



Securing Your Family's Future

Transforming Peer Norms about Women's Land Rights

A COURSE FOR MEN

PARTICIPANT WORKBOOK

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Session #1

Course Introduction and Introduction to Land Rights

- Handout 1.1K: Formal Land Laws in Kenya**
- Handout 1.1T: Formal Land Laws in Tanzania**
- Handout 1.1U: Formal Land Laws in Uganda**
- Handout 1.2: Our Local Customary Land Laws**
- Handout 1.3: Joseph and Sarah**

Facilitator Resource 1.1

Human Rights and Land Rights – A Few Examples



Land rights are one form of human rights. Land Rights are protected by multiple international conventions and also by country laws.

The Universal Declaration of Human Rights

Established in 1948, The Universal Declaration of Human Rights establishes the rights of everyone to property, regardless of sex.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

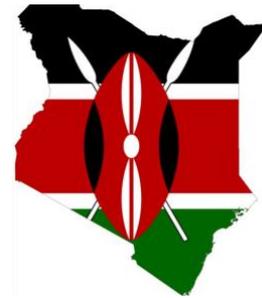
- CEDAW is an international treaty created by the United Nations (UN) system of international human rights laws. The treaty was adopted by the UN General Assembly in 1979.
- The treaty becomes binding on countries when they ratify the treaty. Kenya (1984), Tanzania (1986) and Uganda (1985) have ratified the treaty.
- The treaty requires countries to ensure women’s rights to equality and non-discrimination on a range of key areas, such as political and public life, land use and ownership, education, employment, healthcare and family planning, marriage, and family law.

The African Commission on Human and Peoples’ Rights (ACHPR)

- The ACHPR was established in 1986 to promote and protect human rights throughout the African continent.
- The ACHPR guarantees non-discrimination on the basis of sex.
- In 2005, the ACHPR adopted a Women’s Protocol. The Women’s Protocol guarantees women’s political and civil rights health and reproductive rights, and economic, social and cultural rights. It also states that women have the right to inherit equitable shares of property, including land, from their parents and their husbands, as well as the right to buy and manage their own land and property.

Handout 1.1K

Formal Land Laws in KENYA



The Constitution of Kenya (2010)

The Constitution at Article 60 identifies as key principles informing Kenya's land policy:

1. Equitable access to land;
2. Security of land rights;
3. Sustainable and productive management of land resources;
4. Transparent and cost-effective administration of land;
5. Sound conservation and protection of ecologically sensitive areas;
6. Elimination of gender discrimination in law, customs, and practices related to land and property in land; and
7. Encouragement of communities to settle land dispute through recognised local community initiatives consistent with the Constitution.

In addition, the Constitution:

- Calls for the elimination of gender discrimination in law, customs, and practices related to land and property;
- Voids any law, including customary law that is inconsistent with the Constitution to the extent of the inconsistency, or any act or omission that is in contradiction of the Constitution;
- Prohibits discrimination on any grounds, including sex and marital status, and expressly states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social spheres;
- Provides that every person has a right, either individually or in association with others, to acquire and own property of any description in any part of Kenya; and
- Provides that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities, and as individuals. Parliament "shall enact legislation which shall regulate the recognition and protection of matrimonial property and in particular matrimonial home during and on termination of marriage...to protect the dependents of the deceased person holding interest in the land including interests of spouses in actual occupation of the land."

The National Land Policy (2009)

The National Land Policy ensures that the principles of equitable access to land and associated resources and elimination of gender discrimination in regulations, customs, and practices related to land and property in land is observed.

National Land Commission Act (2012)

The National Land Commission Act upholds the principles of equitable access to land and resources, including the elimination of gender discrimination in law, customs, and practices related to land and property in land. It therefore protects, upholds, and recognises women in Kenya in areas of political participation, representation, property ownership, citizenship, and entitlement to maintenance expenses in cases of divorce and separation.

The Land Registration Act (2012)

The Land Registration Act includes strong protections for the land rights of spouses by allowing for joint tenancy and including a presumption of joint tenancy for any land obtained for co-ownership and use by both spouses, granting spouses a legal interest in land held in one spouse's name where the other has contributed to it through his or her labour, and requiring spousal consent for the disposition of any land or dwelling.

The Land Act (2012)

The Land Act creates statutory rights to spouses and any other persons who seek to carry out land transactions. The provisions specifically provide that before any land transaction is approved, spousal consent must be given. This law gives room for women to be consulted in case of any property transactions. This has prevented men from selling their matrimonial property and land without the consent of their wives. The law also requires spousal consent for the execution of any charge on a matrimonial home.

The Matrimonial Property Act (2013)

This Act provides for the rights and responsibilities of spouses in relation to matrimonial property and other connected property. Matrimonial property is defined to include the matrimonial home or homes, household goods or effects in the matrimonial homes, or any other immovable or movable property jointly owned and acquired during the subsistence of the marriage. Such property shall be divided between the spouses if they divorce or their marriage is otherwise dissolved, according to the contribution of either spouse towards its acquisition.

However, the Matrimonial Property Act excludes any property acquired or inherited before marriage, as well as property given as a "gift" during the subsistence of the marriage or any trust property. These remain separate property of the spouses, as does any other property that a spouse may acquire, hold, or dispose of.

Handout 1.1T

Formal Land Laws in TANZANIA



Constitution of United Republic of Tanzania (1977)

The constitution of Tanzania states that all people are equal before the law and prohibits any kind of discrimination between the people. The constitution also promotes the inheritance of property by women.

The Land Act of 1995

The Land Act provides for land rights and the procedure for acquiring land within the country. It categorizes the land tenure in Tanzania as village land, general land, and reserved land.

Village Land Act of 1995

This law governs village land and give powers to the village land committee, village council, and village general assembly to allocate plots to individuals. It states that every person has the right to own the land, including women, and promotes customary rights of ownership to the land (CCROs) and Granted Rights of Occupancy (GROs)

Law of Marriage Act (1971)

This Act promotes the joint ownership of land or property by couples and ensures that the right is protected for both spouses. It also ensures that the right of inheritance is respected within the community.

The Land Acquisition Act (1967)

This Act provides the procedure through which land can be acquired by individuals, companies, or group of people and it makes sure all documents for land ownership is complied by the individual.

The Court Act (2002)

This Act ensures that whatever dispute arises regarding land issue must be solved according to the laws and follow the required procedure by government.

The Land Regulation (2011)

This regulation governs all the ways in which land within the country can be owned and accessed.

The Mortgage Financing Act (2008)

This Act gives power to an individual to mortgage property/land with the consent of the spouse. The law prohibits a husband from mortgaging the land without the consent of his wife.

Handout 1.1U

Formal Land Laws in UGANDA



National Land Policy (2013)

The National Land Policy states that the government shall, by legislation, protect the right to inheritance and ownership of land for women and children and that the government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage, and at succession without discrimination.

It further states that the government will review and regulate customary laws and practices in access to and ownership of land, redress gender inequity and inequality to inheritance and ownership of land in statutory law, and domesticate all international conventions ratified by the government of Uganda which outlaw discrimination against women and children and enforce all the principles therein.

Constitution of Republic of Uganda (1995)

The constitution of Uganda:

- Provides that every person has a right to own property either individually or in association with others;
- Provides that no person shall be compulsorily deprived of property or any interest in, or right over, property of any description;
- Provides for equality between men and women in respect to the acquisition and holding of land;
- Provides that men and women above the age of 18 years are accorded equal property rights in marriage, during marriage, and at its dissolution; and
- Prohibits, laws, cultures, customs, or traditions which are against the dignity, welfare, or interest of women or which undermine their status.

Land Act (1998)

- This Act prohibits and outlaws customary practices which deny women and children the right to own occupy and use land.
- The Act gives security of occupancy to a surviving spouse on the family land. This means that the surviving spouse has the right to access and live on family land. Family land is land on which the family ordinarily resides or land where the family derives sustenance.
- The Act makes it mandatory for a spouse to give consent to any dealings on family land to the area land committees. Before a man makes any transaction on family land, he has to seek the consent of his wife. If consent is not given, any transaction is null and void.
- The Act provides for women to be represented in land-management institutions (district land boards and area land committees.)
- Where a community agrees to form a communal land association, the Act provides that one-third of the management of the association must be composed of women.

Succession Act (1906)

This Act provides for all children, irrespective of gender (in other words, both girls and boys) and including those born out of wedlock, to inherit a parents' property. They all are entitled to an equal share in the property of the deceased person. Succession laws also recognise women's right to inherit from their husbands and fathers.

Registration of Titles Act (1924)

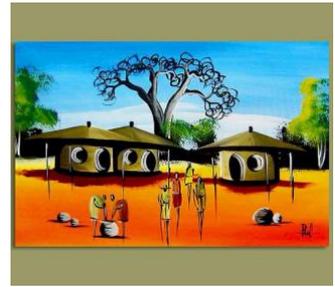
This Act recognises the right to own land and property by any person (male or female) as long as it is lawfully in his or her name.

Marriage Act (1904)

This Act defines *marriage* as a voluntary union of persons above 18 years of age and of opposite sexes. It includes the following provisions:

- There are five forms of legal marriages: 1) **Customary marriage**, which is polygamous in nature and is certified by a sub-county chief; 2) **Civil marriage**, which is monogamous in nature and is conducted by the Chief Administrative Officer or the Registrar of Marriages in the Ministry of Justice; 3) **Hindu marriage**, which is marriage between partners of the Hindu faith (governed by Hindu Marriage and Divorce Act); 4) **Church marriage**, which is monogamous in nature and takes place within the Christian faith; and 5) **Islamic marriage**, which is polygamous in nature and exists among those of the Islamic faith.
- Unless parties agree otherwise, the property acquired by parties in a recognised marriage is jointly owned, whether or not it is registered in both spouses' names. In case of marriage dissolution, such property is equally shared, and in case of death of spouse, such property is owned by the surviving spouse.
- Properties that were acquired before marriage are not jointly owned and can be willed to other persons.
- **Cohabitation** is not recognised by law, and persons in such arrangements do not enjoy the privileges that accrue to parties who are legally married. However, a cohabitee can benefit from the property of the deceased spouse only if it was registered in both their names as joint owners. A cohabitee can also benefit if the property is willed to them (provided the property willed was owned by the deceased individually, or acquired before the deceased's marriage, and is not family land with the legally married spouse).
- The Marriage Act provides for property rights in case of **divorce and separation**. In situations where divorce has been approved, the law provides for equal shares of property that has been acquired during marriage up to its dissolution. Property attained before marriage belongs to the individual person and is not subject to sharing between the parties. Property acquired while in separation belongs to the individual, as he/she is presumed to be single. In case of death of one spouse during separation, the surviving spouse has a right to benefit from the deceased spouse's property. If separation is as a result of a wife's adulterous acts, court may order that the property she is entitled to may be settled for the benefit of the husband or the children of the marriage.

Handout 1.2
Our Local Customary Land Laws



Handout 1.3

Joseph and Sarah

Joseph (36) and Sarah (34) have been married for 15 years. Together, they have four children: William (14), Ruth (12), Mary (10), and John (7). When Joseph married, his father gave him a plot of land. Joseph and his wife use the land to grow maize and vegetables. They also raise goats and chickens.



Photo credit: <http://bit.ly/2EK913>

When Sarah's father died, he left Sarah and her two sisters each a plot of land as well. Because the land is not close by, Sarah and Joseph decided to use it to plant fruit trees. Sarah has been able to make money from selling this fruit at the market.



Photo credit: <http://bit.ly/2rYQFuj>

When Joseph was a boy his grandfather passed away. In the tradition of his clan, the land his grandfather had passed to his three sons (Joseph's father and two uncles). Joseph's two aunts inherited nothing. His grandmother also did not inherit land. This was particularly difficult for his grandmother, who was still raising children. It was lucky that Joseph's father was old enough to start cultivating the plot of land that was left to him to help support his mother.

One of Joseph's aunts married and lives on plot of land owned by her husband. Her husband has been very sick, and she worries what will happen to her and her children should he pass away. The other aunt married, but she and her husband were not able to have children. After three years, her husband left her. She was never able to have a permanent place to live.

Joseph decided early on in his marriage that it was best for his family to register his land in both his name and Sarah's name. Sarah did the same with the land she inherited. Joseph encourages Sarah to work the land with him.

Joseph and Sarah recently participated in a session and learnt how to write a will. They learnt that a will is legal document that helps to protect their property and family. Some of Joseph's friends believe that making a will means that you are planning to die. Joseph realises that everyone has to die some day and that a will just helps to make sure your last wishes are granted. Sarah and Joseph each wrote a will and agreed to leave equal portions of their land to each of their four children.

For the most part, Joseph and Sarah have a good life. They have used their land productively. Sarah takes care for their livestock and vegetable gardens. Joseph does most of the work in growing the maize and fruit trees. They produce more than they need and have been able to sell part of their harvests. This money has helped them make improvements to their home as well as to pay school fees for their four children. Joseph feels hopeful about his future and the future of his family.

Session #2

Gender Boxes

- Handout 2.1: Joseph's Childhood**

Handout 2.1

Joseph's Childhood

When Joseph was about five years old he liked to play with his sisters and their dolls. But one day when he was playing outside with his sisters, some boys from his village made fun of him for playing with dolls. The boys said that Joseph should be a “real boy” and play soccer with them. Joseph left his sisters and the dolls and started playing soccer.

Joseph's mother and father worked very hard to support their six children. After Joseph's mother prepared dinner each night, Joseph could see how tired she was. So when Joseph was about 10 years old he started helping his mother by washing dishes after dinner. Joseph liked being his mother's helper. But

one day, his uncle was visiting and said to Joseph's mother: “Why do you have this boy washing dishes? This is not work for a boy. His sisters should be washing the dishes.” Ever since that day, Joseph found excuses for not helping his mother wash dishes. He didn't want anyone to think he is a girl.

When Joseph was 16 he heard his friends talk about having sex. Joseph was brought up in a religious family and wanted to wait to have sex until he found his wife. His friends would tell him that there was something wrong with him – maybe he was “gay.” He saw that most of his friends seemed to think that men should control their girlfriends. His friends often talked about women as if they were all stupid. It was hard for him to go along with them because he loved his mother and his sisters and he knew they were smart, strong, and capable. His father taught him that women should be treated with respect.



Photo credit: <http://bit.ly/2yWirw5>

Session #3

Joint Decision Making

- Handout 3.1: Simon and Rose's Marriage**
- Handout 3.2: How Healthy Couples Make Joint Decisions – Seven Key Strategies**
- Worksheet 3.1: Daniel and Mary**
- Worksheet 3.2: Samuel and Ester**

Handout 3.1

Simon and Rose's Marriage

Simon and Rose grew up in the same village as did Joseph and Sarah. Simon and Rose were married when they were young – Simon was 17 and Rose was 16. After marrying they went to live with Simon's parents.

In the beginning of their marriage, Simon worked at his fathers' store and also helped him in raising maize on his land. Rose remained at home helping her mother-in-law with the household tasks and raising her husband's younger siblings.

Simon believed that it is a man's responsibility to lead and provide for his family. As a result, he doesn't allow his wife to work outside home. He also controls how and when the money that he earns is spent. These beliefs come from Simon's upbringing. He witnessed similar relations between his parents, and he believes this position to be right.



In the next few years, Simon's father gave Simon a plot of land. Simon is now planting and harvesting his own maize and planning on building a house on the land for Rose and their two daughters. The land is registered in Simon's name only. Rose helps to tend to the maize they planted together on this plot of land.

Rose is not happy that her name is not on the land deed. She has seen what has happened to other women in her village whose husbands died or left them. The women were left with nothing and struggled to take care of themselves and their children.

Rose has been sharing her experience of married life with her parents. Her parents told her to avoid arguments with her husband. It is her duty to keep the peace in the family.

Rose would like to work at the market to save enough money to buy a few goats. She believes she can care for them and use the milk to feed her family. Simon has forbidden Rose to work outside the home. Rose heard Simon tell his father: "Women don't know anything about farming. Rose should stick to cooking."

Handout 3.2

How Healthy Couples Make Joint Decisions Seven Key Strategies

1. **Respect Each Other.** Couples who are effective at making joint decisions love and respect each other. They see each other as equals and do not try to dominate each other or have power over each other. They are willing to listen to each other and they value each other's opinions. Healthy couples never use violence. One partner is never "afraid" of the other partner.
2. **Discuss Decisions Under the Right Conditions.** Decision making doesn't work well when either person is tired, hungry, short of time, angry or preoccupied with other activities. Before you start a discussion, make sure each of you is in the right frame of mind, you have the time to talk and there are no distractions (e.g., children asking for your attention, television or radio playing, etc.). Discuss one decision at a time.
3. **Set a Goal.** Be specific about what you want to achieve. Rather than saying "I would like us to talk about how we can have more money," say something more along the lines of "I would like us to talk about how we can save 100 [CURRENCY] every month so we will have enough money for school fees next year." It is important that both partners are clear and specific about the decision they are trying to make and why they are making the decision.

When making a decision about a particular issue, stick to *that* issue – don't try to make multiple decisions at once. Trying to make multiple decisions at the same time will increase confusion and distract you from the original issue. This leads to frustration, more stress, and frequently no decision!

4. **Identify Your Options and Discuss Them with Your Partner.** Avoid being attached to a particular outcome at the start. Think of the discussion with your spouse as an opportunity to discover what is best for the both of you and the family. Before the two of you do anything else, think about all the possible decisions you two could make regarding the issue. Keep an open mind to all the possibilities. If you need to, collect information about your options. Talk to people who can educate you about your options.

Discussing each option by itself can lead to one or the other person advocating for that option without comparing it to other options. So discuss all the options together as a pair.

As you discuss all your options, listen to your spouse's opinions, but more importantly to their *needs*. Try to understand their point of view and help them get clear on needs that underlie their opinions about the best course of action – they might not recognise these needs! Discuss the feelings, ideas, concerns, and information you have. Avoid criticism or attempts to dominate each other. Be aware of the messages you send with your body language.

As you discuss your options, think about these questions:

- Which options are compatible with the values and goals of you and your partner?
- Which options seem to be most advantageous to the family?
- Are there options that are absolutely off the table? Which ones? Explain why.
- Which options appeal to you the most? Explain why.

Remember that you love your spouse and that you are a team. Remember that love and unity are important qualities of a successful marriage.

If things get heated, take a break. Violence of any kind is never acceptable.

5. **Make a Decision and Take Action.** After you have made a decision, identify the steps that you have to take to act on the decision. Ask yourselves:
 - What do we have to now to realise our decision?
 - Who is going to do what?
 - By what time?
 - Do we need to get help from anyone? If so, from whom?
6. **Pay Attention to the Results of Your Decision.** Review the outcomes of your decisions to see if they are meeting the needs of you two and your family. If not, get together with your spouse and talk about changes you might make to the decision that might get you better results.
7. **Honour Your Spouse and Your Marriage.** After making a big decision together, celebrate the fact that you have accomplished an important task and that you have done it *together*. The “celebration” can be as simple as acknowledging it out loud or a hug and saying “thank you.” It is important for couples to appreciate each other!

Worksheet 3.1

Daniel and Mary

Daniel and Mary have been married for eight years. They have a good relationship. They have three small children.

Daniel, Mary and their children live in a small house near Daniel's father's coffee plantation where Daniel also works. Mary also works on the coffee plantation, especially during harvest times. Daniel has often expressed his appreciation to Mary for all she does at home and on the plantation.



Photo credit: <http://bit.ly/2HCibXw>

A few months ago, Daniel's father passed away. Daniel's father left a will stating that he would like his plot of land to be divided equally among his two sons – Daniel and his brother.

Mary is concerned about her future and the future of her children. She has already invested a lot of her time and energy in helping the coffee plantation become successful. Mary wants Daniel to co-register the plot of land left to him by his father in both of their names.

Mary also has the idea of using some of the land to plant fruit trees. She knows that it will take a few years for the trees to produce fruit, but she believes the trees will be easier to care for (in comparison to the coffee) and would produce a good profit.

One evening, before they go to bed, Mary brings up both of these topics to Daniel. Mary and Daniel are both tired. Daniel has been working in the sun all day and has a headache. The conversation goes like this:

Mary: I've been thinking about our family's future and I think we should register the land your father left you in both of our names. I also think that we should clear out part of the land to grow fruit trees.

Daniel: You must be kidding. My father left the land to me, not to you. I don't know why you think fruit trees would be a good idea. What do you know about growing fruit trees?

Mary: I think you are being selfish. You know I worry about the future. What am I going to do if something happens to you? How will I raise these small children? And for your information, I happen to know a lot about fruit trees. You know my father grew mango trees when I was a girl. All I want is for you to not have to work so hard and for us to have a bit more money for the children's schooling.

Daniel: You worry too much. I'm the leader of this family. I think we should leave everything alone.

Questions – Daniel and Mary

1. Are Daniel and Mary using the seven strategies to make joint decisions used by healthy couples? If not, what strategies are they missing? What are they doing instead?
2. How do you think gender boxes are affecting Mary and Daniel's decision-making process?
3. How would you advise Daniel and Mary on improving their process for making a joint decision about the land Daniel inherited from his father?
4. How do you think making a *joint* decision about land will benefit Mary and Daniel's relationship?

How Healthy Couples Make Joint Decisions – Seven Key Strategies

1. **Respect Each Other.**
2. **Discuss Decisions Under the Right Conditions.**
3. **Set a Goal.**
4. **Identify Your Options and Discuss Them.**
5. **Make a Decision and Take Action.**
6. **Pay Attention to the Results of Your Decision.**
7. **Honour Your Spouse and Your Marriage.**

Worksheet 3.2

Samuel and Ester

Samuel and Ester have been married for 17 years. Samuel is 39 and Ester is 33. They have four children ranging from 11 to 16 years old. All four children are all in school.

Samuel inherited land from his father and is using it to grow tobacco. A few months ago, an organisation came to the Samuel's and Ester's neighbourhood offering micro-credit loans to women in the community who are interested in starting small businesses, such as selling vegetables at the market or making clay tiles for the construction projects in the city.



Photo credit: <http://bit.ly/2oqw5n3>

Ester would like to obtain one of these loans and start a small business. Now that all the children are older, she feels that she has some extra time during the day. She is also thinking she might be able to take some of the burden of providing for the family off of her husband who does physically hard labour for long hours, six days a week.

One Saturday night Samuel comes home late after drinking with his friends. Samuel is tired and a bit drunk. Ester greets her husband and tells him that she wants to talk about an opportunity. The conversation goes like this:

Ester: Samuel you are working too hard and I think I should take one of the loans they are offering and start a small business. We can use the extra money for school fees and maybe you could hire someone to help you on the farm.

Samuel: What? No, no. My wife is not going to work. I can provide for this family. Besides what do you know about running a business?

Ester: Why do you always reject my ideas? Why don't you want me to share our burden? I have been quiet for so long, but today I am done. I am going to complete the loan application tomorrow.

Samuel: You will do no such thing.

Samuel slaps Ester in the face and she runs into the bedroom.

Questions – Samuel and Ester

1. Are Samuel and Ester using the seven strategies to make joint decisions used by healthy couples? If not, what strategies are they missing? What are they doing instead?
2. How do you think gender boxes are affecting Ester's and Samuel's decision-making process?
3. Was Samuel justified in slapping Ester?
4. How would you advise Ester and Samuel in improving their process for making a joint decision about whether or not Ester should start a small business?
5. How do you think making a joint decision about starting a small business will benefit Ester's and Samuel's relationship?

How Healthy Couples Make Joint Decisions – Seven Key Strategies

1. **Respect Each Other.**
2. **Discuss Decisions Under the Right Conditions.**
3. **Set a Goal.**
4. **Identify Your Options and Discuss Them.**
5. **Make a Decision and Take Action.**
6. **Pay Attention to the Results of Your Decision.**
7. **Honour Your Spouse and Your Marriage.**

Session #4

Successful Families and Land Rights

- Handout 4.1: Simon's Worries**
- Worksheet 4.1: My Goal Map**

Handout 4.1

Simon's Worries

Part 1

Simon grew up in a family that strongly abided to the traditions of his clan. His father inherited a plot of land from Simon's grandfather after he died. This land has been in the family for over 100 years. Simon's father gave Simon a small plot of land a few years ago and Simon has been growing maize on the land and plans to build a small house for his wife Rose and his two daughters.

Rose has been asking him to register the land in both of their names. Rose is concerned that if something happens to Simon, she or his daughter will be left with nothing because by customary law Simon's land will go to his brother. Rose recently saw this happen to her sister, whose husband died in a motorcycle accident.



Photo credit: <http://bit.ly/2okXhV3>

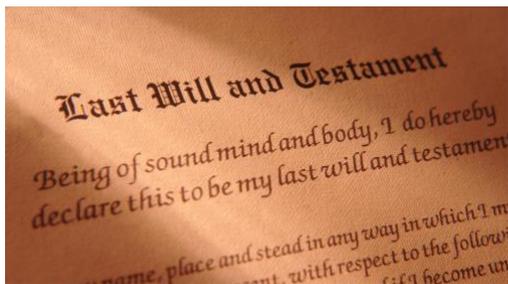
Simon loves his wife and daughters and wants to be a good provider for them. However, he worries about registering his land in both his name and Rose's name. What if Rose leaves him? What will his father say to him? What about the other men in his village? They will think he is henpecked. And what if he does die before Rose? What does she really know about managing land? Wouldn't it be better to leave it to his brother who knows how to cultivate it?

Questions

1. What are some of Simon's worries?
2. Are these worries ones that you have felt?
3. Why do you think Simon is worried?
4. How do you think his worries could affect his ability to be a good provider and the future welfare of his family?

Part 2

Simon saw his friend Joseph walk into their village the other day. It looked like Joseph had just come in from town and was holding some papers in his hand. Simon greeted Joseph and asked him what was new. Joseph said that he and his wife Sarah had just come from an organisation in town that helps people write a will. They signed a will leaving equal plots of land to his two sons and his two daughters should something happen to them.



Simon was a surprised by Joseph's news. He told Joseph that he worries about making a will. He asked Joseph a few questions. Doesn't a will mean that you are going to die? Why would you leave land to your daughters? Their husbands will have land and take care of them.

Besides, the women are better at taking care of things at home and men better at working land.

Questions

1. What else is Simon worried about?
2. Are these worries ones that you have felt?
3. Why do you think he is worried?
4. How do you think his worries could affect his ability to be a good provider and the future welfare of his family?

Part 3

Simon loves his family and wants the best for them now and in the future. He has been taught for so long that he is responsible for them and must be a good provider. He wants others to see him as wise and just. Some of the things that he and his wife have talked about make sense. And he admires Joseph for thinking about his daughters but worries others in the village will criticise him. He doesn't know what to do.

Questions

1. Simon has several worries. What would you like to tell Simon about the benefits of:
 - Co-registering/sharing his land with his wife?
 - His wife and his daughter learning about how to use and manage land?
 - Leaving land to his daughters?
 - Making a will?
2. How do you think the gender boxes affect Simon's worries?
3. Where do you think Simon could get support in making these decisions about land?

Worksheet 4.1
My Goal Map

MY GOAL IN 1 YEAR

WITHIN 9 MONTHS

WITHIN 6 MONTHS

WITHIN 3 MONTHS

TODAY

The diagram illustrates a goal map using the metaphor of a tree's growth. At the bottom, a small seedling is labeled 'TODAY'. A path of footprints leads up to a slightly larger sapling labeled 'WITHIN 3 MONTHS'. Another path leads to a medium-sized tree labeled 'WITHIN 6 MONTHS'. A final path leads to a large, fruit-bearing tree labeled 'MY GOAL IN 1 YEAR'. A bright sun is positioned above the final tree. Each stage is accompanied by a large, empty rectangular box for writing.

Session #5

What Men Can Do to Assure Equitable Land Rights

- **Handout 5.1A: Making a Will**
- **Handout 5.1B: Last Will and Testament Template**
- **The appropriate handout listing land-management services/resources:**
 - *Handout 5.2K: List of Land-Management Services/Resources - Kenya*
 - *Handout 5.2T: List of Land-Management Services/Resources - Tanzania*
 - *Handout 5.2U: List of Land-Management Services/Resources - Uganda*
- **The appropriate handout on using land-management services/resources:**
 - *Handout 5.3K: How to Use Land-Management Services/Resources - Kenya*
 - *Handout 5.3T: How to Use Land-Management Services/Resources - Tanzania*
 - *Handout 5.3U: How to Use Land-Management Services/Resources - Uganda*
- **Worksheet 5.1: Radio Programme – Thomas (Joint Decision Making)**
- **Worksheet 5.2: Radio Programme – Charles (Co-registering Land)**
- **Worksheet 5.3: Radio Programme – James (Making a Will)**

Handout 5.1A

Making a Will

What Is a Will?

A will is a legal declaration by a person of their wishes with regard to their property *after* their death. A will (written or oral) can be revoked or altered by the person making the will) at any time that s/he is competent. The legal word for the person making the will is “testator.”

There are two types of wills:

1. An **oral will** must be made in the presence of competent witnesses. The number of witnesses depends by country. In some cases, if a witness dies before the person making the will, the will will not be accepted. In some countries, an oral will must be made shortly before the person making the will dies. The exception to the time limit applies to terminally ill individuals and persons in the armed forces.
2. A **written will** should:
 - Be in writing (typed or written in pen),
 - Include the name and address of the person making the will,
 - Include the name and contact information of the person who will carry out the testator’s wishes upon his/her death (the legal term for this person is “executor” if a man or “executrix” if a woman),
 - Include detailed descriptions of the person’s property, location, and who will inherit it. (the legal term for a person who inherits from a will is “beneficiary”),
 - Be signed and dated by the person making the will in front of witnesses who know how to read and write. If the person making the will is illiterate, they can use their right-hand thumb print. Again, the number of witnesses needed can vary by country. In many cases the witness cannot be people who will gain from will. The witnesses must also sign the will.

About the Revocation, Destruction, or Alteration of Written Wills

- A will can be amended by the person making the will, as long as the alterations are witnessed and dully signed.
- A will is deemed to be destroyed if it is torn or the content cannot be understood.
- If several written wills exist, then the most recently dated one will be considered the valid will.
- In a situation where a person has both written and oral wills, the written will takes priority.

Who Can Make a Will?

Those making a will must be of legal age, of sound mind, and not be under any type of duress, force or threat. Legal age varies by country. Both men and women can make wills.

Who Are the Beneficiaries of a Will?

- Surviving spouse(s) recognised by formal or customary laws.
- Children of the deceased.
- Other legal heirs.

Where Should a Will Be Kept?

Keep your original will in a safe place where your executor/executrix will know how to find it. For example, you might want to keep a copy of your will at a lawyer's office or with a religious leader or best friend.

Handout 5.1B

Last Will and Testament Template

Note: This is an example of a how a Last Will and Testament can be written. It is in the most basic and simplest form of will. Consult with your local legal services to make sure the format and information included in your will is consistent with your country's laws.

LAST WILL AND TESTAMENT

OF

_____ (NAME OF PERSON MAKING THE
WILL)

A. Declaration

I, _____ (your full name), residing in _____ (village, region, country), and of ID number _____ (your ID number) being of sound mind and memory, and not acting under any duress or undue influence of any person or circumstance, do hereby make, publish, and declare this to be my Last Will and Testament.

B. Revoke Prior Wills and Codicils

I hereby revoke any and all Wills and Codicils previously made.

C. Appointment of Person Who Will Carry Out Your Wishes (Executor/Executrix)

I appoint my wife, _____ (full name), as Executrix¹ under this, my Last Will and Testament. If my wife shall predecease me, or fail or cease to serve for any reason, I nominate, my son, _____ (full name), as Successor Executor. If my son shall predecease me, or fail or cease to serve for any reason, I nominate my daughter _____ (full name), as Successor Executrix.

D. Powers of the Executor/Executrix

¹ An "Executrix" (for women) and "Executor" (for men) are the legal terms use to describe the person who is assigned to carry out the terms of the will.

I grant to the Executrix powers with respect to all the property forming my estate:

1. Distribute the assets of the estate.
2. Sell the assets of the estate at public or private sale for cash or credit terms.
3. Invest any surplus money of the estate in real or personal property as they think fit.

E. Family Members

My family consists of:

- My first wife, _____, (*full name*) born _____ (*birth date*)
- My second wife, _____, (*full name*) born _____ (*birth date*)
- My son, _____ (*full name*), born _____ (*birth date*)
- My daughter _____ (*full name*), born _____ (*birth date*)
- Etc.

I hereby declare my love and affection for my family.

F. Bequests²

I bequeath described sums of money and items of personal or real property as follows:

1. My first wife, _____ (*full name*), living at

(*full address*), _____
(*description of bequest, e.g., money in bank account – provide amount of money, name of bank and location, and account number*).
2. My second wife, _____ (*full name*), living at

(*full address*), _____
(*description of bequest, e.g., my apartment – provide full address of apartment and location*).
3. My son, _____ (*full name*), living at _____

² A “bequest” is a legal term for what a person what’s to leave to someone named in their will.

(full address), _____ (description of bequest, e.g., my 10 acre plot (provide full description of land and location), and my car (provide details about car)).

4. My daughter, _____ (full name), living at

_____ (full address), _____
(description of bequest, e.g., 10 my acre plot (provide full description of land and location), and my animals (provide description, number, and location)

[Include additional bequests, as needed]

In WITNESS WHEREOF, I sign and declare this instrument as my Last Will and

Testament, on this _____ (month), _____ (date) _____ (year) at

_____ (location).

_____ (SIGNATURE)

FULL NAME, TESTATOR³ (print)
ID NUMBER (print)

_____ (SIGNATURE)

FULL NAME, WITNESS #1 (print)
ID NUMBER (print)

_____ (SIGNATURE)

FULL NAME, WITNESS #2 (print)
ID NUMBER (print)

³ "Testator" is the legal term for the person who is making the will.

Handout 5.2K

List of Land-Management Services/Resources - KENYA

Name of Organisation/Resource	Services Provided
LAND MANAGEMENT INSTITUTIONS	
1. Land Registry	<ul style="list-style-type: none"> <input type="checkbox"/> Issues certificates of titles, title deeds, and keeps a register of all land. <input type="checkbox"/> Maintains a database of all information related to land; the database can be used to do a search, registration of caution on a title, etc. <input type="checkbox"/> The land registrar is in charge of the registry and drafts the documentation relating to transfer, ownership, and any other relevant transactions.
2. National Land Commission	<ul style="list-style-type: none"> <input type="checkbox"/> Manages public land on behalf of the national and county governments. <input type="checkbox"/> Recommends a national land policy to the national government. <input type="checkbox"/> Advises the national government on a comprehensive programme for the registration of title in land throughout Kenya. <input type="checkbox"/> Conducts research related to land and the use of natural resources, and make recommendations to appropriate authorities. <input type="checkbox"/> Initiates investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress. <input type="checkbox"/> Encourages the application of traditional dispute-resolution mechanisms in land conflicts. <input type="checkbox"/> Assesses taxes on land and premiums on immovable property in any area designated by law. <input type="checkbox"/> Monitors and has oversight responsibilities over land use planning throughout the country.
3. County Land Coordinator Office	<ul style="list-style-type: none"> <input type="checkbox"/> Conducts all the functions of the commission at the county level. <input type="checkbox"/> Resolves disputes related to land at the county level. <input type="checkbox"/> Ensures there are existing structures that ensure protection of land.
4. County Land Boards	<ul style="list-style-type: none"> <input type="checkbox"/> Holds and allocates land in the county which is not owned by any person or authority. <input type="checkbox"/> Facilitates the registration and transfer of rights, claims and interests in land (surveying and valuing the land and issuing certificates related to it). <input type="checkbox"/> Conducts surveys, plans, maps, drawings, and estimates to be made by or through its officers or agents.

Name of Organisation/Resource	Services Provided
	<input type="checkbox"/> Compiles and maintains a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature, and any other thing that may be prescribed.
LAND JUSTICE INSTITUTIONS	
1. Environment and Land Court (ELC)	<input type="checkbox"/> Presides over all matters relating to land.
2. Family Division Courts	<input type="checkbox"/> Presides over issues relating to family (e.g., property division, land, succession).
3. Traditional Justice Systems (Elders)	<input type="checkbox"/> Facilitates communication between the parties in conflict with a view to helping them reach a voluntary resolution to their dispute that is timely, fair and cost-effective. <input type="checkbox"/> Mediators manage the meeting and are in charge of the proceedings; he/she should not impose solutions or decisions and has no power to force a settlement. A solution should only be reached by agreement between the parties.
4. Local administration (Chiefs and Sub chiefs)	<input type="checkbox"/> Resolves disputes relating to land and property. <input type="checkbox"/> Provides the basic beneficiary letter which assists in the succession process. <input type="checkbox"/> Creates awareness at the community level on issues relating to property rights.
5. Non-Governmental Organisations such as: <ul style="list-style-type: none"> • Groots Kenya • Federation of Women Lawyers • Kenya Land Alliance • Kenya National Commission on Human Rights 	<input type="checkbox"/> Give legal advice and follow up on cases in court. <input type="checkbox"/> Create awareness on land and property rights issues. <input type="checkbox"/> Advocate for the review of laws and policies that are discriminatory to women's property rights.

Handout 5.3K

How to Use Land Management Services/Resources in KENYA

1. What kinds of land are there?

- **Private land:** Land owned by individuals
- **Public Land:** Land which no individual or community ownership can be established by any legal process.
- **Community Land:** Land lawfully registered in the name of group representatives under the provisions of any law.

2. Who makes land laws in Kenya?

- The Legislature.

3. How do I register and co-register land with my wife?

- All transactions relating to land are centralised at the Land Registry.
- Copies of the relevant documents relating to the relevant land transfer (via sale or succession or gift) to support the process.
- Produce copies of transfer documents, national Identity card, copy of the title, and a fee of 500 shillings.
- Produce a copy of the marriage certificate and letter to registrar indicating co-ownership of land and copy of your ID to confirm your identity.
- The title deed will be crossed off and a new title issued to reflect the co ownership.

4. How do I transfer land from one person to another?

- Go to e-citizen online or Land Registry and obtain a copy of a transfer form.
- Fill in the details of the transfer annexing the relevant documentation (e.g., passport photos of the transferor and transferee, copies of national identity cards, copies of the land title in question, copy of the sale agreement, and bequest or any document that permits the transfer).
- The documents should be duly commissioned and witnessed by an advocate.
- File the documents at the Land Registry together with a letter to the registrar indicating the transfer.
- Do a search on the land to confirm the transfer and obtain the title.
- When it comes to agricultural property, consent of the land control boards at the county level is necessary.

5. How do I settle a land dispute?

In case of a land dispute, there are several alternative land justice institutions that can help you.

- Start off at the traditional institutions for mediation, or contact existing persons in the community that can support you to resolve conflict amicably through other alternative dispute-resolution methods like mediation and negotiation.
- If this fails to resolve the dispute, you will have to go to the courts and specifically the Environment and Land Court, file your documents, obtain the summons and attend court to present your case.
- There are certain disputes relating to land considered community land or land belonging to the county that can be resolved by the national land commission through the lodging of a complaint with the county coordinator.
- In certain instances, relating to clarity on matters ownership, a search at the land registry and a letter to the lands registrar can suffice in clearing uncertainty.

6. Where can I go to get help with making a will – especially with regard to land inheritance?

- Court Registry
- Private Lawyer
- Civil society organisations working on land issues
- Office of the Public Trustee, especially for child headed households

7. Where can I go to get help in using and managing land?

- Area Chiefs
- County Land Coordinator
- Land Registry; Land Registrar's Office
- National Land Commission
- Environment and Land court, Family Court Division
- Civil Society Organisations

Handout 5.2T

List of Land-Management Services/Resources – TANZANIA

Name of Organisation/Resource	Services Provided
Commissioner of Lands	<ul style="list-style-type: none">• Advises the government on all matters connected with the administration of all land in the country
Ministry of Lands	<ul style="list-style-type: none">• Oversees all land management, provides land ownership certificates
National Land Use Planning Commission	<ul style="list-style-type: none">• Harmonises and coordinates all land use related policies and legislation
Village and District Land Registry	<ul style="list-style-type: none">• Registers ownership of land• Registers Land Use Plans
The Village Council	<ul style="list-style-type: none">• Manages village land as a trustee on behalf of community members
Village Land Council	<ul style="list-style-type: none">• Conducts dispute settlement related to village level through mediation
Village Adjudication Committee (established by the Village Council)	<ul style="list-style-type: none">• Determines the boundaries of and interest in village land• Conducts dispute settlement in accordance with customary law of village land• Advises on customary law related to village land
Ward Land Tribunal	<ul style="list-style-type: none">• Conducts dispute settlement related to land at the ward level

The District Land and Housing Tribunal	<ul style="list-style-type: none"> • Conducts dispute settlement related to land within a district
The Land Division of the High Court and the Court of Appeal	<ul style="list-style-type: none"> • Determines all matters of disputes, actions and proceedings concerning all kinds of land in the country
Non- Governmental Organisations and Community Based Organisations	<ul style="list-style-type: none"> • Advises on land and inheritance related issues as well as productive use of land

Handout 5.3T

How to Use Land-Management Services/Resources in TANZANIA

1. What kinds of land are there?

- General land
- Village land
- Reserved/Protected Land

2. Who makes land laws in Tanzania?

- A proposed land bill/law is developed by the Ministry of Land (under the guidance of the Attorney General's Office) and submitted to parliament for discussion and adoption.
- Important to note that the President holds, in trust, all land in the country for and on behalf of all citizens

3. How do I register and co-register land with my wife?

- For individual land registration, the process starts from the village level where boundaries and approval for sale of a plot of land is done in writing by the village council. This document then registered at the Village and District Land Registries. Thereafter, all documentation related to the land is taken to the Regional Land Office for approval. Finally, the documents are taken to the Commissioner of Land office for approval and issuance of a title deed.

4. How do I transfer land from one person to another?

- To transfer land forms must be completed: 1) Form No. 29 Notification, 2) Form No. 30 for Approval, and 3) Form No. 35 Disposition.
- A Transfer Deed or Sale Contract must be prepared, and a fee as per value of the land paid.

5. How do I settle a land dispute?

A land dispute can be resolved at different levels and with different authorized structures as follows:

- Village Level – Village Land Council and Village Adjudication Committee
- Ward Level – Ward Land Tribunal is responsible for resolving land disputes.
- District Level – The District Land and Housing Tribunal is responsible to resolve conflicts at the district level.
- National Level – High court land division tackles all land matters. Any person can appeal from one level to another if he/she is not satisfied with the decision of the subordinate court to court of appeal of Tanzania.

6. Where can I go to get help with making a will – especially with regard to land inheritance?

- Any commissioner for oath can prepare a will. Commissioners for oath in Tanzania are: advocate, judges, magistrates and state attorneys.
- Department of Gender and Family Affairs at District Council and Regional Commissioner's offices.
- Non-Governmental Organisations and Community Based Organisations.

7. Where can I go to get help in using and managing land?

- Advice on land management is provided under the Office of Commissioner for Land in the District Level, Regional Level, and National Level and also can be done by authorized land officers around the country.
- Non-Governmental Organisations/ Community Based Organisations.

Handout 5.2U

List of Land-Management Services/Resources - UGANDA

Name of Organisation/Resource	Services Provided
LAND MANAGEMENT INSTITUTIONS	
1. Land Registry	<ul style="list-style-type: none"> <input type="checkbox"/> Issues certificates of titles <input type="checkbox"/> Conducts general conveyance (<i>legal process of transferring property from one owner to another</i>) <input type="checkbox"/> Keeps custody of the national land register <input type="checkbox"/> Coordinates, inspects, monitors and provides back-up technical support relating to land registration and land acquisition processes to local governments
2. Uganda Land Commission	<ul style="list-style-type: none"> <input type="checkbox"/> Holds and manages land in Uganda which is vested in and acquired by the government in accordance with the constitution <input type="checkbox"/> Resettles people who have been made landless due to government action and natural disaster <input type="checkbox"/> Procures certificates of title over land vested in and acquired by government <input type="checkbox"/> Manages the Land Fund, which lends money to tenants by occupancy to pay for and register their land <input type="checkbox"/> Assists lawful and “bonafide” occupants get titles
3. District Land Boards	<ul style="list-style-type: none"> <input type="checkbox"/> Hold and allocate land in the district which is not owned by any person or authority <input type="checkbox"/> Facilitate the registration and transfer of rights, claims and interests in land (<i>surveying and valuing the land and issuing certificates related to it</i>) <input type="checkbox"/> Take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority (e.g., ULC) <input type="checkbox"/> Request surveys, plans, maps, drawings, and estimates <input type="checkbox"/> Compile and maintain a list of compensation rates payable in respect of crops, buildings of a non-permanent nature, and any other thing that may be prescribed

4. Area Land Committees	<input type="checkbox"/> Assist the board in an advisory capacity on matters relating to land, including ascertaining rights in land. <input type="checkbox"/> Determine, verify, and mark the boundaries of customary land within the locality where an application for a certificate of Customary Occupancy is made.
5. Land Recorders	<input type="checkbox"/> Register land, issuing certificates and keeping records relating to certificates of customary ownership and certificates of occupancy (copy of each certificate issued deposited to the District Land Board).
LAND JUSTICE INSTITUTIONS	
6. Supreme Court (the highest Court in Uganda and the final Court of Appeal)	<input type="checkbox"/> Decides cases on appeal from lower courts (the decisions of the Supreme Court form precedents which all lower courts are required to follow). <input type="checkbox"/> Gives the final judgment in all cases involving laws of Congress, and the highest law of the land, the Constitution.
7. Court of Appeal (only has original jurisdiction when sitting as a Constitutional Court, otherwise, it has unlimited civil, criminal and constitutional jurisdiction in such matters)	<input type="checkbox"/> Handles appeals from the High Court of Uganda.
8. High Court	<input type="checkbox"/> The High Court has five Divisions: the Civil Division, the Commercial Division, the Family Division, the Land Division, and the Criminal Division. <input type="checkbox"/> It is responsible for the administration of the court and has supervisory powers over Magistrate's courts.
9. Magistrates Court	<input type="checkbox"/> Comprised of Chief Magistrates Court, Magistrates Court (Grade 1) and Magistrates Court (Grade 2). <input type="checkbox"/> Chief Magistrate exercises general powers of supervision of all magistrates' courts (Grade 1 and 2) within the area of his or her jurisdiction. <input type="checkbox"/> In exercising their powers, the Chief Magistrate may call for and examine the records of any proceedings before the lower magistrates' courts. <input type="checkbox"/> They have appellate jurisdiction from Grade 1 courts that is to say they entertain appeals from the Grade 1 courts. <input type="checkbox"/> This court tries all cases except those (for criminal cases) whose maximum penalty is death. <input type="checkbox"/> A Chief Magistrate has jurisdiction where the value of the subject matter in dispute does not exceed fifty million shillings. <input type="checkbox"/> It has unlimited jurisdiction in disputes related to conversion, damage to property or trespass.
10. Local Council Courts	<input type="checkbox"/> First court of instance in land related disputes.
11. Traditional Authorities/ Mediators	<input type="checkbox"/> Facilitate communication between the parties in conflict with a view to helping them reach a voluntary resolution to their dispute that is timely, fair, and cost-effective. <input type="checkbox"/> Mediator manages the meeting and is in charge of the proceedings. He/she should not impose solutions or decisions and has no power to force a settlement. A solution should only be reached by agreement between the parties.

12. Legal aid Civil Society Organisations (CSOs) in your area (for example; UCOBAC, FIDA, Action aid, etc.)	<input type="checkbox"/> Provide information, legal aid, alternative dispute resolution (mediation, etc.),
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Handout 5.3U

How to Use Land Management Services/Resources in UGANDA

1. What kinds of land are there?

There is **private** land, **community** land and **public** land. The laws about how each type of land can be used and managed land differ. You can find out more about these laws at:

- The Ministry of Lands, Housing and Urban Development in Kampala
- District Land Offices in the respective districts
- Existing civil society organisations working on land issues in your area.
 - These institutions will have hard copies of the Constitution of Republic of Uganda (1995) and 1998 Land Act (as amended) and the National Land policy.
 - These documents/laws are available online if you have access to the internet.
 - In the case of community land/customary land, the rules and procedures of land access, ownership, control and management are largely undocumented. They are determined by the norms, customs, and traditions of a particular society.

2. Who makes land laws in Uganda?

- The Constitution of the Republic of Uganda (1995) is supreme law.
- Other land laws are made by our Legislators – Members of Parliament.

3. How do I register and co-register land with my wife?

Title Deed from Freehold and Leasehold Land Registration Process

- The interested person applies to the Area land Committee – ALC (at Parish Level) and fills in an application form provided by the ALC. The ALC then visits the site to determine, verify, and mark the boundaries of the land. The applicant is required to buy the application forms at 5000/= and to facilitate the ALC to travel to the site at approximately 50,000/= (more or less) depending on area, distance etc.

- The ALC then submits a report to the District Land Board. The District Land Board on receiving the report from the ALC, convenes a meeting to discuss the applications and makes a recommendation to the District Land Office instructing the district surveyor or a your own private surveyor registered at the district land office to survey and demarcate the land. The surveyor then works with the district cartographer to draw a deed plan that is then submitted to the District Registrar of Titles who will then issue a title.

Certificate of Customary Ownership/Certificate of Occupancy from Customary Land or Mailo Land

- Apply to the Area Land Committee at Parish level. Complete the application form and ALC will verify and mark boundaries to the land at a fee of approximately 10,000/=
- The ALC will submit a report to the Sub-county Chief/Recorder at sub-county level to record your application and issue you a Certificate of Occupancy or Certificate of Customary Ownership.

NOTE: The spouse should sign as a co-owner and not as a witness to the process. Ensure that both your full names are registered on the section of owner/owners of land.

4. How do I transfer land from one person to another?

- In the case of transfer of registered land from one person to another, you will acquire land transfer forms from the District Land office. You will both fill in and sign the transfer forms (free of charge) and a mutation form (free of charge) which shows that all persons with interests on that piece of land consent to the transfer of the land. You also attach the Land Title and submit to the District land office. The Land Transfer fee depends on the size of the land.
- You can also transfer land through a written will clearly stating which land would be allocated to whom.

5. How do I settle a land dispute?

In case of a land dispute, there are several alternative land justice institutions that you should go to.

- Start at the traditional institutions for mediation or contact existing persons in the community that can support you in resolving conflict amicably using alternative dispute resolution methods like mediation and negotiation.

- If this fails to resolve the dispute, you will have to go to the Local Council Courts (11 and 111) at the Parish and sub-county level, respectively.
- If the above fails to resolve your case, move to the Magistrates Court at district level.
- If the case is not resolved at these levels, you can appeal in the higher courts i.e., High court (Regional level), then Court of appeal (National level)

6. Where can I go to get help with making a will – especially with regard to land inheritance?

- Community Development office
- Private lawyer
- Civil Society organisations in your area working on land issues
- Religious and opinion leaders
- Trained community paralegals

7. Where can I go to get help in using and managing land?

- **Village level** – *Traditional leaders, mediators*
- **Parish level** - *Area Land Committee, Local Council Court 11*
- **Sub-county level** – *Area Land Committee, Sub-county Chief/Recorder, Local Council Court 111, Community Development officers,*
- **District Level** – *District Land Office, Magistrates Court, High Court*
- **Regional and National Level** – *Land Registry, High Court, Court of Appeal, Supreme Court, Ministry of Lands*
- **Legal aid institutions or land rights civil society organisations operating at all levels.**

Worksheet 5.1

Radio Programme – Thomas (Joint Decision Making)

Directions

- Read Thomas' situation below.
- During a well-known radio programme called "Land Rights Radio," Thomas calls in for advice on **how to make a joint decision with his wife about how to use their land.**
- Take 15 minutes to create a skit where Thomas and the two radio personalities who host the radio programme – Forrest and Eartha – dialogue about his situation. In this skit, Forrest and Eartha give advice to Thomas using some of the seven strategies for making joint decisions (see the flipchart in front of the room).
- The skit should be no more than 2-3 minutes long. Feel free to use any kind of props you think would be helpful.
- Forrest and Eartha are very supportive of equitable land rights and have no tolerance of oppression of women.



Thomas' Situation – Joint Decision Making

Thomas is 27 years old and is married to Regina who is 25. They have two children (a boy and a girl). Thomas has learnt that men should make decisions for the family and women are expected to go along with what their husband's decisions. However, Regina feels and thinks differently.

Thomas loves his wife and respects her. He is a wise and just man. He thinks Regina is very smart. He wants to make a joint decision with Regina about how to use a plot of land he inherited from his father. He thinks she would have some good ideas – her father was very good at cultivating his land and made profits.

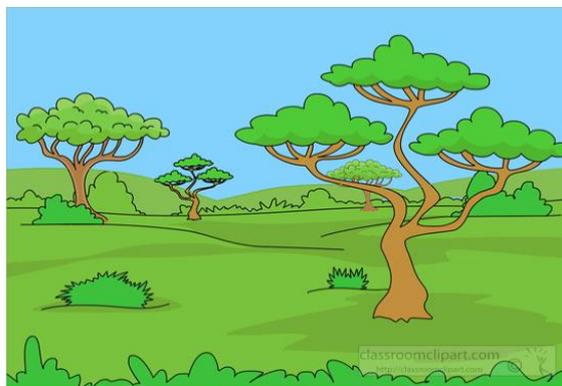
He is worried that his brothers will make fun of him or even scold him for getting his wife involved in "men's matters."

Worksheet 5.2

Radio Programme – Charles (Co-Registering Land)

Directions

- Read Charles' situation below.
- During a well-known radio programme called "Land Rights Radio," Charles calls in for advice on **how to co-register land with his wife.**
- Take 15 minutes to create a skit where Charles and the two radio personalities who host the radio programme – Forrest and Eartha – dialogue about his situation. In this skit, Forrest and Eartha give advice to Charles about how to use the land management services in his area to co-register his land. Use ***Handout 5.2: List of Land-Management Services/Resources*** and ***Handout 5.3: How to Use Land Management Services/Resources***, as appropriate.
- The skit should be no more than 2-3 minutes long. Feel free to use any kind of props you think would be helpful.
- Forrest and Eartha are very supportive of equitable land rights and have no tolerance of oppression of women.



Charles' Situation – Co-Registering Land

Charles is 33 and is married to Lorraine who is also 33. They have three children. Charles has heard that men should never co-register their land because women could leave their husband and take the land away from them.

Charles loves his wife and cares about her future and the future of his children. He is a wise and just man. He knows it is his responsibility to provide for them and his children. He wants to co-register land with Lorraine but worries about what his clan elders will say. He has no other men to talk to about how to co-register land as no one in his village has done so in the past.

Worksheet 5.3

Radio Programme – James (Writing a Will)

Directions

- Read James' situation below.
- During a well-known radio programme called "Land Rights Radio," James calls in for advice on **how to write a will.**
- Take 15 minutes to create a skit where James and the two radio personalities who host the radio programme – Forrest and Eartha – dialogue about his situation. In this skit, Forrest and Eartha give advice to James about how to write a will (based on what we learnt today from ***Handout 5.1A: Writing a Will*** and ***Handout 5.1B: Last Will and Testament Template.***
- The skit should be no more than 2-3 minutes long. Feel free to use any kind of props you think would be helpful.
- Forrest and Eartha are very supportive of equitable land rights and have no tolerance of oppression of women.



James' Situation – Writing a Will

James is 54 years old and his wife, Frances, is 48 years old. He has two other wives, Nia (40 years old) and Grace (34 years old). Together, they have six children (three boys and three girls). James and his wives are in good health, however James was recently saddened to learn that his brother died suddenly of a heart attack at 52 years old. His father died young too – at age 40 – in a bus accident. He knows he should think about the future of his family.

James is a wise and just man. He wants to write a will to make sure his wives and children are provided for should something happen to him. He thinks he should involve his wives but is not sure. His father did not have a will and the land his father had went only to James and his brothers (not his sisters). He doesn't want to leave his daughters out of his legacy.

Session #6

Being a Force for Change

- Handout 6.1: Tips for Responding to Gender Inequality**
- Worksheet 6.1: Joseph and His Friends Talk**

Handout 6.1

Tips for Responding to Gender Inequality

1. Ask the person to explain their opinion.

Sometimes people want to go along with what they believe others believe even though they have never thought critically about the belief. If they really understood what they were saying they may not agree with it as strongly as they do. Remember our proverb: “Blind belief is dangerous.” Ask the person something like this:

- Why do you believe that?
- What proof do you have about that?
- Have you actually seen that happen?



Photo credit: <http://bit.ly/2or1Ko3>

2. Acknowledge the person’s fear and concern.

It’s important when challenging someone on their beliefs that they are not put on the defensive. No one likes to feel like they are being told that they are “wrong.” Acknowledge the other person’s feelings or concerns so they see that you understand them. Remember the quote: “Fear is one of the greatest enemies of success. Say something like this:

- I hear that you are worried.
- I know this idea is new to you and you still don’t know how you feel about it.
- I know that you your worry about giving up rights to your land.



Photo credit: <http://bit.ly/2oriGef>

3. Educate the person, if needed.

Sometimes people form their opinions without having all the information they need or use misinformation. When appropriate, educate the person with facts about the law or about services available. See **Handout 1.1: Human Rights, Formal Laws, and Customary Laws Related to Land**, **Handout 5.2: List of**

Land-Management Services/Resources and **Handout 5.3: How to Use Land Management Services/Resources** for more information. For example, you could say something like:

- The law in our country says that women are entitled to own land.
- The [NAME OF ORGANISATION] is available to help couples with co-registering land.
- When couples jointly own or use land, their families are more likely to have better economic and health outcomes (see **Facilitator Resource 2.2: Benefits of Women's Land Rights**).

4. Evoke the person's empathy.

Empathy is the ability to understand the feelings of another. Appeal to the person's sense of fairness. For example, you could say something like:

- How would you feel if you were given no inheritance?
- How do you think it feels to be a woman without having a feeling of security?
- Imagine your daughter's husband leaves her. What is she going to do without resources?

5. Share your positive experience (and the positive experiences of other men you know).

When other people hear your positive experiences with certain actions (for example writing a will or co-registering land with your wife), they are more likely to be convinced that the actions have value. Be willing to share your experiences and the benefits that have come from those actions for you and your family.

6. When necessary, show your disapproval of treating women unfairly – especially using violence against women.

No one should tolerate disrespect for women or girls. And violence (physical, sexual, emotional or financial) of any kind should never be tolerated. If someone talks about women in a disrespectful way, say that you are uncomfortable with it and don't approve of it. For example, you might say:



Photo credit: <http://bit.ly/2oVezK>

- I have a mother, a wife, and a daughter. I don't like to talk about women like that.
- We have to respect people if we want to be respected. I don't like to call anyone names.
- I don't believe we should ever hit anyone. A strong man shows his strength by loving his family, not hitting them.

Worksheet 6.1

Joseph and His Friends Talk

Joseph, his friend Simon, and a few other men are in town one Sunday. The men are talking about their recent harvests and how they are going to sell some of the surplus. Joseph shares with them that he recently took the SYFF course and that he learnt a lot about how beneficial it can be to share land with his wife and his daughters.

Some of the men start laughing and the others just stare at him as if they couldn't believe what they just heard. As they started to discuss the course, Joseph heard several of his friends say things that were disrespectful of women and went against equitable land rights. He knew that some of them felt threatened by the idea of sharing their land and needed more education.

Below are some of the statements Joseph heard from his friends. What do you recommend Joseph say in response to these statements? Use your handouts to help develop your answer.

- 1. If you share land with your wife, you are just letting her control you.**



Photo credit: <http://bit.ly/2HFcckl>

- 2. I can't go against the traditions of my clan. Our tradition is to leave land only to our sons.**

- 3. My daughters will marry and their husbands will take care of them.**

4. Writing a will means you are going to die. It's bad luck.



Photo credit: <http://bit.ly/2BI9V82>

5. If I co-register my land with my wife, she will leave me and take it with her.

6. My wife doesn't know anything about land. Why should I give any to her?

7. A woman's job is in the home. I will take care of the land.

8. When my wife gives me hard time about land, I show her who's the boss of the family. Sometimes she needs to be put in her place.

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