



LANDWISE: THE RESEARCH PROCESS

By Jennifer Chang, J.D., M.L.I.S.
Last Updated: February 4, 2013

Table of Contents

| | |
|--|-----------|
| How to Use This Guide | 2 |
| Introduction | 2 |
| How to Use This Guide | 2 |
| A Note about Fieldwork | 2 |
| Disclaimer | 3 |
| Legal Research | 3 |
| Introduction | 3 |
| Legal Pluralism, Legal Systems, and Hierarchy of Laws | 3 |
| What is Formal Law? | 4 |
| Issues to Consider When Conducting Online Legal Research | 4 |
| A Legal Research Roadmap | 5 |
| Suggested Laws and Topics | 6 |
| Sources for Legal Research | 9 |
| General Research Tips | 11 |
| Introduction | 11 |
| Research Planning | 11 |
| Background Research | 11 |
| Introduction to Secondary Sources | 12 |
| Locating Secondary Sources | 13 |
| Using Search Engines Effectively | 15 |
| Researching Customary Practices | 16 |
| Introduction | 16 |
| Research Roadmap | 17 |
| Common Search Terms | 18 |
| Glossary | 19 |

How to Use This Guide

Introduction

This guide is intended to help users get started with conducting online and print research on topics related to women and land. Specifically, this guide will help users identify the laws and social science materials necessary for conducting a general legal review of women and land topics. Legal reviews help practitioners identify gaps in specific laws and policies and expose opportunities for policy recommendations.

Each section in this guide deals with a different aspect of the research process:

1. The **Legal Research** section highlights some of the main types of legal resources practitioners should be looking for in their respective jurisdictions.
2. The **General Research Tips** section identifies tips and resources for gathering useful materials and secondary sources (e.g. books, articles, and other non-legal materials that are important for women and land research).
3. The **Customary Practices** section discusses the different ways to locate articles and materials that describe different practices and customs.
4. The **Common Search Terms** page is a list of words that may be helpful for constructing search queries.
5. The **Glossary** defines some of the specific terms that are used throughout this guide.

How to Use This Guide

This guide is intended to work alongside the subject-specific Women's Land Tenure Frameworks for Analysis (available at <http://landesa.libguides.com/>). Ideally, this guide will aid users in conducting desk research to gather legal and social science materials. Once users have located the relevant materials, the Women's Land Tenure Frameworks for Analysis provide subject-specific guidance for analyzing and evaluating legal materials and [secondary sources](#).

In some cases, users can locate many of the materials that are pertinent to their research in the LandWise Database (available at <http://landwise.landesa.org/>). Currently, the LandWise Database is in its early stages and the contents only cover a few jurisdictions. Our ultimate goal is to have enough materials in the database so that users can come to LandWise for the majority of their women and land research needs. However, this field of study is constantly changing and to cover every country is impossible at this time. In light of this reality, we hope that this guide will help researchers identify the most up-to-date and relevant materials for their particular jurisdiction.

A Note about Fieldwork

In order to have a fuller understanding of the conditions under which women are living, nothing can replace in-country fieldwork. Conducting comprehensive field work requires significant time and monetary resources.

The fieldwork process is beyond the scope of this guide. Please check back or sign up for email alerts (at <http://landesa.libguides.com/register.php?gid=0>) to be notified when new LandWise resources are available.

Disclaimer

The information contained in this website is general legal information and should not be construed as legal advice to be applied to any specific factual situation. The information contained in LandWise cannot replace the advice of competent legal counsel licensed in your jurisdiction.

This guide contains links to other resources on the Internet. Those links are provided as citations and aids to help you identify and locate other Internet resources that may be of interest, and are not intended to state or imply that we sponsor or are affiliated or associated with the persons or entities who created such site, nor are the links intended to state or imply that we are legally authorized to use any trade name, registered trademark, logo, legal or official seal, or copyrighted symbol that may be reflected in the links.

Legal Research

Introduction

To conduct a legal review, you will need to begin with some legal research to search for [primary sources](#), which are also referred to as legal materials in this guide. This section provides suggestions for finding legal materials online. Of course, many legal materials are not available for free online. While, this guide will also identify sources and methods for obtaining legal materials in print or through subscription databases, a thorough discussion of locating materials through these other methods is beyond the scope of this guide. Please check back or sign up for email alerts (at <http://landesa.libguides.com/register.php?gid=0>) to be notified when new LandWise resources are available.

Legal Pluralism, Legal Systems, and Hierarchy of Laws

Legal pluralism exists in countries where a number of different legal systems are recognized. These may include [formal law](#), [informal law](#), [customary practices](#), or [religious laws](#). In countries with a plurality of legal systems, land tenure and laws surrounding land (including marriage and succession laws) may be constructed or recognized differently within each system, and a number of individuals may be able to hold different tenure claims and rights to the same land.

Because rights may conflict under different legal systems, tenure security is lessened when individuals are less sure of which legal system applies, or when individuals are able to “forum shop,” or choose between legal systems based on their preferences. The greater the confusion around which law applies or the more opportunity there is for forum shopping, the less secure any given individual will be about his or her right to land.

Knowing what legal systems apply to your research problem is fundamental to identifying sources for legal research. In different jurisdictions one or more set of rules may impact women’s land rights: [formal law](#), [religious law](#), [customary practices](#), [informal law](#), and [religious law](#).

The website Juriglobe (<http://www.juriglobe.ca/>) identifies some of the main legal systems that apply around the world; it also provides background information on several legal systems: civil law, common law, Muslim law, customary law, and mixed systems.

Some jurisdictions have different rules that determine the hierarchy of laws, while others do not have a specific hierarchy. When conducting a legal analysis, it is important to do some basic research on the structure of the government and legal system so you know whether a hierarchy exists and, if so, what those hierarchies are.

What is Formal Law?

The remaining sections of this portion of the research guide will focus on researching [formal law](#).

The terms “law” or “[formal law](#)” can mean many things. A law is a rule or a body of rules that govern behavior and is enforced by a governing body. Sometimes when people refer to a law, they are specifically referring to a legislative enactment, such as a statute or code. However, for the purposes of LandWise the term “law” may refer to any one of the following materials:

- Relevant international treaties (e.g. CEDAW and UDHR) –treaties may not always be a source of law, but being a signatory to certain treaties indicates political will vis-à-vis that topic;
- The constitution;
- Legislative enactments such as statutes, codes, acts, or legislative decrees;
- Issuances by the executive branch (including the head of state, ministries, administrative agencies, etc.); and/or
- Court decisions (also known as judgments or judicial decisions).

The level of importance of each type of “law” or “[formal law](#)” depends on a number of factors, including the type of legal system you are evaluating. For example, in a common law jurisdiction court cases are considered binding legal authority (also referred to as “precedent”), whereas in civil law jurisdictions judicial decisions are typically only influential authority. For information on conducting background research on a country click go to page 11.

Issues to Consider When Conducting Online Legal Research

- **Authenticity** – Are you looking at an official or unofficial version of the law?
- **Accuracy** – This issue often arises with translations. If you are relying on translations, are they official translations or unofficial translations?
- **Updating** – Are you using the most up-to-date version of the law? Has the law been amended or superseded by another law? Are there any pending bills that will change the law?

- **Legal Terminology** – Legal terms can have very specific meanings, and a seemingly straightforward term may actually have a specific legal meaning. For example, in regular conversation, saying that a woman “has a title to land” may mean that she has ownership rights to the land. In a legal context, that same phrase could mean that a woman has a piece of paper issued by the government that is evidence of her ownership of a piece of land.
- **Context** – When interpreting legal texts it is important to review them carefully and within the context of other laws. Under some circumstances two laws may conflict or one law may refer to another law for specific situations. When reviewing multiple laws it is important to keep in mind that the same word may have different meanings in different contexts. For example, in some contexts the word “marriage” only refers to registered civil marriages, not religious marriages or customary marriages.
- **Availability** - Some laws, regulations, judicial decisions, etc. are simply not available online. For many of these items you may need to contact local legal practitioners, government bodies, or local organizations to locate print versions of relevant legal materials.

A Legal Research Roadmap

Below are suggestions for some key steps for conducting legal research. This legal research roadmap assumes that you have identified one or more countries or geographic areas to research. Two terms that are used repeatedly in this section are primary authority and secondary sources. Primary authority refers to the law itself (e.g. cases, statutes, regulations, court decisions, etc.), whereas secondary sources are materials (e.g. articles, books, reports, etc.) that help researchers identify, analyze, or understand primary authority.

Every research project is different and the actual research process will vary depending on the specific research problem you seek to solve. Legal research is an iterative process, so you may need to repeat certain steps at different stages of your research. For example, in the below roadmap, there are several instances when you may need to locate and use [secondary sources](#) to generate search terms, analyze legal materials, etc.

We suggest tracking your research process so that you have a history of your research process and the terms and searches you conducted. The process of keeping a research journal will help you track your progress, provide a context for any problems you encounter while conducting research, and help you locate similar information in the future.

- **Analyze the problem:**
 - What areas of law are you interested in?
 - What [jurisdictions](#) have authority or control over the issue you are researching? What are the levels of government that you are looking at? For example, are you looking for both national and local government laws?
 - What types of legal authority do you need to find? Statutes, cases, regulations, etc.?

- **Conduct background research:**
 - Get some general information (e.g. demographic, social, economic, political, environmental, etc.) about the country/area that you are researching. For more information on conducting background research go to page 11.
 - Conduct a search of [secondary sources](#) to identify laws and legal materials that may be useful; get some idea of some major issues and trends; and identify search terms. For more information on locating [secondary sources](#) go to page 12.
- **Create a research plan:**
 - Formulate some initial search queries.
 - Look for definitions of some main terms and generate synonyms (for additional search terms). For some commonly used search terms go to page 18.
 - Go to page 15 for suggestions on how to generate more sophisticated search queries. Please note that every search engine is different and these suggestions may not apply to every search engine you encounter.
 - Identify some sources for the information you are looking for. Go to page 9 for some suggested starting points for legal materials.
- **Conduct research for legal materials (also referred to in this guide as [primary authority](#))**
- **Organize the materials you have located**
- **Fill in any gaps with additional research for legal materials**
- **Look for more [secondary sources](#) to help with interpretation and analysis**
 - Do not forget to consider researching other countries, states, or legal systems for a comparative perspective.
- **Update the [primary authority](#) that you found earlier in the research process**

Suggested Laws and Topics

Women’s land rights are impacted by a variety of legal and non-legal factors. This portion of the guide suggests some of the topics and laws that are typically relevant to conducting a general legal review with respect to women’s land rights. This is not an exhaustive list and depending on your research project other topics and laws may be relevant. Also, terminology can differ significantly from jurisdiction to jurisdiction. For example, in some countries laws or regulations governing inheritance may be referred to as succession laws.

Again, for the purposes of LandWise the terms “law” or “[formal law](#)” may refer to any one of the following materials:

- Relevant international treaties (e.g. CEDAW and UDHR);
- The constitution;
- Legislative enactments such as statutes, codes, acts, or legislative decrees;
- Issuances by the executive branch (including the head of state, ministries, administrative agencies, etc.); and/or
- Court decisions (also known as judgments or judicial decisions).

Also, depending on the legal system, some issues are covered at the national level and others are delegated to the sub-national level (e.g. state, province, municipal, local, etc.).

Starting Point: Suggested Laws and Topics

1. Constitution – A constitution is the basic law or laws of a nation or a state which contains the principles upon which the government is founded, sets out how a state is organized, and prescribes the nature, functions, and limitations of the government. A constitution can establish many different things, and a few issues to look out for are whether the constitution addresses:

- Principles upon which all laws must be based;
- International obligations (e.g. treaties);
- Equal rights for women and men;
- Principles of non-discrimination;
- Property rights; and
- Conflict of laws and/or anything about [religious law](#) or [customary practice](#) and its relation to [formal law](#).

2. Land Laws – Countries may have a number of different laws, regulations, and court cases governing land acquisition, land management, land use, land conservation, etc.

3. Co-ownership Laws – Issues about types of co-ownership arrangements, requirements for co-ownership, and whether or not there is a presumption for co-tenure, can often be found in a variety of different laws, such as the civil code, a land law, or property ownership laws. (Note: the term co-ownership is the most common term used, but can include rights that are not technically or legally ownership—for example customary rights to use land).

4. Marriage/Family/Personal Laws – These types of laws can be difficult to locate, but are critical to addressing some of the main issues that impact women’s land rights, such as:

- Is there more than one marriage law, family law, or [Personal Law](#) regime?
- What constitutes a legal marriage?
- Is [polygamy](#) legal?

- Is [dowry](#) or [brideprice](#) legal?
- How is property divided when a divorce occurs?

Click [here](#) for a useful source for family law materials.

5. Dowry Laws – Some countries (e.g. India) have laws specifically governing [dowry](#).

6. Inheritance/Succession Laws – These laws are important for determining the rights of women to inherit bequeathed property. Note that the rights of wives versus daughters can differ significantly. For the *Women's Land Tenure Framework for Analysis: Inheritance* go to <http://landesa.libguides.com/inheritance>.

7. Land Administration Laws – The specifics of land administration and land registration can have a large impact on women's land rights. Often researchers will need to go to specific administrative or local rules and regulations to answer questions such as:

- How are land rights recorded? Communally, individually, by household, or jointly?
- Are land rights registered?
- Is the land administration system deed-based or title-based or a mix of the two?
- What identity forms are required to register land?
- Do the forms recording land rights allow for more than one name (i.e. the names of the husband and the wife)?

8. Dispute Resolution – The issue of dispute resolution can be very complicated and may be addressed in more than one law. Below is a non-exhaustive list of issues to consider. We will publish a full *Women's Land Tenure Framework for Analysis* on important dispute resolution issues in the future. To sign up to receive email notification of new LandWise materials go to <http://landesa.libguides.com/register.php?gid=0>.

- Who can hear land disputes generally?
- Who can hear land disputes between household members?
- Do customary leaders/elders have any legal authority?

Sources for Legal Research

There are three main types of sources:

- **Free Online Databases/Resources**
 - Law school and nonprofit websites
 - *Research Guides & Information Portals* - *start with these*
 - GlobalLex
<http://www.nyulawglobal.org/Globalex/>
 - These GlobalLex country research guides are a great starting point and provide background information and links to online resources for legal materials.
 - Harvard Law School
http://www.law.harvard.edu/library/research/guides/int_foreign/web-resources/metapages.html#Countries
 - This website provides links to legal information on a country-by-country basis.
 - Cornell LII
<http://www.law.cornell.edu/world/>
 - This website provides links to online resources organized by country.
 - FAO Gender and Land Rights Database
<http://www.fao.org/gender/landrights/en/>
 - This website provides legal summaries and information about customary practices. This is a useful starting point to identify laws and materials. Users will often need to locate the full-text laws elsewhere and check to see if there have been any updates/amendments to the laws references on this site.
 - *Legal Databases*
 - WorldLII
<http://worldlii.org/>
 - Lexadin World Law Guide
<http://www.lexadin.nl/wlg/>
 - World Bank – Women, Business, and the Law
<http://wbl.worldbank.org/WBLLibrary/elibrary.aspx?libid=17>

- Government websites
 - Governments on the World Wide Web
<http://www.gksoft.com/govt/en/>
 - Parliaments on the Web
<http://www.ipu.org/english/parlweb.htm>
 - Louisiana State University – Civil Law in the World
<http://www.law.lsu.edu/index.cfm?geaux=clo.home>
 - University of Michigan - Government Gazettes Online
<http://www-personal.umich.edu/~graceyor/doctemp/gazettes/index.htm>

- Legal research search engines
 - International: www.hg.org
 - American: www.findlaw.com
 - American: www.megalaw.com

- **Subscription Databases** - There are many subscription databases available. Below are a list of a few databases that contain some information about foreign laws. At this time we are unable to offer access to third party databases through LandWise. Depending on where you live, access to these databases (and others) may be available through universities, government entities, public libraries, bar associations, etc. Often organizations that provide access to these databases will require some institutional affiliation because of high subscription costs.
 - Foreign Law Guide
<http://www.foreignlawguide.com/>
 - Lexis
<http://www.lexis.com/>
 - Westlaw
<http://www.westlaw.com>

- **Print Materials** (e.g. books, gazettes, print articles, serials, etc.) -- Sources for locating print materials include universities, law schools, libraries, law firms, bar associations, government agencies (e.g. legislative bodies, agencies, courts, etc.), legal aid centers, non-governmental organizations, women’s groups, and women’s legal organizations.

General Research Tips

Introduction

This portion of the research guide will provide general research guidance for online research. Not all of the resources you will need for your work are available online. Many materials, including laws and other documents, are only available in [print](#) or in [subscription databases](#) where you have to pay to access the information. This guide will focus on free online sources for research, but you may need to contact a library, government agency, law school, colleague, etc. to locate materials that are only available in [print](#) or in a [subscription database](#).

Research Planning

Like any major project, it is best to establish a research plan prior to beginning a research project. Each research plan differs depending on the project and ultimate goal. Some factors to consider when creating a research plan are as follow:

- What type of sources are you looking for? For example, do you need to review the laws themselves? Are you interested in articles describing how the law is applied in practice? Both?
- Where are some starting points for the materials you are looking for? Do not forget that while many materials are available online, often many useful materials are only available in print format.
- What are some keywords that describe your research project? It is typically helpful to think up synonyms of the keywords you will be searching for.
 - Go to page 18 for some common terms that come up regularly with women and land research.
 - For the UNESCO Thesaurus to help you look up additional search terms and synonyms go to <http://databases.unesco.org/thesaurus/>.
- What is your deadline?

Background Research

An important part of the research process is to conduct some preliminary background research to get a general idea about the legal, social, demographic, economic, political, etc. situation in the [jurisdiction\(s\)](#) that you are researching. When it comes to conducting background research, knowing when to stop can be tricky and it depends on your research problem and the purpose for your research. In many cases, reviewing the entries from two or three of the below links should be sufficient, but for detailed research or if you are providing policy recommendations for a country or jurisdiction for which you are completely unfamiliar, more in-dept research will be necessary.

Below are some resources for locating general background information on a country-by-country basis:

- FAO Country Profiles
<http://www.fao.org/countryprofiles/default/en/>

- USAID Land Tenure and Property Rights Portal - Country Profiles
<http://usaidlandtenure.net/country-profiles/all>
- CIA World Factbook
<https://www.cia.gov/library/publications/the-world-factbook/index.html>
- United States Library of Congress - Country Studies
<http://lcweb2.loc.gov/frd/cs/>
- FAO Gender and Land Rights Database
<http://www.fao.org/gender/landrights/en/>
- BBC News Country Profiles
http://news.bbc.co.uk/2/hi/country_profiles/default.stm

Introduction to Secondary Sources

Question: What is the difference between primary authority and secondary sources?

- Answer: Primary authority refers to the law itself (e.g. cases, statutes, regulations, court decisions, etc.), whereas secondary sources are materials (e.g. articles, books, reports, etc.) that help researchers identify, analyze, or understand primary authority.

Question: When should I use secondary sources?

- Answer: Secondary sources are useful throughout the research process to help with interpretation and analysis of primary authority. Secondary sources can also help you:
 - Get an overview of an area of law and underlying policy;
 - Identify probable sources of law;
 - Find citations to primary authority;
 - Develop issues to consider and come up with search terms; and
 - Locate legal principles that apply to the situation.

Secondary sources are not always correct in their interpretation of the law or the law can often be interpreted in more than one way. If possible, always review the full-text of the applicable legal materials.

However, when it comes to researching customary practices, unless a jurisdiction has codified customary practice, secondary sources are the only way to gain insight into how communities typically behave without conducting field research. In order to learn more about customary practices you will need to locate articles and research from different disciplines: anthropology, sociology, political science, economics, geography, international development, etc. To fully understand the customary practices of a certain group of people and/or region field research is often required.

Locating Secondary Sources

Here are some links for sources to locate a variety of secondary sources.

- Books:
 - Worldcat
<http://www.worldcat.org/>
 - Google Books
<http://books.google.com/>
 - Worldwide Library Directory
<http://www.librarytechnology.org/libwebcats/>

- Practice Materials:
 - FAO Gender and Land Rights Database
<http://www.fao.org/gender/landrights/en/>
 - Land Portal
<http://landportal.info/>
 - Global Land Tool Network
<http://www.glt.n.net/index.php/resources/publications/search-publications>
 - FAO Gender Publications
<http://www.fao.org/gender/gender-home/gender-resources/gender-publications/en/>
 - International Food Policy Research Institute
<http://www.ifpri.org/resources>
 - USAID Land Tenure and Property Rights Portal
<http://usaidlandtenure.net/>
 - World Bank Publications
<http://www.worldbank.org/reference/>
 - Focus on Land in Africa
<http://focusonland.com/>

- Articles:
 - Google Scholar
<http://scholar.google.com/>
 - Open access repositories -- Open access repositories are databases of materials that provide the public with free and unrestricted access to academic scholarship. Currently, a few law journals make their scholarship available through open access repositories.
 - Directory of Open Access Journals
<http://www.doaj.org>

- OpenDOAR
<http://www.opendoar.org/>
 - Registry of Open Access Repositories
<http://roar.eprints.org/>
 - Africa Portal Library
<http://www.africaportal.org/library>
 - Social Science Research Network
<http://www.ssrn.com/>
 - Bepress Database of Open Access Scholarship
<http://network.bepress.com/>
- [Subscription Databases](#) --There are many subscription databases available. Below is just a select few that may have useful materials. At this time we are unable to offer access to third party databases through LandWise. Depending on where you live, access to these databases (and others) may be available through universities, government entities, public libraries, bar associations, etc. Often organizations that provide access to these databases will require some institutional affiliation because of high subscription costs.
- HeinOnline
<http://home.heinonline.org/>
 - JSTOR
<http://www.jstor.org/>
 - Lexis
<http://www.lexis.com/>
 - Westlaw
<http://www.westlaw.com/>
 - WestlawNext
<https://1.next.westlaw.com/Session/SignOn.html?bhcp=1>
 - EconLit
<http://www.aeaweb.org/econlit/index.php>
 - Academic Search Complete
<http://www.ebscohost.com/academic/academic-search-complete/>

Using Search Engines Effectively

Most researchers start with search engines as a way to locate webpages and other materials. Many websites and databases also have their own search engines so you can search for materials within that site. To make the most of a search engine here are a few useful tips:

- **Use the advanced search function if one is available:**

Here are some advanced search pages for popular search engines. Many databases, especially subscription databases, have an advanced search option.

- Google Advanced Search
http://www.google.ca/advanced_search
- Yahoo Advanced Search
<http://search.yahoo.com/web/advanced?ei=UTF-8&p>
- Google Books Advanced Search
http://books.google.com/advanced_book_search

- **Boolean searches:**

Boolean logic allows you to combine words and phrases into search statements to retrieve websites from search engines and documents from searchable databases. Below are the three main Boolean operators:

| Boolean Operator | What It Does | Possible Pitfalls |
|-------------------------|--|---|
| AND | Find web pages or materials that contain a group of words | It will only retrieve results with all of the terms connected by "AND", and may omit results that are relevant but do not contain those specific terms. |
| OR | Find web pages or materials that contain at least one of the words | These searches can sometimes yield too many results, especially if the search terms are very general terms (e.g. land OR law) |
| NOT | Exclude web pages or materials that contain a word or group of words | Be careful when this Boolean operator because it may exclude relevant information. |

- **Other Search Operators:**

Each search engine is a little different, but most have one or more of the following capabilities

| | | |
|-----------------------------|--|--|
| “ ” | Use quotation marks around a word or set of words to search for an exact word or phrase | <u>Example:</u> “land rights” |
| () | Use parenthesis to combine a number of search methods for a more complex search. | <u>Example:</u> women and (land or property) This search will locate all items in a database that contain the words women and land or women and property. |
| Proximity connectors | Using proximity connectors will help you locate items where certain search terms are within a certain number of words from one another. Each search engine is different. | Use proximity connectors to find items where the word “land” is within three words of the word “women” <u>Google Example:</u> land AROUND(3) women |
| Wildcards | Use a wildcard to replace letters in a word or words in a phrase. It depends on the database or search engine, but usually the wildcard is an asterisk (*), a question mark (?), the pound sign (#), or an exclamation mark (!). | <u>Example:</u> A search for wom*n will find websites or records with the word women or woman. |
| Truncation | Use a truncation symbol to find various forms of a word. It depends on the database or search engine, but usually the truncation symbol is an asterisk (*), a question mark (?), the pound sign (#), or an exclamation mark (!). | <u>Example:</u> A search for acqui! will find websites or records containing acquire, acquired, acquiring, and acquisition. |

Researching Customary Practices

Introduction

Researching customary practices can be a challenge, especially from the comfort of your office. It is nearly impossible to locate any single document or resource that will highlight the different customary practices relevant to women’s land rights in a particular jurisdiction. It is important to remember that the main goal for this research is to gain a basic idea of some customary practices and identify different sources and institutions that you can go to for more information. Most of the information about customary practices is in the form of books, articles, studies, and research papers. For information about customary practices you will likely need to conduct research across a number of different disciplines: anthropology, geography, sociology, economics, international development, public policy, etc.

Research Roadmap

1) Conduct some basic background research on the jurisdiction that you are interested in.

Locating basic demographic information will be helpful for generating search terms and identifying the basic social composition of a country. For example, you would like to know if there are different tribes in a country and, if so, which are the main tribes and in what parts of the country do they live. Go to page 11 for resources for locating basic background information. A good starting point is the FAO Gender and Land Rights Database (<http://www.fao.org/gender/landrights/en/>), which contains background information about most countries and references to some customary practices and customary institutions.

2) Generate search terms and search strings to locate more specific articles and materials, and search for materials online and in print.

- Go to page 11 for some general research tips.
- Go to page 12 for suggestions for locating secondary sources.
- Go to page 18 for a list of some common search terms related to women's land rights issues.

3) Review the materials you find and piece together a general idea about customary practices.

Often, articles will address one or more customary practices, and you will need to piece together information from a variety of sources to get a broader picture of customary practices. Don't forget to review our Women's Land Tenure Frameworks for Analysis (at <http://landesa.libguides.com/>) for specific questions and issues to consider when evaluating customary practices.

4) Ultimately, to get a full picture of customary practice, field work is usually necessary.

Conducting comprehensive field work requires significant time and monetary resources. The fieldwork process is beyond the scope of this guide. Please check back or sign up for email alerts (at <http://landesa.libguides.com/register.php?gid=0>) to be notified when new LandWise resources are available.

Common Search Terms

| | | |
|-----------------|---|--------------------|
| Women | Family law | Equal rights |
| Female | Civil law | Women's rights |
| Gender | Adoption | Social equality |
| Wives | Family | Gender equality |
| Mothers | Marital status | Civil rights |
| Daughters | Rights of the child | Human rights |
| Girls | Personal Law | |
| | Matrimonial law | Customary practice |
| | Child custody | Custom |
| Land | Co-owner | Customary law |
| Agriculture | Co-tenure | Tradition |
| Real property | Joint tenure | Unwritten law |
| Real estate | Common ownership | |
| Cultivation | | |
| Forestry | | |
| Land resources | Inheritance | |
| Land use | Succession | |
| Arable land | Bequest | |
| Farming | Gift | |
| Grasslands | Inherited property | |
| Pasture | Intestate succession | |
| Land reform | | |
| Land titling | | |
| Land economics | Dispute resolution | |
| Rural extension | conflict resolution | |
| Land tenure | Alternative dispute resolution (ADR) | |
| | Mediation | |
| Marriage | Arbitration | |
| Marital status | | |
| Family | | |
| Widows | | |
| Polygamy | | |
| Dowry | | |
| Brideprice | | |
| Patrilineal | | |
| Matrilineal | | |
| Patrilocal | | |
| Matrilocal | | |

Glossary

CUSTOMARY PRACTICES – Customary practices are traditional norms or behaviors that are accepted and practiced by members of a community.

FORMAL LAW – Formal law is the law that applies in the state-administered justice system.

FREE ONLINE DATABASES – Free online databases are collections of online materials that are open to the general public to access at no cost.

INFORMAL LAW – Informal laws are the norms and rules that are generally accepted by a group of people, which are often based on the authority of local, tribal, or religious leaders.

JURISDICTION – In legal research, jurisdiction can have two different meanings: (1) the authority of a court or tribunal that has authority to make a legally binding decision on certain disputes or cases; or (2) a geographical territory in which a particular body of law applies.

OPEN ACCESS REPOSITORIES – Open access repositories are databases of materials that provide the public with free and unrestricted access to academic scholarship.

PRIMARY AUTHORITY – Primary authority refers to the law itself (e.g. cases, statutes, regulations, court decisions, etc.).

PRINT MATERIALS – Print materials are resources that are available in print or paper (non-electronic) format.

RELIGIOUS LAW – Religious laws are moral or ethical rules dictated by religious traditions. Examples of religious law include Islamic law, Canon law, and Hindu law.

SECONDARY SOURCES – Secondary sources are any materials that are not primary authority. Usually, this term refers to articles, legal encyclopedias, books, writings, or commentaries about laws and legal information.

SUBSCRIPTION DATABASES – Subscription databases are collections of information that are limited to users who have paid to access the information or have an institutional affiliation that provides access.