



TRAINING MANUAL FOR LAND GOVERNANCE PRACTITIONERS IN TESO



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TeCoDLAM
Interest Group



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2019



Acknowledgment

This training manual is a product of the efforts of several stakeholders including representatives from the Iteso Cultural Union (ICU), Ministry of Lands, Housing and Urban Development (MLHUD), District Land Officers (DLOs) in Teso, Civil Society Organisations and in particular, members of the Teso Conflicts around Dual Land Management (TeCoDLaM) Interest Group.

The process was coordinated by Elders' Forum for Peace and Development Amuria (EFPDA) on behalf of TeCoDLaM. TeCoDLaM recognises the invaluable support from GIZ/CPS and GIZ/RELAPU towards the land cause in Teso, including the development of this manual.

Ms. Hilda Akabwai is credited for her technical input and successfully leading the process of developing this training manual.

Participating Organisations

1. Akore Women's Initiative for Peace, Agriculture and Climate Change (AWIPAC)
2. District Local Governments / District Land Offices of Amuria, Ngora, Bukedea, Kaberamaido, Katakwi, Kumi, Serere and Soroti
3. Elders' Forum for Peace and Development Amuria (EFPDA)
4. GIZ Civil Peace Service (CPS)/ GIZ Responsible Land Policy in Uganda (RELAPU)
5. Gracia Development Foundation (GRADEVF)
6. Iteso Cultural Union (ICU)
7. Kolir Women Development Organisation (KOWDO)
8. Ministry of Lands, Housing and Urban Development (MLHUD)
9. Mothers of Hope (MOPE)
10. Teso Glory Revival Initiative (TEGRI)
11. Teso Karamoja Women Initiative for Peace (TEKWIP)
12. Teso War Victims and Cattle Rustling Debt Claimants' Association (TEWCCA)
13. Teso Women's Peace Activists (TEWPA)
14. Woman of Purpose, Pallisa (WOPP)



Preface

The need to strengthen the capacity of CSOs, DLOs, ICU and partners working on land governance in Teso has become obvious if harmonisation of the customary and formal land management systems is to be realised. This is expected to enable a coordinated and systematic approach with one voice.

Knowledge of policies on land governance not only improves the way issues pertaining to land rights are handled; but also minimises waste of time and money lost on land conflict.

This Training Manual is a practical handbook to be used by trainers on land governance in Teso. It contains several methods and approaches for content delivery carefully crafted to improve understanding and appreciation of the laws governing customary tenure in Teso while taking into account the dual governance system.

The Manual is divided into six chapters which are deliberately corresponding with the Customary Land Governance Guide (CLGG). It is hoped that the use of this manual will bolster Trainers' efforts to provide quality training to the respective recipients of knowledge and information in this regard.

With the content addressing the interaction between formal legislation, customary practices and rules governing customary tenure; hopefully this manual will increase absorption and appreciation of the law and customs on governance of customary land in Teso.



Alloch William Akoll
Executive Director, EFPDA
Coordinator TeCoDLaM

A Guide to the Training Manual (TM)

- The TM avails to users the approaches and methodologies that can be used for engagement during training on different topics.
- An attempt has been made to align the topics with the chapters in the CLGG.
- A general background is given of each unit highlighting key contents.
- Each unit is itemised by sessions which cover specific chapters of the CLGG.
- Each session highlights learning objectives, learning points, materials, methods and procedure to be used for delivering the session.
- Preparatory notes have been provided at the preliminary section to remind the trainer on key areas of preparation and code of conduct.

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ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and People's Rights
ADR	Alternative Dispute Resolution
ALC	Area Land Committee
CCO	Certificate of Customary Ownership
CPS	Civil Peace Service
CSOs	Civil Society Organisations
CLGG	Customary Land Governance Guide
DLB	District Land Board
DLO	District Land Office
DLT	District Land Tribunal
EFPDA	Elders' Forum for Peace and Development Amuria
ENR	Environment and Natural Resources
FIDA	Federación Internacional de Abogadas
FLRT	Family Land Rights Tree
GIZ	German Development Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit-GmbH)
ICU	Iteso Cultural Union
IG	Interest Group
LC	Local Council
LTA	Land Transaction Agreement
MLHUD	Ministry of Lands, Housing and Urban Development
NLP	National Land Policy
PPRR	Principles, Practices, Rights and Responsibilities
PWD	Persons with Disability

RELAPU	Responsible Land Policy in Uganda
TeCoDLaM	Teso Conflicts around Dual Land Management
TM	Training Manual
UDHR	Universal Declaration for Human Rights
ULC	Uganda Land Commission

Preparing For Training

PLANNING

While preparing for the training, one should consider;

The activity:

Training activities vary depending on the objectives. It may be a Training of Trainers, a regular training or community sensitisation. Each activity, depending on the intended outcome, demands different levels of preparedness.

Selection of topics:

This is often informed by the issue that the training will address. It may also be determined by the nature of land conflict and the time available for the training. This is in reference to what may inform the topic for the training.

Target group and number:

Prior knowledge of the number of participants and their demographics is useful when determining the mode and means of delivery of information.

Location:

The locality, venue and setting for the training should be accessible to all the participants. Consider the distance, facilities (for example if they cater for people with disabilities – PWDs, women and the elderly) and the travel time and cost implications.

Time and date:

Selecting the time and day for the activity should be done in view of the season and dates/days important to the community. For instance, it may be impractical to conduct training on a market day or during hours when people are expected to be doing garden work or when women are most busy with house chores.

Mode of presentation:

This should be planned earlier for relevance and appropriateness. For example, it would be inappropriate to project a PowerPoint presentation among blind participants or have reading material for participants who have not received a formal education.

Programme:

Develop a schedule for the training highlighting the topics against timelines.

Resource/Training materials:

Equip yourself with materials and tools you need for the training. These include flipcharts, markers, masking tape, handouts, posters, story cutouts, instructional material such as the training manual and CLGG.

Content:

What do you know about the issues that are likely to come up during discussion?

- Be informed.
- Sharpen skills on how to deliver content.

Rapport:

Earn the confidence of the participants; get them to feel comfortable enough to engage freely during the session.

- Know the appropriate greetings.
- Observe norms and protocol.

Participants:

- Know the number that will be in attendance and their demographics.
- Prepare different ways to get and keep them involved and engaged.
- Set and manage their varying expectations.
- Watch out for particular mannerisms among the participants and skilfully handle their respective needs.
- Remember you are dealing with adults who prefer participation and engagement.

Code:

- Dress code: Be smart, decent and well-groomed in appearance.
- Time management: Ensure that you are at the venue before the participants.
- Language: Use language that is best understood by the participants even if it means using an interpreter. Cater also for persons with special needs such as the deaf and dumb.
- Manage relationship .
- Participation.
- Skill and knowledge.
- Orderliness.

Conclusion:

- Address or record the outstanding issues.
- Way forward: State and discuss the next steps after this training session.



MODULE 1



MODULE 1: HISTORY AND DEVELOPMENT OF CUSTOMARY TENURE IN UGANDA

Purpose: To enable participants appreciate how customary tenure has evolved in character and governance.

This module is about the background to land tenure in Uganda with a focus on the evolution of landholding in Teso.

The module is divided into three sessions. The first is on the pre-colonial, the second on colonial and post-colonial (before the 1995 Constitution) period. The third session is on the current laws and policies governing customary tenure.

SESSION 1: THE PRE-COLONIAL, COLONIAL AND POST-COLONIAL (1975 LAND REFORM DECREE) PERIOD

Objectives:

Participants will be able to:

1. Know about the early landholding in Teso and relate the past and the present.
2. Appreciate the social and legal cycle of landholding in Teso.
3. Understand the origin of dual governance that characterises customary tenure.
4. Understand the effect of the post-independence land reforms on land rights in Teso.

Content: Evolution of land holding in Teso, landholding in Teso during the pre-colonial era, the influence of colonial rule on land governance, the impact of the 1975 Land Reform Decree on land rights in Teso.

Duration: 60 minutes.

Training method: Oral historical accounts, question and answer session, brainstorming, lecture.

Materials: Flipcharts, markers, masking tape, pictorial illustrations.

Learning points

- Before the colonial era, landholding in Teso was governed by customary norms determined by customary uses and was communally held
- Some of the characteristics of landholding today bear characteristics of that of the past
- The landholding system has evolved in institutional framework, legislation, customs and character
- During the colonial period, land in Teso was un–alienated crown land, therefore vested in the Queen’s government
- The creation of titles under the agreements signed between the British and the Kabaka of Buganda, Omukama of Tooro and Omugabe of Ankole in 1900, 1901 and 1902 respectively, marked the birth of registered tenure in Uganda
- Un–alienated crown land in effect rendered those without Certificate of Title tenants on land
- There was no formal recognition of customary holding on land
- The 1975 Land Reform Decree diminished land rights rendering all persons on unregistered land tenants at sufferance (occupants of land without formal recognition by the owner)
- Perpetual ownership of land by holders of registered land was cancelled and converted to leases

Procedure:

- Step 1:** Introduce the session by linking the history of land tenure to the migration patterns including land use and holding formations.
- Step 2:** Ask participants to share the history of landholding in Teso to the best of their knowledge.
- Step 3:** Brainstorm on the different uses of land and relate it to the past and current land use highlighting how land was held in the past.
- Step 4:** Give a brief lecture on:
- The influence of the British Colonial rule on land tenure in Uganda relating it with land holding in Teso.
 - Ways in which land rights were exercised during the post–independence era.
- Step 5:** Conclude the session with a lecture on the implications of the 1975 Land Reform Decree on landholding in Teso.

SESSION 2: 1995 CONSTITUTION AND CURRENT LAND REFORMS

Objectives:

By the end of the session participants will be able to:

1. Appreciate the fundamental reforms on land enshrined in the 1995 Constitution so that they can assert their land rights.
2. Appreciate the landholding systems in Uganda.
3. Know the policy, law, customary rules and practice framework governing customary tenure.

Content: Salient features of the 1995 Constitution on land, salient features of the Land Act on customary tenure, proposals in the National Land Policy (NLP), 2013 on Customary tenure.

Duration: 45 minutes.

Training method: Lecture, question and answer session, brainstorming, pictorial illustrations, demonstration, role play.

Materials: Flipchart, masking tape, posters, markers, copy of the Constitution, abridged version of the Constitution (2008), the Land Act (1998), the National Land Policy (2013).

Learning points

- Land in Uganda belongs to the citizens who hold it under four systems
- The 1995 Constitution is a landmark legislation for customary tenure, it is accorded formal recognition as a land tenure system in Uganda
- The Constitution introduced a number of reforms especially land rights and governance of customary tenure
- The Land Act, 1998 operationalises the 1995 Constitution
- The National Land Policy guides and makes proposals some of which are specific to customary tenure

Procedure:

Step 1: Give a brief lecture to introduce the session.

Step 2: Divide the participants and ask them to discuss in their groups the salient features concerning customary tenure in the Constitution, 1995, the 1998 Land Act and NLP.

Step 3: Use the flipchart to note down the participants' responses.

Step 4: Using illustrations or poster, conclude the session with highlighting key provisions, making clarifications and relating the 1998 Land Act and 2013 National Land Policy.



MODULE 2



MODULE 2: LAND TENURE SYSTEMS AND ADMINISTRATION IN UGANDA

Purpose: To enrich participants' understanding of the different land tenure systems and the formal and customary systems of administration in Uganda.

This module is about the different land tenure systems in Uganda; structures and procedures for administration and documentation. It is divided into four sessions. The first is land tenure systems; the second is land administration institutions, important land documents, the third is land use and the fourth is on the customs governing customary tenure, with references from the Principles Practices Rights and Responsibilities (PPRR) of the Iteso handbook. This includes an illustration on how land rights can be traced and administered through the family land rights tree.

SESSION 1: LAND TENURE SYSTEMS IN UGANDA

Objectives:

By the end of the session, participants will be able to:

1. Understand land tenure in Uganda and know the concept originated.
2. Distinguish between the different land tenure systems.
3. Appreciate the uniqueness of customary tenure.

Content: Forms of land tenure (characteristics, rights, responsibilities and obligations); misconceptions about customary tenure; and comparison between the tenure systems.

Duration: 60 minutes.

Training method: Lecture, group work and presentations, brainstorming, role play.

Materials: Flipchart, masking tape, markers, role play cut-out.

Learning points

- Land tenure is landholding
- The systems of land registration in Uganda owe origin to the legacies of the British government that introduced new systems
- Customary, Freehold, Leasehold and Mailo are the four systems enshrined in the 1995 Constitution
- Customary is peculiar in characteristics
- Land tenure is governed by formal legislation and customary rules and practices

Procedure:

- Step 1:** Give a brief lecture on the definition and origin of land tenure in Uganda.
- Step 2:** Brainstorm with the participants on the land tenure systems they know in Uganda.
- Step 3:** Create four groups and assign tasks for each to define the tenure system they have been assigned, giving the characteristics and rights and obligations under each.
- Step 4:** Have the groups present and make clarifications on each presentation.
- Step 5:** Brainstorm on the distinction between customary tenure and other tenures; including the nature of disputes and how they can be prevented.
- Step 6:** Alternatively ask participants to role play scenarios that display the distinction between customary tenure and other tenures.
- Step 7:** Conclude the session with a question and answer session on the distinction between customary tenure and other tenures.

SESSION 2: LAND ADMINISTRATION AND IMPORTANT LAND DOCUMENTS

Objectives:

By the end of the session, participants will be able to:

1. Appreciate the basic actors within land administration systems.
2. Know the functions of various land administration institutions governing customary tenure.
3. Understand the processes involved in land transactions and transfers.
4. Appreciate the way customary tenure is governed in relation to other tenures.

Content: Land administration institutions and functions, land documents and procedures for processing.

Duration: 60 minutes.

Training method: Lecture, buzz groups (group work), brainstorming, sharing experiences, question and answer session.

Materials: Markers, flipcharts, masking tape, illustrations, dummies.

Learning points

- Land administration is much more than the formal administration
- Land administration cuts across the formal and customary divides in the given institutional frameworks such as the family, clans and other institutions mandated by law. The role of an individual cannot be ignored
- Customary tenure is administered in accordance with customary rules, practices and formal legislation
- Formal land administration institutions include the Uganda Land Commission (ULC), District Land Boards (DLBs) and Area Land Committees (ALCs)
- Land administration is a decentralised function
- Customary tenure can be documented using formal and customary methods
- A Certificate of Customary Ownership (CCO) can be issued in recognition of ownership under customary tenure
- Documenting land is important

Procedure:

- Step 1:** Introduce the session by brainstorming with the participants what they understand by land administration, the different land administration units in both the private and public domain, including the formal and informal domain.
- Step 2:** Clarify the distinction between the formal and non-formal land administration units; distribute the participants into working groups and assign each group to discuss functions of one formal institution and then share group's outline.
- Step 3:** Use an abstract or illustration of the respective land administration institutions to clarify their functions and roles.
- Step 4:** Explain the process of acquiring a CCO and contents of a sale of land agreement; use dummies to display a sample CCO and Land Transaction Agreement (LTA).
- Step 5:** End the session with a lecture explaining the importance of land documentation and implications of each for securing land rights.

SESSION 3: LAND USE

Objectives:

By the end of the session, participants will be able to:

1. Know the laws regulating and restricting land use in Uganda.
2. Appreciate the emerging trends in land use and its implications for land rights under customary tenure.

Content: Common uses of land in Teso, changes in land use, compulsory acquisition, physical planning, governance of trading centres.

Duration: 30 minutes.

Training method: Question and answer session, lecture, pictorial illustrations, case studies.

Materials: Markers, posters, pictures, flipcharts, case study cut-out.

Learning points

- Land use in Teso is expanding to new ideas such as development of trading centres
- Land may be used for public or private purposes
- Land use for public purposes may require government to compulsorily acquire land
- Adequate compensation must be made to the owner of the land that government has compulsorily acquired
- Public land use is regulated by formal legislation
- Physical planning is a duty of government
- Trading centres can be planned

Procedure:

- Step 1:** Give a brief lecture to introduce the session.
- Step 2:** Brainstorm on the different uses of land in Teso and how they are regulated.
- Step 3:** Discuss with the participants the emerging trends and how the situations can be addressed using the regulations.
- Step 4:** Distribute the case studies into three for the participants to discuss in buzz groups and share their responses with the whole team.
- Step 5:** Summarise the discussion with a lecture on the rights and obligations of rights holders under customary tenure in regard to the different uses of land.

SESSION 4: CUSTOMS, NORMS AND PRACTICES ON LAND GOVERNANCE IN TESO (THE PPRR 2009)

Objectives:

By the end of the session, participants will be able to:

1. Know the principles on land governance in Teso as enshrined in the Principles, Practices, Rights and Responsibilities (PPRR).
2. Appreciate how to apply the provisions in the PPRR to document land rights and resolve disputes.

Content: Background on the PPRR, land rights provisions and land management in the PPRR.

Duration: 60 minutes.

Training method: Question and answer session, lecture, illustrations, role play.

Materials: Markers, posters, pictures, flipcharts, Information, Education and Communication (IEC) materials like Family Land Rights Tree (FLRT), sketch map, 'eligo or ejumula', stickers, T-shirts (advocacy messages), brochures, fliers, bulletins, policy briefs and copies of the PPRR.

Learning points

- ICU developed PPRR on the Iteso customs on land administration and resolution of disputes
- The PPRR,
 - Documents the customs of the Iteso on governance of customary tenure
 - Gives guidance on land rights of women, men, boys, girls, orphans, widows and PWDs
 - Gives guidance on rights of unmarried boys and girls, divorced women and those married and born into a family
 - Provides for roles of the widow, clan, caretaker and heir in management of estates
 - Provides for mechanisms of dispute resolution and land rights documentation.
 - The customs, norms and practices as enshrined in the PPRR should be consistent with the 1995 Constitution and other formal legislation

Procedure:

Step 1: Give a brief lecture to introduce the session.

Step 2: Ask a volunteer to share their knowledge of the PPRR.

Step 3: Ask a volunteer to share experience on the use of the PPRR in customary and governance and good practice; note down participants' responses on a flipchart .

Step 4: Create groups and ask them to draw the FLRT to illustrate land rights and administration under the family and clan system; then choose a few groups to make a presentation on their tree.

Step 5: Summarise the discussion with a table illustrating the various land rights in accordance with the principles enshrined in the PPRR.



MODULE 3



MODULE 3: LAND RIGHTS, HUMAN RIGHTS AND GENDER

Purpose: To enrich understanding of land rights in relation to human rights and gender including an observation on women’s land rights.

This module contains the definition of land rights as a bundle of rights, how these rights are acquired or conveyed and most importantly appreciating individual obligations and responsibilities that come with enjoyment of land rights; how land rights relate to human rights and how gender affects land rights; brief focus on women’s land rights.

SESSION 1: UNDERSTANDING LAND RIGHTS AND HOW THEY ARE CONVEYED OR ACQUIRED

Objectives:

By the end of the session, participants will be able to:

1. Define land rights and how they are conveyed/acquired.
2. Distinguish between the various land rights.
3. Understand various forms of land ownership.

Content: Defining land rights, bundle of land rights and distinction between the different land rights and forms of land ownership; lawful ways of acquiring land rights; social structures and laws governing land rights; hierarchy of laws.

Duration: 60 minutes

Training method: Brainstorming, reflections, buzz groups, question and answer sessions, lecture.

Materials: Flipchart, markers, masking tape, story cut-outs, pictorial illustrations, Manila paper, posters.

Learning points

- Land rights are a bundle of rights
- A claim to land rights does not only apply to land ownership. There are various land rights such as use and access
- Land ownership entitles the owner to the right to control, transfer, pass on in a will, which other rights on land may not entitle
- Rights and obligations under the different range of land rights
- Land is acquired mainly through family transfers, commercial transactions, statutory allocations as broken down in each category according to the context in Teso
- People still apply traditional means such as clearing uninhabited land
- Explain that these methods need to be formalised using the relevant land administration institutions in the area in which the land has been acquired
- There are various categories of laws and rules governing land, defined and applied differently
- Both customary and formal laws are recognised in management of customary tenure
- The 1995 Constitution is supreme law and therefore superior to all other formal laws as well as customary laws and must be respected
- Customary laws apply in management of customary tenure. But these laws must not contradict the principles of the 1995 Constitution which include equality, respect for human dignity, and protection of the vulnerable such as women, children and Persons with Disabilities (PWDs)

Procedure:

Step 1: Start with a question and answer session to find out what participants understand by land rights and write the responses on a flipchart.

Step 2: Reflection: ask each participant to use two minutes to reflect on which land rights she/he has over the land on which she/he lives and list their responses on a flip chart.

Examples of questions for reflection:

Do I have land rights?

Which land rights do I have?

On which land do I have rights?

From where do I get those land rights?

Do other persons have land rights on the same land with me?

- Step 3:** Discuss the responses, pointing out the distinctions between the different rights, how they apply to individuals and groups, and how they are acquired.
- Step 4:** Distribute the cut-out story illustrations to participants to discuss in pairs (buzz groups) and report on the land rights in each story.
- Step 5:** Conclude the session with a lecture emphasising the distinctions in the respective land rights and how rights are acquired.

SESSION 2: LAND AND HUMAN RIGHTS

Objectives:

By the end of the session, participants will be able to:

1. Understand their land rights from a human rights perspective.
2. Appreciate the need to protect land rights as a human.
3. Appreciate their obligations towards respect and promotion of land rights.

Content: Definition of human rights, sources, principles and mechanisms for protection.

Duration: 45 minutes.

Training method: Question and answer session, brainstorming, sharing experience, quiz.

Materials: Flipchart, markers, masking tape, posters.

Learning points

- Human rights are an inherent birth right.
- Human rights apply to all human beings regardless of sex, age, colour, race, religion or opinion.
- Human rights are not a foreign concept.
- Land rights are a human right.
- Land rights as a human right can be protected through different mechanisms.

Procedure:

- Step 1:** Ask the participants what they understand by human rights; and the inherent things that sustain a human being and write the responses on the flipchart.
- Step 2:** Give a brief lecture making clarifications on the concept of human rights, its sources and principles and how it relates to land rights.

Step 3: On a flipchart, write a list of statements depicting respect for human rights, for example:

- *All human beings are entitled to equal rights*
- *All human beings have the same basic human needs*
- *All human beings are equal before the law*
- *All women and men should have equal rights to land*

Step 4: Label three partitions “I AGREE”, “I DON’T AGREE” and “NOT SURE” and as you read each statement from the quiz (Step 3), ask participants to stand below the partition which depicts their belief. Randomly ask the participants to give reasons for their choice.

Step 5: Ask for questions arising from the quiz and respond in reference to human rights instruments such as the Constitution, the African Charter on Human and People’s Rights (ACHPR), 1981 and the Universal Declaration for Human Rights (UDHR), 1948.

Step 6: Summarise the session by giving a lecture on how vulnerability exposes one to violation of their rights and highlight the available options for redress for individuals or groups. Give an example for illustration.

SESSION 3: GENDER AND LAND RIGHTS

Objectives:

By the end of the sessions, participants will be able to:

1. Appreciate the gender roles and differences in their community.
2. Be aware and sensitive to the gender concerns and discriminations.
3. Have increased knowledge on the benefits of participation of both women and men in decision-making.

Content: Defining gender principles and concepts and how gender affects land rights .

Duration: 60 minutes.

Training method: Question and answer session, role play, case studies, illustrations, drama, brainstorming, sharing experience, skit.

Materials: Flipcharts, masking tape, markers.

Learning points

- Gender is not about women; it is about the relationship between women, men, girls, and boys. Gender is about social perception and construction of roles and responsibilities of men and women.
- Gender contributes to land rights if the discriminatory tendencies are addressed.
- Involvement of men and women in decision-making over land rights.
- Benefits of women and men in accessing land rights.
- Opportunities to land rights.

Procedure:

- Step 1:** Brainstorm on the definition of gender and write down the responses on a flipchart.
- Step 2:** Give a brief lecture on the definition of gender, clarifying participants' responses.
- Step 3:** Draw two tables, each with two columns. Label the columns in table one boys and girls; and the columns in table two women and men. Then divide each column into two parts, one to note the biological and the other social features for each of the categories. Ask participants to state these aspects as you list them under each column. Discuss the responses, highlighting how these perceptions and roles are allocated and how they affect each category (boys, girls, men and women) differently. Relate this to land rights.
- Step 4:** Ask participants if they know of any woman, man, girl, or boy who does tasks, has land and can make decisions over land; what people in their category do and do not do; probe for resources each category does and does not access; benefits they do and do not receive; decisions they do and do not make; and expectations outside the gender norms given.
- Step 5:** Discuss how the norms influence behaviour in community in regard to land ownership, access and control.
- Step 6:** List down concepts about gender that participants know and make clarifications on the concepts.
- Step 7:** Draw an illustration of how vulnerability relates with gender and impacts on human rights.
- Step 8:** Conclude with a question and answer session or by inviting participants to share their experiences.



MODULE 4



MODULE 4: FAMILY RELATIONS AND LAND RIGHTS

Purpose: To improve understanding of how different circumstances and family relations determine land rights of women, men and children under formal law.

This module dwells on land rights in marriage, separation and divorce as well as under circumstances of death as stipulated in formal law. It is intended to enable participants understand the rights, responsibilities and obligations, and extent of exercise of rights of respective categories of persons in given circumstances.

SESSION 1: MARRIAGE

Objectives:

By the end of the session, participants will be able to:

1. Appreciate the types of marriage, their characteristics and requirements for legal recognition.
2. Know their rights, responsibilities and obligations in marriage.
3. Appreciate how their land rights are secured in marriage.
4. Understand the implications of cohabitation on land rights.

Content: Definition of marriage, types, characteristics and requirements for a legal marriage; laws and rules governing land rights in marriage; implications of cohabitation for land rights.

Duration: 60 minutes.

Training method: Question and answer session, brainstorming, sharing experience, case studies, lectures.

Materials: Flipchart, masking tape, markers, story cut-outs.

Learning points

- Marriage is a union between a man and a woman
- There are five forms of marriages recognised under the laws of Uganda
- The requirements of a marriage must be fulfilled for it to be valid
- Marriage accords land rights to women and men in accordance with formal legislation and customary rules
- Cohabitation is not a form of marriage
- Land rights of women and men in cohabitation are not guaranteed unless the parties co-own the land. The parties' interests on the land must be documented in writing; or unless bequeathed/passed on in a will
- Cohabitation does not compromise the rights of children born therein

Procedure:

- Step 1:** Introduce the session by brainstorming on the definition of marriage and write down the responses.
- Step 2:** In a question and answer session, randomly ask the participants to name the types of marriages known to them and write the responses on the flip chart.
- Step 3:** Give a brief lecture on the different forms of marriages.
- Step 4:** Get four volunteers conversant with the different types of marriage to share their experience on how the marriages are conducted.
- Step 5:** Listen to their narrations and record the requirements for each type of marriage on a flipchart.
- Step 6:** Give a brief lecture to clarify the implications of the different forms of marriage on land rights.
- Step 7:** Wind up the session with a case study illustrating land rights in marriage and test if participants can identify the land rights.

SESSION 2: SEPARATION AND DIVORCE

Objectives:

By the end of the session, participants will be able to:

1. Distinguish between separation and divorce.
2. Know how formal legislation and customary rules apply to land rights at separation and divorce.

Content: Definition of separation and divorce, types of separation, grounds for separation and divorce, land rights at separation and divorce, formal legislation and customary rules governing separation and divorce and the distinction between separation and divorce, divorce processes under respective marriage form, and the implications of Constitutional Petitions on divorce laws in Uganda.

Duration: 60 minutes..

Training method: Question and answer sessions, brainstorming, case studies, lecture, role play.

Materials: Markers, flipcharts, masking tape, story cut-outs, extracts of court rulings from the Mifumi and FIDA Uganda court petitions.

Learning points

- Separation and divorce are not the same; separation is temporal, divorce is permanent
- Land rights at separation still exist
- A divorce should be determined by court which will evaluate how matters of property and children are resolved
- Land rights do not exist in the marital home once a divorce is concluded, any such pending issues as to those rights are presumed to have been resolved by court
- Divorce is handled differently under respective forms of marriage
- Divorce under customary marriage is conducted in accordance with the customs of the people. However, the customs that have been outlawed cannot be carried out
- Bride price refund as a means of annulling a marriage is unconstitutional in accordance with the 2015 ruling of the Supreme Court in Constitutional Appeal No: 02 of 2014 – Mifumi (U) Ltd & Others (Appellants) versus the Attorney General of the Republic of Uganda and Counsel Kenneth Kakuru (Respondents)

Procedure:

- Step 1:** Start the session with a question and answer session on the definition of separation and divorce and note the responses on a flipchart.
- Step 2:** Draw a two columned table; write separation and divorce in column 1 and 2 respectively.
- Step 3:** Brainstorm with the participants the distinction between separation and divorce and write under the corresponding columns.
- Step 4:** Wrap up with a lecture to make corrections of the responses in the columns.
- Step 5:** In a brainstorming session with the participants, list down the grounds for separation and for divorce.
- Step 6:** Draw a table on the flipchart with four columns illustrating customary, church, civil and islamic marriages; ask participants to brainstorm on the procedures of divorce in each form of marriage.
- Step 7:** Ask the participants to do a role play acting out the two systems under which divorce under customary marriage is handled.
- Step 8:** Wrap up the session with a lecture on the grounds and procedures for divorce, including how the formal and customary systems of dissolving a customary marriage can be harmonised.

SESSION 3: TESTATE SUCCESSION

Objectives:

By the end of the session, participants will be able to:

1. Know how land and property rights are conveyed in a testate succession.
2. Appreciate the processes involved in will-making.
3. Appreciate the processes of obtaining letters of probate.

Content: Defining testate succession, a will, types of wills, contents and custody of a will, what invalidates a will and the rights, responsibilities and obligations of the beneficiaries, and processes of applying for letters of probate.

Duration: 60 minutes.

Training method: Question and answer session, brainstorming, lecture, case study, sharing experience, illustrations.

Materials: Masking tape, story cut-outs, manila paper, markers, will dummy/template.

Learning points

- There are two types of succession—testate and intestate
- A will must always be written except in privileged situations provided under the succession laws
- Where a will is invalid, the estate is treated as though there is no will
- All the basics requirements in a will must be provided for it to be valid
- The family home cannot be passed on in a will unless to the surviving spouse and children
- One cannot pass on in a will what he or she does not own
- A will can secure land and property rights of persons in cohabitation
- An invalid will is void and renders the estate intestate
- Interfering with a will is criminal

Procedure:

- Step 1:** Start the session brainstorming on what succession and testate succession means, and the definition of a will.
- Step 2:** Lecture on the contents and qualifications for making a will.
- Step 3:** Share experience on the consequences of an invalid will.
- Step 4:** Use a dummy to illustrate a will.
- Step 5:** Illustrate the processes of applying for letters of Probate on a poster.
- Step 6:** Conclude the session with a case study and ask the participants to identify property rights.

SESSION 4: INTESTATE SUCCESSION

Objectives:

By the end of the session, participants will be able to:

1. Understand how an estate is distributed under intestate succession.
2. Appreciate the responsibilities of the administrator of an estate .
3. Understand the role of the Administrator General in succession.
4. Understand the role of the clan in matters of a deceased person under intestate succession.

Content: Definition of succession and intestate succession, distribution of estate under intestate succession, constitutional ruling on intestate succession, formal legislation and customary rules governing intestate succession.

Duration: 60 minutes.

Training method: Question and answer, brainstorming, sharing experience, case study.

Materials: Markers, masking tape, flipchart.

Learning points

- Formal legislation provides for distribution of an intestate succession
- Sections of formal law are unconstitutional pending amendment of the law
- A grant of Letters of Administration does not entitle the administrator to ownership of the estate
- It is an offence to distribute a deceased person's estate without authority from the Administrator General
- There are particular categories recognised as beneficiaries of an intestate estate
- Cohabitation does not entitle one to benefits of a widow or widower
- Authority to distribute a deceased person's estate lies with the Administrator General
- Procedure for application for Letters of Administration
- Customary rules give guidance on management of a deceased person's estate but should be done in accordance with formal legislation
- The Penal Code Act, 1950 stipulates offences against the Administrator General in respect of a deceased person's estate

Procedure:

Step 1: Start the session with a brief lecture giving definition of intestate succession.

Step 2: In a question and answer session ask the participants to narrate what they know about distribution of property under intestate succession.

Step 3: Draw a table indicating the different beneficiaries and given percentages in different situations.

Step 4: Give a lecture on the implications of the table in view of the Constitutional Petition No.1 of 2007 – Law Uganda & FIDA versus the Attorney General and how it applies.

Step 5: Wind up the session with a case study.





MODULE 5



MODULE 5: ENVIRONMENT AND NATURAL RESOURCES

Purpose: To give participants knowledge of laws and customs common in Teso and the role of physical planning in ensuring sustainable use of land, environment and natural resources (ENR).

This module highlights the formal laws and customary practices governing environment, natural resources and physical planning in Uganda. It is intended to enhance participants' knowledge of what constitutes natural resources, the restrictions and processes for their access, planning as a tool for sustainable use of land and natural resources.

SESSION 1: ENVIRONMENT AND NATURAL RESOURCES (ENR)

Objectives:

By the end of the session, participants will be able to;

1. Have knowledge of the ENR features whose use is regulated and restricted including the parameters.
2. Reflect on and appreciate formal laws regulating ENR use.

Content: Introduction, forms of ENR and customary practices governing natural resources.

Duration: 30 minutes.

Training method: Brainstorming, question and answer session, sharing experience, lecture.

Materials: Masking tape, markers, flipchart, pictures.

Learning points

- Land is a natural resource
- ENR are scarce and vulnerable to depletion and degradation thus the need to regulate, restrict and plan use
- Teso customs provide mechanisms for regulating use of ENR
- Land rights are defined and determined by competing land use interests
- Land use is regulated in accordance with formal legislation and customs
- Use rights can be secured on land regulated by formal legislation and customs through procedures defined by the formal legislations and by traditional norms
- The PPRR gives guidance on protection of ENR

Procedure:

- Step 1:** Introduce the session by brainstorming with the participants what they understand by ENR and which ones are regulated.
- Step 2:** In a question and answer session ask the participants to give examples of the category of resources mentioned and what regulations or restrictions they know about them.
- Step 3:** Ask the participants to share their experiences on how use of ENR is traditionally regulated in Teso.
- Step 4:** Conclude the session with a lecture on the provisions of the PPRR for ENR .

SESSION 2: PHYSICAL PLANNING

Objectives:

By the end of the session, participants will be able to:

1. Understand the use & effect of physical planning on customary tenure.
2. Know their land rights within the context of physical planning especially with respect to urbanisation and works.

Content: Introduction to physical planning, common provisions affecting customary tenure, land rights of holders of customary tenure at physical planning, and the role of the physical planning committee.

Duration: 30 minutes.

Training method: Brainstorming, question and answer session, experience sharing, lecture.

Materials: Masking tape, markers, flipchart, pictures.

Learning points

- The Physical Planning Act, 2010 declared the entire country a planning area
- Physical planning is a governance function aimed at compliance with ENR laws
- Physical planning committee is mandated by law to abide by the development plans

Procedure:

Step 1: Introduce the session by brainstorming on what physical planning entails.

Step 2: In a question and answer session ask the participants to give examples of natural resources and legislations governing them.

Step 3: Ask the participants to share their experiences on how use of the ENR is traditionally regulated in Teso.



MODULE 6



MODULE 6: LAND DISPUTE RESOLUTION

Purpose: To equip the participants with a range of mechanisms for dispute resolution including institutions and governing principles.

This module is about the formal and customary mechanisms for resolving land disputes; the principles governing these mechanisms; and the options available for persons in land conflict to seek peaceful resolution. It also provides case studies aimed at enabling participants reflect on real life situations.

SESSION 1: ADMINISTRATION OF JUSTICE AND ALTERNATIVE DISPUTE RESOLUTION (ADR)

Objectives: By the end of the session, participants will be able to:

1. Understand the principles that govern justice including the principles of natural justice that need to be applied in resolving land disputes.
2. Appreciate other mechanisms of dispute resolution other than litigation.
3. Know principles governing alternative dispute resolution.
4. Appreciate the importance of using ADR.

Content: Introducing the concept of administration of justice, principles of administration of justice and principles of natural justice, defining ADR, forms of ADR, and its advantages.

Duration: 60 minutes.

Training method: Brainstorming, quiz, sharing experience, question and answer session, lecture, role plays, case studies.

Materials: Masking tape, markers, manila paper.

Learning points

- Administration of justice is an obligation of the state
- The state passes laws and establishes institutions to dispense justice in accordance with the norms, values and aspirations of the people as enshrined in the laws
- Natural justice is about principles governing the delivery of justice
- Natural justice applies in both formal courts and traditional court systems
- Upholding the principles of natural justice can lead to protection of land rights
- Principles of ADR
- ADR is a peaceful way of resolving disputes
- There are several forms of ADR including arbitration, negotiation, mediation, conciliation
- ADR can be used by both formal courts and customary/clan courts

Procedure:

Step 1: Introduce the session with a lecture on administration of justice in Uganda.

Step 2: Brainstorm with the participants on principles of administration of justice including natural justice as one of its pillars.

Step 3: Brainstorm on the definition and the four forms of ADR; create four groups, each assigned a case study to discuss and apply skills of one form of ADR.

Step 4: In a lecture, clarify the characteristics, principles, advantages and disadvantages using illustrations to bring out the distinctions.

Step 5: Wind up with a question and answer session.

SESSION 2: REFERRAL PATHWAY

Objectives:

By the end of the session, participants will be able to:

1. Know where to seek protection for their land rights.
2. Understand the roles of the various institutions in protecting land rights.
3. Guide communities on the appropriate institutions to seek help on land matters.

Content: Land rights protection institutions and their respective roles in land rights protections.

Duration: 30 minutes.

Training method: Question and answer session, lecture, buzz groups.

Materials: Masking tape, manila paper, marker, flipchart.

Learning points

- Land protection mechanism involves formal and non-formal institutions
- Land dispute resolution can be sought through following proper channels
- Caution on disadvantages on forum shopping

Procedure:

Step 1: Introduce the session with a question and answer on what land protection institutions the participants are aware of in their communities and note down on a flip chart.

Step 2: Ask them in buzz groups to discuss the role any two of the institutions plays in land conflicts.

Step 3: Pin on the wall in categories ranking the most popular.

Step 4: Ask the participants to brainstorm on the significance and challenges faced on seeking land rights protection from the institutions.

Step 5: Conclude the session with a lecture on the roles and how the institutions complement each other.

SESSION 3: COURT SYSTEMS IN UGANDA

Objectives:

By the end of the session, participants will be able to:

1. Appreciate the system of administration of justice responsible for land disputes.
2. Know the court systems where land matters can be adjudicated.
3. Know the hierarchy of courts of laws with respect to land matters.

Content: Court systems in Uganda, jurisdictions for land matters, principles and processes governing courts of law.

Duration: 30 minutes.

Training method: Lecture, question and answer session, illustrations.

Materials: Markers, flipchart, masking tape, posters .

Learning points

- Both formal and informal courts are recognised in adjudication of land matters
- There are specialised courts for land matters such as the District Land Tribunal (DLT) but they are not operational right now
- Local Council (LC) II Court is the first court of instance for land matters
- Courts dispense justice on behalf of the citizens of Uganda
- They follow a hierarchal system

Procedure:

Step 1: Start the session with a lecture about the court system in Uganda.

Step 2: Using illustration or poster, show the hierarchy and course of a matter before court including the appellate system for land matters.

Step 3: Windup with a question and answer session giving clarification to the participants' responses.

Teso Conflicts around Dual Land Management (TeCoDLaM) Interest Group

 <p>EFPDA</p>			
<p>Elders Forum for Peace and Development Amuria</p>	<p>Woman of Purpose Pallisa</p>	<p>Teso Women Peace Activists</p>	<p>Teso Karamoja Women's Initiative for Peace</p>
			
<p>Teso War Victims and Cattle Rustlers Claimants Association</p>	<p>Kolor Women's Development Organization</p>	<p>Mothers of Hope</p>	<p>Akore Women's Initiative for Peace, Agriculture and Climate Change</p>
			
<p>Gratia Development Foundation</p>	<p>Teso Glory Revival Initiative</p>	<p>Iteso Cultural Union</p>	<p>District Local Governments in Teso</p>