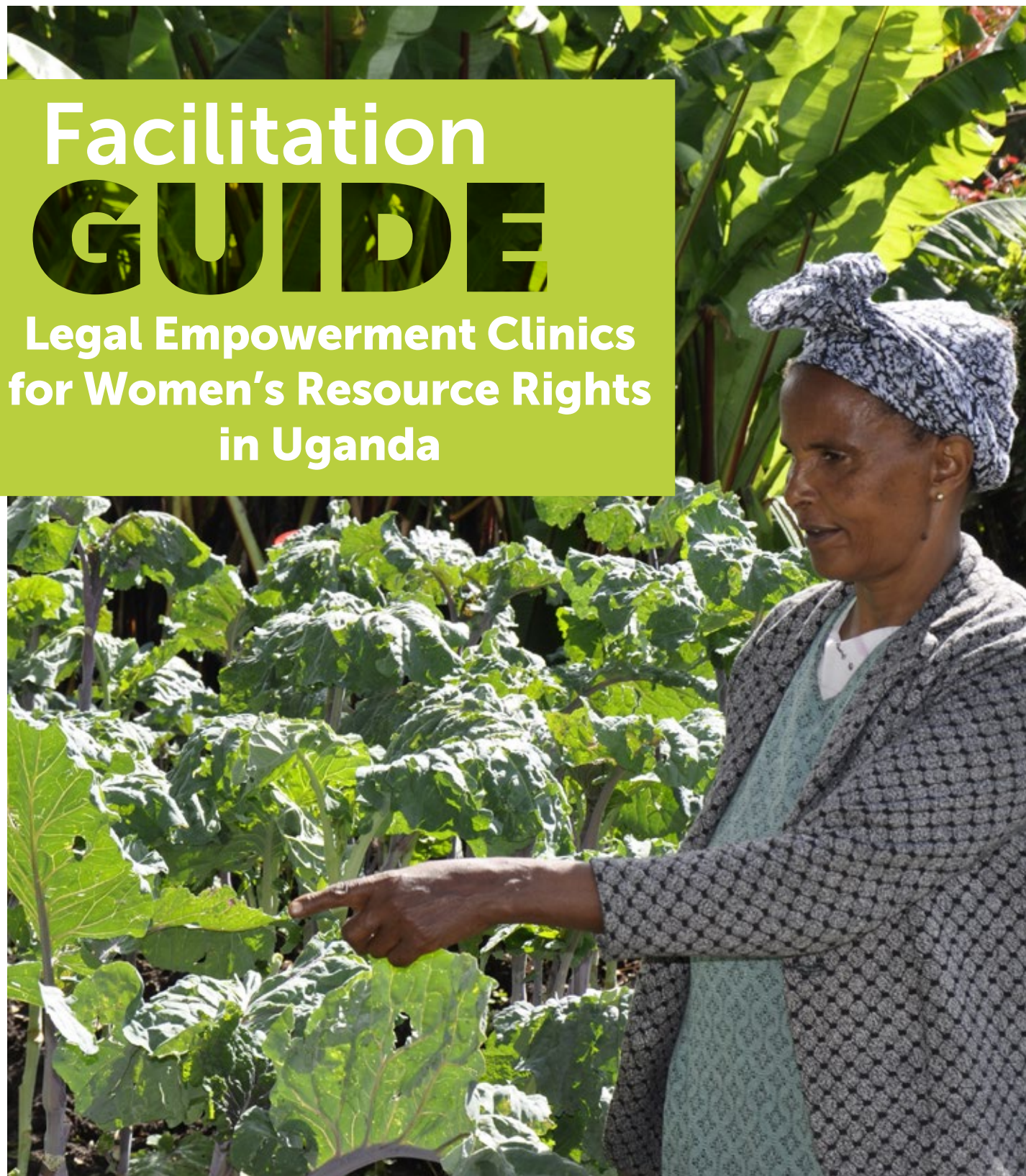




SECURING WOMEN'S  
RESOURCE RIGHTS  
THROUGH GENDER  
TRANSFORMATIVE  
APPROACHES



Investing in rural people



# Facilitation GUIDE

Legal Empowerment Clinics  
for Women's Resource Rights  
in Uganda



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## ABOUT THE INITIATIVE

### SECURING WOMEN'S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES

In 2020, the International Fund for Agricultural Development (IFAD) invited a consortium of the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF), the International Food Policy Research Institute (IFPRI) and the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) to work with selected IFAD projects to promote and strengthen women's land rights through the integration of gender transformative approaches (GTAs) in rural development interventions by improving policies, tools and practices.

Following the detailed gender analysis to identify contextual factors across projects and geographies, as well as bottlenecks and opportunities for promoting women's land rights, the initiative used collaborative learning and design approaches to develop and test innovative gender transformative approaches (GTAs) and complementary methods that can support the achievement of WLR through rural development interventions. This co-creation process ensures that each tool is fit-for-project purpose and endorsed locally, while at the same time contributing to a GTA toolbox that can be adapted for land-based rural transformation projects across the IFAD portfolio.

This collection of tools include GTAs already developed and applied by IFAD projects and partners across targeted countries, as well as a suite of new tools to integrate land rights more explicitly and further the gender transformation agenda. These tools entail different strategies to address inequalities at the individual, household, community, policy and institutional domains, as well as to catalyse and transform harmful and discriminatory norms, perceptions and attitudes, and behaviours and practices at the identified levels across targeted countries. We share this toolbox with the IFAD community to continue testing, contextualization and sharing learnings across countries.

<https://www.cifor-icraf.org/wlr>

[https://www.ifad.org/en/gender\\_transformative\\_approaches](https://www.ifad.org/en/gender_transformative_approaches)

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# GUIDE

## FACILITATION

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**Legal Empowerment Clinics  
for Women's Resource Rights  
in Uganda**

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## Executive summary

LANDnet Uganda with support from Center for International Forestry Research and World Agroforestry Centre (CIFOR-ICRAF) in collaboration with the Alliance of Biodiversity and CIAT (the Alliance), International Food and Policy Research Institute (IFPRI), is implementing a project on Gender Transformative Approaches (GTAs) which advance the recognition and protection of women's land and resource rights (WRR).

The WRR initiative is funded by the International Fund for Agricultural Development (IFAD) across six countries, including Uganda, where CIFOR acts as the leading partner. In each country, the WRR initiative is working with a selected IFAD-funded project to further gender-specific approaches to securing land and resource rights. In Uganda, the National Oil Palm Project (NOPP) has been selected to learn and build upon interventions which have been introduced to enhance gender and social inclusion.

The project has specific objectives which include:

- (i) To enhance the recognition and protection of women's resource rights in targeted countries;
- (ii) To contribute to the creation of conditions that would enable women's enjoyment of resource rights over time;
- (iii) To design and deploy innovative and participatory GTAs that contribute to the increased recognition and protection of WRR in targeted countries;
- (iv) To engage key stakeholders at local and national levels to build capacities and ensure that evidence and experiences from country-level pilots inform relevant policy and implementation processes; and
- (v) To generate evidence-based recommendations and share best practices for integrating GTAs into IFAD's global portfolio and advocacy strategy.

The purpose of the *Facilitation Guide: Legal Empowerment Clinics for Women's Resource Rights* in Uganda is to advance the equitable recognition and enjoyment of land and resource rights (general and gender-specific) as well as enhance benefit sharing within the context of the NOPP and other IFAD-funded projects. The guide is conceived as a set of learning modules to be integrated into NOPP and MLHUD programming for civic education, gender, equity and social inclusion (GESI), and rural development.

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Appreciation is due also to the NLC represented by Dr. Doreen Kobusingye and Ms. Immaculate Nalubyayi; Ms. Nivatiti Nandujja from ILC Global; and representatives from the Ministry of Lands Housing and Urban Development (MLHUD), including Mr. Richard Asiimwe, Mr. Emmanuel Mabala and Mr. Henry Walter Opyene. Representing NOPP, we thank Ms. Plaxeda Sunday and the Ministry of Agriculture, Animal Industries and Fisheries (MAAIF), as well as those from local government and cooperatives in Kalangala and Buvuma Districts who provided feedback during the ToTs, testing, and validation of this guide. Their dedication and insights have enriched this resource immeasurably.

This guide stands as a testament to the collaborative spirit and commitment of all involved, without whom this achievement would not have been possible.

### **LANDnet Uganda**

## How to use the facilitation guide

Welcome to the *Facilitation Guide: Legal Empowerment Clinics for Women's Resource Rights in Uganda*. This guide is designed to assist facilitators in conducting workshops and training sessions on various aspects of women's resource rights, as well as empowering women and their communities to exercise their legal rights through the appropriate institutions and channels provided by Uganda's legal system. The guide is organized into ten training modules, each focusing on a specific topic related to women's land and resource rights:

- **MODULE 1:** Human Rights
- **MODULE 2:** Land and Natural Resource Rights
- **MODULE 3:** How Land is Acquired
- **MODULE 4:** Natural Resource Management Institutions
- **MODULE 5:** Sustainable Land Use Management
- **MODULE 6:** Resource Rights of Women, PWDs, and Youth
- **MODULE 7:** Marriage and Property Rights
- **MODULE 8:** Understanding Succession, Inheritance, and Will Writing
- **MODULE 9:** Conflict Sensitivity
- **MODULE 10:** Dispute Resolution Mechanisms

Each topical module is organized around the learning objectives and interactive guide for facilitation, providing stepwise instructions for effective delivery and suggested activities to provoke in-depth engagement and participant understanding:

- Rationale for inclusion of the module in a guide on WRR
- Overview of the module
- Learning objectives, time needed, training approach and materials
- Step-by-step outline of the module
- Guidance for facilitating discussion questions
- Practical exercises
- Participatory case studies, scenarios, role plays and games
- Additional resources such as relevant legal documents, resource materials, and references to support your facilitation (as appendices).

Following the topical learning modules, we include a Facilitator's Toolbox for integrating gender-specific activities, games, and critical dialogues into the training curriculum. This toolbox includes seven tools to enhance the potential for the legal empowerment clinics to be more transformative. These tools can be integrated into other learning modules in this guidebook, or presented together as a full workshop to dive deeply into gender norms which affect women's legal and economic empowerment to enjoy their resource rights.

- **TOOL 1:** Boy or Girl
- **TOOL 2:** Gender versus Sex
- **TOOL 3:** Gender norms and values
- **TOOL 4:** Changing harmful gender norms
- **TOOL 5:** Analogy of Gender Boxes
- **TOOL 6:** Understanding power
- **TOOL 7:** Walk of power

We encourage you to adapt and customize this Facilitation Guide to the specific needs and context of your participants. Your role as a facilitator is crucial in creating an inclusive and engaging learning environment, and this guide is designed to assist you in that endeavor.

Best of luck with your workshops and training sessions on women's resource rights!



## Abbreviations and acronyms

WLR	Women's Land Rights
WRR	Women's Resource Rights
UDHR	Universal Declaration of Human Rights
CAP	Chapter
CAO	Chief Administrative Officer
URSB	Uganda Registration Services Bureau
UGX	Ugandan Shillings
Art	Article
S.I.	Statutory Instrument
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ICESCR	International Convention on Economic and Cultural Rights
ICCPR	International Convention on Civil and Political Rights
SDG	Sustainable Development Goal
VGGT	Voluntary Guidelines on Responsible Tenure, Agriculture and Fisheries
MLHUD	Ministry of Lands Housing and Urban Development
DLB	District Land Board
ALC	Area Land Committee
MZO	Ministerial Zonal Office
DLO	District Land Officer
NEMA	National Environmental Management Authority
NFA	National Forestry Authority
MWE	Ministry of Water and Environment
UWA	Uganda Wildlife Authority
MAAIF	Ministry of Agriculture Animal Industries and Fisheries
NLC	National Land Commission
MOH	Ministry of Health
MOE	Ministry of Education and Sports
DWRM	Directorate of Water Resources Management
DWD	Directorate of Water Development
DEA	Directorate of Environmental Affairs
NWSC	National Water and Sewerage Corporation
WEE	Women's Economic Empowerment

## Key definitions

<b>Human rights</b>	Rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
<b>Natural resources</b>	Raw materials that exist naturally and can be used by humans.
<b>Natural resource rights</b>	Those rights which enable one to have access, use, control and ownership of the existing natural resources.
<b>Lawful occupant</b>	A person occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928.
<b>Bona fide occupant</b>	A person who before the coming into force of the Constitution has Understanding occupied and utilized land unchallenged by the registered owner or their agent for twelve years or more.
<b>Tenant</b>	A person who has a right to use and occupy property owned by another person. This is usually evidenced by a tenancy agreement or a lease agreement for leasehold .
<b>Landlord</b>	A person who owns land and allows another person to use and occupy it for a fee.
<b>Compulsory acquisition</b>	The power of government to acquire private rights in land for a public purpose.
<b>Natural resource management</b>	The sustainable utilization, conservation, and management of natural resources, including land, water, minerals, forests, wildlife, and biodiversity.
<b>Land use</b>	Describes how people, groups, or governments use or allocate land for various tasks, activities, or goals.
<b>Women's resource rights</b>	The rights of women to access, control, and benefit from various resources, including land, water, forests, and other natural resources.
<b>Gender</b>	Socially constructed differences between men and women.
<b>Sex</b>	The biological difference of being male or female.
<b>Marriage</b>	A legally recognized union between a man and a woman.
<b>Will</b>	A written document made while a person is alive in which he or she gives instructions as to how his/her property and other affairs should be taken care of after death.
<b>Conflict sensitivity</b>	The ability to understand the context in which one is operating in, followed by an understanding of the intended or unintended impacts one's interventions could have on that context.
<b>Alternative dispute resolution</b>	The process of solving conflicts or disputes between parties without resorting to litigation or court processes..

**MODULE 1:**

# Understanding Human Rights





## Rationale

This module is grounded in the international, regional and national frameworks for human rights. Understanding human rights is foundational for advocating and protecting women's resource rights within the boundaries of the laws applicable.

## Module overview

This module provides an introductory overview of the concept of human rights, exploring their key principles, international frameworks, and why these rights are important. Participants will gain a foundational understanding of human rights as a fundamental aspect of global ethics and law, essential for promoting dignity, equality, and justice for all individuals.



### Time

2-3 hours



### Objectives

1. To understand the concept of human rights.
2. To gain knowledge about the types and principles of human rights.
3. To become aware of the existing legal frameworks on human rights.
4. To understand why the observance and enforcement of human rights is important across different geographic, social, economic and cultural contexts.
5. To become familiar with the existing institutions that protect and enforce the observance of human rights..



### Training approach

1. Interactive lectures
2. Facilitated question and answer (Q&A) sessions
3. Plenary exercises
4. Group discussions
5. Role plays with discussions



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. OPENING DISCUSSION

Open the session by asking participants about their understanding of the term rights and the principles of human rights. Facilitate a brief discussion about the types of human rights and help categorize these types as the participants mention examples: Civil rights, political rights, economic rights, social rights, or cultural rights.

### STEP 2. INTERACTIVE LECTURE

Explain the principles of human rights: Universality, Equality, Non-discrimination, Participation, Inalienability. Explain how these principles are Interdependent and Indivisible, noting how they have been agreed and adopted over time.

Explain the difference between principles of human rights and the legal frameworks which bind governments to agreed international, regional and national agreements.

### STEP 3. DISCUSSION GROUPS

Form discussion groups to discuss how human rights violations are resolved in the participant communities. Invite each group to share their thoughts, opinions, and experiences, explaining why respecting human rights is important in their context.

### STEP 4. INTERACTIVE LECTURE

Provide information about the institutions and service providers which are responsible for protecting human rights and preventing rights violations in Uganda: the State, the Judiciary, the police, civil society organisations (CSOs), religious and traditional leaders.

### STEP 5. ROLE PLAY

Invite two volunteers enact a role play about freedom of speech and right to property. Facilitate a plenary discussion when the actors have finished to explore the themes and relationship to the topic of human rights.

### STEP 6. CLOSING DISCUSSION

Summarize the session by revisiting the learning objectives, highlighting the principles and legal frameworks which guarantee human rights, key institutions for protecting human rights, and practical information about how to exercise human rights.

## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION



To open the session, ask the participants to share their understandings of human rights.

- Which rights should be guaranteed to all humans on the earth (in their opinions)?
- Which rights do they think are protected by the Government of Uganda (GoU)?
- Which rights are protected locally by customs, religious or traditional leaders?

Make a list of the responses on a flip chart paper.

Repeat the responses orally as they are written for all participants to know what is being recorded, and allow everyone an opportunity to provide ideas.

After the participants are satisfied with the list, begin making categories to group the responses by the types of rights they describe:

- Civil rights
- Political rights
- Economic rights
- Social rights
- Cultural rights

Explain that these rights form the foundation of international debates and agreements over what we call human rights.

### STEP 2. INTERACTIVE LECTURE



Prepare a set of flip chart papers or posters before the session. If possible, you may print and share copies of this guide as a visual aid.

Explain the types of human rights, principles of human rights, and legal frameworks at international, regional and national levels.

**It is important to note that Uganda is a signatory to some of these International and Regional Instruments which means that we are supposed to observe the provisions contained in these laws and instruments**

Invite questions from the participants. Try to finish the lecture for each section and then take questions at breaks between topics to maintain a good balance and pace.

- If there are many questions, or if a few participants are dominating the discussion, you may create a flip chart with the title **PARKING LOT**. Explain that you will **park** the questions for now by writing them down and address them together at the close of the lecture.
- If there are no questions, you may ask 1-2 participants to comment on the most confusing part of the lecture and then use their responses to offer any clarification.



## What are human rights?

Human rights are a set of rules that apply to all human beings.

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.

There are several types of human rights, including civil, political, economic, social, and cultural.



## Human Rights

---

### Civil and political rights

These are rights which protect the individual from arbitrary exercise of power by the state. Chapter 4 of the 1995 Constitution of the Republic of Uganda provides for some of these rights, namely, right to life, protection of personal liberty, respect for human dignity and protection from inhuman treatment like torture. These rights are also recognized as Political Objectives in the 1995 Constitution of the Republic of Uganda.

### Economic, social and cultural rights

These are rights concerned with material, social and cultural welfare of the person.

Like the previous class of rights discussed above, Chapter 4 of the 1995 Constitution of the Republic of Uganda still provides for these rights. They are also recognised in the 1995 Constitution of the Republic of Uganda as Social, Economic and Cultural Objectives.

Examples include but are not limited to:

- **Economic rights:** The right to work, working for reasonable working hours, equal wage for hours worked, working in a clean and safe environment, right to form and join trade unions.
  - **Social rights:** The right to education, the right to marry only when one is 18 years of age and above, and the right to a clean and healthy environment.
  - **Cultural rights:** The right to culture in terms of belonging, practice and observation of the cultural norms and practices if they are not repugnant to the existing laws.
-

## Principles of human rights

### Universality

In principle, all human rights apply to all human beings around the world.

### Equality

All human beings are equal in their different capacities.

### Non-discrimination

No human being should be a victim of discrimination based on sex, age, race, religion, among others.

### Participation

All human beings have the right to participate in decision-making processes.

### Inalienable

Human rights should not be taken away by anyone (with exceptions for specific processes like lawful arrests).

### Interdependence and indivisibility

All human rights are interrelated in that the improvement of one right facilitates advancement of others. Similarly, the deprivation of one right also affects the enjoyment of other rights.

It is important to note that these principles are provided for in international, regional, and national legal frameworks on human rights.

The objective on Protection and Promotion of Fundamental and other Human Rights and Freedoms, in addition to Chapter 4 of the 1995 Constitution provide for principles like universality, equality, non-discrimination, and general rights owed to an individual among others. These are evident in provisions that include but are not limited to those that provide for; the protection of the aged (Objective VII), the recognition of the role of women in society (Objective XV), recognition of the dignity of persons with disabilities (Objective XVI) and cultural objectives (Objective XXIV).

To ensure that these principles are observed and enforced in the Republic of Uganda, Objective XXIX of the 1995 Constitution of the Republic of Uganda provides for duties of a citizen which lead to the exercise and enjoyment of rights and freedoms that are inseparable from all citizens' duties and obligations towards the achievement of the above principles. These duties include but are not limited to promotion of responsible parenthood, fostering national unity and living in harmony with other citizens, promoting democracy and the rule of law, and contributing to the well-being of the society where a citizen lives.

Internationally, the Universal Declaration of Human Rights (UDHR- 1948) provides for the principle of universality and all other principles by virtue of being the mother framework of other human rights instruments.

## Legal frameworks on human rights

The legal frameworks on human rights can be understood across three broad categories, namely, international, regional and national frameworks.

The Republic of Uganda is signatory to the listed international and regional instruments, committing to observing the provisions contained therein.

### International framework

- Universal Declaration of Human Rights (UDHR- 1948)
- International Convention on the Elimination of all Forms of Racial Discrimination (CERD- 1965)
- International Covenant on Civil and Political Rights (ICCPR- 1966)
- International Covenant on Economic, Social and Cultural Rights (ICESCR-1966)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW-1979)
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-1984)
- The Convention on the Rights of the Child (CRC-1989)
- Convention on the Rights of Persons with Disabilities (CRPD- 2006)

### Regional framework

- African Charter on Human and People's Rights (1981)
- Protocol to the African Charter on Human and Peoples rights on the Rights of Women in Africa (also known as the Maputo Protocol, 2003)
- African Charter on the Rights and Welfare of the child of 1990 (entered into force in 1999)

### National framework

- The 1995 Constitution of the Republic of Uganda
- The Succession Act, Cap 162 (as amended)
- The Domestic Violence Act, 2010
- The Prohibition of Female Genital Mutilation Act, 2010
- The Prohibition and Prevention of Torture Act, 2012
- The Public Order Management Act, 2013

## FACILITATION NOTES

### STEP 3. DISCUSSION GROUPS

Form discussion groups of no more than 6-8 persons.

Separate the groups by gender - if appropriate - to encourage meaningful participation.

Give the groups 10 minutes to discuss how human rights violations are resolved in their communities. Invite them to provide examples without using individual names.

After 10 minutes, ask each group to share their experiences and summarize why respecting human rights is important in their context.





## STEP 4. INTERACTIVE LECTURE

Create a flip chart paper divided into 2 columns.

- Label the first column **INSTITUTIONS**
- Label the second other column **ROLES**

Ask participants to name the institutions responsible for protecting human rights. Probe what each institution does to protect human rights or prevent human rights abuses.

When the participants are satisfied with their list, categorize the institutions and use these categories to explain how each protects human rights and supports citizens to exercise their rights.

- The State
- The Judiciary
- The police
- Civil society organisations (CSOs)
- Religious and traditional leaders

## Institutions responsible for human rights and their roles

The purpose for protecting and promoting human rights is to address persistent patterns of inequality, providing remedies for human rights violations, preventing human rights violations before they occur and monitoring the trend of human rights observance and violations.

The institutions which protect human rights include but are not limited to:



**The State:** The State has a duty to refrain from interfering directly or indirectly with the enjoyment of human rights.



**The Judiciary:** The role of the Judiciary is to hear issues of human rights violations and provide remedies to the affected parties. It also protects the rights of the vulnerable groups and individuals who cannot protect themselves. These can be accessed through courts of law like the Local Council Courts, The Magistrate Court, the High Court and the Supreme Court.



**The Police:** The Police have a primary duty of maintaining law and order in the society. This involves preventing human rights violations and promoting observance of the same. This is done by making necessary arrests of persons suspected of violating human rights as per the Police Act, Cap 303.



**Civil Society Organisations:** CSOs support the enforcement of human rights by supporting victims of human rights violations, conducting human rights education, advocating for law reform aimed at the protection and promotion of human rights, and providing free legal aid services to victims of human rights violations.



**Religious and Traditional Leaders:** Local leaders support victims of human rights violations by offering counselling and guidance, shelter, food, medical assistance, among others.

## FACILITATION NOTES

### STEP 5. ROLE PLAY

#### Right to freedom of speech in the public sphere



#### CHARACTERS

- **Sarah:** Community Woman Leader
- **James:** Community Clan Head
- **Male community member** who disagrees with Sarah (1)
- **Woman community member** who disagrees with Sarah (1)

#### SCENARIO

*During a community dialogue, Sarah expresses an opinion that some community members find controversial. Sarah insists that married women have the right own land in their own names. Several community members insist that land is only registered to the head-of-household and that married woman can only own land if she has purchased it with her own money prior to marriage. Regardless of who is right and who is wrong (we will learn more about marital land rights in upcoming modules!), James, the clan head, must navigate the situation by upholding Sarah's right to freedom of speech while ensuring a respectful and inclusive environment.*

#### INSTRUCTIONS

- Invite four participants (2 men, 2 women) to play the actors.
- Prepare the actors in advance of the session by sharing the scenario, selecting roles, and allowing some time (during a break) to prepare for a short performance.
- Give the actors 7-10 minutes to perform the role play for the other participants.
- Facilitate a plenary discussion when the actors have finished to explore the themes and relationship to the topic: human rights.

## Why are human rights important?

Some of the 1995 Constitution of the Republic of Uganda states that human rights are inherent and not granted by the State. This means that every citizen is owed enjoyment of all rights and freedoms and protection from violation of the same by nature.

Some of the rights laid down under Chapter 4 of the 1995 Constitution of the Republic of Uganda include but are not limited to:

- Right to life.
- Equality and freedom from discrimination.
- Protection of personal liberty.
- Respect for human dignity and protection from inhumane treatment like torture.
- Protection from slavery, servitude and forced labour.
- Protection from deprivation of property.
- Right to privacy of home, person and other property.
- Right to a fair hearing.
- Right to education.
- Right to marry only when one is 18 years of age and above.
- Right to a clean and healthy environment.
- Economic rights in workplaces, for example reasonable working hours, equal wage for hours worked, working in a clean and safe environment, right to form and join trade unions.
- Right to access information.
- Right to culture.
- Rights of persons with disabilities (PWDs) to be free from discrimination and similar practices.
- Rights of children, which include food, shelter, clothing, medical care, education, care by their parents and freedom from subjugation to hard and forced labour.
- Rights of women who are accorded equal respect and treatment with men socially, economically, and politically.



Protection of the rights mentioned above is important because it promotes fair treatment of all persons without discrimination, safety and security, access to the basic needs of life, justice and accountability and peace and harmony among and between people.

### FACILITATION NOTES

#### STEP 6. CLOSING DISCUSSION

Close the session by reviewing the importance of human rights and inviting questions for clarification. By the close of the session, participants should understand their rights and how to exercise these under Ugandan law.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 2:**

# Understanding Land and Natural Resource Rights





## Rationale

Having understood human rights broadly, it is crucial to have an even deeper understanding of natural resource rights, especially land, as this is the center of the intervention. Participants must have a clear understanding of what these resource rights are to be able to demand for them.

This module focuses on land rights as the major resource upon which all other resource rights exist, and emerged as the critical resource for securing gender equality in Kalangala and Buvuma.

## Module overview

This module provides an in-depth exploration of the concept of natural resource rights. Natural resources are essential for human survival and development, and understanding how these resources are allocated, managed, and protected is crucial for sustainable and equitable development. The module delves into the legal, ethical, and practical aspects of natural resource rights, covering a wide range of topics to equip learners with a comprehensive understanding of their rights and how they are governed.



### Time

3-4 hours



### Objectives

1. To understand the meaning of natural resources and the rights attached to them.
2. To become familiar with the legal and policy frameworks on natural resource rights in Uganda.
3. To know the land tenure systems in Uganda, with emphasis on mailo land as a unique tenure system to the Buganda Kingdom.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Role plays with discussions
- Legal scenarios with group discussions



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape



## Step by step guide

### STEP 1. ROLE PLAY

Open the session with a role play activity simulating a community meeting about natural resource rights. Invite five volunteers to play the roles of community members with different interests in either conservation, sustainable natural resource utilization (land and fisheries), or further promotion of tourism and land-based investments. Discussion questions are provided to facilitate debriefing about the meaning of **natural resources** and **natural resource rights**.

### STEP 2. INTERACTIVE LECTURE

Explain the meaning of **natural resources** and **land** as a natural resource, emphasizing the difference between **substantive rights** and procedural rights.

Provide information about the legal and policy frameworks governing **rights to own, manage, use, access, control and/or participate in decisions** over land and other natural resources in Uganda.

Present the major land tenure systems in Uganda: **Customary tenure, freehold, mailo and leasehold**. Emphasize the most prominent tenure systems in the community.

### STEP 3. CASE STUDIES

Invite two volunteers to read two scenarios which describe concrete examples from case law regarding mailo land. Facilitate a discussion about differences in rights afforded to **bona fide occupants** vs. **non-bona fide occupants**.

### STEP 4. INTERACTIVE LECTURE

Continue the lecture about **rights, restrictions and responsibilities** for landlords and tenants (occupants) on **mailo land**.

### STEP 5. SCENARIOS

Invite two volunteers to read another scenario about **landlord and tenant rights and responsibilities** on **mailo land**. Facilitate a discussion with participants' own experiences and questions.

### STEP 6. CLOSING DISCUSSION

Close the session by summarizing the key laws and principles which govern land and resource rights in Uganda.

## FACILITATION NOTES

### STEP 1. ROLE PLAY

#### Community meeting on natural resource rights in Kalangala District



#### CHARACTERS

- **James Sewankambo:** Small-scale farmer and resident of Kalangala
- **Sarah Nakiboneka:** Local government representative
- **Isabella Nalukenge:** Environmental activist
- **David Ssekibira:** Fisherman and community leader
- **Amina Nabacwa:** Local business owner

#### SETTING

A community hall in Kalangala, where the meeting is being held.

#### SCENARIO

*A community meeting has been organized to discuss proposed development initiatives (such as tourism and plantation agriculture) and natural resource rights in Kalangala District, Uganda. The meeting is attended by community members, local government representatives, and environmental activists. This role-play scenario will help explore various perspectives and concerns regarding natural resource rights.*

#### INSTRUCTIONS

- Invite five participants (2 men, 3 women) to play the actors.
- Prepare the actors in advance of the session by sharing the scenario and selecting roles.
- Explain that there are two rounds. In Round 1, the actors will simply read the opening statements to understand the position of each character. In Round 2, the actors will each have 2 minutes to make an argument about how proposed economic development will affect their access and rights to land and natural resources.
- Give the actors 3-5 minutes for Round 1 and 10-15 minutes for Round 2.
- Facilitate a plenary discussion when the actors have finished to explore the themes and relationship to the topic: land and natural resource rights.

## SCRIPT

**Moderator (Facilitator):** Ladies and gentlemen, thank you for joining us today to discuss development, land and resources in Kalangala District. We have various stakeholders present, each representing different interests with respect to rights and protection of our natural resources on the one hand and development of these resources on the other. Let's begin with opening statements.

### ROUND 1: OPENING STATEMENTS

- **James (Small-scale farmer):** I've been farming here for generations. Access to land and water is essential for our livelihoods. We need clear rights to protect our resources.
- **Sarah (Local government representative):** Our role is to balance development and conservation. We want to ensure that our policies are fair and sustainable for everyone in Kalangala.
- **Isabella (Environmental activist):** Protecting our environment is crucial. We need to find a way to sustainably use our resources without causing harm.
- **David (Fisherman and community leader):** Our livelihoods depend on Lake Victoria. We need to ensure our fishing rights and the lake's health.
- **Amina (Local business owner):** Tourism and local businesses are growing here. We must strike a balance between development and conservation.

### ROUND 2 - COMMUNITY COMMENTS

**Moderator (Facilitator):** Thank you to each stakeholder group for sharing your positions for public discussion. You will now each have 2-3 minutes to respond to the other stakeholders and explain very clearly whether you are in favor or against the emerging developments in Kalangala (tourism, plantation agriculture, palm oil mills) and how this will affect your resource use.

- **James (Small-scale farmer):** 2mins
- **Sarah (Local government representative):** 2mins
- **Isabella (Environmental activist):** 2mins
- **David (Fisherman and community leader):** 2mins
- **Amina (Local business owner):** 2mins

**Moderator (Facilitator):** This concludes our public statements from the community. We thank the stakeholder groups for presenting your positions. We will consider these as we further develop plans for public consultation.

## DISCUSSION QUESTIONS

- What do we mean by natural resources in this role play?
- Name the natural resources which are valued in this district.
- Who has rights to utilize these natural resources in this district?
- What are the limits of these rights?



## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE



Prepare a set of flip chart papers or posters before the session.

Explain the types of natural resource rights, legal and policy frameworks for natural resource rights, and land as a special type of resource right. Explain the land tenure systems in Uganda, giving special attention to the tenure system most relevant for the area.

Invite questions from the participants. Try to finish the lecture for each section and then take questions at breaks between topics to maintain a good balance and pace. Use the PARKING LOT to park ideas or discussion points to address at the close of the lecture if needed (see Module 1).

## What are natural resource rights?

### Natural resources

Natural resources are understood to be things that exist naturally. Natural resources in the context of Kalangala and Buvuma Districts include but are not limited to: land, water bodies, forests, wildlife and aquatic life. These natural resources contribute to the wellbeing of the existing human population as they can act as major factors of financial income and sustainability. However, most of these natural resources are not owned by individuals but rather by the Government of Uganda who holds land and other resources in trust for the citizens of Uganda, its agencies and investors who mainly acquire land under the leasehold form of tenure.

### Natural resource rights

There is no standard definition for resource rights however, they can be termed as those rights which enable one to have access, use, control, and ownership of the existing natural resources. This is so because rights to own, use, control and access these resources are linked to food production, sources of livelihood and better standards of living.

We shall for purposes of this module focus on land rights which are a major resource on which all other resources exist.

Land is a major factor of production in Uganda and Article 237(1) of the 1995 Constitution of The Republic of Uganda confers upon every citizen the right to own land. In addition, Article 26(1) of the 1995 Constitution of the Republic of Uganda provides for the right to own property either individually or in association with others.

Land rights are those where individuals or groups of people have power and control over land that belongs to them. These rights are bestowed upon them by nature, inheritance, culture and law.

Reference will be made to two classes of rights in the context of land, namely substantive and procedural rights.

- **Substantive rights** are those that include the right to own, manage, use, access, control and make decisions about land.
- **Procedural rights** are those that involve rights of access to information, justice, and the right to participate in decision making processes over land related matters.

## Legal and policy framework on natural resources

There are many existing laws and policies that govern and regulate the management of land and natural resources in Uganda:

- The **1995 Constitution of the Republic of Uganda**, specifically Article 237, that provides that all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the existing tenure systems.
- The **Land Act, Cap 227** that provides for the tenure, ownership, and management of land.
- The **Registration of Titles Act, Cap 230** that provides for the transfer of land and registration of titles.
- The **Land Acquisition Act, Cap 226** that provides for the compulsory acquisition of land for public purposes and other related matters.
- The **National Environment Act, Cap 153** that provides for the sustainable management of the environment and to establish an authority as a coordinating, monitoring and supervisory body for environmental management.
- The **National Forestry and Tree Planting Act of 2003** that provides for the conservation, sustainable management, and development of forests for the benefit of the people of Uganda.
- The **Fisheries and Aquaculture Act of 2022** that provides for the control of fishing, the conservation of fish, the purchase, sell, marketing and processing of fish and related matters.
- The **Water Act, Cap 152** that provides for the use, protection and management of water resources and supply.
- The **Succession Amendment Act of 2022** that provides for matters relating to succession.
- The **Investment Code Act of 2019** that provides for coordination, promotion, facilitation, monitoring and evaluation of investments and investors.
- The **Employment Act of 2006** that provides for laws governing individual employment relationships.
- The **National Land Policy of 2013** that addresses issues of agriculture, urbanization and human settlement, industrialization and infrastructure development, environmental management and conservation
- The **Gender Strategy for the implementation of the National Land Policy (NLP)** is designed to fulfill the Government of Uganda’s commitments to realizing gender equality across all spheres. The goal of the Strategy is: “To ensure that women, men and vulnerable people are guaranteed access to, control of, use of and inclusion in the management of land resources to derive equity and equal opportunity to transform their lives”.
- **Physical Planning Act of 2010** that provides for the establishment of a National Physical Planning Board, specifically to institute the composition, functions and procedure of the Board; establish district and urban physical planning committees; provide for the making and approval of physical development plans and for the applications for development permission; and for related matters.
- **Survey Act, Cap 232** that provides for and regulates the surveying of land.
- The **Regulations 2021** that provide for procedures and necessary forms and documents for all land transactions.

## Land tenure systems in Uganda

- **Customary tenure** is a form of tenure where land is held and managed according to the recognized norms and cultures of a given community. One major characteristic of this tenure system is communal ownership and use of land.
- **Freehold tenure** involves holding of registered land in perpetuity (forever) with rights to deal with the land as the owner deems fit including but not limited to use, development, disposition by will, selling, leasing, and mortgaging among others.
- **Mailo tenure** originated from the 1900 Buganda Agreement where registered land is held in perpetuity and permits the separation of ownership of land from the ownership of developments of land made by a lawful or bona fide occupant. This tenure system is common in the Central Region of Uganda and the Buganda Kingdom.

Under the mailo tenure system and specifically in Buvuma and Kalangala Districts, there are two types of mailo land:

- **Public mailo** is owned by the Kabaka (King of Buganda) and the Buganda Kingdom. This land cannot be bought and owned by individuals but can be leased for a specified period.
  - **Private mailo** is that which is owned by individuals as personal property and can be sold or transferred to subsequent owners.
- The difference between the two is that for public mailo, one must pay the premium and annual ground rent while for private mailo, one only pays the premium. The premium is ten percent of the land value while the ground rent is 1 percent of the premium.
- **Leasehold tenure** is that which the landlord grants the tenant exclusive possession of the land for a defined period of time.

## Lawful and bona fide occupants on mailo land

- Under mailo tenure system, there are two classes of occupants: lawful and bona fide occupants.
- Section 29(1)(a)(b) of the Land Act, Cap 227 defines a lawful occupant as a person occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928. These are persons who had settled on land in Buganda as customary tenants with the consent of the mailo owner. A kibanja holder holds an equitable interest in mailo land which can be transferred with the consent of a registered owner (Toro Landlord and Tenant Law of 1937 and Ankole Landlord and Tenant Law of 1937). It can also mean a person who has entered the land with the consent of the registered owner and includes a purchaser.
- Section 29(2)(a) of the Land Act, Cap 227 defines a bona fide occupant as a person who before the coming into force of the Constitution (1995) has occupied and utilized land unchallenged by the registered owner or their agent for twelve years or more.



**Tenant:** This is a person who has a right to use and occupy property owned by another person. This is usually evidenced by a tenancy agreement or a lease agreement for leasehold tenure.



**Landlord:** This is a person who owns land and allows another person to use and occupy it for a fee.

## FACILITATION NOTES

### STEP 3. CASE STUDIES

#### INSTRUCTIONS

- Form two large discussion groups.
- Assign one group to discuss BONA FIDE OCCUPANTS
- Assign the second group to discuss NON-BONAFIDE OCCUPANTS
- Read the examples below from case law.
- Give each group 10 minutes to discuss what it means to be a bona-fide or non-bona fide occupant and share examples from their own communities or experiences. Invite them to raise any questions that they may have for clarification.
- Bring the groups back together after 10 minutes to share their discussion highlights.

#### EXAMPLES IN CASE LAW

**Bona fide occupant:** (Volunteer 1): Kiwanuka is the registered owner of 640 acres of mailo land in Kyanamukaaka in Masaka. Kiggundu entered and occupied part of this land (about 5 acres) in 1970 and has stayed there since, unchallenged by Kiwanuka. This means that by 1995, Kiggundu had stayed on the portion for 25 years and clearly qualifies as a bona fide occupant.

**Non - bona fide occupant** (Volunteer 2): On the other hand, Kiggundu's neighbour, named Mukasa, entered and occupied his Kibanja in 1986 without the consent of Kiwanuka. By the time of the promulgation of the 1995 Constitution, Mukasa had occupied the Kibanja for only 9 years and does not qualify as a bona fide occupant on Kiwanuka's land.

#### DISCUSSION GROUPS

**BOTH GROUPS:** What rights does Kiwanuka have to the mailo land?

**BONA-FIDE GROUP:** What rights does the bona fide occupant have to the mailo land?

**NON-BONA FIDE GROUP:** What rights does non-bona fide occupant have to the mailo land (if any)?



## FACILITATION NOTES

### STEP 4. INTERACTIVE LECTURE

Continue with the lecture to bring attention to the unique situation of **mailo land** in Uganda and rights **of landlords** and their **tenants** under the mailo system.



## Tenants and landlords on mailo land

### Rights and restrictions of tenants and landlords on mailo land

#### TENANTS/OCCUPANTS

- Enjoy secure occupancy of the land.
- May apply and acquire a Certificate of Occupancy for the land that they occupy as per Section 33 of the Land Act, Cap 227.
- May assign, sublet or sub-divide the tenancy with the consent of the landlord.
- A lawful or bona fide occupant may not be evicted from the land except upon an order from court and only for non-payment of ground rent.
- A tenant by occupancy who wishes to assign the tenancy shall give the first option of purchase to the owner of the land.

#### LANDLORDS

- Own the land
- May lease, mortgage, pledge or sell the land
- May subdivide the land for the purpose of selling or any other lawful purpose
- May pass on the land to any other person by will, gift or sell.
- Receives yearly payment of rent from tenants who are legally on the land.
- May demand for rent unpaid for a period exceeding two years or more
- May apply to court for an order of eviction where the tenant is in breach of yearly rent payment.
- Maintains first option to purchase the interest of a tenant by occupancy.



## FACILITATION NOTES

### STEP 5. SCENARIO

#### INSTRUCTIONS

- Invite two volunteers to come to the front.
- Assign one volunteer the role of **LANDLORD**
- Assign the second volunteer the role of **TENANT**
- Ask each volunteer to stand, read their part aloud and then sit down in a chair at the front.
- If necessary, the volunteers may re-read any sections for the participants.

As the facilitator, ask the discussion questions to the group and be prepared to answer their questions (the volunteers are just readers!). Facilitate a discussion that helps to clarify any misunderstandings about landlord and tenant rights and responsibilities.



#### Reading

**Landlord (Volunteer 1):** As the landowner, I have the right to determine how the land is used. I can lease it to tenants, sell it, or use it for my own purposes. I also have the right to receive rent or other agreed-upon payments from tenants. I'm responsible for maintaining the property and ensuring that it's safe and habitable for tenants. However, I must respect the terms of any lease agreement and not infringe on the tenant's rights to quiet enjoyment and privacy.

**Tenant (Volunteer 2):** As a tenant, I have the right to occupy and use the land or property as specified in our lease agreement. I have the right to live in a safe and habitable environment. I can expect the landlord to make necessary repairs and maintain the property. I also have the right to privacy and quiet enjoyment, meaning the landlord can't enter my rental unit without notice or a valid reason. Additionally, I have the right to withhold rent or take legal action if the landlord fails to meet their responsibilities as outlined in our agreement.

#### QUESTION AND ANSWER WITH FACILITATORS

- What questions do you have about the landlord's rights and responsibilities?
- What questions do you have about the tenant's rights and responsibilities?
- How does the landlord terminate the lease agreement if they want/need to do so?
- How does the tenant terminate the lease?
- What rights does the other have if the lease is terminated?
- What rights does the wife/spouse of the tenant have in the lease agreement (if any)?



## FACILITATION NOTES

### STEP 6. CLOSING DISCUSSION

Close the session by reviewing resource rights, the significance of land as a natural resource, and land tenure systems in Uganda.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 3:**

# Understanding How Land is Acquired





## Rationale

This module focuses on the three pathways for legally acquiring land in Uganda, and how to formalize land transfers for securing tenure. We include compulsory land acquisition within the context large-scale agricultural development in Kalangala and Buvuma to explain relationships on land, how land rights are acquired, negotiated and transferred under different tenure systems.

## Module overview

This module provides an in-depth exploration of the concept of natural resource rights. Natural resources are essential for human survival and development, and understanding how these resources are allocated, managed, and protected is crucial for sustainable and equitable development. The module delves into the legal, ethical, and practical aspects of natural resource rights, covering a wide range of topics to equip learners with a comprehensive understanding of their rights and how they are governed.



### Time

3-4 hours



### Objectives

1. To gain knowledge on how land is legally acquired in Uganda.
2. To understand compulsory land acquisition in Uganda, how it is exercised, and rights of landholders under situations of compulsory land acquisition.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Role plays with discussions
- Legal scenarios with group discussions
- Group exercise



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. INTERACTIVE LECTURE

Explain the ways in which land is acquired in Uganda: Purchase, inheritance, gift and other ways. Encourage the participants to talk about how they think land is acquired in their community and their questions about land acquisition procedures.

### STEP 2. ROLE PLAY

Invite two volunteers to read the roles of father and daughter to illustrate the protocols for gifting land within the family. Debrief with a plenary discussion..

### STEP 3. INTERACTIVE LECTURE

Provide a definition of compulsory land acquisition and its principles. Explain the legal grounding for compulsory land acquisition and the steps taken by the government in Uganda to acquire land, including the rights of landlords and occupants to resettlement, rehabilitation, or compensation.

### STEP 4. SCENARIOS

Read the scene descriptions about (Scene 1) family inheritance and (Scene 2) compulsory land acquisition, then facilitate a discussion about land rights under these circumstances.

### STEP 5. GROUP EXERCISE

Invite participants to share examples of compulsory land acquisition in Uganda to facilitate a question and answer session about the topic.

### STEP 6. CLOSING DISCUSSION

Close the session by summarizing the key laws and principles which govern land rights in Uganda, and how land is acquired and passed on.

## FACILITATION NOTES

### STEP 1. INTERACTIVE LECTURE

Explain the ways in which land is acquired in Uganda: Purchase, inheritance, gift and other ways. Encourage the participants to talk about how they think land is acquired in their community and their questions about land acquisition procedures.



## How land is acquired in Uganda

Land can be acquired in Uganda through purchase, inheritance, gift among other ways -

### Purchase

Purchase is a process where a person known as the vendor sells land to another person known as the purchaser. There are some basic but important procedures to be followed while acquiring land by purchase and these include:

- One ought to conduct both a physical and online search at the Ministerial offices on the land. This is also termed as due diligence.
- Meet with the owner of the land to set or negotiate prices.
- Have the land surveyed by a professional surveyor to establish the actual boundaries of the land parcel.
- Prepare a sale agreement. As a new development, the sale agreement has to be registered with Uganda Registration Services Bureau (URSB). Property valuation on application made to the government valuer to determine the stamp duty to be paid.
- Payment of stamp duty after property valuation.
- A transfer form also has to be signed by both the buyer and the seller of the land in question and registered after the full purchase price has been paid.
- It is also prudent practice to have a lawyer help an individual through this process.

### Gift

A gift of land is where the person offering the gift also known as the donor gives land to the person receiving the gift of land also known as the donee. A gift may be established by evidence of exclusive occupation and use thereof by the donee during the lifetime of the donor. A gift becomes operative upon its acceptance by the donee and such exclusive occupation and use of the land may act as evidence of the gift.

For a gift to be recognized as one, there are three conditions that need to be fulfilled namely;

- There is an intention to give the gift.
- The donor must deliver the property.
- The donee must accept the gift

## Inheritance

Inheritance is a method of land acquisition where land is acquired usually after the death of the previous landowner. The new owner is usually determined based on the last will and testament of the deceased person. In the event that the deceased person died intestate (without a will), then an administrator is appointed by court to administer the estate of the deceased person.

### FACILITATION NOTES

#### STEP 2. ROLE PLAY

##### CHARACTERS

- Father
- Daughter

##### SETTING

Family household

##### SCENARIO

A father intends to gift family land to his daughter and explains the process for formalizing the land transaction to his daughter before he passes away.

##### INSTRUCTIONS

- Invite two participants (1 man, 1 woman) to play the actors.
- Prepare the actors in advance of the session by sharing the scenario, selecting roles, and allowing some time (during a break) to prepare for a short performance.
- Give the actors 5 minutes to read the script aloud for the audience.
- Facilitate a plenary discussion when the actors have finished to explore the themes and relationship to the topic: land and natural resource rights.



Note that a comprehensive discussion on inheritance will be found in the module on inheritance and succession.

##### SCRIPT

**Father (F):** *Namubiru, come sit with me for a moment. There's something important I want to discuss with you.*

**Daughter (D):** *Of course, Dad. What's on your mind?*

**F:** *Well, you know how our family has owned that piece of land out in the countryside for generations, right?*

**D:** *Yes, the family's mailo land. It's been part of our history for as long as I can remember.*

**F:** *Exactly. I've been thinking about the future, and I've decided to give you two acres of that land as a gift.*



**D:** Really, Dad? That's incredibly generous of you. I'm grateful.

**F:** I want to make sure you have a strong foundation for your future, and this land can be a valuable asset for you. But I also want to ensure that you have full rights to it, so we'll need to process the land title in your name.

**D:** That means a lot to me, Dad. I understand the importance of having a secure land title. What do we need to do to make this happen?

**F:** We'll need to work with the local authorities to initiate the process of transferring the land into your name. It's a legal process to ensure your ownership is properly documented.

**D:** I appreciate the effort you're putting into this, Dad. It's not just about the land; it's about the trust and support you're showing me.

**F:** You're welcome, Namubiru. I want to see you succeed and thrive in the future, and I believe this gift will help you on that path. We'll go through this process together, and I'll be here to guide you every step of the way.

**D:** Thank you, Dad. I'm incredibly fortunate to have you as my father. I'll make sure to honor this gift and the family's legacy.

**F:** I have no doubt that you will, Namubiru. This land is a symbol of our love, and it's an investment in your bright future.

**D:** I love you, Dad. Thank you for everything.

**F:** I love you too, Namubiru. This is just the beginning of many great things to come for you.

### DISCUSSION QUESTIONS

- What makes a gift different than inheritance?
- What does the father need to do to gift this land to his daughter while he is still alive?
- What does the daughter need to do to protect her gifted land?
- By show of hands, how many women in our audience have been gifted land? [Ask one participant to explain how she received land by gift. Was it formalized?]
- By show of hands, how many men in our audience have been gifted land? [Ask one participant to explain how he received his land by gift. Was it formalized?]
- What are some challenges for gifting land to daughters in this area?



## FACILITATION NOTES

### STEP 3. INTERACTIVE LECTURE

Provide a definition of **compulsory land acquisition** and its principles. Explain the legal grounding for compulsory land acquisition and the steps taken by the government in Uganda to acquire land, including the rights of landlords and occupants to **resettlement, rehabilitation, or compensation**.

### Compulsory land acquisition in Uganda

#### What is compulsory land acquisition?

Compulsory acquisition is the power of government to acquire private rights in land for a public purpose. This power is known by a variety of names depending on a country's legal traditions, including eminent domain, expropriation, takings and compulsory purchase.

### Principles of compulsory land acquisition

1. Displacement is avoided and if avoidance is not possible, minimized to the extent possible. Resettlement is a last resort.
2. Land acquisition, resettlement and rehabilitation is conceived as an opportunity for improving the living standards and livelihoods of affected people.
3. Vulnerable people are provided with targeted assistance.
4. Requires prior and informed consent based on early and continuous (community) stakeholder participation and the timely disclosure of information to ensure there is broad community agreement to the LARR activities.
5. Gender equality and equity are critical.
6. Prompt and full compensation based on full replacement cost.
7. Displaced persons are offered a comprehensive resettlement assistance package.
8. All legitimate property rights, including informal ownership, use and other secondary and tertiary rights are recognized, respected and compensated.
9. Cash compensation is supported by appropriate financial management training and paid into a joint bank account for couples.
10. Grievance management systems are established which are easily accessible and responsive.
11. All land acquisition and resettlement planning and implementation is undertaken professionally and in a culturally appropriate manner.
12. Requires integration in overall project planning and the development of realistic budgets and schedules.
13. Appropriate internal and external monitoring and evaluation is undertaken based on practical indicators.



## Steps to acquire land compulsorily

In circumstances where there is need to acquire land from an individual for public use, guidance is sought from the Land Acquisition Act CAP 226. Although the Act is still in force, its constitutionality regarding the section on compulsory acquisition has been challenged.

The steps in the Act are as follows:

- A person with authorization from the Minister of Lands enters upon the land to ascertain its suitability for the public purpose as provided under section 2 of the Act. Section 2(2) further imposes a duty on government to pay compensation to a person who suffers damage as a result of exercise of this power.
- Section 3 of the Act is to the effect that if the Minister is satisfied that the government requires the land, he/she issues a statutory instrument specifying the location and details of the land. This is served to the affected parties.
- Upon declaration that the land is needed, the assessment officer (as appointed by the Minister) causes the land to be marked and measured and a plan to be made if a plan of the land has been made.
- Section 5(1) mandates the assessment officer to cause a notice to be published in the gazette. The notice should clearly state that the government intends to take possession and claims for compensation for all interests are to be made to the assessment officer. The notice should give particulars of the land, the persons with interests and the kind of interest and objections, if any.
  - The assessment officer is required to cause a copy of every notice published to be served on the registered proprietor controlling authority and occupier.
  - The assessment officer then makes inquiries into the claims and objections made and makes an award accordance with section 6. The award specifies the area of the land, the compensation which in the officer's opinion should be allowed and the apportionment of that compensation among all persons having an interest whether or not they have appeared. While conducting the inquiry and awards, the assessment officer has the same power to summon and enforce attendance of witnesses and compel production of documents as is vested in a magistrates court in its jurisdiction.
- The assessment officer causes a copy of the award to be served on the minister and on persons with an interest who were absent when the award was made.
- The government pays the compensation in accordance with the award as soon as is possible after the expiry of time in accordance with section 6.
- Section 7 provides for taking possession and Registration. The assessment officer forwards to the Registrar of Titles a copy of the declaration with a certificate signed by the assessment officer stating that the officer has taken possession and specify the date when this was done.
- The Registrar registers the Land Commission as the proprietor on the Register Book.

## FACILITATION NOTES

### STEP 4. SCENARIO

#### Land acquisition in Uganda pathways in Uganda



#### INSTRUCTIONS

- Read Scene 1 about how the land was acquired by the family and then passed down.
- Facilitate discussion about acquisition through purchase and inheritance.
- Then Read Scene 2 about how the land was compulsorily acquired by the state.
- Facilitate discussion about landholder rights in cases of compulsory acquisition.

#### SCENE 1

*John's family buys land from Fred's family. John has 4 children. In 2019, John decides to give one of his children called Peter a piece of land before he dies. After his burial, his will was read and it stated that all his children inherit all the land.*

#### SCENE 2

*During a cabinet meeting in 2020, it was agreed that some land be acquired by the government and Peter's land was identified and he was told to leave the land for the government to have its projects because he was going to be compensated after. Peter leaves the land and it is now 10 years government has not given Peter compensation and yet his land was taken from him.*

#### DISCUSSION QUESTIONS

- How did John originally acquire the land?
- How did Peter acquire a piece of the land from his father?
- What happened to the land after John's death? How did this affect Peter's parcel?
- What rights did Peter have as the landholder when the government decided to acquire his piece of land? What could he have done to resolve his situation?



## FACILITATION NOTES

### STEP 5. GROUP EXERCISE

Form working groups of no more than 5-6 persons

Give each group a piece of flip chart paper

Assign one person per group to be the reporter who will record responses on the flip chart paper and report back in plenary

Ask each group to share at least one **example of compulsory land acquisition** from their personal experience, from this or other communities (no individual names, please!), or from cases in other parts of Uganda. Instruct the reporters to write a brief title for the example case at the top of the flip chart paper.

Next, instruct the group members to write at least 3 questions for the facilitator (legal expert) about this example case. The questions should be focused on the legal rights and responsibilities of the landholder, the state, or others affected by the land acquisition.

Allow each group 10 minutes to discuss their example and questions that this case raised about compulsory land acquisition.

In plenary, ask the reporter for each group to present their case and ask questions.

The facilitator should be prepared to answer questions based on the legal framework.

## FACILITATION NOTES

### STEP 6. CLOSING DISCUSSION

Close the session by reviewing how land is acquired in Uganda under different tenure systems. Reinforce the principles of compulsory land acquisition and review the rights of the government and the rights of landholders and affected citizens under these situations.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 4:**

# Natural Resources Management Institutions in Uganda





## Rationale

This module emphasizes the key role that institutions play in not only upholding the rights discussed in the previous modules but also being the structure through which the legal and policy framework is realized. While these institutions exist for the citizens of Uganda, their roles are not well known or understood those who they are meant to serve. It is important to highlight the independence and the interconnectedness of these institutions in a bid to protect women's natural resource rights..

## Module overview

This module is designed to provide participants with a comprehensive understanding of natural resource management principles and the institutions that govern them in the context of Uganda. It equips them with the knowledge and skills required to seek redress and hold authorities accountable when faced with challenges associated with sustainable resource utilization and conservation.



### Time

2-3 hours



### Objectives

1. To understand both statutory and non-statutory natural resource management institutions in Uganda generally, and within districts specifically.
2. To delineate the roles and responsibilities of the different institutions in natural resource management.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Plenary exercise
- Visual media (organograms)
- Group discussions
- Case study with group discussions



### Materials

- PowerPoint, poster, or drawing of organograms
- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. OPENING EXERCISE

Open the session by asking participants about which natural resources are important to their community or district and who manages these resources.

### STEP 2. INTERACTIVE LECTURE

Provide a comprehensive overview of the natural resource management institutions at the local to district to national levels and how they relate to the national framework.

Emphasize those with responsibilities to the land sector.

### STEP 3 VISUAL MEDIA

Utilize the institutional organization charts (organograms) to explain the roles and responsibilities of each of the natural resource management institutions in a detailed and understandable manner while relating them to the local context.

### STEP 4. DISCUSSION GROUPS

Form discussion groups to discuss how the participants interact with these natural resource management institutions in their daily lives.

### STEP 4. CASE STUDY

Read a case study about rights to forest resources and land and invite groups to generate actionable recommendations for engaging with resource institutions.

### STEP 5. CLOSING DISCUSSION

Summarize the session by revisiting the learning objectives, highlighting the principles and legal frameworks, and key institutions for managing natural resources and land issues.

## FACILITATION NOTES

### STEP 1. OPENING EXERCISE

To open the session, ask the participants which natural resources are most important for this community or district?

Create a list on flip chart paper as the participants call out the important resources.

Draw a line down the middle of the paper.



For each resource listed, ask who is responsible for the management of this resource?

Is it managed by individual farmers or households? The community? Government? Which level or government (local, district, national)? Which institutions? Probe the participants to be as specific as possible.

If there is disagreement about institutions responsible, mediate the discussion briefly.

If necessary, write the competing responses on the flip chart paper.

Facilitate the discussion for brainstorming.

Explain that you will be clarifying these issues as you move through the lecture.

## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE

Provide a comprehensive overview of the meaning of natural resource management and its principles, and the **natural resource management institutions** at the local to district to national levels and how they relate to the national framework.

Emphasize those with **responsibilities to the land sector**.



## What is natural resource management?

Natural resource management is a collective term for the management of natural resources, including wildlife. It refers to the sustainable utilization, conservation, and management of natural resources, including land, water, minerals, forests, wildlife, and biodiversity. These resources are all available in Buvuma and Kalangala; however, this guide focuses on the land-based resources, as highlighted in Module 2. It includes a broad range of practices and strategies aimed at ensuring the responsible use of these resources to meet the needs of current and future generations while minimizing negative environmental impacts.

## Principles of environmental management

According to the National Environment Act of 2019, the key principles for environmental management are:

1. Encouraging the participation of the people of Uganda in the development of policies, plans, and programs for the management of the environment.
2. Providing for equitable, gender responsive and sustainable use of the environment and natural resources, including cultural and natural heritage, for the benefit of both present and future generations
3. Maintaining stable functioning relations between the living and non-living parts of the environment through conserving biological diversity and by use of prudent environmental management measures.
4. Ensuring optimum sustainable yield in the use of renewable natural resources.
5. Ensuring that activities relating to extractive processes of renewable and non-renewable natural resources are carried out in a sustainable manner.
6. Restoring lost or damaged ecosystems where possible and reversing the degradation of the environment and natural resources.
7. Ensuring that where there are threats of irreversible harm or damage to human health or the environment, lack of scientific certainty is not used as a reason for postponing cost-effective measures to prevent the harm or damage.
8. Ensuring that adequate environmental protection standards are established and that effective monitoring of change in environmental quality is undertaken, including by publishing relevant data on environmental quality and resource use.
9. Requiring prior environmental and social impact assessments of proposed projects which may significantly affect the environment or use of natural resources.
10. Requiring the application of the mitigation hierarchy in environmental and social impact assessments such as avoiding and minimizing impacts, achieving restoration targets and for residual impacts, delivering biodiversity offsets.
11. Ensuring that environmental awareness and literacy form an integral part of education and governance at all levels.
12. Requiring the cost of pollution to be borne by the polluter. Ensuring that environmental costs connected with the actual or potential deterioration of natural assets are factored into economic activities
13. Promoting the use of economic instruments and compensatory measures in environmental management.
14. Promoting green growth in environmental planning and implementation of sustainable development goals in all sectors
15. Promoting circular economy by maximizing production efficiency to conserve the use of the environment and natural resources and to control the generation of waste to the greatest extent possible.
16. Promoting cooperation between Uganda and other states in the field of the environment and to support and promote the implementation of applicable international environmental obligations and principles.
17. Ensuring that processes of environmental management and human development have due regard to international human rights standards.
18. Ensuring that in the implementation of public and private projects, approaches that increase both the environment and people's resilience to impacts of climate change are prioritized.
19. Ensuring that in case of an environmental emergency, such as a disaster of any magnitude, the lead agencies promptly notify other relevant agencies and departments to guarantee the availability of support.



## Natural resource management institutions in Uganda

### Statutory institutions: Land

Land management structures in Uganda are essential for regulating and governing the country's land resources, which are critical for agriculture, settlement, and development. Uganda's land management system involves a combination of customary and statutory institutional arrangements. The Ministry of Lands, Housing, and Urban Development is charged with the overall responsibility as expressed in the organogram. Here are the detailed roles of each of the institutions

1. **Ministry of Lands, Housing, and Urban Development (MLHUD):** To ensure rational, sustainable and effective use and management of land and orderly development of urban and rural areas as well as safe, planned and adequate housing for socio-economic development. It is important to note that MLHUD recently decentralised its operations through the Ministry Zonal Offices.
2. **Uganda Land Commission (ULC):** To effectively hold and manage all government land and property thereon and to resolve all historical land injustices.
3. **District Land Board (DLB):** The District Land Boards, independent from the Uganda Land Commission and from any other government organ or person, are in charge of all land in the district. These Boards hold and allocate land in the district which is not owned by a person or an authority.
4. **District Land Office (DLO):** The District Land Office provides each district with accessible technical services such as land surveying and registration, as well as ensuring that the district's administration and the District Land Board have access to relevant land information.
5. **Recorder:** This office is established under Section 68 of the Land Act. In rural areas, the sub-county chiefs are the recorders, while in urban areas, it is the town clerks and in the division of a city, the assistant town clerks. The recorder participates in many activities concerning the update of records of interests in land and record-keeping.
6. **Area Land Committee (ALC):** According to the Land Act, 1998, the Area land committees are supposed to assist the board in an advisory capacity on matters relating to land, including ascertaining rights on the land. They are supposed to recommend to the district land board, upon doing due diligence over land anyone who needs to acquire land.

### FACILITATION NOTES

#### STEP 3. VISUAL MEDIA

Print the organograms below on large format paper, display on PowerPoint, or draw by hand onto a large flipchart paper for easy visibility.

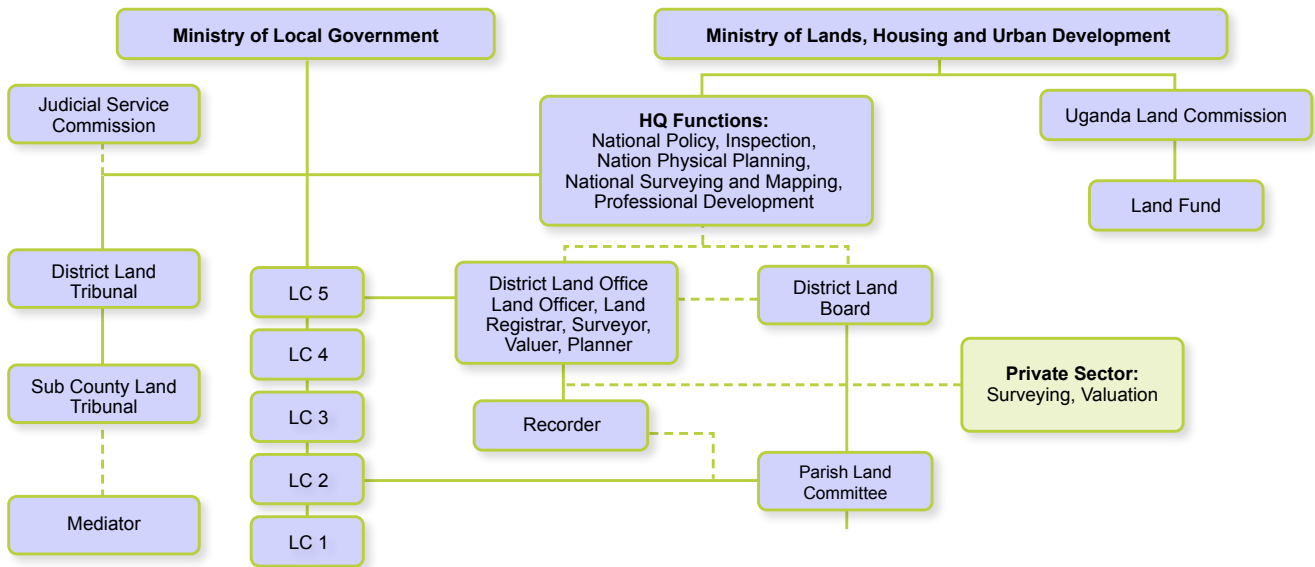
Utilize the organograms to explain:

- How the institutions involved in land and resource management are organized under different ministries, agencies and geographies;
- The roles and responsibilities of the natural resource management institutions; and
- How each is linked to other institutions and the local context.



Figure 1. Land institutions in Uganda

The organogram highlights linkages with statutory institutions and other existing structures and sectors that sometimes play a role in managing land within communities.



### Statutory institutions: Environment (water and forests)

**The Ministry of Water and Environment (MWE)** has the responsibility for setting national policies and standards, managing and regulating water resources and determining priorities for water development and management. It also monitors and evaluates sector development programs to keep track of their performance, efficiency, and effectiveness in service delivery. MWE has three directorates: Directorate of Water Resources Management (DWRM), Directorate of Water Development (DWD) and the Directorate of Environmental Affairs (DEA).

The mandate of the MWE regarding sanitation and hygiene activities is stipulated in the Memorandum of Understanding that was signed by Ministry of Health (**MoH**), Ministry of Environmental Services (**MoES**), and MWE. The role of MWE is limited to development of public sanitary facilities and promotion of good practices of hygiene and sanitation in small towns and rural growth centres. With respect to water for production, MWE is the lead agency for water for production and development off- farm. Ministry of Agriculture, Animal Industries and Forestry (**MAAIF**) is the lead agency for water use and management for agricultural development on-farm. The mandate of **MTTI** covers water use and management of industries, commerce, wildlife and tourism. The mandate of **MEMD** is water use and management for hydropower generation.

The following parastatal institutions and authorities are under the Ministry of Water and Environment:



1. The **National Water and Sewerage Corporation (NWSC)** is a parastatal that operates and provides water and sewerage services for 23 large urban centres across the country including Kampala. NWSC's activities are aimed at expanding service coverage, improving efficiency in service delivery and increasing labour.



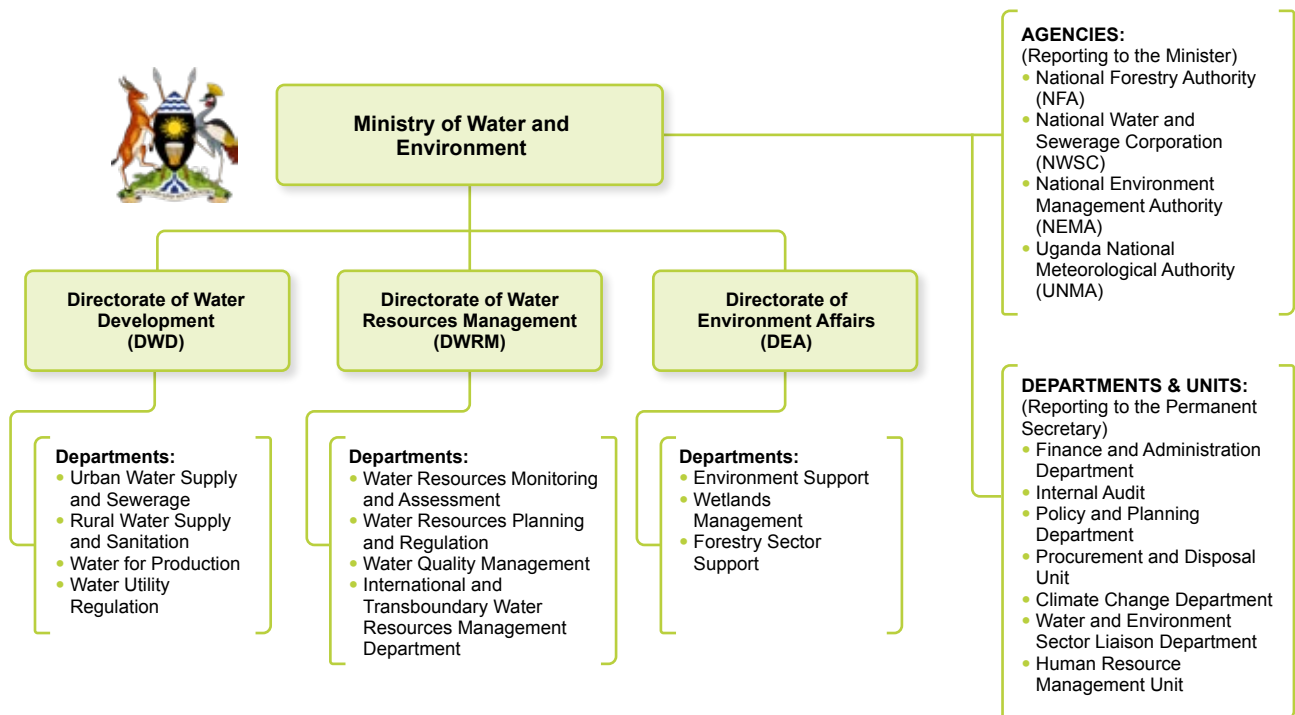
2. The **National Environment Management Authority (NEMA)**: NEMA responsible for the regulatory functions and activities that focus on compliance and enforcement of the existing legal and institutional frameworks on environmental management in Uganda. NEMA's mandate covers both green and brown issues of environmental management. It oversees the implementation of all environment conservation programmes and activities of the relevant agencies both at the national and local Government level.



3. **National Forestry Authority (NFA)** is responsible for sustainable management of Central Forest Reserves (CFRs), supply of seed and seedlings, and provision of technical support to stakeholders in the forestry sub-sector on contract. NFA is a semi- autonomous business entity and generates most of its own revenues and finances its activities, i.e., NFA's support is contingent upon payment for its services.

Figure 2. Environmental institutions in Uganda

The organogram presents an overview of the Ministry of Water and Environment (MWE) with Directorates, Departments, and linkages to committees and parastatal agencies under the Ministry.



## FACILITATION NOTES

### STEP 4. DISCUSSION GROUP

#### INSTRUCTIONS

- Form groups of 5-6 persons per group.
- Give each group 10 minutes to discuss which institutions they interact with in their day-to-day lives. They may use the organograms to help them identify the institutions.
- Bring the groups back together after 10 minutes to share their discussion highlights.



#### DISCUSSION QUESTIONS

- Which of the institutions in the organograms do you or your family interact with in your routine activities or regular business?
- How do you interact with these institutions?
- Are your needs well served by your local or district institutions? Why or why not?



## FACILITATION NOTES

### STEP 5. CASE STUDY

#### INSTRUCTIONS

- Keep the same groups of 5-6 persons per group.
- Read the case study aloud to the participants.
- Give each group 10 minutes to discuss the case study and provide recommendations.
- Bring the groups back together after 10 minutes to share their discussion highlights.

#### CASE STUDY

In the heart of rural Kalangala District, amidst lush greenery and dense forests, lives a determined married woman named Nalongo. She is a member of the Baganda tribe, residing in a small village on the island. Nalongo's story is a testament to the unique challenges many married women face in accessing and managing land and forest resources in Uganda. Her family owns a small piece of land surrounded by a magnificent forest, which has been their source of livelihood for generations. This forest provides timber, firewood, medicinal plants, and fruits that sustain the family. Nalongo's dream is to carry on this legacy and ensure the land and forest remain productive for future generations.

However, despite the good surroundings, Nalongo faces an uphill battle to protect her family's land and forest resources. Her husband, influenced by traditional gender roles and external pressures, is attempting to chase her off the land she has known and cherished for years. To compound her troubles, the National Forestry Authority has been denying her access to the forest, further limiting her ability to sustain her family and preserve the natural resources that are so vital to their way of life. Nalongo's determination extends to wanting to have her rights to the land and forest registered, but her husband angrily opposes this move, creating a complex and challenging situation within their household.

### DISCUSSION GROUPS

- What rights does Nalongo have to the land and forest in this situation?
- Which institutions can she reach out to for advice and support in this matter?
- What actions can Nalongo take to come to an agreement with her husband?
- What actions can she take to regain access to the forest for harvesting timber, firewood, medicinal plants, and fruits as her family has been doing?



### FACILITATION NOTES

#### STEP 6. CLOSING DISCUSSION

Close the session by reviewing the institutions which manage natural resources and land issues in Uganda and ask whether the participants have any questions or specific cases they would like to raise for discussion.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 5:**

# Sustainable Land Use Management





## Rationale

Based on the change in land use in Kalangala and Buvuma Districts, women now have small portions to grow food crops, it is therefore necessary to create awareness about how they might access and use their small portions sustainably for economic empowerment.

Incorporating a module on women's economic empowerment into a facilitation guide for women's resource rights is a crucial step toward fostering gender equality and sustainable development in the communities of Buvuma and Kalangala.

## Module overview

With a focus on protecting and advancing women's resource rights, this module aims to provide a thorough grasp of sustainable land use practices. Forests are important ecosystems that promote biodiversity, slow down climate change, and give populations access to vital resources. The conventional gender norms, legal restrictions, and environmental dangers present in many forested locations make it extremely difficult for women to access, manage, and benefit from these resources. The solutions for sustainable land use that are covered in this module support equitable resource management, empower women, and guarantee the long-term health of forest ecosystems.



### Time

2-3 hours



### Objectives

1. To understand the meaning of land use and the various land use types in Uganda.
2. To understand the relationship between land use and environmental conservation, including the intersections of land, gender, and climate.
3. To understand the relationship between land use practices and women's economic empowerment (WEE), highlighting the role of land in fostering economic opportunities for women in Uganda.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Group discussions
- Scenarios with group discussions



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. OPENING DISCUSSION

Introduce the session by explaining the objective and its importance in understanding land use in Uganda followed by a clear definition of land use and its significance in the context of Uganda's natural resources and development.

### STEP 2. INTERACTIVE LECTURE

Present an overview of the various land use types in Uganda, including agricultural, residential, industrial, and conservation land, and explain their characteristics. Facilitate an interactive session for participants to ask questions and seek clarification.

### STEP 3. DISCUSSION GROUPS

Form discussion groups of 6-8 people to identify and discuss examples of different land use types in their local context.

### STEP 4. INTERACTIVE LECTURE

Explain the relationship between land use and environmental conservation and management. Begin exploring the relationship between land use practices and gender, and their environmental implications.

### STEP 5. SCENARIOS

Read a set of scenarios about changing land use patterns and practices in different areas of Uganda. Facilitate a discussion about the sustainability of these land use scenarios and what could be done to enhance their sustainability.

### STEP 6. INTERACTIVE LECTURE

Emphasize the relationship between land use, gender dynamics, and climate change within the context of environmental conservation (the land, gender, and climate nexus).

Present information on how various land use practices can either facilitate or hinder women's economic opportunities, emphasizing the gender disparities in land ownership and access.

### STEP 7. DISCUSSION GROUPS

Return to the same discussion groups of 6-8 persons. Invite participants to share local success stories of women who have benefited from improved land use practices or initiatives promoting women's economic empowerment through land access.

### STEP 8. CLOSING DISCUSSION

Conclude the session by summarizing key insights and reinforcing the significance of land use in promoting women's economic empowerment in Uganda and environmental conservation.



## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION

Introduce the session with a clear definition of land use and its significance in the context of Uganda's natural resources and development.



#### DEFINITION

The term land use describes how people, groups, or governments use or allocate land for various tasks, activities, or goals]. It includes all the different ways that people use and manage land for agriculture, habitation, industry, conservation, recreation, and more.

#### SIGNIFICANCE

The efficient and responsible allocation of land resources to satisfy present and future societal demands is made possible through land use planning and management, which is essential for sustainable development.

#### PLENARY DISCUSSION

Ask the participants to call out examples of land use. Repeat the example aloud. This approach to facilitation is called mirroring; to reflect back what a participant has said to ensure that all of the participants are hearing.

Be careful! Some examples may not fall under the definition of land use. For example, grassland is a land cover type, but the land may be used as pasture or fallow or even a football pitch. As you repeat the words, be sure to clarify if any of the examples provided correctly define land use.

## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE

Present an overview of the various land use types in Uganda and their characteristics:

- Agricultural
- Residential
- Industrial,
- Conservation land use.

Invite questions for clarification and allow other participants to answer questions if they are knowledgeable. This session strongly depends on local knowledge for context.



## Land use and land use classes in Uganda

Broadly speaking, land utilization in Uganda can be divided into three categories, namely agriculture (crops and livestock), built areas, and land reserved for conservation [2]. However, these utilization categories are not exclusive of one another. The inter-linkages between the three broad categories result in the country being characterized by the following seven land use types:

1. Areas exclusively devoted to agriculture (cultivation and grazing).
2. Exclusively built areas.
3. Areas exclusively reserved for conservation (Forest Reserves, Wildlife Areas and Wetlands).
4. A combination of built and conservation areas (e.g., Jinja and Entebbe Municipalities are also designated as Animal Sanctuaries).
5. A combination of agriculture and built areas (e.g., urban agriculture).
6. A combination of agriculture and conservation (e.g., buffer zones, Wildlife Reserves and Community Wildlife Management Areas).
7. A combination of agricultural land, built areas and conservation areas (e.g., Jinja and Entebbe Municipalities).

## Sustainable land use

Sustainable land use refers to the responsible and balanced management of land resources to meet current societal needs while ensuring the long-term health and productivity of ecosystems and the environment [3]. It involves planning, utilizing, and conserving land in a way that minimizes negative impacts on natural resources, promotes biodiversity, supports economic development, and enhances the well-being of present and future generations. Sustainable land use practices aim to strike a harmonious balance between human activities and ecological integrity [4]. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) clearly spell out a holistic and sustainable approach; recognizing that natural resources and their uses are interconnected and adopting an integrated and sustainable approach to their administration. Other key principles highlighted in the document include:

- Human dignity
- Non-discrimination
- Equity and justice
- Gender Equality
- Consultation and participation
- Rule of law
- Transparency
- Accountability
- Continuous improvement

Each of these stresses the need for sustainable land use.

## FACILITATION NOTES

### STEP 3. DISCUSSION GROUPS

Form discussion groups of 6-8 people to identify and discuss examples of different land use types in their local context. Read the questions to the groups and allow 5 minutes to discuss each question (20 minutes total).



### DISCUSSION QUESTIONS

Ask each group to choose one land use type for discussion.

- What is the most common tenure system for this land use type?
- What is the difference between how men and women practice this land use? What do these differences have to do with tenure security?
- What are some of the common conflicts over this land use type?
- How are these issues resolved?
- What do you think is the future of this land use type in this district?
- Will it increase/decrease?



## FACILITATION NOTES

### STEP 4. INTERACTIVE LECTURE

Explain the relationship between land use and environmental conservation and management.

Emphasize the relationship between land use and land health. Poor land use practices can drive soil degradation, erosion, deforestation, and poor crop health. Alternatively, sustainable land use practices can enhance soil health, water quality and climate resilience. Then stress the connection between land use, gender and social inclusion to underscore how land rights and tenure security motivate more sustainable land use practices.



## FACILITATION NOTES



### STEP 5. SCENARIOS

#### INSTRUCTIONS

Review the below scenarios and select several which are most relevant to the audience. Read the scenarios aloud in plenary. Ask the participants to decide whether the land use practices described are sustainable and enhance the resilience of rural or urban ecosystems and livelihoods (or not)? Invite them to share their opinions and reasoning. For those cases which are not sustainable, what could be done to enhance their sustainability?

#### SCENARIOS

1. *In a rural village in Uganda, a commercial farming company has cleared extensive areas of forest to establish a monoculture plantation of cash crops, aiming to increase exports and profits.*
2. *In a peri-urban area of Kampala, rapid urbanization has led to the conversion of agricultural land into residential neighbourhoods and shopping complexes, resulting in increased traffic congestion, and reduced green spaces.*
3. *In a national park in Uganda, a well-regulated eco-tourism industry has developed, providing local communities with jobs, while strict conservation measures protect the park's unique wildlife and landscapes.*
4. *In a remote region of Uganda, a mining company has started operations without proper environmental safeguards, leading to soil contamination and damage to nearby water sources.*
5. *In a lakeside community, traditional fishing practices are being threatened by overfishing and the use of illegal fishing gear, impacting fish populations and the livelihoods of local fishermen and women.*
6. *In a rural farming community, a cooperative of smallholder farmers practice sustainable agriculture, incorporating crop rotation, organic fertilizers, and agroforestry techniques to improve soil health and crop yields.*
7. *In a protected forest area, a community-based ecotourism initiative offers guided tours and homestays, creating income opportunities for residents, while promoting conservation efforts.*
8. *In an urban neighbourhood, a community-led project transforms vacant lots into community gardens and green spaces, providing a source of fresh produce and enhancing the overall quality of life.*
9. *In a wetland ecosystem, a group of farmers collaborates on sustainable wetland agriculture, using traditional methods that maintain wetland health and provide a variety of crops and aquatic resources.*
10. *In a rapidly expanding town, unregulated land development has led to deforestation, soil erosion, and increased vulnerability to natural disasters like flooding and landslides.*

## Facilitator notes

### STEP 6. INTERACTIVE LECTURE

Present information on how various land use practices can either facilitate or hinder women's economic opportunities, emphasizing lack of parity in land ownership and access for women, youth and other vulnerable groups. Explore the gender and climate dimensions of land use decisions and their environmental implications.



## Land use in relation to environmental conservation and gender inclusion (land, gender, climate nexus)

- Land use is closely related to environmental protection and can either help or hurt the earth's ecosystems. The way we use and manage land has a direct impact on the health and resilience of the surrounding environment.
- Climate change, through altered rainfall patterns and increasingly extreme weather events disrupts land use practices, affecting crop yields and water availability which in turn threaten food security and economic stability in many regions.
- Gender disparities persist as women, often responsible for household food production and water provision, face heightened challenges due to climate-induced resource scarcity, leading to increased workloads and food insecurity.
- Unequal land tenure systems often discriminate against women, depriving them of property rights and decision-making power over land use, limiting their ability to adapt to changing environmental conditions.
- Gender-inclusive climate policies, such as recognizing women's roles as stewards of natural resources, can lead to more effective adaptation strategies and sustainable land management.
- Women's active participation in community-based climate adaptation initiatives, such as reforestation and soil conservation projects, can contribute significantly to enhancing resilience to climate change and promoting sustainable land practices.

## FACILITATION NOTES

### STEP 7. DISCUSSION GROUPS

Ask participants to return to the same discussion groups of 6-8 persons to discuss the link between land use and women's economic empowerment.

#### INSTRUCTIONS

- Invite the group members to discuss local success stories of women who have benefited from initiatives promoting women's economic empowerment through land access or improving their land use practices.
- Ask the groups to identify which strategies enhanced these women's economic empowerment through land activities (such as access to credit, skills development, entrepreneurship).
- Invite each group to present one local success story and their assessment of what contributed to the economic empowerment of the successful women.
- Facilitate a plenary discussion of the role of land and land use decisions in women's economic empowerment in Uganda.



## Land use in relation to women's economic empowerment

- Climate change-induced disruptions to land-based livelihoods, like agriculture, can undermine women's economic empowerment by threatening their source of income and food security.
- Women's access to secure land rights is pivotal for economic empowerment, as it enables them to access resources and credit, yet climate change-induced resource scarcity can hinder these opportunities.
- Empowering women economically may involve diversifying income sources beyond traditional farming to include climate-resilient livelihoods like sustainable land-based enterprises or renewable energy projects.
- Gender inclusive climate policies should address specific barriers that hinder women's economic empowerment, focusing on resource access and decision-making power, while promoting women's entrepreneurship and leadership in climate adaptation initiatives.
- Women's economic empowerment can serve as a resilience-building strategy in the face of climate change, enabling them to adapt to environmental challenges and recover from climate-related shocks more effectively.
- Evaluating the impact of climate adaptation and land management interventions on women's economic empowerment is essential to ensure that policies and projects are effectively advance women's economic well-being and resilience.

### FACILITATION NOTES

#### STEP 8. CLOSING DISCUSSION

Conclude the session by summarizing key insights and reinforcing the significance of land use in promoting women's economic empowerment in Uganda and environmental conservation.



**MODULE 6:**

# Understanding the Resource Rights of Women, PWDs and Youth





## Rationale

This module focuses on the rights of women to natural resources as the target beneficiaries of many rural development initiatives. The module highlights protections of those within the legal and policy framework, as well as the challenges faced and solutions available.

Findings arising from the gender analyses in Kalangala and Buvuma Districts showed vast differences for women's access and use of land and natural resources compared to men. This module provides the framework and gender-responsive approaches for bridging these gaps.

## Module overview

Ugandan law provides specific protections for women's rights to access, control, and benefit from various resources, including land, water, forests, and other natural resources. This module explains how these rights promote gender equality, economic empowerment, and sustainable development in the community. Women's resource rights are often the gateway to establishing rights for other vulnerable groups lacking secure tenure such as persons with disabilities (PWDs) and youth. The activities presented in this module are intended to facilitate community conversations about inequalities which can be addressed through well-designed interventions.



### Time

2-3 hours



### Objectives

1. To educate participants about the rights of women, persons with disabilities (PWD) and youth with respect to property, land and resources.
2. To discuss constraints to exercising these resource rights and how to resolve these constraints so that women, PWDs and youth may exercise rights guaranteed under Ugandan laws.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Group discussions
- Scenarios with group discussions



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape



## Step by step guide

### STEP 1. OPENING DISCUSSION

Introduce the session by explaining the objective and its importance in understanding land use in Uganda followed by a clear definition of land use and its significance in the context of Uganda's natural resources and development.

### STEP 2. INTERACTIVE LECTURE

Present an overview of the various land use types in Uganda, including agricultural, residential, industrial, and conservation land, and explain their characteristics. Facilitate an interactive session for participants to ask questions and seek clarification.

### STEP 3. DISCUSSION GROUPS

Form discussion groups of 6-8 people to identify and discuss examples of different land use types in their local context.

### STEP 4. INTERACTIVE LECTURE

Explain the relationship between land use and environmental conservation and management. Begin exploring the relationship between land use practices and gender, and their environmental implications.

### STEP 5. SCENARIOS

Read a set of scenarios about changing land use patterns and practices in different areas of Uganda. Facilitate a discussion about the sustainability of these land use scenarios and what could be done to enhance their sustainability.

### STEP 6. INTERACTIVE LECTURE

Emphasize the relationship between land use, gender dynamics, and climate change within the context of environmental conservation (the land, gender, and climate nexus).

Present information on how various land use practices can either facilitate or hinder women's economic opportunities, emphasizing the gender disparities in land ownership and access.

### STEP 7. DISCUSSION GROUPS

Return to the same discussion groups of 6-8 persons. Invite participants to share local success stories of women who have benefited from improved land use practices or initiatives promoting women's economic empowerment through land access.

### STEP 8. CLOSING DISCUSSION

Conclude the session by summarizing key insights and reinforcing the significance of land use in promoting women's economic empowerment in Uganda and environmental conservation.

## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION

#### INSTRUCTIONS

- Open the session with a set of questions to stimulate discussion about **land and resource rights** (from previous modules) and **how these rights are experienced differently by women, youth, persons with disabilities (PWDs) or other groups?**
- Focus on facilitating a lively discussion between different representatives in the audience. Mirror (repeat) comments to the audience so that everyone can hear and stay engaged.
- Call on different sides of the room to respond to participant comments.
- If the participants are uncomfortable speaking in plenary, ask them to turn to the person sitting next to them to discuss the questions one-to-one.
- It is not necessary to write or record on flipchart paper
- Allow the opening discussion to continue for no more than 10 minutes.

#### PLENARY DISCUSSION:

Ask participants to reflect on what they have learned about resource rights. How do they think these rights are experienced differently by different social groups? Probe deeper by asking them to think about common practices which might exclude women, youth, PWDs or other social groups from enjoying the same resource rights as others?



## FACILITATION NOTES

### STEP 2 INTERACTIVE LECTURE

Define women's resource rights as the **rights of women to access, control, and benefit** from various resources, including **land, water, forests, and other natural resources**.

These rights are essential for **promoting gender equality, economic empowerment, and sustainable development** in the community.

Explain to the participants that ensuring women's resource rights is not only a matter of **social justice** but also **contributes to poverty reduction, food security, and sustainable development**. When women have secure access to and control over resources, it can lead to improved well-being for them, their families, and their communities.

These principles are grounded in the National Objectives and Directive of State Policy of the Constitution whereby the State is tasked to "**protect important resources including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda**".



## Key aspects of women's resource right

### Land rights

- **Land ownership:** Women have the legal right to own and inherit land and property independently of men. In many societies, women have historically been denied these rights while the legal framework and policies provide for equality for all before the law in all aspects.
- **Land use:** Women should have the ability to make decisions about how land is used and benefit from its productivity. This includes the right to engage in agricultural activities and access to credit and resources for farming.
- **Land control and decision-making:** Women should have the ability to make decisions about how the land they own is used and managed. This includes the freedom to make decisions about farming, land development, and resource allocation but also to be in control of the proceeds that come from the land.

### Forest and natural resource rights

- **Access and use:** Women in forest- dependent communities should have access to and the right to use forest resources for their livelihoods, such as collecting firewood, medicinal plants, and non-timber forest products.
- **Resource management:** Women's traditional knowledge and sustainable resource management practices should be recognized and integrated into conservation efforts.

### Water rights

- **Access to clean water:** Article 39 of the Constitution provides that every Ugandan citizen has the right to a clean and healthy environment and access to clean water is implied. It should be noted that women often bear the primary responsibility for water collection and management in many communities. They should have access to safe and clean water sources, which can reduce the burden of water collection.
- **Participation in water management:** Women should have a voice in decisions related to water management and infrastructure development, as their needs and concerns are often unique.

### Fishery rights

- **Access to fisheries:** In districts like Buvuma and Kalangala where fishing is a significant means of livelihood, women should have equal access to fisheries resources and opportunities to engage in fishing activities such as netting, trapping and or gathering sea food for sale.
- **Ownership of fishing boats and equipment:** Women should have access and ownership to credit and support for boat ownership and fishing gear, this ownership can provide them with economic independence and a significant role in the fishing industry.

## FACILITATION NOTES

### STEP 3. ROLE PLAY

#### Women's rights to inherit family property



##### CHARACTERS

- **Dembe:** Male family member 1
- **Mukasa:** Male family member 2
- **Angella:** Young woman named as heir to deceased father's land
- **Birungi:** Advocate (woman)
- **Musisi:** Mediator/Facilitator (male)

##### SETTING

Family meeting with clan leaders

##### SCENARIO

*A family meeting is called by the clan heads of Nkima Clan to discuss the inheritance of property (plots of land, houses, etc.). Angella, a young woman who is not married but is the rightful heiress named by her father, faces opposition from her male relatives who insist she cannot be made an heiress in her father's property when her uncles and brothers are there. Birungi, a women's rights advocate was part of the meeting, and she raised her hand to give guidance on what the law says about women's land and property rights. The scenario highlights the challenges women often encounter in securing their lawful property rights.*

##### INSTRUCTIONS

- Invite five participants (3 men, 2 women) to play the actors.
- Prepare the actors in advance of the session by sharing the scenario and selecting roles.
- Give the actors 10 minutes to act out their roles.
- Facilitate a plenary discussion with questions to actors playing their roles and questions to the audience about the scenario.

##### ROLE PLAY

- **Family Member 1:** Express strong opposition to Angella the young woman inheriting the property.
- **Family Member 2 (Mukasa):** Support the young woman's right to inherit the property.
- **Angella the Young Woman:** Assert her right to the inheritance and explain her reasons.
- **Advocate (Birungi):** Educates the members on the women's land and property rights.
- **Mediator/Facilitator (Musisi):** Guide the discussion and promote a fair resolution

##### DISCUSSION QUESTIONS

- To the actors: Do you think this scene reflects the gender norms in your community. Why or why not?
- To the audience: How does your community typically address these types of situations? What would be the resolution in your community?



## FACILITATION NOTES

### STEP 4. INTERACTIVE LECTURE



- Introduce the policy frameworks that **protect women's resource rights** at the **international, regional, to national levels**. Explain that Uganda is a signatory to international and regional frameworks and what this means practically on the ground in local communities.
- Return to the opening discussion and recall some of the common practices which might prevent women from enjoying their resource rights.
- Describe the common **constraints to women enjoying their resource rights**. Ask if the participants have other examples to share now that they have learned about the policy framework.
- Introduce the concept of **gender-responsive approaches** which include specific actions which aim to reduce gender-based inequalities. Provide some examples of gender-responsive approaches to resolving women's constraints to exercising their land and resource rights.

Explain how gender is just one dimension of social difference, and how **equity and inclusion principles** can be applied to other **socially-excluded groups** with respect to land and resource rights.

## Policy and legal frameworks that protect women's resource rights

### International Frameworks

1. **The Universal Declaration of Human Rights (UDHR) 1948:** While not gender-specific, the Universal Declaration of Human Rights enshrines principles of equality and non-discrimination, which can be applied to protect women's resource rights.
2. **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979:** CEDAW is a comprehensive international treaty that obliges states to take measures to eliminate discrimination against women in all areas, including access to and control over resources, like land, and property. It is a cornerstone for the promotion and protection of women's rights including the right to land and addresses the elimination of discrimination against women.
3. **International Covenant on Civil and Political Rights (ICCPR) 1979:** Article 26 of the treaty enshrines equality before the law and can be applied to defend women's right to non-discrimination.
4. **International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966:** Article 3 acknowledges equal rights of men and women considering all aspects social, cultural, and economic rights which includes property and lands rights.
5. **The Beijing Declaration and Platform for Action 1995:** Landmark document adopted at the Fourth World Conference on Women in Beijing in 1995 which highlights the importance of women's access to and control over resources as a critical component of gender equality and sustainable development.
6. **The Sustainable Development Goals (SDGs) 2015-2030:** Several SDGs, such as Goal 5 (Gender Equality) and Goal 15 (Life on Land), emphasize the importance of women's resource rights and sustainable resource management.



## Regional instruments



- **Agenda 2030 (SDGs):** Gives prominence to gender equality on land through several targets, for example, Target 1.4 addresses equal rights to economic resources and basic services including land ownership, while Target 2.3 emphasizes doubling agricultural productivity through secure and equal access to land and other productive resources; Target 5a proposes undertaking reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property; Target 16 underscores access to justice, rule of law, and accountable institutions.
- **Maputo Protocol 2003:** Grants women rights to access and control of productive resources including land (Articles 7, 15, 16, 20 and 21). The Protocol requires State parties to take measures to provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food in the context of women's right to food security and puts emphasis on inheritance rights.
- **AU Agenda 2063:** Explicitly made a commitment to develop and implement affirmative policies and advocacy to ensure women's increased access to land and inputs and ensure that at least 30% of agricultural financing is accessed by women.
- The AU declaration on Land issues and Challenges (2009): Resolves to ensure that land laws provide for equitable access to land and related resources among all land users including the youth and other landless and vulnerable groups such as displaced persons.
- **Africa Union Declaration of Land Issues and Challenges in Africa:** Underscores the incremental 30% documented land rights for women by 2025 towards attaining gender equality in accordance with the African Agenda 2063, responsible land tenure, and food security.
- **The Voluntary Guidelines on the Responsible Governance (VGGTs):** Although not legally binding, the guidelines seek to improve tenure governance for the benefit of all, with an emphasis on vulnerable and marginalised people. Gender equality is one of the 10 implementation principles and addresses gender issues in a crosscutting way. The VGGTs recognise equality between individuals and explicitly highlight women's and girls' equal tenure rights (VGGT, 3B Principles of Implementation, article 3 and 4). VGGTs also provides clear guidance for governments in terms on what they need to do to harness potential for women's land tenure security (VGGT, 3B Principles of Implementation, Article 1), and specifies that States should ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights.
- **The National Women's Land Rights Agenda 2020:** Country-level assessment of the challenges that hinder women's realisation and enjoyment of their land rights, identifying possible strategies that the different stakeholders can use to find solutions to the challenges that hinder women's enjoyment of their land rights.

## National frameworks

National governments play a crucial role in enacting and enforcing laws and policies that protect women's resource rights:



1. **Constitution of the Republic of Uganda (1995):** Embodies far-reaching policy and legal reforms aimed at securing women's land rights, advancing gender equality and women's empowerment. Article 21 provides that all persons are equal before the law in all spheres of political economic, social, and cultural life and in every other aspect and shall enjoy equal protection of the law.

Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage including the acquisition of property which may be land during marriage.

In addition to the above classes of rights in relation to women's land rights, Article 33 of the 1995 Constitution of the Republic of Uganda provides for rights of women and states as follows:

- Women shall be accorded full and equal dignity of the person with men.
  - The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.
  - The State shall protect women and their rights, taking into account their unique status and maternal functions in society.
  - Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic, and social activities.
  - Without prejudice to article 32 of the Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
  - Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by the Constitution.
2. **The Land Act Cap 227 as amended** provides in Sections 47(4),57(3) and 65(2) for women to be part of the Land Management Institutions namely the Uganda Land Commission, the District Land Board and the Land Committees.

Section 38 of the Land Act also provides that every spouse shall enjoy security of occupancy on family land, which means a right to have access to it and live on it. The same section explains that **a spouse shall, in every case, have a right to use the family land and give or withhold his or her consent to any transaction**, for example in the case of polygamous unions or cohabitation, consent of the spouse shall be sought.

3. **The Uganda National Land Policy 2013 (Currently under review):** Provides a basis upon which government can take steps to redress discrimination and disparate impact and makes a case for law reform and practice change at the level of policy implementation. Inheritance rights of women are among the issues the policy addresses, with a view to ensuring that there is a framework to guide the needed reforms. Additionally, the policy has among its core principles, "Equity and justice in access to land irrespective of gender, age, disability.

- 4. The Succession Amendment Act 2022:** Prohibits discrimination against women in the inheritance processes and provides for legal remedies for women who face discrimination or are being denied their inheritance rights. Much as there have been some strides made in the legal and policy frameworks, advocacy efforts encouraging women to exercise control and ownership of their resource rights (e.g., women participating in the land management institutions such as, ALC, DLB etc.). there are still glaring challenges that have hindered their full enjoyment of resource rights.

## Constraints to women enjoying their resource rights

Women's enjoyment of their resource rights can be hindered by various constraints, which may vary depending on cultural, social, economic, and legal contexts. Therefore, addressing these constraints requires a combination of legal reforms, policy changes, and social interventions:

- **Discriminatory norms and cultural practices:** Though Uganda has progressive laws and policies that protect women's resource rights, there are still deep-rooted cultural norms and stereotypes that can reinforce gender inequalities and restrict women's roles and rights. e.g., when it comes to inheritance practices that favor male heirs and not females.
- **Limited access to financial resources:** Women often have limited access to credit, financial services, and capital, which can prevent them from investing in and managing resources effectively.
- **Limited land tenure security:** Insecure land tenure can leave women vulnerable to eviction and displacement, preventing them from making long-term investments in land and other resources.
- **Gender-based violence:** Gender-based violence, including domestic violence and harassment, can restrict women's mobility and access to resources.
- **Limited access to education and information:** Poor information access and illiteracy can restrict women's awareness of their rights and opportunities.
- **Lack of representation and participation:** Women often have limited participation and representation in decision-making processes related to resource management and allocation.

## Gender-responsive solutions

The facilitator should make it clear to the participants that addressing the constraints identified above requires a comprehensive and multi-dimensional approach involving governments, civil society organizations, communities, and international partners. Gender-responsive policies, legal reforms, and grassroots initiatives can work together to empower women and ensure their equal access to and control over resources through the following avenues:

- **Community dialogues:** Engage communities in dialogues and awareness campaigns to challenge harmful gender norms and promote gender equality.
- **Media and communication:** Use media and communication campaigns to transform stereotypes and promote positive portrayals of women's roles in resource management and decision-making.
- **Legal protections:** Enforce and strengthen laws against gender-based violence, and provide legal and support services to survivors.
- **Community engagement:** Engage communities in efforts to prevent and address gender-based violence through awareness campaigns and community-based interventions.



- **Safe spaces:** Establish safe spaces and shelters for women experiencing violence.
- **Education:** Promote girls' education and adult literacy programs to ensure that women have the knowledge and skills to assert their rights.
- **Information access:** Improve access to information, including legal rights, through community outreach and technology-based solutions.
- **Quotas and affirmative action:** Implement gender quotas and affirmative action measures to ensure women's participation in decision-making bodies.
- **Capacity Building:** Provide training and capacity-building programs for women to enhance their skills and confidence in participating in resource-related decision-making.
- **Advocacy and networking:** Support women's advocacy groups and networks that focus on resource rights and gender equality.
- **Secure land rights:** Promote land titling programs that provide secure land tenure to women and ensure that they have legal documentation of their property rights.
- **Awareness and legal aid:** Educate women about their land rights and provide legal aid to help them protect their rights in case of disputes.
- **Community land management:** Support community-based approaches to land management that recognize women's rights within communal lands.

## FACILITATION NOTES

### STEP 5. DISCUSSION GROUPS

Form two large groups separating men from women to discuss the constraints women face in exercising their resource rights and propose locally appropriate solutions to resolve these constraints in their own districts.

Give the groups 8-10 minutes to discuss the two questions below.

#### DISCUSSION QUESTIONS

- Describe the biggest challenge for women to access, use and own land in this district?
- What are the economic effects of this for women, their children and families?
- Propose a project or program to resolve this challenge. Describe 2-3 practical (and locally appropriate) gender-responsive approaches that might work in this community.

Give the groups 5 minutes each to present their proposals to the other gender group.



## FACILITATION NOTES

### STEP 6. INTERACTIVE LECTURE

Introduce the policy frameworks which recognize the rights of PWDs and youth.

Invite discussion about experiences with these issues at the district or community levels.

- What are the communities represented here doing specifically to protect PWDs against discrimination or provide targeted support to accommodate their needs?
- What are the communities doing to attract youth to agricultural and forestry sectors? Are there targeted programs to support youth access to land?



## Socially inclusive land policies

Persons with disabilities (PWDs), youth and other vulnerable groups have unique rights and protections to land and resources.

### Rights of persons with disabilities

- Uganda has a legal framework that recognises the rights to equal treatment of persons with disabilities, including their right to land and natural resources. For example the **Persons with Disabilities Act, 2020**, provides a legal foundation for promoting and protecting the rights of persons with disabilities in various aspects of life, including access to land and resources.
- **Non-discrimination:** The law stipulates that persons with disabilities should not be discriminated against in matters of land access and ownership. This includes provisions to ensure that persons with disabilities have equal opportunities to acquire, use, and benefit from land and natural resources just like the normal people without any disability.
- **Accessibility:** Accessibility is an important aspect for persons with disabilities. In the context of land and natural resource rights, this may involve ensuring that land offices, information, and services related to land are accessible to persons with disabilities.
- **Support and Accommodation:** The law may provide for measures to accommodate the needs of persons with disabilities when it comes to land and resource management. This can include reasonable accommodations to ensure their effective participation in decision-making processes for example a slot in the land administration institutions and structured so that their interests are highlighted and given due attention.

### Rights of youth

The international, regional and national legal frameworks recognise the critical role the youth play in agriculture, making land a very critical natural resource for the achievement of empowerment for the youth.

- **The Constitution of the Republic of Uganda** specifically recognizes the importance of engaging youth in land and natural resource management. Youth often face challenges related to land access and ownership due to factors like limited resources and competition for land. Various government programs and initiatives aim to involve youth in sustainable land use and agriculture.
- **Youth access to land:** Some government programs provide opportunities for youth to access land for agricultural purposes. For example, the government may allocate or lease land to youth groups or individuals to promote agricultural entrepreneurship.
- **Training and capacity building:** Youth in Uganda may receive training and capacity-building support to help them effectively manage land and natural resources. This includes education on sustainable farming practices and resource management.

## FACILITATION NOTES

### STEP 7. PRIVILEGE WALK

#### INSTRUCTIONS FOR SETTING UP THE PRIVILEGE WALK:

- Find an open location (preferably outdoors) which is large enough for the participants to line up side-by-side horizontally. Also allow space for everyone walk forward at least 10-15 steps vertically.
- Line up the participants in a single line, standing side-by-side (~ shoulder-to-shoulder).
- If gender dynamics do not allow for men and women to stand side-by-side, then group the men together to the right and the women together to the left.
- Give each person a role to play. Use the list below for examples. You may either give each person a card or paper with this role written on it, or simply read the role to each person as you walk down the line.
- Remind the participants to play the role that they are given (not themselves)!

#### ROLES (select several or create your own):

- **Widow** with 4 kids, living in a slum in Kampala. You sell samosas at the market.
- **Boda driver.** You live with your wife and 3 kids in a small house in Kampala.
- **Female secondary school teacher** in Soroti. You have two kids. Your husband works at a small local business.
- **First born son** from a peasant family who recently graduated with a degree from the university. You are the first graduate in the entire clan.
- **House help** for a very wealthy family in Kampala. They provide you with a good salary, medical insurance and accommodation. You have 2 children who live with your mother back in the village.
- **Female district officer** in Teso region, married, 2 kids.
- **Ten-year-old boy** living in Moroto district. You herd your family's cattle during the day.
- **Young woman living with your partner** (unmarried) in a village in Pader. You work on your partner's small patch of land. You are 5 months pregnant
- **Female University professor** at Makerere University.
- **Male businessman** living between your two houses in Kampala and Nairobi.
- **Male who has inherited walking disability**, however that does not prevent you from work, travelling and earning. You have a wife and 3 children.
- **Bishop** in Acholi region.
- **Very old man** with no close family caring for you, working 24 hours as a guard.
- **Middle aged married woman** with a successful clothes shop in downtown Kampala.
- **18-year-old girl** that recently dropped out of school because you got pregnant. You now live with your peasant parents in Paico village, Gulu district.
- **28-year old male** that is a son to the wealthiest man in the village. You currently help your father run his businesses.
- **Accomplished female lawyer** with her own law firm that recently divorced her husband.
- **Celebrated and accomplished female journalist** who has been publically buttered by her husband on several occasions.
- **15-year-old orphan with 6 siblings.** You are the oldest and are the head of the household.
- **Successful female doctor.** You have been married for 10 years but have no children.
- **Area member of Parliament** for Gulu Municipality.
- **Very wealthy 50 year old man with 4 wives.** Each of these wives has a prestigious home of their own.
- **Clan head of your clan.** You are in charge of managing all communally owned land in your community.
- **35-year-old male** who is illiterate with no formal education whatsoever, however, you are the most successful farmer in your village. 19-year-old blind woman living in the village with your grandparents. You are uneducated and unemployed.

## INSTRUCTIONS FOR WALKING

Read out the instructions below and ask participants to either step forwards or backwards depending upon the role which they are playing. Invite them to have fun and use their imaginations to play along.

- If you can afford the basics of life (food, shelter, sanitation), take 1 step forward.
- If you can afford to eat 3 meals a day, take 1 step forward.
- If you have a regular income, take 2 steps forward.
- If you own your own land, take 3 steps forward.
- If you rent land, take just one step forward.
- If you do not own or rent land, take one step back.
- If you are informally occupying land (squatting), take one step back.
- If you own your own house, take 1 step forward.
- If you have access to natural resources like fuelwood, wild fruits or bushmeat, take one step forward. If you must buy all of your food, fuel and resources, take one step back.
- If your family takes your decisions in a family meeting, take 1 step forward.
- If your community leaders or peers take to your decisions in common meeting, take 2 steps forward.
- If you can afford to send your children to a top-ranked school, take 2 steps forward.
- If you can afford to reinvest in your business, your farm or your future, take 2 steps forward.

Continue reading statements until you see a good separation between the participants across the line. You can ask them to stand in place while you briefly debrief the Privilege Walk.

## DISCUSSION:

- Invite the participants to comment on the exercise.  
What did it feel like to move ahead of the others?  
What did it feel like to be left behind, or worse, set further back?
- Explain that this exercise is designed to demonstrate that other than gender, there are several other factors that can intersect to hinder or privilege sections of society to exercise their resource rights (age, religion, marital status, education levels, etc.).

When we are born, we all begin at the same starting line. But the moment we take our first breath, we experience privilege or setbacks, depending upon our family situation, our land and resource wealth, our gender, and other intersecting identities.

When we work with communities on land and resource rights, development projects, or other interventions, we must recognize that communities and their members are diverse. We cannot enter with a one-size-fits-all solution. We must design our interventions to reach and benefit communities in all their diversity, to be gender-responsive and responsive to other drivers of inequality.

## FACILITATION NOTES

### STEP 8. CLOSING DISCUSSION

Summarize the session by revisiting the learning objectives, highlighting the **legal frameworks and policies** which guarantee certain resource rights to all citizens, protect against discrimination based on **gender, age, or ability**.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 7:**

# Understanding Marriage and Property Rights





## Rationale

Kalangala and Buvuma Districts have witnessed transformative rural development which brought new economic opportunities, as well as compensation for lands acquired in the public interest. According to customary norms, the heads of households benefitted, but many women and their children were left without land, compensation or property. The gender analyses demonstrated lack of knowledge about the rights of men and women to land and marital property, as well as more fundamental gaps in understanding what constitutes a legal marriage and rights therein. Women in these situations must understand their rights in order to exercise them.

## Module overview

This module is intended to educate participants on the legal aspects and implications of marriage in relation to property rights, highlighting the legal and policy frameworks that protect the marriage institution. The Government of Uganda recognizes many types of marriage practiced in the country and offers strong legal protections to partners even under customary marriages. This module clarifies many misconceptions about how marriages are formalized, and the rights afforded to partners in a marital union to protect their individual and joint assets.



### Time

3 hours



### Objectives

1. To recognize the types of legally accepted marriages in Uganda and how they are formalized.
2. To appreciate the implications of marriage to property rights and the legal and policy frameworks that protect marriage in Uganda.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Legal scenario with discussion
- Gender fishbowl
- Legal clinic (after the session)



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. OPENING DISCUSSION

Open the session by discussing the meaning of **marriage** and how marriages are recognized under Ugandan law.

### STEP 2. INTERACTIVE LECTURE

Guide the participants on **what constitutes a marriage** and the five types of marriage recognized in Uganda: **(1) Christian/ church marriage, (2) Civil marriage** (by the Registrar of Marriages), **(3) Customary marriage, (4) Hindu marriage, and (5) Islamic marriage.**

Facilitate a discussion about how marriages are conducted in their communities.

Present a lecture about the legal frameworks with protect marriage in Uganda.

### STEP 3. SCENARIO

Read the scenario below and facilitate a plenary discussion about the lawfulness of Peter and Stacie's marriage and how they can formalize their marriage.

### STEP 4. INTERACTIVE LECTURE

Define **marital property** and explain the difference between **joint ownership** and **separate property**. Then explain the **laws which apply to marital property**, and the relevant sections of the **Land Act related to family land**.

Facilitate a process to allow participants to ask anonymous questions about marriage and property rights both during plenary and breaks.

### STEP 5. GENDER FISHBOWL

Introduce the Gender Fishbowl activity and explain the rules. Facilitate men and women to separately discuss the **gender dynamics of family land** in this district in light of the Land Law sections guaranteeing equal rights to security of occupancy (section 39) and right to consent to land transactions (section 39) to both spouses in a marriage.

### STEP 6. CLOSING DISCUSSION

Close the session by reviewing the **types of marriage** recognized in Uganda, and the implications of marital unions for **property rights**. Especially review the meaning of **family land** and the rights of both husband and wife to family land within the marriage.

### STEP 7. LEGAL CLINIC

Set up a table after the session closes to sit individually with participants who may have specific questions about their situation and land or property rights. You may decide to give out a fixed set of numbered tickets to limit the time allocated to the legal clinic.



## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION



Open the session with a simple question: **What is marriage?**

Invite two men, then two women to offer their responses. Ask if the other participants have any additions or edits to the definitions provided.

Next ask a follow-up question: **How is a marriage formalized (legalized) under Ugandan laws?**

Again, invite responses, but do not make corrections. Facilitate discussion and debate with different participants offering information and their opinions.

## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE



Explain that marriage laws are often misunderstood, and this lecture is intended to clarify the type of marriage and how they are recognized by law, and which rights the man and the wife enjoy within their marital union.

Guide the participants on **what constitutes a marriage**.

Challenge the participants to name the five **types of marriage legally recognized in Uganda**.

Write the correct responses on a flip chart paper.

Complete the list if the participants are unable to name the five types: **(1) Christian/ church marriage, (2) Civil marriage** (by the Registrar of Marriages), **(3) Customary marriage, (4) Hindu marriage, and (5) Islamic marriage**.

Ask participants to share experiences on **how marriages are conducted in their communities**.

Invite them to share the steps practicing different types of marriage in their communities.

Name and explain the **legal frameworks** with protect marriage in Uganda.

## What is marriage?

**Monogamous marriages** are the voluntary union for life of one man and one woman to the exclusion of all others. This covers church and civil marriages.

**Polygamous marriages** on the other hand are the voluntary unions for life of one man with two or more wives. This covers mainly customary and Islamic marriages.

Please note that in Uganda, parties to a marriage must be male and female. Article 31 of the constitution provides for men and women as the persons that can engage in marriage.

## Legal frameworks

- Constitution of the Republic of Uganda 1995
- The Marriage Act Cap 251
- Customary Marriages Registration Act Cap 248
- Customary Marriages (Registration.) Prescription of Forms and fees) Regulations SI 248\_1. Customary laws of various tribes and Case law
- Judicature Act Cap 13
- The Marriage and Divorce of Mohammedans Act Cap 252
- The Marriage and Divorce of Mohammedans (Appointment of Registrars) Order S.I 252\_1
- The Marriage and Divorce of Mohammedans (Jurisdiction in Matrimonial Causes) Instrument S.I 252\_3
- Sharia laws or Islamic laws

## Types of marriage legally accepted in Uganda

There are five forms of Marriages recognized in Uganda:

1. The Christian/ church marriage
2. The Civil marriage (By the Registrar of Marriages)
3. Customary marriage
4. Hindu marriage
5. Islamic marriage

### 1. Customary marriage

The laws of Uganda recognize customary marriage as one of five types of marriage in Uganda. Customary marriage is a marriage celebrated according to the rites of an African community and one of the parties to which is a member of that community. In Uganda, cultural marriages such as Kwanjula, Kuhingira, Kweranga among others, are on their own valid and are therefore recognized alongside the other marriages.



Customary marriages are potentially polygamous and there is no limit to the number of wives one can marry.

Requirements for a customary marriage:

- The marriage must be conducted according to the rites or customs of a culture where one of the parties belongs. For example, where bride price has to be paid, it must be paid in full, among the Baganda, persons from the same kinship (clan) cannot marry each other.
- The marriage must be noted that the customs should not be contrary to the principles of natural justice and morality and to written law. Specifically, traditions that are against the welfare or interest of women or that undermine their rights are prohibited.

Parties to a customary marriage must register it with the Registrar of Marriages at the Uganda Registration Service Bureau (URSB) and while at District level the registration is done by the office of the CAO (Chief Administrative Officer). The registration should be done as soon as possible, not more than 6 months after completion of the marriage ceremonies. Non-registration of the marriage within the 6 months period does not invalidate the marriage but may attract a penalty fee for out of time (late) registration. Couples who want to acquire a marriage certificate must produce witnesses, letters of parental consent and passport photographs before one can be issued.

### 2. Civil marriage



Requirements for a civil marriage:

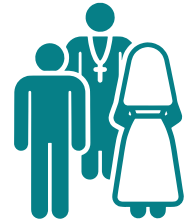
- The law states that you must be at least 18 years old at the moment of registering the marriage,
- You must be single, divorced, or widowed, and not in any form of marriage, both in Uganda and abroad. This includes a customary marriage with a different party other than the one you intend to marry under the civil marriage.
- A notice of marriage form must be filled out by both parties with their correct details, such as their names, ages, marital status, residence, and occupations. After the notice form has been duly completed, it must be submitted to the registrar of marriages of the district or municipality where at least one of the parties resides.
- All the required fees must be paid during the marriage registration to ensure spouses are able to get their marriage certificate.
- The notice of marriage is then published on the notice board of the District Registrar of marriages for a period of 21 days. During this time, the concerned parties check and determine whether there were any current obstacles to the marriage by anyone or anything. If all goes well and there are no issues, the ceremony can take place. Spouses must keep in mind that the civil marriage must take place within 21 to 90 days of the notice period expiring.

#### Documents required for a civil marriage:

- A valid means of identification. The spouses are expected to submit a national ID card or valid passport.
- Proof of physical address or an "LC-1 letter." It must be submitted by a spouse to show how long they have lived in the district where they plan to get married. The rule is that the spouse must have stayed in that district for at least 15 days.
- Both spouses must present two adult witnesses who are within their legal capacity to act as such.
- Both the bride and groom are required to submit one passport photo.
- Foreign spouses must submit a single status certificate or obtain one from the civil registration office in their home country to show that they are not in any current marriage.
- Divorce or death certificate. Separated or widowed spouses must submit one of these documents to prove that their previous marriage was legally ended.
- Refugees getting married must obtain a letter from the office of the Prime Minister to serve as evidence of their marital status.
- A birth certificate and parental consent may be required from spouses who are under the age of 18.
- Proof of payment of all required fees must be submitted by the spouses.

### 3. Church marriage

This must be celebrated in any licensed place of worship by a recognized member of the church, denomination, or body according to the rites or customs of marriage observed in that church, denomination or body. The marriage must be celebrated with open doors [within] between the hours of 8am (morning) and 6pm (evening) and in the presence of two or more witnesses besides the officiating person.



#### Requirements for a church marriage:

According to S.20 of the Act, marriages may be celebrated in any licensed place of worship by any recognised minister of the church and according to the rites or usages of marriages observed in that church, denomination, or body.

- Residence. If the parties reside in the same parish, the banns must be published there and if in different parishes then in each of the different churches which is the usual place of worship of one or both parties. No specific requirement is imposed on the length of prior residence in the parish.
- Publicity. The banns are entered in an official register and then published in a loud manner and in accordance with the form of words prescribed for the particular denomination. Publication here means announcing the banns aloud. It is usual practice for the parties to be present on at least one of the occasions when the banns are published. The real names of the parties (those known by everyone in the parish), intending to get married should be used when publishing banns.
- Parties must be male and female.

Normally marriage banns are announced three times after which the parties may marry after the third announcement. The marriage must be celebrated in one of the churches where the banns have been published.

### 4. Hindu marriage

By law, a Hindu means a person who is a Hindu by religion in any form, including a Virashaiva, a Lingayat and a follower of the Brahmo, Prarthana or Arya Samaj, or a person who is a Buddhist of Indian origin, a Jain or a Sikh by religion. A Hindu marriage is a marriage between Hindus which is solemnised under the Hindu Marriage and Divorce Act Cap 250 (and amendments thereof) or solemnised before the commencement of the Act or outside of Uganda and recognized as such by both parties.

The conditions for a Hindu marriage are fulfilled if:

- neither party has a spouse living at the time of the marriage;
  - both parties are of sound mind at the time of the marriage;
  - both the bridegroom and the bride have attained the age of eighteen years at the time of the marriage;
- NOTE that while the Hindu Marriage and Divorce Act Cap 250 allowed for marriage below the age of eighteen with guardian consent, the Marriage (Amendment) Act 2023 has since raised the minimum age of marriage to eighteen years without exception for customary or religious laws;
- the parties are not within the prohibited degrees of consanguinity, unless the custom governing each of them permits of a marriage between them.

A marriage may be solemnised in accordance with the customary rites and ceremonies of either party to the marriage. Registration of Hindu marriages is in accordance with the Ministry. Specific rules exceptions to bigamy or polygamy apply in the case that the marriage was solemnized before the commencement of the Act or in case the marriage was solemnized outside of Uganda.

## 5. Islamic Marriage

Marriage (nikah) is a solemn and sacred social contract between bride and groom. This contract is a strong covenant (mithaqun Ghalithun) as expressed in Quran 4:21. The marriage contract in Islam is not a sacrament. It is revocable. Both parties mutually agree and enter into this contract. Both bride and groom have the liberty to define various terms and conditions of their liking and make them a part of this contract.



Requirements of an Islamic marriage:

- Mutual agreement (Ijab-O-Qubul) by the bride and the groom.
- Two adult and sane witnesses.
- A marriage-gift (Mahr) to be paid by the groom to the bride either immediately (muajjal) or deferred (muakhhkar), or a combination of both.
- Presence of a legal guardian (wakeel) representing the bride
- A written marriage contract (Aqd- Nikah) signed by the bride, the groom and witnessed by two adult and sane witnesses.
- Should be conducted by a State appointed Muslim judge (Qadi) or a responsible person officiating the marriage ceremony (Ma'zoon).
- Khutba-tun-Nikah to solemnize the marriage.

### FACILITATION NOTES

#### STEP 3. SCENARIO

Read the scenario below and facilitate a plenary discussion about the lawfulness of Peter and Stacie's marriage and how they can formalize their marriage.

#### SCENARIO

*Mr. Peter Lukwago decided to marry his girlfriend Stacie in one of the newly opened churches in his village in Kyanamukaaka. The church had only been open for 2 days, and the couple was eager to wed in the new church. It rained heavily on the day of their wedding, but because they were so much in love and could not wait, they married at 7pm rather than postponing to another day.*

*Lukwago and Stacie did not get their parental blessings. They married in the presence of just the two of them and the pastor. They never even received a certificate after their marriage because the pastor told them the church did not have them at that time.*

#### DISCUSSION

- Is this marriage legally valid?
- Identify the mistakes that Lukwago, Stacie and the Pastor made in this scenario that might invalidate the marriage.
- What can Lukwago and Stacie do now to bring their union in line with the requirements of a proper church marriage?
- Ask the participants if they have other scenarios to share (do not name names!)?
- Invite questions for clarification. This is a topic which stimulates a lot of questions!



## FACILITATION NOTES

### STEP 4. INTERACTIVE LECTURE



Before starting, hand out cards for the participants to write questions.

Ask one member of the team to circulate and help participants who require assistance to write their questions on the cards.

Guide participants in understanding the **different types of property**.

Define **marital property** and explain the difference between **joint ownership** and **separate property**. Explain how joint ownership is established and invite questions from the audience.

Explain the **laws which apply to marital property**, and the relevant sections of the **Land Act related to family land**.

Give participants 5 minutes to write questions on their cards.

Circulate as a team and help those who need assistance in writing.

Collect the question cards from the audience and read them aloud, responding to each question in turn. Ground your responses in the legal framework. If some questions are off topic, place them aside and invite the person to speak with you after the session.

## Marriage and property rights

### Marriage, spousal consent and protection of family land

The 2004 and 2010 amendments to the Land Act provide further protection for spouses by giving them the right to security of occupancy on family land. Security of occupancy means a right to have access to and live on family land and give or withhold his or her consent to any transaction, which may affect his or her rights.

To benefit from this protection, one must be identified as a spouse in the eyes of the law. This means you must have contracted a legal and valid marriage under the laws of Uganda as stated above.

The Land Act provides that land may be held individually, jointly, or in common. This means that family land may be classified as jointly owned land. "Family land" includes "land on which is situated the ordinary residence of a family" and "from which the family derives sustenance." The right extends to the residence, whether there is also land from which she or he derives sustenance.

Table: Sections of the Land Act relating to family land and spousal rights

<b>THE LAND ACT AND FAMILY LAND</b>	
<b>SECTION 38A: Security of Occupancy</b>	<b>SECTION 39: Restrictions on the transfer of family land</b>
<p>1. Every spouse shall enjoy security of occupancy on family land.</p> <p>2. The security of occupancy prescribed under subsection (1) means a right to have access to and live on family land.</p> <p>3. For the purposes of subsection (2), the spouse shall in every case have a right to use the family land and give or withhold his or her consent to any transaction referred to in section 39, which may affect his or her rights.</p> <p>4. In this section– “family land” means land–</p> <ul style="list-style-type: none"> <li>a) On which is situated the ordinary residence of a family;</li> <li>b) On which is situated the ordinary residence of the family and from which the family derives sustenance;</li> <li>c) Which the family freely and voluntarily agrees shall be treated to qualify under paragraph (a) or (b);</li> <li>d) Which is treated as family land according to the norms, culture, customs, traditions or religion of the family.</li> </ul> <p>“Ordinary residence” means the place where a person resides with some degree of continuity apart from accidental or temporary absences; and a person is ordinarily resident in a place when he or she intends to make that place his or her home for an indefinite period;</p> <p>“Land from which a family derives sustenance” means –</p> <ul style="list-style-type: none"> <li>a) land which the family farms; or</li> <li>b) land which the family treats as the principal place which provides the livelihood of the family;</li> <li>c) land which the family freely and voluntarily agrees, shall be treated as the family’s principal place or source of income for food.</li> </ul>	<ol style="list-style-type: none"> <li>1. No person shall– (a) sell, exchange, transfer, pledge, mortgage or lease any family land; (b) enter into any contract for the sale, exchange, transfer, pledging, mortgage or lease of any family land; or (c) give away any family land, inter vivos, or enter into any other transaction in respect of family land; except with the prior consent of his or her spouse.</li> <li>2. The consent required under subsection (1) shall be in the manner prescribed by regulations made under this Act.</li> <li>3. Subsection (1) of this section shall not apply to any transfer of land by the mortgagee in exercise of powers under the mortgage.</li> <li>4. Where any transaction is entered into by a purchaser in good faith and for value without notice that subsection (1) of this section has not been complied with, the transaction shall be void but the purchaser shall have the right to claim from any person with whom he or she entered into the transaction, any money paid or any consideration given by him or her in respect of the transaction.</li> <li>5. A consent referred to in subsection (1) shall not be unreasonably withheld.</li> <li>6. Where the consent required by subsection (1) is withheld, a person aggrieved by the withholding of the consent may appeal to the District Land Tribunal and the Tribunal shall require the spouse to show cause why the spouse cannot give consent and may, in its discretion, dispense with the consent.</li> <li>7. A spouse, not being the owner of the land to which subsection (1) applies, may lodge a caveat on the certificate of title, certificate of occupancy or certificate of customary ownership of the person who is the owner of the land to indicate that the property is subject to the requirement of consent under subsection (1).</li> <li>8. Notwithstanding subsection (2) of section 149 of the Registration of Titles Act, a caveat referred to in subsection (7) shall not lapse while the caveator’s right to security of occupancy subsists.</li> <li>9. For purposes of subsection (4)– (a) notice” means actual or constructive notice; (b) “purchaser” means a grantee, lessee, sub-lessee, assignee, mortgagee, chargee or other person who acquires an estate or an interest or right in the land.</li> </ol>

## FACILITATION NOTES

### STEP 5. GENDER FISHBOWL

A Fishbowl is a facilitation approach to stimulate focused discussion amongst a small group while the other participants observe and listen to the interaction. In a Gender Fishbowl, these groups are divided by gender so that the men and women can engage separately but be heard by the opposite gender. Generally, it is advised to start with the men in the fishbowl to become comfortable with the activity and then swap places for the women to take their place in the fishbowl. If the participants are uncomfortable speaking from their own perspectives, then the fishbowl can be done as a role play.



#### INSTRUCTIONS

- Create a circle of chairs for up to 10-12 people maximum.
- Invite only men to come and sit in the chairs.
- You may adjust the number of chairs if there are fewer men.
- Ask the women to stand around the chairs.
- Explain that you will facilitate a **fishbowl** discussion. The men seated in the chairs are like fish in a bowl or a lake. Only the fish can talk and hear each other. The group standing around the chairs are just spectators around the bowl; they can look and listen, but do not speak.
- You will ask a set of questions and allow the fish in the fishbowl to discuss openly. You may need to probe to get the discussion started, but then should step back and listen.
- You may use the questions below as guidance or write questions which are tailored to the context.

#### MEN'S FISHBOWL

- As heads of households, how do most of the men in this district manage their land and property? Who takes decisions over the family land?  
Can/should women own family land (either jointly or separately)?
- The Land Law states that the spouse has the right to use/occupy family land (section 38A) and the right to give or withhold consent (section 39) to any land transaction. This is true for all types of marriage.
- How do most men in this district feel about consulting their wives for permission to make any land transactions (sale, lease, exchange, pledge, compulsory acquisition etc.)?  
Would more education about the Land Law change this?  
What concerns do you have about the rights of wives to family lands?

#### WOMEN'S FISHBOWL

- How secure is women's access, use, or control over family lands in a married household?
- How informed are women in this district about their rights to marital property under the Land Act?  
Would anything change if they were more educated about their rights?
- What concerns do you have about women's rights to family land?

#### DEBRIEFING

After both men and women have spoken, invite everyone to sit down in plenary.

What did the two groups (men and women) say in common?

How did the two groups (men and women) differ in their perceptions and experiences of gender dynamics around and family land and property?



## FACILITATION NOTES

### STEP 6. CLOSING DISCUSSION

Close the session by reviewing the types of marriage recognized in Uganda, and the implications of marital unions for property rights. Especially review the meaning of family land and the rights of both husband and wife to family land within the marriage.

Refer participants to additional reading material at the end of the guide for more information.

Provide information about where to seek out legal guidance, preferably with a local government agent or civil society organization (CSO).



## FACILITATION NOTES

### STEP 7. LEGAL CLINIC

Set up a table (or tables) after the session closes with chairs for the legal team to hold consultations with individuals or families.

Invite participants to bring specific questions about marriage and/or land and property right to a **legal clinic** after the session.

To manage the clinic, you may:

- Divide your legal team to hold consultations in parallel.
- Set a timer for each consultation (5-10 minutes).
- Give out numbered tickets to limit the number of consultations.

**MODULE 8:**

# Succession, Inheritance and Will Writing to Protect Property Rights





## Rationale

Succession and inheritance are a primary pathway through which land is passed on to the next generation in Uganda; both through marriage and through women’s family relations. The results of gender analyses in Kalangala and Buvuma demonstrated a need for targeted training about securing land rights for women and heirs in succession. The Succession (Amendment) Act 2022 includes several changes that need to be popularized amongst communities and the lands sector, with real implications for the succession and inheritance for women and girls.

## Module overview

This module has the primary goal of enhancing legal literacy about succession, inheritance and their implications for securing land, resource, and other property rights for women and their heirs. There have been significant changes to the laws governing succession in Uganda, namely through the Succession (Amendment) Act 2022, which rectify historical and unconstitutional discrimination based on gender, (dis) ability and other social categories. This module introduces these changes which may have implications for customary practices and familial norms, as well as specific guidance around will writing for the protection of rights of succession.



### Time

3-4 hours



### Objectives

1. To understand the recent amendments to the laws governing succession and inheritance in Uganda and implications for community and family norms.
2. To examine the steps in will writing, the contents of a will, and rules that govern will writing.



### Training approach

- Interactive lectures
- Facilitated Q&A
- Group discussions
- Role plays with discussions
- Legal scenarios with discussions
- Storytelling



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## Step by step guide

### STEP 1. OPENING DISCUSSION

Open the session by discussing terminology and the legal debates over the constitutionality of Uganda's laws on succession and inheritance.

### STEP 2. INTERACTIVE LECTURE

Explain terminologies and discuss the gender norms regarding succession and inheritance and how these are rooted both in customary practices and the legal frameworks.

Focus on specific provisions in the Succession (Amendment) Law 2022 with respect to gender, persons with disabilities (PWDs) and family relations.

### STEP 3. ROLE PLAY

Invite five participants (3 men, 2 women) to enact a role play about a family meeting where siblings are disputing their respective inheritance rights after the reading of their parents' will.

### STEP 4. INTERACTIVE LECTURE

Introduce the rules and procedures to follow to write a valid will and share the Sample of a Will (template) in the Annex of this guide.

### STEP 5. GROUP DISCUSSION

Divide the participants into discussion groups to describe their experiences and steps of writing a will, information required, and institutions involved.

### STEP 6. INTERACTIVE LECTURE

Guide the participants to understand the contents of a will and implications for how a will is executed for the surviving beneficiaries.

Describe the steps to applying for Letters of Administration to manage an estate.

### STEP 7. SCENARIO

Read a scenario about a late head-of-family with many dependents who did not leave behind a will. Facilitate a discussion about the rights of each of the family members to the family property under different marriage scenarios.

### STEP 8. INTERACTIVE LECTURE

Explain how property is distributed when the deceased did not prepare a will.

Cite the provisions in the Succession (Amendment) Act 2022 which protects widows and widowers and their heirs from dispossession, and interference with the estate.

### STEP 9. STORYTELLING

Invite participants to share real-life cases and scenarios through storytelling. Use these stories to answer questions about the succession and inheritance.

### STEP 10. CLOSING DISCUSSION

Close the session by reviewing the key provisions of the laws of succession for protecting the equal rights of women and their heirs, persons with disabilities (PWDs), and other historically excluded categories to inherit land, resources and other property.

## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION

Open the session by asking participants what they understand by the key terms **Succession** and **Inheritance**. Inquire whether they are aware of national level debates over Uganda's laws on succession and inheritance and what they know about recent amendments.



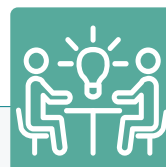
## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE



NOTE: This lecture will require strong preparation before the session.

You should be well studied in the **history of the laws of succession and inheritance, and the changes that are affected by the amended laws and subsequent policies**. The participants may represent several generations which have each witnessed updates and changes to the legal framework, though community and family practices may have changed very little in response. It may not be necessary to explain every amendment to the provisions in the laws, but do be prepared to highlight major changes that affect every family and answer specific questions. For very intimate or highly specific questions, invite participants to chat with you after the lecture.



Prepare a set of flip chart papers or posters before the session

Explain the difference between succession and inheritance, and the **two types of succession**.

Discuss the **gender norms regarding succession and inheritance and how these are rooted both in customary practices and the legal frameworks**.

Briefly share a background about these laws in English Law. Trace how these laws have been amended with the support of **Civil Society Organizations, legal advocates, and even the governmental organizations** themselves who successfully demonstrated that many of the provisions of the law were discriminatory and unconstitutional.

Focus on specific provision in the **Succession (Amendment) Law 2022**.

Highlight the most important amendments to the laws of succession with respect to gender, persons with disabilities (PWDs) and family relations.

## Succession and inheritance

The terms **succession** and **inheritance** are commonly used interchangeably.

Succession is the acquisition of rights, obligations and/or property of a deceased person by law. Inheritance refers more narrowly to the transfer of the assets and properties of a deceased person to their legal heirs upon their death.

### TYPES OF SUCCESSION

**Testate succession** refers to the situation where the de upon death there is in existence a legally valid will governing how an estate will be managed.

**Intestate succession** refers one dies having made no legally valid will and subsequently their estate is governed by the rules of intestacy under Section 27 of the Succession Act.

## Gender norms in succession and inheritance

For most Ugandans, inheritance happens according to culture and may be overseen by customary leaders. Few Ugandans make wills that reflect how they would like their affairs to be managed after their death.

Sometimes customary leaders or family members make decisions about the deceased's property that deny women and girls their equal rights to inherit property. The leaders or family members may not know what the law says about women's and girls' property rights or they may simply be following customs that have been present for generations.

Remember that according to the Constitution, cultures or customs that undermine women's dignity and their equality with men are not allowed. The Constitution gives women and men the rights to own property separately as individuals and to own property jointly with other people.

## What are our laws on succession?

- In Uganda, succession is provided for under various laws.
- The Constitution of the Republic of Uganda, 1995
- Succession Act, 1906
- Succession (Amendment) Decree, 1972
- Succession Act, Cap. 162
- The Succession (Amendment) Act, 2022

Other relevant laws include:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Administrator Generals Act</li> <li>• Estates of Missing Persons (Management) Act</li> <li>• Administration of Estates (Small Estates) (Special Provisions) Act</li> <li>• Local Council Courts Act</li> <li>• Probate (Resealing) Act</li> </ul> | <ul style="list-style-type: none"> <li>• Trustees Incorporation Act</li> <li>• Public Trustee Act</li> <li>• Administration of Estates by Consular officers Act</li> <li>• Administration of Estates of Persons of Unsound Mind Act</li> <li>• Church of England Trustees Act and the Local Governments Act</li> </ul> |
|--|--|

These laws set out the substantive law and procedures for matters of succession such as: the succession rights of widows/widowers and children during both testate and intestate succession, protection accorded to the different sexes in succession matters, powers and duties of the office of the Administrator General; powers and duties of an administrator or executor of an estate; jurisdiction of the courts; procedure for obtaining letters of administration or grant of probate; and offences

The origin of Uganda's law of succession can be traced as far back as the Succession Ordinance of 1906, which was adopted from English law. The Ordinance introduced the British models of succession and inheritance into Uganda. However, 1906 Ordinance allowed the application of religious and customary law by natives in succession matters. Hence Africans' religious (Muslim) and customary practices continued to influence their decisions in handling succession matters.

Due to the shortcomings in the Succession Ordinance of 1906 (the Succession Act, Cap. 139 in 1964 Edition of the Law of Uganda), the law was amended multiple times, though many of the provisions in the successive laws maintained status quo discrimination based on gender, legitimacy of nonmarital children, and other social exclusions. Several provisions were ultimately declared unconstitutional and discriminatory especially based on gender (Law Advocacy for Women in Uganda Vs. Attorney General, Constitutional Petition No. 13 of 2005 and 05 of 2006).

Studies led both by Civil Society Organizations (CSOs) and governmental organizations found that many of the succession related laws were outdated and not in line with the 1995 Constitution, human rights principles, and Uganda's regional and international obligations. Through extensive consultation and advocacy, the proposals to modernise and update the laws governing succession to facilitate ensuring fairness, protection, and efficiency in estate and succession management were adopted. The Succession (Amendment) Act 2022 introduced changes to inheritance rights, the distribution of assets, and the process of estate administration.

## KEY PROVISIONS IN THE SUCCESSION (AMENDMENT) ACT 2022

by Dr. Pamela Tibihikirra-Kalyegira, Uganda Law Reform Commission

### EQUALITY BEFORE THE LAW

The 2022 Act amended provisions and removed language that promoted discrimination on basis of sex (the law applies equally to men and women) and between legitimate and illegitimate children. All children, regardless of their parentage, are now treated equally, they have the same rights. The law was therefore made equal in application to both men and women.

### GUARDIANSHIP

The Amendment Act recognised the different forms of guardianship.

### WILLS

The Amendment Act strengthened protection of a testator's freedom to dispose of his or her property as desired. The Act requires individuals making a will to provide for their spouses, lineal descendants, and dependent relatives, while also redefining the meaning of terms (and in turn relationships) often captured in a will. The replacements made the terms easier to understand and catered for equality of lineal descendants and between the sexes. Further, the Act expanded the scope of actions that invalidate a will to include abuse of position of trust or vulnerability to protect the rights of beneficiaries.

### PROPERTY DISPOSAL BY MARRIED WOMEN AND PWDS

The 2022 Act amended preceding laws firstly by eliminating gender insensitive language. By this amendment, a spouse (whether man or woman) may during the subsistence of a marriage hold property in his or her name and may dispose of it through a Will. It further removed derogatory language referring to persons with disabilities (PWDs). The law now declares a person who has a hearing, physical, speech or visual impairment capable of making a Will if he or she is able to do so, as well providing limited protections regarding the Wills of persons with mental illness.

### MINORS AS EXECUTORS

The 2022 Amendment reemphasised the requirement for an executor to be 18 years and above, but the law now provides that where a minor is the sole beneficiary or only residual legatee of an estate under a Will, the guardian of the child may apply for letters of administration with a will annexed to enable the guardian, manage the minor's estate.

### CAVEATS

It is common for interested family members to lodge a caveat to halt the process of granting letters of administration or grant of probate until a dispute is resolved. The 2022 Act placed some time bounds around serving the caveat and court actions.

### COURT POWERS

The courts now have the power to remove or defer the appointment of someone granted probate or letters of administration if they are found unfit for the role.

### MISAPPLICATION OF ESTATE

It is now an offense punishable by imprisonment or a fine for an executor or executrix to misapply an estate, causing loss or damage before the grant of probate.



### **VALIDITY OF GRANT OF PROBATE**

The validity of a grant of probate and letters of administration is now two years from the date of issuance. An executor or administrator may apply to court before expiry of the grant for extension of the grant.

### **CONSENT FOR DISPOSAL**

No disposal of estate property can be done without the consent of a spouse and lineal descendants of a deceased and if the beneficiaries are minors, the consent of their guardian is required.

### **JOINT EXERCISE OF POWERS**

When there are multiple administrators and executors, they must exercise their powers jointly, and all necessary documents for estate administration must be signed by all parties.

### **OFFENCES AGAINST AN EXECUTOR OR ADMINISTRATOR.**

A person who misapplies an estate, causing loss or damage, or acts negligently resulting in loss, commits an offense and is liable to imprisonment or a fine. The court may also order the person to compensate for the loss or damage caused to the estate.

### **ADMINISTRATION OF RESIDENTIAL PROPERTY**

The rule is that the residential home of a deceased is to be occupied by those people who normally reside in it at the time of the deceased's death. When distributing a deceased's property (whether in testate and intestate succession), principal residential and other residential properties are excluded from the distribution. The 2022 Amendment provides that the residential property of a deceased person belongs to the surviving spouse(s), lineal descendants who are minors, lineal descendants who are above 18 years of age but below 25 years, unmarried and school going, lineal descendants with disabilities (mental or physical) who were totally dependent on the deceased person.

### **ENTITLEMENT OF BENEFICIARIES OF AN INTESTATE**

The Succession (Amendment) Act 2022 introduces important provisions to ensure fairness, protection, and efficiency in estate management in Uganda, particularly in both testate and intestate succession. The Act reserved the principal and other residential property from distribution in intestate succession.

### **RULES OF DISTRIBUTION**

Most prominent among the amendments introduced by the Succession (Amendment) Act 2022 Act are the rules on the distribution of property under section 27, most of which were informed by case law that sought to enforce fairness in the distribution of property. Section 14 of the Succession (Amendment) Act outline the distribution of the deceased's property based on specific circumstances and relationships amongst the deceased person's relatives.

### **REMARRIAGE OF A SURVIVING SPOUSE**

A spouse who remarries before the distribution of a deceased's estate is entitled to the share they would have received under the law. However, upon remarrying, a surviving spouse is required to leave the deceased's residential property. This applies to both widows and widowers. This amendment was partly informed by cultural norms and practices, but influenced by Article 21 of the Constitution.

### **SEPARATION OF A SURVIVING SPOUSE**

A surviving spouse does not take any interest in the deceased's estate if they were separated at the time of death. However, if the surviving spouse has been absent due to an approved course of study or the deceased was the one who had separated from the surviving spouse while still living in the same household, the surviving spouse is entitled to their portion.

## FACILITATION NOTES



### STEP 3. ROLE PLAY

#### Sibling meeting over their respective inheritance rights

##### CHARACTERS

- **Namata Sarah:** Youngest sister, unmarried, who believes in equal inheritance rights and wants her fair share
- **Kasozi Alex:** Brother with disabilities, unmarried, who faces opposition from family members due to his condition
- **Nantale Brenda:** Older sister, mother of two, who values traditional family norms and believes that her children should inherit more
- **Bosco Sentongo:** Older brother, married but without children, who does not believe that younger siblings should have equal share as the elder siblings
- **Legal Advisor:** Impartial lawyer who provides guidance on inheritance laws

##### SCENERIO

*A family of four siblings holds a meeting with a legal advisor following the death of their parents. The parents left behind a will which bequeaths the family property to the children of the marriage. The siblings are discussing their parents' will and the distribution of the family property. The scenario highlights the tension between customary norms and more recent amendments to the laws protecting equal inheritance rights.*

##### INSTRUCTIONS

- Invite five participants (2 men, 2 women) to play the actors.
- Prepare the actors in advance of the session by sharing the scenario and selecting roles.
- Ask the actors to read their roles and improvise if they wish to portray their character.
- Facilitate a plenary discussion when the actors have finished to explore the themes.

##### SCRIPT

**Sarah:** *(assertive) I think it's only fair that we all inherit an equal share of the property. Equal inheritance is not only just but also a legal right.*

**Alex:** *(nervous) I agree with Sarah. My disability should not be a reason for unequal treatment.*

**Brenda:** *(resistant) But, Sarah, you're young and unmarried, and I have children to support. I believe I should get a larger share for their sake.*

**Bosco:** *(authoritative) I am the eldest son and married who should get a bigger share than all of you. I cannot be getting the same size of property with the young ones.*

**Legal Advisor:** *(intervening) Let's consider the legal perspective. In many places, inheritance laws ensure equal rights for all heirs, regardless of age, gender, or disabilities. It's important to respect these laws.*

## DISCUSSION QUESTIONS

- How have customary (and statutory) norms supported older brothers like Bosco to take a larger share? Is it normal for an older sister with two children like Brenda to expect the same rights?
- What has been the normal practice for PWDs to inherit family property? Would a younger brother like **Alex** normally get an equal share to his brother Bosco?
- How does the Succession (Amendment) Act of 2022 support **Sarah's** claim to equal distribution of the family property? How will these amendments change family practices around inheritance?
- How should the legal advisor inform the family advise the four siblings?



## FACILITATION NOTES

### STEP 4. INTERACTIVE LECTURE

Introduce the legal definition of a Will and the rules and procedures to follow to write a valid will.

Share the **Sample of a Will** (template) in the Annex of this guide.

Discuss the procedure for accessing forms and how to find legal advice in this district.

Invite the land officers to be very specific so that the participants leave the meeting with very clear understanding of the steps involved in will writing and where to file documents.



## Testate succession

Testate succession is when the person who died (referred to as “the deceased”) had written a will describing how to divide her/his property. A person who is making or has made a will is called the testator. Persons making a will can choose who will manage their property after their death. This person is called the executor.

## What is a will?

A will is a **WRITTEN** document made while a person is alive in which he or she gives instructions as to how his/her property and other affairs should be taken care of after death. Sometimes a person will make an oral will by saying how she/he wants to have her/his affairs and property handled by stating these wishes out loud in front of witnesses. An oral will not be accepted as valid in most circumstances. Written wills are the most respected because the person can make her/his wishes known and record them so they cannot be disputed.

## FACILITATION NOTES

### STEP 5. GROUP DISCUSSION



Divide the participants into three discussion groups.

Give each group a different discussion prompt.

- **Group 1:** Discuss experience with will writing.  
What is a will and who can make a will?
- **Group 2:** What rules govern the making a valid will?  
What are the contents of a valid will?
- **Group 3:** Where can a citizen find legal advice about writing a will in this area?  
Which government institutions need to be involved and where they located?

After 10 minutes, ask each group to share their responses in plenary.

Invite the other participants to add their comments.

Ask the whole group to share their opinions about the advantages and disadvantages of writing a will.

When the discussion has completed, make note of any corrections to misinformation as you continue with the lecture material.

## Importance of will writing

- A will clearly expresses how a person wants her/his property to be distributed after death and uses the power of the law to support those wishes. Because the wishes are clearly expressed and written down, a person making a will can ensure that her/his property is distributed as she/he wants and not how others might want.
- A will can help avoid misunderstanding and maintain harmony among family members. Making a will helps a person to ensure that her/his family members receive shares of the property and are protected from persons who would try to grab that property from them.
- Parents can also write in their wills who they wish to care for their children and assign property to their children, to ensure that their children are well cared for.

## Who can make a will?

- Every person, male or female, who is 21 years old or older and is of sound mind, can make a will. A person making a will must do so voluntarily and must be fully aware of what she/he is doing. People who are drunk or ill or otherwise not acting on their own free will cannot make wills.
- People with mental health problems can also make wills during periods where they are in the right state of mind and understand what they are doing.

## Rules for making a valid will

1. A will must be in writing and signed or marked by the person who is making the will. This person is called the testator. If the testator is unable to sign or mark, then she/ he can direct someone else to sign on his/ her behalf in the testator.
2. The testator MUST sign or mark his/her will in the presence of two or more witnesses.
3. Both witnesses must be adults (i.e., older than 21) of sound mind.
4. The witnesses should not be beneficiaries of the will (i.e., people who will get something from will).
5. The two witnesses must both be present when the testator signs the will.
6. The two witnesses must see the testator sign the will.
7. If the will is more than one page, the testator should sign each page to guard against forgery.
8. The will must be dated to ensure its validity.

### Facilitation Note



#### STEP 6. INTERACTIVE LECTURE

Guide the participants to understand the **contents of a will** and implications for **how a will is executed** after the death of the testator.

Ensure that participants understand that a will can only include property of the testator.



When making a will, a person can only give away property that belongs to her/him.

The will cannot give away property that belongs to other people in the household or family unless the deceased and the other owners agreed that they each own shares of the property.

If this is the case, the deceased may give away her/his shares in the will.

It is also important to ensure that there is proof of ownership of the property being given away. Proof of ownership may include land titles, sale agreements, logbooks for vehicles, an employment contract showing you are entitled to gratuity, share certificates, etc.

## What goes into a will?

A testator has the right to make instructions as she/he wishes in his/her will, but as a matter of practice, wills contain the following information:

1. Personal details of the testator: full name, sex, age, date of birth, marital status, place of birth or origin, names of parents, clan and religion.
2. If the testator was married, provide the name and personal details of the spouse and the date and venue of the marriage. If the testator had ever been separated or divorced, provide the date of divorce or separation along with available personal details of the former spouse.
3. Names, ages, and dates of birth of any children and a note as to whether they are biological or adopted.
4. Personal details of any other dependants.
5. Clear and detailed description of the property.
6. How the property should be divided among the beneficiaries.
7. Guardians for minor children who will be responsible for looking after the children of the testator who are still younger than 18 years old.
8. Aspects dealing with the burial.
9. The name of the customary heir.
10. The names of persons who owe money to the testator, and names of persons to whom the testator owes money. If the testator has debts to other people, the will should say how and when such people should be paid.
11. Names of executor/executrix. This is a person whom the testator entrusts with implementing the will. The executor/ executrix must be an adult and can be a woman or a man.
12. The names and signatures of not less than two witnesses.
13. A statement that the testator is of sound mind and is making the will without any coercion. Note that where a person, by his/her will, disposes of property without reasonably providing for the maintenance of his/her spouse, children, or dependent relatives, these people may apply to the court (or someone may apply on their behalf) to seek payment from the deceased's estate.

## Changing or canceling a will

A will may be changed or cancelled by the testator at any time before his or her death. The original will must be burnt, torn, or otherwise destroyed by the testator or some other person acting on the testator's orders. If there are significant changes (many changes) in the testator's life, for example marriage, divorce, death of a partner, or a new child, it is advisable to make a new will.

## Custody of wills

It is highly advisable that a person make at least three copies of his or her will. One copy of the will should be kept in a secure place like the High Court, the Administrator General's office, a known bank or a law firm. A trusted friend or a relative may also keep a copy.

## Interfering with a will

Nobody (whether Local Council or clan leaders) has authority to implement the will of the deceased without first following all the legal steps mentioned above. Only the court system can grant authority to implement the wishes of the deceased. Anybody who interferes with the property of the deceased before Grant of Probate (permission given by the court for the executor to carry out the will) commits a crime and may be prosecuted. It is illegal for anyone to tamper with or change the contents of a will.

### FACILITATION NOTES

#### STEP 7. SCENARIO

#### Allocation of family property in the absence of a will

##### CHARACTERS:

##### MARY, FIRST WIFE

Mukasa is married to MARY in a church ceremony. Their family has been blessed with four beautiful children, two boys and two girls. The girls are Nantongo (age 25), Nakamatte (age 17), and the boys Ssenabulya (age 30) and Kerispo (age 36).

**KERISPO (36)** married Nalule and paid the dowry in full. After a few short years, he wanted to marry another wife, but Nalule refused to give her consent. Kerispo decided to walk away and leave Nalule in the matrimonial home and stay alone.

**NANTONGO (25)** wants to marry her longtime boyfriend, Isaac. Her parents gave their consent for her to marry since she is of age. Although Isaac has only paid half of the dowry, they are already living happily together. Isaac is now boasting to the whole village how he has officially and fully married Nantongo.

**NAKAMATTE (17)** and **SSENABULA (30)** are not yet married and stay at Mukasa and Mary's home.

##### BIRUNGI, SECOND WIFE

After several years, Mukasa marries another wife, BIRUNGI, customarily. He finished paying all the dowry and brings Birungi to live with his family. Mukasa and Birungi are blessed with two more children, NAMATA (age 7) and LUTALO (age 4).



## SCENARIO

*Mukasa passed away as an old man. He did not write a will and yet he had many dependents.*

*He left behind the family home with separate quarters for his two wives and their children, three farms, and some livestock and farming equipment.*

*Mary runs to the LC to guide her on how her late husband's property will be distributed amongst his children, dependents, relatives, and wives. She insists that Birungi and her two children should not get any share and wants the LC to support her position.*

*Mary claims that she has the right as a wife to get a share with her children because Mukasa married her in a church.*

*Buringi asserts that she has the right as a wife to get a share with her children because Mukasa married her customarily.*

## INSTRUCTIONS

- Who is correct in this scenario? Divide the participants into groups to discuss the rights of different family members in this scenario.
- Ask each group to consider the questions:
  - 1) *What rights does this person have to Mukasa's property?*
  - 2) *How will it be divided with the other rights holders?*
- Give each group 10 minutes to discuss and then pull the groups together in plenary to share their ideas about how the property would be distributed amongst the family members.
- Close the session by correcting any misinformation and providing guidance about how the LC should advise the family. Cite the specific laws supporting your explanation.

## DISCUSSION

- **Group 1:** MARY, first wife
- **Group 2:** BIRUNGI, second wife and her children (ages 4 and 7)
- **Group 3:** KERIPSO (36), son from first marriage
- **Group 4:** NANTONGO (25), daughter from first marriage
- **Group 5:** Nakamate (17) and Ssenabula (30), son and daughter from first marriage



## How property is divided among beneficiaries

Land, houses or other buildings, and businesses are examples of properties that people often own jointly. It is important for friends, family, or spouses who acquire property together, especially land, to clearly decide if they wish to hold the property as one unit or whether they each have a defined share of the property. How property was held during the deceased's life affects how it may be lawfully distributed after death.

Property the deceased owned by herself/ himself may be disposed of according to her/his wishes in a will or by someone managing the estate.

Property that the deceased owned jointly with someone else may automatically go entirely to the other owner if the parties owned the whole property together and not in shares.

If the property was held jointly in common, it means that the owners had different shares. In this case, either owner has the right to say how her/his share should be distributed to beneficiaries in the case of his/her death.

### FACILITATION NOTES

#### STEP 8. INTERACTIVE LECTURE



Guide the participants through the concept of **intestate succession** and how property is distributed when the deceased did **not prepare a will**.

Explain the provisions in the **Succession (Amendment) Act 2022** which protects **widows and widowers and their children from dispossession** after the death of a spouse/parent, and further **protects from interference with the estate**.

Describe the steps to applying for **Letters of Administration** to manage an estate.

Open a discussion about the **institutions involved** and where to seek **legal advice** in the local community or district.

Explain the options for settling the deceased's **bank account**. Ensure that participants leave the discussion with a clear idea of how to proceed if they are ever facing this situation.

## Intestate succession

Intestate succession is when someone dies without making a will or where a court has declared the will invalid. When there is no will, the law describes percentages of property allocated to each beneficiary:

**Husband or wife/wives:** There must be a legally recognized marriage at the time of death. The husband and wife must have been living together for at least six months before the death. If there is more than one legal wife, the wives equally share the portion the law allocates to the spouse.

- **Children of the deceased:** Male AND female children born during marriage or outside marriage as well as any legally adopted children.
- **Dependent relatives:** Relatives who are completely or substantially dependent on the deceased.
- **Customary heir:** A person recognized by the customs of the tribe or community as being the deceased's customary heir. The customary heir may be male or female.
- **Legal heir:** This is the deceased's nearest living relative and takes the place of a customary heir if there is none.

## Distribution of property when one dies without a will

The law determines how much property each beneficiary may receive AND it provides as follows:

### Beneficiaries shares

BENEFICIARY	SHARE
Spouse	20%
Children	75%
Dependent relatives	4%
Customary heir	1%

These allocations apply both when the deceased is a man and when the deceased is a woman. Similarly, all provisions and rules about leaving property to wives apply equally to leaving property to husbands. The residential holding (the place where the family lives) and household property ARE NOT included in the property to be distributed according to these rules outlined. Surviving spouses and children have a right to stay in the home. Sometimes the residential holding is also called the “matrimonial home.”



#### KEY POINTS TO NOTE:

- It is an offense for anyone to chase the widow or children out of the residential holding.
- All children born both within and outside wedlock shall share equally in the children’s share of the deceased estate.
- The widow(s) and the children (boys AND girls) have a right to stay in the home until any of the following happens:
  - In the case of a widow, if she dies or remarries or ceases to occupy the house for a continuous period of six months, or if she consents to leave the house and voluntarily surrenders it.
  - In the case of a female child, if she dies or reaches the age of 21, marries before attaining the age of 21, or if she ceases to reside in the house for a continuous period of six months.
  - In the case of a male child, if he dies or reaches the age of 18, or ceases to reside in the house for a continuous period of six months.
- It is an offense for anybody to distribute the estate of the deceased without authority.
- The validity of a Grant of Probate and Letters of Administration is for a period of two years from the date when they are granted.
- No disposal of estate property shall be done without the consent of the spouses and lineal descendants (children) of the deceased persons. Where the beneficiaries are minors, the guardians of the minors shall get consent from a court of law.

## FACILITATION NOTES

### STEP 9. STORYTELLING

Storytelling is a powerful way to share real-life case studies in an empathetic way.

Invite participants to share examples from their own experiences or that of their families and friends (no names!) which demonstrate the implications of writing (or not writing) a will for women's or PWDs land and resource rights.

Facilitate them to describe:

- the family situation upon the death of their loved one;
- what happened after the reading of the will, or meetings in the absence of a will;
- how the situation was settled; and/or
- legal questions which remain unresolved.

Debrief after each story to discuss what happened and what should have happened if the proper legal procedures were followed.



## Social safeguarding against wrongful interference

### Interfering with the estate

Nobody (whether Local Council or clan leaders) can distribute or manage the estate of the deceased without first following all the legal steps mentioned above. Only a court can grant authority to administer the estate of a person who dies intestate. Anyone who interferes/ intermeddles with the property of the deceased before the court has given Letters of Administration commits an offense and may be prosecuted.

### Procedure for acquiring letters of administration

A spouse and close adult relative must apply for Letters of Administration, which give her/him permission to manage the estate. In managing the estate, this person must follow the law and not discriminate for or against heirs or dependents based on sex.

#### STEP 1.

A close adult relative should obtain a death certificate and a letter from the Local Council stating the deceased's death. The close adult relative uses the death certificate and letter to report the death to the Administrator General within 14 days of the death.

#### STEP 2.

The Administrator General checks that - the close adult relative is the proper person to have Letters of Administration, the information given in the report of death is accurate and there are no other persons with a claim to the deceased's property.

### STEP 3.

The Administrator General gives the close adult relative a Certificate of No Objection. The close adult relative takes the Certificate of No Objection to a court to apply for Letters of Administration to manage the deceased's property. The value of the deceased's property determines which court the close adult relative applies to:

- Less than 200,000 UGX --> Magistrate II Court.
- Between 200,000 and 2 million UGX--> Magistrate I Court.
- Between 2 million and 5 million UGX --> Chief Magistrate Court
- More than 5 million UGX --> High Court

### STEP 4.

The close adult relative places an advertisement in the newspaper that she/he has applied to court to for Letters of Administration. Anyone who wishes to complain about the applications for Letters of Administration must file a complaint with the same court within 14 days of the advertisement being placed.

### STEP 5.

The Administrator may then manage and distribute the property of the deceased. Within six months of receiving the Letters of Administration, the Administrator must file a true list of the deceased's property with the court.

### STEP 6.

Within one year of receiving the Letters of Administration, the Administrator must file another list called the final account describing how the property was distributed. Once all the deceased's property has been managed, the Administrator must file a final report with the court. If a complaint is filed, the court will hear the case and decide how to manage the estate. If no complaint is filed, the court grants the close adult relative the Letters of Administration. The letters give permission to manage the deceased's property

## Who are the Administrator General and Chief Administrative Officer?

The Administrator General is a public officer responsible for ensuring that estates of deceased persons are managed according to the law. The Administrator General sits in Kampala and is represented in each district by a Chief Administrative Officer (CAO) who handles business for the Administrator General's office. The CAO recommends to the Administrator General persons who should be issued Certificates of No Objection, which allow them to get court permission to administer estates of deceased persons.

The CAO may also hold family meetings to resolve disputes over distribution of property and give families advice about procedures to follow to manage estates lawfully. The Administrator General also performs the following functions:

- Receives reports of death.
- Issues Certificates of No Objection
- Resolves disputes among beneficiaries or family members of the deceased.
- Ensures that the rights of beneficiaries, especially minor children and widows, are not violated.

## Next-of-kin

When death occurs, the NEXT OF KIN WILL NOT HAVE ANY ACCESS TO THE MONEY IN THE DECEASED ACCOUNT. Many people think that their next of kin is the automatic heir to their account. In truth, if the next of kin is not a signatory to the deceased's account, and there is no written will to determine that person's legitimacy, the person will not have access to the money at all.

The deceased's bank must go through a process called a LEGAL PROBATE. This probate period helps them determine who receives money from the deceased account.

This is a very lengthy and expensive process. Even after the process is completed, the family must forfeit a reasonable amount of money for legal fees. To avoid this, a person may simply request a POD form from the bank prior to death. POD stands for PAYABLE ON DEATH. The person named as beneficiary on the POD form will determine who receives the money. The person must show the proof of death certificate to access funds.

With a POD form, the deceased will save their family the stress of a lengthy legal process and losing money to the law.

### FACILITATION NOTES

#### STEP 10. CLOSING DISCUSSION

Close the session by reviewing the key provisions of the laws of succession for protecting the equal rights of women and their heirs, persons with disabilities (PWDs), and other historically excluded categories to inherit land, resources and other property. By the close of the session, participants should know how to exercise their rights of inheritance, where to seek legal advice, and which institutions are involved in matters of succession.

Refer participants to additional reading material at the end of the guide for more information, and sample forms in the Annex to request from their local offices.



**MODULE 9:**

# Conflict Sensitivity





## Rationale

Experience in Kalangala and Buvuma have shown that well-meaning development interventions may intentionally or unintentionally escalate conflicts around land and resource rights, economic opportunities and livelihood options, or shifting values. This module introduces the basic principles of conflict sensitivity when implementing any project activity or intervention, such as inclusiveness, participation, transparency, and responding to the different needs of both genders.

## Module overview

This module aims to provide participants with an understanding of conflict sensitivity in various contexts. Participants will develop the knowledge and skills necessary to recognize, analyze, and respond to conflicts in a sensitive manner towards peace-building efforts.



### Time

1-2 hours



### Objectives

1. To develop the knowledge and skills necessary to recognize, analyze, and respond to conflicts in a sensitive manner towards peace-building efforts.
2. To apply conflict resolution skills to issues around land and resource rights.



### Training approach

- Interactive lectures
- Group work



### Materials

- Flip charts
- Markers
- Cards
- Manila paper

## Step by step guide

### STEP 1. OPENING DISCUSSION

Open the session by preparing the participants to discuss real-life conflicts with sensitivity. Probe for examples of conflicts in the community or district and how these have been resolved, or ongoing conflicts and their possible solutions.

### STEP 2. INTERACTIVE LECTURE

Explain the meaning of conflict sensitivity, its principles and practical applications, and steps to take to sensitivity when addressing conflict situations.

### STEP 2. ROLE PLAY

Form four groups to enact a role play between a fishing community, their local leaders, government, and aid organizations to address land and resource conflicts due to growing population pressure around a refugee camp.

### STEP 4. CLOSING DISCUSSION

Summarize the session by revisiting the learning objectives, highlighting the **principles of conflict sensitivity** and **how to apply** these in project and interventions.



## FACILITATION NOTES

### STEP 1. OPENING DISCUSSION



Open the session by preparing the participants that you will be discussing conflicts in this module; conflicts especially caused by disputes over land and natural resources, but also conflicts over values and opposing ideas about how communities should develop their economies. You will be asking for real-life examples, but do not want to mention names or bring attention to any individual or family. Importantly, you want to discuss the core issues which caused conflict, how it was resolved, or could be better resolved with conflict sensitivity.

Divide the participants into small groups of 3-4 people by moving their chairs into small circles.

Ask the groups to discuss whether there are any conflicts in their community or district.

- What caused the conflict?
- Has it escalated or de-escalated?
- What could have been done to avoid the conflict before it started?

Ask for 3-4 groups to volunteer and share their example.

Inquire whether there is a major conflict in this locality that is important to discuss in this session?

## FACILITATION NOTES

### STEP 2. INTERACTIVE LECTURE



Introduce the meaning of **conflict sensitivity**.

Ask participants to identify the principles that one needs to adhere to be conflict sensitive?

Invite the participants to give their ideas aloud and write these on a flip chart paper.

When the participants have exhausted their ideas, give a short lecture about the **principles of conflict sensitivity** and note where these align with ideas on the flip chart.

Explain what it means to **practice conflict sensitivity** and the **three steps** to achieve this.

## What is conflict sensitivity?

Conflict sensitivity is defined by the ability to understand and respond to conflicts in a way which minimizes negative impacts and maximizes positive impacts. Individuals, organizations, government agencies, project or program staff can be trained to be more sensitive to situations which have the potential to escalate into conflict.

## What are the principles of conflict sensitivity?

Guiding principles for working in a conflict sensitive way:

- Participatory process. Ensuring that all relevant stakeholders take part in decision making processes and influence the interventions at every stage.
- Inclusiveness of actors, issues and perceptions, including gender sensitivity. All affected groups, their concerns, needs and opinions must be considered at every stage of the intervention
- Impartiality in relation to actors and issues. Applying fairness and avoid taking sides in the course of implementation.
- Transparency. Conducting an intervention in an open and honest way. It includes full disclosure of all relevant information to the stakeholders.
- Respect for people's ownership of the conflict and their suffering. Allowing stakeholders within a conflict environment to decide what's best for them.
- Accountability for one's own actions. Taking ownership of one's actions or inactions as a result of the intervention.
- Partnership and coordination. Different agencies working in the same sector should cooperate without duplication, explore synergies, and avoid wastage of limited resources.
- Timeliness. The ability to assess whether an intervention is suitable and impactful at a given time based on a conflict and situational analysis.

## What does it mean to be conflict sensitive in practice?

It is key for anyone intervening in the Ugandan natural resources sector to build an in-depth understanding of this complex and conflict prone environment. When intervening, practitioners in the sector become part of the context as they bring resources such as trainings or products into those communities and change access and use of natural resources e.g., through land reforms.

Taking natural resource interventions as a merely technical exercise, will increase the possibility of starting or worsening conflicts significantly when intervening, as actors might not understand the conflict dynamics. Equally, not understanding the needs, daily routines and the values and beliefs of the local populations might render interventions irrelevant for the target groups.

On the positive side, if a context is well understood, interventions related to natural resources can contribute to peace through fostering common interests among stakeholders and providing neutral spaces for interaction. Practitioners therefore should not only have the technical knowledge on land and land rights but should also be trained on analysing the conflicts around.

## What are the steps to being conflict sensitive?

1. Understanding the operating context to become aware of intergroup tensions. This includes the “dividing” issues with a potential for conflict and the “connecting” issues with the potential to mitigate conflict and strengthen social cohesion. This can be done through conducting a conflict analysis. Conflict analysis is a systematic study of conflicts, focusing on the context and history that shapes the conflict, the actors involved and their perspectives, the causes and the dynamics of how these elements interact.
2. Understanding the intended or unintended impacts interventions could have on that context.
3. Acting upon that understanding to make the necessary changes to the intended interventions to avoid unintentional negative impacts on the project area, and to maximize the contribution to strengthening social cohesion and peace.

### FACILITATION NOTES

#### STEP 3. ROLE PLAY

#### Community conflict over refugee camp and pressure on local resources

##### Characters

- **Group 1:** Government officials
- **Group 2:** Local community leaders
- **Group 3:** Local fishermen, small farmers and their families
- **Group 4:** Aid workers

##### SCENE

Community meeting in Village Z, historically a fishing community which has been designated as a refugee camp for the past five years.

##### INSTRUCTIONS:

*Count off the participants (1,2,3,4 ...1,2,3,4 ...repeat) until each person has been assigned a number. Ask the participants to stand up and move into the four groups.*

*Assign each group a role to play, each representing a different interest group in this conflict: Government officials, local leaders, local fishermen, private companies*

*Read the scenario aloud about Village Z and the complaints of the local community.*

*Give each group 5-10 minutes to prepare for a community meeting with the government, local leaders, and private companies.*

*Give the participants -10-15 minutes to act out the scenario.*

*Close the community meeting and debrief the key messages.*



## SCENARIO

*Village Z is located on a large lake where people have been fishing for generations. The village grows some cash crops on small farms and gardens, but largely depends on fishing and local markets for their livelihoods. After a regional conflict, aid agencies began relocating displaced people and refugees to Village Z. The village has now been the site of a refugee camp for five years and has been transformed by the influx of refugees and aid workers.*

*International and national agencies have been distributing relief items to the refugees yet forgetting the original inhabitants of the village. This has enraged the villagers who claim that they also need the resource items as there is unequal distribution of basic needs. Additionally, the standards of living have declined due to high population rate, pressure on local fishing and farming resources, and limited access to good social amenities like schools, hospitals, and markets. Because of this, the villagers have asked the relevant authorities to relocate the refugees to another village so that they can be able to reclaim the land occupied by the refugees in a bid to enhance their economic well-being through farming.*

*A community meeting has been called to address the villagers' complaints.*

## DISCUSSION QUESTIONS:

QUESTIONS FOR PREPARATION (group discussions, before the role play):

- What are the potential sources of conflict for this interest group?
- What are the key discussion points that that this group would like to raise in meeting?
- What solutions is the group seeking to mitigate the conflict?
- Who will speak on behalf of the interest group?

QUESTIONS FOR DEBRIEFING (plenary discussion, after the role play):

- What considerations must be met to have an effective conflict analysis process?
- What are the unintended consequences of this process?
- What are the possible (and realistic!) solutions to the conflicts in the scenario?



## FACILITATION NOTES

### STEP 4. CLOSING DISCUSSION

Close the session by reviewing the **steps in conflict sensitivity** and taking questions about how the principles can be applied to locally relevant conflicts.

Refer participants to additional reading material at the end of the guide for more information.



**MODULE 10:**

# Dispute Resolution Mechanisms



## Rationale

Faced with disputes over land and natural resources, many women and disadvantaged groups feel that they lack any options for exercising their rights or seeking justice against those who have alienated them from their rightful property. It is critical to educate communities about the many referral pathways available to them when disputes arise over natural resources. The Government of Uganda supports the pursuit of Alternative Dispute Resolution before escalating cases to the courts which are beyond the means of many women, PWDs, and others in districts like Kalangala and Buvuma.

## Module overview

This module provides participants with a comprehensive understanding of the various methods and techniques used to resolve conflicts and disputes outside of traditional litigation. Alternative Dispute Resolution (ADR) has become increasingly popular and is an essential skill set for individuals in scenarios where dispute resolution plays a crucial role.



### Time

2 hours



### Objectives

1. To understand what Alternative Dispute Resolution is and its different types.
2. To become familiar with the legal framework governing Alternative Dispute Resolution in Uganda.
3. To know which type of ADR to seek and how to proceed when seeking resolution to a dispute



### Training approach

- Interactive lectures
- Facilitated Q&A
- Role plays in discussion groups
- Conflict scenarios and discussion



### Materials

- Flip charts
- Markers
- Cards
- Manila paper

## Step by step guide

### STEP 1. INTERACTIVE LECTURE

Open the session with an overview of Alternative Dispute Resolution (ADR) as an alternative to litigation and lengthy court cases.

Go into detail about each ADR approach: Mediation, arbitration, conciliation, and negotiation, with emphasis on mediation as the most practicable approach for most dispute cases.

Make a list of the resources available to pursue each of the approaches.

### STEP 2. DISCUSSION GROUPS AND ROLE PLAYS

Form discussion groups to discuss conflict scenarios and which ADR approach might be best fit for resolving the conflict.

### STEP 3. INTERACTIVE LECTURE

Give a brief lecture about the international and national legal frameworks which reinforce ADR approaches, and how these frameworks are interpreted in local cases.

### STEP 4. SCENARIO

Present a conflict scenario and invite each participant to think about how they might play the role of a neutral third party in an ADR process.

### STEP 5. CLOSING DISCUSSION

Summarize the session by revisiting the learning objectives, highlighting the **four main approaches to ADR** and **legal frameworks** which support ADR as a legitimate pathway to conflict resolution.

## FACILITATION NOTES

### STEP 1. INTERACTIVE LECTURE



Open the lecture with a discussion about the meaning and **Alternative Dispute Resolution (ADR)** and its significance in Uganda as an alternative to litigation or court processes which are often overly complex or inaccessible for many citizens.

Introduce the types of ADR commonly practiced in Uganda: **Mediation, arbitration, conciliation, negotiation**. Give special emphasis to mediation as the most practiced (and practical) ADR approach for many dispute cases.

For each type of ADR, create a separate flipchart paper.

Walk through the key differences between mediation and each approach.

Ask the participants if anyone has experience with any of the ADR approaches and is willing to share their experience with the process?

With the help of participants and land officers or legal aids from the district, develop a list of organizations or local advisors who can help to navigate the process.

Write these resources on the flip chart paper.

#### KEY POINTS TO NOTE:

**NOTE:** Emphasize the fact that unlike mediation, conciliation and negotiation, decisions made in an arbitration process are binding and enforceable on the parties involved in the dispute.



## What is alternative dispute resolution?

Alternative Dispute resolution is the process of solving conflicts or disputes between parties without resorting to litigation or court processes.

It should be noted that Alternative Dispute Resolution only works for civil disputes like trespass to land, employment disputes, disputes over family property among others and not criminal matters like murder, theft, assault, rape, kidnapping etc.

## What are some examples of ADR approaches?

There are many forms of Alternative Dispute Resolution usually referred to as ADR. These include mediation, arbitration, conciliation and negotiation. For purposes of this module, we shall elaborate more on mediation as it is the most common mode of dispute resolution used in the islands of Kalangala and Buvuma. The other forms of alternative dispute resolution mentioned above will be highlighted briefly.

### 1. Mediation

This is a form of alternative dispute resolution where a neutral third party known as a mediator facilitates communication and guides disputing parties in reaching an agreement. However, the mediator cannot influence or make a decision on behalf of the disputing parties. Decisions reached after a mediation are binding on the parties if they have signed the mediation agreement.



## Steps to conducting a mediation

- 1. Introduction:** The mediator introduces themselves and explains the mediation process to all parties involved. They also establish ground rules and guidelines for the mediation session.
- 2. Opening Statements:** Each party has an opportunity to make an opening statement to express their perspective on the issue.
- 3. Discussion and Clarification:** The mediator facilitates a discussion between the parties, allowing them to express their concerns and clarify their positions. This often involves active listening and asking open-ended questions to uncover underlying interests and needs.
- 4. Negotiation:** The mediator helps the parties identify areas of agreement and encourages them to explore possible solutions. The mediator may propose compromises or alternative solutions.
- 5. Agreement:** If the parties reach an agreement, the mediator helps them draft a written agreement outlining the terms and conditions of their resolution. This agreement is typically binding and enforceable in a court of law.
- 6. Closure:** The mediation session concludes with all parties signing the agreement, signalling their commitment to the resolution. If no agreement is reached, the parties are free to pursue other dispute resolution methods, such as litigation.

We shall now take a look at the advantages and disadvantages of mediation as a form of resolving disputes.

## Advantages of mediation

- **Voluntary and Informal:** Mediation is typically a voluntary process, and participants have control over the outcome. It provides a less formal and adversarial setting compared to court proceedings.
- **Faster Resolution:** Mediation often results in quicker resolutions than going through the court system, which can be time-consuming and subject to scheduling delays.
- **Cost-Effective:** It is usually less expensive than litigation because it requires fewer resources, such as legal fees and court costs.
- **Preserves Relationships:** Mediation can help preserve relationships, as it focuses on communication and understanding rather than “winning” or assigning blame.
- **Customized Solutions:** Parties can craft creative and customized solutions that meet their specific needs and interests, rather than relying on one-size-fits-all legal remedies.
- **Confidentiality:** Mediation is a confidential process, which can encourage open and honest communication between parties.
- **High Success Rate:** Mediation has a relatively high success rate in reaching agreements because it encourages cooperation and compromise.
- **Limited Remedies:** Mediation may not provide all the remedies available through litigation, such as punitive damages or court-ordered injunctions.

## Disadvantages of mediation

- **No Guaranteed Resolution:** There is no guarantee that mediation will result in an agreement. If parties cannot reach a consensus, they may still need to pursue other dispute resolution methods, like litigation.
- **Power Imbalance:** In cases where there is a significant power imbalance between parties (e.g., employer-employee disputes), the weaker party may feel pressured to accept an unfair settlement.
- **Lack of Legal Enforcement:** Mediated agreements are not legally binding unless the parties choose to make them so. This means that if one party does not adhere to the agreement, the other may need to go to court to enforce it.
- **Mediator Biases:** While mediators are supposed to remain neutral, there is a risk of bias, which could impact the fairness of the process.
- **Ineffectiveness in Complex Legal Matters:** Mediation may not be suitable for complex legal issues where a definitive legal ruling is needed, such as cases involving constitutional law or complex commercial disputes.
- **Cost of Mediator:** Although mediation is generally less expensive than litigation, there is still a cost associated with hiring a mediator.
- **Resistance to Participation:** Some parties may be unwilling to participate in mediation, and it cannot be forced upon them.
- **Limited Remedies:** Mediation may not provide all the remedies available through litigation, such as punitive damages or court-ordered injunctions.

## 2. Arbitration

This is where conflicting parties choose a neutral third party known as an arbitrator to help them solve their dispute. Unlike other forms of ADR, the decision is given in the form of an arbitral award which is also binding on the parties.

## 3. Conciliation

This is where a third party brings the two conflicting parties together to enable them have a discussion on how best they can resolve their dispute.

## 4. Negotiation

This is more of an informal process where the two or more parties sit together without an external facilitator and come to an agreement to settle their dispute amicably.

## FACILITATION NOTES

### STEP 2. DISCUSSION GROUP

Based on the previous session (conflict sensitivity) or a new discussion, ask the participants who are willing to share examples of conflicts or disputes in which they themselves were involved.

This should be from willing participants only.

If no examples are provided, then ask the group to come up with a set of typical conflicts that might require intervention from third parties. You may use notes from other modules to select a few examples in advance.

Form groups of 6-8 persons to discuss one case each.

#### DISCUSSION GROUP WORK

- Describe the dispute scenario.
- Discuss which mode of ADR would be most appropriate to address the dispute and why.
- Within the group, select one person to play the role of a mediator, negotiator or conciliator.
- Select others to play the roles of those in conflict.
- Give each group 10 minutes to role play and discuss (within the group) how this scenario might play out. Invite them to have fun, but try to play the roles consistent with the dispute resolution mechanism selected.
- Invite each of the groups to present what happened during their group work and share lessons and challenges with other groups. What questions do they still have about the ADR approach?



## FACILITATION NOTES

### STEP 3. INTERACTIVE LECTURE

Explain the legal frameworks which inform Alternative Dispute Resolution (ADR) processes in **Uganda and internationally**.

Explain how these frameworks guide local level implementation.



## Legal framework on alternative dispute resolution

### International framework

1. The United Nations Charter, 26 June 1945 specifically Article 2(2) that requires settlement of international disputes by peaceful means.

### National framework

1. Arbitration and Conciliation Act, Cap 4, which provides for the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards. It also provides for rules of procedure regarding conciliation as a dispute resolution mechanism.
2. The Judicature Act, Cap 13 that provides for inquiries and trials by referees like Arbitrators from Sections 26 to 32.
3. The Civil Procedure Act, Cap 71 and the Civil Procedure Rules
4. S.I 71-1, specially Order 12 and 47 that provide for a Scheduling
5. Conference and Alternative Dispute Resolution.

## FACILITATION NOTES

### STEP 4. SCENARIO

#### How to be a neutral third party in a local dispute

##### INSTRUCTIONS

- Invite one volunteer to read the scenario aloud.
- Ask each participant to think about how they might play the role of the neutral third person.
- Pose the questions to the entire group, and call on individuals to share their preferred pathways.
- Ask 3-4 people to respond to each question to collect a diversity of responses.
- Debrief and discuss which approach might be best fit for this local context.

##### SCENARIO

*Two neighbors are in dispute over property(land) boundaries. One neighbor claims that the other is trespassing on his land while the alleged trespasser claims that the disputed land forms part of his land parcel.*

*As a neutral person to the dispute, you have been asked to help the 2 conflicting neighbors resolve their dispute.*

##### DISCUSSION

- What form of dispute resolution mechanism would you recommend?
- Which steps/considerations would you take to ensure that the conflict resolution process is successful?
- What would be your most appropriate remedy in the circumstance?



## FACILITATION NOTES

### STEP 5. CLOSING DISCUSSION



Close the session by reviewing the **types of ADR approaches** most relevant for resolving disputes locally and the **advantages and disadvantages** of each.

Focus on mediation as the preferred pathways for most cases and places.

Remind participants that the agreements reached through an **arbitration** process are legally binding.

Participants should leave the session with a solid understanding of how to pursue each option, who to contact for support, and when each is most appropriate.

Refer participants to additional reading material at the end of the guide for more information.



**FACILITATOR'S TOOLBOX**

# Gender Transformative Approaches



## Rationale

Gendered social norms and power dynamics present many obstacles to women's equal enjoyment of the resource rights guaranteed to them under Ugandan laws.

This guidebook provides the legal framework and discussion points for training communities and families about their land and resource rights, as well as gender-specific rights and rights to persons with disabilities (PWDs) and other historically excluded groups like children born to unwed mothers. Yet while legal literacy is the first step to understanding land and resource rights, women and other vulnerable groups often have limited power and agency to assert their rights.

This GTA Facilitator's Toolbox offers additional facilitation activities and games to include with legal literacy training to further probe social attitudes and embedded norms about gender roles and gendered rights to land, natural resources and other property.

These tools for facilitating a more gender transformative approach (GTA) to legal empowerment have been tested in Kalangala and Buvuma Districts where, despite training in Gender Action and Learning Systems (GALS), strong gender norms around rights to resources persist.

We invite facilitators to bring these tools into the legal empowerment modules to enhance the discussions around gender norms, power and its dynamics for each module topic.

## GTA Facilitator's Toolbox overview

### Understanding gender and social norms, power and its dynamics

Many times, gender is misunderstood and misinterpreted to mean only women. The tools in this toolbox provide grounding and clarity about **gender as a concept** through everyday experiences.








The activities allow participants compare their own understandings of gender with others.

Selected tools introduce simple terminology for those participants who may have little to no gender training as well as those who may want a refresher. There are several tools that have been developed to build common knowledge of **gender, gender norms and power** which help participants to understand how these inhibit the **achievement of women's land and resource tenure security**.

## Toolbox contents

This toolbox includes **seven tools or activities** which can be integrated into other learning modules in this guidebook, or presented together as a full workshop to dive deeply into gender norms which affect women's legal and economic empowerment to enjoy their resource rights.

Have fun with the tools and feel free to improvise new tools for the GTA Facilitator's Toolbox!





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# TOOL 1

## BOY OR GIRL

This tool enables participants to better understand why people prefer a boy child or a girl child and the values that society has attached to each of the sexes, and how this impacts access, control and ownership of resources like land. This tool additionally allows participants to reflect on whether societal preferences are static or changing and - if changeable - what needs to change to counter regressive stereotypes.

	<p><b>Time</b></p> <p>2 hours</p>
	<p><b>Objectives</b></p> <p>1. To help participants to recognize their own preferences and biases regarding gender and broader gender norms at the community level</p>
	<p><b>Training approach</b></p> <ul style="list-style-type: none"> <li>• Group activity and discussions</li> <li>• Plenary discussions</li> </ul>
	<p><b>Materials</b></p> <ul style="list-style-type: none"> <li>• Two pictures:             <ol style="list-style-type: none"> <li>1) GIRL and</li> <li>2) BOY drawn on a flip-chart paper</li> </ol> </li> <li>• Flip chart paper</li> <li>• Manila paper</li> <li>• Markers</li> <li>• Cellotape</li> </ul>

## TOOL 1

### Step by step guide

#### STEP 1

Prepare two pictures: (1) GIRL and (2) BOY drawn on a flip-chart paper

#### STEP 2

Randomly select two people to hold the pictures of the GIRL and the BOY.

Instruct the person holding the GIRL picture to stand on the right side of the room, and the person holding the picture of the BOY to stand on the left side.

Hold the pictures facing the rest of the participants.

#### STEP 3

Read the following scenario: Imagine your doctor tells you that you will have a medical condition and because of that condition, you can only have one child in your life.

Then ask the question: Would you prefer to have a boy child or a girl child?

#### STEP 4

Ask participants to move and stand near the picture of the child they would prefer.

They must stand in front of one picture only: the BOY child or the GIRL child.

#### STEP 5

Instruct the GIRL group and the BOY group break into separate discussion groups to share their reasons for preferring the gender they selected.

Give each group a piece of flip-chart paper or a large manila card.

Nominate one person to be the moderator of the discussion, and one person to be the notetaker. NOTE: You may assign a member of the facilitation team to moderate and/or take notes if you have enough team members for both groups.

FACILITATION TIP: Allow the participants to share their own reasons and preferences; you should not interfere with the process but rather facilitate discussion and dialogue.

#### STEP 6

Invite the moderator of each group to present the diversity of reasons that their group members selected either a BOY or a GIRL child to the other group.

Facilitate a discussion about some of the gender norms which emerge from these preferences and how this relates to land and resource rights.

## TOOL 2

# GENDER VERSUS SEX

This tool challenges participants to question their understandings of **gender** and **sex** and how their perceptions influence their work. This activity allows participants to talk about the differences between gender and how society and culture play a large role in what it means to be a woman or a man and that there is a difference between what we are born as and what society tells us to be.



### Time

2 hours



### Objectives

1. To understand the differences between gender and sex and why these matter to rural development initiatives.
2. To be able identify how gender is socially constructed and how gender norms can be shifted to enhance legal and/or economic empowerment.



### Training approach

- Group exercise and discussion
- Plenary discussions



### Materials

- 3 Flip chart papers, each divided into two columns:
  - 1) SEX
  - 2) GENDER
- Manila paper
- Markers
- Cellotape

## TOOL 2

### Step by step guide

#### STEP 1

Prepare three posters, each with two columns, one labeled SEX and the other GENDER.

#### STEP 2

- Split the participant into two groups and ask each group to note down their responses.
- You may decide to separate groups by men and women if there are enough people, or create two mixed groups.
- Give each group 1 flip chart paper.

#### STEP 3

- Begin the activity by asking participants the question: What is the difference between the words sex and gender? What does each mean?
- Facilitate the groups to respond to the question.
- Begin by asking the participants about their experiences with what defines being a man or being a woman.
- If their examples are related to character traits or tasks, instruct the group to write these traits or tasks in the GENDER column.
- In contrast, if the characteristics relate to biological traits, write them in the SEX column.
- Recognize that these are just generalizations. Allow participants to speak freely about their gender norms and stereotypes about men and women (without judgement!).

For example (potential responses):

#### Sex

*Biologically determined*

- Men have strong voices
- Men are physically stronger
- Women are more petite
- Women bear children

#### Gender

*Socially constructed*

- Men are better leaders
- Men do the heavy farm work
- Women are better at detailed tasks
- Women are naturally nurturing

#### STEP 4

- Invite the two groups to hang up their posters.
- Select a few characteristics from each poster to write onto the third poster. You may need to correct or shift some of the characteristics to the other column to demonstrate the key messages.

## TOOL 2

### STEP 5

- Use the examples to explain the difference between **sex traits** and **gender norms**.

- Explain that SEX traits are biologically determined.

Explain that this has to do with how boys and girls develop into men and women, including differences in anatomy, hormones and other physiological differences.

Further explain that not every man or woman will fit into what is considered normal or average for that population. For every physical trait, there is a continuum. For example, some men are short, and some women are very, very strong!

- Explain that **GENDER norms** are constructed socially.

Explain that gender norms which may define girls' and women's labor roles in one place, may not apply in another place. For example, animal husbandry may be a woman's job in one place but a man's job in another place.

Some gender norms may be borne out of characteristics which are largely determined by sex, but this does not mean that they are deterministic. For example, men may climb trees to harvest fresh fruit bunches (oil palm fruits) and women may collect loose fruits from the ground due to average differences in strength. However, this does not mean that women cannot play equal roles in developing the palm oil value chain.

- Importantly, gender norms that are constructed socially can change over time, sometimes gradually with other social changes and sometimes through targeted developmental interventions. For example, women in patrilineal tenure systems in Uganda who may have been customarily excluded from land ownership are now legally able to own land individually or jointly, and engage in land transactions.

### STEP 6

- Challenge each group to identify at least one gender norms on their own lists which might constrain women's legal empowerment. What would need to change to enhance women's legal empowerment?
- Challenge each group to identify at least 2 gender norms on their own lists which might constrain women's economic empowerment. What would need to change to enhance women's economic empowerment?
- Invite the participants to share their experiences in relation to what has been explained around the gender and sex concepts. Have they seen changes in gender norms in their own communities? Were the changes the result of changes in social attitudes from within or driven by designed interventions?

### STEP 7

- Open the floor to questions.
- Make sure that there is a common understanding of the two concepts before closing.

**TOOL 2**

**FACILITATOR NOTES**

Gender	Sex
<p><i>Gender is social</i></p> <ul style="list-style-type: none"> <li>Gender refers to socially constructed differences between men and women.</li> </ul>	<p><i>Sex is biological</i></p> <ul style="list-style-type: none"> <li>Sex refers to the biological difference of being male or female.</li> </ul>
<p><i>Gender is relative</i></p> <ul style="list-style-type: none"> <li>Men and women have roles and activities that they are expected to perform. These are understood as normal because they are performed by the majority of men and women of all ages of a particular culture or place. These activities are categorised by gender-related rules that are formed by the people of that society and its history.</li> </ul>	<p><i>Sex is inherent</i></p> <ul style="list-style-type: none"> <li>Sex is linked to biological characteristics of being male or female. These traits are biologically inherent to each sex and not in relation to the other sex.</li> </ul>
<p><i>Gender is learned</i></p> <ul style="list-style-type: none"> <li>Gender is learned rather than taught. We learn from our parents and community members with whom we grow up.</li> <li>For example, when babies are born, they learn from their parents or guardians that they are a boy or a girl and by the age of 3 years they begin to classify who is male or female around them. They first learn by the way elders address them as being different between a baby boy and a baby girl, both in terms of the specific words used and in tone. When a baby understands that she is a girl, she learns what a girl does: what she should wear, what she should play with and what should she avoid. She learns these norms by observing her parents, elders and her friends.</li> </ul>	<p><i>Sex is intrinsic</i></p> <ul style="list-style-type: none"> <li>Sex is linked to biology and is not a learned state of being.</li> </ul>
<p><i>Gender roles vary by context</i></p> <ul style="list-style-type: none"> <li>Gender roles vary across regions, cultures and religions. Women in some cultures are not allowed to construct a house whereas in other cultures it is the responsibility of women to construct/build houses. Some religions prescribe which activities women should do and what defines the boundaries of women's identities. Roles of men are also described by some religious cultures. Among the rich and educated, men take part in household chores as well and women who also work outside their homes.</li> </ul>	<p><i>Sex is not context dependent</i></p> <ul style="list-style-type: none"> <li>Sex is linked to biology and not social roles. Biological characteristics based on sex may influence societal norms around gender roles, but these roles are constructed by people and not determined by biology.</li> </ul>

## TOOL 3

# GENDER NORMS AND VALUES

This tool allows participants to dive deeper into the socialisation of gender in their communities to understand the ways in which gender norms have shaped their thinking, behaviour and practices.

By the end of the session, participants should be able to make a distinction between the positive and negative norms and strategies about what needs to be done to deconstruct negative norms to achieve gender equality.



### Time

1-2 hours



### Objectives

1. To distinguish between positive social norms and negative or harmful norms.
2. To identify social norms which are becoming more or less commonplace.
3. To identify those norms which constrain or enhance the rights of women to land or resource tenure security.



### Training approach

- Group discussions
- Plenary discussion



### Materials

- Poster with list of social norms which inhibit women's resource rights and tenure security
- Flip charts
- Markers
- Cellotape

## TOOL 3

### Step by step guide

#### STEP 1

Prepare two posters in advance, one for **MEN** and one for **WOMEN**. Divide each poster into two columns, one labelled **POSITIVE** and the other **NEGATIVE**.

#### STEP 2

Introduce the concept of social norms as the shared ideas or standards of what is **socially acceptable** behavior. Social norms are held in common by groups, communities, or society as a whole. They are sometimes described as **informal or unwritten rules** of what **society expects** of us within social spheres.

Invite questions, comments, and discussion about the meaning of social norms to ensure good understanding of the concept.

#### STEP 3

Split participants into two groups based on gender. Give the members a set of sticky notes or cards for recording their responses. You may nominate one notetaker for each group, assign a team member to take notes, or allow the participants to write their own responses (depending on the participants and the situation). Nominate one moderator to facilitate the discussion for each group while you as the main facilitator lead the stepwise instructions.



#### FACILITATION TIP:

**This being a sensitive area, it is important to monitor discussions and keep members focused on the topic and not to mix in their feelings that can derail the group.**

#### STEP 4

First facilitate a discussion about **negative social norms** (these are easier to brainstorm!).

Ask each group to respond with respect to their own gender.

- Which social norms (commonly associated with this gender) bring negative or harmful outcomes to the person or to the community?
- What does it mean to be a negative role model?

Examples might include: alcoholism, aggression, philandering, gambling, or even speaking out of turn, showing off wealth, etc.

Ask the participants to record their responses on sticky notes or cards and affix them to the negative column. Give them 10 minutes to complete this exercise.



## TOOL 3

### Step by Step Guide

#### STEP 5

Next facilitate a discussion about **positive social norms**.

Ask each group to respond with respect to their own gender.

- Which social norms (commonly associated with this gender) are bring positive outcomes for the person or the community?
- What does it mean to be a positive role model?

Examples might include: being religious, being submissive or being outspoken, giving to charity or volunteering time, being a good father or nurturing mother, hardworking, etc.

Ask the participants to record their responses on sticky notes or cards and affix them to the positive column. Give them 10 minutes to complete this exercise.

#### STEP 6

Hang the posters side-by-side,

Invite the group moderators to present their posters to the plenary.

Allow the participants to react and comment on the posters.

#### STEP 7

Give the **MEN** group moderator a red marker and the **WOMEN** group moderator a green marker.

Ask the participants to select those social norms (for **MEN** or **WOMEN, POSITIVE** or **NEGATIVE**) which are losing in popularity, meaning that they are not as common or normative as they once were.

Ask the **MEN** group moderator to mark declining social norms with a **red X**.

Next ask the participants to select those social norms (for **MEN** or **WOMEN, POSITIVE** or **NEGATIVE**) which are becoming stronger or more commonplace, meaning that they are becoming more normative rather than exceptional.

Ask the **WOMEN** group moderator to mark strengthening **social norms** with a **green •**.

Allow the two moderators to take their seats.

#### STEP 8

Hang a new poster on the wall and facilitate a discussion about the social norms which have a relationship with women's resource rights ownership.

- Which norms and values inhibit women's resource rights and security in your community?
- Which norms enhance women's rights?

Note the discussion points on the flip chart paper and post to the wall.

the session with a facilitated discussion about how gender norms affect women's resource rights in their community. Are customary norms around women's rights to land, resources and property shifting or are they becoming stronger over time?

# TOOL 4

## CHANGING HARMFUL GENDER NORMS

By the end of this session, individual participants are expected to make commitments to change the harmful norms. This exercise is important given the understanding that personal change has the potential to include broader community and societal changes. The facilitator needs to emphasise the importance of personal and collective commitment to bring about transformative change.



**Time**

1-2 hours



**Objectives**

1. To understand that multiple factors can either enable or inhibit the changing of (harmful) gender norms
2. To analyse the stickiness of gender norms and strategize and plan how to get unstuck.



**Training approach**

- Group exercises and discussion
- Plenary exercises and discussion



**Materials**

- Two Flip chart papers (MEN, WOMEN)
- each divided into two columns:
  - 1) POSITIVE; and
  - 2) NEGATIVE
- Flip charts
- Sticky notes or colored cards
- Markers
- Cellotape

**TOOL 4****Step by step guide****STEP 1**

Pins a poster with notes on social norms that inhibit women's resource rights security.

Ask participants to add any other points that might have been left out.

**STEP 2**

Form two single sex groups (men and women). This allows women to freely discuss and share their opinions without any undue influence. Nominate a moderator and a notetaker for each group, or assign someone from the facilitation team to write.

**STEP 3**

Ask each of the groups to create a poster with two columns: (1) Norms not in favour of women's resource rights, and (2) Strategies for change.

Allow participants to discuss exhaustively. 30 minutes for discussions should be sufficient.

**STEP 4**

Bring the groups together and ask each to hang their posters. Invite each group to present their discussion points and facilitate a discussion between the two groups.

To facilitate, note the crosscutting strategies from the two groups and those which are different. Probe for more information to draw out the ideas behind the strategies.

Talk about sticky problems. These are problems which have no easy solutions that make everyone happy. Ask the participants to identify the especially sticky problems from their lists. How would they propose to get unstuck? What will be the consequences and how do they propose addressing these potential consequences?

**STEP 5**

Close the session by asking each participant to reflect on the discussions and share their perspectives and lessons. Ask each person to share one lesson learned.

TOOL 4

FACILITATOR NOTES

**Gender norms are powerful, pervasive values and attitudes.** Gender norms manifest at different levels, including within households and families, communities, neighborhoods and wider society. They ensure the maintenance of social order, punishing or sanctioning deviance from those norms interacting to produce outcomes which are frequently inequitable and dynamics that are often risky for girls and women. Like with all social norms, it requires sustained effort and time to change gender norms.

**Gender norms** are resistant to change because they are pervasive and largely invisible, considered **normal**, and are held in place by a web of behaviours, beliefs and institutions.

**Gender transformation** aspires to tackle the root causes of gender inequality. It moves beyond individual self-improvement among girls and women towards redressing the power dynamics and structures that serve to reinforce gendered inequalities. Many of these gender norms are reflected in social institutions such as labour markets and legal systems and therefore transforming gender norms is complex and requires **multi-sectoral approaches** across the socio-cultural systems.

**Transforming harmful gender norms**

Gender norms are most likely to change when:	Gender norms are least likely to change when:
<ul style="list-style-type: none"> <li>• There is no economic interest in the continuation of a practice or economic interest in changing norms/practices.</li> </ul>	<ul style="list-style-type: none"> <li>• There are strong economic interests in the continuation of a practice.</li> </ul>
<ul style="list-style-type: none"> <li>• No one's power is threatened by the change.</li> </ul>	<ul style="list-style-type: none"> <li>• Groups perceive their power and status to be undermined by the change.</li> </ul>
<ul style="list-style-type: none"> <li>• Only one key factor supports a norm.</li> </ul>	<ul style="list-style-type: none"> <li>• The norm is supported by multiple factors.</li> </ul>
<ul style="list-style-type: none"> <li>• There are no religious reasons for maintaining a practice.</li> </ul>	<ul style="list-style-type: none"> <li>• There are religious forces that support the practice.</li> </ul>
<ul style="list-style-type: none"> <li>• A critical mass (big group) has already changed their practice.</li> </ul>	<ul style="list-style-type: none"> <li>• Very few others have changed the practice.</li> </ul>
<ul style="list-style-type: none"> <li>• Role models and opinion leaders (religious leaders) promote the change.</li> </ul>	<ul style="list-style-type: none"> <li>• Change role models and opinion leaders oppose the change.</li> </ul>
<ul style="list-style-type: none"> <li>• Changing political or institutional contexts provides opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• Political and institutional environment is resistant to change.</li> </ul>



## TOOL 5

# ANALOGY OF GENDER BOXES

The Gender Box analogy relates gender norms and constraints to being boxed in and unable to escape. This exercise helps participants to understand the factors or issues that keep them in boxes and unable to break free. By the end of the exercise, the participants will be able to find ways to come out of the gender box.



### Time

1 hour



### Objectives

1. To identify the factors which shape gender norms through the analogy of a box, where these come from, and whether they can be overcome.
2. To reflect upon the factors which shape gender norms for the opposite sex and the consequences of remaining within the boundaries of the Gender Box.



### Training approach

- Dialogue
- Plenary discussion



### Materials

- Flip charts
- Manila paper
- Markers
- Cellotape

## TOOL 5

### Step by step guide

#### STEP 1

Organize the participants into pairs or single-sex groups of 3-4 people maximum.

#### STEP 2

Ask each group to discuss what people mean when they say: **Act like a man** or **Act like a woman**. Instruct the groups to reflect on this from the perspective of their own gender.

What does it mean to **act like a man** or **act like a woman**?

#### STEP 3

Explain the concept of a **Gender Box**. A Gender Box is like a box that constrains people to accepted gender norms and expectations.

#### STEP 4

Ask the groups to discuss amongst themselves the questions below. You may post all of the questions on a flip chart paper or PowerPoint slide for the groups to move through at their own pace, or facilitate step-by-step, allowing a few minutes for each question before reading the next question. Decide which approach would best suit the participants.

### DISCUSSION QUESTIONS

- Which factors might keep them in a Gender Box?
- Who are the people who push them into this Gender Box?
- Are these factors something that they were born with, or something that they can change to come out of the gender box.
- What are the consequences of not able to get out of the box?

#### STEP 5

Next, ask each group to think of the opposite sex, and repeat the same discussion.

- Which factors might keep them (the opposite sex) in a Gender Box?
- Who are the people who push them into this Gender Box?
- Are these factors something that they were born with, or something that they can change to come out of the gender box.
- What are the consequences of not able to get out of the box?





#### STEP 6

At the close of the group discussions, invite a few groups to share their most interesting lesson learned. Groups who do not wish to share can sit and reflect.

## TOOL 6

# UNDERSTANDING POWER

This tool helps to understand how power influences access, control, and ownership of women's resource rights at family and community levels. It also helps participants to understand that to address the root causes of gender inequality, power should be considered.

	<p><b>Time</b></p> <p>2 hours</p>
	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To understand the different meanings of power for personal, organisational, social or political change.</li> <li>2. To relate the different types of power to the exercise of (or violation of) women's land and resource rights.</li> </ol>
	<p><b>Training approach</b></p> <ul style="list-style-type: none"> <li>• Plenary discussions</li> <li>• Storytelling</li> </ul>
	<p><b>Materials</b></p> <ul style="list-style-type: none"> <li>• Flip charts</li> <li>• Manila paper</li> <li>• Markers</li> <li>• Cellotape</li> </ul>

## TOOL 6

### Step by step guide

#### STEP 1

Begin the session by asking participants to talk about their own experiences of power, disempowerment and empowerment using their own words before introducing to the theory of power. Invite a conversational discussion to set the tone.

#### STEP 2

Ask participants first on their own and then in pairs to discuss how power affects the challenges women and other groups face in exercising their resource rights.

#### DISCUSSION QUESTIONS:

- Can you identify some goals of women's resource rights programmes?
- What enables or prevents change from happening?
- How is this related to power and experiences of power?

Ask for 2-3 volunteers to share their answers in plenary.

#### STEP 3

Ask participants to think individually about a personal or professional experience in which they felt powerful, powerless, or empowered, preferably but not necessarily in relation to women's land rights. For example, a moment of conflict or discomfort at work; trying to make themselves heard in relation to power/authority/expertise; being in a position of power/authority/expertise; a situation in which they tried to have their rights recognised.

Allow the participants 3-5 minutes to reflect upon their personal stories and write notes for themselves if they wish. Encourage them to think about an experience that they are willing to share with others in the room.

#### STEP 4

Form small groups of 3-4 persons and assign one person the role of timekeeper.

Allow each person 3-4 minutes to share their personal story.

Advise the groups to allow each person to tell their story before moving on to interpretation and analysis. Remind the groups that sharing personal stories is voluntary.

#### STEP 5

After presentations, facilitate a discussion to draw out the different experiences of power, powerlessness, or empowerment in plenary.

In this step, the purpose is to draw out the different ways of understanding power and to challenge any assumptions that power is defined in only one way.



### STEP 6

Introduce some of the key concepts, theories and frameworks of power and help participants to make connections with the experiences they shared in order to deepen understanding.

Open the floor to questions, comments and discussion.

### DISCUSSION QUESTIONS:

- Are these concepts, theories and frameworks helpful? Why or why not?
- How do these concepts help to explain the experience of power and powerlessness represented in your own stories?

### STEP 7

Ask participants to select one of the stories shared and analyse where the visible, hidden and invisible types of power play a role, where they lead, and how these contribute to a violation of women's land rights. Give the groups time to discuss amongst themselves.

### STEP 8

Close the session with final comments or reflections from the audience.

---

## TOOL 6

## FACILITATOR NOTES

Women and men hold multiple roles and relationships with each, their level of power can vary. Power can be economic, political, social, cultural and symbolic. People are rarely powerful in (nor powerless across) all forms. Power is socially constructed. A person's experience of power can depend on their gender, race, class, age, or other social identities.

### Four types of power

- Controlling power, or "power over" others acts through rules and governing processes (visible), through determining who has the right to participate in decision-making and the settings in which people interact (invisible), as well as through the power to define what is possible, reasonable or logical within a given context through shaping ideologies of kinship, capitalism, religion, science and education (hidden).
- "Power with" describes collective action or agency and includes both the psychological and political power that comes from being united. It is often used to describe how those faced with overt or covert domination can act to address their situation: from joining together with others, through building shared understandings, to planning and taking collective action.
- "The power to empower", that is, the meaningful use of power to empower others, emphasises that those with power cannot disown it but should instead quietly accept it, and focus on using it sensitively and meaningfully to empower others.
- "Power within" describes the sense of confidence, dignity and self-esteem that comes from gaining awareness of one's situation and realising the possibility of doing something about it. "Power within" is a core idea in gender analysis, popular education, psychology and many approaches to empowerment.

Understanding power and how it functions is central to understanding how change happens and thereby uncovering the reasons for gaps between theory and practice, between policy and implementation, proposed solution and actual outcome.

- Spaces for participation are created from above, yet they do not lead to real change.

New institutional forms of democracy are promoted but are absorbed and reshaped by the contexts of power in which they sit.

These expressions are reminders that power can be used positively as well as negatively, by the disempowered as well as the powerful. They encourage us to think about power as something that can be galvanised to create strategies and pursue opportunities for change. The concepts are often used together: people need "power within" in order to act, and "power to" in order to act collectively, while the "power with" of shared understanding and action can also strengthen self-esteem and agency.

### Power has different faces, and characteristics




Invisible power: Shaping meaning and what is acceptable. Invisible power shapes the psychological and ideological boundaries of participation. Significant problems and issues are not only kept from the decision-making table but also from the minds and consciousness of those affected. By influencing how individuals think about their place in the world, this level of power shapes people's beliefs, sense of self and acceptance of the status quo. Processes of socialisation, culture and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe.

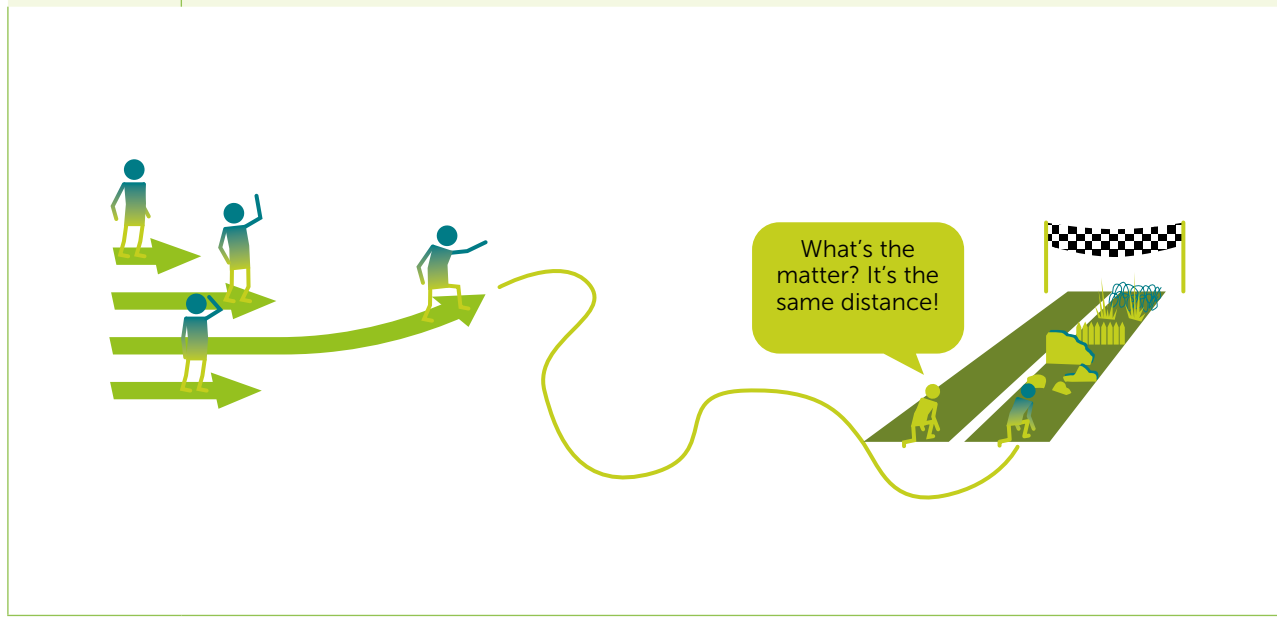
# TOOL 7

## WALK OF POWER

To demonstrate that there are many intersecting factors that may disable women from realising their resource rights eg, age, their gender sex, religion, marital status, education, economic status and leadership positions in the community.

The Power Walk is a fun and participatory activity often used to demonstrate social inclusion and exclusion. It can be used in formal meetings and trainings like in the workplace or at a conference, or can be used outdoors during community meetings or agricultural extension activities, for example:

	<p><b>Time</b></p> <p>30 minutes</p>
	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To demonstrate how social differences intersect with power and privilege.</li> <li>2. To discuss power, empowerment and disempowerment in relation to gender norms and land and resource rights.</li> </ol>
	<p><b>Training approach</b></p> <ul style="list-style-type: none"> <li>• Participatory activity</li> <li>• Plenary discussion</li> </ul>
	<p><b>Materials</b></p> <ul style="list-style-type: none"> <li>• List of prompts to read for the power walk</li> </ul>



## TOOL 7

## Step by step guide

## STEP 1

Prepare a set of Power Walk statements

You will need to prepare at least 5 to 10 statements; some Power Walks go up to 20 statements. These statements should include topics which address access, control and decision-making over:

- Social and political capital like access to political leadership or being in positions of power
- Physical assets as well as natural assets like land and natural resources.
- Human capital addressing education and training and human resources.
- Financial capital and access to financial services.
- Topics relevant to the project or program.

**NOTE cultural sensitivities around Power Walk Statements:**

Do not create statements which would cause embarrassment to any of the participants or only single out those who are vulnerable and disadvantaged.

Modification to the traditional Power Walk:

Another option is to conduct the Power Walk as a role play game so that people are not actually playing themselves but are rather playing a role in the community, project or organization. Examples: Farmer, Landless farmer, Landholder, Chief, Religious leader, Single mom, Headmaster or Chief Executive. Role playing can allow community perceptions to emerge, while still making everyone feel comfortable in a fun, friendly space.

## STEP 2

Assign number of steps for each statement

You will need to decide for each Power Walk statement whether this is something that would put someone forward in life or set them back in life? Whether this would put them one or two steps forward or some steps back. Assign the number of steps for each statement.

## STEP 3

Ask all the participants to line up in a horizontal line standing nearly shoulder to shoulder. Make sure that there is plenty of room for everyone to stand across the line horizontally and plenty of room to move forward.

*Be aware of cultural context if there are social norms or taboos about standing side-by-side in mixed gender groups, for example, or other social mixing. The Power Walk may not be an appropriate tool in mixed groups where social exclusion is normalized and could cause embarrassment.*

## TOOL 7

### STEP 4

#### Explain Power Walk concept

Explain that when we are born, we are all at the same starting place in life. From the moment we take our first breath, some people experience a more powerful life and begin progressing along the life journey with very few obstacles in their way. Other people will have many obstacles and challenges as they move along their life journey.

### STEP 5

#### Facilitate activity

Read each Power Walk statement one-by-one. Instruct participants to step forward or backwards for each statement.

Ask everyone to look around and have good time with this. Continue calling out the statements until you see a good amount of separation between participants across the line. You can continue reading statements until you reach the bottom of your list or until you see enough separation to demonstrate the point that people experience different powers and different challenges along life's journey and are no longer walking side-by-side.

### STEP 6

Notice how the participants are now scattered across the Walk of Power. Call on a few participants at different places along the line and ask them to reflect aloud on their position.

Questions to selected participants:

- Describe how you feel standing in this position compared to your peers.
- Do you feel like you are in a position of power? Why or why not?
- How does this power relate to your gender?
- How does this power relate to your resource rights?

Allow the participants to sit down.

### STEP 7

Close the session by talking about how power can be transformed. Remind the participants that power is not finite. Power can be transformed by sharing power and empowering others to develop their power with and within for greater social benefits.

Facilitate a closing discussion about how gender equity, legal empowerment (and economic empowerment) might have broader benefits for community wellbeing.

## Additional resources

IDS (2009) Power Pack: Understanding Power for Social Change. [www.powercube.net/wp-content/uploads/2010/01/PowerPack\\_web\\_version.pdf](http://www.powercube.net/wp-content/uploads/2010/01/PowerPack_web_version.pdf)

UNICEF (2020) Technical Note on Social Norms. Online: <https://www.unicef.org/media/104816/file/Gender-norms-technical-note-2020.pdf>


A Manual for Critical Discussions on Gender Norms, Roles and Relations Stephanie Leder, Dipika Das, Andrew Reckers, and Emma Karki. Accessed on Sex\_WLE%20Gender%20Training%20Manual.pdf: [https://wle.cgiar.org/sites/default/files/documents/Discussion%201\\_Gender%20versus%20](https://wle.cgiar.org/sites/default/files/documents/Discussion%201_Gender%20versus%20)

# Appendices



# ANNEX 1

## Sample of a will



THE REPUBLIC OF UGANDA  
**WILL FORMAT**

**THE SUCCESSION ACT CAP 162 AS AMENDED BY THE  
SUCCESSION (AMENDMENT) ACT No.3, 2022**

LAST WILL OF ..... (NAME) .....

I, .....(names).....of .....(address)

this .....(day).....of .....(month) .....20.....year

make and declare this my last will (and revoke all former wills) (or) make this codicil in addition to my former will.

1. I have the following children:-

.....

.....

.....

2. My wife(s) / husband/I am unmarried;

.....

.....

3. I have the following dependants;

.....

.....

4. I possess the following properties (i.e. Land, Shares, Vehicles, Bank Accounts e.t.c):-

.....(Description of property).....

.....

.....etc.

5. The following properties I give to my children;

(i) .....(description of property) for.....(names)

(ii) .....(description) for.....(names)

For my minor children(if applicable) I make the following provision:

(i) .....(description of property) for.....(names)

(ii) .....(description) for.....(names)

(a) I appoint .....(names) of.....(address)

to be the guardian(s) of my children. He/She shall be responsible for their proper education and upbringing.

(b) I give my dependants/relatives the following property.... (description of the property).....

.....

(c) My property at ....., I give to my wife.....(names).....

(d) I give my residential house to my wife/ husband until her/ his death.



6. I appoint ..... (names) of .....(address)  
 .....to be the executor(s) of my will.

7. I direct that my remains be buried at .....(place)..... (Give Proper Guidance)

8. I owe people listed below the money mentioned and direct repayment from  
 Account No.....at .....(bank)....., that is to say:-  
 a) ..... (names) of .....(address).....(amount)  
 b) ..... (names) of .....(address).....(amount)

9. The following people owe me the money mentioned, and I direct collection of that money.  
 a) ..... (names) of .....(address).....(amount)  
 b) ..... (names) of .....(address).....(amount)

c) I however forgive the following who are indebted to me:-  
 1..... (names) of .....(address).....(amount)

Dated at ..... (place) ..... the day..... (a month).....20.....  
 .....(Year) first –above mentioned.

Signed by the said.....(names).....(testator)

(Signature or thumb mark)

.....  
 Testator

**ATTESTATION OF WITNESSES**

1. In the presence of  
 Name .....  
 Address..... signature

2. In the presence of  
 Name .....  
 Address..... signature

NB:  
 1. The Testator and Witnesses must sign or thumb mark on each and every page of the Will as required by the new law.  
 2. The Testator shall not distribute in a Will the principal residential holding and other residential holdings.  
 3. The Testator shall provide for the spouse, lineal descendants and dependant relatives in the Will.

Prepared by Administrator General's Office

# ANNEX 2

## Samples of Ugandan marriage certificates



**CERTIFICATE OF MARRIAGE**  
THE MARRIAGE ACT

Serial No. \_\_\_\_\_

Mariages celebrated in the \_\_\_\_\_  
at \_\_\_\_\_ in the Republic of Uganda

No.	When married	Names and Surnames	Full age or Minor	Condition	Rank or Profession	Residence at time of marriage	Father's name and surname	Occupation, Rank or Profession of Father
No. _____ Date: _____ 20____								
Name of husband } Name of wife } Wit nesses }								

Married at... \_\_\_\_\_  
(or before) at \_\_\_\_\_

*Minister (or Registrar as the case may be)*


This marriage was celebrated between us. } \_\_\_\_\_

In the presence of us. } \_\_\_\_\_

*Witnesses*

Serial No. \_\_\_\_\_

FORM B



THE REPUBLIC OF UGANDA

### CERTIFICATE OF CUSTOMARY MARRIAGE

(Section 6 of the Decree)

Sub-County/City/Municipality/Township Register No. \_\_\_\_\_

Marriage celebrated at \_\_\_\_\_ in the Sub-County/City/Municipality/Township of \_\_\_\_\_  
(village)

in the County of \_\_\_\_\_ District of \_\_\_\_\_

	Date of Marriage	Full Name	Age	Status	Profession	Residence at time of Marriage	Father	Profession of Father
Husband .. ..								
Wife .. ..								

	Full Name	Age	Status	Occupation	Residential Address
Witness .. ..					
Witness .. ..					

This Marriage was celebrated between us \_\_\_\_\_ in the presence of us \_\_\_\_\_  
*Signature of Husband* *Signature of Witness*

\_\_\_\_\_  
*Signature of Wife* *Signature of Second Witness*

I, \_\_\_\_\_ Registrar of \_\_\_\_\_ Marriage District, do hereby certify that this is a true copy of the  
 (print in full Registrar's Name(s)).  
 entry of a marriage as shown above

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
*Registrar's Signature and Rubber Stamp.*

# ANNEX 3

## Facilitated piloting evaluation Pilot activity: Legal empowerment clinics

### 1. PARTICIPANT (COMMUNITY MEMBERS) EVALUATION

#### INSTRUCTIONS

*This section is intended to elicit feedback about the training workshop.*

*Facilitators should create a welcoming environment to receive honest criticism and recommendations for improvement (as well as positive comments!). The facilitator should be recording the information in the reporting template.*

Give each participant 1 smiley face card, 1 no reaction card and 1 frowning face card. If you cannot print these in advance, give each person 3 cards and ask them to draw 1 face on each card.

Explain that the **smiley face** means that they really enjoyed/appreciated the workshop. The **neutral face** means that they really have no positive or negative opinion about the workshop. The **frowning face** means that they have serious concerns or negative feedback.



**Question 1:** about the content

Ask participants to rate their opinions about what they learned. They will all hold up their cards in unison and the facilitator will count and mark the number of each type of card on the evaluation board. If you wish to have them close their eyes for privacy, this is okay. But ensure that all participants hold up their cards at the same time (no peeking at others!)

#### MODULE 1

Count the emoji cards and insert the count below:

Positive	Neutral	Negative

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins.

#### MODULE 2

Count the emoji cards and insert the count below:

Positive	Neutral	Negative

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins.

**MODULE 3**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins

**MODULE 4**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins

**MODULE 4**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins.

**MODULE 5**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

Ask 1 person with a positive response to explain.

Ask 1 person with a neutral response to explain.

Ask 1 person with a negative response to explain.

Invite discussion for up to 5 mins.

**MODULE 6**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins

**MODULE 7**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins

**MODULE 8**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins

**MODULE 9**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins

**MODULE 10**

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins

**Question 2:** about the training quality and workshop logistics

Ask participants to rate the training quality?  
Was the session well organized, well facilitated, and free of challenges?

Count the emoji cards and insert the count below:

<i>Positive</i>	<i>Neutral</i>	<i>Negative</i>

- Ask 1 person with a positive response to explain.
- Ask 1 person with a neutral response to explain.
- Ask 1 person with a negative response to explain.
- Invite discussion for up to 5 mins.

**Question 3:** about the participatory activities

- Ask the participants to discuss the participatory activities
- Which activity most facilitated their understanding of the topics?
- Which activity did they find most fun/enjoyable?
- Which activity made them most uncomfortable?

**Recommendations** for future trainings

Ask participants to provide recommendations about either the (1) content; (2) delivery; or (3) activities.

## 2. DEBRIEFING FOR TRAINERS

**INSTRUCTIONS:** *After the community participants have departed, the trainers should sit together for a debriefing meeting (30minutes). Assign a notetaker to complete the reporting template.*

*Discuss and debate critical feedback about each section of this learning module.*

**Question 1:** about the content

- 1a. How well the participants understand the content?
- 1b. Provide recommendations to improve on the module guide to improve participant understanding.

**Question 2:** about the level of participation among different types of participants

- 2a. How would you describe the level of participation in the demonstration activities?
- 2b. Was there a difference between men and women?
- 2c. Were there any marginalized groups who were not participating equally?
- 2d. Provide recommendations for better fitting this topic to different user groups.

**Question 3:** What went well/ Achievements

Discuss different facilitation elements such as content, facilitation methods, participatory activities, time management, etc.

- 3a. Ask the lead facilitator to describe what they think went well?
- 3b. Which elements were they most comfortable facilitating?

Then ask for the other trainers/observers to comment.

**Question 4:** Areas for improvement/ Gaps

Again discuss different facilitation elements such as mastering the content, engaging participants, time management, audible voice, control of the audience, etc.

- 4a. Ask the lead facilitator to describe which facilitation elements were most difficult to manage?
- 4b. What were some of the areas for improvement/gaps?

Note that the gaps may be external to the facilitator (topic does not fit the context, allocated time is not realistic, etc.).

Then ask for the other trainers/observers to comment.

**Question 5:** AUPWAE comments

After all the participants have given their comments, AUPWAE will provide theirs as well starting with what went well followed by areas for improvement or gaps.



### 3. OBSERVATIONS FROM PROJECT MANAGEMENT TEAM

**INSTRUCTIONS:** After the close of the event, reflect on the training event and provide your own observations, comments, and recommendations for improvement.

**Question 1:** about the content

- 1a. How well the participants understand the content?
- 1b. Provide recommendations to improve on the module guide to improve participant understanding.

**Question 2:** about the level of participation among different types of participants

- 2a. How would you describe the level of participation in the demonstration activities?
- 2b. Was there a difference between men and women?
- 2c. Were there any marginalized groups who were not participating equally?
- 2d. Provide recommendations for better fitting this topic to different user groups.

**Question 3:** Other comments and observations to improve the learning experience

Insert your own comments here

**Question 4:** Provide concrete recommendations for revisions to the training manual

Insert your own recommendations here

# ||| Bibliography



National Land Acquisition, Resettlement and Rehabilitation Policy

<https://cepiluganda.org/cepil-court-process/compulsory-acquisition-of-land-what-you-need-to-know/>

<https://www.mwe.go.ug/mwe/mwe-structures>

Lockwood, M., Davidson, J., Curtis, A., Stratford, E. and Griffith, R., 2010. Governance principles for natural resource management. *Society and natural resources*, 23(10), pp.986-1001.

Murphree, M., 2004. Communal approaches to natural resource management in Africa: from whence and to where? *Journal of International Wildlife Law and Policy*, 7(3-4), pp.203-216.

<https://www.mwe.go.ug/> <https://mlhud.go.ug/>

National Forestry and Tree Planting Act 2003. [https://www.nema.go.ug/new\\_site/what-we-do/](https://www.nema.go.ug/new_site/what-we-do/) <https://ulc.go.ug/about-us/mandate/> <https://mlhud.go.ug/lands-managment/district-land-boards/>

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Lambin, E.F. and Meyfroidt, P., 2010. Land use transitions: Socio-ecological feedback versus socio-economic change. *Land use policy*, 27(2), pp.108-118.

The National Land Use Policy 2006.

Randolph, J., 2004. Environmental land use planning and management. Island Press .

Zuazo, V.H.D., Pleguezuelo, C.R.R., Flanagan, D., Tejero, I.G. and Fernández, J.L.M., 2011. Sustainable land use and agricultural soil. *Alternative Farming Systems, Biotechnology, Drought Stress and Ecological Fertilisation*, pp.107-192.

*Constitution of the Republic of Uganda*, Paragraph XIII: available here, the principle is restated in Sub-Article 237(2)(b) of the Constitution.

The 1995 *Constitution of the Republic of Uganda The land Act Cap 227* as amended.



## INITIATIVE CONSORTIUM



The Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF) envision a more equitable world where trees in all landscapes, from drylands to the humid tropics, enhance the environment and well-being for all. CIFOR and ICRAF are CGIAR Research Centers.



Climate change, biodiversity loss, environmental degradation, and malnutrition. These four interconnected global crises have put at stake the wellbeing of our planet for years. Fueled by COVID-19, their impact on agriculture, landscapes, biodiversity, and humans is now stronger than ever. Reversing this negative trend is a challenge, but also an opportunity for bold choices and integrated solutions. Established in 2019, the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) was created to address these four crises, maximizing impact for change at key points in the food system.



The International Food Policy Research Institute (IFPRI) provides research-based policy solutions to sustainably reduce poverty and end hunger and malnutrition in developing countries. Established in 1975, IFPRI currently has more than 600 employees working in over 50 countries. It is a research center of CGIAR, a worldwide partnership engaged in agricultural research for development.

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