

Note to Facilitators!

Before printing this workbook...

- Take out the handouts that are **NOT** for your country.
 - Print one copy of the workbook first to make sure the pages line up correctly before printing more copies.
 - The blank pages in the workbook are there intentionally. It sets up the document to be printed double-sided.
 - It's preferable to print this booklet in color – it will make it easier for participants to follow. If this is cost prohibitive, it is OK to print in black and white.
- **Delete this page before you print!**



Securing Your Family's Future TOGETHER

A Course for SYFF for Women and SYFF for Men
Couple Graduates

PARTICIPANT WORKBOOK

YOUR NAME: _____

YOUR COMMUNITY: _____

TODAY'S DATE: _____





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SYFF Together's Goal #1

Strengthen the couple's intentions to secure their family's future by taking the following actions:

1. Make joint decisions together, including decisions about land.
2. Co-register land.
3. Write a will.
4. Register marriage.
5. Support women in having an active voice on village land councils or other land management structures.



SYFF Together's Goal # 2

Strengthen the couples' bond with each other by being able to:

- Describe each other's vision for their family's future.
- Communicate openly and respectfully with each other.
- Express appreciation to each other.
- Resolve conflicts harmoniously.
- Talk to their children about what they have learned.



Session 1: Course Introduction and Listening Circles

What is Empathy?

Empathy is the ability to imagine what life is like for another person. Empathy is seeing with the *eyes* of another, hearing with the *ears* of another, and feeling with the *heart* of another.



- Empathy can help us understand our spouses, who they are, and what their needs and desires are.
- People who practice empathy try to understand a person's experience and are more likely to help that person.
- The person receiving the empathy feels supported and validated.
- One way to express empathy is to show the person that you can imagine what they feel.
- When you are expressing empathy:
 - Never interrupt the person while they are talking
 - Check in to see that the empathy you are expressing is accurate.
 - Make sure your nonverbal and verbal communication are aligned.

What is Compassion?

- A step further is to offer **compassion**. Compassion goes beyond understanding and sharing feelings (empathy). Compassion is about taking some action to help the person.

Handout 1.1: Simon and Joseph

A Skit about Empathy and Compassion

Simon: Good morning, Joseph. I'm glad to see you. I was in a motorcycle accident last week. A drunk driver hit me with his car. My motorcycle was destroyed. By some miracle, I was not seriously hurt. I broke my arm. It is getting better, but I am finding it hard to work.



Joseph: I am so sorry to hear this news, Simon. You must have been so frightened when the man hit you.

Simon: Yes, I was very scared. I thought I was going to die. Nothing like this has ever happened to me.

Joseph: I'm guessing you are mad too. Had the man not been drunk, he would probably not have hit you. And now you are without a motorcycle. It's going to be hard to get around.

I have some idea of what you are feeling. Last year, when my motorcycle wasn't working, I had to rely on the bus, and it took me so long to get to work.

Simon: The man was very irresponsible. I could have died. He can't pay me for my motorcycle. He can't pay for my medical expenses. The police took a report. Let's see what they can do, but I don't have a lot of hope. It's not fair.

Joseph: It sounds like you are grateful you did not get seriously hurt, but you still broke your arm. And now it's difficult for you to work. I'm guessing you are a bit worried about money. You have to replace your motorcycle, and you cannot work as much as you were before.



Simon: I am very worried. The doctor said if I don't give my arm time to heal, I could have permanent damage. I don't know how I am going to keep up with my children's school fees.

Joseph: You know, the headmaster at the school is related to my wife, Sarah. I am going to ask my wife to talk to her. Maybe she can make some accommodation given your situation. I'll also ask my wife to see if she can loan some of our children's uniforms to yours.

Session 2: Securing Your Family's Future—Time for Planning!

Handout 2.1: 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.
- See each other as equals and do not try to dominate each other or have power over each other. They use power to help each other, not control each other.
- Are willing to listen to each other and value each other's opinions.
- Never use violence (physical or emotional). One partner is never "afraid" of the other partner.

2. **Talk about 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 like: "I would like us to talk about how we can save 100 shillings 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.



- Think of the discussion with your spouse as an opportunity to discover what is best for both of you and the family.
- Think about all the possible options you have in making a decision about a particular issue or problem. 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.
- 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.
- Discuss the feelings, ideas, concerns, and information you have.
- 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 you have to take to act on the decision. Ask yourselves:
 - What do we have to do now to follow through on 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 your needs, your spouse's needs, and the needs of your family.
- If the outcomes are not what you expected, get together with your spouse and talk about changes you can make to the decision that might get you better results.



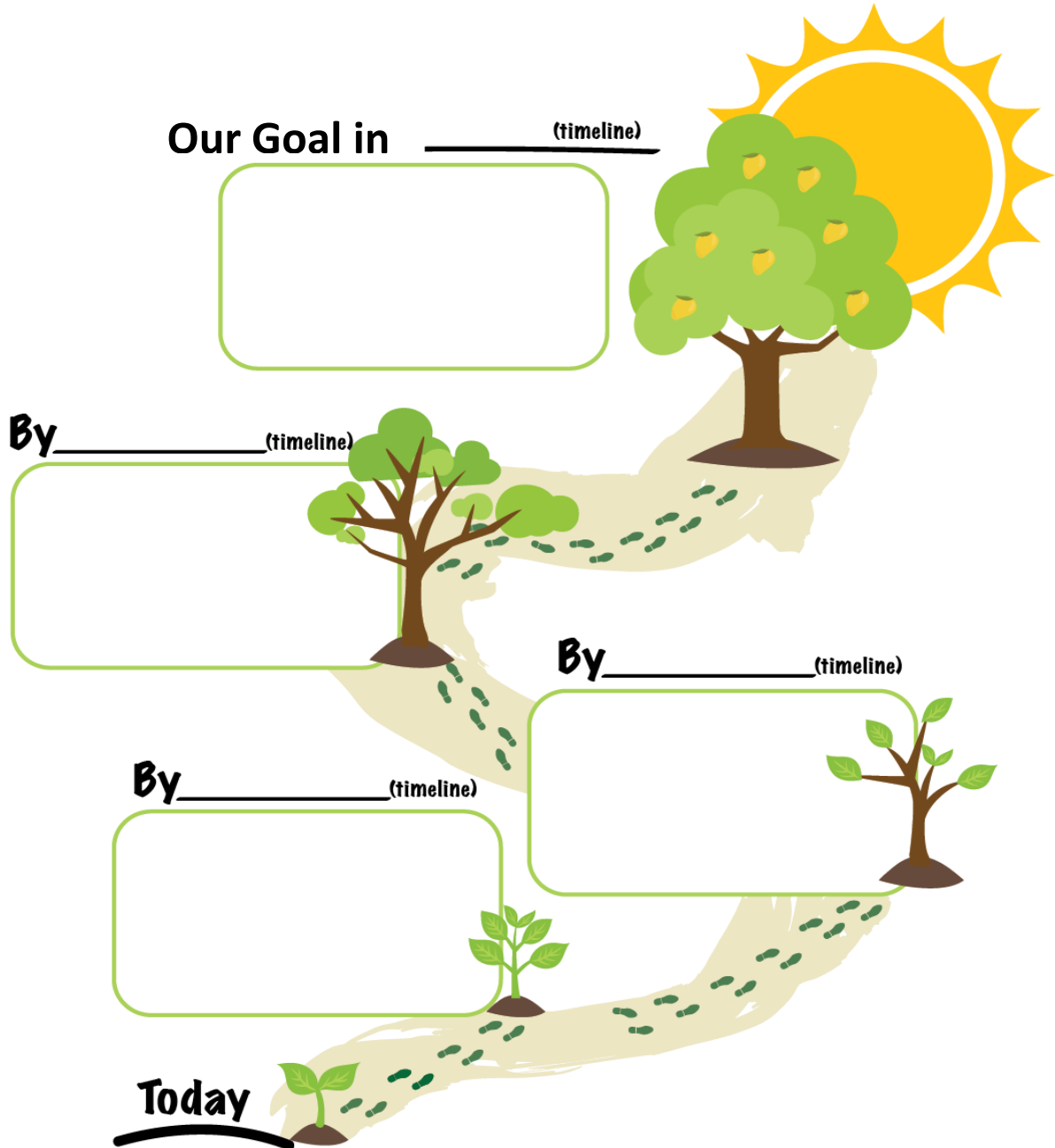
7. Appreciate Each Other.

- 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 the accomplishment out loud or a hug and saying “thank you.” It is important for couples to appreciate each other!



Worksheet 2.1: Goal Map

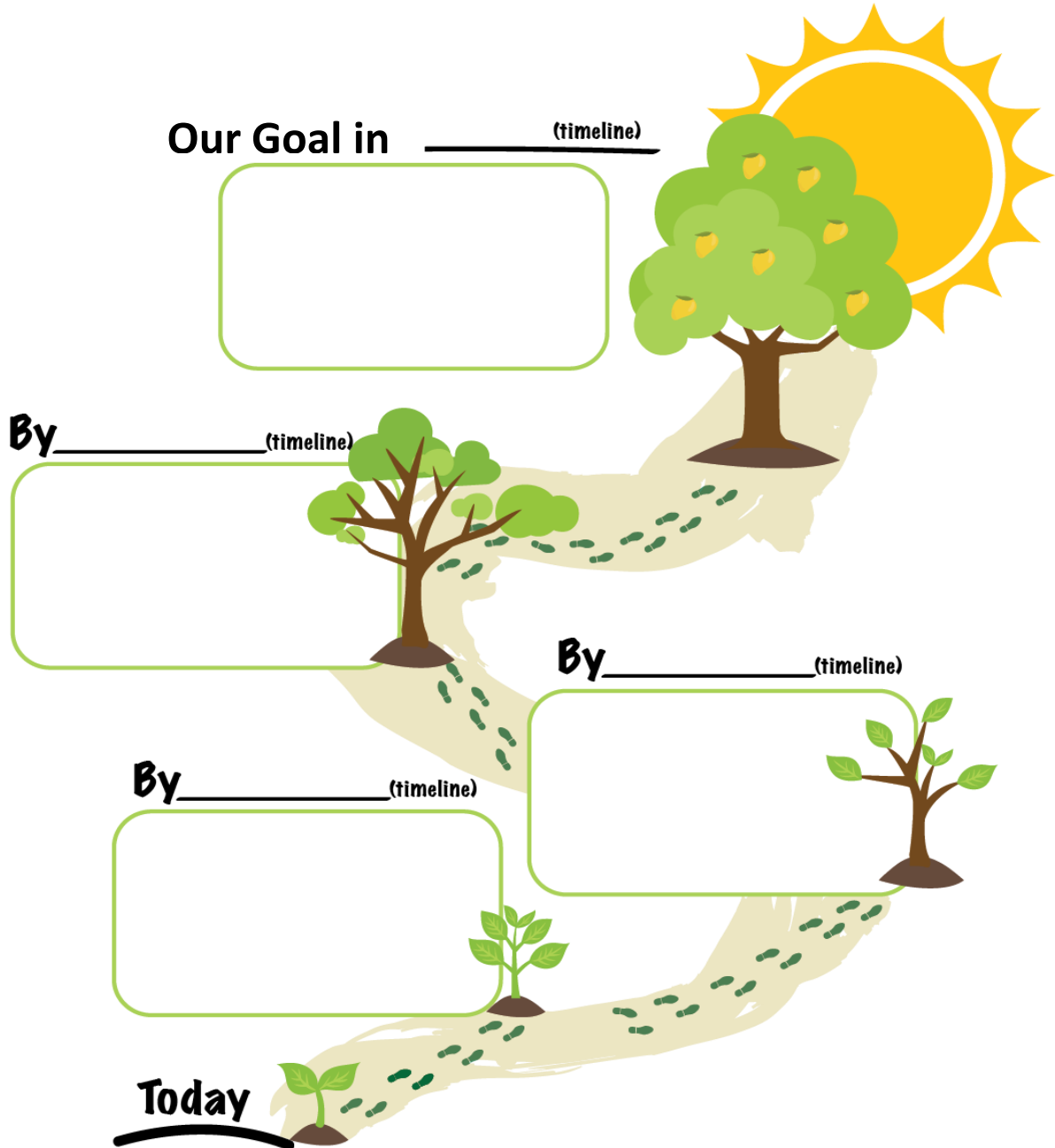
_____ and _____ Map to Securing Our Family's Future



- What obstacles might get in our way of reaching our goal?
- How can we overcome these obstacles?
- What resources do we have to help us in reaching these goals?

Worksheet 2.1

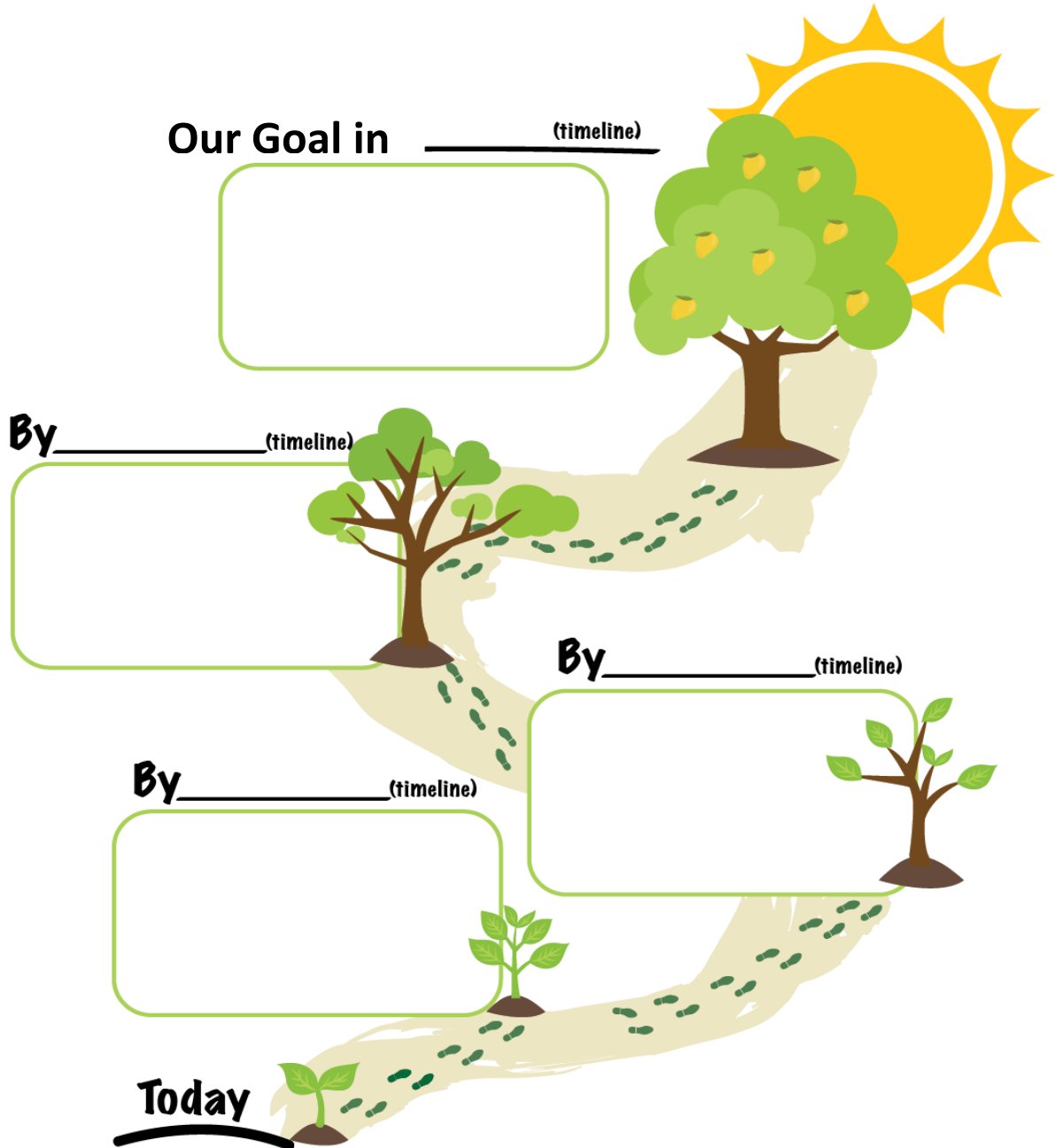
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- What obstacles might get in our way of reaching our goal?
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Worksheet 2.1

_____ and _____ Map to Securing Our Family's Future



- What obstacles might get in our way of reaching our goal?
- How can we overcome these obstacles?
- What resources do we have to help us in reaching these goals?

Handout 2.2: Resources that Can Help with SYFF Goals—KENYA



ACTION 1: Making a Will		
Resource/Organization	Services Provided	How to Contact
1. Lawyers/Law firms	<ul style="list-style-type: none"> • Witnessing of wills • Drafting wills • Keeping wills on behalf of the makers • Executing wills in cases of death 	<ul style="list-style-type: none"> • Mostly in towns and you can walk into their offices • Through community-based organizations • Through the Law Society of Kenya portal
2. Non-governmental organizations	<ul style="list-style-type: none"> • Guidance on how to make wills • Capacity building on will making 	<ul style="list-style-type: none"> • Through paralegals, community-based organizations that partner with them
3. Chiefs	<ul style="list-style-type: none"> • Witness to a will, mostly oral wills 	<ul style="list-style-type: none"> • Found at the chief's camp in your village

ACTION 2: Registering Land		
Resource/Organization	Services Provided	How to Contact
1. Non-Governmental Organizations	<ul style="list-style-type: none"> • Capacity building on the process of land registration • Registration of land on your behalf 	<ul style="list-style-type: none"> • Get contact information from the members of the organization during community visits
2. Land Registry	<ul style="list-style-type: none"> • Registration of lands • Conducting searches • Registering encumbrances on land • Issuing titles to land • Issuing the green cards and other relevant documents relating to land history 	<ul style="list-style-type: none"> • Visit Huduma Centre • Visit the Land Registry located at the sub county/county level

ACTION 2: Registering Land		
Resource/Organization	Services Provided	How to Contact
3. National Government	<ul style="list-style-type: none"> Makes laws relating to land use, control, registration, ownership and management of land 	<ul style="list-style-type: none"> Visit the County Land Coordinator at the county level Visit the Ministry of Lands Offices at the national level Contact the area chief who conducts land administration at the community level

ACTION 3: Registering a Marriage		
Resource/Organization	Services Provided	How to Contact
1. Marriage Registrar	<ul style="list-style-type: none"> Registration of all forms of marriages 	<ul style="list-style-type: none"> Visit the registrar's office at the county level or inquire from the nearest courts in your sub county
2. NGO	<ul style="list-style-type: none"> Create awareness on the various forms of marriages that exist and how to register them. Assist in obtaining relevant documentation to be used during registration including the national Identity Cards 	<ul style="list-style-type: none"> Get contact information from the members of the organization during community visits

ACTION 4: Participating in a Local Land Structure Organization		
Resource/Organization	Services Provided	How to Contact
1. Chief	<ul style="list-style-type: none"> Resolves disputes relating to land 	<ul style="list-style-type: none"> Found at the chief's camp in your village
2. Environment and Division Court Users Committee	<ul style="list-style-type: none"> Focuses on providing access to justice for the poor and vulnerable 	<ul style="list-style-type: none"> At the sub county court near your village
3. Elders	<ul style="list-style-type: none"> Resolve disputes relating to land 	<ul style="list-style-type: none"> Through the area chief for community-based organizations

Handout 2.2: Resources that Can Help with SYFF Goals—TANZANIA



ACTION 1: Making a Will		
Resource/Organization	Services Provided	How to Contact
1. Legal and Human Rights Centre (LHRC)	<ul style="list-style-type: none"> • Legal Aid and support women land right 	<ul style="list-style-type: none"> • Via phone or visit offices or during legal aid clinics
2. Court	<ul style="list-style-type: none"> • Hearing cases, handling matrimonial and divorces 	<ul style="list-style-type: none"> • Visit court
3. Rita	<ul style="list-style-type: none"> • Keeping a will 	<ul style="list-style-type: none"> • Visit
4. Lawyers firms	<ul style="list-style-type: none"> • Writing a will 	<ul style="list-style-type: none"> • Visit and via phone

ACTION 2: Registering Land		
Resource/Organization	Services Provided	How to Contact
1. District Council	<ul style="list-style-type: none"> • Survey the land and demarcate 	<ul style="list-style-type: none"> • Visit and via phone
2. Commissioner for Land	<ul style="list-style-type: none"> • Provide land certificates, allocate the lands 	<ul style="list-style-type: none"> • Visit and via phone
3. Village Council	<ul style="list-style-type: none"> • Allocation of land 	<ul style="list-style-type: none"> • Visit and via phone

ACTION 3: Registering a Marriage		
Resource/Organization	Services Provided	How to Contact
1. Rita/DC	<ul style="list-style-type: none"> • Issue marriage certificate 	<ul style="list-style-type: none"> • Visit and via phone
2. Churches	<ul style="list-style-type: none"> • Marriage oath 	<ul style="list-style-type: none"> • Visit and via phone
3. Court	<ul style="list-style-type: none"> • Marriage divorce 	<ul style="list-style-type: none"> • Visit and via phone

ACTION 4: Participating in a Local Land Structure Organization		
Resource/Organization	Services Provided	How to Contact
1. Traditional leaders	Solving land conflict	Visit and via phone
2. Village Land Council/Committee	Allocation of land, demarcation and solving land conflict	Visit and via phone
3. Village General Assembly	Approve or disapprove all land application for land allocation	Visit and via phone

Handout 2.2: Resources that Can Help with SYFF Goals—UGANDA



ACTION 1: Making a Will		
Resource/Organization	Services Provided	How to Contact
1. The Church	<ul style="list-style-type: none"> Church leaders can help a woman write a will. The church also keeps wills. 	<ul style="list-style-type: none"> Contact any church leader of your choice.
2. District community development department composed of officers such as: the District Community Development Officer and the Probation Officer	<ul style="list-style-type: none"> These individuals offer information on what entails a valid will and can help in writing a will for those who cannot write. 	<ul style="list-style-type: none"> District Headquarters The Community Development Department
3. Office of the Sub County Chief or Community Development Officer	<ul style="list-style-type: none"> These individuals help people write a will and offer advice on what entails a valid will. 	<ul style="list-style-type: none"> Sub County Offices at sub county level
4. Civil society organisations such as: UCOBAC, ACTION AID, FIDA Uganda among others	<ul style="list-style-type: none"> These organizations provide information on how to write a valid will. 	<ul style="list-style-type: none"> Contact any women civil society organisation in your village. Ask the district community development department to recommend an organisation
5. Lawyers	<ul style="list-style-type: none"> Lawyers provide help in writing wills and offer legal advice on what a valid will looks like. 	<ul style="list-style-type: none"> Contact a lawyer of your choice.

ACTION 2: Registering Land		
Resource/Organization	Services Provided	How to Contact
1. District land office that has: Land Officer, District Staff Surveyor, Valuer, Registrar of Titles, Physical Planner	<ul style="list-style-type: none"> • Issues certificates of titles. • Conducts general conveyance (<i>legal process of transferring property from one owner to another</i>). • Keeps custody of the national land register. • Coordinates, inspects, monitors and provides back-up technical support relating to land registration and land acquisition processes to local governments. 	<ul style="list-style-type: none"> • At the district level
2. Recorder. This is usually the sub county chief for a sub county 3. Town Clerk for towns	<ul style="list-style-type: none"> • Issues certificates of customary ownership and certificates of occupancy on orders from the District Land Board. • Keep records for the certificates issued. 	<ul style="list-style-type: none"> • At the sub county head quarters
4. Area land committee (composed of 5 members)	<ul style="list-style-type: none"> • Assist the board in an advisory capacity on matters relating to land, including ascertaining rights in land. • Determine, verify, and mark the boundaries of customary land within the locality when an application for a certificate of Customary Occupancy is made. • Determine, verify and sketch the boundaries of Kibanja within the locality when an application for a certificate of Occupancy is made. 	<ul style="list-style-type: none"> • At the sub county level • At the sub county head quarters
5. District Land Board (composed of 5 members)	<ul style="list-style-type: none"> • Hold and allocate land in the district which is not owned by any person or authority. • Facilitate the registration and transfer of rights, claims and interests in land (surveying and valuing the land and issuing certificates related to it). • 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) • Request surveys, plans, maps, drawings, and estimates. • 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. 	<ul style="list-style-type: none"> • At the district level • At the district headquarters

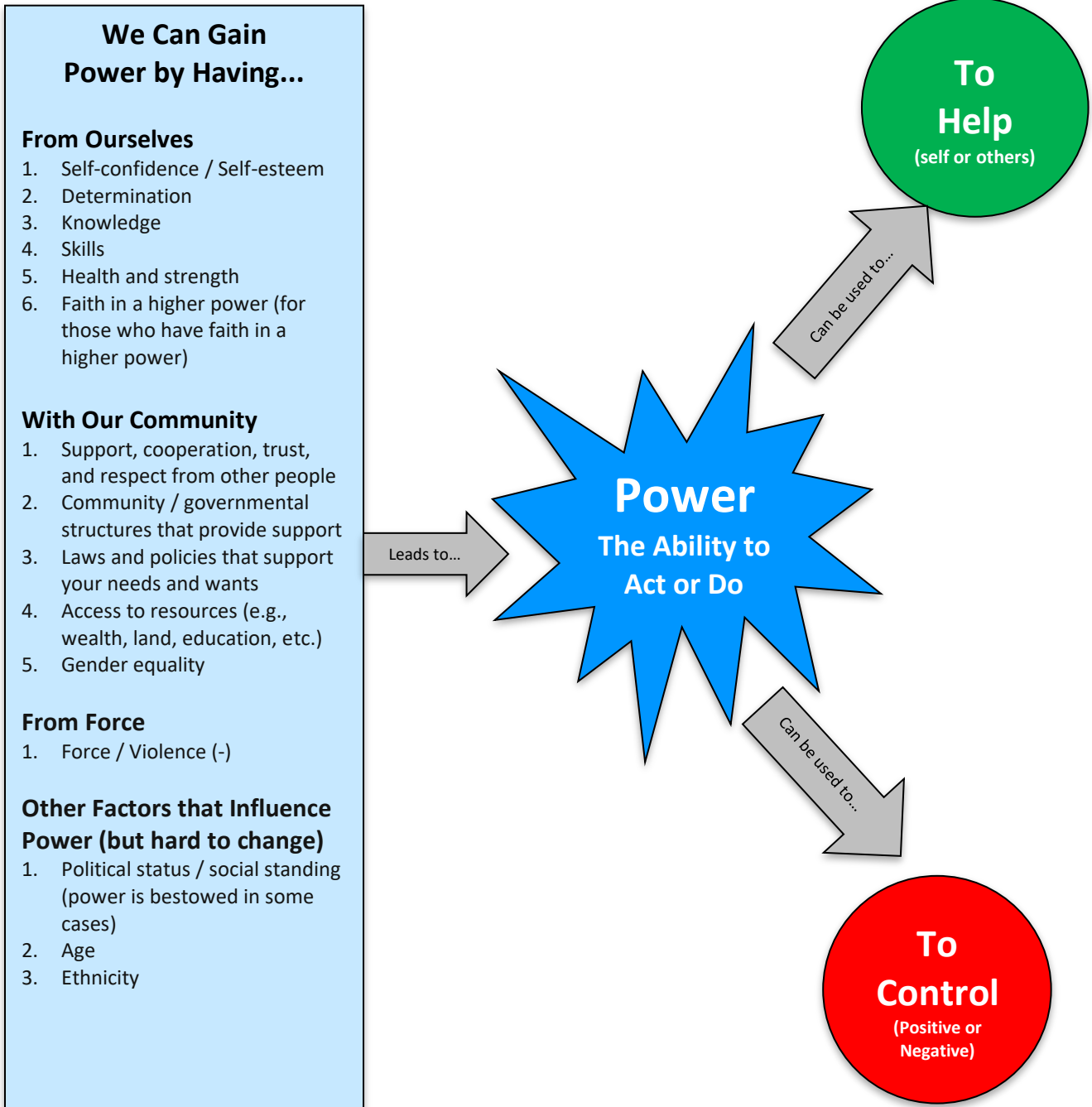
ACTION 3: Registering a Marriage		
Resource/Organization	Services Provided	How to Contact
1. Sub county Chief/Recorder	<ul style="list-style-type: none"> Registers customary marriage. Provides a Certificate of Customary Marriage. 	<ul style="list-style-type: none"> Sub county offices at sub county level
2. Registrar's Office including Chief Administrative Officer, Uganda Registry Services Bureau	<ul style="list-style-type: none"> Officiates civil marriages. Provides marriage certificate. Certifies the certificate of marriage. 	<ul style="list-style-type: none"> Registrar offices Office of the Chief Administrative officer at district level Visits URSB offices at national level
3. Church	<ul style="list-style-type: none"> Officiates church marriages on behalf of URSB. Issues church marriage certificate. 	<ul style="list-style-type: none"> Contact church of your faith to verify of its certified to officiate a marriage ceremony by URSB
4. Mosque	<ul style="list-style-type: none"> Officiates Muslim marriages on behalf of URSB. Issues Muslim law marriage certificate. 	<ul style="list-style-type: none"> Contact mosque to verify if it's certified by URSB to officiate a marriage

ACTION 4: Participating in a Local Land Structure Organization		
Resource/Organization	Services Provided	How to Contact
1. Area Land Committee (at least a third of the members should be women)	<ul style="list-style-type: none"> Assist the board in an advisory capacity on matters relating to land, including ascertaining rights in land. Determine, verify, and mark the boundaries of customary land within the locality when an application for a certificate of Customary Occupancy is made. Determine, verify and sketch the boundaries of Kibanja within the locality when an application for a Certificate of Occupancy is made. 	<ul style="list-style-type: none"> Sub county offices
2. District Land Board (at least a third of the members should be women)	<ul style="list-style-type: none"> Hold and allocate land in the district which is not owned by any person or authority. Facilitate the registration and transfer of rights, claims and interests in land (surveying and valuing the land and issuing certificates related to it). 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). Request surveys, plans, maps, drawings, and estimates. 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. 	<ul style="list-style-type: none"> District level at the district headquarters and the district land office
3. Communal land associations (not less than a third shall be women)	<ul style="list-style-type: none"> Association is meant to handle communal ownership and management of land whether customarily or otherwise to make contracts binding on its members, grant mortgages, pledges or liens over property of the association and to dispose of any property at dissolution. 	<ul style="list-style-type: none"> At the district land office/District level

Session 3: Harmonious Relationship— Key to Securing Your Family's Future

What is Power?

- **Power is the ability to act or do.** When you have power you can accomplish something... for example register land, take a course like SYFF Together, buy something, decide who you want to marry, etc.
- **Power allows you to influence others.** For example, being a village leader who encourages women to take part on a village land council, teaching your child about the importance of setting goals, or changing someone's opinions about living in the "gender box." When people look up to you, you have power.
- **Power can be used in two ways: to *help* or to *control*—ourselves or others.**
 - **Power to help** is a good use of power. For example, a person who uses his or her power to mobilize community members to advocate for clean water in their community is using their power for good. A person who uses the power within themselves to seek education is using their power for good.
 - **Power to control** can be good in some cases and bad in some cases. For example, a parent who uses his power to get his child vaccinated (even though his child may be resistant or cry) is using his power for good because he knows that the vaccine is good for his child's health. A politician who takes government money for his or her personal expenses is using power to control in a bad way.



Handout 3.1: Power in Simon and Rose's Marriage



In the beginning of their marriage, Simon worked at his father's store and also helped him in raising maize on his land. Simon saved some of the money he earned to help build a house for his family in the future.

Rose wanted to take a job making bricks for a local construction company, but Simon told her that she had to help his mother with household chores as his mother was getting old and needed help. Rose was taught that she has to obey her husband and keep the peace, so she eventually let go of her idea to work for money.

In the next few years, Simon's father gave Simon a plot of land. Rose is now planting and harvesting maize and potatoes. The land is registered in Simon's name only and Simon decides how all the money made from the crops are spent.

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. She explained her feelings to Simon, but Simon said that there is no way he was going to share ownership of his family land with her. He said, "Are you kidding? Where do you get these crazy ideas? This land has been in my family for over a hundred years."

Rose's older sister told Rose that the construction company is hiring again. Rose would like to learn a new skill and work to save enough money to buy a few goats. She believes she can care for them, use the milk to feed her family, and reproduce them for selling. She also likes the idea of maybe making some new friends with the other women employed at the construction company.

When she told Simon about her idea, Simon raised his voice and said: "What do you know about making bricks? You should stick to cooking."

Rose's older sister said to have patience with Simon and to bring up the idea again in a few weeks. The following month, Rose brought up the idea again. This time it was on a Saturday night. Simon had just come home from the bar. Simon was infuriated and didn't allow Rose to finish talking. He pushed Rose against the wall and slapped her. He said: "I am the head of the house and I don't need your help. You are trying to take over and I won't have it."

Simon went to bed and fell asleep quickly. An hour later, Rose went to bed and Simon woke up. He wanted to have sex with Rose but she was mad at Simon and not in the mood. Simon had it with Rose trying to be the boss. Simon didn't take "no" for an answer and forced himself on Rose.

What is Violence?

Violence is the abuse of power that results in harm to another being. Violence has four forms.

Violence has four forms;

1. Physical
2. Sexual
3. Emotional or Psychological
4. Economic or Financial

**Violence is a choice.
YOU are in control of your
choice to use violence.**

**Violence is never acceptable in a relationship.
NEVER!**

**Violence does not prove strength.
Do not let the gender box control you!**

**Wise and just people use non-violent means to
resolve conflict.**

Handout 3.2: Harmonious Ways to Deal with Conflict

Communicate.

1. Listen. Empathize—put yourself in the other person’s shoes.
2. Talk respectfully with the other person. Express your needs.
3. Find common ground and also be willing to compromise.
4. Try to understand where your urge to use violence is coming from. What’s really behind this urge?
5. Does the gender box have anything to do with the conflict? Are you willing to step outside the gender box?
6. Remind yourself of the type of man or woman you want to be based on your true values.
7. Are you tired? Angry? Hungry? Are you under the influence of alcohol? These emotions and physical needs may influence your urge to use violence. It’s better to step away and deal with these needs before dealing with a conflict
8. Be patient. Resolving conflict may take multiple rounds of discussion.



Calm the Mind.

1. Breathe four seconds in, six seconds out. Repeat.
2. Count backwards from 20 to 1.
3. Meditate. The idea of meditation is to quiet the chatter your mind. Meditation helps you to be mindful of yourself and how you are feeling. Below find a few meditation techniques. Meditation is similar to prayer.
 - Focus on your breathing for three minutes. Focus on the air going in and out of your nose. Focus on your chest rising and falling as you breathe.
 - Focus on the sounds around you for three minutes... birds chirping, wind blowing, people talking, cars passing by, etc.



- Scan your body from hand to toe and deliberately release tension from each of your body parts slowly.
 - Take a few deep breaths and visualize a warm light surrounding you and relaxing you. Visualize the same for the people who you may be angry at.
4. Keep yourself focused on the goal of **securing your family's future**.

Release Your Anger or Other Strong Feelings in a Healthy Way.

5. Do something physical (e.g., take a walk, chop wood).
6. Distract yourself for awhile. Listen to music, do some work, or have a healthy snack.
7. Cry if you want to.
8. Sleep on it.



Take a Break.

9. Agree to take a break. Come back to the situation when you feel calmer.

Get Support.

10. Talk to someone you trust—someone who won't gossip or be unkind to you.
11. Seek mediation.
12. Seek professional support (e.g., NGO, doctor, lawyer, etc.)

Handout 3.3: Conflict Resolution Situations

Situation 1

John wants to sell a plot of land to a developer and use the money to buy a taxi. Carol is against this idea. She wants to save money and build a house on the plot of land. John thinks Carol doesn't understand the potential money he could make from driving a taxi. Carol doesn't see the taxi as a good investment.

In the past, John would make all decisions about land and money and tell Carol that it's none of her business about how he spends "his" money. John doesn't believe that Carol should have a say in how money is spent, even though she does most of the cultivation on that plot of land. If he doesn't buy the taxi, he worries that his friends will think he is henpecked.

Situation 2

Baraka and Kamaria are having a disagreement about how they are spending the money they have made from selling surplus crops. Baraka's brother is unemployed and Baraka feels he should give him money to help care for his kids. Kamaria thinks Baraka is giving his brother too much money and it is now affecting their ability to replace their roof which leaks.

In the past Kamaria would yell at Baraka and ignore him when he spoke to her. Baraka would insult her and sometimes leave the house and not come home until morning.

Session 4: Securing Your Family's Future—Time for Action!

Handout 4.1: 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 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.

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.

DEFINITIONS: Related to a Will

- **Testator** – the person who makes a will.
- **Executor** (male) or **Executrix** (female) – the person appointed to carry out the requests made in another person's will.
- **To Bequeath**– to give or to leave something in the will, for example, personal property or land.
- **Beneficiary** – a person who benefits from something in the will
- **Witness** – a person who watches the Testator sign their will and then signs the will affirming that the Testator is who they say they are.

Handout 4.2: 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.

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.

D. Powers of the Executor/Executrix

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 the 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).

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

3. My son, _____ (*full name*), living at _____
 _____ (*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.

Worksheet 4.1: Getting Ready to Make a Will

1. Make a list of your land and property below on the left side.
2. State who you want to leave these assets to (your beneficiaries) on the right side. Use the back page of this worksheet if you need more room.

List of Our Land and Property	Who will we leave it to in the event of our death (beneficiaries)?
1.	
2.	
3.	
4.	
5.	
6.	

3. Who do you want to be in charge of your will to make sure your wishes are carried out after your death? (This person is called the “Executor.”)

Name: _____

4. Where will you keep your will for safe keeping? (Do not write this down – just discuss it with your spouse.)
5. Who in the community can help you legally write your will? See **Handout 4.3**.

Other Land Rights Resources

Handout: 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.

Marriage Act (2014)

The law emphasizes that the parties to a marriage have equal rights during and after the marriage. The law recognizes five types of marriages including customary, Christian, Civil, Hindu and Islam marriages. All marriages have to be registered and the law protects women especially widows from customs that force them to re marry in order gain access to their husband's property

Community Land Act (2016)

Community land in Kenya shall vest in the Community. In this respect, the term “Community” has been defined to mean a consciously distinct and organised group of users of community land who are citizens of Kenya and share any of the following attributes: common ancestry, similar culture or unique mode of livelihood; socioeconomic or other similar common interest; geographical space; ecological space; or ethnicity. The constitution of a community is therefore not limited to ethnic lines as is the case with the current practice.

The Act requires a community claiming an interest in or right over community land to be registered. The Act requires community land rights to be registered in accordance with its provisions and the provisions of the Land Registration Act, 2012. In this respect, a Certificate of Title issued by the Community Land Registrar shall be evidence of ownership of the land.

The registration of a community as the proprietor of land shall vest in that community the absolute ownership of that land



Handout: 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 individuals, companies, or group of people can acquire land 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: Formal Land Laws in UGANDA



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.

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.

Land Act (1998)

- This Act prohibits and outlaws customary practices that 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: List of Land-Management Services/Resources in KENYA

Name of Organisation/Resource	Services Provided	Location
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. 	County Level
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. 	National Level
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. 	County Level

Name of Organisation/Resource	Services Provided	Location
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. <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. 	County Level
LAND JUSTICE INSTITUTIONS		
1. Environment and Land Court (ELC)	<ul style="list-style-type: none"> <input type="checkbox"/> Presides over all matters relating to land. 	County Level
2. Family Division Courts	<ul style="list-style-type: none"> <input type="checkbox"/> Presides over issues relating to family (e.g., property division, land, succession). 	County Level
3. Traditional Justice Systems (Elders)	<ul style="list-style-type: none"> <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. 	Sub-county
4. Local administration (Chiefs and Sub chiefs)	<ul style="list-style-type: none"> <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. 	

Name of Organisation/Resource	Services Provided	Location
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 • Kituo cha Sheria • Clear Kenya 	<ul style="list-style-type: none"> <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: 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?

- 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: List of Land-Management Services/Resources in TANZANIA

Name of Organisation/Resource	Services Provided	Location
1. 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 	Dar es Salaam
2. Ministry of Lands	<ul style="list-style-type: none"> • Oversees all land management, provides land ownership certificates 	Dar es Salaam
3. National Land Use Planning Commission	<ul style="list-style-type: none"> • Harmonises and coordinates all land use related policies and legislation 	Dar es Salaam
4. Village and District Land Registry	<ul style="list-style-type: none"> • Registers ownership of land • Registers Land Use Plans 	All Villages and Districts
5. The Village Council	<ul style="list-style-type: none"> • Manages village land as a trustee on behalf of community members 	All Villages
6. Village Land Council	<ul style="list-style-type: none"> • Conducts dispute settlement related to village level through mediation 	All Villages
7. 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 	All Villages
8. Ward Land Tribunal	<ul style="list-style-type: none"> • Conducts dispute settlement related to land at the ward level 	All Wards
9. The District Land and Housing Tribunal	<ul style="list-style-type: none"> • Conducts dispute settlement related to land within a district 	All Districts

Name of Organisation/Resource	Services Provided	Location
10. 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 	All Districts and Regions
11. Non- Governmental Organisations and Community Based Organisations	<ul style="list-style-type: none"> • Advises on land and inheritance related issues as wells productive use of land 	Villages, Districts and Regions

Handout: 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?

- 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: List of Land-Management Services/Resources in UGANDA

Name of Organisation/Resource	Services Provided	Location
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 	Regional Level
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 	National Level - Kampala
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 	District Level – Each district has a district land office comprised of the district physical planner, the district land officer, the district valuer, the district surveyor and district registrar of titles. The district land office provides technical services to the board to facilitate the

Name of Organisation/Resource	Services Provided	Location
		board in the performance of its functions.
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 when an application for a certificate of Customary Occupancy is made.	Parish Level – A committee at each parish
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).	At Sub-county Level – i.e., Sub-county Chief/ Town Clerk
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 all, the Constitution.	National Level
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.	National Level
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.	Regional Level

Name of Organisation/Resource	Services Provided	Location
9. Magistrates Court	<ul style="list-style-type: none"> <input type="checkbox"/> Comprised of Chief Magistrates Court, Magistrates Court (Grade 1) and Magistrates Court (Grade 2). <input type="checkbox"/> Chief Magistrates 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. 	District Level
10. Local Council Courts	<ul style="list-style-type: none"> <input type="checkbox"/> First court of instance in land related disputes. 	Sub-county Level - Local Council 111 Parish Level – Local Council 11
11. Traditional Authorities/ Mediators	<ul style="list-style-type: none"> <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. 	Village Level

Name of Organisation/Resource	Services Provided	Location
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.).	District and National Level



Handout: 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?

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 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.**

