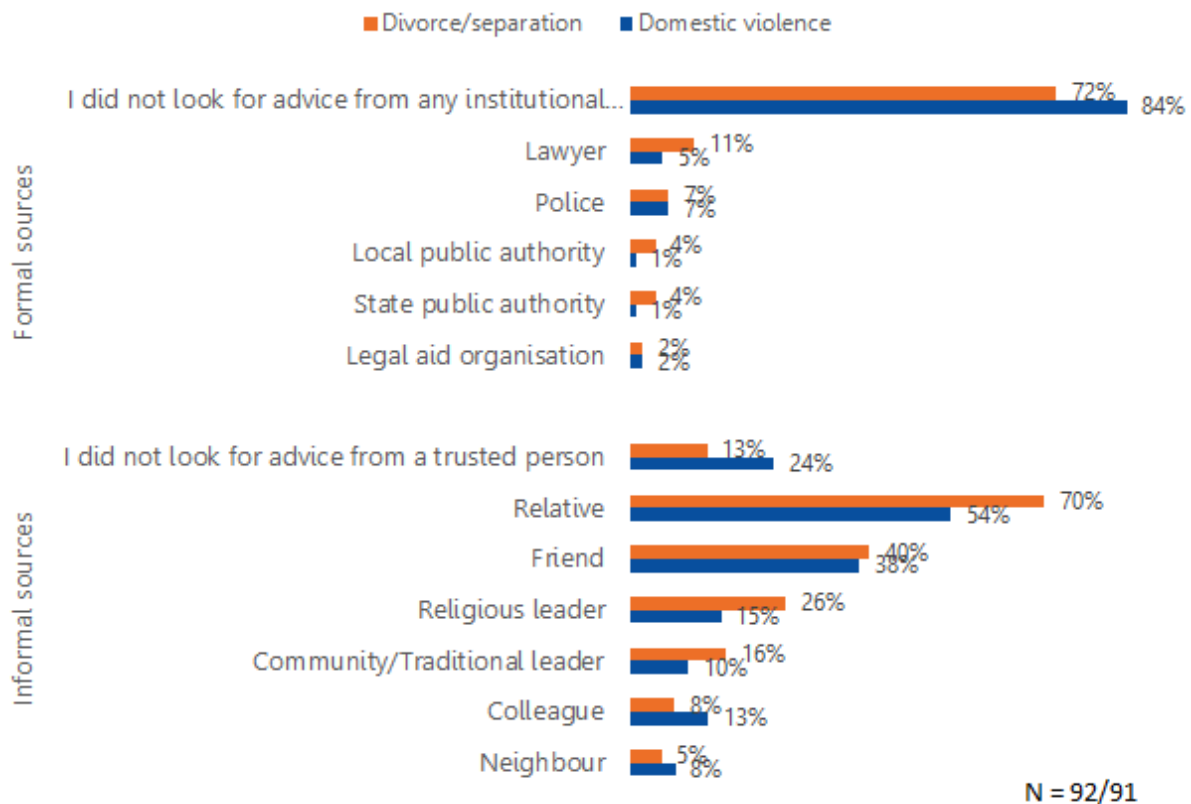
Based on literature research of potential interventions to resolve land problems, HiiL identified eight interventions that are most common in addressing land disputes. For each of these interventions, a set of best practices for resolving land problems has been studied. These evidence-based practices are mostly aimed at justice practitioners, such as mediators or community leaders, and together provide a guideline on how best to prevent and resolve land disputes. More information can be found on the [land justice page of the HiiL dashboard](#).

### 3.4 What works to resolve and prevent family problems?

28% of Nigerians going through a divorce or separation seek advice from an institutional source, while for people experiencing domestic violence this is only 16%. The most common formal source of advice for divorce/separation is a lawyer (11%), while for domestic violence it is the police (7%).

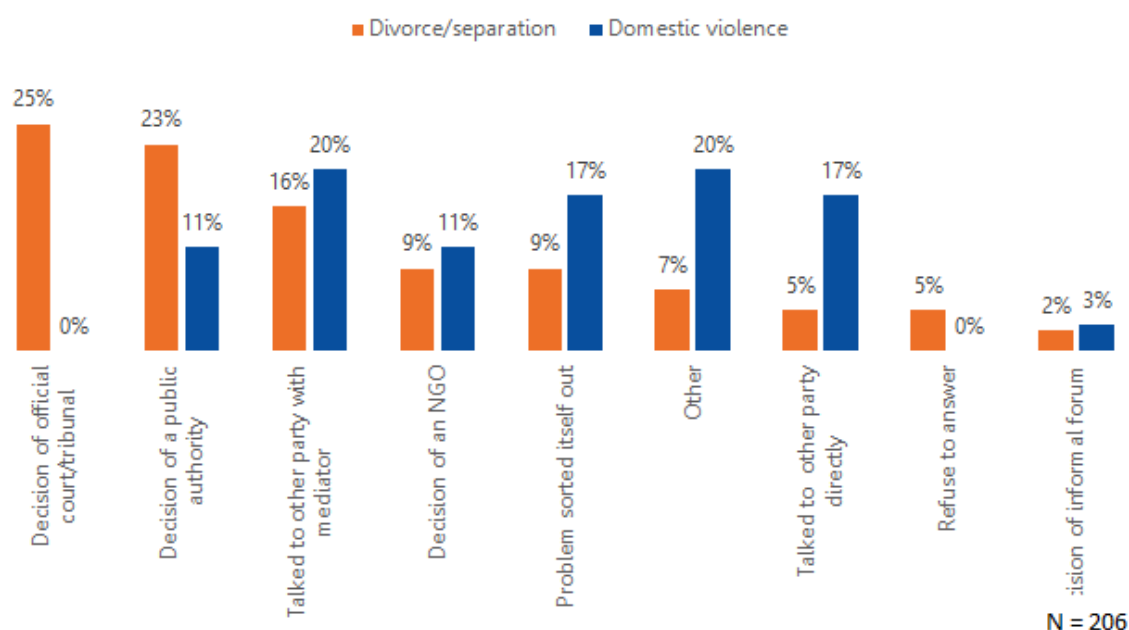
At the same time, 87% of people going through a divorce or separation seek advice from a trusted person, compared with 76% of people experiencing domestic violence. For both divorce and domestic violence, people rely primarily on relatives and friends, and to a lesser extent on religious and traditional leaders.

## Percentage of people with family problems seeking advice from different sources



In terms of resolutions, people going through a divorce or separation mainly managed to resolve this through an official court (25%) or public authority (23%). This is likely because of the legalistic nature of a divorce. People experiencing domestic violence who said they had resolved this, mostly did so by talking to the other party directly (17%) or with a mediator (20%), or the problem sorted itself out (17%). None of the domestic violence problems were resolved in a court.

## How was your family problem resolved?



Based on a literature research of potential interventions to resolve family problems, HiiL has identified eight interventions that are most common in addressing family problems. For each of these interventions, a set of best practices for resolving family problems has been studied. These evidence-based practices are mostly aimed at justice practitioners, such as mediators or community leaders, and together provide a guideline on how best to prevent and resolve family problems. More information can be found on the [family justice page of the HiiL dashboard](#).

## 4. Game-changing services proposed

What are key elements of the Civil Justice Innovation Goals formulated in the strategy? What can be learned from experience in other countries? And what can be done to strengthen these proposals, in light view of the targets set by the stakeholders?

### 4.1 Game-changing services initially proposed and considered

Court procedures and legal services by lawyers can be effective. In most countries, they struggle to achieve sufficient scale: they reach few people. Research on the most promising justice services, how to standardise them and how to fund them is ongoing.<sup>4</sup>

The enrolment interviews also offered stakeholders the opportunity to relay their take on potential game-changers for Ogun State. Digitisation, ADR and more effective use of multi-door courthouses were mentioned most often. What is important is not necessarily the number of game-changing services identified, but more vital to people-centred transformation is ensuring that they are implemented, they work, and the people are able to measure them as accessible, easy and affordable.

In the stakeholder interviews and during the first dialogue, various ADR services were mentioned:

- Multi-door courthouses: these have been developed in a number of states.
- Community Development Associations.
- The Palace intervention and elder interventions at communal level.
- Family intervention.

A next step might be to investigate how many people use these services. For multi-door courthouses, data are available, for instance in [this paper](#) (Emilia Onyema and Monalisa Odibo, How Alternative Dispute Resolution made a comeback in Nigerian Courts, 2017; see box below for a summary).

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<sup>4</sup> HiiL, Charging for Justice, Trend report 2020.



## IN FOCUS: MULTI-DOOR COURTHOUSES

We gathered the following findings on the multi-door courthouses in a number of states in Nigeria:

- The main dispute resolution mechanism applied is mediation (more than 90%).
- Multi-door courthouses have existed in Nigeria for almost 20 years.
- The number of conflicts dealt with is typically in the hundreds per year, which is low compared to the numbers of conflicts experienced by people (in the 10,000s or 100,000s).
- Referral mechanisms (mandatory or not) and “walk in” procedures are essential for dealing with substantial numbers of cases.
- The setting of the procedure is that of a courthouse and a court procedure.
- The mediation processes offered through the multi-door courthouses can be seen as an early-stage development in the direction of what are now called “one stop shop” procedures, one of the game-changers discussed below.

A number of game-changing services are increasingly on the radar screens of reformers in civil justice and criminal justice. These services exist in some form in most countries and have the potential to deliver effective solutions in a scalable and sustainable way.



Community Justice Services



Claiming platforms



User-friendly contracts



Prevention programmes



One-stop dispute resolution



Online legal information/advice



Problem-solving courts

Community justice services, one-stop dispute resolution services and people-centred innovation and advice are most likely to contribute to improvements in civil justice delivery. For land conflicts, user-friendly documents may be relevant as well. In many countries, [such services](#) already exist and can be scaled. This may require standardisation, investments and better models for ensuring sustainable revenues (for more information on scaling services see [this chapter](#) in HiiL's 2021 trend report).

### **Community justice services**

Community justice services are all about delivering high-quality, standardised forms of informal justice close to people's homes. Although community justice services exist in different forms in different countries, they can be identified by three key characteristics:

1. The local community is involved in the definition or delivery of the service.
2. The services are provided by community authorities, trusted community members, or public officials elected or endorsed by the community.
3. The services are available to the entire community.

Community justice services tend to be more common in rural settings than in cities.

Community justice services can suggest a recourse to formal courts or could be under the supervision of formal courts. They can also be connected to local or central government, with the potential to scale across borders. At the same time, their rootedness in specific communities may limit their potential to be really scalable.

HiiL's online dashboard has a dedicated page for [community justice services](#).

### **Platforms offering one-stop dispute resolution**

People seeking justice often need to find different services in completely different places, making the process of seeking justice unnecessarily complicated. Bringing these different services together in one place would therefore greatly improve and simplify the process for people lost in the justice system. This is why one-stop shops, platforms offering different dispute resolution services in one place, are a great way to improve access to justice.

At one location, these platforms connect the different stages of the justice process: diagnosis, advice, negotiation, mediation and adjudication. They can focus on all types of civil justice problems. The aim is to create an integrated 'treatment' that focuses on reaching an agreement between the parties, rather than a judgment. To facilitate such agreements, evidence-based approaches are used. One-stop dispute resolution platforms can be supported online as much as possible.

HiiL's online dashboard has a dedicated page for [platforms offering one-stop dispute resolution](#) with examples and tools to develop business cases/financial models.

## People-centred online information

As the number of people able to access the internet continues to grow around the world, the number of justice services offering online information, advice, or representation has equally mushroomed.

The provision of people-centred online information and advice, combined with follow-up services, can really help people solve their legal problems in a step-by-step way. Such services can be run by law firms, motivated individuals, legal start-ups, charities and non-profit organisations, and sometimes even by the government.

Despite the potential of such websites and apps to offer a helpful starting point for people with legal problems, they require substantial investment to become effective self-help guides leading to higher rates of resolution. As a result, examples of these are still rare, even in high-income countries.

HiiL's online dashboard has a dedicated page for [people-centred online information](#).

## 4.2 Integrated resolution for neighbour disputes

In Ogun State, the yearly expected number of neighbour disputes is at least 140,000. Stakeholders aim to increase the number of disputes dealt with in communities.

**PROPOSAL: Ogun people will develop and use informal/local dispute resolution mechanisms to resolve neighbour disputes.**

To increase the capacity to solve and prevent neighbour disputes, stakeholders proposed:

- Informal/local dispute resolution mechanisms to resolve neighbour disputes.
- Combining ADR with local/informal rules.
- Ensuring compliance with outcomes through communal pressure and strengthening enforcement through the Ogun multidoor court-house.
- Local data collection and record keeping.
- Introducing e-filing.
- Training of providers of community justice services.
- Increasing incentives to use local mechanisms/ADR.
- Increasing awareness of rights/ways to resolve neighbour disputes.
- Standardisation or guides related to mediation agreements.

Community justice services exist in many countries (see [map on HiiL dashboard](#)). Seven organisational models exist (see table below). One model is a generic informal justice model, depending on how informal justice is organised in each single community. Two models

ensemble lawyer-representation models. One model is an interdisciplinary one. Three models are based on links between neutral courts and informal justice. These models are most close to what stakeholders proposed: local (informal) courts, justices of the peace and judicial facilitators.

Nokukhanya Ntuli ([Africa: Alternative Dispute Resolution in a Comparative Perspective](#), Conflict Studies Quarterly 2018, p. 36) advises to build on existing informal justice mechanisms, as they exist already in many African communities. She warns against implementing “foreign” ADR concepts, without considering the lessons learned about ADR. One of these lessons is that the incentives to use ADR or informal justice need to be increased.

Local delivery model	Focus justice problems	Focus in services	Follow-up services if not successful	Main revenue streams
Civil legal aid lawyers	Disputes and crimes	Mediation, advocacy, navigating adjudication	Legal aid lawyers, formal court adjudication	Fees, NGOs, Ministry of justice
Community paralegals	Disputes and crimes Issues with companies and state institutions	Education, mediation, monitoring, advocacy	Legal aid lawyers, formal court adjudication	NGOs, Community contributions
Informal justice by local leaders and others	Disputes and crimes	Mediation, adjudication	Any	Time from volunteers and officials
Justices of the peace	Minor disputes and crimes	Mediation, adjudication	Referral to formal court adjudication	Judiciary
Judicial facilitators	Disputes and crimes	Education, mediation	Integration with local court adjudication	Judiciary
Local (informal courts)	Minor disputes and crimes	Mediation, adjudication	Enforcement in community	Local government
Houses of justice	Disputes and crimes	Information, advice, referral	Any	Ministry of justice

Her article is one of many overviews of existing mediation and adjudication practices in various regions that can help in understanding the variety of informal justice mechanisms that exist. Many attempts have been made to map community justice mechanisms in Yoruba communities (see Adeyinka Theresa Ajayi and Lateef Oluwafemi Buhari, [Methods of Conflict Resolution in African Traditional Society](#), African Research Review 2014, p. 138 for one example).

The following elements of the proposal are very much supported by the literature:

1. Standardise the working methods to resolve neighbour disputes.
2. Solve neighbour disputes locally.
3. Optimise the combination of ADR, adjudication and informal justice.
4. Increase the incentives to use the redesigned service.
5. Ensure transparency and record keeping

The following suggestions can strengthen the proposal:

1. When further developing the services, it is important to distinguish between the actual interventions in neighbour disputes (the processes leading to solutions) and the organisation of the services (who, on what conditions and through what kind of organisational model, is delivering these processes). The [most effective interventions](#)

[need to be researched and defined](#), taking into account the realities in Ogun State communities: What outcomes need to be achieved, such as reduction of noise, a better relationship between the neighbours, an increased ability to handle future issues or solutions for boundary issues? Which processes leading to these outcomes are needed? What type of interventions happen during negotiation, mediation or adjudication of a neighbour dispute? Once desirable outcomes and possibly effective interventions have been determined, these processes can be trained for and standardised, and guidelines can be made. For creating guidelines, [best practices and research](#) are available. Besides invitation formats (see under 4), neighbour dispute practitioners have identified the following best practices. These can be used to develop the training materials and guidelines for the practitioners that will be assisting Ogun citizens in neighbour disputes:

- a. Using rules on acceptable levels of noise; the WHO has set criteria for this that may provide guidance.
  - b. Ensuring mutual respect (active listening, avoiding defensive reactions).
  - c. Using “reframing” and appropriate assertiveness to express needs, feelings, interests and rights whilst defusing aggression.
  - d. Improving the probability of resolution by asking solution-focused, rather than problem-focused questions to the parties.
  - e. Aiming at agreed solutions, so generally using adjudicative interventions only after, and in combination with, mediation-type interventions.
  - f. Monitoring the outcomes achieved during each (mediation/adjudication) process and at an aggregate level, so processes/treatments can be evaluated and improved.
2. The stakeholders are considering effective local justice services across hundreds of communities for more than 120,000 disputes. 50% of these may need third party interventions. Setting up such services requires a [structured approach](#), which includes:
  - a. A choice between the three different models for community justice services; in Africa and South Asia local tribunals are seen more often than justices of the peace (in Europe, Russia) or judicial facilitators (in Latin America); each model has advantages and disadvantages that need to be investigated.
  - b. A central organisation supporting the services, with a leadership team that specialises in scaling.
  - c. A clear value proposition that is known to the people needing the services.
  - d. A financial model with revenues from user fees, taxpayer-money and/or community contributions, and a cost structure that is sustainable from these revenues.
  - e. Scaling the service: a step-by-step plan to go from pilot to reaching the entire population.
  - f. Securing investments: an investment plan that entices funders.

3. When linking the informal justice model to the court system, the following needs consideration:
  - a. Ensuring quality (human rights standards for interventions, fairness, compliance with legal/social norms, informed consent, protection against abuse of power). In the judicial facilitator model, a judge oversees the work of a number of facilitators working as informal justice providers in villages. In Ogun State, the multi-door courthouse may play a similar role. A training model - as suggested by the stakeholders - relies on the informal justice providers behaving in the way that is trained. In an evidence-based working model, a number of measures increase the probability of effective interventions (see under 1). In an appeal model, it is left to an aggrieved party to seek redress against an unfair outcome.
  - b. The need to ensure compliance with agreements and decisions, and how to organise this. Stakeholders assume that outcomes of local dispute resolution are likely to be complied with because the community will be involved and has a stake in compliance. Certification of the agreement by the OMDC may increase the likelihood of compliance, but also adds costs for the parties involved and for the courts.
4. To ensure that the complaining party and the “passive party” both participate in the process, use should be made of “invitation formats” that have proven to be most effective. The following elements increase the effectiveness of invitations substantially:
  - a. Invitations by a third party (rather than by the aggrieved party).
  - b. Intake only interventions, with emotional support (rather than invitations to respond to claims or invitations to participate).
  - c. Questions that ask the passive party whether he/she is willing to participate in resolution (rather than hypothetical questions: “if ...?”).
5. For record-keeping and transparency, set clear and realistic goals, and use tested technologies. What data are really needed to increase effectiveness? Data-collection should at least include information about the type of problem and about the outcomes achieved. Monitoring outcomes systematically is [recommended by access to justice experts](#). Case-management systems can be acquired off the shelf. Low-cost and low-resource interventions may be rather effective. For example, judicial facilitators in Latin-America write down the settlements they achieve in a notebook. These are signed by both parties. Every quarter or every year, the facilitator shows this notebook to a judge who can give feedback on the settlements achieved. This is also a way to monitor settlements, in order to ensure these are guided by appropriate social and legal norms.

### 4.3 Preventing and resolving land conflicts

In Ogun State, the yearly expected number of land disputes is at least 100,000. Disputes over boundaries/access, land titles/ownership, use of land and land grabbing are most frequent. Stakeholders aim to increase the number of disputes dealt with in communities, whilst

strengthening the capacity to keep records of land ownership locally. Claims interests could be registered locally and linked to the formal land registry. This should be combined with local dispute resolution.

**PROPOSAL: to keep local records of land ownership for the people of Ogun State.**

In order to increase the capacity to solve and prevent land disputes, stakeholders proposed:

- ADR to resolve land disputes.
- Information on land ownership from local records offices to aid earlier resolution of land disputes before escalation to conflicts and or legal proceedings.
- Local repository of records with proper record keeping which must be searchable, preferably online, to attract investors.
- Claims interests registry at the local level to work in synergy with the lands registry.
- Establishment of governance mechanisms and systems of accountability for this.
- Managing the potential costs of registration (of land ownership records), because this may be constraining.
- Ensuring participation in ADR/LD(M)R.
- Creating standardised guidelines for drafting mediation agreements.
- Subsidised/free LD(M)R for eligible (low-income) indigenes.
- Legal change to ensure that data gathered at local land repository are forwarded to the Land Registry by amending the Land Title Registration Law.
- The records must be searchable online (this is important when attracting investors).

Research on “what works” to resolve land disputes is not easy to find. The literature on land mapping and land registration systems is extensive. The WorldBank, UNHabitat, and research institutes have invested heavily in know-how about so-called “fit for purpose land registration systems”. A good summary of this know-how is a publication by Bob Hendriks, Jaap Zevenbergen, RohanBennett and Danilo Antonio ([Pro-poor land administration: Towards practical, coordinated, and scalable recording systems for all](#), Land Use Policy 2019, pp. 21-38). Findings from evaluation studies they mention include:

- Employ and build on informal tenures through the use of ‘halfway-documents’, that is ‘any paper or digital record prepared and agreed upon between parties, relating to a specific people-to-land relationship, that indicates some form of holding interest, but may not be legally binding in a conventional land administration system’.
- Organise dialogues to obtain additional information.
- Ensure the processes are known, so interested parties can participate.
- Support through filling out standard forms by neutral persons with more appropriate knowledge than the average community member further strengthens acceptable local recognition.

- Affordable and consistent recordation of all tenure forms.
- Locally grounded land records in close proximity to communities and reflecting the situation on the ground.
- Joint inspection can build and strengthen buy-in and trust from both community and state.
- Collection and storage of contradicting evidence for local weighting and use at later stages.
- Alternative dispute resolution mechanisms that are locally grounded may offer avenues to ensure dispute resolution practices for all in the community that are culturally sensitive, affordable, relatively short in duration, in close proximity, and promote amicable rather than irreparable future relationships between disputing parties.
- For land records to contribute to better land governance for the poor, it will be essential that the land recordation system is owned by both local community and state through a co-management arrangement.
- Avoid biases towards individualisation of land tenure rather than considering the full range of appropriate pro-poor and gender sensitive land tenure systems.
- Systematic evaluation of social, economic and environmental outcomes.

Implementing local land registration and dispute resolution requires a programmatic approach. This can be costly. An example of a program is described in an article by Moses Musinguzi et al ([Providing Secure Tenure for All: A Country Implementation Strategy for Fit-for-purpose Land Administration. The Case of Uganda](#), African Journal on Land Policy and Geospatial Sciences, 2000, p. 213-225). In Uganda, 500,000 land parcels (2%) out of the estimated 23 million parcels country-wide have been registered. Yet, more than 80% of the land is held customarily and is characterised by underdevelopment, land conflicts, land grabbing, and overlapping land rights. The Strategy will be implemented over a period of 10 years, divided into four phases at a cost of US \$500 million (Uganda has 43 million inhabitants, compared with 7,1 million for Ogun State).

Zooming in on the actual dispute resolution practices, HiiL identified eight recommendations for justice practitioners specialising in addressing land disputes. For each of these interventions, a set of best practices for resolving land problems has been studied. These evidence-based practices provide a guideline on how best to prevent and resolve land disputes. More information can be found on the [land justice page](#) of the HiiL dashboard. The topics for recommendations below are clearly related to fit for purpose land registration processes:

- Documenting in ownership and use of land disputes. The most important step in preventing land land disputes is recording rights and agreements so they can be verified. There are several methods of documenting ownership or land use rights. A particularly flexible, transparent, and inclusive approach to documenting ownership and use of land rights is fit-for-purpose land mapping. It is designed to meet the needs of people and the environment and typically uses aerial or satellite images to identify the boundaries of land parcels.
- Fact-finding around ownership and use of land disputes. Establishing the facts is important to come to a decision about conflicting claims about land ownership or use of land. There are several processes that can be used for the process of fact-finding. The



most successful approach is joint fact-finding, facilitated by a neutral third party. This is a process more focussed on building consensus between the parties: “in joint fact-finding, stakeholders with differing viewpoints and interests work together to develop data and information, analyze facts and forecasts, develop common assumptions and informed opinion, and, finally, use the information they have developed to reach decisions together” (Ehrmann & Stinson, 1999, p. 376). The goal of this approach is to have a believable set of facts that have been collected in a transparent and neutral manner. These are usually recorded in a short document that includes the agreed upon findings, as well as those that are still contested.

- Meeting in ownership and use of land disputes (the “submission problem” of bringing both parties to the table/room).
- Respecting in ownership and use of land disputes (treating people as people).
- Understanding in ownership and use of land disputes (discovering interests).
- Shaping solutions in ownership and use of land disputes (effective win-win solutions).
- Sharing in ownership and use of land disputes (objective criteria for distributive issues).
- Deciding in ownership and use of land disputes (how to come to agreed/consensual/third party decisions or adjudication).

The following elements of the proposal are very much supported by the literature:

1. Standardise the interventions to resolve land disputes.
2. Solve land disputes locally.
3. Ensure transparency, claims registry, and record keeping at the local level.
4. Optimise the combination of ADR, adjudication and informal justice. Increasing the incentives to use the redesigned services.
5. Connect the local record keeping to the land registry.

The following suggestions can strengthen the proposal:

1. As is the case for neighbour disputes, the following principles for implementing evidence-based practice can be applied:
  - a. Defining the outcomes.
  - b. Investigating the [most effective interventions](#), building on the recommendations above, taking into account the realities in Ogun State communities.
  - c. Investigating best practices for ADR/mediation in general (see above for neighbour disputes and below for family disputes).
  - d. Developing guidelines summarising “what works”, and from there, training materials. See for possible topics the literature cited above.
  - e. Focusing data collection on the most relevant and actionable data, including the monitoring of outcomes.
2. Land disputes, neighbour disputes, and family disputes can be dealt with by one local dispute resolution service. Such a game-changing community justice service requires specialised treatments for each type of dispute. For developing this, again the following are needed:

- a. A choice between the three different models for community justice services.
  - b. A central organisation supporting the services, with a leadership team that specialises in scaling.
  - c. Clear value propositions that are known to the people needing the services.
  - d. A financial model with revenues from user fees, taxpayer-money and/or community contributions; and a cost structure that is sustainable from these revenues.
  - e. Scaling the service: a step-by-step plan to go from pilot to reaching the entire population.
  - f. Securing investments: an investment plan that entices funders.
  - g. Linking the informal justice model to the court system (see above for the details and the different models to ensure quality).
3. For local record keeping and registration processes, make use of the extensive experience with fit for purpose land registration (see the literature cited above).
  4. For land disputes, participation of all interested parties is even more crucial than for neighbour disputes. In order to ensure that the complaining party and the “passive parties” all participate in the process, make use of “invitation formats” that have proven to be most effective (see above). Additionally, processes should be widely known among potential stakeholders in land conflicts.
  5. For linking local records to the national registries, that operate in a more formal way, ensure that international best practices are used as well, adapting them to the realities in Ogun State, and building on existing land registry efforts that already work (if they are scalable at reasonable costs).

#### **4.4 Preventing and resolving family (separation) conflicts**

Based on the Nigeria JNS survey, the expected yearly number of divorce/separation disputes in Ogun State is 15,000. Stakeholders proposed increased use of mediation in family disputes, more awareness of prenuptial agreements and an information portal for couples.

**PROPOSAL: Ogun people will have access to improved resolution of family disputes (related to both formal and traditional marriages)**

To increase the capacity to solve and prevent family disputes, stakeholders proposed:

- Specialised family justice services.
- Data collection on family disputes and digitisation.
- Increasing the use of ADR and mediation to resolve family disputes.
- For statutory marriages with both parties only, possibly one witness per party,
- Private & confidential, binding as an enforceable contract in court.
- Local marriage dispute resolution features would include both parties plus families, numerous witnesses. This is less private and not confidential, and mainly enforceable through familial pressure.
- Awareness of prenuptial agreements: basis of understanding and emotional sensitivity to couples.
- Improving client experiences (ease of access to information and more satisfaction).
- An information portal to help people access information on what to do and consider what their options are.
- Amendments of Civil Procedure Rules to make provision for e-filing and a regulatory framework for the information portal.
- Ensuring participation of respondents, dealing with the stigma of divorce, with recognition of women's rights, with intimidation, and with personal interests of the third party.
- Dealing with a lack of resources and a weak formal legal system (to support solutions).
- Creation of a standard template/guide for drafting mediation agreements.
- Establishment of governance mechanisms and systems of accountability.
- Development of an integrated system in the High Court, with testing of prototype, then replication across the judiciary.

Ugochinyelu Anidi ([Towards the institutionalization of divorce mediation in Nigeria: a case study of Enugu State](#), Dissertation University of Cape Town, 2020) provides a critical review of the bottlenecks in the current legal system for divorce and separation in Nigeria. She proposes that a good divorce law should:

- Preserve the sanctity of marriage and the stability of the family.
- Save marriages that are salvable.
- Reduce the bitterness associated with divorce.
- Give empty shell marriages a decent burial.
- Promote good post-divorce relationships.

- Protect vulnerable parties, such as the economically weaker spouse, victims of domestic violence and the children of the marriage.
- Take care of the emotional aspects of divorce.
- Save costs for the parties and the state.
- Be fair and just to both parties.

She evaluates a divorce mediation process against these criteria and recommends a mandatory mediation process, which she describes in detail. This design could be a starting point for developing a prototype.

The stakeholders can make use of the growing literature on dispute system design. Three leading books are:

1. Lisa Blomgren Amsler, Janet Martinez and Stephanie Smit, *Dispute System Design: Preventing, Managing, and Resolving Conflict*, 2020;
2. Christopher Hodges, *Delivering Dispute Resolution, A Holistic Review of Models in England and Wales*, 2020;
3. John Oetzel and Stella Ting-Toomey, *The SAGE Handbook of Conflict Communication, Integrating Theory, Research, and Practice*, 2013.

Many training manuals exist that describe the techniques and interventions that mediators can use. For example, UNODC has supported a [training manual](#) by the National Judicial Institute for alternative dispute resolution in Nigeria that lists the interventions and skillsets needed.

Justice services to deal with separation and divorce are described in the earliest codifications. Over the past 50 years, separation and divorce have become a field of interdisciplinary study. Typing in “separation divorce courts” leads to 202,000 publications on Google Scholar. Increasingly, this literature is interdisciplinary; legal research is combined with empirical research by social scientists.

HiiL and others worked on recommendations for justice practitioners for the key dilemmas they identified in their family justice practices. We followed accepted methods to promote evidence-based practice through guidelines. The quality of the evidence from research was considered. [Recommendations](#) (and the [literature that has been investigated](#)) include the following topics:

- Authoritative parenting.
- Limiting the disclosure of inappropriate information to children.
- Respectful communication, where family members respect each other as people.
- Identifying the needs of parents and children.
- Containing family violence and harassment.
- Limiting children’s exposure to conflict.
- Brainstorming, in particular on ways to generate income and become less dependent on each other.
- A “problem-solving approach” that focuses on agreeing and finding solutions for their underlying needs.

- Sharing agreements on housing, spousal maintenance and on child support with formulas that can guide decisions.

There is little research on marriage contracts or prenuptial agreements that can be relied on. Most of this research focuses on recognition of traditional marriage arrangements in courts. Scholars have not deeply investigated how agreements concluded between spouses can be promoted, with appropriate protection against abuse. Much of the literature focuses on preventing child marriage. A more general approach can be found in a [draft for a uniform law on prenuptial agreements](#) in the US. The setting for marriage contracts in Ogun State is likely very different, however, so using this example is not recommended.

The following elements of the proposal by stakeholders are very much supported by the literature:

1. Developing specialised interventions for family justice, using standard templates for mediation agreements and promoting the use of marriage (prenuptial) agreements, as well as collecting relevant data.
2. Increased use of mediation.
3. Ensuring participation of respondents, deal with the stigma of divorce, with recognition of women's rights, with intimidation and with personal interests of the third party.
4. Focusing on the actual needs and relationships, whether they are statutory marriages or informal (traditional) ones.
5. Being realistic about the availability of resources. Start from what is already functioning and the possible next steps, rather than from an ideal court system for family justice. Use the resolution practices that already exist in communities and empower traditional rulers to fulfil a role in delivery of contemporary justice.

The following suggestions can strengthen the proposal:

1. As is the case for other problem categories, it is important to distinguish between the actual interventions in family disputes (the processes leading to solutions) and the organisation of the services (who, on what conditions and through what kind of organisational model, is delivering these processes). When developing the interventions, the following steps are suggested:
  - a. Defining the outcomes (see the suggested list above by researcher Anidi).
  - b. Investigating the [most effective interventions](#), building on the recommendations above, again taking into account the realities in Ogun State communities.
  - c. Investigating best practices for promoting prenuptial agreements.
  - d. Developing guidelines summarising "what works", and from there training materials and an information portal.
  - e. Focusing data collection on the most relevant and actionable data, including the monitoring of outcomes.
2. When mediation is introduced as the default procedure, the following needs to be considered:

- a. Making mediation mandatory (see Anidi, above) in order to ensure that couples actually use it.
  - b. Developing appropriate ways to make the process known.
  - c. Implementing the most effective mediation interventions that are suitable for separation/divorce matters. Given the many mediation methods that co-exist, and the variation in effectiveness, this needs attention (see under 1. for how to develop evidence-based practice).
  - d. Ensuring that adjudication can seamlessly follow mediations that are not successful. Effectiveness of mediation depends on the availability of a neutral decision maker who can decide the open issues.
3. In connection to this, the option of neutral adjudication needs to be available. This is needed to ensure fair outcomes in the mediation process (see the different models for ensuring fair results in community justice services discussed in the paragraph on neighbour disputes).
  4. Throughout the world, courts and justice practitioners have to deal with non-statutory marriages: cohabitation, religious marriages and traditional marriages. Best practice seems to apply similar processes and interventions, looking at the actual relationship and the facts on the ground, rather than the formal relationship
  5. Stakeholders are considering local dispute resolution for separation and divorce. As explained above, this would require a choice between the three different models for community justice services. In order to implement this, a central organisation supporting the services, with a leadership team that specialises in scaling is needed. What is also needed includes:
    - a. A clear value proposition that is known to the people needing the service.
    - b. A financial model with revenues from user fees, taxpayer-money and/or community contributions, and a cost structure that is sustainable from these revenues.
    - c. Scaling the service: a step-by-step plan to go from pilot to reaching the entire population.
    - d. Securing investments: an investment plan that entices funders.

## 4.5 Responsive services for domestic violence

On the basis of the Nigeria JNS survey, the expected number of domestic violence problems in Ogun state is 14,000. There is a vast literature on domestic violence worldwide and there are hundreds of studies on domestic violence in Nigeria in particular. O.R. Ashimolowo and G.A. Otufale ([Assessment of domestic violence among women in Ogun State, Nigeria](#), Greener Journal of Social Sciences, 2012) report rather low levels of domestic violence in farm families in rural areas of Ogun State, but domestic violence is often underreported. A much cited paper on domestic violence prevalence is the one from Hausa, Igbo and Yoruba cultures is Collins

Nwabunike and Eric Y. Tenkorang ([Domestic and Marital Violence Among Three Ethnic Groups in Nigeria](#), Journal of Interpersonal Violence 2015, pp. 1–26). The paper notes that women with domineering husbands were significantly more likely to experience physical, sexual, and emotional violence. Similarly, those who thought wife-beating was justified were more likely to experience all three types of violence.

Another paper by Tenkorang, Sedziafa and Owusu ([Does Type and Severity of Violence Affect the Help-Seeking Behaviors of Victims of Intimate Partner Violence in Nigeria?](#) Journal of Family Issues 2017, pp. 2026–2046) finds that about 65% of women did not seek help after experiencing intimate partner violence. Most women who sought help did so from informal sources only (31.3%), compared with formal sources (1.9%). From this literature, a detailed analysis can be made of the groups that are most vulnerable and the social settings in which domestic violence occurs.

**PROPOSAL: Ogun State people will have fast and effective access to protection in the event of domestic violence.**

To increase the capacity to solve and prevent domestic violence problems, stakeholders proposed:

- Awareness raising of domestic violence response system, resolution procedure and procedure for obtaining compensation
- Ibi-Isadi\* Rapid Response Services (I-2-R-2 Services). A one-stop-shop to filter and meet the needs of the victims of domestic violence with:
  - Medical Services
  - Restoration-psychosocial counselling
  - Law enforcement
  - Legal services
  - Safe houses (shelter)
  - Welfare needs (feeding clothing provisions etc)
- Referral from Ibi Isadi to registered and approved mediators .
- A way of providing fast and effective responses to victims of domestic violence in need of assistance with emphasis on the grassroots.
- A brand name (Ibi-Isadi) that can easily register in the mind of the grassroots and that will be of practical value to them whilst maintaining international best practices.
- Building on existing services and programmes VAPPMC, emergency hotline (112), family support unit, and the activities of some civil society organisations
- Public sensitisation to raise awareness of the services.
- Amendment of the VAPP Law to institutionalise Ibi-Isad (2 years).
- Creation of an information portal to assess services available for citizens.

Stakeholders propose a one-stop solution for victims of domestic violence, with interdisciplinary services addressing the different needs of victims and also aimed at prevention and law enforcement. This should be combined with awareness raising to ensure the services reach the target groups.

The literature on effectiveness of responses to domestic violence is equally abundant. The World Health Organisation, Global strategy for women's, children's and adolescents' health (2016–2030), recommends the following approaches:

- Minimise children's exposure to violence.
- Improve communication skills through training.
- Strengthen economic support for families.
- Change and challenge the social norms that extend men's power over women; empower and educate women and girls.
- Eliminate gender discrimination in employment and education.
- Establish protective environments.

Many systematic reviews have been made of research on effective interventions for domestic violence. Reviewers complain that outcomes of interventions are not well defined, so the effectiveness of different methods cannot be compared or even monitored.

Kiani et al ([A systematic review: Empowerment interventions to reduce domestic violence? Aggression and Violent Behavior](#), May–June 2021) find that interventions that empowered women in terms of their economic capability were more effective in reducing violence than those that did not involve an economic perspective. Community interventions reduced the amount of violence and were cost-effective but were time-consuming.

What types of responses have been found to be effective? A review of [policing interventions](#) by Australian researchers shows that police attendance by itself has a major preventive effect on persistent domestic violence. Arresting the perpetrator, bringing charges and punishments do not seem to add much to that effect. Protection orders are moderately effective, in particular when the perpetrator and the victim are not in an intimate relationship (anymore). The review also contains evidence on the effects of victim statements, witness statements and ways to collect evidence on police decisions to follow up on cases. See also this systematic review of [Gender Responsive Policing initiatives](#) commissioned by UKAid. In the United States, the use of mandatory arrest and other criminal justice interventions is seriously questioned (see also the book from Leigh Goodmark: *Decriminalizing domestic violence: A balanced policy approach to intimate partner violence*, 2018).

An important trend in domestic violence responses is to increase victims' voice and participation in determining what should happen (see M.P. Koss, J. White, and E.C. Lopez, [Victim voice in reenvisioning responses to sexual and physical violence nationally and internationally](#), *American Psychologist* 2017, pp.1019-1030). Victims are likely to want a say in how interventions:



- Have different components, such as counselling, couple therapy, therapy for perpetrators, mediation, arrests, involving a court, incarceration or other sanctions.
- Impact their relationship with the perpetrator, family and community.
- Include interaction with the perpetrator, for instance in family therapy or mediation.
- Influence the wellbeing of children.

Ogbe et al ([A systematic review of intimate partner violence interventions focused on improving social support and/ mental health outcomes of survivors](#), PLoS ONE 2020) find that support services that have strong linkages with communities and are community focused seem to have significant effects on mental health outcomes and access to resources for victims.

A recent publication in the British Medical Journal (2020) reviews the literature on the implementation and effectiveness of the [one stop centre model for intimate partner and sexual violence in low- and middle-income countries](#). This article finds 15 barriers and seven enablers, which seem relevant to the proposal. Three models are discussed: the hospital-based centre, the stand-alone centre, and the NGO-run centre. The main barriers to scaling one-stop-centres are poor connections to justice sector services (the police), staffing (availability of all disciplines in the centres), availability in communities (in particular for the hospital based centres), and financial sustainability.

The study recommends investigating lower cost alternatives, such as service delivery through primary healthcare providers. Enablers found in a previous study (Manuela Colombini Colleen Dockerty Susannah H. Mayhew, [Barriers and Facilitators to Integrating Health Service Responses to Intimate Partner Violence in Low- and Middle-Income Countries: A Comparative Health Systems and Service Analysis](#), Studies in Family Planning 2017, p. 178 ff.) include:

- Availability of clear guidelines, policies, or protocols.
- Management support.
- Intersectoral coordination with clear, accessible on-site and off-site referral options.
- Adequate and trained staff with accepting and empathetic attitudes toward women who have experienced IPV.
- Initial and ongoing training for health workers.
- A supportive and supervised environment in which to enact new IPV protocols.

The following elements of the proposal are very much supported by the literature:

1. Interventions aimed at early intervention to improve the situation, counselling and mediation, in combination with policing and legal interventions, including the ones aimed at restorative justice where needed (compensation).
2. Improving the probability that victims actually use the services.
3. Using a clear point of access, a brand-name, and an information portal that informs victims about the services they will actually get.
4. An integrated, multidisciplinary “one-stop” response, building on existing services.
5. Institutional cooperation.

The following suggestions can strengthen the proposal:

1. Benefiting from experience when delivering interventions. In particular:
  - a. Defining outcomes in a systematic way, so progress can be monitored. See the section on neighbour disputes for how this can be done.
  - b. Investigating the effectiveness of proposed interventions. There is vast experience with assistance for domestic violence. It requires interventions supporting the victim, but also sensitising, influencing or sanctioning the perpetrator. Interventions may be needed in their relationship, in their ideas about norms, in the socio-economic environment and in the community. Given this complexity, it cannot be expected that individual practitioners will know what should be done. It is therefore worthwhile to invest in guidelines specifying and standardising the actual assistance for the victims, and in continuous learning and improvement.
  - c. This work can focus on the extensive body of research on effective domestic violence interventions in Nigeria and in similar settings. It should be informed by best practices from justice practitioners who already deal with domestic violence cases in Ogun State.
2. Designing the assistance in a way that considers the preferences and needs of individual victims (see the literature above on victims needs to have a say and participate in selecting interventions).
3. Connected to this: focusing on increasing the probability that victims actually use the services (see under 2).
4. Similarly, the models for service delivery have been researched. Much has been tried and tested in similar settings in Nigeria and beyond. Barriers and enablers for One stop centres have been studied extensively. We recommend considering the best way the interventions can be delivered in Ogun State, given:
  - a. The financial resources realistically available.
  - b. The availability of knowledge from different disciplines at the point of delivery.
  - c. How current services can be scaled and improved.
  - d. The finding that support leads to better results if it is grounded in the community.
5. Ensuring an integrated response, in particular in relation to cooperation with the police and criminal justice services.

## 5. Enabling environment

What are the barriers stakeholders see to effective delivery and scaling of civil justice services? What ways do they see to overcome these barriers?

Game-changing civil justice services may be public services, private services or public-private partnerships. Whether these models can succeed, will depend on the regulatory environment that may need to be improved. The strategy document mentions a number of laws and regulations that may need to be changed. At this stage of the process, not all regulatory impediments and needs could be identified. The following is an initial checklist of elements of an enabling environment for implementation which may need further investigation.

- What rules are there for procurement of private services or private sector innovations that can be implemented in the public system? How can they be improved?
- What are the rules for legal services? Are game-changing justice services allowed and can the legal profession participate in such services? Which organisational models are allowed?
- Rules of procedure and rules about which problems can be solved by which courts or other institutions may have to be changed. What is required for such a change?
- Budgeting systems may require attention as well. Revenue streams and investments in building better systems can be generated from the government budget, from citizen contributions, from local communities and perhaps from international donors or philanthropy. Social impact investors, and even private investors purely driven by the profit motive, may be an option.

The stakeholders may benefit from information on this in the 2021 HiiL trend report, [Chapter 7](#) on the enabling environment.

## 6. Conclusion

This report has been developed to support the Strategy Document, Civil Justice Transformation in Ogun State, published in April 2021. The findings in this report accompany the strategies developed in the stakeholder dialogues with data and know how that is relevant for the implementation phase. The data in Chapter 2 give an indication of the capacity needed. We estimated the number of problems that Ogun citizens have to resolve each year, in each of the for problem categories. The basis for this is data on prevalence of justice problems in Nigeria in 2018, so estimates may need to be revisited during the implementation phase.

In Chapter 3, we followed the justice journeys of Nigerians for the most frequent civil justice problems. This gives an indication of how people in Ogun State currently resolve these problems. Starting from this baseline, the stakeholders developed strategies to improve resolution and prevention of these problems. They formulated four goals, looked at indicators of success, explored game-changing justice services to achieve the goals and investigated pathways to implementation.

Chapter 4 contains information on how other jurisdictions deal with the four categories of justice problems that the stakeholders have selected. It also gives access to research on what works to resolve or prevent such justice problems. The strategies that have been selected by the stakeholders are in line with what is being undertaken in other jurisdictions. Experiences from other Nigerian states and insights from major R&D programs are available. For land conflicts and domestic violence, we derived a clear list of attention points from this extensive knowledge base. For resolution of neighbour disputes and separation/divorce problems the international sharing is less advanced, but useful insights could be derived as well.

For each of the four goals, it is recommended to distinguish between the interventions that can resolve or prevent the problem and the services model that deliver these interventions to the people needing them. The first is about finding the best possible “treatments” for land grabbing or different types of domestic violence. The second is about scaling justice services in a sustainable way. For the former, it is recommended to investigate best practices and evaluation studies of interventions, leading to practice guidelines similar to the ones used in the health care sector and increasingly also in the justice sector. For scaling justice services, game-changing models exist that can be further developed and adapted to the realities in Ogun State. The stakeholders focused on services that can be delivered in the communities, close to where people live and in the settings where land conflicts, neighbour problems, separations and domestic violence occur. They also investigated how these local justice services can be linked to the civil justice services delivered by the courts, ensuring high quality interventions that protect vulnerable groups. This is a main challenge for many jurisdictions and it is possible to benefit from experiences elsewhere.

Chapter 5 contains a brief discussion of the enabling environment for delivering effective interventions through game-changing models for justice services. This may require new regulation models for legal services and for procedures. When further implementing the strategies, the stakeholders will have to navigate the regulatory environment.

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