



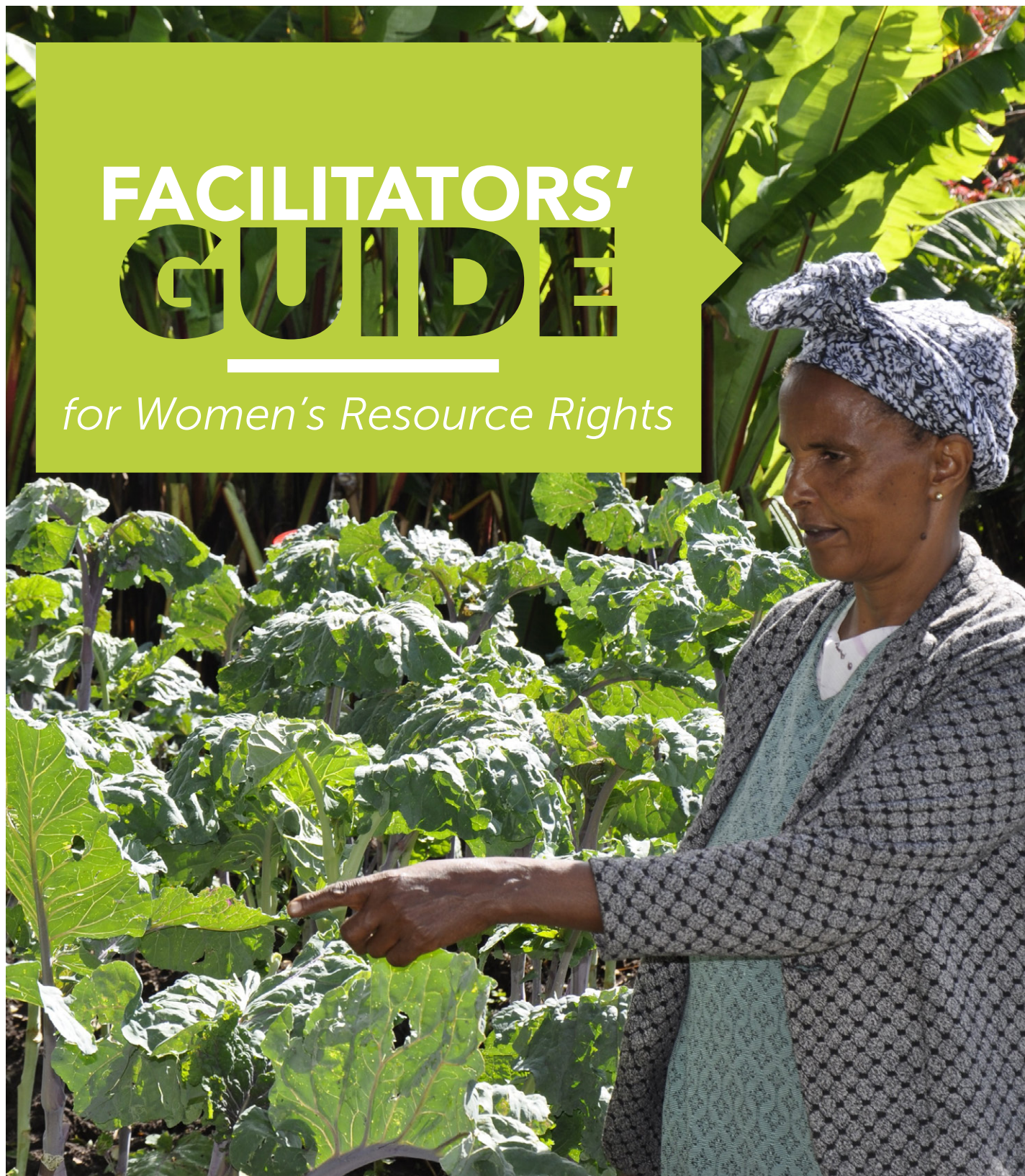
SECURING WOMEN'S
RESOURCE RIGHTS
THROUGH GENDER
TRANSFORMATIVE
APPROACHES



Investing in rural people

FACILITATORS' GUIDE

for Women's Resource Rights





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.org/wlr>

https://www.ifad.org/en/gender_transformative_approaches

GUIDE FACILITATORS'

for Women's Resource Rights

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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 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 that 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. (lii)To design and deploy innovative and participatory GTAs that contribute to the increased recognition and protection of WRR in targeted countries. (lv) 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. (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 facilitator's guide for women's resource rights through Legal Empowerment Clinic(s) 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 Legal Empowerment Clinic(s) is/are conceived as a modular training curriculum to be integrated into NOPP and MLHUD programming for civic education; gender, equity and social inclusion (GESI); and rural development.

Acknowledgments

We extend our heartfelt gratitude to the invaluable contributions and support from CIFOR-ICRAF (Center for International Forestry Research) for their funding, which made the development of this Facilitator's Guide possible. Recognition goes to Dr. Emily Ghallegher the project coordinator of this project in Uganda for steering this assignment to its logical conclusion.

Special appreciation goes to LANDnet Uganda, under the exceptional leadership of the Executive Director Ms. Lillian Achola, whose guidance and support were instrumental throughout this project. We express our deepest gratitude to Stella Rose Akutui for her unwavering commitment as the Project Lead for her exceptional dedication in steering this assignment to its success.

We also extend our sincere thanks to Judith Atukunda, Bethel Kisaarwot, and Rebecca Atayo for their invaluable expertise and tireless efforts in contributing significantly to the development of this guide.

We further extend our sincere appreciation to the Association of Uganda Professional Women in Agriculture and Environment (AUPWAE) team, composed of two remarkable individuals, Ms. Concepta Mukasa and Ms. Alice Tibazalika. Their dedicated efforts in conducting a comprehensive gender analysis in the respective districts greatly contributed to the development of this facilitator guide. Not only did they offer invaluable insights during the co-creation workshop, but they also played pivotal roles in organizing the ToT sessions and provided essential oversight and reporting throughout the pilot testing phase. Their contributions have been instrumental in shaping and refining this initiative.

Appreciation to the NLC represented by; Dr. Doreen Kobusingye, Ms. Immaculate Nalubyayi and Ms. Nivatiti Nandujja from ILC Global, representatives from the Ministry of Lands Housing and Urban Development; Mr. Richard Asiimwe, Mr. Emmanuel Mabala and Mr. Henry Walter Opyene, The representative from the NOPP project Ms. Plaxeda Sunday. The ToTs representatives from Kalangala and Buvuma district local government who provided immeasurable feedback during the validation exercise of the 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.

Structure of the Training Manual

Welcome to the Facilitator's Guide for Women's Resource Rights. This guide is designed to assist facilitators in conducting workshops and training sessions on various aspects of women's resource rights. The manual is organized into modules, each focusing on a specific topic related to women's resource rights and providing a step-by-step guide for effective facilitation. Structure of the Manual is divided into the following modules: Module 1: Understanding Human Rights, Module 2: Understanding Land and Natural Resource Rights, Module 3: Land Management Institutions, Module 4: Understanding Women, PWDs, and Youth Resource Rights, Module 5: Understanding Marriage and Property Rights, Module 6: Understanding Succession, Inheritance, and Will Writing, Module 7: Understanding Compulsory Land Acquisition and Dispute Resolution Mechanisms.

This module further provides a Step-by-Step facilitation Guide and notes to conducting effective training sessions. These guides include:

- Learning objectives
- Content outlines
- Suggested activities and discussions
- Case studies and scenarios
- Practical exercises
- Guidance on facilitating group discussions

Additional Resources like the appendices of this manual contain relevant legal documents, resource materials, and references to support your facilitation. Additionally, you will find contact information for organizations that can provide further assistance and resources.

We encourage you to adapt and customize this manual 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 manual is designed to assist you in that endeavor.

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

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	Uganda 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
SDGs	Sustainable Development Goals
VGGTs	Voluntary Guidelines on Responsible Tenure, Agriculture and Fisheries
MLHUD	Ministry of Lands Housing and Urban Development
DLBs	District Land Boards
ALC	Area Land Committees
MZOs	Ministerial Zonal Offices
DLOs	District Land Officers
NEMA	National Environmental Authority
NFA	National Forestry Authority
MWE	Ministry of Water and Environment
UWA	Uganda Wildlife Authority
MAAIF	Ministry of Agriculture Animal Industry 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

Human rights	Are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
Natural resources	Can be understood to be things that exist naturally.
Natural resource rights	Can be termed as those rights which enable one to have access, use, control and ownership of the existing natural resources.
A lawful occupant	Is a person occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928.
A bona fide occupant	Is a person who before the coming into force of the Constitution has occupied and utilized land unchallenged by the registered owner or their agent for twelve years or more.
A Tenant	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.
A Land Lord	This is a person who owns land and allows another person to use and occupy it for a fee.
Compulsory acquisition	Is the power of government to acquire private rights in land for a public purpose.
Natural Resource Management	Refers to the sustainable utilization, conservation, and management of natural resources, including land, water, minerals, forests, wildlife, and biodiversity.
Land use	Describes how people, groups, or governments use or allocate land for various tasks, activities, or goals.
Women's resource rights	Refer to the rights of women to access, control, and benefit from various resources, including land, water, forests, and other natural resources.
Gender	Refers to socially constructed differences between men and women.
Sex	Refers to the biological difference of being male or female.
Marriage	Is a legally recognized union between a man and a woman.
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.
Conflict Sensitivity	Is 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.
Alternative Dispute resolution	Is the process of solving conflicts or disputes between parties without resorting to litigation or court processes.

MODULE 1:

Understanding Human Rights





Rationale:

It's a foundational module and provides a solid foundation for advocating and protecting women's resource rights; therefore, including Human rights as a module helps ensure that the rights of women are upheld within the boundaries of the laws applicable.

Overview of the module

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.

Learning Objectives	Expected Outcome(s)	Estimated Duration
<ol style="list-style-type: none"> To understand the concept of human rights. To have knowledge on the types and principles of human rights. To be aware of the existing legal frameworks on human rights. To understand why the observance and enforcement of human rights is important. To know of the existing institutions that protect and enforce the observance of human rights. 	<p>Participants are able to clearly explain the concept of human rights and advocate for the enforcement and observance of the same considering the different geographic, social, economical and cultural contexts.</p> <p>Training Methodology</p> <ul style="list-style-type: none"> Lecture method. Question and answer session. Group discussions and activities. 	<p>2 hours</p> <p>Materials needed</p> <ul style="list-style-type: none"> Flip charts Manila paper Markers Sellotape

Step by Step Guide

- The facilitator should begin by asking participants what they understand by the term human rights, the types and principles of human rights before using the guide content.
- The facilitator should then go through the legal frameworks on human rights and ask participants if they know of any previously discussed. The facilitator should then refer participants to the additional reading material at the end of the module for further reading.

- Participants should be given an opportunity to talk about how they resolve human rights violations and the persons responsible in their community before talking about the institutional roles.
- The facilitator should form manageable groups and ask participants to discuss why human rights are important. The facilitator will then sum up the session with the content in this guide on why human rights are important.
- To sum up the session, an interactive session where participants and the facilitator talk about the contents of the module as a whole is detailed at the end of the module.

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.



Human Rights

Types of 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 include 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 include 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 include the right to culture in terms of belonging, practice and observation of the cultural norms and practices as long as they are not repugnant to the existing laws.

Principles of Human Rights

Universality

Brings out the principle that 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 on the basis of 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 to 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's right also affects the enjoyment of other rights.

It is important to note that these principles are provided for in International 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 every citizen's 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 it being the mother framework of other human rights instruments.

Legal Frameworks on Human rights

The legal frameworks on Human rights can be looked at in three broad categories namely; International, Regional and National frameworks.

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 that 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.

FACILITATORS NOTES

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.

NOTE: The topic for discussion at the community dialogue role play is based on the rights of women to own land in their own names.

Institutions responsible for the protection of Human Rights and their roles

Before we look at the institutions that promote and protect human rights, it is important to note that the purpose for protecting and promotion of 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 include but are not limited to;



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



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



3. **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 through making necessary arrests of persons suspected of violating human rights as per the Police Act, Cap 303.



4. **Civil Society Organisations:** These help in 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, providing free legal aid services to victims of human rights violations.



5. **Religious and Traditional Leaders:** These support victims of human rights violations by offering counseling and guidance, shelter, food, medical assistance among others.

Why are human rights important?

Article 20 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;

- Equality and freedom from discrimination.
- Right to life.
- Protection of personal liberty.
- Respect for human dignity and protection from inhuman 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 free from discrimination and similar practices.
- Rights of children which include food, shelter, clothing, medical care, education, care by their parents and not subjected 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.



Interactive Session

The facilitator should allow the participants to talk about the rights discussed earlier and give their thoughts, opinions and experiences on how they have interfaced with the observance, promotion and protection of the same.



ROLE PLAY

For this session, we shall base the role play on the right of freedom of speech.

Characters: Sarah (Community Woman Leader), James (Community Clan Head)

Scenario: During a community dialogue, Sarah expresses an opinion that some community members find controversial. James, the clan head, must navigate the situation by upholding Sarah's right to freedom of speech while ensuring a respectful and inclusive environment.

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 need to have a clear understanding of what these resource rights are to be able to demand for them.

It is also necessary to focus on the land resource because of the issues arising from the gender analysis that was performed by AWUAPE and CIFOR. Compulsory land acquisition is included because of the context in Kalangala and Buvuma. It is important that this be understood for purposes of relationships on land.

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 this critical subject.

Learning Objectives	Expected Outcome(s)	Training Methodology
<ol style="list-style-type: none"> To understand what natural resources and natural resource rights are. To get familiar with the legal and policy frameworks on natural resource rights in Uganda. To know the land tenure systems in Uganda with emphasis to Mailo land tenure. To acquire knowledge on how land is acquired in Uganda. 	<ol style="list-style-type: none"> Facilitators are able to teach others on natural resources and the rights attached to them. To be able to facilitate training sessions on the legal and policy frameworks on natural resource rights. To be able to share knowledge on the existing tenures and how land can be acquired in Uganda. 	<ul style="list-style-type: none"> Lecture method. Group discussions and activities. <p>Estimated Duration 2 hours</p> <p>Materials needed</p> <ul style="list-style-type: none"> Flip charts Manila paper Markers Sellotape

Step by Step Guide

- The facilitator should start by asking the participants what they understand by the term natural resources and natural resource rights before using the module content.
- The facilitator should then go through the legal framework while asking participants why they think these frameworks should exist.

- The facilitator will then talk about the tenure systems in Uganda. This should be an interactive session where they talk about the common tenure systems in their community
- The facilitator will then proceed to talk about how land is acquired in Uganda. Like the previous step, participants should also talk about how they think land is acquired in their community.



SCENARIO/ROLE PLAY

Title: "Community Meeting on Natural Resource Rights in Kalangala District, Uganda"

Scenario: A community meeting has been organized to discuss 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.

Characters:

James Sewankambo - A small-scale farmer and resident of Kalangala

Sarah Nakiboneka - A local government representative

Isabella Nalukenge - An environmental activist

David Ssekibira - A fisherman and community leader

Amina Nabacwa - A local business owner

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

Moderator (Facilitator): Ladies and gentlemen, thank you for joining us today to discuss the crucial topic of natural resource rights in Kalangala District. We have various stakeholders present, each representing different interests. Let's begin.

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."

What are natural resource rights and the legal and policy framework?

Natural Resources

Natural resources can be understood to be things that exist naturally. Natural resources in the context of Kalangala and Buvuma Island 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 who hold these resources like land 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 on 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 on 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 as highlighted below;

- 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, 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, 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, 2022 that provides for matters relating to succession.
- The Investment Code Act, 2019 that provides for coordination, promotion, facilitation, monitoring and evaluation of investments and investors.
- The Employment Act, 2006 that provides for laws governing individual employment relationships.
- The National Land Policy 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 NLP This Gender Strategy for National Land Policy Implementation is designed to fulfill the Government of Uganda's commitments to realizing gender equality in the implementation of the National Land Policy (NLP). 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 2010 An Act to provide for the establishment of a National Physical Planning Board; to provide for the composition, functions and procedure of the Board; to establish district and urban physical planning committees; to 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 An Act to [provide for and regulate the surveying of land.
- The Regulations 2021 that provides for procedures and necessary forms and documents for all land transactions.

Land Tenure systems in Uganda

Section 2 of the Land Act, Cap 227 provides for the types of tenure systems. There are 4 tenure systems in Uganda namely; customary, freehold, mailo and leasehold.



- **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** that involves holding of registered land in perpetuity with rights to deal with the land as the owner deems fit including but not limited to use, development, disposition by will, sell, leasing, mortgaging among others.
- **Mailo tenure** that originated from the 1900 Buganda agreement where registered land is held in perpetuity (forever) 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 Buganda Kingdom.

Under the Mailo tenure system and specifically in Buvuma and Kalangala districts, we have Public mailo and Private mailo explained below:

Public Mailo is owned by the Kabaka and Buganda Kingdom. This land cannot be bought and owned by individuals but can be leased for a specified period of time.

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 has to pay the premium and annual ground rent while for private mailo, one only pays the premium. The premium is 10% of the land's value while the ground rent is 1% of the premium.

Lawful and Bonafide Occupants

- Under this tenure system, we have two classes of occupants namely 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 has occupied and utilized land unchallenged by the registered owner or their agent for twelve years or more.

Bonafide Occupant: Kiwanuka is the registered owner of 640 acres of Mailo land in Kyanamukaaka in Masaka. Kiggundu entered and occupies 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 5 acres for 25 years and clearly qualifies as a bonafide occupant.

Non - bonafide Occupant: On the other hand, Kiggundu's neighbour, a one 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 bonafide occupant on Kiwanuka's land.

Rights and Restrictions of Tenants and Landlords on Mailo land tenure

Before we look at the rights of tenant and landlords, let us define these terms:



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.



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

Tenant /Occupant	Land Lord
Enjoy security of occupancy of the land.	Own the land.
Apply and acquire a certificate of occupancy for the land that he/she occupies as per Section 33 of the Land Act Cap 227	Lease, mortgage, pledge or sell the land.
May assign, sublet or sub-divide the tenancy with the consent of the landlord.	Subdivide the land for the purpose of selling or any other lawful purpose.
A lawful or bonafide occupant shall not be evicted from the land except upon an order from court and only for non-payment of ground rent	Pass on the land to any other person by will, gift or sell.
A tenant by occupancy who wishes to assign the tenancy shall give the first option of purchase to the owner of the land.	Yearly payment of rent from tenants who are legally on the land.
	Demand for rent unpaid for a period exceeding two years or more.
	Apply to court and get an order of eviction where the tenant is in breach of yearly rent payment.
	First option to purchase the interest of a tenant by occupancy.

- Leasehold tenure where the landlord grants the tenant exclusive possession of land for a defined period of time.

Volunteer 1 (Landlord): "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."

Volunteer 2 (Tenant): "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."

How Land is acquired in Uganda

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

- Purchase:** This 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 inter vivos:** 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 3 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.



SCENARIO

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 2 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.

3. **Inheritance:** This is a method of land acquisition where land is acquired usually after the death of the previous land owner. 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.

FACILITATOR'S NOTES

Note: A comprehensive discussion on inheritance will be found in the module on inheritance and succession.

Compulsory Land Acquisition in Uganda

Step-by-step Guide

1. The facilitator should commence the session by introducing themselves and clearly stating the objectives of the session to the participants.
2. The facilitator then moves on to provide the definition of compulsory land acquisition and its principles.
3. The facilitator should then discuss the steps taken to acquire land compulsorily by the government in Uganda.
4. Participants should then be organized to identify some of the cases of 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 taken 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 in regard to the 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 out and measured and a plan to be made if a plan of the land has not already 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 he did so.
- The Registrar registers the Land Commission as proprietor on the Register Book.

A ROLE PLAY



Part I:

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.

Part II:

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's now 10 years government has not given peter compensation and yet his land was taken from him.

Exercise

Identify some scenarios in Uganda where compulsory land acquisition has been done.

MODULE 3:

Natural Resources Management Institutions in Uganda



Rationale:

This is for the purpose of accountability, these institutions may be in existence but their roles may be not known to the citizens.

This module is included because of the key role that the institutional framework plays 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.

It is important to highlight the independence and the interconnectedness of these institutions in a bid to protect women's natural resource rights.

Overview of the module

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.

Learning Objectives	Expected Outcome(s)	Training Methodology
<ul style="list-style-type: none"> To understand both statutory and non-statutory natural resource management institutions in Kalangala and Buvuma. To highlight the roles of these institutions in natural resource management. 	<ul style="list-style-type: none"> Increased awareness and understanding of statutory and non-statutory natural resource management institutions in Kalangala and Buvuma. There is a clear delineation of the roles and responsibilities of these institutions in natural resource management. 	<ul style="list-style-type: none"> Lecture method Question and answer session Group discussions and a case study
Estimated Duration: 2 hours		Materials needed <ul style="list-style-type: none"> PowerPoint presentation Flip charts Manila paper Markers Sellotape

Step by Step Guide

1. The facilitator should commence the session by introducing themselves and clearly stating the objectives of the session to the participants.
2. The facilitator then moves on to provide a comprehensive overview of the natural resource management institutions in Kalangala and Buvuma that also relate to the national framework while emphasizing those on land.

3. The facilitator should then discuss the roles and responsibilities of these institutions in a detailed and understandable manner while relating them to the context in Buvuma and Kalangala.
 4. Participants should then be organized into smaller groups, encouraging discussions on specific institutions and how they interact with them in their day to day lives. This should also be guided by the case study given in the facilitator's notes.
 5. The facilitator should ensure that each group presents their findings and insights to the entire session and lead a facilitated discussion where participants can generate recommendations and actionable insights.
2. Providing 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 including: to avoid and minimize impacts, achieve restoration targets and for residual impacts, deliver biodiversity offsets.
 11. Ensuring that environmental awareness and literacy form an integral part of education and governance at all levels.

What is meant by 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, the focus is on the land 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 [2].

Principles of Environmental Management

According to the National Environment Act 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.

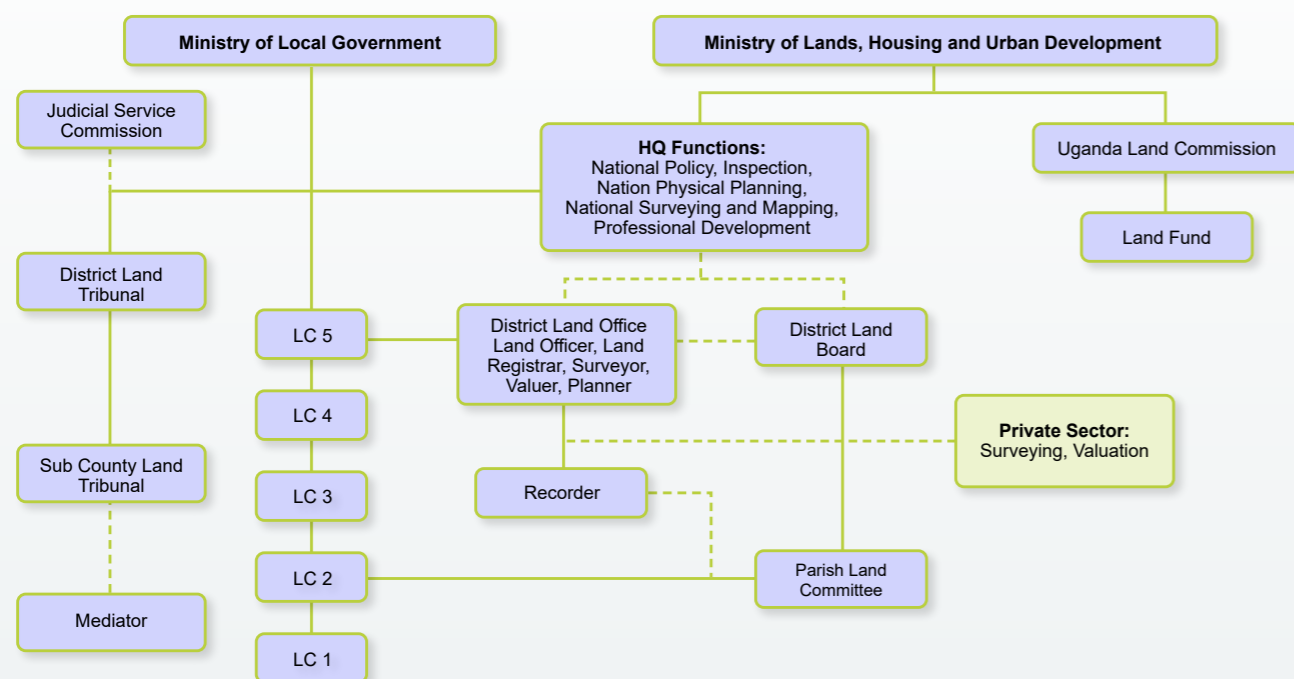
12. Requiring the cost of pollution to be borne by the polluter. Ensuring that environmental costs connected with the actual or potential deterioration of natural assets are factored into economic activities.
13. Promoting the use of economic instruments and compensatory measures in environmental management.
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 so as to guarantee the availability of support.

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 Development is charged with the overall responsibility as expressed in the organogram above. Here are the detailed roles of each of the institutions

1. **Ministry of Lands, Housing, and Urban Development (MLHUD):** To ensure a 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 a number of 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.

Natural Resource Management Institutions in Uganda

Statutory Institutions : Land



The organogram above also highlights some of the interlinkages with other existing political structures 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 programmes 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 **MoH, 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. **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.

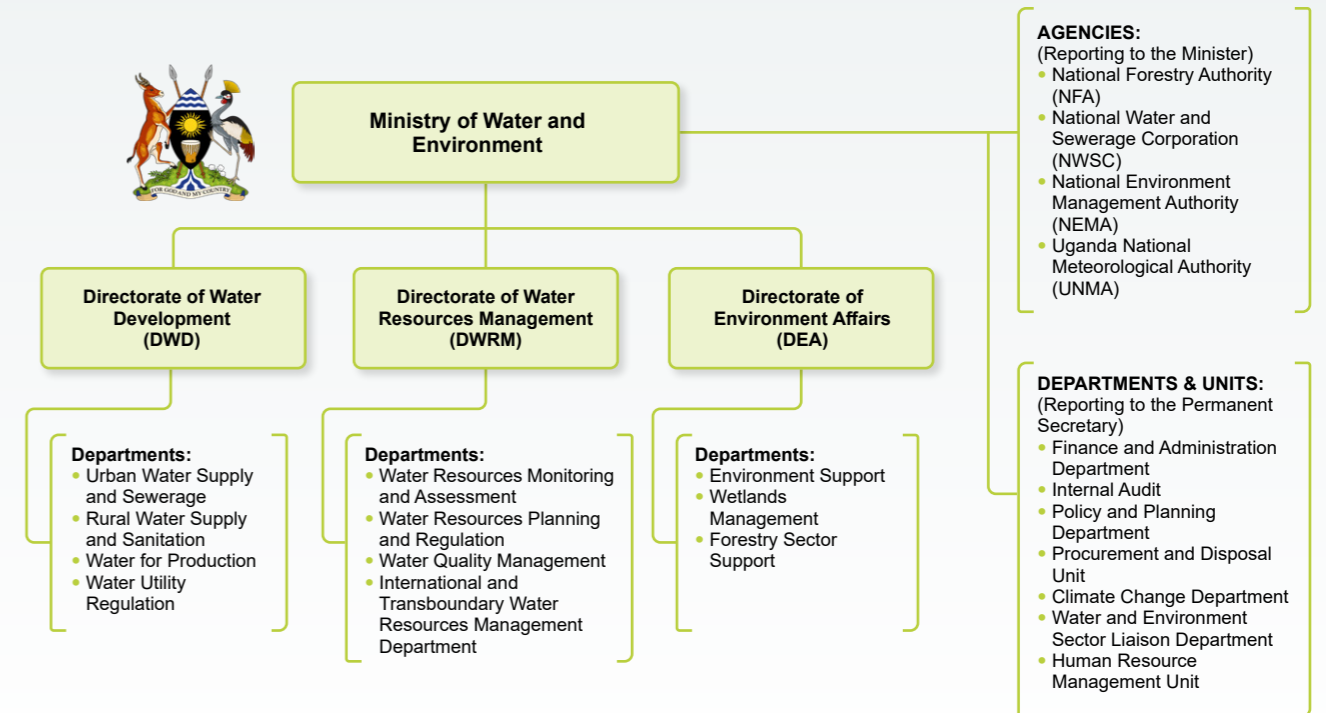


2. **The National Environment Management Authority (NEMA)**: NEMA responsible for the regulatory functions and activities that focus on compliance and enforcement of the existing legal and institutional frameworks on environmental management in Uganda. NEMA's mandate covers both green and brown issues 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.

The below chart presents an overview of the Ministry with Directorates, Departments, and linkages to committees and parastatal agencies under the Ministry.



Customary institutions of land administration

The Constitution recognizes cultural leaders that existed before its promulgation and creates space within which new traditional or cultural institutions can be recognized, as long as the communities concerned agree. Cultural leaders are the custodians of customary law within their respective communities. They are not homogeneous across Uganda and are as diverse as the communities that populate the country. As custodians of culture, they are expected to be aware of traditions relating to land management and control. For the case of Kalangala and Buvuma, it is the Buganda Kingdom that has most rights over the land and so institutions like the Buganda Land Board (BLB) are crucial as well as the leadership within the clan system in Buganda.

BUGANDA LAND BOARD (BLB)



Buganda Land Board (BLB) is a professional body set up by His Majesty the Kabaka of Buganda to manage land and property returned under the Restitution of Assets and Properties Act of 1993. Such property includes, among others, The Bulange, The Lubiri at Mengo, The Butikkiro, The Buganda Court Building, Kabaka's official 350 sq. miles of land, Namasole's 10 sq. miles of land, Bannaalinya's Land, Kabaka's Lake, Former Omulamuzi and Omuwanika's Official Residencies at Mengo, Land Adjacent to The Mengo Lubiri on which Buganda Ministerial Houses used to stand, all Bassekabaka's Tombs, Buganda Works Building at Kakeeka, Basiima House and Nnaalinya's House at Lubaga.

Furthermore, the assets under its mandate extend to include all those as outlined by the M.O.U between the President of Uganda and His Majesty the Kabaka. They include former estates of Buganda Kingdom comprising:

- Land in urban centres or towns.
- Land where former administration headquarters i.e. Countries and Sub-counties were situated.
- Land not claimed, utilized or occupied by any lawful or bonafide occupant.
- Land on Mityana Road (Jjeza Farm).
- Former Buganda Kingdom Markets.

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.

What institutions can she reach out to?

MODULE 4:

Sustainable Land Use Management





Rationale:

Based on the change in land use in the two districts, women now have small portions to grow food crops, it is therefore necessary to create awareness on how they can be able to use the small portions sustainably for economic empowerment.

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

Overview of the module

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.

Learning Objectives	Expected Outcome(s)	Training Methodology
<ul style="list-style-type: none"> To get familiar with the definition of land use and the various land use types in Uganda. To understand the relationship between land use and environmental conservation (land, gender and climate nexus). To understand the relationship between land use and Women Economic Empowerment (WEE). 	<ul style="list-style-type: none"> A comprehensive understanding of the definition of land use and recognition of the various land use types in Uganda Enhanced awareness of the intricate relationship between land use and environmental conservation, encompassing the intersections of land, gender, and climate. A clear comprehension of the connections between land use practices and Women’s Economic Empowerment (WEE), highlighting the role of land in fostering economic opportunities for women in Uganda. 	<ul style="list-style-type: none"> Lecture method. Question and answer session. Group discussions and a case studies.
		<p>Estimated Duration</p> <p>1 hour.</p>
		<p>Materials needed</p> <ul style="list-style-type: none"> PowerPoint presentation Flip charts. Manila paper. Markers. Sellotape.

Step by Step Guide

- The facilitator should 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.
- The facilitator should then present an overview of the various land use types in Uganda, including agricultural, residential, industrial, and conservation land use, and explain their characteristics.
- Encourage participants to ask questions and seek clarification throughout the presentation and then organize group discussions or activities that involve participants in identifying and discussing examples of different land use types in their local context.
- For the ToTs to understand the relationship between land use and environmental conservation (land, gender, and climate nexus), the facilitator should start by explaining the objective and its significance in addressing environmental challenges.
- Present information on the interconnectedness of land use, gender dynamics, and climate change within the context of environmental conservation and share case studies or examples illustrating how certain land use practices impact the environment, gender roles, and climate resilience.
- Facilitate discussions or group activities that encourage participants to explore the gender and climate dimensions of land use decisions and their environmental implications.
- Engage participants in brainstorming sustainable land use practices that promote environmental conservation, gender equality, and climate resilience.
- For the ToTs to understand the relationship between land use and Women’s Economic Empowerment (WEE), the facilitator should start by highlighting the role of land in women’s economic empowerment in Uganda.
- 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 and share success stories or examples of women who have benefited from improved land use practices or initiatives promoting women’s economic empowerment through land access from Buvuma and Kalangala.
- Facilitate discussions or group activities that encourage participants to brainstorm strategies for enhancing women’s economic empowerment through land use, including access to credit, skills development, and entrepreneurship.
- 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.

FACILITATOR’S NOTES

The term “land use” describes how people, groups, or governments use or allocate land for various tasks, activities, or goals [1]. It includes all of the different ways that people use and manage land for things like agriculture, habitation, industry, conservation, recreation, and more. 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.

Land Use and its types in Uganda

Broadly speaking, land utilization in Uganda can be divided into three components, 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. These are:

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

All these stress the need for Sustainable Land Use.

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

- Land use has a close relationship 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 how healthy and resilient the environment is.
- Climate change, through altered rainfall patterns and increased extreme weather events, disrupts land use practices, affecting crop yields and water availability, which in turn threatens 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.

Land use in relation to Women Economic Empowerment

- Climate change-induced disruptions in land-based income sources, like agriculture, can undermine women's economic empowerment by threatening their livelihoods 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 advancing women's economic well-being and resilience.

Exercise: Case studies

In the cases below, highlight what is sustainable land use and that which is not - give reasons.

1. In a rural village in Uganda, a large 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 practices 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 local 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.

MODULE 5:

Understanding Women's, PWDs And Youth Resource Rights





Rationale:

This module focuses on the rights of women to natural resources, as these are the target

beneficiaries of the initiative. The module is aimed at highlighting protections of those within the legal and policy framework, as well as the challenges faced and solutions available.

Findings arising from the gender analysis also indicate a huge difference in accessing and using land and natural resources by women as compared to their male counterparts, thus the focus on women.

Objectives

The facilitator's guide is meant for the creation of awareness-legal empowerment around women's resource rights, so it's prudent that this is included as one of the modules.

This module is meant to help participants understand what resource rights are and how they interact with their daily lives.

FACILITATORS NOTES:

Women's resource rights refer to 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.

The facilitator should be guided that in the National Objectives and Directive of State Policy of the Constitution, the State is tasked to "protect important resources including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda"

Materials needed:

- PowerPoint presentation
- Manila paper
- Marker Pens

Mode of delivery

- Discussion
- Role Play
- Group discussion

Time Duration: 2 hours

Step by Step Guide

Step 1: Ask Participants what they understand by the term resource rights and how they interact with them in their different communities.

Step 2: Ask participants to identify some of the resource rights that they have in their communities.

Step 3: Ask participants to identify some of the laws and policies that they know that protect women's resource rights i.e. International, Regional and National.

Step 4: Break participants in groups to discuss further women's resource rights and identify some of the challenges that women face in enjoying these resource rights and suggest possible solutions to the problems identified above

Step 5: Give groups 5 minutes to present their findings from the group work to others.

Key aspects of women's resource rights

1. Land Rights:

- A) **Land Ownership:** Women should have the legal right to own and inherit land and property independently of men. In many societies, women have historically been denied these rights hence making them less of human beings and yet the laws and policies provide for equality for all before the law in all aspects.
- B) **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.
- C) **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.

3. Forest and Natural Resource Rights:

- A) **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.
- B) **Resource Management:** Women's traditional knowledge and sustainable resource management practices should be recognized and integrated into conservation efforts.

2. Water Rights:

- A) **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.
- B) **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.

4. Fishery Rights:

- A) **Access to Fisheries:** In regions like Buvuma and Kalangala where fishing is a significant 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.
- B) **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.

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 isn't 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 property rights.



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

Policy and Legal Frameworks that Protect Women's Resource Rights

A) 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's 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:** This landmark document adopted at the Fourth World Conference on Women in Beijing in 1995 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.

B) Regional Instruments:



- 1. African Union Frameworks:** The African Union has adopted various protocols and frameworks which address women's resource rights:
 - Agenda 2030 (SDGs)** gives prominence to gender equality on land: Secure and equal access to land and other productive resources. Gives prominence to gender equality on land target 1.4 is on equal rights to economic resources and basic services including land ownership, while 2.3 is on doubling agricultural productivity through secure and equal access to land and other productive resources, and 5.a is on 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 is on access to justice, rule of law & accountable institutions.
 - Maputo Protocol 2003:** It grants women rights to access and control of the 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 are accessed by women.

- The AU declaration on Land issues and Challenges (2009)** resolved 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:** It 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 & food security.
- The Voluntary Guidelines on the Responsible Governance (VGGTs)** (although not legally binding), 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 cross-cutting way. The VGGTs recognise equality between individuals and explicitly highlight women's and girls' equal tenure rights as compared to men (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;** This is a country level assessment of the challenges that hinder women's realisation and enjoyment of their land rights, it goes a head to identify possible strategies that the different stakeholders can use to be able to find a solution to the challenges that hinder women's enjoyment of their land rights.

C) National Frameworks



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

A) **Constitution of the Republic of Uganda (1995)** which embodies far-reaching policy and legal reforms aimed at securing women's land rights, advance 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;

- **The Land Act Cap 227 as amended** provides in Sections 47(4),57(3) and 65(2) of the Land Act Cap 227 provide for women being 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 scenario of polygamous unions or cohabitation, consent of the spouse shall be sought.

- 1) Women shall be accorded full and equal dignity of the person with men.
- 2) 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.
- 3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.
- 4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.
- 5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
- 6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status. are prohibited by this Constitution.

- **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 policy implementation level. 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. And additionally, the policy has among its core principles, "Equity and justice in access to land irrespective of gender, age, disability.

- **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 legals and policy frameworks, advocacy efforts encouraging women to have control and ownership of resource rights eg, women participating in the land management institutions like ALC, DLB etc., there are still glaring challenges that have hindered their full enjoyment of resource rights as discussed below:

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:** these 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.

Possible 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 change 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.

This particular section is included to specifically pay attention to the unique land and natural resource rights of the PWDs, youth and other vulnerable groups as discussed below:



1. 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.
- 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 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.

2. THE YOUTH:

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

- 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.
- 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.



POWER WALK SCENARIOS:

This exercise is developed to enable participants understand that other than gender, there are several other factors that can intersect to hinder or give privilege some sections of people from the enjoyment of resource rights by women ie; Age, Religion, Marital status, education levels,

1. You are a widow, 4 kids, living in a slum in Kampala. You sell samosas at the market.
2. You are a boda driver. You live with your wife and 3 kids in a small house in Kampala.
3. You are a female secondary school teacher in Soroti. You have two kids. Your husband works at a small local business.
4. You are the 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.
5. You work as a 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.
6. You are a female district officer in Teso region, married, 2 kids.
7. You are a 10-year-old boy living in Moroto district. You herd your family's cattle during the day.
8. You are a 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.
9. You are a female University professor at Makerere University.
10. You are a male business man living between your two houses in Kampala and Nairobi.
11. You have an inherited walking disability, however that does not prevent you from work, travelling and earning. You have a wife and 3 children.
12. You are a bishop in Acholi region.
13. You are a very old man with no close family caring for you, working 24 hours as a guard.
14. You are a middle aged married woman with a successful clothes shop in downtown Kampala.

15. You are an 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.
16. You are a 28 year old male that is a son to the wealthiest man in the village. You currently help your father run his businesses.
17. You are an accomplished female lawyer with her own law firm that recently divorced her husband.
18. You are a celebrated and accomplished female journalist who has been publically buttered by her husband on several occasions.
19. You are a 15 year old orphan with 6 siblings. You are the oldest and are the head of the household.
20. You are a successful female doctor. You have been married for 10 years but have no children.
21. You are the area member of Parliament for Gulu Municipality.
22. You are a very wealthy 50 year old man with 4 wives. Each of these wives has a prestigious home of their own.
23. You are a clan head of your clan. You are in charge of managing all communally owned land in your community.
24. You are a 35 year illiterate male with no formal education whatsoever, however, you are the most successful farmer in your village.
25. You are a well-known male drug user that was banished from your family home and you currently reside in the slum with fellow drug addicts.
26. You are a 19 year old blind woman living in the village with your grandparents. You are unemployed and uneducated.

FACILITATORS TIPS:

Guiding questions for the facilitators to this exercise:

- Ask participants whether they can afford the basics of life in the role that they hold.
- Ask participants whether they can afford 3 meals a day
- Ask participants whether they can afford to go on vacation twice a year
- Ask participants whether they are able to take their children to a first class school to get an education.
- Ask participants whether their decisions are taken in a family meeting.
- Ask participants whether they can afford to pay their rent.

MODULE 6:

Understanding Gender and Social Norms, Power and its Dynamics





Rationale:

These are the no. 1 constraints to women enjoying their resource rights; therefore, a clear understanding of these norms is one way to ensure a transformation and a changing of mindsets.

There is a need to create awareness about power because most women in the different societies are not able to assert their rights because of a limited understanding of the power that is within them to create change.

Additionally, understanding the power relations and dynamics is crucial, as in most cases, women have limited power and agency to assert their resource rights.

Description of the module

Many times, gender is misunderstood and misinterpreted to mean women. This section in the module will provide knowledge and clarity about what Gender is by using understanding from their day-to-day experiences. It's intended to allow participants compare their own understandings of gender and what gender is. Selected tools are intended to keep the terminology simple and clear, especially to participants who may not have had any gender training beforehand or those who may want to have a refresher. There are a number of tools that have been proposed to build common knowledge of gender, norms and power and help participants to understand how these inhibit the achievement of women's land tenure security.

These include: Boy and Girl, Gender Vs Sex, etc and why for the purpose of this module we shall focus on boy and girl tool.

Materials needed:

- Pictures of a man and a woman drawn on a flip-chart paper
- Marker pens
- Flipchart cards
- Manila paper

Duration: 2 hours

Understanding Gender and Sex

Tool: Boy or Girl

This tool is meant to enable participants have a better understanding on why people prefer a boy or girl and why the preference and what values society has attached to each of the sexes and later on how this impacts on access, control and ownership of resources like land. This tool additionally allows participants to ponder on whether the societal preferences are static or they change and if so what needs to change to counter the stereotypes.

FACILITATORS TIPS:

Let the participants develop and come up with their own reasons; you should not interfere with the process, just guide them.

Step by Step Guide

Step 1: Randomly select 2 people to hold the pictures of the girl and boy. One holds the picture of a girl at one end while the other person holds the picture of the boy. The two pictures are shown to the rest of the participants.

Step 2: The facilitator then explains: "Imagine your doctor tells you that you have a medical condition and because of that condition, you can only have one child in your life.

Would you prefer to have, a boy or a girl child? (Represented by a picture of the boy and girl)

Step 3: Ask participants to move and stand by the picture of the child they want: a boy or a girl.

Step 4: Ask the girl group and the boy group to sit down separately in small groups to discuss the reasons they chose a boy or girl.

This discussion can be led by the facilitator but make sure you pick someone to take notes of the discussion, ideally on a big piece of paper, flip-chart or big Manila card.

Step 5: Ask each group to nominate a leader to present the reasons for picking a girl or boy to the rest of the participants.

Tool: Gender Versus Sex

This participatory tool helps participants to question their understanding of gender and Sex and how it influences the way they work.

By the end of the session, participants should have common knowledge on what gender and sex is and what it's not.

Objectives:

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.

Materials needed

- Manila paper
- Flip-chart
- Markers

Methodology

- Plenary
- Discussions
- Group discussions

Step by Step Guide

Step 1: Start by asking participants the following question: "Do you know what the difference is between sex and gender?"

Step 2: Prepare a poster with two columns, one labeled "sex" and the other "gender". Split the participant into two groups and ask each group to note down their responses.

Ask participants about their experiences with what defines being a man or being a woman. If their examples are related to character traits or tasks, then ask them to write them in the "gender" column. But if they relate to biological traits, write them in the "Sex" column. See example below.

Sex

- Biological, male and female
- Cannot be changed

Give examples below:

Gender

- Socially Constructed
- Can be changed Change

Give examples below:

Step 3: Facilitator explains gender and sex concepts to the participants to help them understand the differences.

The notes below are useful in explaining the differences.

Gender	Sex
Gender refers to socially constructed differences between men and women.	Sex refers to the biological difference of being male or female.
<p>Gender is relative</p> <p>Males and females have a list of activities they are expected to perform. Those activities are understood as normal because they are performed by the majority of males and females of all ages. These activities are categorised by gender-related rules that are formed by the people of that society and its history. Can you think of what men and women do in the community where you were born? Can you also think of what men and women do in the community where you currently live? Are there any differences?</p>	Sex is linked to biological characteristics of being male or female. This is inborn.
<p>Gender is learned</p> <p>Gender can be understood as learned rather than taught. We learn from our parents, community members that we grow up with. 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 are able to classify who is male or female around them. They first learn by the way elders address them as its different for a baby boy than 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 should she wear, what should she play with and what should she avoid? She learns the answers to these questions by observing her parents, elders and her friends.</p>	
<p>Gender roles vary in different places</p> <p>Gender roles vary across regions, class and religions. Women in some cultures are not allowed to construct a house whereas in other cultures it's the responsibility of women to onstruct/build houses. Some religions prescribe what activities women should do and what defines borders for women. 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 also perform work outside homes.</p>	

Step 4: Ask participants to share their experiences in relation to what has been explained around the gender and sex concepts. Close by asking whether participants have any questions about gender and don't confuse it with women.

FACILITATOR'S TIP:

Make sure that you end the session with a common understanding of the two concepts.

Tool: Gender Norms and Values

This tool allows participants to dive deeper into the socialisation systems to understand the gender norms that 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 on what needs to be done to deconstruct the negative norms to achieve gender equality.

Objectives:

This section helps participants to understand gender norms and values and challenge themselves on upholding norms that spur development.

Materials Needed

- PowerPoint slides
- Marker pens
- Flip charts
- Sticky notes
- Coloured cards

Duration: 1hr 30Mins

Methodology:

Plenary and Group discussions

FACILITATOR'S TIP:

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

Step by Step Guide

Step 1: The facilitator explains the social norms concept to the participants. Ensure that there is a good understanding of the concept among all. Allow participants to make contributions and note all their inputs on cards. Keep this discussion very broad to talk about all the norms and values that are held highly in their communities.

Step 2: Create a poster with two columns, one side labeled "Positive norms" and the other labeled "Negative norms".

Step 3: Split participants into two groups; ask each group to list up norms on each of the columns. Give them 15 minutes to complete this exercise.

Step 4: Group leaders present their discussions to the plenary. Allow participants to discuss and prioritise the ones that are very strong and the ones that are "losing" popularity. Note down the discussion points.

Step 5: Ask participants to point out norms that have a relationship with women's resource rights ownership. "What norms and values inhibit women's resource rights security in your community?"

The facilitator notes down all the discussion points and presents the poster on the wall.

Step 6: Ask participants to highlight how gender norms affect women's resource rights in their community.

Tool: Changing Harmful 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 commitment to a transformative change.

Objectives:

To understand that multiple factors can either enable or inhibit the changing of (harmful) gender norms and analyse the "stickiness" of gender norms and strategize and plan accordingly.

Materials Needed:

- Flip charts
- Marker
- Pens
- Sticky notes

Mode of Delivery:

Plenary and Group discussion

FACILITATOR'S NOTES

Gender norms are powerful, pervasive values and attitudes. Gender norms manifest at different levels, inclusion 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-ecological model.

Step by Step Guide

Step 1: The facilitator pins the poster with notes on norms that inhibit women's resource rights security. Ask participants to add any other points that could have been left out.

Step 2: Ask participants to split into two single sex groups; this is to allow female participants to freely discuss and share their opinions without any undue influence.

Step 3: Ask each of the groups to create a poster with two columns: "Norms not in favour of women's resource rights" and "Strategies for change". Allow participants to discuss exhaustively. 30 minutes for discussions should be sufficient.

Step 4: Each group presents to the rest and allow discussions. Facilitator notes down crosscutting strategies from the two groups.

Step 5: Ask each participant reflects on the discussions and the topic and share their perspectives and lessons.

Below are some of the strategies that can help change harmful norms.

Gender norms are most likely to change when:	Gender norms are less likely to change when:
There is no economic interest in the continuation of a practice or economic interest in changing norms/practices.	There are strong economic interests in the continuation of a practice.
No one's power is threatened by the change.	Groups perceive their power and status to be undermined by the change.
Only one key factor supports a norm.	The norm is supported by multiple factors.
There are no religious reasons for maintaining a practice.	There are religious forces that support the practice.
A critical mass (big group) has already changed their practice.	Very few others have changed the practice.
Role models and opinion leaders (religious leaders) promote the change.	Change role models and opinion leaders oppose the change
Changing political or institutional contexts provides opportunities.	Political and institutional environment is resistant to change

Tool: Analogy of Gender Boxes

This will help participants to understand the factors or issues that keep them in a box and making them unable to break out and by the end participants will be able to find ways to come out of the gender box.

Step by step guide:

Step 1: Ask Participants, when they say act like a man/woman in the community what do they mean

Step 2: Ask participants to identify all the factors that keep them in the gender box

Step 3: Who are the people that keep forcing women back to the gender box

Step 4: What are the consequences of women not able to get out of the box

Step 5: What are the negative consequences that men face in the gender box

Step 6: Ask participants whether those factors they were born with them and if not what can they do to change them and come out of the gender box.

Step 7: Give an example of the factors and what are the outcomes.

Tool: 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 taken into account.

Objectives:
To help participants understand the different meanings of power for personal, organisational, social or political change.

Steps 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 being introduced to the theory of power (see facilitator's notes below).

Step 2: Ask participants first on their own and then in pairs to think about the following questions and encourage them to think about the ways in which power plays a role in the challenges being faced.

– Can you identify some goals of women's resource rights programmes?

– What enables or prevents change from happening?

(Ask for 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 get their rights recognised.

FACILITATORS 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, etc.

In small groups of three to four, participants take turns to share their stories allowing 2-4 minutes per person.

Ask each group to have a timekeeper. Explain that sharing your story is voluntary and ask participants to refrain from moving on to interpretation and analysis of the stories.

Step 4: Reflection: After presentations, facilitate a discussion to draw out the different experiences of power, powerlessness or empowerment. At this stage, 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 5: 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. Some of the question to be asked include:

– What concepts, theories and frameworks are helpful?

– How do these concepts help to explain the experience of power and powerlessness represented in our stories?

Step 6: Ask participants to pick up 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.

There are four types of power:

1. **Controlling power (Power over):** The power over others 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).
2. **“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.
3. **“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.
4. **“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 in theorising change to understand 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 dis-empowered 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 characteristic ranging from:

Visible power: observable decision-making. Visible power describes the formal rules, structures, authorities, institutions and procedures of political decision-making. It also describes how those in positions of power use such procedures and structures to maintain control. Visible power is countered with strategies of political advocacy and seeking access to formal decision-making processes.

Hidden power: setting the political agenda. Powerful actors also maintain influence by controlling who has access to the decision-making table and what is put on the agenda. These dynamics operate on many levels, often excluding and devaluing the concerns and representation of less powerful groups.

Responding to hidden power focuses on strengthening organisations and movements of the poor, building collective power and leadership to redefine the political agenda, and raising the visibility and legitimacy of issues, voices and demands that have been silenced.

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.

Walk of power exercise

This is meant to enable participants understand 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.

Additional resources

IDS (2009) Power Pack: Understanding Power for Social Change. 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: https://wle.cgiar.org/sites/default/files/documents/Discussion%201_Gender%20versus%20Sex_WLE%20Gender%20Training%20Manual.pdf

MODULE 7:

Understanding Marriage and Property Rights





Rationale:

The inclusion of the module on succession and inheritance in the curriculum is because this is one of the major ways through which land is passed on to the next generation, both in marriage and in families where women come from in Africa.

Additionally, there is a new amendment called the Succession Amendment Act 2022 and it has some changes that need to be popularized and has implications for the succession and inheritance discourse, especially for women and girls.

Module Overview

This module is intended to educate participants and guide the ToTs on the legal aspects and implications of marriage in relation to property rights, highlighting the legal and policy frameworks that protect the marriage institution.

Expected outcomes

- Clear understanding on the legally accepted marriages in Uganda
- A deeper understanding of the implication of marriage to property rights and the legal and policy frameworks that protect marriage in Uganda.

Methodology

- Lecture
- Discussions
- Question and Answer
- Experience Sharing
- Role Play

Time Estimate

3 hours

Step by Step Guide

1. Start by asking participants what they understand by Marriage?
2. Guide the participants on what constitutes a marriage in Uganda
3. Ask participants to name some of the types of Marriage legally accepted in Uganda
4. Ask participants to share experiences on how marriages are conducted in their communities.
5. Ask them what steps they follow in conducting the different types of marriages practiced in their communities.
6. Guide the participants into highlighting the Legal Frameworks that protect Marriage.
7. Guide participants in understanding the different types of property,
8. Define marital property, joint ownership, separate property,

What is Marriage?

A marriage can either be monogamous or polygamous in nature.

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

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

TYPES OF MARRIAGE LEGALLY ACCEPTED IN UGANDA

There are five forms of Marriages recognized in Uganda and they are:

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



A) CUSTOMARY MARRIAGES

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.

- i) It 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.
- ii) It 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.
- iii) Registration. Parties to a customary marriage have to 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 it but may attract a penalty for 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 they can be issued one.



B) CIVIL MARRIAGE

In Uganda, a civil marriage is legally binding. This type of marriage is conducted by an official registrar of marriages and takes place at the office of the registrar of marriages. Marriage ceremonies at the district level are performed by the Chief Administrative Officer (CAO).

Requirements for a civil marriage.

- i) The law states that you must be at least 18 years old at the moment of registering the marriage,
- ii) 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.
- iii) 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.

- iv) All the required fees must be paid during the marriage registration to ensure spouses are able to get their marriage certificate.
- v) 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.

The documents that must be submitted by those that want to conduct a civil marriage are;

Documents required

- 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.



C) 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 8 o'clock in the morning and six o'clock in the 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.

- a) **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.



- b) **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.
- c) **Sex:** Parties must be male and female.
- d) 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.

D) ISLAMIC MARRIAGES.

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

- a) Mutual agreement (Ijab-O-Qubul) by the bride and the groom.
- b) Two adult and sane witnesses.

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



SCENARIO: Identify what's wrong with this scenario inline with the requirements of a proper church marriage.

Mr Peter Lukwago decided to get married to his girlfriend Stacie in one of the newly opened churches in his village in Kyanamukaaka, the church has been in existence for only 2 days but because they were so much in love and couldn't wait, they got married at 7pm because it rained that day so heavily and they could not postponed the wedding to another day. Lukwago and his girlfriend did not get their parental blessings, they got married just the two of them plus the pastor. They never even got a certificate after their marriage because the pastor told them they didn't have them at that time.

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.

In order 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 or not there is also land from which she or he derives sustenance.

Section 38A of the Land Act. Security of occupancy.	Section 39 of the Land Act. Restrictions on transfer of family land.
<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– (a) on which is situated the ordinary residence of a family; (b) on which is situated the ordinary residence of the family and from which the family derives sustenance; (c) which the family freely and voluntarily agrees shall be treated to qualify under paragraph (a) or (b); or</p> <p>(d) Which is treated as family land according to the norms, culture, customs, traditions or religion of the family; “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; “land from which a family derives sustenance” means– (a) land which the family farms; or (b) land which the family treats as the principal place which provides the livelihood of the family; or (c) land which the family freely and voluntarily agrees, shall be treated as the family’s principal place or source of income for food.</p> <p>(5) For the avoidance of doubt, this section shall not apply to spouses who are legally separated.</p>	<p>(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.</p> <p>(2) The consent required under subsection (1) shall be in the manner prescribed by regulations made under this Act.</p> <p>(3) Subsection (1) of this section shall not apply to any transfer of land by the mortgagee in exercise of powers under the mortgage.</p> <p>(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.</p> <p>(5) A consent referred to in subsection (1) shall not be unreasonably withheld.</p> <p>(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.</p> <p>(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).</p> <p>(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.</p> <p>(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</p>

MODULE 8:

Succession, Inheritance and Will Writing to Protect Property Rights





Rationale

The inclusion of the module on succession and inheritance in the curriculum is because this is one of the major ways through which land is passed on to the next generation, both in marriage and in families where women come from in Africa.

Additionally, there is a new amendment called the Succession Amendment Act 2022 and it has some changes that need to be popularized and has implications for the succession and inheritance discourse, especially for women and girls.

Module overview

This module is expected to create awareness on the subject matter of Succession, inheritance and their implications to property rights for women. Furthermore, this module will also discuss the intricacies around will writing for the protection of women's resource rights.

Expected outcomes

- Awareness of Succession and inheritance
- A deeper understanding on will writing, the contents of a will, rules that govern will writing.

Methodology

- Lecture
- Open Discussion
- Question and Answer
- Experience Sharing

Time Estimate

3-4 hours

Step by Step Guide

1. Ask participants what they understand by the key terms; Succession, Inheritance
2. Ask participants to identify some of the forms of Succession that they know of.
3. Ask Participants to identify some of the legal frameworks that protect women's inheritance and Succession rights.
4. Ask participants to act out a scenario on equal inheritance of property.
5. Ask participants to share real-life examples of how such legal provisions have helped in ensuring equal access to inherited resources.
6. Divide participants into 2 or 3 groups: **Group 1** - discuss experience with those what a Will is and who can make a will, **Group 2**- Discuss What rules govern the making a valid will, Contents of a will and Group 3- discuss the advantages and disadvantages of writing a will?
7. Guide the participants to understand the circumstances when a will can be challenged or canceled, How to carry out a will after a person has died.
8. In an open discussion, ask participants to identify the implications of writing or not writing a will to women's land rights.

FACILITATOR'S NOTES:

For most Ugandans, inheritance happens according to culture and may be overseen by customary leaders. Few Ugandans make a will that reflects 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. 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.

There are two types of ways in which a deceased person's property may be distributed under the law and these include; Testate and intestate 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.

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

- i. 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.
- ii. The testator MUST sign or mark his/her will in the presence of two or more witnesses.
- iii. Both witnesses must be adults (i.e., older than 21) of sound mind
- iv. The witnesses should not be beneficiaries of the will (i.e., people who will get something from will)
- v. The two witnesses must both be present when the testator signs the will.
- vi. The two witnesses must see the testator sign the will.
- vii. If the will is more than one page, the testator should sign each page to guard against forgery.
- viii. The will must be dated to ensure its validity.

FACILITATORS TAKE NOTE:

Remember that 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. In this 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, log books for vehicles, an employment contract showing you are entitled to gratuity, share certificates, etc.

What Goes in 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:

- i. 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.
- ii. 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.
- iii. Names, ages, and dates of birth of any children and a note as to whether they are biological or adopted.
- iv. Personal details of any other dependants.
- v. Clear and detailed description of the property.
- vi. How the property should be divided among the beneficiaries.
- vii. Guardians for minor children who will be responsible for looking after the children of the testator who are still younger than 18 years old.
- viii. Aspects dealing with the burial.
- ix. The name of the customary heir.
- x. 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.
- xi. 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.
- xii. The names and signatures of not less than two witnesses.

- xiii. 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 canceled 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.

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 as seen below:

- **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:

20% of the deceased's estate shall not be distributed but shall be held in trust for the education, maintenance and welfare of children still in school.

BENEFICIARY	SHARE
Spouse (s)	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's 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 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 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 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.

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 Getting 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 on the basis of 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: If it is 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 5 million UGX anything more → High Court.

Step 4. The close adult relative places an advertisement in the newspaper that s/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 DECEASED ACCOUNT. So many people think that their next of kin is the automatic heir to their account. But the truth is that if your next of kin is not a signatory to your account, and you don't have a written will to determine that person's legitimacy, the person will not have access to that money at all.

Your bank will have to go through a process called a LEGAL PROBATE. This probate period helps them determine who gets the money in your account.

This is a very lengthy and expensive process. Even after the whole process is done, your family will have to forfeit some reasonable amount of the money for legal fees. But if you want to avoid this, simply request for your bank to give you something called a POD form. POD stands for PAYABLE ON DEATH. The name of the person you fill in that POD form will determine who will get your money. All the person needs to bring is a death certificate to get that money out.

With a POD form, you will save your family the stress of going through all that lengthy legal process and even losing some money to the law.

SCENARIO ON EQUAL INHERITANCE RIGHTS:

In a family meeting, three siblings - Namata Sarah (a young woman), Kasozi Alex (a person with disabilities), Bosco Sentongo (Married but no children) and Nantale Brenda (a mother of two) - are discussing their parents' will and the inheritance of the family property after the death of their parents. The scenario highlights the importance of equal inheritance rights.

Role Play: Characters:

Sarah: A young woman who believes in equal inheritance rights and wants her fair share.

Alex: A person with disabilities, who faces opposition from family members due to their condition.

Brenda: A mother of two, who values traditional family norms and believes that her children should inherit more.

Bosco: Who doesn't believe in the young ones having the same size of share as the older ones..

Legal Advisor: An impartial lawyer who provides guidance on inheritance laws.

Scene: Family Meeting Room(Dialogue):

Sarah: (Assertively) "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: (Nervously) "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."



SCENARIO ON EQUAL INHERITANCE RIGHTS:

Mukasa is married to Mary in a church ceremony and their family has been blessed with 4 beautiful children, 2 boys and 2 girls. The girls are aged 25 (Nantongo), 17 (Nakamate) and the boys are aged 30 (Ssenabulya) and 36 (Kerispo).

Nantongo wants to get married to her long time boyfriend Isaac. Her parents have given their consent for her to get married since she is of age. Isaac was able to pay half of the dowry he was given and are living happily and Isaac is boasting in the whole village how he has officially and fully married Nantongo.

Mukasa is planning to marry another wife (Birungi) customarily and he has finished to pay all the dowry and have 2 children (Namata and Lutalo).

Kerispo also marries Nalule and pays all the dowry but feels he should marry another wife Namaganda but Nalule refuses to give her consent, Kerispo then decided to walk away and leave Nalule in the matrimonial home and starts staying alone.

Mukasa passed on an old man and he did not write a will and yet he had many dependents. Mary Mukasa's first wife runs to the LC to guide her on how her husband's property will be distributed amongst his children, dependants, relatives and wives. Because she insists that Birungi and her two children, Namata and Lutalo should not get any share but was not sure why they should not get.

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

Finally, Mary

MODULE 9

Conflict Sensitivity





Rationale

This is important for raising awareness of the fact that our different interventions may intentionally or unintentionally escalate conflicts hence the need to adhere to the basic principles of conflict sensitivity when implementing all project activities, e.g., inclusiveness, participation, transparency, and responding to the different needs of both genders.

What is Conflict Sensitivity?

This module aims to provide participants with a comprehensive 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.

Methodology	Materials needed
<ul style="list-style-type: none"> Lecture Group work Case studies 	<ul style="list-style-type: none"> Flip charts Markers Cards Manila papers
Time Allocation: 2 hours	

Step by step guide

- Ask participants what conflict sensitivity is and why its important?
- Ask participants to identify the principles that one needs to adhere to be conflict sensitive?
- Guide participants on the steps to take while being conflict sensitive?

What are the principles of conflict sensitivity?

There are some **guiding principles** for working in a conflict sensitive way. These include:

- **Participatory process.** This is ensuring that all relevant stakeholders take part in decision making processes and influence the interventions at every stage.
- **Inclusiveness of actors, issues and perceptions.** This includes 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.** Apply 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 with 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 are the steps to being conflict sensitive?

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 you might not understand the conflict dynamics. Equally, not understanding the needs, daily routines and the values and beliefs of the local populations might render your interventions irrelevant for the target groups.

On the positive side, if a context is well understood, interventions related to natural resources have the ability to contribute to peace, such as 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.

Conflict Sensitivity comprises of three steps:

1. Understand the context in which you are operating in so as to be 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 our interventions could have on that context, and
3. Acting upon that understanding, in order to make the necessary changes to one's intended interventions in order to avoid unintentionally having negative impacts on the project area, and to maximize the contribution to strengthening social cohesion and peace.



ROLE PLAY EXERCISE:

This scenario will be focused on conflicts on land.

Participants will represent different stakeholders, including government officials, local communities, investors and private companies.

The role-play revolves around the management of a natural resource, such as water or land. Village Z located in a fishing community has been a refugee camp for the past 5 years. International and national agencies have been distributing relief items to the refugees 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 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 access the land occupied by the refugees in a bid to enhance their economic well being through farming.

The goal is to identify potential sources of conflict, unintended consequences, and ways to mitigate them.

What considerations have to be met in order to have an effective conflict analysis process?

Who are the actors, what are the causes and dynamics in the scenario?

What are the possible solutions to the conflict(s) in the scenario?

MODULE 10:

Dispute Resolution Mechanisms





Rationale

This is crucial because women need to understand the different referral pathways available to them in case disputes arise over natural resources.

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. ADR has become increasingly popular and is an essential skill set for individuals in scenarios where dispute resolution plays a crucial role.

Learning Objectives

- To understand what Alternative Dispute Resolution is and its different types.
- To be able to familiarize with the Legal Framework governing Alternative Dispute Resolution in Uganda.

Expected Outcomes

- To be able to facilitate a training on Alternative Dispute Resolution.

Training Methodology

- Lecture method.
- Question and Answer Session.
- Role plays.
- Group discussions and activities.

Estimated Duration

2 hours

Materials needed

- Flip charts.
- Manila papers.
- Markers.
- Sellotape.

Step by Step Guide

1. Ask participants what they understand by the term Alternative Dispute Resolution and the different types.
2. Ask participants whether they know of any legal frameworks that provide for Alternative Dispute Resolution.
3. Take the participants through the training content.
4. Get participants into groups to discuss and present the exercise at the end of the module.

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 of the examples of alternative dispute resolution mechanisms?

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, signaling 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

1. **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.
2. **Faster Resolution:** Mediation often results in quicker resolutions than going through the court system, which can be time-consuming and subject to scheduling delays.
3. **Cost-Effective:** It is usually less expensive than litigation because it requires fewer resources, such as legal fees and court costs.
4. **Preserves Relationships:** Mediation can help preserve relationships, as it focuses on communication and understanding rather than “winning” or assigning blame.
5. **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.
6. **Confidentiality:** Mediation is a confidential process, which can encourage open and honest communication between parties.
7. **High Success Rate:** Mediation has a relatively high success rate in reaching agreements because it encourages cooperation and compromise.
8. **Reduced Stress:** Participants often experience less emotional stress compared to going through a court battle.

Disadvantages

1. **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.
2. **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.
3. **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.
4. **Mediator Biases:** While mediators are supposed to remain neutral, there is a risk of bias, which could impact the fairness of the process.
5. **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.
6. **Cost of Mediator:** Although mediation is generally less expensive than litigation, there is still a cost associated with hiring a mediator.
7. **Resistance to Participation:** Some parties may be unwilling to participate in mediation, and it cannot be forced upon them.
8. **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.

FACILITATOR'S NOTES

Please 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.

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 S.I 71-1, specially Order 12 and 47 that provide for a Scheduling Conference and Alternative Dispute Resolution.

Discussion Group Work

- Have the participants give examples of conflicts/disputes they were involved in. This should be from willing participants.
- Form manageable groups and have them discuss the dispute and what mode of Alternative Dispute Resolution they would opt for.
- Then members in the group have role plays of persons involved in the dispute resolution mechanism chosen for example one could be a party with a dispute, mediator, negotiator or conciliator.
- All groups should then present what happened during their group work and share lessons and challenges with other groups.

Additional Group Work

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.


What form of dispute resolution mechanism would you recommend?

What steps/considerations would you take to ensure that the conflict resolution process is successful?

What would be your most appropriate remedy in the circumstance?



ANNEXURE 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.

ANNEXURE 2:

SAMPLES OF A MARRIAGE CERTIFICATES IN UGANDA

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

URSB
 UGANDA REGISTRATION SERVICES BUREAU

CERTIFICATE OF MARRIAGE
 THE MARRIAGE ACT

Serial No.

Marriages 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
Name of husband } Name of wife }								
Witnesses }								

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.

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Constitution of the Republic of Uganda, Paragraph XIII: available here, the principle is restated in Sub-Article 237(2)(b) of the Constitution.

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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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