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Supporting Access to Justice,
Fostering Equity and Peace

PROMOTING COMMUNITY LEGAL VOLUNTEERS TO SAFEGUARD LAND RIGHTS IN UGANDA

TRAINING MANUAL



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Disclaimer

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We strongly believe that this Manual will be a great resource to individuals, institutions and communities in enhancing access to justice aimed at increasing the respect, promotion and realization of land rights for the under privileged, marginalized and vulnerable communities in Uganda.

Preface

USAID-Supporting Access to Justice, Fostering Equity and Peace (USAID-SAFE) commissioned the development of this Manual as part of its objective to strengthen Government of Uganda's (GoU) capacity with respect to peace building and conflict mitigation. This initiative is part of efforts to provide assistance, training and capacity building for Local Government structures, District Land Boards, Area Land Committees, Civil Society Organisations (CSOs) and established traditional/community based dispute resolution mechanisms to mitigate conflict relating to land while taking into account the Program's cross cutting themes of youth, gender, population, anti-corruption and oil production. Although intended for use mainly by CSOs and Community Based Organisations (CBOs) to provide legal assistance relating to land issues in the SAFE Program's target districts, it can also be used by other aforementioned institutions.

It is written in plain terms to the greatest extent possible given the nature of the subject matter, with appropriate illustrations such as diagrams and pictures, for ease of use by its target users in CSOs. The Manual contains guidelines on the organizational and practical skills necessary to be a Community Legal Volunteer (CLV) and how to run a program that provides legal assistance. USAID-SAFE hopes that legal assistance will focus largely on land matters; hence, the Manual utilizes examples and scenarios that will enable the target users to apply land law and enhance land rights. The Manual also provides a guide on the land regulatory as well as dispute resolution bodies. It is also hoped that CLVs will use it to resolve and mitigate conflicts relating to land in a manner that shows sensitivity to the cross-cutting themes of gender, youth, population, anti-corruption and oil production.

This Manual was developed in a participatory manner by visiting, interviewing and consulting with CSOs that are already offering community legal assistance services. Existing training manuals that were readily available were reviewed, adapted and acknowledged. Accordingly, this Manual builds on and attempts to harmonize existing efforts that have been made in this area.

It is a multi-purpose Manual that can be adapted and modified to suit a number of aims:

- It may be used by existing CSOs to expand their work to include a CLV component.
- It may be used to train qualified members of the community to become CLVs.
- It can be used to establish new CLV organizations to help in solving land rights problems in communities.
- It can be used as a Trainer of Trainers' Manual, to train people who will in turn train others to become CLVs.
- People who have already been trained as CLVs can use the Manual as a day-to-day reference guide for their work.

It should be noted that this Manual is intended to be used hand-in-hand with the Program's Land Rights Handbook which contains detailed information on Land Law, Policy and Rights in Uganda. It is suggested that the facilitator conducting the training familiarizes themselves with both the Manual and the Handbook prior to conducting the training.

Jennifer Ober
USAID-SAFE Chief of Party

Structure of the Manual

The Manual is divided into five modules on; the role of CLVs in Uganda, establishing a CLV Program, training CLVs, the legal framework and environment on land matters, and solving justice problems. Each Module is divided into various topics. Note: Module 4 of this Manual on the legal framework and environment on land matters in Uganda should be read in reference with the USAID SAFE Land Rights Handbook. Under each topic, you will find:



Objectives and key learning points



Suggested exercises and the duration for each session



Training materials



Notes to the training facilitator



Main topic content with learning exercises



Suggestions for further reading

In the appendix there are various forms and templates which can help CLVs in their work and a glossary which explains the meanings of difficult, legal or technical words that are referred to. A suggested training program for use with the Manual is also included as *Appendix 9*.

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Abbreviations and Acronyms

AAIU	ACTION AID IN UGANDA
ACCU	ANTI CORRUPTION COALITION OF UGANDA
ACODE	ADVOCATES COALITION FOR DEVELOPMENT AND ENVIRONMENT
ADR	ALTERNATIVE DISPUTE RESOLUTION
ALC	AREA LAND COMMITTEE
CBO	COMMUNITY BASED ORGANISATION
CLV	COMMUNITY LEGAL VOLUNTEER
CSO	CIVIL SOCIETY ORGANISATION
DCC	DISTRICT CHAIN LINKED COMMITTEE
DENIVA	DEVELOPMENT NETWORK OF INDIGENOUS VOLUNTARY ASSOCIATIONS
DLB	DISTRICT LAND BOARD
DPP	DIRECTORATE OF PUBLIC PROSECUTIONS
FHRI	FOUNDATION FOR HUMAN RIGHTS INITIATIVE
FIDA – U	UGANDA ASSOCIATION OF WOMEN LAWYERS
IGG	INSPECTORATE OF GOVERNMENT
ILI	INTERNATIONAL LAW INSTITUTE
JLOS	JUSTICE LAW AND ORDER SECTOR
LAP	LEGAL AID PROJECT (UGANDA LAW SOCIETY)
LASPNET	LEGAL AID SERVICE PROVIDERS NETWORK
LAW-U	LAW AND ADVOCACY FOR WOMEN IN UGANDA
LDC-LAC	LAW DEVELOPMENT CENTRE (LEGAL AID CLINIC)
MLHUD	MINISTRY OF LANDS HOUSING AND URBAN DEVELOPMENT
NCSC	NATIONAL CENTRE FOR STATE COURTS
NEMA	NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
PILAC	PUBLIC INTEREST LAW CLINIC (MAKERERE UNIVERSITY, SCHOOL OF LAW)
PLHA(s)	PERSON(S) LIVING WITH HIV/AIDS
PWDs	PERSONS WITH DISABILITIES
RDC	RESIDENT DISTRICT COMMISSIONER

SAFE SUPPORTING ACCESS TO JUSTICE, FOSTERING EQUITY AND PEACE
(PROGRAM)

UGANET UGANDA NETWORK ON LAW, ETHICS AND HIV/AIDS

ULA UGANDA LAND ALLIANCE

USAID UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

UWONET UGANDA WOMEN'S NETWORK

Module I: The Role of Community Legal Volunteers in Uganda

Objectives and key learning points

By the end of the module, participants should:

- Explain who a Community Legal Volunteer (CLV) is.
- Understand the role of lawyers/advocates, paralegals and CLVs in enhancing access to justice, and identify the differences between them.
- Describe the different state and non-state actors with whom CLVs can work.
- Illustrate the qualities and qualifications necessary to work as a paralegal or community legal volunteer, and the behavior expected of this role.



Suggested Exercises

1. Small group discussions on the differences between CLVs, Paralegals and Lawyers/advocates, advantages of CLVs and institutions that train CLVs / Advocates. (1 hour)
2. Small group discussions followed by plenary discussion on the qualifications and qualities of a CLV. (1 hour)
3. Presentation followed by discussion on the duty of CLVs to maintain ethics and integrity. (45 minutes)

Materials/Resources Required

- White Board or Flip-Chart and Markers
- Copies of Handouts

Session I The Role of Community Legal Volunteers (CLVs) in Access to Justice



NOTE TO FACILITATOR

1. Use the following questions to generate a discussion on the role of lawyers/advocates, Paralegals and CLVs (40 minutes). This should be in small groups, (3-4 groups). The groups should be reported back in plenary and you should provide clarification based on the information below (20 minutes).
 - *What are the differences between Lawyers/Advocates, Paralegals and CLVs?*
 - *What are the advantages of CLVs in the community?*
 - *Name some organizations that have trained CLVs who work in your community.*
 - *Name some CLV's in your community.*
2. After the session, distribute the table on the roles of lawyers/advocates, paralegals and CLVs in table I below as well as the list of organizations supporting CLV programs, which can be found in *Appendix I*.

Who is a Community Legal Volunteer?

CLVs are men and women based in the community who can help with simple legal problems and assist members of the community to access justice. They must be over 18 years and must have received the necessary training. Some organizations refer to people they have trained on basic legal knowledge as Paralegals, Community Activists and Human Rights Volunteers among others. **However, for purposes of this Manual, the term CLV is used to refer to community members who have basic legal knowledge.**

Paralegal on the other hand refers to a person who has a Diploma in Law from the Law Development Centre accordingly to the Advocates (Legal Aid to Indigent Persons) Regulations Statutory Instrument N°12 of 2007. Note: In the area of legal education and awareness, Uganda Law Council has plans to ensure standard setting for service providers including recognition and accreditation for paralegals.

In Uganda, most lawyers/advocates are based in cities, towns or urban areas and their services cost a lot of money. Lawyers/advocates are also very busy with several cases and may not get the time to come down to the community level to help resolve disputes or advice community members on their rights.

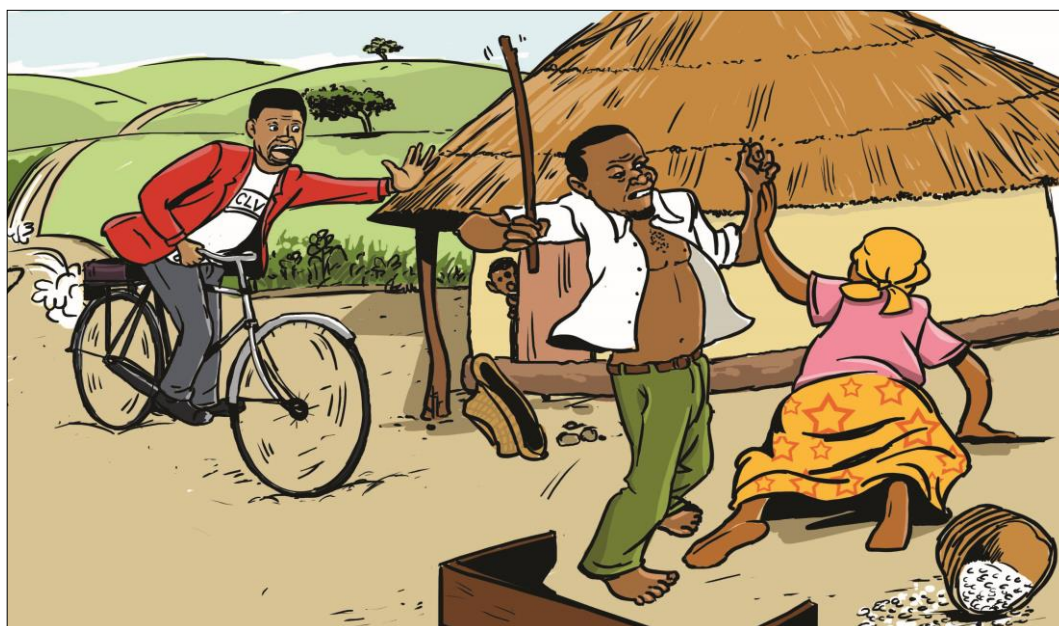
In the same way that paramedics (Medical Assistants, Nurses and First-Aiders) can help people to solve many of their less critical health problems, CLVs can help members of the community to solve their legal problems. In fact, CLVs can help with a lot of the things that lawyers/advocates can do, such as writing letters and agreements and helping to settle disputes outside the court, as long as they are not related to criminal acts. They also offer several advantages over lawyers.

“Access to Justice” means the right of individuals and groups to obtain a quick, effective and fair response to protect their rights, prevent or solve disputes and control the ways in which people in authority use their power; through a transparent, accountable, accessible, affordable and efficient process.

Advantages of CLV's

- ✓ CLVs can focus on the justice needs of an entire community, unlike lawyers/advocates who usually help only the person who has approached them.
- ✓ They are easier to reach because CLV's live and work in our communities or villages.
- ✓ They are able to handle and resolve simple legal issues much faster than lawyers/advocates and judges.
- ✓ It is much easier and less expensive to train and work with CLVs than lawyers/advocate.
- ✓ CLVs often know the community they serve and its needs better than a lawyer who is not a member of the community.

It is therefore very important to understand the differences between lawyers/advocates, paralegals and CLVs. CLVs should be clear about what they can and cannot do and must always let members of the community know this.



CLVs can help you with some of your legal problems

Differences between lawyers/advocates, paralegals and CLVs

An Advocate is a person whose name has been registered by the Chief Justice to practice law in Uganda. Only people who have completed a Bachelor’s Degree in Law from a University recognised by the Uganda Law Council and have a Post-Graduate Diploma in Legal Practice from the Law Development Centre (LDC) qualify to be registered and become Advocates. Further, they must apply for and be granted a Practising Certificate by the Uganda Law Council which must be renewed every year. Lawyers on the other hand are people who have completed a Bachelor’s Degree in Law from a University recognised by the Uganda Law Council.

	Lawyers/Advocates	Paralegals	Community Legal Volunteers (CLVs)
Qualifications	<ul style="list-style-type: none"> • Degree in Law (<i>Lawyers & Advocates</i>) • Diploma in Legal Practice from LDC (<i>Advocate</i>) • Certificate of Enrolment from the Chief Registrar, Courts of Judicature (<i>Advocate</i>) • Practising Certificate (<i>Advocate</i>) 	<ul style="list-style-type: none"> • Diploma in Law from LDC 	<ul style="list-style-type: none"> • Decided by the training organization but minimum should be able to read and write English. • Willingness and ability to volunteer. • Respectability, Honesty and Integrity. • Non-partisan.
Paid or Voluntary?	<ul style="list-style-type: none"> • Can be voluntary but usually paid 	<ul style="list-style-type: none"> • Sometimes paid, sometimes voluntary 	<ul style="list-style-type: none"> • Unpaid / voluntary but may receive facilitation for work done
What do they do/their roles?	<ul style="list-style-type: none"> • Advise persons in all legal matters. • Represent persons in Court. • Prosecute Criminals if working with the Directorate of Public Prosecutions (DPP) or Inspector General of 	<ul style="list-style-type: none"> • Advise persons if working as law clerks working with Advocates. • Draft Legal Documents in accordance with their jobs, e.g. Prosecutors may draft Charge Sheets and 	<ul style="list-style-type: none"> • Advise individuals and the community in accordance with their general or specific training. • Write simple documents such as summons, referral letters, witness agreements for sale of land and court documents such as bail applications in

Table I: Differences between lawyers/advocates, paralegals and CLVs

	Lawyers/Advocates	Paralegals	Community Legal Volunteers (CLVs)
	<p>Government (IGG).</p> <ul style="list-style-type: none"> • Magistrates, State Attorneys, Judges, Company Secretaries, Speakers and Registrars. • Alternative Dispute Resolution (Arbitration, Mediation and Negotiation). • Draft and sign various kinds of legal documents such as pleadings (court documents), sale agreements, contracts, wills, affidavits, deeds, etc. • Advocacy and Community Legal Education especially those working or volunteering with NGOs. • All Advocates in Private Practice must provide at least 40 hours of legal aid services every year). 	<p>Magistrates Grade II can draft judgments within their jurisdiction.</p> <ul style="list-style-type: none"> • Serve eviction orders. • Copy and post daily case schedules. • Maintain court room supplies. • Prepare bond forms. • Open court and inform the Judge/Magistrate that court is ready. • Act as Process Servers. • Receive and file court documents and facilitate Court Proceedings. • Seize and auction property in accordance with the laws on debts while acting as court bailiffs. 	<p>accordance with their training.</p> <ul style="list-style-type: none"> • Facilitate Alternative Dispute Resolution (settling disputes out of court) where appropriate • Advocacy and Community Legal Education.
Examples of jobs/work	<ul style="list-style-type: none"> • Advocates / Lawyers in Private Practice. • Lawyers working in legal aid NGOs such as FIDA and LAP among others. • Judges, Chief Magistrates and Magistrates Grade I. • State Attorneys. • Registrar of Titles. • Registrar of Births and Deaths. • Registrar of Marriages. • Court Registrars. • Company Secretaries. • Speaker to Parliament or District Council. • Legal Officers/ Advisors in privates companies, NGOs and different government departments. 	<ul style="list-style-type: none"> • Law Clerks • Court Clerks • Court Bailiffs and Auctioneers • State Prosecutors • Magistrates Grade II 	<ul style="list-style-type: none"> • Roles and type of work varies depending on the organization which trained them e.g. Foundation for Human Rights Initiative (FHRl) – Criminal matters, Uganda Land Alliance (ULA) – Land law and rights.
Disciplinary Regulations and Mechanisms	<ul style="list-style-type: none"> • The Advocates Act and (Professional Conduct) Regulations (enforced by Law Council) • The Judicial Code of Conduct enforced by Judicial Service Commission • Public Service Standing Order for State Attorneys and other government lawyers 	<ul style="list-style-type: none"> • Code of Conduct for Prosecutors • Uganda Court Bailiffs and Court Officers Association 	<ul style="list-style-type: none"> • Some organizations have internal policies for ensuring discipline.

Different State and Non-State Actors CLVs can work with

State Actors are defined as person(s) or institutions who are acting on behalf of a government. Non State Actors¹ on the other hand refer to institutions/organizations that act in a private capacity and includes civil society in all its diversity, the private sector and economic and social partners like trade unions.

Table 2: Examples of State and Non-State Actors CLVs can work with	
Examples of State Actors CLVs can work with	Examples of Non-State Actors CLVs can work with
<ul style="list-style-type: none">• District and Sub-County Local Government Officials• Police• Army• Resident District Commissioners• Local Council V Councilors	<ul style="list-style-type: none">• Civil Society Organizations (Non-Governmental Organizations (NGOs), CBOs, Faith Based Organizations (FBOs),• Multinational corporations—for-profit organizations e.g. Tullow Oil, Total, MTN.• Media e.g. Newspaper, Radio and Television.

¹ Definition extracted from the COTONOU Agreement 2000/483/EC

Session 2 Qualifications and Qualities of a CLV



NOTE TO FACILITATOR

1. Divide participants into 3-4 groups to discuss what they think should be the qualifications and qualities of a CLV. (30 minutes)
2. Groups report back to plenary. (30 minutes)
3. Conclude the topic by emphasizing the importance of volunteerism in the work of CLVs.

Qualifications of a CLV

A person who is going to work in the community as a CLV should have the following qualifications:

- Be 18 years of age and above.
- Have a good knowledge of English and the language(s) most commonly spoken in the community where they will work. English is the official language in Uganda and is used in all official documents from law enforcement agencies and government departments, so it is necessary for the CLV to speak, write and understand English well.
- Have a basic knowledge of the law, the legal system and procedures. This is acquired through training.
- Must have attended formal education.
- Resident in the community they serve and trained by an organization that has programs in the community.
- Have basic knowledge of the ways in which community members can access justice services (including through formal or informal justice mechanisms) and where to refer members of the community when they cannot handle the matter themselves.
- Have skills and knowledge on interviewing, counselling, alternative dispute resolution mechanisms, including mediation, reconciliation, conflict resolution, and negotiation.

Volunteerism refers to the practice of provision of services to the community by people's own free will and for no pay. Such volunteer efforts keep expenses down for non-profit organizations like CBOs and CSOs which do important work in the community. Volunteering also helps those who offer free services to improve their knowledge, skills, self-worth and respect.

Qualities of a CLV

- Be able to present and communicate ideas and information to community members using methods and terms that they will understand.
- Be a good listener.
- Be good at developing networks and relationships with local authorities and service delivery agencies.
- Have community organizing and mobilising skills.
- Good letter writing, report writing and record keeping skills.
- Time management skills.
- Be able to provide leadership skills.
- Treat client's information with confidentiality.
- Treat people who seek assistance fairly.
- Have knowledge of the work s/he is doing.
- Provide free services to the community.

Some of the qualities outlined above can only be fulfilled after a person has received training. When

- Motivation to serve their communities (money should not be the primary motivating factor).
- Respectable within their communities: a CLV must be a person of integrity.
- Be easily approachable.
- Willingness to serve people no matter their political views, gender, age, religious beliefs and economic or social status.
- Ability to read and write.
- Willingness to learn.
- Ability to travel to locations which are far from town centres.

CLVs usually work as volunteers, although they are normally facilitated for transportation costs and other direct expenses. Trainings, reference, informational, educational and communication materials can be seen as a benefit to a CLV because they contribute to his or her personal and professional development. Sometimes, a CLV is a part time or full time paid worker, but this may depend on:

- The policy or decision of the sponsoring organization
- The willingness of the individual to volunteer
- The overall culture of volunteerism in the community
- The amount of time required for the work.



CLV's often live and work in the communities they serve and understand local issues better

Session 3 Record Keeping, Case Management and Filing Systems



NOTE TO FACILITATOR

1. Introduce the session by making a short presentation based on the information below. (15 minutes)
2. Participants should read the information included in session 3. (1 hour)

Record Keeping, Case Management and Filing Systems

It is very important to keep records of all the cases that will be handled by various CLVs and reports of all other activities that are undertaken in order to promote the objectives of the CLV program.

An efficient filing system is important for effective management of the program. The Management Team and advisory committee requires proper record keeping in order to implement and monitor the work of the organization.

The filing system should enable the tracking of numbers and categories of cases handled, so that the work of the program can be summarized properly with figures and statistics. It is also extremely important that the confidentiality of the cases handled is ensured through the filing system. The best way to achieve this is to take the following steps:

- Step 1:** CLVs should complete a **case form** for every person they assist (an example of a case form is included in **Appendix 4**). The form should include details such as:
- The person's name, age, sex or gender, occupation, sub county, parish, village and contact address and any other details that may be relevant for example if the person is a PWD, a refugee or member of other vulnerable group.
 - The case number assigned. This can be based on the year and the order in which the case was taken, for example, case number 1 of 2013.
 - The date on which the case is filed.
 - The name of the CLV handling the case.
 - How the client reached the CLV, for example, who referred the case or the client.
 - The nature/type of the case for example, land dispute, child negligent, family disagreement related to inheritance or domestic violence.
 - Brief facts of the case and proposed action to be taken.
 - If the case cannot be handled by the CLV then a referral form/letter should be filled in and handed to the person and a copy retained in the file.
- Step 2:** A **case file** should be opened for the person and all later documents and communication concerning the matter should be filed in proper order according to the date when they happened. Records should show how the case is developing, the strategies being used, who is involved (including meetings that may take place between the CLVs and local officials), any court, police, DPP, or mediation carried out, and the decisions made.
- Step 3:** When the matter has come to an end, the CLV should fill in a **case completion form (Appendix 5)** which should include information on when and how the matter was resolved, the institutions that were involved and the length of time taken to conclude the matter.
- Step 4:** Keep a **case register** in a big book where every person or community member registers the first time they appear before the CLV and during any follow-up visits or referrals. The register should contain the same details as the case form detailed above. If a computer is available, a database can be set up where CLVs can register their cases (according to the problem), characteristics of the case, the intervention strategy, and solutions. This data can in future be used to describe patterns in the community's legal or human rights problems such as causes, effects, victims/survivors, perpetrators, rate of occurrence, which can be used in advocacy to lobby for reforms.
- Step 5:** **Activity/Weekly/Monthly Reports** your report should give a clear sense of the kind of work you have undertaken over the month e.g. sensitization, community mobilisation and radio programs. The report should include the date, venue, number

of participants, topics covered, including some of the success you have had and the challenges you have faced.

The report should have at least three sections:

- a. **Cases handled.** Mention the cases you have worked on over the month and describe the nature of case, actions taken, and outcome. However, you need not wait till a file is closed to discuss a case in your report; you may discuss cases which are on-going.
- b. **Highlights of other activities.** Describe other work you have undertaken such as outreach, education efforts, advocacy, case follow-up etc. This is the section in which to discuss your efforts on community-level problems.
- c. **Challenges and recommendations for the coordinators.** Identify challenges regarding your work and make recommendations on anything that has arisen during the reporting period.

It is important to remember that clients' matters are confidential and as such, box file for storing client files should be kept separately.



CLV in office helping a community member write a will

Session 4 The duty of CLVs to maintain ethics and integrity



NOTE TO FACILITATOR

1. Give a presentation on the duty of CLVs to behave ethically and with integrity. (30 minutes).
2. Distribute the Suggested Code of Ethics for CLVs included in **Appendix 2** and go through it with the participants. Allow participants to ask questions. (10 minutes).
3. Wind up the discussion by emphasizing what CLVs can and cannot do. (5 minutes)

It is very important that CLVs behave decently (also known as behaving ethically) and professionally (also known as behaving competently). They must be honest, impartial and straightforward people.

They should never pretend to be lawyers or advocates. This is called “*holding out*” and it is an offence under the Advocates’ Act (Sections 64-66).



“Although CLVs do various activities they MUST NOT pretend to be lawyers/advocates.”

There are certain legal matters which can only be handled by lawyers/advocates. These include:

- Commissioning legal documents as provided for under section 11 of the Oaths Act Cap 19.
- Representing persons in any formal court of law/has the right of audience before a court of law (article 28 (3) (d) of the Constitution and Section 11(4) of the Advocates Act Cap 267).
- Charge legal fees for services rendered as stipulated under rules 4, 7, 8, 21 of the Advocates (Remuneration and Taxation) Rules SI 267 – 4).
- Join the established bar association i.e. the Uganda Law Society, (Uganda Law Society Act Cap 276).
- Practice law (section 11 (3) Advocates Act Cap 267).
- Perusing court documents.
- Set up legal chambers for practice.

What work in the area of law can a CLV do?

The work of CLVs may include but not be limited to the following:

- Basic legal advice to members of the community.
- Referral or forwarding a matter to other institutions or organisations where necessary.
- Case follow-up with relevant authorities.
- Drafting of simple documents like sale agreements, bail application and wills among others.
- Alternative Dispute Resolution (Negotiation and Mediation of disputes).
- Community sensitization and training on human rights and the law.



CLVs do various activities with the communities e.g. training, drafting simple documents etc.



Further Reading Suggestions

- The Advocates (Amendment) Act 2002
- The Advocates (Legal Aid to Indigent Persons) Regulations, 2007
- The Advocates (Student Practice) Regulations, 2004
- The Advocates Pro Bono Services to Indigent Persons Regulations N° 39 of 2009.
- The National Legal Aid Policy 2013
- Paralegal Reference Handbook; published by the Foundation for Human Rights Initiative (FHRI)
- Paralegal Reference Manual; published by Uganda Federation of Women Lawyers (FIDA-Uganda)
- Promoting Access to Justice and Human Rights: Paralegal Training Manual Bundibugyo District; published by Global Rights

Module 2: Establishing a Community Legal Volunteer Program

Objectives and key learning points

By the end of the module, participants should:

- List the procedures required to set up a CLV Program including its management, leadership, and organizational structure, administrative and financial procedures.
- Identify potential partners and stakeholders and how to work with them (including government departments i.e. land institutions, the judiciary and LCs, CSOs, traditional institutions, professional lawyers and other bodies).



Suggested Exercises

- Presentation on rights-based approaches (30 minutes)
- Mapping exercise on existing CLV institutions and programs (30 minutes)
- Discussion on the various ways of starting a CLV program (30 minutes)
- Discussion in pairs, brainstorming and plenary discussion on conducting a needs analysis (1 hour)
- Index Cards on Resources required for setting up CLV programs (30 minutes)
- Group Work and / or Quiz on drawing up a proposal and work plan (1 hour, 45 minutes)
- Presentation followed by private study on record keeping, case management and filing systems. (1 hour, 15 minutes)
- Guest Speaker on Budgeting and Accounting (1 hour)
- Brainstorming on developing a resource Centre and library (30 minutes)
- Mapping exercise on networking and developing relationships in the community (1 hour)
- Presentation and discussion on monitoring and evaluation (1 hour)

Materials/Resources Required

- Whiteboard
- Cards
- Flipchart and markers
- Guest speaker who can address any of the areas

Session I Including a Rights Based Approach in Establishing a CLV Program



NOTE TO FACILITATOR

1. In this session, make a presentation emphasizing the guiding principles for a rights-based approach in programming that should inform the entire process of setting and running a CLV program. (20 minutes)
2. Ask participants to map out organisations and government departments that are involved in law and order, and which are likely to host a CLV program. (30 minutes)
3. Lead a plenary discussion on the advantages and challenges of the various ways of establishing a CLV program. The notes below can be used for prompting the participants and clarifying their own ideas. (30 minutes)

Rights Based Approaches (RBAs)

Definition Human Rights

- *Human rights are the rights a person has because he or she is a human being.*
To violate someone's human rights is to treat that person as though she or he were not a human being. To advocate for human rights is to demand that the human dignity of all people be respected.

In enjoying these human rights, everyone bears the responsibility not to breach or violate the rights of others and to support those whose rights are abused or denied to obtain justice.

Human Rights Principles

- Human rights are held by all persons equally, **universally**, and forever.
- Human rights are **inalienable**: you cannot lose these rights as long as you are alive.
- Human rights are **indivisible**: you cannot be denied a right because it is "less important" or "non-essential."
- Human rights are **interdependent**: you must be able to enjoy all of them. For example, your ability to participate in public issues of governance is directly related to the right to freely express yourself, to get an education, to move, etc.
- **Equality and Non-discrimination**: All individuals are equal as human beings irrespective of their race, colour, ethnicity, gender, age, language, religion, political or other opinion.
- **Participation and Inclusion**: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
- **Accountability and Rule of Law**: States and other duty-bearers are answerable for the observance of human rights.

This means that a CLV must display these beliefs and principles in the way he or she deals with cases, and in all interactions with the client, victim/survivor, partners and stakeholders.

Guiding principles for setting up and running a rights-based CLV program

The major guiding principle for establishing a Rights Based CLV Program is to enhance access to justice for the most vulnerable, marginalized and poorest people in society.

1. **Protection of human rights:** The CLV program will aim to promote and protect human rights in all its activities both within the organization and outside the organization, i.e. the program will promote and protect the human rights of its staff and community members.
2. **Empowerment:** The CLV program will empower staff and the community persons. Staff and persons will be informed of their rights and duties. Everybody's opinions will be respected, and everybody's contributions will be acknowledged.
3. **Participation:** The program will be developed in an interactive way that involves all the stakeholders, and activities will also be carried out in a manner that includes all stakeholders.
4. **Equality, Non-discrimination and attention to vulnerable groups:** The program should emphasize that all individuals are equal. Care will be taken to ensure that vulnerable groups such as women, refugees, Internally Displaced Persons, children, People With Disabilities (PWDs), People Living with HIV and AIDS (PLHAs), pastoralists, minorities and any other group are included and given adequate attention. Equal opportunities will be availed to all staff and community members. **No one will be discriminated against for any reason such as tribe, gender, ethnicity, race, age, religion, social origin, political affiliation, etc.**
5. **Gender:** The program will ensure that it promotes equality between men and women. Women and men will be included in the design of the program and its activities. The unique challenges facing women and men will be acknowledged and considered in the CLV program.
6. **Accountability and Transparency:** The program will be answerable to all stakeholders and will be set up and run in a transparent manner. Information and reports on the program's policies and activities will be readily available to the public (although confidentiality of claimants will be maintained). The program will promote zero-tolerance of corruption.

Deciding on the type of CLV program and identifying partners

There are a number of factors to put into consideration when deciding on the type of CLV program to set up. A CLV program may be set up in the following ways;

- 1) **Using an existing program of an organization:** Such organizations may include CBOs, NGOs or FBOs. In some cases, this may be better than setting up a new program altogether, because of the availability of some resources e.g., staff, libraries, office space and furniture, transport facilities and community contacts. It might be easier for an established NGO or CBO to obtain funding for an additional component as opposed to a new organisation asking for funds to start a new project.
- 2) **Establishing a CLV program in learning or academic institution:** Universities with Law Faculties e.g., Makerere University, Uganda Christian University Mukono, Kampala International University, Islamic University Mbale, Gulu University and Pentecostal University Fort Portal may setup CLV programs. Law Students can be trained by the University itself or by collaborating NGOs and CBOs to act as CLVs for example the Public Interest Law Clinic (PILAC) of the Faculty of Law, Makerere University.

These institutions are usually helpful and can be approached to run mobile legal aid clinics in nearby communities or even further, during student holidays and if money is available, so that their services are not only limited geographically. Students also benefit from this by learning practical skills for their future careers. The challenge with this is that students and supervising lecturers might be too busy, especially during exams period.

- 3) **A CLV program attached to a government institution/program:** The Draft Legal Aid Policy proposes a public-private partnership in provision of legal aid services. Therefore CLV programs may be attached to government institutions, e.g., Land Administration institutions or Justice Centres – this is a government run service delivery model that provides legal aid services to the poor, marginalized and vulnerable persons and communities.

A major concern with having CLVs attached to government programs is that it might be difficult for them to be impartial when the government is involved in a dispute. There is also the possibility that the CLV program will become tainted with accusations of bureaucracy, inefficiency and corruption like many other government programs.

Session 2 Conducting a Needs Assessment before Setting up a CLV Program



NOTE TO FACILITATOR

1. Ask participants to describe what it means to conduct a needs assessment in a community. They can do this in pairs. Those who have experience can be asked to share in plenary. (20 minutes)
2. Use the following question to lead a brainstorming session on conducting a needs assessment before establishing a CLV program: *What type of information should be collected before starting a CLV program?* (30 minutes)
3. Clarify and conclude the discussion using the information below. (10 minutes)

Before establishing a CLV program for promoting land rights, it is important to carry out an analysis of the situation in the community in order to know what services the CLV program should offer, where the gaps are and what measures are required to address these gaps. The analysis should focus on the following:

- a. **Justice needs:** It is important to identify justice/legal problems relating to land in the community that need to be addressed by a CLV. Examples include; people who seek to register their land or members of the community who have land disputes. Information on such issues can be collected by consulting members of the community for example in meetings, direct observation, and interviews with victims and claimants. Opinion leaders in the community, e.g. LCs, religious elders, traditional/cultural elders, and well-wishers can be consulted. Information may also be obtained from research that has been carried out by other organisations, from newspapers, radio programs, or from government documents and statistics.
- b. **Existing legal services:** It is important to find out if there any other legal aid service providers, and if so, what type of services they offer. This helps in avoiding duplication and wasting resources. The presence of legal services offered by lawyers/advocates and government departments are useful for case follow up and referral/forwarding.
- c. **The applicable law and policy, including local Bye-laws and Ordinances:** A needs assessment should also find out what the laws and policies on a given problem are. The following questions are relevant, is the law and policy adequate? How easy is it to use in practise? Does it need amending, and in such circumstances; how will the claimants of rights be helped? Are there any Bye-laws or Ordinances that have been passed by Local Authorities to solve the problem? It may also help to find out how other communities have dealt with similar problems.

- d. **Existing solutions:** Are there formal, informal or traditional and cultural justice procedures in place to handle the problem? Are these procedures being used and are they satisfactory? How far are the formal institutions from the community e.g. courts, tribunals and government departments? To what extent are they helpful?

Collecting information on the above areas also assists in deciding whether the CLVs' main role should be to provide advice, to refer cases, to mediate over disputes, to educate the public and raise awareness on legal issues, or to form campaigns directed at change in the laws or policies. This information also helps inform the CLV on whether to focus solely on land issues, or whether there is need for other areas to be emphasised in the community e.g. Criminal Law if land is being grabbed through violence and threats, etc.

Session 3 Resources Required in Setting up the CLV Program



NOTE TO FACILITATOR

1. Give participants a card, and ask them to write one resource or input, that is required to set up a successful CLV program.
2. Ask participants to pair up and discuss each other's answers. Each pair should report to the plenary.
3. Clarify the areas by referring to notes below. (30 minutes)

Resources required for setting up a CLV program

The different resources required in setting up a CLV program range from human resource, assets/equipment, material and financial resources. Below are some suggested resources required to setup a CLV program:

1. **Recruiting CLVs:** The needs assessment may show that there are already CBOs, NGOs, FBOs, and government departments offering related services in the community. This would mean working with them to see how to include a CLV component in the work they are already doing. If a decision is made to build on existing services, it will be easier to identify people as CLVs to train and to set up facilities such as an office for the CLV program. In this case, it is important to find out the knowledge and skills of existing workers and volunteers in regard to the principles and qualities and competencies required for a successful CLV program, as described above.

Potential CLVs can also be identified from the community, e.g. secondary school students, law students or other members of the community who meet the criteria discussed in Module 1. Advertisements can be made on the local radio or placed within the community inviting interested community members to respond. Word of mouth announcements can be made at community meetings, in church, the mosque or market place to let the community know about the CLV program.

A decision has to be made on how many CLVs are required to be recruited and interviews conducted with the potential candidates who are suitable for CLV work as discussed in Module 1. A questionnaire can be used to guide the interviews. *A sample questionnaire is included in Appendix 3.*

2. **Office Premises:** It is important to obtain a location that is easily reachable and identifiable. Collaborating with existing service providers, government departments or University Law schools is critical as they can provide such a space. It is not appropriate to establish a CLV program as a 'briefcase' program or project that has no location. Physical space and a contact address must be provided. Otherwise the CLV program cannot work efficiently. The office should be adequately furnished with desks, chairs, stationery, a filing cabinet and a computer

if possible. CLVs are usually resident in the communities they serve therefore they can work from home or at a convenient location within the community.

3. **Management:** A Program Officer must be assigned to oversee the following functions:
 - Defining the objectives of the CLV program in the community as well as the scope of operations.
 - Establishing the program within an existing institution or creating a new one.
 - Publicising the program to beneficiaries and partners, including potential donors.
 - Determining the financial needs of the program and managing the budget.
 - Recruiting trainers.
 - Identifying CLVs and training them.
 - Monitoring CLVs to ensure work is effective, efficient and fair.
 - Maintaining relations with partners and the community.
 - Identifying and responding to needs as they arise.
 - Evaluating the overall program.

4. **Technical Assistance:** An Advisory Committee of interested people can provide assistance and oversight to the program. It should consist of a diverse set of people who are independent from the government and are well respected. Care should be taken to ensure that women, youth, PWDs and other vulnerable groups are represented. The advisory committee can help in shaping the work plans and proposals, vetting potential CLVs and strengthening the program's links with the community.

The selected CLVs and committee members should be informed of the program's aims, objectives and other policies as soon as possible. It is important to prepare a contract or memorandum of understanding with each individual under which he or she agrees to abide by the program's Code of Conduct. It may help to give each CLV a handbook which contains all these documents and a warning that breach of the Code will lead to termination of the relationship between him or her and the program.

Session 4 Drawing up a Proposal and Work Plan



NOTE TO FACILITATOR:

1. Make a short presentation on the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis of your CLV program. (15 minutes)
2. Divide participants into groups of not more than 6 people. Avail participants with the copies of the session hand-out. Using the information provided, the groups should prepare a proposal and work plan for establishing a CLV program. (1 hour)
3. Alternatively, after they have read the information, participants can be asked to do the exercise at the end of this session. (30 minutes)

Planning For Implementation and Preparing a Proposal

SWOT analysis

The first stages of planning your CLV program can take the form of a SWOT analysis. This will help you as you prepare to develop a realistic proposal. SWOT is a combination of the first letter of each of the following words:

Strengths
Weaknesses
Opportunities
Threats

A SWOT analysis is a planning tool organisations use to assess internal strengths and weaknesses, and external opportunities and threats. It provides a simple way to assess how a plan can best be implemented. It will help those planning for a CLV program to be realistic about what they can achieve, and where they should focus.

When conducting a SWOT analysis, it is best to ensure wide participation and it is best done in a group. For example, it can be done jointly by the management team and the advisory committee, and selected members of the community. It can also be done with key members of the management team, the CLVs and the advisory committee.

- First, it is important to be clear what the *main objective* or statement of purpose of your program is.
- Next, try to assess your strengths or *internal capacity* that is the existing resources that can be used immediately, for example, personnel or furniture.
- Try to establish *weaknesses* or *current problems*, for example, lack of personnel, lack of funds. This will help you identify where new resources will be needed.
- The next step is to assess the *external environment* – *what is going on outside the program*. These are areas which are not yet affecting planned programs but could do so – either positively or negatively e.g. elections or change in government policy.
- *Opportunities* are those things outside the program that might influence the program in a positive way, for example, the existence of other NGOs that you can partner with.
- *Threats* are negative aspects of the environment that could make your work difficult, for example, negative attitudes towards legal aid in some sections of the society or cultural beliefs and traditions.

Proposal Writing

The aim of writing a proposal and work plan is to convince donors and other stakeholders to give you funds to help you implement your work, or work with you. Therefore a proposal is a persuasive document, because it tries to persuade individuals or some organizations to do something for you.

Principles to bear in mind when writing a proposal

- A proposal should be persuasive and informative. Clear and detailed information will help you persuade funders or donors.
- Explain the problem that is motivating you to make the proposal, giving details.
- Emphasise why you think the project is necessary and important.
- Emphasise the benefits of following your suggestions.
- Explain exactly why you are making your proposal.
- Give details of exactly how you will spend the money if it is availed to you.
- Explain how long you think the project will take to complete.
- Explain how much you think each aspect or activity of the project will cost.
- Describe which groups of people will benefit the most from your proposal.
- Describe how these groups will benefit.
- Explain how you will assess beforehand if the project is successful or not.
- Outline how the project will continue after you have used the funds made available.
- Give details of any reasons why the project may fail and what can be done to prevent this.

Adapted from British Council Ethiopia (2012) Proposal Writing Course

A Proposal/Work Plan Should Include:

Statement of Purpose: A statement of purpose should outline the aims and objectives, intended beneficiaries, and the types of services to be provided by the CLVs on the program.

Geographical Scope: The proposal should be clear about the areas that will be covered by the CLV services. This can be a village, sub-county, county, town, district or region, depending on the resources available; but it is important not to be too ambitious at the beginning.

Target Groups: Be clear on who the CLVs will work with e.g. traditional/cultural leaders, LCs, teachers, women, youth, duty bearers or the general population.

Activities to be undertaken: These cover any type of related activity e.g. provide legal advice to community members who need it, conduct an advocacy campaign or legal education initiative, referring or following up cases, fact finding etc.

Budget: Each activity should have a budget for such things as transport, stationery, refreshments, venue and fees around cases etc. It should be realistic and based on the cheapest options e.g. transport costs should be based on public transport and not private hired vehicles, wherever possible.

Timeframe: Each activity planned should have a timetable for completion. This might be difficult to determine for resolving conflicts particularly those referred to courts, but at the start, a year or two can be estimated. If some activities are not completed, they can be carried over, funds allowing.

Outputs, results and indicators: It is important to clearly define what you hope to achieve from each activity and how you will determine or understand that the results you wanted to see have been attained. For example, a case resolution report will show that a case has been completed, but an interview with the client will indicate if justice was attained or not based on how his or her life was affected after the case was closed.

Session 5 Budgeting and Accounting



NOTE TO FACILITATOR

1. Invite a guest speaker to make a presentation on budgeting and accounting (30 minutes)
2. Invite participants to a question and answer session with the guest speaker. (30 minutes)

Budgeting and Accounting

Budgeting is the process of planning for the money that will be needed and used by the program. It must be done at the beginning to ensure that there are enough funds to run the CLV program. Financial procedures for monitoring how much is spent must also be developed.

A budget is an essential part of the proposal and work plan which enables the program implementers to know what they can and cannot achieve during activities, and to plan accordingly. Keeping proper accounts will ensure transparency and accountability and therefore the sustainability of the program as donors will be willing to continue funding it if the money given is used and accounted for properly.

The budget and accounting procedures might be dictated by the funders or by the hosting organization if the program is started in an already existing organization such as an NGO, CBO, FBO or learning institutions.

Things that can be budgeted for include:

- *Salaries* for any permanent or part time staff that are not hired on a voluntary basis.
- *Consultancy fees* (such as money paid to experts, trainers and translators).
- *Operational costs* (office rent, telephone/airtime, internet connectivity, office supplies such as stationery, cleaning products, etc.).
- *Furniture & equipment* (computers and software, telephone handset, cell phone, photocopy machine, printer, desks, chairs, tables, and filing cabinets).
- *Publications* (use of designers and printers to create reports, brochures, and other printed documents for the program).
- *Travel allowance for CLVs* (including maintenance of vehicle if the program is able to get one).
- *Activity costs* (including venue hire, meals, accommodation and travel costs).

The program should consider participatory budgeting, involving the management team, the CLVs, and the advisory board. If budgeting and accountability procedures are agreed on and designed in a participatory way, people will be more likely to comply with it.

It is very important to have a person who is in charge of budgeting and finance. If the program can afford this, a full time Finance Officer can be hired for this purpose. If not, an accountant can come in periodically on a paid or voluntary weekly or monthly basis to do the books of accounts. Another way to do it is have a member of the Management Team or Advisory Committee to take up the responsibility. In any case, it is important to team up with a professional accountant from the very beginning.

How to ensure proper financial management

1. Open a bank account for the program. You should obtain signatories from the management and advisory team to ensure accountability.
2. If the program is able to obtain a computer, accounting programs (software) can be installed on it. There is free accounting software on the internet.
3. If there is no computer, a ledger book should be obtained.
4. Revenues and expenses should be recorded *daily*. This is especially important if the accountant will be working on a part time basis.
5. Monies received should always be banked and invoices should be drawn up and receipts should always be obtained for expenses incurred.
6. Keep photocopies of all cheques issued. Cheques should be kept in a safe place.
7. Obtain, reconcile and file monthly bank statements.
8. Have a trustworthy person to be in charge of accounts and finances and make sure reconciliations are made at least once a month.
9. Ensure that accountability is attached to all monies spent.

Note: Files should also be opened for administrative matters such as budgets, accounts, receipts of payments, office rental agreements, contracts for CLVs and registration documents. These must always be kept separately from the client case files.

Fundraising

There are several ways to raise resources for the program. One way is through cash grants and the other way is through non-cash grants.

Cash grants include:

- Submitting proposals for funding or grant applications to donor institutions.
- Organizing benefit events such as lunches and dinners that people can pay to attend.
- Income from sale of publications, raffles and auctions.
- Soliciting contributions from individuals, companies and foundations.

Non-cash grants include:

- Local or International Volunteers.
- In-kind contributions from government / local government, donors other NGOs or individuals e.g. materials or office space.

Session 6 Developing a Resource Centre and Library



NOTE TO FACILITATOR

1. Lead a brainstorming and discussion session based on the following questions: *What resources/books should be included in the library/resource Centre of a CLV program? (15 minutes)*
2. Share copies of some texts or manuals that you may have in your possession and explain the benefits, or present some visual aids of such texts. (10 minutes)

It is important to have a Resource Centre or collection of books and other documents which will assist CLVs in carrying out their work. Legal text books can be quite expensive and therefore they should be budgeted for. Some legal resources exist on the internet for free and some can be paid for.

The program should build a collection of the following:

- Manuals for starting a CLV program
- Organizational and program documents e.g. articles of association, proposal and work plan, code of conduct, Human Resource manual, Finance manual, handbook, program brochure, constitution etc.
- Laws relevant to the CLV work or copies of the most relevant laws such as; Constitution of Uganda, Land Act, Local Government Act and Local Council Courts Act among others.
- Informational, Educational and Communication (IEC) materials i.e. posters, leaflets, information brochures and fact sheets.
- Contacts of other existing CLV program, key stakeholders and a referral pathway.

Other Materials

- Human Rights Manuals and Handbooks
- Monitoring and Evaluation Guide/Handbook
- Communication and Visibility Guidelines
- Newspaper and magazine cuttings of articles of interest relevant to the program
- Any other relevant documents e.g. English Dictionary, Law Dictionary, etc.



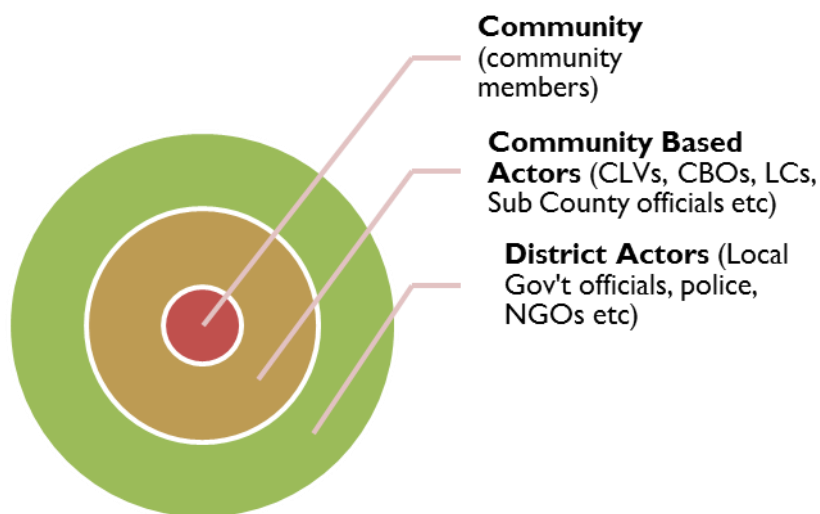
Community members using a Resource Centre

Session 7 Building relationships in the community



NOTE TO FACILITATOR

1. Visually conduct a mapping session with participants by drawing a circle and outside of it, 2 more circles. Inform them that the inner circle relates to the community, and ask participants to identify who are the members of the community. The first outer circle relates to community-based actors including CLVs, ask the participants to identify who these actors could be. The second outer circle relates to actors based at the district level. Ask participants to name actors at this level. (30 minutes)
2. In Plenary, ask the participants to identify ways in which they can link up to these actors, and the benefits and challenges. (20 minutes)
3. Use the notes below to clarify or supplement participants' contributions. (10 minutes)



It is important to build relationships with all the people and agencies that the program will work with in order to minimize resistance and misunderstanding.

- **Establishing contact and introducing the program to relevant stakeholders:** The program should establish contact with the government and local authorities when it is being developed, and this contact should be maintained at all times. In some cases, these offices might endorse your CLV program through a formalized relationship or agreement, for example, the District Council can issue a certificate of registration/recognition.

The Management Team should write letters introducing the program or if possible, personally visit the relevant offices with a copy of relevant official documents which should be left with the officer concerned. This is important because under the proposed Legal Aid Policy, all officers working in the legal system must inform the public of their right to legal aid and if possible where they can access such aid.

- The program should ensure that a linkage is established with the following offices/organizations among others;
 - Area Members of Parliament
 - District/Division Chairperson/Mayor and Chief Administrative Officer (CAOs)
 - District Speaker
 - District Land Office, Planning Office and Forestry Office*
 - District Health Officer
 - Education Officer
 - Chairs of Land Tribunals
 - Sub-County Chairs, Chief(s) and Assistant
 - LCI-LCIII Chairs, secretaries for women and children.
 - Probation and Social Welfare
 - Uganda Police Force, particularly the District Police Commander and the Child and Family Protection Office and Police Land Protection Unit.
 - Chief Magistrate's Court and/or Resident Judge
 - Office of the Director of Public Prosecutions especially the Resident State Attorney
 - Office of the Inspector General of Government
 - Uganda Human Rights Commission Office/Branch
 - Chairperson of District NGO/CBO network or other relevant forums
 - Existing Legal Aid NGOs and other NGOs working in the same locality
 - Traditional Cultural Institutions and Associations
 - Religious Leaders
 - Traders, crafts people and other vocational associations
 - Private Lawyers working nearby. Some complicated matters can be referred to them if they are willing to take some cases for free.
 - Radio Stations, newspapers and other media outlets.
 - District Chain Linked Committees under JLOS
- **Maintain a contact list/address book of key persons** in all these organisations and their addresses and telephone numbers.
- **Other strategies that can be used to build linkages** include: holding an inauguration ceremony and inviting some of the key people, and involving them on the advisory committee.

* The Forestry Office, Health and Education Office are important because sometimes solving justice problems requires a holistic approach which takes various cross-cutting issues into account. For example, large family sizes can exacerbate land disputes, and a solution might be to mobilize the community, with the help of the health office, to understand the importance of family planning. Similarly, planting trees can be a good way to demarcate land boundaries and avoid boundary disputes, and the Forestry office can help with this.

NB. While it is important to have a working relationship with all the above people and agencies, the CLV program should bear in mind that interactions should as much as possible remain official. Personalising the links may compromise integrity and impartiality when trying to solve disputes.

Session 8 Monitoring and Evaluating CLVs and the Program

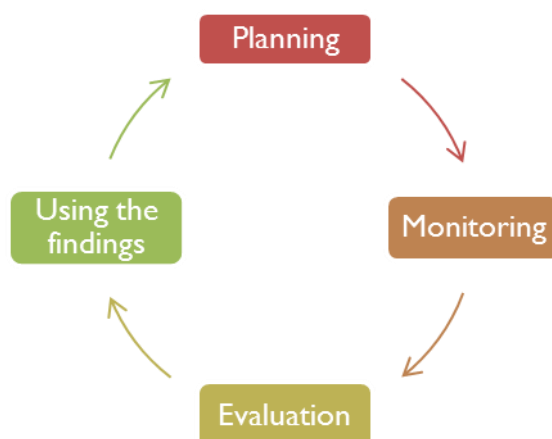


NOTE TO FACILITATOR

1. Lead participants in a plenary discussion on the importance of monitoring and evaluation. (10 minutes)
2. Ask participants to share stories/testimonies on activities around monitoring and evaluation at any level, in any area (15 minutes)
3. Make a presentation using the information for this session on the usefulness of monitoring and evaluating performance.

Monitoring means collecting information at a number of points during program implementation to ensure that the program is running smoothly and achieving its objectives according to plan. This can help program managers to make small changes that will help the program to run better.

Evaluation involves an organized and careful analysis of a project's outcome and impact in relation to its goals & objectives. For example, looking at what the organisation/department intended to achieve - what difference did it make? What impact did it want to make? Was it able to make progress towards what it wanted to achieve?



It is important to closely monitor CLVs to ensure that they are complying with the law and being effective in their roles. Monitoring the work of CLVs should be a formal process. It starts by making sure that the CLV has a clear job description and knows what is expected of him or her. These expectations should in turn be based on the work plan and activities agreed upon at the beginning of the program. CLVs should fill in regular activity reports of work done.

There are number of ways to stay in touch with CLVs to ensure proper monitoring:

- Telephone calls
- Emails, where available
- Written reports filed by CLVs on a daily, weekly and/or monthly basis
- Supervision visits
- Regular meetings
- Feedback forms from clients (*an example is included in appendix 6*)
- Refresher training

The supervisor can use a **checklist**, for example, to check whether the CLV:

- Follows correct procedures in handling and filing cases and keeps a case register and well organised case files
- Follows correct administrative procedures in recording casework
- Applies good judgment in carrying out her/his responsibilities
- Handles a minimum number of cases each month
- Effectively resolves cases (whether directly or through referral)
- Handles persons properly and respects their confidentiality (This information can be obtained from the client feedback form).
- Handles money properly and keeps records and receipts for all monies received and paid out.
- Engages regularly with the community e.g. attendance at LC meetings and other community events.

If the assessment shows that the CLV is working below standard in one or more areas, try to find out the reasons for this in order to determine the most appropriate course of action.

Examples of Questions to Ask:

- Does the CLV need additional training in a legal or administrative area related to carrying out his or her responsibilities?
- Does the CLV require a greater degree of supervision from a more experienced CLV or a professional lawyer?
- Does the CLV lack basic competencies related to the work and what can be done about this?
- Are the work guidelines clear enough, and if not can they be improved?
- Are there problems that make it difficult for the CLV to carry out his or her work as expected (e.g., lack of transport, lack of stationery, too many clients)?
- Is the CLV abiding by the code of conduct?

Asking these questions will help you to know what the problem is and make the correct decision. For example, you may decide to stop working with this CLV and replace him or her with somebody else, or you may decide to provide more training, or change some of the procedures. In accordance with the rights-based approach, any evaluation should be done in a participatory, open and transparent way.

Proper record keeping is essential for monitoring and evaluation. This is why the case register must always be up to date and the books of accounts must always be reconciled to reflect the true financial situation of the program. Reports should always be made of every activity carried out by the CLV or the program, whether a meeting, a training, a fundraising event or a radio program. Minutes of meetings should be recorded and kept.

Evaluating the Program

Periodically, at an agreed time, it is important to measure whether the CLV program is achieving its aims and intended results. This will help in future planning and help the program to improve. Whether or not your program has been successful will depend on how much the outputs are resulting in outcomes, and whether the outcomes are having lasting impact, from when you drew up your program documents, work plan and log frame. For example, the program could have started with the following outcomes in mind:

- Persons and other members of the community will improve their understanding of the fundamental principles and values of the constitution, laws, and legal system.
- People's willingness and ability to resolve disputes through informal and formal resolution mechanisms will be enhanced.

- Members of the community will develop better attitudes towards women and girls, thereby helping to improve women's access to land, for example, through inheritance.

To find out if these outcomes have been achieved, you would need to look at the following information:

- 1) Activity Reports submitted by CLVs.
- 2) The Case Register and Case Files will show how many cases have been handled and how they have been resolved.
- 3) Program activity reports on any training, sensitization, fundraising or other activities carried out.
- 4) Feedback from partners, stakeholders and beneficiaries on the advantages of the program.

Some information may not be easily available in written reports, for example, information on how the community's attitude has changed as a result of the program. In this case, interviews and discussions with some persons and stakeholders would provide some information that can be included in the evaluation.

Below is an example of some outcomes and outputs that you could come up with;

- Between May 2000 and March 2013, the program conducted 10 legal aid clinics, sensitized 50 traditional leaders; facilitated the issuing of 100 customary land titles and 200 Certificates of Occupancy. (**output**)
- The project increased confidence among minority tribes in the justice system and decreased tension in the community. (**outcome**)
- The Area Land Committee agreed that the community as a whole improved their understanding of the land law and procedure. (**outcome/result**)

Evaluation should always be done in a participatory, transparent and accountable manner in accordance with the rights based approach.



Further reading suggestions

- Open Society Justice Initiative (2010), Community-Based CLVs: A Practitioner's Guide.
- The web-site www.fundforngos.org has a lot of free information that can be used for planning your NGO, applying for funds and monitoring and evaluation.

Objectives and key learning points

By the end of the module, participants should:

- Understand the principles of adult learning.
- Describe how to select participants and prepare appropriate training materials.
- Illustrate the steps to be taken to organise a training program for CLVs.
- Be familiar with interactive training methods that they can use to train CLVs.
- Explain the importance of and know how to conduct an evaluation of the training.



Suggested Learning Exercises

- Presentation and discussion on selecting participants and adult learning principles (45 minutes)
- Buzz groups/small discussion group of 3 persons followed by discussion on organising training (45 minutes)
- Discussion followed by group work on participatory methodology and preparation of training materials (1 ½ hours)
- Brainstorming and discussion, followed by individual exercise on training evaluation. (30 minutes)

Materials/Resources Required

- White Board or Flip-Chart and Markers
- Manila papers
- Copies of Handouts

Session I Preparing for training



NOTE TO FACILITATOR

1. This module is intended to assist you, in adapting the contents of this Manual to suit the needs of the Participants. It is especially helpful when the aim is to 'train trainers.'
2. Please read the sections below before the session. Make a short presentation of not more than 30 minutes on preparing for participatory training.
3. After the presentation, allow participants to ask questions, or alternatively, ask questions to generate a discussion on preparing for training: drawing attention to the further reading section at the end of this module.

Factors that should be taken into account in selecting people to train as CLVs are covered in Module 1 on qualities and skills of a CLV, and in Module 2 on establishing a CLV program. In addition to being of high moral character, respectability and integrity, below is a summary of the main things to consider when selecting people to train as CLVs:

- Reading and writing ability in English and/or local language of the community where the CLV will work.
- Background knowledge and skills of the trainee.
- Commitment and availability to volunteer.

The process of selecting trainees should be participatory and involve the management team, advisory committee and other stakeholders working in the area of access to justice. Care should be taken to ensure gender balance of trainees and the inclusion of representatives of vulnerable groups such as refugees, PWDs, PLHAs and youth among others.

This Manual and accompanying Land Rights Handbook already contain the materials and content you will need to conduct your training. However, sometimes the law or policy on a land issues can change, and care must be taken to ensure that changes that have happened since the publication of the Manual are noted and emphasised in the training.

It is very important to take into account the training needs before adapting the Manual or using it in its present form. You should already know from the interview and hiring process what level of knowledge and skills your CLVs have. If it is a refresher training, you should know the skill and knowledge gaps from the performance evaluations and activity reports submitted by CLVs. A pre-training evaluation form which can help with this assessment is included in **Appendix 10**. Performance evaluations and activity reports are covered in detail in Module 2.

Principles of Adult Learning

Adults learn best when they participate fully in the training. This may seem obvious, but attending a training event does not mean the same as *participating* in it. *Participatory training* means that everyone is involved and active. A trainer should remember the following guidelines when delivering training to adults:-

1. Adults need to know why they need to learn something

Get to know the environment that your trainees are working in. Understand the challenges they face in their daily work. Link the new skills to these challenges. If participants do not understand *why* they need to learn this new skill, they will probably not use it after the training.

2. Adults need to learn by using their own experiences

Encourage each participant to offer his or her own experiences during the training. Adults need to see the relevance of training. Using actual experiences that could apply to several other participants makes the learning more relevant.

3. Adults approach learning as problem-solving

Emphasize the real world rather than give theoretical or academic teachings with complex issues that have no direct relevance. Concentrate on applying the course content to help solve actual problems that the participants are facing.

4. Adults learn best when the topic is of immediate value

This relates to making the topic relevant. If participants go back to their work place after the training event, and begin using the new skill immediately, they are likely to continue using it. If there is a gap between the end of the workshop and the first time they try the new skill, they may have forgotten some things and will find it more difficult to continue with it.

5. *Adult learning is an active process of reflection and discussion*

Give participants time to reflect on new concepts and link them to their own experience. The process of talking about and discussing ideas helps people to clarify what they think or feel about something. Discussing ideas as a group exposes everyone to new ways of thinking. Be sure to draw everyone into the discussion and not only focus on those who are talkative or dominant the group.

Participatory training

As the name suggests, participatory training involves people actively *participating* in the training event.



A traditional or Non-participatory model of training/teaching

A Participatory Training



In participatory training, participants get to discuss and question ideas. A facilitator will ask questions to drive the discussion forward. Everyone has experiences to share and there may be several answers to each issue raised.

When delivering training using electronic resources, it is still possible to make the training participatory. Instead of the facilitator reading from a handout, computer or projector screen, there should be direct facial contact and interaction with participants. In this way, participants are more in control of their own learning — an important part of adult learning.

Session 2 Organising a Training Event



NOTE TO THE FACILITATOR

1. Ask the participants to form buzz groups/small discussion group of 2-3 people to discuss this topic. The following questions may be used as a guide:
 - (a) *What training events have you attended in the past?*
 - (b) *What factors did you observe that you think are important in organising a successful training?*
2. Ask one member of each group to report to the plenary.
3. Wind up the session by pointing out any factors that may have been left out of the discussion using the information below as a guide. This should last about 45 minutes – 1 hour.

There are many logistical issues to take into account in organizing training. Below is a checklist that can be used to ensure that logistical arrangements proceed smoothly.

- ✓ What are the aims and objectives of the event?
- ✓ Who are the participants (how many male and female) and how many will attend?
- ✓ What are the details of the participants? E.g. age, marital status, educational background, occupation, etc.
- ✓ What do you think will be the expectations and concerns of the participants?
- ✓ What kind of venue will be appropriate for the activity?
- ✓ How many days do you need for the event?
- ✓ Have all the participants been contacted and have they confirmed?
- ✓ Have trainers been contacted and contracted?
- ✓ What learning aids and equipment will be required?
- ✓ What hand-outs and take-home materials should be prepared?
- ✓ Have other logistical arrangements been made, such as transportation, accommodation and meals?

It may be necessary to consider which participants will be available to attend the training event. If the proposed participants are affiliated with the government or any organisation you will need to notify the appropriate officials and possibly even get permission for the CLV's to attend the training. If they will be hired as part of your staff, then attending the training(s) will be part of their job responsibilities. If they are volunteers, you may want to consider a modest transport refund for attending trainings and appropriate accommodation if they come from a distance away and the training is over several days.

Session 3 Interactive Training Methodologies



NOTE TO FACILITATOR

1. Generate a discussion on the types of methodologies that can be used to ensure that training is participatory and engaging using the notes in this section to clarify and add to the discussion. (30 minutes).
2. Divide participants into groups of 5 or 6. If possible, ensure that group members are from different communities.
3. Each group should come up with a completely new exercise that could be helpful in passing on knowledge.
4. This group work should last about 40 minutes, with 20 minutes afterwards for the groups to present their work.
5. Wind up the session by re-capping the main points on the importance of participatory methods.

When selecting methods, trainers should always be aware that some methods may be culturally inappropriate for some groups (e.g., physical contact, graphic arts) or require unfamiliar or unavailable resources (e.g., access to the Internet or audio-visual equipment).

Common methods which are largely acceptable and inexpensive include:

1. **Inter-active lecture known as presentation**

Lectures allow for the quick delivery of a significant volume of information to a large audience. Lectures allow for the presentation of information in a clear manner within a short time. Traditional lectures are long and boring, with the students or participants simply listening and not contributing. However, a trainer should ensure that he or she makes a presentation interactive, by including occasional questions, appropriate jokes, inviting opinions and perspectives of the listeners and other inputs. Presentations can be used at the beginning of a training program, when participants are still getting to know each other and get accustomed to the environment. Presentations should be kept as brief as possible. If possible, other visual aids should be used to capture participants' attention e.g. use of video clips, pictures and energizers.

2. **Discussions**

Discussions are a good way for the facilitator and participants to discover what their attitudes are on issues. They are also an opportunity to practice listening, speaking in turns, and other group skills. Discussions can be started by asking questions in plenary or inviting people to form small groups to discuss an issue more in-depth and report back the main points in plenary. It is important for the trainer to wrap up discussions by presenting the main learning points of a session for clarity.



CLV teaching adults in the community

3. **Questioning**

The trainer should use open-ended questions to get the participants view on what they already know about a particular topic and to make sessions more interactive. For example, "What would you do if you knew about...?" or "What do you think of" The trainer can help participants to feel comfortable expressing their views by giving encouragements for all opinions given and asking, probing and clarifying questions. Hypothetical questions are also

good for getting participants to analyse an issue that may be problematic to address directly, particularly if it involves wrong attitudes or actions that the participants also engage in.

4. Pairs and Groups

Dividing the class into pairs or groups gives learners more opportunity to interact with one another. Pairs and groups can be useful to generate a lot of ideas very quickly.



CLV's leading small group discussions at a community workshop

5. Brainstorming

Brainstorming encourages creativity and generates many ideas quickly. It can be used for solving a specific problem, answering a question, introducing a new subject, raising interest, and surveying knowledge and attitudes.

Most brainstorming sessions follow this procedure:

1. Introduce a question, problem, or topic both orally and in writing on chart paper.
2. Invite participants to respond with as many ideas or suggestions as possible, in single words or short phrases. Encourage everyone to participate but do not proceed in any set order.
3. Explain that until the brainstorm is complete, no one may repeat or comment on any response.
4. Record every response on chart paper. Often, the most creative or outrageous suggestions are the most useful and interesting.
5. Afterward, prioritize, analyse, or use the list to generate discussion or problem solving.

6. Role-plays and stimulations

A role-play is a drama or skit played by the learners. It is mostly improvised. It aims to bring to life circumstances or events which are relevant to the topic. Role-plays can improve understanding of a situation and how they should be handled.

In simulations participants are made to undergo an exercise as if they were actually in a real situation. For example, if you wanted to teach participants how to interview a client, you would request one to act a client and the other as a CLV.

After the role play, the trainer must thoroughly debrief the participants and help them to draw parallels between what they acted and real life situations.

7. Case Studies

Trainers can use case studies to encourage analysis, critical thinking, problem solving, and planning skills, as well as cooperation and team building. They can be used to set up debates (e.g. groups assigned to argue certain positions on an issue) and comparisons (e.g., different analysis or solutions of problems in the case).

1. **Real cases** can be drawn from historical or current events, and from other countries or locations. Be careful not to use cases known to the community you are training, otherwise you may resurrect old conflicts or cause new conflicts.
2. **Fictional or imaginary cases** might be developed to address particular issues or workshop topics. Fictional situations can often address locally sensitive issues without evoking similarities to particular individuals, organizations, social groups, or geographic regions.

8. Debates and Negotiations

Debates help to clarify different positions on a controversial issue. They usually involve two or several small groups that plan and present arguments on different sides of an issue, which may not necessarily represent their personal views. Debates develop understanding of an issue, and listening and speaking skills. Ideally a debate concludes with all participants being able to vote for or against the motion and discuss their positions, but for human rights issues, this is not always the case. Also, be careful to guide the debate so that the discussions do not become heated or emotional, diverting from the learning points.

9. Warm Ups and Ice-Breakers

As noted above, the most important thing for a trainer or facilitator is to engage the group and ensure that everybody participates. There are some exercises that can help to break the ice and help people to feel comfortable so that they participate fully in the training. Below are a few suggestions:

- **Example of an icebreaker for new workshops or events**

This exercise is designed to help a group get acquainted at the beginning of a workshop.

Required resources

Open space for participants to move around in.

Process

- The trainer/facilitator asks the participants to move around and introduce themselves to at least 5 people, mentioning such criteria as: where they are from; where they work and any information they feel might be relevant or fun or both.
- After a few rounds of this, ask the participants to pair up in fours and to spend a few moments to discuss their expectations for the program and to be prepared to report their list to others. Summarize the total results from the exercise to bring closure to the event.

- **“Do you know me?”**
Each person is given a nametag and an index card. The name tag has the name of another person in the group on it. Everyone is told to circulate, meet, mix and mingle to gather information, insights or stories about the person on their tag from group members. The opening line “Do you know me?” is used to help generate clues and conversation. The index card is to be used to write down the information collected. At the end of a designated time - about 15 minutes, each participant introduces their “name tag” and its person to the group.
- **Colour Rainbow**
The object of this small group exercise is to get the group to quickly meet the other members. The facilitator calls out a colour of the rainbow: - *for example*
RED: Red typically is the stop/turn - off colour - so each member of the group quickly tells what is the one thing (that they can disclose in public) that is really a turn off to them or that they really dislike.
Orange: is the motivation colour - what motivates them.
Yellow: is the inspiration or creativity colour - what was the best idea they've ever had.
Green: is the money colour - what they plan to do for money, or the worst thing they ever did for money.
Blue: is the sky's the limit colour - what is your favourite fantasy about your future.
Indigo: is an odd or different colour - what is the most daring thing they ever did.
Purple: is the colour of royalty - if you were ruler of the universe for a day - what is the first thing you would do?
- **Fortunately/unfortunately warmer**
Start the group off with a sentence, for example - ‘I lost my wallet at the shops but fortunately ...’. Then point to a participant to finish the sentence. Then continue: ‘But unfortunately ...’ (get the next participant to finish that sentence). Continue on around the group.
- **“Heal me!”**
Giving advice is always fun. Pretend to cough and ask participants what you should do. Elicit answers such as, “Drink a glass of water,” or “Use a cough drop.” Write various ailments on pieces of paper and give them to participants —and tell them not to show the paper to anyone else. The participants will act out the problem and the rest will guess what’s wrong, and then offer solutions. Possible ailments include: Fever, Cold, Headache, sprained ankle, Runny nose, Sore muscle, back pain, hiccups, etc.

Session 4 Evaluating Training



NOTE TO FACILITATOR

1. Participants should brainstorm on why it is important to evaluate training. Note down the points on a flip-chart and then lead a discussion based on those points as well as the information below.
2. Conclude the session by asking participants to evaluate the training they have received so far by filling out the form in **Appendix 10**.

Evaluation of training is important to give the trainer useful information in order to further improve the training course.

A trainer can usually determine how well the training process goes by observing the group dynamic, the activity of the audience, by analyzing spontaneous comments, etc. However, it should be done formally and objectively to make sure that these observations are correct, and to give participants a proper forum to express their opinions.

Evaluation should be carried out throughout the whole time of a training activity, after each working day, and sometimes after a series of sessions also. This type of feedback can be obtained using a mood chart where each person anonymously indicates whether they are happy and satisfied, neutral or unhappy and discontented with a particular session. The trainer can draw up a chart with three columns for each mood, and participants should put an “x” or a dot in the appropriate column which indicates their mood.

A more detailed evaluation can then be conducted as the last session in the training and is a good way to conclude the training. A standard questionnaire administered to each individual is a good way to obtain participants’ opinions on the training and determine whether or not it has been successful.

Note: It is very important to assess the level of knowledge acquired following the training activity. This can be done by conducting Pre and Post Training Evaluations. Examples of evaluation forms are included in **Appendix 10**.



Further Reading Suggestions

- Oxfam Gender Training Manual (Facilitators Guidelines and Training Techniques). Available on the web at <http://policy-practice.oxfam.org.uk/publications/the-oxfam-gender-training-manual-141359>

Module 4: The Legal Framework and Environment on Land Matters in Uganda

Objectives and key learning points

By the end of the module, participants should:

- Describe laws applicable and legal institutions, particularly those relating to land issues in Uganda.
- Identify the common problems and issues in the area of land rights
- Illustrate the application of cross-cutting issues (such as gender, youth, population, corruption and oil production) in ensuring a rights-based and holistic approach to development in their work in the community.



Suggested Exercises

- Presentation on the law applicable to land issues (45 minutes)
- Question and answer sessions on land tenure systems and laws applicable in Uganda (45 minutes)
- Brainstorming followed by group work on land management and land dispute institutions (2 ½ hours)
- Role play on Land disputes (1 hour)
- Buzz groups/small discussion groups and plenary discussion on pertinent and cross-cutting issues in land rights based on fictional problems/ cases and real life examples if available. (1 hour)
- Presentation on oil issues and corruption and its impact on land rights. (1 hour)

Materials/Resources Required:

- Flip Chart, Manila Papers and markers
- Newspaper clippings of land disputes.

Session I The Law and Land Matters in Uganda



NOTE TO FACILITATOR

I. This is a technical area that will require a short presentation, followed by a question and answer session. (1 hour)

Definition of Laws

Laws are a set of rules which govern conduct in a society. Good laws serve many purposes which greatly benefit the people and communities whose conduct they regulate. They are important in promoting social justice and human rights.

a) The role of law in society

The most important role that laws have in the community is the maintenance of law and order for instance, by prohibiting violent acts such as land grabbing, land fraud, forced and unlawful evictions among others.

Laws also promote justice and peace in communities for instance by punishing wrong doers and ordering them to stop their wrongful actions, compensate the victims of their actions, or restore what they have taken e.g. land.

Laws help in protecting vulnerable and neglected groups in communities such as widows, orphans, women and children, the elderly and disabled, among others.

b) What are the sources of law in Uganda?

The sources of law in Uganda include the following:

1. **The Constitution:** This is the supreme or highest law in Uganda and all other laws passed in Uganda must fall in line with it, or else they are invalid.
2. **Legislation:** Laws are made by the Parliament of Uganda and these laws are referred to as “Acts of Parliament”. Other terms often used to refer to legislation include: Statutes and decrees among others.

The Parliament in some cases gives power to other bodies to make law. Examples of such bodies include Ministers and Local Councils. The laws made by these bodies are called “*subsidiary legislation*” while the ones made by Parliament are called: “*principal legislation*”.

Subsidiary legislation made by Local Councils e.g. Urban, Sub county, division or village Councils are called bye-laws. They are meant to regulate a certain issue in a given Local Council area.

3. **Case law or court decisions:** Magistrates Courts and High Courts in Uganda sometimes make decisions basing on similar cases which were decided earlier. Where the facts of an earlier case are similar to a case before the court, then it will decide that case according to the legal principles by which the earlier case was decided. This practice however, only applies when such earlier decisions were made by the Supreme Court, Court of Appeal and the High Court but not the Magistrates Courts. Furthermore, the lower courts follow the decisions of the higher courts and not the other way round.
4. **Customary law:** These are cultural rules and practices of the various ethnic groups in Uganda. These laws are not written anywhere but have been passed down through generations by word of mouth and practice. As already mentioned above, customary laws that contradict the Constitution and legislation or written law are invalid.

c) Types of Law in Uganda

The sources of law mentioned above may deal with various matters in society such as crimes, administrative matters, contractual disagreements, land disputes, family disagreements among others. These matters fall into broad types or categories of laws. There are two major types of laws: Criminal Law and Civil Law.

Criminal Law

Criminal law seeks to protect communities against harm by individuals by punishing wrong doing, referred to as crime e.g. rape, defilement, murder, robbery, criminal trespass and arson among others. Under criminal law, acts that offend the Penal Code or other laws, although they may be committed against one individual are considered a danger to the entire community or country and it is the Government’s responsibility to protect its citizens from harm by preventing such violent acts from happening. This is why the Government makes laws prohibiting such acts and tries offenders in court and punishes them, for instance through imprisonment and/or fines, in order to discourage other members of the community from practicing the same act.

Civil Law

Civil law on the other hand, deals with private matters between individuals. It addresses how members of the community who may disagree on certain issues such as marriage and divorce, custody of children, property rights and, employment rights among others, can resolve their disagreements, either through mediation or by going to court.

Although land cases are civil in nature, criminal cases may also arise from land disputes, for example; criminal trespass, which means entering another person's property without permission and with intent to commit an offence or to intimidate, insult or annoy any person. In cases of criminal trespass ownership of the land in question must be determined first. Land disputes may also give rise to the crime of malicious damage to property, arson, assault, battery, etc.

d) Land Laws in Uganda

The main Land laws in Uganda can be found in:

- The 1995 Constitution of the Republic of Uganda, Chapter Fifteen, which lays out the land tenure system and establishes key Land Administrative bodies.
- The Land Act 1998, The Land (Amendment) Act, 2001, 2004, 2010 and the Land Regulations N^o 100 of 2004 detail the regulation of land use in Uganda.
- The Registration of Titles Act, 1924. Cap. 230 regulates the registration of titled land.

However, there are many other laws that relate to land, and some of them have been listed in Appendix 15.

Session 2 Land Tenure systems in Uganda



NOTE TO FACILITATOR

1. Lead a question & answer session on land tenure systems and laws applicable in Uganda. You can ask participants to name the different tenures and what each one involves, without necessarily expecting them to respond with precise technical terms, descriptions will do.
2. Write answers in a table on a flip chart. Supplement answers and wrap up the session by distributing copies of the map on land tenure in Uganda and referring participants to the information below. The questions should include the following;
 - *What types of land ownership are you aware of in your community? How does it work?*
 - *What are some of the issues arising from the land holding system in your community?*

Land Tenure Systems in Uganda

The Constitution of Uganda states that land in Uganda belongs to all citizens and is to be owned in various ways. These ways are referred to as 'Land Tenure Systems'. These systems are divided into four categories:

1. Freehold Land Tenure System
2. Customary Land Tenure System
3. Mailo Land Tenure System
4. Leasehold Land Tenure System.

These systems are described under the Land Act as follows:

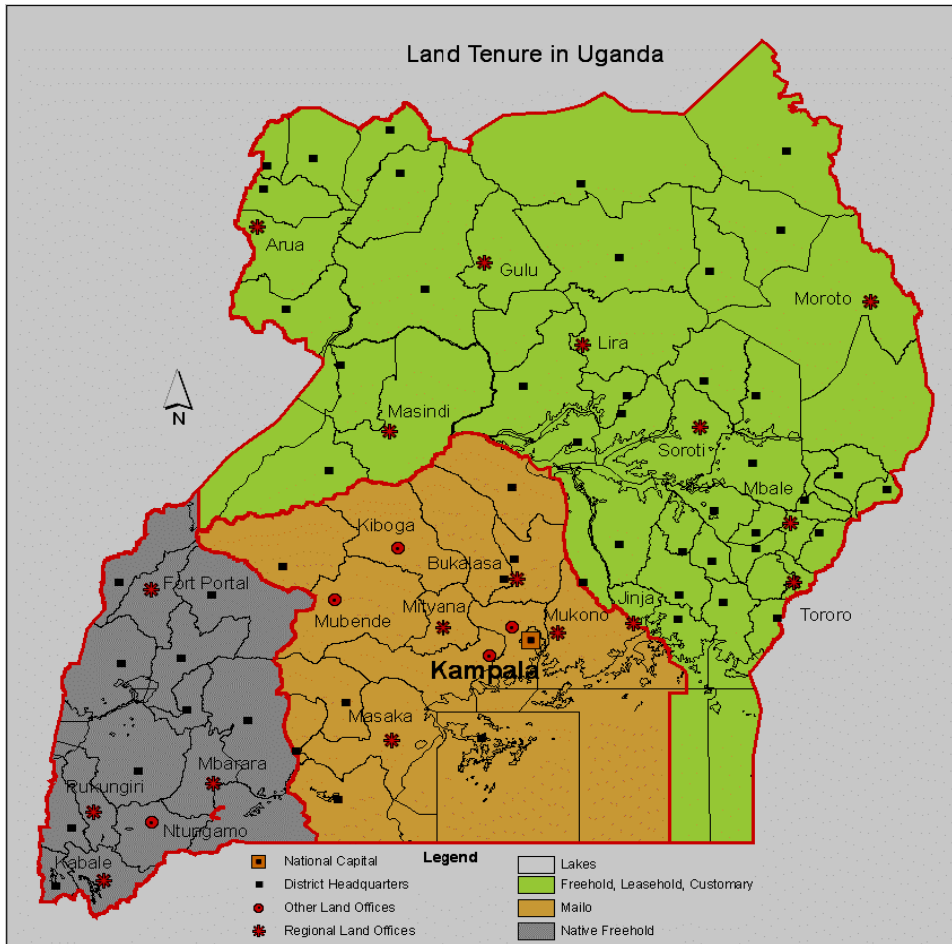
a) Freehold Land Tenure System

Freehold land tenure is land which is registered and owned without time limits.

What are the rights of an owner of land under Freehold Tenure?

A person who owns land under Freehold can do anything on the land as long as it is not against the law. For example, one can develop the land for agriculture, or construction. Such a land owner also has a right to take and use anything which grows on the land, unless minerals are found on the land, which belong to the government. The owner can enter any lawful dealings regarding the land, such as sell, lease, mortgage, give or pledge.

Map showing Land Tenure Systems in Uganda



Source: Value for Money Audit Report on the Functionality of Land Management Institutions in Uganda, Office of the Auditor General.

b) Leasehold land tenure system

Leasehold Land Tenure is one under which the landlord/land owner grants another person called a tenant/lessor exclusive possession of land for a specific period of time in return for rent subject to terms and conditions as agreed upon. In Uganda one can get a lease from an individual, a local authority, an organization/Company, an institution like Buganda Kingdom or from Uganda government. In Uganda, the minimum period for a lease to be registered for Ugandans is three (3) years and five (5) years for non-citizens for maximum period of 99 years. The person granted a lease for an agreed period of time is entitled to a Certificate of Title. The difference between Freehold and Leasehold Land Tenure System is that whereas Freehold is held forever leasehold is held for a specific period of time agreed to in the lease agreement.

What are the rights of an owner of land under Leasehold Tenure?

A person who owns land under leasehold can only use it based on the conditions that are stated in his or her lease agreement. He or she can sell the lease, give it as security to a bank, construct a family or business building, or give it away in a will. However, any beneficiary of this lease will still

only own it for the number of years stated in the lease agreement. When that time expires, the lease also comes to an end and the land lord gets back the right to control his or her land. However, the tenant/lessee is free to re-apply for extension of the lease that he or she has been holding to landlord/landowner/lessor.

c) Customary Land Tenure System

Customary Land tenure system is land held or owned communally or jointly by particular groups of people in a given area regulated by customary rules. This is the most common land tenure system in Uganda and is predominant in north, south and eastern Uganda. In this case, people own their land, have their rights to it, but majority do not have land titles. Some owners on such land allocate specific areas to themselves with known and defined boundaries usually marked by ridges, trenches, trees and provisional mark stones. Land under this system is owned forever and used according to the customs and practices of a community. These rules will apply to any person who lives on such land.

It should be noted however, that if such customary rules go against what the Constitution of Uganda provides, such as the protection of rights of women, children and other vulnerable groups, then they cannot be applied and can be challenged in court.

What are the rights of a customary owner of land?

A customary owner of land can do anything with the land that is acceptable by the laws and customs of his or her community. When individuals who own land customarily die, such ownership continues through the clan, relatives or the family of the owners. Any dealings with respect to land held under customary tenure must be subjected to the customs, norms and practices of that community.

d) *Mailo* land tenure system

Mailo land is registered land which is owned without any time limits. This is a system that is common in Buganda and certain areas in Eastern Uganda. This system was created by the 1900 Buganda Agreement which gave freehold title to the chiefs of Buganda in exchange for political co-operation.

The *mailo* tenure system recognizes occupancy by tenants (locally known as *Kibanja* holders) these are people who settled on the land with the consent of the *mailo* landowner. *Mailo* land, like freehold is registered under the Registration of Titles Act. Under this tenure, the holder of a *mailo* land title has absolute ownership of that land. Although the land originally belonged to chiefs, with time ordinary citizens started buying parts of this land from the chiefs and were issued with titles for it. An owner of land under the *mailo* system has the same rights to his or her land as an owner of freehold land. This means they own the land forever and can conduct any lawful dealings with it.

What are the rights of a Mailo owner of land?

A *mailo* Land owner can do anything with his/her land that is acceptable by the law subject to rights of the *Kibanja* holder(s).

Public Land and Land held in trust by Government

This is a form of land ownership in which the government owns land and has the right to lease it to any company, organization or individuals on specific terms and conditions.

Land held in trust by Government

Government or Local government shall hold in trust for the people, natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological (environmental) and tourists purposes for the common good of all citizens.

Session 3 Institutions for Land Administration and Management



NOTE TO FACILITATOR:

1. Divide participants into 4 groups.
2. Avail the information below in this session of the Manual. Also ask participants to look at the flow chart on land administration and management institutions in Uganda provided in this session. (30 mins)
3. Give participants time to read through and assign different groups to make a summary presentation on the role of a different land administration and management institutions. (1 hour)

Institutions for land administration and management and their roles

The Constitution of Uganda and the Land Act establish institutions, which are mandated to oversee the regulation of land use in Uganda. These include the Ministry of Lands, Housing and Urban Development, Uganda Land Commission, District Land Boards and Land Committees. They are considered in further detail below:

Land Administration and Management institutions	Level of operation	Roles
The Ministry of Lands, Housing and Urban Development (MLHUD)	National Level	<ul style="list-style-type: none"> • Provides policy direction, national standards and coordination of all matters concerning lands, housing and urban development. • Passes policies and initiates laws that ensure sustainable land management. • Promotes sustainable housing for all and encourages orderly urban development in the country.
Uganda Land Commission (ULC)	National Level	<ul style="list-style-type: none"> • Holds and manages land owned and acquired by the Government of Uganda inside and outside (Embassies, Consular Office) of Uganda and procures certificates of Title in respect of such land. • ULC is independent of any person or authority in the performance of its duties.
District Land Board (DLB)	District Level	<ul style="list-style-type: none"> • Holds and allocates land in the district which is not owned by any person or authority. • DLBs help people register and transfer of interests in land. • They cause surveys, plans, maps, drawings and estimates made by or through its officers. • Compiles and maintains lists of rates of compensation payable in respect of crops and buildings of a non-permanent nature this is reviewed every year. • DLBs are independent of the ULC and from influence by any person or authority in the performance of its functions.
Land Committees	Sub county or Division Level	<ul style="list-style-type: none"> • Land Committees are created at the sub county or division level. • They determine, verify and mark boundaries of customary land within their parishes. • They advise DLBs in matters relating to land,

Table 3: Institutions for land administration and management in Uganda.		
Land Administration and Management institutions	Level of operation	Roles
		including ascertaining land rights.

Other institutions

There are a number of other institutions dealing with land matters as a result of presidential directives and other administrative procedure and practice. They include:

Table 4: Other institutions for land administration and management in Uganda.		
Other Land Administration and Management institutions	Level of operation	Roles
The Resident City/ District Commissioners (RCC/RDC)	District/City Level	<ul style="list-style-type: none"> The RCC represents the President under the Kampala City Council Authority (KCCA) as provided under the KCCA Act 2010. Article 203 of the Constitution gives the President power to appoint Resident District Commissioners (RDCs). The RDC/RCC has a mandate to monitor Government funded projects, policies, and to implement local administration. They may also carry out other functions as may be prescribed by the President or parliament. They chair Security Committees at city or district level-including land which is increasingly becoming a security issue. RDC/RCC should not interfere in on-going court cases. RDC/RCC does not determine land ownership.
Police Land Protection Unit	National and District Level	<ul style="list-style-type: none"> The Unit was formed to handle fraudulent or false land transactions. It has the <i>Investigation Group</i> - it probes and prosecutes offenders who have committed land fraud and related crimes. The <i>Land Protection Group</i> - acts to stop illegal evictions, it sensitizes the community on land issues and handles enforcement of court orders. The Unit works with; MLHUD, Administrator General's Office, Presidential Land Task Force CBOs and NGOs. Each police station is required to have a land desk.



NOTE TO FACILITATOR:

1. Give a group of 10 people (both men and women) a role play on land disputes to prepare for, the day before (see **Appendix 14**). Each of the various characters should prepare for their parts of the skit separately / privately. Remind the volunteers that the entire role play should be very short and not more than 10 minutes.
2. Ask follow up questions to all the participants on what they observed in the role play. (10 minutes role play and 10 minutes follow up plenary discussions.)
3. Lead the participants in a brainstorming session on what kinds of land disputes they witness in the community (10 minutes).
4. Ask them to share experiences on how they have observed cases of land disputes being handled, formally and informally (10 minutes)
5. Wrap up with a presentation on formal and informal land dispute resolution mechanisms (20 minutes)

The Constitution of Uganda and the Land Act establish both formal and informal structures where people who have conflicts over land can go to resolve their disagreements. The formal mechanisms include structures within the Judiciary while the informal structures include the traditional and cultural institutions.

The formal mechanisms

a) The Judiciary

The judiciary settles disputes in the country, including land disputes brought before them. There are different levels of courts in Uganda, each with different powers. A court's power to decide a case is referred to as the court's "jurisdiction". Jurisdiction may be determined according to the value of the property, location of the property and the type of land tenure system. In case of land disputes, the jurisdiction is determined by the monetary value of the land.

Local Council Courts

Local Council Courts (LCCs) are very important for access to justice in local communities. LCCs were established through the Local Council Courts Act 2006. LCCs are not procedurally complex; they are accessible both geographically and financially. These courts are at the lowest rank of the judicial hierarchy.

LCCs are found at village, parish, and sub-county level and are therefore geographically spread throughout Uganda. Each court has an executive committee which is duly constituted into a court when it is sitting with not less than five members. The courts are mandated to hear cases originating within their area of jurisdiction, including family disputes, unregistered land cases and assaults.

The arrangement of courts in order of their jurisdiction (from top to bottom) is given below:

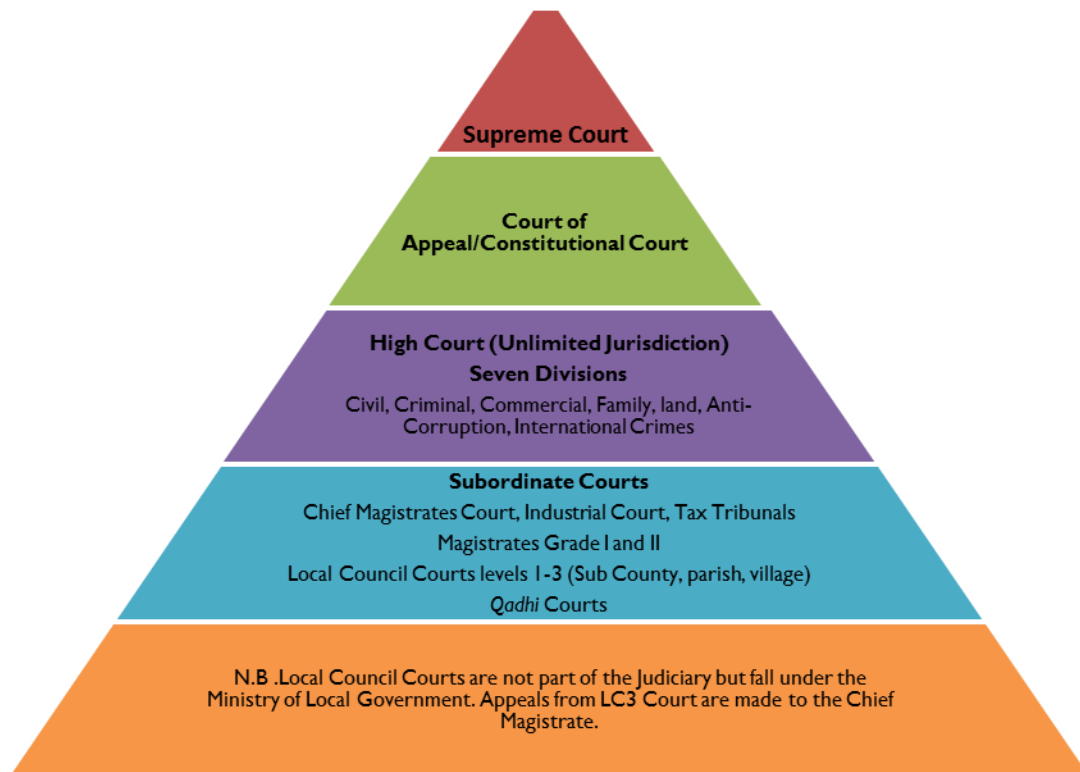


Figure 1: Hierarchy of Courts in Uganda

Adapted from Global Rights Paralegal Training Manual, 2011

The types of cases handled by LCCs include

- Debts
- Contracts
- Assault and battery
- Conversion
- Damage to property
- Trespass
- Disputes in respect of land held under customary law
- Disputes concerning marriage, marital status, separation, divorce or parentage of children
- Disputes relating to the identification of a customary heir
- Customary bailment
- Offenses committed by children involving affray, common assault, theft, criminal trespass and malicious damage to property

Appealing from a decision of a court

A person who is not satisfied with a decision of a court can take his or her case further up to be decided upon by a higher court whose decision will cancel or agree with or confirm that of the lower court. This is done through a process called an “*appeal*.” From the list of courts drawn above, a person who is displeased with a decision of the LCCs can apply to the Chief Magistrate’s Court. From the Chief Magistrate, one can apply to the High Court for that decision to be re-considered. A person who is not happy with the High Court’s decision can apply to the Court of Appeal, and from there to the Supreme Court.

Some courts have only *original* jurisdiction while others have *appellate* jurisdiction. Original jurisdiction is the power of a court to hear or try cases taken to it for the first time without previously having been heard in another court. Appellate jurisdiction is the power of a court to hear appeals.

The High Court enjoys both original and appellate jurisdiction. This means that such a court can hear a case taken to it for the first time or cases referred to it on appeal.

Adapted from A citizen's Hand Book on Law and Administration of Justice in Uganda (JSC 2007)

Informal Mechanisms

The Land Act gives traditional or cultural institutions the authority to determine disputes over customary tenure acting as mediators between persons who are in dispute.

- Such methods include the use of family and clan elders or a neutral third person (mediator).
- In addition, the Land Act provides for the appointment of two (2) or more mediators in each district.
- These mediators are appointed on a temporary case by case basis.
- The role of mediators is to act as neutral third parties who help parties to a land dispute to reach a mutually agreed settlement of their land problem.

Who is a mediator?

A mediator as referred to in the Land Act is appointed by the Land Tribunal from time to time. A mediator shall be a person who;

- Displays high moral character and proven integrity
- Is capable and able to bring parties who are in disagreement or dispute to mutually agree or reconcile
- Is independent and not directed or controlled by any other person
- Believes in hearing each side, and desires to assist the parties to reconcile their differences, understand each other's point of view and be prepared to compromise to reach an agreement;
- Does not force or direct any party to mediation to make a decision on the issue being mediated.

The person chosen to mediate has to be someone agreed to by both parties to the dispute.

Remember! Many times land matters become violent, thus CLVs should work carefully when they act as mediators in land disputes. CLVs must inform local authorities (LCs, Police, RDC, GISO, etc) about the land dispute. Also, it is important in mediating cases for the rights of minorities, vulnerable groups and women to be handled with all due respect and rights based approaches!

Session 5 Land Rights of Specific Categories

NOTE TO FACILITATOR

1. Allow participants to read the information below for this session as well as the case study in **appendix 13** and discuss the questions that follow in small groups. (1 hour)
2. At the end of the group discussions, respond to emerging issues and questions in the plenary. (30 minutes)

The Constitution clearly spells out the right of *everyone* to own land. It further points out that cultural practices which treat and/or undermine women's status are prohibited under the Constitution. Therefore women have a right to own land in their own names.

Special categories of land holders and users

The right to protection of property, to own and use land is a basic human right which is essential for the enjoyment of other rights such as the right to food, and the right to housing and shelter. Accordingly, the laws provide for many ways in which individuals or associations can own land in Uganda. Below are brief descriptions of land ownership and for certain specific categories.

- **Ownership by Registration**

Land owned under any of the four land tenure systems is registrable under the Registration of Titles Act and the land-owner holds a Certificate of Title. An owner of registered land has full ownership rights over the land described in his or her land Title. Certificates of titles are the only legal documents that give the holder full private ownership of a piece of land.

- **Tenancy in common**

Two or more people can own a piece of land in equal parts without the land itself having to be physically divided. When a person dies, his or her share can be passed on to his or her heir/heirress, successor, or the person to whom he or she has left the share in a Will.

- **Communal Land Ownership**

Under customary tenure land may be held communally by a family, clan or other group of people governed by the same set of rules and practices regulating the ownership and use of that land.

- **Ownership through Tenancy by Occupancy**

This type of land ownership was created under the 1995 Constitution and the Land Act to prevent unfair evictions of certain categories of persons who had occupied registered land that did not belong to them. Under this mode of ownership, one does not have full ownership rights since the land is actually owned by someone else. These persons fall under two categories namely:

- **Lawful Occupants**

This category refers to a person who occupies land by virtue of the repealed *Busuulu and Envujjo Law of 1928, Toro Landlord and Tenant Law of 1937, Ankole Landlord and Tenant law of 1937*; or got consent from the registered owner and includes a purchaser; or occupied the land as a customary tenant but his or her tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.

- **Bona fide Occupants**

These are occupants who at the time the 1995 Constitution came into force had been occupying the land and utilized it or developed it unchallenged by the registered owner or his or her agent for twelve years or more; or had been settled on the land by Government or an agent of Government which may include a local authority.

A *bona fide* occupant also includes people resettled on land under Government resettlement schemes. Where the occupant is resettled on registered land, s/he may be enabled to acquire registrable interests on the land. A registered owner of such land is supposed to receive compensation within five years of coming into force of the 1995 Constitution.

Security of tenure shall not be threatened by the lack of a Certificate of Occupancy by the occupant.

- **Spousal interest on family land**

A spouse is a person who is legally married. *Family Land* is land on which the family ordinarily resides and derives sustenance. Section 29 of the Land Act provides for restrictions on dealings or transactions concerning family land without the consent of a spouse (wife or husband under the law). It is provided that no person shall sell, exchange, transfer, pledge, mortgage, or lease any family land except with written consent of his or her spouse. The consent to be given by the spouse must be given freely in writing prior to the transaction. All registrars of titles and recorders in the case of customary land and tenancy by occupancy are not allowed to register any transaction for which spousal consent is required but not given. Therefore, through the law and with knowledge of human rights, CLVs may assist men and women with their land problems.

- **Inheritance Law**

This is law on the managing a deceased person's property. It is sometimes also referred to as the law of succession, or inheritance. As land is often a source of conflict after the owners have passed away, inheritance/succession laws become very important to understand how land is dealt with in such situations. There are two major types of succession namely: *testate* and *intestate* succession.

Testate succession: This is a type of succession for situations where a Will is left behind by the deceased, showing how they want their property to be distributed. For a Will to be valid, it must meet the following requirements:

- It must have been made voluntarily, and while the person who made it was of sound mind and above eighteen years
- It may be written in any language
- It must be signed by the person who wrote it
- It must be signed by two other persons as witnesses, but who should not be beneficiaries to it
- Each page of the Will should be dated and signed
- The name, addresses, and places of origin of the person writing it
- The names and addresses of the people to whom property has been given
- The list of property and how it is to be distributed
- The name of the guardian for one's children if applicable
- The executor, who is the person supposed to carry out all the wishes in the Will.

After death, the Will is produced before a court of the appropriate jurisdiction, which will oversee the distribution of the deceased's property through the executor. Courts of appropriate jurisdiction are determined by the value of the deceased's estate. ***It must be noted that LCCs have no powers to distribute property under a Will, but to protect the property of the deceased on behalf of his or her children!*** A sample copy of a Will is included in **Appendix II**.

Intestate succession

The Succession Act defines *intestate* succession as the type of succession where a person dies without having made a Will. The same law provides for categories of people who are entitled to benefit from the deceased's estate under these circumstances and in what percentages. These include wives or husbands, children (had in marriage and outside marriage as well as adopted children), customary heir, and dependants.

Residential holding

This is also referred to as the main residence of the deceased under which category his or her matrimonial home falls. Matrimonial home refers to the place where the deceased and his/ her family resided.

Under *intestate* succession, this property should not be distributed. The surviving spouse and deceased's children are entitled to reside in it until, in the case of the spouse; he or she remarries or

does not reside in it for a continuous period of six months. In the case of the children, upon the attainment of eighteen years for boys and twenty one years for girls.



A typical community homestead-matrimonial home

How does one protect their interests in land?

1. Lodging a Caveat

A *caveat* is a written document filed at the Land registry notifying any interested parties about any pending issues on a said piece of land and prohibiting them from dealing with the land without notice to the owner or the person who lodges the *caveat*. If a person has evidence that his or her land rights is about to be infringed s/he may lodge a *caveat* on the certificate of title or certificate of occupancy or certificate of customary ownership in respect of the land in question with the Registrar of Titles or Recorder. This is intended to maintain the status quo and ensure that no one deals with the land without proper authorization. Following this, a case may be heard in court clarifying the issues in contention. A caveat may only be removed by the High Court.

2. Lodging a complaint with Court

A complainant may lodge a written complaint to a court presided over by a Magistrate Grade I or a Chief Magistrate seeking a remedy for infringement of one's land rights. The Land Amendment Act 2010 gives a registered owner the right to apply to court for an eviction order against a lawful or *bona fide* occupant who fails to pay the annual nominal ground rent.

In cases of land held under customary tenure, the complaint may be lodged with the area Local Council Court. This is done by writing of a letter of complaint to a court and instituting a civil case against the other party. The letter should state relevant facts of the case and seek remedies as provided under the Land Act. These remedies could include eviction from the land, fines and/or compensation.



NOTES TO FACILITATOR

1. Each person should turn to his or her neighbor and in small discussion groups of two persons each, within 5 minutes, they should define what they understand by the term marginalization and identify ONE marginalized group in Uganda explaining what their characteristics are that indicate marginalization. One of them should report to the entire group. (45 minutes)
2. The definition should be written on a differently colored card from the card that identifies one marginalized group. For example, the definition should be on a blue card while the marginalized group and why they are marginalized should be on a pink card.
3. Sum up the discussion by highlighting key concepts that connote marginalization and that explain why people are marginalized. (10 minutes)
4. Divide participants into large groups and give each group one category of the marginalized groups identified in Step 1 above. In these groups, participants should discuss:
 - who owns land in their community;
 - what type of land rights (control, access or use) the marginalized group they are discussing has in their community, if any and report back to the whole group (1 hour)

The term ‘**marginalization**’ generally describes the overt actions or tendencies of human societies, where people who they perceive as undesirable or without useful function are excluded, i.e., marginalized. The people who are marginalized - are outside the existing system of protection and integration.

Key marginalized groups in Ugandan society include the following; Women, children, Persons with Disabilities (PWDs), ethnic minorities, elderly, Persons Living with HIV/AIDS (PLHAs), sexual minorities, Internally Displaced Persons (IDPs), refugees, young persons and racial minorities.

Rights of women, children’s, PWDs and minorities.

According to article 21 of the 1995 Constitution, all persons are equal before and under the law in all spheres of political, economic social and culture life and in any other respect and shall enjoy equal protection of the law. Article 26 provides that every person has a right to own property individually or in association with others. The Land Act under section 27 provides for rights of women, children and PWDs regarding to customary land as follows;

“Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions and practices of the community concerned, except that a decision which denies women or children or persons with a disability access to ownership, occupation or use of any land or imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.

Below are specific legal provisions protecting rights of marginalized groups.

I. Rights of women

Article 33 of the Constitution provides for the rights of women as follows;

- Women shall be accorded full and equal dignity of the person with men.
- They shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

- Women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
- Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.

The Land Act under sections 47(4) and 65(2) provide for at least one member of the Uganda Land Commission and Land Committee respectively to be a woman. Section 57(3) of the Land Act also provides that at least one third of the membership to the District Land Board shall be women.

The Local Council Courts Act section 4(3) provides that at least two (2) members of the town, division or sub county local council court shall be women.



A widow and her children being evicted from their land by an in-law

2. **Rights of Children**

A child is a person who is under the age of 18 years. Article 34 (7) of the Constitution on the rights of children accords *special protection* to orphans and other vulnerable children. Children who have inherited land from their parents cannot be deprived of the right to that land because they are children. CLVs can work with the LCs and other CBOs working with children to protect the rights of children.

3. **Rights of PWDs**

According to article 35 of the Constitution the PWDs have a right to respect and human dignity, and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential. Parliament shall enact laws appropriate for the protection of PWDs.

4. **Rights of Minorities**

Under the Constitution article 36, minorities have a right to participate in decision-making processes, and their views and interests shall be taken into account in the making of national plans and programmes.



NOTE TO FACILITATOR:

1. For the session on cross cutting issues (i.e. gender, youth, oil, corruption, population) provide participants with newspaper cuttings on gender, youth, oil, corruption or population issues.
2. Ask participants to read or recount the stories.
3. Supplement the discussion by giving a short presentation based on the subsections below;
 - *What CLVs can do about ensuring fair and just compensation for people whose land has been acquired by government*
 - *What to do about corruption*
 - *What CLVs can help in encouraging family planning*

The Implications of Oil Exploration on People’s and Communities Land Rights

The Constitution provides that “All minerals and petroleum in, on or under any land or waters in Uganda are vested in the Government on behalf of the Republic of Uganda.”

This means that if oil is discovered in a person’s land, it belongs to the government and the land can be acquired compulsorily for public use under Article 26 of the Constitution, which empowers the government to acquire private land in a compulsory manner, provided that the following three conditions are satisfied:

- “(a) the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and
- (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for—
 - (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and
 - (ii) a right of access to a court of law by any person who has an interest or right over the property.”

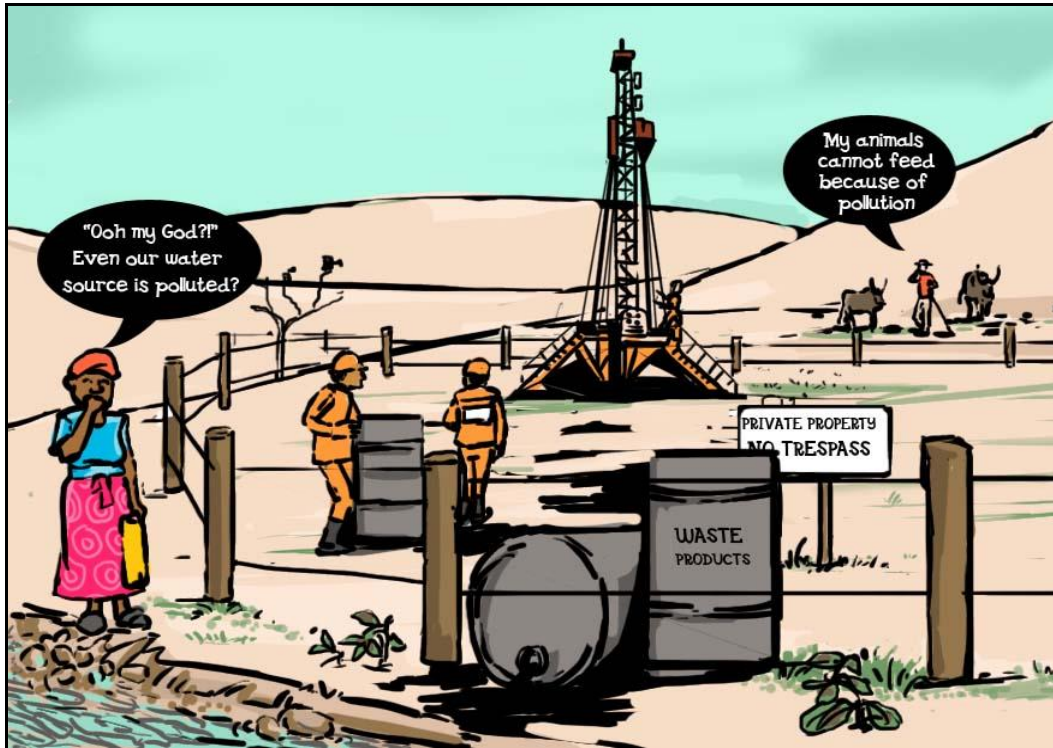
The Land Act, Section 77 states that in the case of a customary owner, the value of land shall be the open market value of the unimproved land; the value of the buildings on the land, which will depend on whether the buildings are in a rural or urban area; the value of standing crops on the land, excluding annual crops which could be harvested during the period of notice given to the tenant. In addition, the government must pay a disturbance allowance of 15% of the compensation or, if less than a six-month notice is given, a 30% disturbance allowance.

Under the Land Act, Section 59, District Land Boards are required to compile and maintain 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. Rates are reviewed annually and are to be used to determine compensation payments. Compensation can be paid in-kind and may include items such as land, houses and other buildings, building materials, seedlings, agricultural inputs, and financial credits for equipment. In practice, many citizens have claimed that their compensation payments were below the market value of their condemned land, buildings and other condemned properties. The law emphasises that the government cannot take over the land until *after* compensation has been paid.

Oil exploration and the right to a clean and healthy environment

Under article 39 every Ugandan citizen has a right to a clean and healthy environment. Oil exploration affects peoples’ right to a clean and healthy environment and if mismanaged can lead to land degradation. There is a lot of noise from exploration equipment. Exploration activity can destroy crops even when the land has not been acquired, leaving people in danger of starvation. The dust and other pollution from the digging can affect the community’s health. CLVs can play a role by

educating people about their rights, and ensuring that members of the community whose rights have been violated get assistance. They can mobilize the community to demand for safeguards to be put in place to deal with the negative impact of oil exploration. CLVs can be a voice of the community and act as a link between communities and oil companies; between communities and government agencies.



Pollution caused by mismanaged oil exploration

The impact of corruption on land rights

According to the Anti-Corruption Act of 2009, corruption includes offering or demanding bribes, directly or indirectly; the diversion of public funds or public property by a public official; demanding for or giving special treatment when public decisions are being made, and other acts through which a public official uses his or her position to benefit themselves. Corruption also includes neglect of duty.

Corruption affects people's land rights negatively when public officials work with dishonest people to forge land titles. Public officials may be involved in under-cutting compensation granted to those whose land has been compulsorily acquired. Public officials can collude with greedy people to grab land.

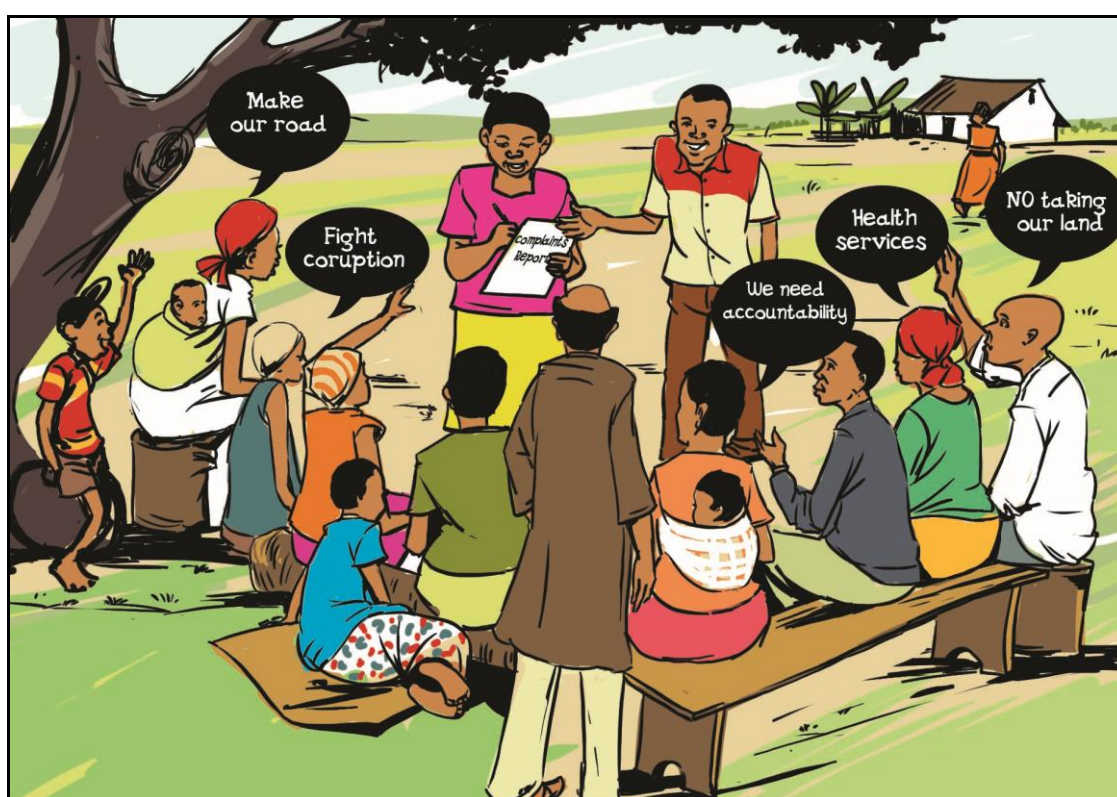
Corruption cases can be reported to offices such as Police, Inspectorate of Government, NGOs and CBOs dealing in corruption and land matters, District Land Boards, Area Land Committees.

What can CLVs do about corruption?

- CLVs can play a role in promoting transparency and accountability. They can engage in civic education to teach people about how the government works.
- They can attend meetings of the District Council and keep the community informed on what is going on.
- Conduct community education about corruption and its effects on land rights
- Community education and mobilization about the duties of the government and the role of service delivery in fulfilling human rights.

- Report corruption to the relevant authorities such as the IGG. This is called “*whistle blowing*.” The Whistleblower’s Protection Act of 2010 provides that a person who discloses corruption should be protected from victimization.
- Corruption can also be reported to the Speaker or Deputy Speaker of Parliament, the Resident District Commissioner (RDC), a Human Rights Commissioner, a Police Officer above the rank of Assistant Inspector, The Director of Public Prosecutions (DPP), and the Executive Director of the National Environment Management Authority for environmental related issues. Another way of reporting corruption is to tell the Media. Other civil society organizations that corruption cases can be reported to include; the Anti-Corruption Coalition of Uganda (ACCU), The National NGO Forum, DENIVA, ACORD, Uganda Land Alliance (ULA), Action Aid in Uganda, Oxfam.

NOTE: BE CAREFUL! The law allows anonymous disclosures. You must take care to maintain your confidentiality. You must choose wisely to whom you make the report so as not to put yourself in danger.



A CLV facilitating an open meeting on accountability and transparency

Access to Land, youth and population issues

Population growth creates a strain on the country’s land and natural resources; for example under the customary land tenure system where interest in land is passed on from one generation to another; with the increasing population this in turn leads to land fragmentation resulting into land disputes.

The increased land disputes overwhelm the administrative and dispute resolution structures due to the increased demand for their services.

CLVs should therefore educate the community on how to have proper documentation of their land that is to say; have boundaries marked, list beneficiaries in a Will and acquire certificates of title.



Further Reading Suggestions

- Chapters 4 and 8, Constitution of the Republic of Uganda 1995
- The Judicature Act Cap 13
- The Magistrates' Courts Act Cap
- National Land Policy
- The Land Act Cap 227
- The Land Acquisition Act Cap 226
- The Registration of Titles Act Cap 230
- National Gender Policy
- National Policy on Disability in Uganda
- National Children Policy
- National Youth Policy
- The Children Act Cap 59
- The National Population Policy for Social Transformation and Sustainable Development 2008
- National Anti-Corruption Strategy 2008-2013
- The Anti-Corruption Act 2009
- The Whistleblowers Act 2010
- The Access to Information Act 2005
- Transparency International website www.transparency.org

Module 5 Solving justice problems

Objectives and key learning points

By the end of the module, participants should:

- Understand and be able to apply different methods of solving justice problems including; counseling, mediation, going to court, referrals, legal education, and advocacy using appropriate communication skills.
- Know the appropriate steps to take when a person presents a problem.



Suggested Exercises

- Discussion and presentation on CLV skills (1 hour)
- Question and Answer session on step by step procedures to take when a CLV receives a client (1 hour).
- Role Play on listening, interviewing, communication, counseling and giving advice followed by discussion (1 ¼ hours)
- Reading and group work on various methods of solving justice problems (3 hours)
- Individual letter writing exercise (45 minutes)

Materials/ resources required

- Flip Chart paper and Markers
- Handouts with instructions for role playing
- Handout on Alternative Dispute Resolution (ADR)
- Stationery for letter-writing exercise

Session I Important Skills Needed By CLVs in Solving Justice Problems



NOTE TO FACILITATOR

1. Ask the participants to reflect for a minute on any interview, or counselling or mediation experiences they have had in the past.
2. Let them share their experiences on what aspects of the interview went well and why, and what did not go well and why? (15 minutes for each skill i.e. 45 minutes)
3. Make a presentation on various skills (20 minutes)

Interviewing skills

A CLV needs excellent interviewing skills. This will allow a CLV to get an accurate picture of a person's problems and the facts surrounding them, and also helps to come up with an idea of the appropriate solutions. When interviewing a person, it is important to make the person feel comfortable so they can talk openly. A person who comes to you needs help, therefore, it is important to make sure they do not feel intimidated or fear that they are bothering you.

Furthermore, make sure that they understand your role as a CLV. Bear in mind the following when conducting interviews:

- ❖ Be respectful and courteous to your interviewee.
- ❖ Ensure that the atmosphere is favourable and that your interviewee is at ease. Legal Practise requirements by the Law Council demand that interviews of a legal nature must be held in private.
- ❖ Explain the importance and purpose of the interview session to your interviewee
- ❖ Encourage the interviewee to tell the story in their own words
- ❖ Remain calm and attentive throughout the course of the interview. If the interviewee becomes emotional, gently allow him or her to regain self-control and go back to the interview.
- ❖ Practice *active listening* to ensure the interviewee feels heard and that what they have to say is important. *Active listening* requires the interviewer to repeat what they hear to the interviewee-by way of re-stating or paraphrasing what they have heard in their own words, to confirm what they have heard and to confirm the understanding of both parties.
- ❖ Avoid appearing judgmental, disbelieving or disapproving of the interviewee's conduct and story.
- ❖ Follow up unclear statement(s) with specific questions, these may be *open ended* to get more details, or *close ended* to get specific answers. *Close-ended questions* are those which can be answered by a simple "yes" or "no," while *open-ended questions* are those which require more thought and more than a simple one-word answer.
- ❖ Summarize to the interviewee his/ her statement to ensure accuracy of facts.

Adapted from: Global Rights (Nigeria), 2011, Community-Based Paralegal Training Manual.

Counselling skills

As a CLV you must be able to provide counselling and advise to the client on the options available depending on the nature of the case. Some cases are better handled through mediation; others may be referred to professionals such as police, NGO, Administrator General, traditional/ cultural leaders among others.

Quick tips on counselling:

- Ensure there is privacy and confidentiality so that nobody will hear the discussion between you and your client.
- Listen attentively and patiently and let the client explore the various aspects of their lives and feelings.
- Where necessary encourage the client to express their feelings.
- Do not judge or exploit your client in any way.
- Identify the problem and try to perceive it from the client's point of view.
- Discuss different choices or options to solve the problem.
- Where necessary assist your client to decide the best option but do not take that decision for them.

Adapted from: Global Rights – Paralegal training Manual www.globalrights.org

Mediation skills

A CLV may mediate on cases that are of a non-criminal nature upon the consent of both parties. More on details on mediation are discussed under session 3 of this module.

Quick tips on mediation

- Start by making the parties comfortable and explain the rules
- Listen to both parties
- Take notes (show you care) and summarize the relevant information
- Help the parties to define/frame the issues of contention

- Do not judge the parties
- Give objective information to help guide the process and where need be create doubt in parties original positions thus helping them to generate ideas and see things differently
- Ensure the stronger party does not manipulate the process
- **SOFTEN**
 - Smile
 - Open
 - Forward learning
 - Touch
 - Eye contact
 - Nod

Adapted from: Global Rights – Paralegal training Manual www.globalrights.org

Letter writing

CLVs may need to write complaint letters and referrals to facilitate a client's case. You will need to develop good writing skills in order to be effective in your role. More on writing letters is included below.

Understanding legal language and institutions

A CLV will need to familiarise themselves with common words and phrases used in by lawyers, courts, government departments like Police, land institutions and other bodies they will be dealing with. A detailed glossary of words and phrases is included in this Manual.

A CLV should be able to help a person to report the matter to other institutions or request for their intervention in one way or another. Sometimes, you might realise that the person needs the help of another authority, such as the police, if a land conflict has become violent; or the Surveyor if a person wants to obtain a certificate of title. Many persons or people do not know how systems work and so this type of assistance is important.

It is important for the CLV to know the rules and workings of various institutions, and especially in this case, the Land Administration, Management and dispute resolution institutions described in Module 4 above.



Some legal terms are difficult to understand

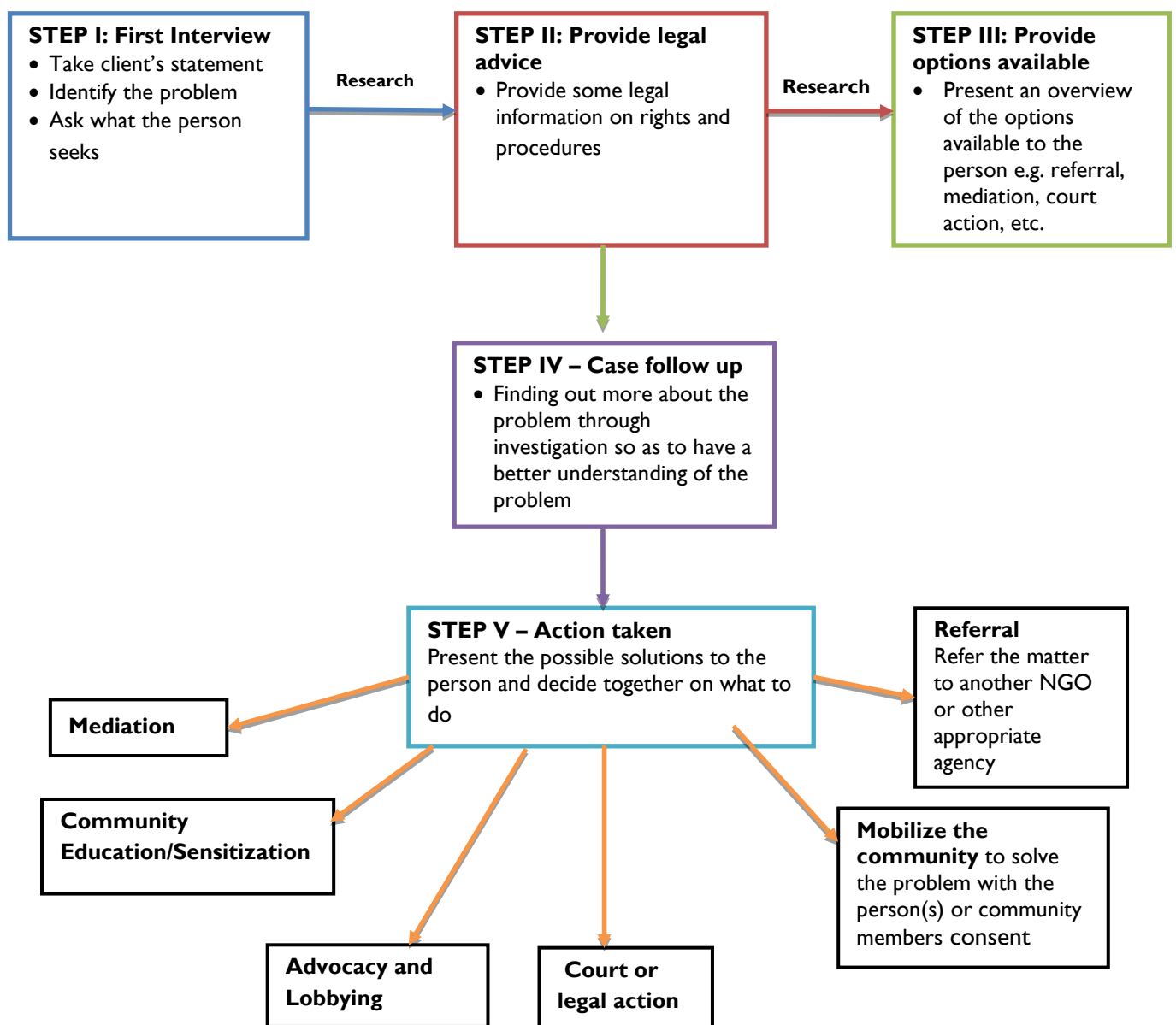
Session 2 Step By Step Procedures for Solving Justice Problems



NOTE TO FACILITATOR

1. Distribute copies of the flow-chart below, and ask the questions that follow in order to enable participants understand the step by step process that should be followed when a CLV receives a client. (45 minutes)

STEPS FOR SOLVING LAND JUSTICE PROBLEMS



Adapted from: Open Society Justice Initiative (2010): A guide for community-based paralegals

Guidelines on solving land justice problems	
QUESTION	ANSWER
1. What is the first thing you should do when you are approached by a member of the community with a land problem?	<ul style="list-style-type: none"> • Fill in a case record form, take a statement, • Provide counseling on the different options and ask what option he or she would like to take.
2. Once you have established the nature of the problem, what next step(s) should you take?	<ul style="list-style-type: none"> • Tell the community member the different options that exist within the law
3. How will you know that you have given the right solution to a community member?	<ul style="list-style-type: none"> • Cross-check with Manual and Land Rights Handbook or supervisor.
4. What are some of the land rights related problems that people might bring to you?	<p>Examples are numerous but here are some:</p> <ul style="list-style-type: none"> • Surveying and demarcation of land • Acquiring a Certificate of Title • Boundary disputes • Disputes relating to destruction of crops or other property • Ownership, inheritance and succession disputes • Landlord and tenant disputes • Forced evictions and dispossession • Illegal sales • Environmental degradation • Mortgages

Session 3 Methods for Solving Land Justice Problems



NOTE TO FACILITATOR

1. Divide participants into four groups. Allow time to read the material below. (10 minutes)
2. Instruct the groups to prepare and present to the plenary on how they would use the method assigned to them to solve a common problem relating to land in their communities. *They may use role plays and simulations if they wish.* (1 hour)
3. Presentations should reflect the various skills and qualities of a CLV talked about in Module 1 and in Session 1 of this Module above;
 - Group 1: Community Education and mobilizing the community to take collective action.*
 - Group 2: Advocacy and lobbying*
 - Group 3: Referral and dealing with other authorities / institutions*
 - Group 4: Mediation.*

Alternative Dispute Resolution (ADR) Methods

Alternative Dispute Resolution (ADR) offers parties to disputes an alternative to court process/litigation. There are four different types of ADR as discussed below;

ADR Method	Description	Legal Implications
Negotiation	<p>This involves two parties discussing and compromising to obtain an agreed solution. It is a voluntary process by which parties attempt to reach a mutually satisfactory outcome through informal and unstructured discussions. The process typically focuses on problem solving and trying to satisfy the interests of both parties without determining who is right or wrong. It is usually carried out without legal representatives, but each party may take their own legal representative to assist them.</p>	Negotiation is not binding
Mediation	<p>Mediation is a voluntary process whereby an impartial third party agreed to by both parties, listens and assists the parties to negotiate and resolve a dispute in an informal atmosphere.</p> <ul style="list-style-type: none"> • The process is private and confidential and participation is typically voluntary. • The mediator acts as a neutral third party and facilitates rather than direct the process. • The mediator does not determine the strength of either side's case and does not impose an outcome on the parties but can advice. • The parties are free to walk away from the process at any time. <p>When not to conduct a mediation;</p> <ul style="list-style-type: none"> • For disputes of a criminal nature such as; criminal trespass, grievous bodily harm, arson or where there is violence involved. 	Mediation is not binding
Conciliation	<p>Conciliation is a process whereby the parties to a dispute use a conciliator, who meets with the parties separately in an attempt to resolve their differences by interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement.</p> <p>The main difference between mediation and conciliation is that at some point during conciliation, the conciliator is asked by the parties to provide them with non-binding settlement proposals; a mediator by contrast will in most cases by matter of principle refrain from making such proposals.</p>	The decisions are not binding
Arbitration	<p>Arbitration involves independent person(s) who listen to both parties to the dispute and imposes a decision on the parties. This process is usually more structured and formal than negotiation, mediation and conciliation.</p>	<p>The Arbitrator's decision is private and binding unless the parties have agreed to an advisory opinion. However, parties may appeal against the Arbitrator's decision in court.</p>

ADVANTAGES AND CHALLENGES OF USING ALTERNATIVE DISPUTE RESOLUTION (ADR)

ADVANTAGES	Challenges
Takes less time than court processes	There are no guaranteed resolutions with the exception of arbitration as ADR processes do not always lead to a resolution of the dispute. That means that it is possible that you could invest the time and money trying to resolve the dispute out of court and still end up having to go to court.
Less formal than court processes	Decisions of a mediator cannot be appealed yet the decisions of the court can be appealed to a higher court.
It is confidential, unlike court which is open to the public	Negotiation, mediation and conciliation are not binding; however, the agreement can be used as a form of evidence in case the matter goes to court.
It can be held at venues that are agreeable and suitable for the needs of the parties involved	ADR is not suitable for all disputes
It is cheaper than litigation	Decisions are not legally binding except for Arbitration
It is non- confrontational and parties leave the process with a feeling that each has won as opposed to court processes that favor a winner-takes-all approach that leaves the losing party with a feeling of loss	The dispute may still end up in court thereby making the dispute resolution process longer and more expensive for the parties.
ADR processes are usually voluntary	Both parties must participate voluntarily
Where the parties are to have a third party to guide the process or determine the outcome, both parties have a choice on the mediator or arbitrator. The person is usually chosen by the parties based on skill, experience, expertise and both parties have confidence and trust in. The decisions reached though not binding will be self-enforcing.	
The parties themselves determine the outcome of the process, except in arbitration where the decision is made by the third party and imposed on the parties to the dispute.	
It is speedy and the results can be confidential	

Mediation

THE PROCESS OF MEDIATION

1. Introduction and ground rules

Before beginning mediation, the parties must be given an opportunity to introduce themselves. CLVs must help the parties or people involved to understand the nature of the mediation process and obtain their consent to participate in the process. Parties should respect one another, and listen while others are speaking. Mediation is voluntary.

2. Each side tells its story

The facts often will be long and there might be a lot of anger, but the CLV should never interrupt the process. However, he or she should prevent the party whose turn it is to listen not to interrupt, but wait for their turn to speak. The CLV must adhere to the principles of natural justice (fair hearing, impartiality.)

3. Mediator's summary The CLV then compiles everything that has been said into one story and tells the parties, emphasising the key claims on either side.

4. Possible solutions

Based on the claims presented by either side the mediator then guides the parties to come up with solutions to the problem within the ambit of the law. The mediator may also suggest to the parties available solutions to the problem. He or she helps the parties to discuss the solutions offered with an aim of finding something that will be agreeable to all the parties.

5. Reaching agreement

If the parties reach an agreement, the CLV restates the exact terms. Agreements are written up according to a standard form and are signed by both parties as well as the witnesses. They should include a provision about what will happen if the agreement is broken. It may also say that if the agreement is broken, the matter will go to Court. All parties should receive copies and a copy should be kept on file at the office. An example of a mediation agreement is included in **Appendix 12**.

Adapted from: Open Society Justice Initiative (2010) Community Paralegals Training Manual

Enforcement of mediation agreements

When drafting a mediation agreement, it is important to think about how it will be enforced. Signing witnesses can act as social enforcers; in family cases, these can be elders from either family. CLVs should set a plan to follow up with the parties at a later time to see if the agreement is being followed.

During mediation, a CLV should ensure the following:

- ☞ The parties should be comfortable and know the rules
- ☞ Listen to both parties
- ☞ Take notes and summarize the relevant information
- ☞ Help the parties to define/ frame the issues of contention
- ☞ Do not judge the parties or become emotional
- ☞ Ensure that the stronger party does not manipulate the process
- ☞ Show that you are listening by maintaining eye contact and nodding
- ☞ Do not interrupt, change the topic, blame, preach, sympathize, moralise, ignore, belittle or deny what the parties are saying.

Note: Land matters can be very sensitive. They cause a lot of anger and sometimes violence is involved. It is advisable to inform the local authorities before intervening or getting involved in a land matter.



CLV mediating a land conflict

Community Education

Community education and dialogue can be used to raise awareness on particular justice issues, to help the community find solutions to its own problems. A CLV should prepare very well for a community education session by ensuring that he or she:

- Conducts detailed research on the matter from possible resource books or after consulting with partner organisations, or experts in the community etc.
- Find a qualified speaker to address technical issues
- Use interesting community mobilisation and facilitation methods such as the use of theatre, film, music, question and answer etc.
- Prepare Informational, Educational and Communication (IEC) materials such as leaflets, pamphlets, booklets or posters, in easy to understand language.
- Send out invitations to stakeholders and announce the event as much as possible
- Find an appropriate venue and time for people, e.g. not during rainy, planting or harvesting seasons.
- Engage the local leadership on the intended activity so that they also mobilise their community members.

Community education can cover various topics, for example, how to apply for a Certificate of Customary ownership, ways on how you can protect your land. Education can also be conducted on related topics such as environmental conservation, population pressures and the importance of respect for rights of women, children and vulnerable groups in regard to land use and ownership



CLV involved in a community project

Mobilising the Community to Take Collective Action

Collective action involves bringing community members together to address a problem. The CLV should make sure that he or she involves community institutions and all the relevant stakeholders. Examples of problems that can be dealt with include disputes over pasture, wells and other water sources, environmental problems such as dirty sources of water, or problems with transport such as bad roads and broken bridges.

The community can be mobilised to work with the relevant government department and members can volunteer their efforts to ensure that the problem is solved quickly. For example, if a source of water has become dirty and polluted, the CLV can write to the department responsible and inform them that the community is willing to help work on the problem, and ask for any help that the department can give towards the effort.

Litigation or court actions

CLVs can play a role in a court action by accompanying persons to court to offer moral support, helping them to understand what is going on, and liaising with a lawyer or advocate where one is available.

The action of taking a case to court is very powerful, and it can help the CLV programs to be effective. Sometimes when other methods fail, and the only resort is to take the persons or organisations concerned to court. Both citizens and government officials take CLVs seriously because they know that CLVs are backed by organisations and lawyers who if necessary, can take the matter to court.

Court action should be the **LAST RESORT** because it is very expensive and can take a long time, and so CLV programs should choose which matters should be forwarded for Court Action very carefully. It should be for cases where;

- Harm done is very severe, and
- Where mediation and negotiation have failed.



A court session on land conflict

Advocacy and Lobbying

The objective of any lobby and advocacy strategy or campaign is to influence decision makers in order to advance and improve conditions for your selected target group. Decision-makers can either be technical people, policymakers or politicians such as members of Parliament or local District Councillors as well as other stakeholders such as international companies, religious leaders or traditional leaders. Advocacy and lobbying are conducted to improve policies and achieve changes in key areas, in this instance, land law and rights.

Advocacy

Advocacy is a process by an individual or group which aims to influence public-policy and resource allocation decisions within political, economic, and social systems and institutions. Advocacy can include many activities that a person or organization undertakes including media campaigns, public speaking, commissioning and publishing research or polls or the filing of a brief.

Common advocacy methods are often used to enforce changes by making demands. These methods are mainly used to *send out* information to get a specific message across or to mobilise people in order to influence a particular decision-maker. Examples of common advocacy campaigns include:

- *Demonstrations*. These must always be in accordance with the law, sanctioned by the Police and other relevant authorities
- *Petitions*, e.g. to Parliament, district Council, LC, DPC
- *Press releases and press conferences*
- *Newspaper articles, columns and letters to the editor* of a paper or a publication on the subject
- *Media campaigns*, for example, advertisements on radio, TV and newspapers.
- *Lawsuits*, for example, a Constitutional Petition on the issue.

Lobbying is a specialized form of advocacy. It is a strategic, planned and informal way of influencing decision-makers. It involves dialogue and communication with key decision makers. It aims to bring

all the stakeholders together and create win-win situations and build relationships between decision makers and the community. Examples of lobbying strategies include:

- *Personal letters* to the decision maker
- *Face-to-face meetings* with decision-makers (such as MPs)
- *Informal discussions* and contacts at receptions and other events
- *Working visits* with decision-makers and stakeholders to draft joint strategies.

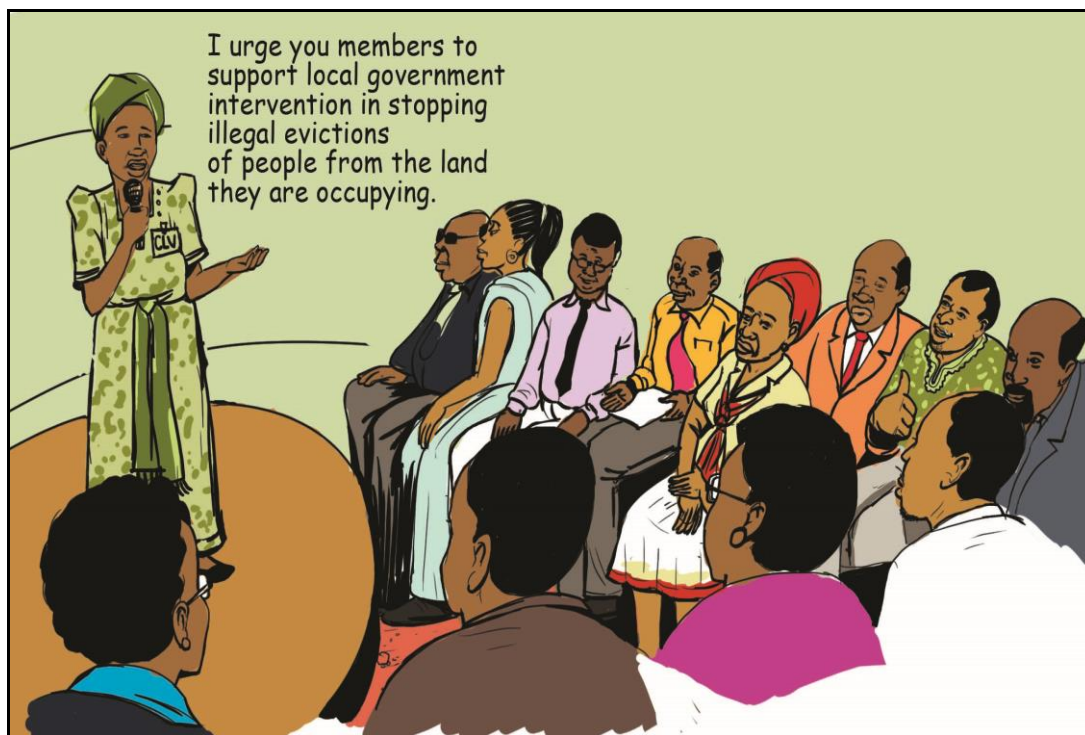
Choosing the strategy to adopt will depend on many factors such as the urgency of the situation, the level of access to decision-makers and their willingness to engage with you.

ORGANIZING AN ADVOCACY AND LOBBYING CAMPAIGN

1. Decide whether the campaign **fits with your program goals and objectives** and what it hopes to achieve.
2. **Define the target group**, that is who will benefit from the campaign? They should be visible partners in the campaign and should be consulted throughout the process. It is important to find out what they expect and explain to them whether or not it will be possible for their expectations to be met. Make sure that in selecting those who will be involved, a rights-based approach is followed and vulnerable groups are included.
3. **Choose the goal and objectives** of the campaign itself. These should be specific and realistic. Lay down what the exact problems are; their causes and consequences. Identify possible solutions that will be the objectives of your campaign. *Are there already solutions that are not being enforced? Are new laws and policies needed?* Try to formulate your objectives as **SMART**ly as possible: **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime-bound. This will also help you to maintain your focus and to set up effective monitoring and evaluation of your influencing process. A lobby objective aims to change the policies, programmes or positions of decision-makers (at any level, from LCI to President!). Your lobby objective is determined by: *what you want to change, for whom, who will make the change, by how much and by when.*
4. **Define the decision makers** you hope to influence, e.g. politicians, government ministers, big companies like oil or telecom companies or district leaders. Establish what their position is on the matter, what their interest and motivations are, and find out how you can gain access to them and influence them on the issue. Timing is important. Take time to understand the system to see at what stage you should intervene. It is better to get involved early in the decision-making process, for example, when a law or policy is still at draft stage and before it is presented in Parliament.
5. **Prepare your program** by reviewing what can be achieved given the resources available. *What expertise is available to assist in the campaign? Do you need to partner with others to strengthen your position? Who has the right to speak on behalf of your program or on behalf of your target group?*
6. **Identify stakeholders** who can support your campaign or those who might seek to undermine it.
7. **Decide whether you will use a lobbying or advocacy approach** or a combination of both.
8. **Develop an action plan** which shows the methods you will use, e.g. petitions, press releases, etc.; when and by whom they will be carried out and how much they will cost.
9. **Implement the action plan.**

10. Ensure that you **monitor and evaluate** your advocacy campaign to see whether it is being successful, whether it needs revision, or whether follow-up action is needed.

Adapted from: ICCO (2010) *Guidelines on Lobbying and Advocacy*



CLW lobbying local government intervention in stopping illegal evictions of people from the land they are occupying

Examples of lobby objectives

Useful framing of lobby objectives

- The Minister of Lands will start a national government program to resettle 500 families who have been displaced from their land by mud-slides.
- In the next year, the District Council will budget 100 million shillings for rubbish collection and disposal trucks.

Avoid general lobby objectives such as;

- Resettle families displaced by landslides.
- Improve rubbish collection and disposal in the district.

Beware of corruption!

It is important to be aware of corruption and the possibility of being corrupted when you become more involved with decision-makers. stay clear of corruption! *Think carefully about this.* You will merely strengthen the position of corrupt decision-makers if you go along with them, and the community will become weaker and weaker. Find out who are fair and transparent decision-makers, and provide them with the information they need to fight corruption.



Proper packaging of the message is essential for a successful advocacy campaign

Referral

It is sometimes necessary to engage other institutions and people such as government agencies, universities, NGOs, courts, chiefs, police, and lawyers. Some of these institutions or individuals have crucial expertise in specific fields and it might be better if the person dealt directly with them. A CLV should never hold onto to cases that he or she cannot handle properly on his or her own.

The best way to refer a matter to another person or agency is by writing a formal letter. An example of a referral letter is included in **Appendix 7**.

Before referral, the CLV should:

- Discuss the need for the referral with the person or community member(s) who have a case.
- Explain the benefits to the person(s) or community member(s) in referring the case to another person or office.
- Refer persons or community member(s) as much as possible to specific persons (or offices) that are immediately available.
- Provide the person or community member(s) with complete information on how to get to the referred person or office, e.g. address and telephone contact
- Make a copy of the person's or community member(s) file and keep a copy of the file in your office.
- Explain to the person or community member(s) that you will be providing the referred person or office the file, or you can provide the person a copy of the file to take to the referred person or office.
- Explain that all confidentiality issues will remain even after the referral.
- Ensure that you follow up on action taken by referred cases.

When writing letters, the CLV must bear in mind the following principles:

Quick tips on letter writing

A CLV should do the following when writing a letter to assist a client;

- Identify issues and how you are connected with it - *are you the victim or acting on the victims behalf?*
 - Include any relevant information you believe is important
 - Include the date, time and location of the issue if it is applicable to the situation
 - Stick with the facts and avoid putting emotions in the letter
 - State what you would like to be done to resolve the situation i.e. apology, compensation, request for a mediation etc.
 - Include your contact information e.g. telephone number, physical address, email address and name
 - Include photocopies of any relevant documents and enclose them with your letter
 - Be sure to keep a copy of the letter yourself
- ❖ Letters must be kept as simple and as brief as possible
 - ❖ Letters must be correctly addressed to the person to whom it is written
 - ❖ There must be a clear indication of the capacity in which they are written
 - ❖ There must be a clear indication of what is required from the recipient
 - ❖ Letters must be dated
 - ❖ Letters must be signed at the end by the CLV, though in certain instances, the party/parties may also need to sign. Therefore determination of the proper signatory will be done on a case-by-case basis.
 - ❖ Copies of letters must be made to stakeholders and relevant parties to keep them officially informed
 - ❖ A letter should include in its contents a request for a response from the person receiving the letter
 - ❖ Letters should be delivered quickly and as much as possible; proof of delivery (e.g. receiver's signature) should be obtained.
- ☺ Attach all necessary information in support of the case to the referred letter. For an example of a formal letter, please refer to **appendix 8**.

Adapted from: Global Rights – Paralegal training Manual- www.globalrights.org



Further Reading Suggestions

- Inter Church Organization for Development Cooperation (ICCO) (2011) Guidelines on Lobbying and Advocacy.
- Open Society Initiative (2010) Training Manual for Community-based Paralegals
- Draft National Legal Aid Policy 2013
- Uganda Women's Network (UWONET), Advocacy skills training Manual for stakeholders on Peace Recovery and Development Plan (PRDP)(2010)
- Uganda Women's Network (UWONET), A Hand book for Women Councillors - Enhancing the Leadership Roles of Women Local Councillors (March 2013)
- Foundation for Human Rights Initiative (FHRI), Paralegal Training Manual.

Appendices

I. Directory of CLV Organizations in Uganda.

Organization	Nature of Services Provided/ Areas of Specialization	Physical /Contact Address	District/town of operation
Acid Survivors Foundation Uganda (ASFU)	Supporting Acid Survivors <ul style="list-style-type: none"> • Survivor support (reintegration, psychosocial support, counseling, economic empowerment, medical referral, Legal Aid.) • Advocacy • Networking and partnership building • Research • Monitoring and Evaluation • Publicity 	Plot 1, Hancock Road, Ntinda P.O. Box 2159, Kampala Tel: +256 414 542 037 Email: acidsurvivors_ug@yahoo.com www.acidsurvivorsuganda.org	National
Association of Women Lawyers (FIDA)	<ul style="list-style-type: none"> • Legal aid • Legal education • Public interest litigation • Research • advocacy for law and practice reform • Training of Community Legal Volunteers or people with influence 	Kampala: Plot 11, Kanjokya Street, Kamwokya, P.O. Box 2157, Kampala Telephone/Fax: (256)-414-530848 Email: fida@fidauganda.org	Kampala (Secretariat), Iganga, Gulu, Moroto, Kapchorwa, Luwero, Lira, Bwaise, Kween, Mubende, Kumi, Pallisa, Amuru, Nebbi and Katakwi
Avocats Sans Frontieres (ASF)	Torture, human trafficking and pretrial detention <ul style="list-style-type: none"> • Legal aid through legal centers, representation • Training community leaders • Research and advocacy • Capacity building of lawyers and justice personnel, institutional support to bar associations 	Plot 832 Old Kira Road, Bukoto P.O. Box 36710 Kampala Tel: 256 312 265842 Email: ug-hom@asf.be www.asf.be	Kampala
Foundation for Human Rights Initiative (FHRI)	Human rights <ul style="list-style-type: none"> • Legal Services • Civic Education • External Services • Organizational Development • Treaty Reporting • Paralegal Advisory Services • Abolition of Death Penalty Campaign • Research, Advocacy and Lobbying 	Human Rights House Plot 1853, Lulume Road Nsambya P.O. Box 11027, Kampala Tel: +256-414-510263, 510498, 510276, 0312-266025 Fax: +256-414-510498 Email: fhri@dmail.ug http://www.fhri.or.ug	National
Human Rights Awareness and Promotion Forum (HRAPF)	Specialize in human rights and land justice - Main target: women/girls living with HIV/AIDS, other marginalized groups and people deprived of their land <ul style="list-style-type: none"> • Legal Aid • Policy and legislative analysis • Awareness campaigns 	Plot 390, Professor Apollo Nsibambi Road, 20 meters off Balintuma Road, Namirembe P.O. Box 25603 Kampala Tel: +256 414 530 683 Email : info@hrapf.org www.hrapf.org	Kampala, Wakiso and Mpigi

	<ul style="list-style-type: none"> • Community paralegal trainings • Strategic litigation • Advocacy for law reform 		
Legal Action for Persons with Disability (LAPD)	<ul style="list-style-type: none"> • Legal aid to persons with disabilities in central and eastern Uganda on land, accident claims and child neglect • Awareness rising for the public and judiciary on ensuring access to justice for persons with disabilities 	P.O. Box 14166 Kampala Email: lapdug@yahoo.co.uk	Kampala
Legal Aid Project of the Uganda Law Society (LAP)	<ul style="list-style-type: none"> • Legal advice, • Alternative Dispute Resolution • Court Representation • Training Paralegals • Legal and Human Rights Awareness • IEC materials on human and legal rights • Lobbying and Advocacy for Pro poor Laws • Research 	<p>Secretariat Plot 5A Acacia Avenue P.O. Box 426 Kampala, Uganda Tel: +256 414 342424 Fax: +256 414 342431 E-mail: uls@uls.or.ug</p> <p>Field Offices</p> <p>Kampala Legal Aid Project Tel: +256 414 342412 e-mail: lap@uls.or.ug</p> <p>Luzira P.O. Box 426 Tel: +256 044342424 e-mail: luzira@uls.or.ug</p> <p>Gulu Plot No. 3 Awach Road, P.O. Box 896 Gulu, Tel: 256 471432896 Email: gulu@uls.or.ug</p> <p>Kabarole/Fort Portal Plot No. 52/54 Kiboga Road, P.O. Box 831 Fort portal, Tel: 256 483423023 Email: kabarole@uls.or.ug</p> <p>Masindi Plot No. 1 Ssebagala Road, P.O. Box 59 Masindi, Tel: 256 465423199 Email: masindi@uls.or.ug</p> <p>Kabale Plot No. 32 Mbarara Road, P.O. Box 679 Kabale, Tel: 256 048626352 Email: kabale@uls.or.ug</p> <p>Jinja Plot No. 9/11 Main Street, P.O. Box 679 Kabale, Tel: 256 048626352 Email: jinja@uls.or.ug</p> <p>Arua Plot No. 1A Adumini Road, Tel: 256 372280540 Email: aruwa@uls.or.ug</p>	Kampala, Luzira, Jinja, Gulu, Arua, Masindi, Kabarole, Fort Portal, Mbarara, Soroti and Kabale

		<p>Mbarara Plot No. 12 Rwebikona Road, Tel: 256 382280603 Email: mbarara@uls.or.ug</p> <p>Soroti Plot No. 14 Opolot Odelle Road, Tel: 256 352280436 Email: soroti@uls.or.ug</p>	
Muslim Centre for Justice and Law (MCJL)	<p>Human rights</p> <ul style="list-style-type: none"> • Focus on Gender based violence and youth development projects such as setting up Human rights Clubs 	<p>Kampala: Plot No. 992, Zoek House, Binaisa Rd, Gayaza Roundabout P.O. Box 6929 Kampala (U) Tel: +256 414 531084 256 701 28288 Email : muslimjustice@yahoo.com info@mcjl.ug</p>	Kampala, Butambala
Platform for Labour Action (PLA)	<p>Vulnerable and marginalized workers;</p> <ul style="list-style-type: none"> • Community empowerment, education and training • HIV/AIDs prevention and mitigation through: educating and distributing condoms and IEC materials • Legal Aid to vulnerable, marginalized and undocumented workers • Periodic analysis of national laws and policies to ensure compliance with International Labor Organization (ILO) (Core) Labor Standards • Legal Education and Rights awareness • Workplace monitoring to ensure respect for employees' rights • Technical Support to Community Based Organizations. 	<p>Kampala: Plot 66 Kanjokya street, Kamwokya, P.O. Box 9714 Kampala, Tel: 031-2260196, 041-253383</p> <p>Lira: Olwol Road Lira – Uganda Tel: 031-2260196, 041-253383 www.pla-uganda.org</p>	Kampala: Iganga, Bugiri, Kaliro, Amololatar, and Dokolo
Refugee Law Project (RLP)	<p>Legal assistance to the refugees and forced migrants:</p> <ul style="list-style-type: none"> • Status determination • Physical security and social needs interventions • Field visits and community outreach • Psychosocial counseling • Access to Justice • Anti-Torture and Mental Health • Child Rights and Protection Assessment, Intake and Community Interpretation • Counseling • Community outreach and group support • Durable solutions and Right to asylum 	<p>Plot 5, 7 & 9 Perryman Gardens, (Opposite Old Kampala Primary School) P.O. Box 33903, Kampala, Uganda Tel: +256 (0)414 343 556 (Reception) Tel: +256 (0)414 235 330 (Director) Tel: +256 (0)414 348 062 (Education and Training) Tel: +256 (0)414 340 547 (Legal and Psychosocial) Tel: +256 (0)414 232 552 (Research and Advocacy) info@refugeelawproject.org www.refugeelawproject.org</p>	National

	<ul style="list-style-type: none"> • Gender and Sexuality • Action-oriented research for advocacy purposes. 		
Uganda Christian Lawyers Fraternity (UCLF)	Women, men and children <ul style="list-style-type: none"> • Legal Aid • Legal Education • Criminal Defense • Paralegal Services • Public Works • Fellowship • Student Work 	Kampala: Baptist House, Plot 42 Bombo Road, Wandegaya Kampala P.O Box 29375 Kampala Tel: +256-414-534031 Kasese: Plot 64 Kijongo road, off Kilembe road next to Police barracks P.O Box 91 Kasese Uganda +256-783-402343 Gulu: Gulu Baptist Church Andrea Olal Road +256-779-152788	Kampala, Masaka, Mukono, Kayunga, Wakiso, Mpigi, Luwero, Jinja, Kabarole, Kasese, and Gulu.
Uganda Land Alliance (ULA)	Enhancing access, control, and ownership of land by the poor and marginalized women, men, and children through the promotion of fair laws and policies aimed at protecting their land rights. <ul style="list-style-type: none"> • Legal aid • Advocacy • Research • Referrals • Land rights • Gender 	Kampala: Plot 1521, Block 29, Mawanda Road, P.O Box 26990 Kampala, Uganda Tel: +256- 414-540048, Fax: +256-414-540038, E-mail: ula@ulaug.org Apac: Lole Lane, Hospital Road, Apac Mobile: (+256) 0772677287 Amuru: Amuru Trading Centre Tel: (+256) 0775013846 Katakwi: Plot 15L, Ilemukorit Road, Katakwi Tel: (+256) 0772998616 Moroto: Community Mapping Office, Irir Trading Centre Tel: (+256) 0784958492 Pader: Plot 2, Labuce Road, off E.Y. Komakech Road, Opposite Stanbic Bank Tel: +256- 414-540048 0772021194 Paralegal Units: Mbale: Regional Block, Room 13, before the High Court Kapchorwa: Kapchorwa-Mbale Road Luwero: Katikamu Sub-County Head Quarters	Kampala, Kapchorwa, Mbale, Apac, Pader, Amuru, Katakwi, Moroto and Luwero.
Uganda Network on Law, Ethics, and HIV/AIDS (UGANET)	<ul style="list-style-type: none"> • Legal aid • Representation and mediation • Training of Community Paralegals on gender based violence, PLWAH, • Policy Advocacy, 	Kampala Office: Plot 194 Old Kira Road Ntinda, P. O Box 70269 Kampala (U), Tel: +256 414 574531 Ntungamo Office: Plot 83 Kaguta Road, Tel: 256 751 036158 Namutumba Office: Plot 12 Bagula Road, Tel: +256 781	Kampala, Ntungamo, Rukungiri, Masindi, Kiryandongo, Lira, Oyam, Pallisa, Namutumba, Mukono and Kampala

		<p>156334 Masindi Office: Plot 27 Sir Tito Winyi Road, Tel: +256 772 946360 Lira Office: Ojwina Division Independence Road Tel: +256 772 848864</p>	
Mifumi	<p>Women and children experiencing domestic violence and bride price related violations.</p> <ul style="list-style-type: none"> • Legal Aid • Health Services for PLWA 	<p>Plot 1 Masaba Road, P.O. Box 274 Tororo, Tel: +256 392-966282, +256 752 781 122 Helpline: +256 (0) 800 200 250</p>	Tororo
Facilitation for Peace and Development (FAPAD)	<ul style="list-style-type: none"> • Sexual and Gender Based Violence (SGBV) • Facilitate community empowerment to monitor poverty resources • Governance and accountability • Legal advice • Court representation • Legal education especially to women, widows, disabled and Orphans and Vulnerable Children (OVC). • Promote households food and income security for better livelihoods • Vocational skills training to youth and women to run small scale businesses. 	<p>Plot 2, Kyoga Rd, Adjacent to the Post Office P. O. Box 73, Lira</p>	Entire Lango sub-region, Northern Uganda in 42 sub-counties in the districts of: Lira, Apac, Oyam, Kole, Alebtong, Otuke, Dokolo and Amolatar.
Justice Centers Uganda	<p>Human Rights</p> <ul style="list-style-type: none"> • Legal aid (legal Representation, Alternative Dispute Resolution (ADR), counseling, legal awareness, referrals and Toll free phone line. • Legal rights awareness • Community outreach, empowerment and advocacy for vulnerable communities. 	<p>Kampala: Chambers F6 and F8, High Court Email: info@justicecentres.go.ug Tel: +256 759 500 440/1 Toll Free: 0 800 10 02 10 P O Box 26365, Kampala Tororo: Tororo Chief Magistrate’s Court Uhuru Road, Tororo Tel: 0759 500443 Toll free line 080 010 0211 Lira: Lira Chief Magistrate’s Court Toll Free line : 080 010 021</p>	Kampala, Tororo, Lira and Hoima, and neighboring districts.

2. Model Code of Ethics for CLVs

GUIDING PRINCIPLES AND CODE OF ETHICS FOR COMMUNITY LEGAL VOLUNTEERS

Guidelines

- A CLV has clear limits on what roles he or she can play in relation to the law. Some roles can be played only by lawyers.
- The CLV must clearly explain his or her role, including responsibilities she or he cannot undertake, to clients and other persons they work with.
- The CLV is responsible towards her or his client and is also accountable to his or her supervisor in the CLV program.
- A CLV should be exemplary.
- The CLV should not accept fees or other forms of payment from clients.

Training

CLVs must always be properly trained to carry out their work competently. Anyone claiming to be a CLV should show proof of training, e.g. certificate of participation as well as proof of the organization under which they work.

Honesty and Integrity

CLVs must always maintain a high level of personal and professional honesty. They should always make it clear that they are CLVs and not lawyers. They should never engage in unauthorized legal practice by doing work reserved by law for the legal profession.

Confidentiality

CLVs must always keep confidential information obtained from clients or other people unless such persons agree to the information being disclosed.

Conflict of Interest

CLVs should always avoid conflict of interest situations, that is, situations where they are personally involved or affected by the matter they are dealing with. They should mention all conflicts of interest to their clients or employers.

Impartiality

CLVs should provide equal service to all persons, regardless of persons' race, ethnicity, political affiliation, religious beliefs, or other factors.

Adapted from: Open Society Justice Initiative, (2010) Community-Based CLVs: A Practitioner's Guide, pp. 52-53

3. Interview Guide for Potential CLVs

- Name:
- Occupation:
- Highest Level of Education attained:
- Other courses/ training attended:
- Membership to community or other associations:
- Why are you interested in becoming a CLV?
- How has your education and other training prepared you for this work?
- How has your work experience prepared you to work as a CLV?
- Give an example of a time when you mobilized members of your community.
- Give an example of a time when you had to deal with difficult people or a difficult situation.

4. Case Intake/Case Record Form

Name of CLV handling the case:	Case Number:
Date of Interview:	

Clients Particulars	
Name of Client:	
Address:	
Telephone Number:	
Marital Status:	Single:
	Married:
	Widowed:
	Divorced/Separated:
Age:	
Gender: <i>(Tick appropriate response)</i>	Male: <input type="checkbox"/> Female: <input type="checkbox"/>
Occupation:	
Tribes/ Ethnic group:	
Religion:	

- How did the case come to the CLV e.g. referred by other NGO, referred by former or current client, etc:
.....
- Client's Statement Attached? *(tick appropriate response)* Yes
No
- Brief Summary of case:.....
.....
- Nature of case e.g. Land law, Family Law, Labour Law, etc.
.....
- Information Given/Action Plan/Actions Taken.....
.....

Case follow-up	
First follow-up date and place:	
Findings:	
Further meetings/developments	
Date:	Notes

5. Case Resolution Form

Particulars of case		
Name of Client:		
Gender: <i>(Tick appropriate response)</i>	Male: <input type="checkbox"/> Female: <input type="checkbox"/>	
Case number:		
Date when filed was opened:		
Date when filed was closed:		
No.	QUESTIONS	ALTERNATIVE RESPONSES (circle the right code)
1.	What action was taken?	1 Information and counseling provided 2 Referred to another authority, institution or organization 3 Mediation 5 Advocacy and lobbying 6 Organizing collective action 7 Community education/dialogue
2.	Which institution(s) were engaged?	1 Traditional/cultural institutions 2 NGO, CBO, FBO etc <i>provide name:</i> _____ 3 Local Council Courts 4 Formal Courts 5 Police 6 Prisons 7 Government Ministry or department
3.	What was the outcome of the case?	1 Mediation 2 Compensation/payment 3 Release from detention 4 Action taken by police 5 Action taken by traditional/cultural leader 6 Action taken by formal government authorities 7 Action taken by community 8 Action taken by family
4.	Was the client satisfied with the outcome of the case?	1 Yes 2 No
5.	Please explain response above	
Name of CLV handling the case:		
Signed:		
Dated:		
Verification by supervisor:		

6. Client Feedback Form

	Case Number:		
	Client's Name:		
	Date:		
1.	Was the case resolved to your satisfaction? <i>Please circle one:</i>	1 2	Yes No
2.	If yes why?		
3.	If no why?		
4.	Please rank the degree of your satisfaction with our service, with 1 indicating completely dissatisfied and 5 indicating completely satisfied:	1 2 3 4 5	
5.	If you faced a similar problem, would you return/recommend someone to our office? <i>Please circle one:</i>	1 2	Yes No
6.	If you have any further comments, please write them below and you may continue on the back of this sheet.		

Client's Signature: **Date:**

7. Client Referral Letter

LETTERHEAD

Or address of the CLV program.

Our reference:

Date:

To: _____

Dear Sir/Madam,

RE: NAME OF PERSON: _____

NATURE OF PROBLEM: _____

With reference to the above we would be grateful if you could assist Mr./Mrs./Ms. in this matter.

We have investigated Mr./Mrs./Ms.'s situation and are satisfied that your honorable office would be the most appropriate to handle his/her case.

We have requested Mr./Mrs./Ms. to bring the following documents with him/her:

We thank you in advance for your kind cooperation in this matter. If you have any queries please do not hesitate to contact us.

Yours Sincerely,

[Signature]

Name and designation

C.c. Client

8. An Example of a Formal Letter

Amuria Human Rights Association
Wera Sub-County,
Amuria District.

25 July 2012

Our reference

The District Police Commander,
Amuria District.

Dear Sir/Madam,

RE: MR. ANDREW OTIM

I am writing about the case of Mr. Andrew Otim who was arrested on 23 June 2012 at Wera Local Council Village on allegations of assault and battery. I understand he is in very poor health, and has been held without charge for several weeks now.

The purpose of this letter is to kindly request that you look into his case and ensure that due process of the law is followed.

I would appreciate your assistance and I look forward to hearing from you on this important matter. Thanks you for your continued support and cooperation.

Yours sincerely,

Maria Asio
COMMUNITY LEGAL VOLUNTEER,
AMURIA HUMAN RIGHTS ASSOCIATION

9. Proposed Training Program

DAY ONE		
Activity	Time	Person(s) responsible
Arrival and Registration	8:30 a.m. – 9:00 a.m.	
Introductions	9:00 a.m. – 9:15 a.m.	
MODULE ONE: THE ROLE OF CLV'S IN UGANDA		
Session 1: The Role of Community Legal Volunteers (CLVs) in Access to Justice	9:15 a.m. – 9:45 a.m.	
Session 2: Qualifications and qualities of a CLV	9:45 a.m. – 10:30 a.m.	
Tea Break 10:30 – 11:00 a.m.		
Session 3: Record Keeping, Case Management and Filing Systems	11:00 a.m. – 11:45 a.m.	
Session 4: The duty of CLV's to maintain ethics and integrity	11:45 a.m. – 12:30 p.m.	
MODULE TWO: ESTABLISHING A COMMUNITY LEGAL VOLUNTEER PROGRAM		
Session 1: Definitions of human rights	12:30 p.m.– 1:00 p.m.	
Lunch Break 1:00 p.m.– 2:00pm		
Session 1 continued: Guiding principles for a rights based approach in programming	2:00 p.m. – 2:30 p.m.	
Session 2: Mapping out government institutions and CSO's involved in promoting law and order in Uganda	2:30 p.m. – 3:15 p.m.	
Session 3: Advantages and disadvantages of the various ways of establishing a CLV program	3:15 p.m. – 3:30 p.m.	
Session 4: Conducting an analysis of human rights issues or situations	3:30 p.m. – 4:00 p.m.	
Tea Break 4:00 p.m. – 4:30 p.m.		
Session 4 continued: Conducting an analysis of human rights issues or situations	4:30 p.m. – 5:00 p.m.	
Wrap up and closure 5:00 p.m.		
DAY TWO		
Activity	Time	Person(s) responsible
Recap of previous day	8:30 a.m. – 8:45 a.m.	
Session 5: Resources required in setting up a CLV program	8:45 a.m. – 9:15 a.m.	
Session 6: Conducting a Needs Assessment before setting up a CLV program	9:15 a.m. – 9:45 a.m.	
Session 7: Proposal writing and work plans	9:45 a.m. – 10:30 a.m.	
Tea Break 10:30 a.m. – 11:00 a.m.		
Session 8: Budgeting and Accounting	11:00 a.m. – 12:00 p.m.	
Session 8 continued: Fundraising	12:00 p.m. – 1:00 p.m.	
Lunch Break 1:00 p.m. – 2:00 p.m.		
Session 9: Developing a resource Centre and library	2:00 p.m. – 2:30 p.m.	
Session 10: Building relationships in the	2:30 p.m. – 3:30 p.m.	

community		
Session 11: Monitoring and evaluating CLVs and their programs	3:30 p.m. – 4:00 p.m.	
Tea Break 4:00 p.m. – 4:30 p.m.		
Session 11 continued: Monitoring and evaluating CLVs and their programs	4:30 p.m. – 5:00 p.m.	
Wrap up and closure 5:00 p.m.		
DAY THREE		
Activity	Time	Person(s) responsible
Recap of previous day	8:30 a.m. – 9:15 a.m.	
MODULE THREE: TRAINING OF CLVs		
Session 1: Preparing for Training	9:15 a.m. – 10:15 a.m.	
Session 2: Organizing a Training Event	10:15 a.m. – 10:30 a.m.	
Tea Break 10:30 a.m. – 11:00 a.m.		
Session 2 continued: Organizing a Training Event	11:00 a.m. – 11:30 p.m.	
Session 3: Interactive Training Methodologies	11:30 a.m. – 1:00 p.m.	
Lunch Break 1:00 p.m. – 2:00 p.m.		
Session 4: Evaluating Training	2:00 p.m. – 3:00 p.m.	
Exercise: Definition of land and Land Tenure Systems in Uganda	3:00 p.m. – 4:00 p.m.	
Tea Break 4:00 p.m. - 4:30pm		
Wrap up and closure 5:00 p.m.		
DAY FOUR		
Activity	Time	Person(s) responsible
Recap of previous day	8:30 a.m. – 9:00 a.m.	
MODULE FOUR: THE LEGAL FRAMEWORK AND ENVIROMENT ON LAND MATTERS IN UGANDA		
Session 1: The Law and Land Matters in Uganda	9:00 a.m. – 10:30 am	
Tea Break 10:30 – 11:00 a.m.		
Session 2: Land Tenure Systems in Uganda	11:00 a.m. – 12:00 p.m.	
Session 3: Institutions for land administration and management	12:00 p.m. – 1:00 p.m.	
Lunch Break 1:00 p.m. – 2:00 p.m.		
Session 4: Formal and Informal Mechanisms for Land dispute resolution	2:00 p.m. – 3:00 p.m.	
Session 5: Land Rights of Specific Categories	3:00 p.m. – 4:00 p.m.	
Tea Break 4:00 p.m. – 4:30 p.m.		
Session 6: Land Rights of Marginalized Groups	4:00 p.m. – 5:00 p.m.	
Wrap up and closure 5:00 p.m.		
DAY FIVE		
Activity	Time	Person(s) responsible
Recap of previous day	8:30 a.m.– 9:00 a.m.	
Session 7: Important Cross Cutting issues relating to Land	9:00 a.m.– 10:00 a.m.am	
Tea Break 10:00 a.m. – 10:30 a.m.		
MODULE FIVE:		

SOLVING JUSTICE PROBLEMS		
Session 1: Important skills needed by CLV's in solving justice problems	10:30 a.m.– 11:30 a.m.	
Session 2: Step-by-Step Procedure for Solving Justice Problems	11:30 a.m.– 12:00 p.m.	
Session 3: Methods for Solving Land Justice Problems	12:00 p.m. – 1:00 p.m.	
Lunch Break 1:00 p.m. – 2:00 p.m.		
Session 3 continued: Methods for Solving Land Justice Problems	2:00 p.m. – 3:00pm	
Evaluating the training	3:00 p.m. – 4:00 p.m.	
CLOSING CEREMONY 4:00 p.m.		

10. Training Evaluation Forms

Pre-Training Evaluation form

Please complete the pre-workshop questionnaire. Your responses will provide input regarding your experiences; background and expectations that will assist us in identifying specific focus areas for discussion, and will help make the workshop more responsive to your needs.

Name:	
Institution/address:	

1. Please assess the following based on your current circumstances: *(Please tick the appropriate response)*

	None	A little	Some	A lot
I have understanding of legal aid and the work and role of Community Based Legal Volunteers (CLVs)				
I have knowledge of land rights and can handle land matters.				
I have experience in conducting community engagement activities				

2. Have you been or are you currently involved in community work?

.....

3. Please provide a statement on the nature of community work you have been or are involved in?

.....

4. Have you attended any training before?

.....

5. If yes, what was it about and how long was it?

.....

6. Have you faced any challenges in working to protect and promote people's land rights in your community? (Through e.g., negotiating, mediation, working with non-state actors, state actors, etc)

.....

7. Briefly describe how familiar you are or how you have worked with local authorities to protect people's land rights?

.....

8. How will you apply what you learn in this training directly to your current work? Give specific examples/opportunities.

.....

9. Any other comments

.....

Thank you!

An Example of a general Form that can be used at the end of a Training Session.

Please indicate your impressions of the items listed below.

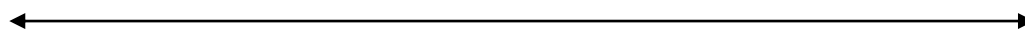
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1. The training met my expectations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. I will be able to apply the knowledge learned.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. The training objectives for each topic were identified and followed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The content was organized and easy to follow.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. The materials distributed were pertinent and useful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. The trainer was knowledgeable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. The quality of instruction was good.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. The trainer met the training objectives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Class participation and interaction were encouraged.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Adequate time was provided for questions and discussion.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. How do you rate the training overall?					
Excellent	<input type="radio"/>	Good	<input type="radio"/>	Average	<input type="radio"/>
			<input type="radio"/>	Poor	<input type="radio"/>
				Very poor	<input type="radio"/>

10. What aspects of the training could be improved?

Evaluating the content of the training

- What are the three most important things you learned during this training?
 - *
 - *
 - *
- Please briefly describe one method for solving justice problems that will be helpful for solving land disputes in your community.

3. Please rate the training in terms of its impact and usefulness in the following areas, using the scale below. Circle the numbers that apply to your opinions.



1 = Not useful at all

5 = Very useful

Area	1	2	3	4	5
Useful in empowering you to help your community to solve land problems	1	2	3	4	5
Increasing your ability and willingness to train and mentor others	1	2	3	4	5

4. Do you think you will have the opportunity to use the knowledge you have gained during this training in the next three months? Yes

No

5. If yes, please briefly describe when and how you might apply the skills and knowledge you have gained.

.....

6. If no, please explain why you will not be able to utilize these training skills within the next three months.

.....

7. Other Comments?

.....

Thank you!

11. Last Will and Testament

LAST WILL AND TESTAMENT

of

(Full Names)

(Village, District, Address)

1. Declaration

I hereby declare that this is my last Will and Testament and that I hereby revoke, cancel and annul all Wills and Codicils previously made by me. I declare that I am of legal age to make this will and of sound mind and that this last Will and testament expresses my wishes and I make it freely without any threat, force, or compulsion.

2. Family Details

I have the following adult children:

Name: _____ Date of Birth _____

Name: _____ Date of Birth _____

I am married to _____ hereinafter referred to as my spouse.

I have the following minor children:

Name: _____ Date of Birth _____

Name: _____ Date of Birth _____

3. Appointment of Executors

3.1. I hereby nominate, constitute and appoint _____ as Executor or if this Executor is unable or unwilling to serve then I appoint _____ as alternate Executor.

3.2. I hereby give and grant the Executor all powers and authority as are required or allowed in law.

3.3. Pending the distribution of my estate my Executors shall have authority to carry on any business in which I may have any interest at the time of my death.

3.5. My Executors shall have full and absolute power in his/her discretion to sell all or any assets of my estate, and shall be entitled to let any property in my estate on such terms and conditions as may be acceptable to my beneficiaries.

4. Guardian

4.1. Failing the survival of my spouse as natural guardian I appoint _____ or failing him / her I appoint _____ to be the legal Guardian of my minor children named: _____ and _____ until such time as they attain the age of _____ years.

5. Bequests to my Adult Children

5.1. I bequeath to my adult child named _____, if he or she survives me by 30 (thirty) days, the following:

5.2. I bequeath to my adult child named _____, if he or she survives me by 30 (thirty) days, the following:

5.3. Should any of my adult children named above not survive me by 30 (thirty) days, I direct that the bequest(s) made to him or her shall go to his/her natural, adopted or step children in equal shares.

6. Remaining Property

Save for the bequests listed in 5.1. and 5.2. above I bequeath the remainder of my estate, property and effects, whether movable or immovable, to my spouse _____ in the knowledge that he / she shall provide for our minor children named _____ and _____.

7. Alternate Beneficiaries

7.1. Should my spouse not survive me by thirty (30) days I direct that the remainder of my estate as referenced in paragraph 6 above be divided amongst my minor children named _____ and _____ in equal shares.

7.2. Should my said spouse and I and my minor children all die simultaneously or within 30 (thirty) days of each other as a result of the same accident or calamity, then and in that event, I direct that the remainder of my estate as referenced in paragraph 6 above be divided amongst my adult children named _____ and _____ in equal shares and thereafter his/her natural, adopted or step children in equal shares where an adult child does not survive to benefit from this provision.

8. Special Requests

I direct that on my death I shall be buried at my family home in _____.

9. General

Should any provision of this Will be judged by an appropriate court of law as invalid it shall not affect any of the remaining provisions whatsoever.

Signed on this _____ day of _____ 20____ at this location _____ in the presence of the undersigned witnesses.

SIGNED: _____

WITNESSES

As witnesses we declare that we are of sound mind and of legal age to witness a Will and that to the best of our knowledge _____, the author of this Will, is of legal age to make a Will, appears to be of sound mind and signed this Will willingly and free of undue influence or duress. We declare that he / she signed this Will in our presence as we then signed as witnesses in his/her presence and in the presence of each other witness, all being present at the same time. Under penalty of perjury we declare these statements to be true and correct on this

_____ day of _____ 20__

at this location _____.

Witness 1.

Name: _____

Address: _____

Signature: _____

Witness 2.

Name: _____

Address: _____

Signature: _____

12. Sample Mediation Agreement

MEDIATION AGREEMENT

This is an Agreement between _____ and _____ and _____, hereinafter referred to as "mediator," to enter into mediation with the intent of resolving the following issues:

The parties and the mediator understand and agree as follows:

1. Nature of Mediation

The parties hereby agree to _____ acting as their mediator. The parties understand that mediation is an agreement-reaching process in which the mediator assists parties to reach agreement. It is understood that the mediator has no power to decide issues for the parties. The parties understand that the mediator has an obligation to work on behalf of all parties and that the mediator cannot offer individual legal advice to any party.

2. Scope of Mediation

The parties understand that it is for the parties, with the mediator's help, to determine issues to be settled and this will be done early in the mediation process.

3. Mediation is Voluntary

All parties here state their good faith intention to complete their mediation by an Agreement. It is, however, understood that any party may withdraw from or suspend the mediation process at any time, for any reason.

The parties also understand that the mediator may suspend or end the mediation if he/she feels that the mediation will lead to an unjust or unreasonable result; if the mediator feels that the parties have completely failed to agree; or if the mediator determines that he can no longer effectively perform his/her facilitative role.

4. Confidentiality

It is understood between the parties and the mediator that the mediation will be strictly confidential. Mediation discussions, any draft resolutions and any unsigned mediated agreements shall not be admissible in any court or other contested proceeding. Only a mediated agreement signed by any parties will be so admissible. The only other exceptions to this confidentiality are if all parties waive confidentiality in writing or in an action brought by any party against the mediator. The parties agree not to call the mediator to testify concerning the mediation or to provide any materials from the mediation in any court proceeding between the parties. The mediation is considered by the parties and the mediator as settlement negotiations. All parties also understand and agree that the mediator may have private meetings and discussions with any individual party, in which case all such meetings and discussions shall be confidential between the mediator and the party.

5. Full Disclosure

Each party agrees to fully and honestly disclose all relevant information and writings as requested by the mediator and all information requested by any other party, if the mediator determines that the disclosure is relevant to the mediation discussions. In family mediation cases, each party agrees to fully and accurately disclose all income, assets and debts.

6. Mediator Impartiality

The parties understand that the mediator must remain impartial throughout and after the mediation process. Thus, the mediator shall not champion the interests of any party over another in the mediation nor in any court or other proceeding.

DATED this ____ day of _____, 20_.

Signed by:

PARTY

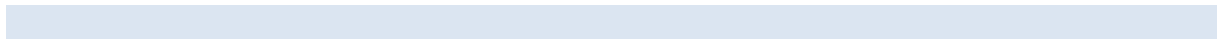
1) _____

PARTY

2) _____

MEDIATOR

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13. Case Study for Role Plays and Discussions

This is a story that follows the life story of a husband and wife, Gilbert Akula and Mary, over a number of years.

It can be used as a basis for lectures, discussions, buzz-groups/small discussion groups and role play exercise. The trainer can make changes or add details to make the story richer and more relevant to the audience. The trainer can use the whole story or just different parts of it.

At different points in the story, there are places you can pause for discussion. Several discussion questions are provided, as well information about what the law says. Encourage the group to ask their own questions, but be sure to discuss what the law says.

You can tell different chapters of the story and do the discussions in order or pick one or two discussions you want to do. If you decide you want to skip a discussion or save it for later, still read the parts of story that are in between.

The Story of Gilbert and Mary Akula

Adapted and modified from: International Council for Research on Women (ICRW) and Uganda Land Alliance (ULA) (2010) Land Law and Gender – A training toolkit.

CASE STUDY Part I

Mary and Gilbert have been living together as wife and husband for 17 years and have seven children:

1. A son, Samuel, aged 17
2. A daughter, Rose aged 15
3. Twins, Peter and Paul aged 13
4. A daughter Sara, aged 10
5. A son, Yona, aged 5
6. A 2 year old boy, Tom.

They have two plots of land that Gilbert cleared. Together they decide what to plant. They grow millet, maize, beans, vegetables and pawpaw. Mary spends most of her time tending the crops, selling millet beer in the market, taking care of the children and keeping the house.

Gilbert sometimes helps with the crops but also works at a shop in town. They have been saving money from selling the vegetables, pawpaw, and millet and from Gilbert's wages from the shop. They decide to buy another small piece of land. When they buy it, the LCs write and witness an agreement, and Gilbert signs as the purchaser and new owner of the land.

Mary works very hard on all their lands, including the new land. She knows that if she works hard, she can have more food for her family and to sell in the market. Moreover, Samuel and Rose have recently dropped out of secondary school due to lack of fees, and she and Gilbert want to try and make sure they have enough money to send them back as soon as possible. Mary decides that she will plant more vegetables and beans on the new plot.

Discussion on whom the land belongs to and on Titling of the land:

1. Whom does the new land belong to?
2. Who contributed to buying the new land? (Answer: Both Mary and Gilbert)
3. Do you think there would be any kind of title for the new land? Why or why not? If there is any kind of title, whose names will go on it: Mary's names, Gilbert's names, both their names? Why?
4. Where could they get such a title if they wanted one?

(Answer: Either the District Land Board or District Land Office may issue a title to land.)

What the law says:

In marriage, a man and woman have a right to own property either jointly or individually and have the responsibility to take care of their property and manage it correctly.

What the Uganda Constitution (as amended) says:

- All people—men and women—are equal before and under the law in every area of life and shall be protected equally by the law. All people are to be treated the same. No one, whether man or woman, should be treated unfairly or discriminated against.
- Women have the same rights as men to have property that they can own alone or own with other people. No one should take away any person's property for no good reason.
- Married women have equal rights as their husbands, including the right to property.
- The Constitution bans any laws, customs, cultures, and traditions that treat women unfairly or deny women the same opportunities as men.

The participant may have a variety of answers and opinions about who the land should belong to. Ask the audience to explain their opinions. Use the principles from the Constitution and written law to remind people that:

- Mary and Gilbert have equal rights,
- Women can have property of their own,
- Husband and wife can each have their own property and property they own together, and
- Culture is not a good enough reason to keep Mary from having and controlling property.

CASE STUDY Part 2

The small town near Mary's and Gilbert's village is growing. When he is working in the shop, Gilbert hears that many people are looking for parcels of land to farm or to build a small house on. People talk about the deals they have heard about and there are rumors about the money people get from renting or even selling a piece of land. The prices are fair, and the family could always use more money, especially with Samuel and Rose still not back at school. One day, one of the shop's regular customers, Moses, asks Gilbert if he can sell or rent him some land.

Discussion on Family Property:

1. What do you think Gilbert will do? Will he sell the land straight out? Will he first discuss with Mary?
2. What is family land?
3. What does the law (the 1998 Land Act and its 2004 Amendment) say about family land?)

Answer: Family land is:

- Land where the family usually lives or has a house where they usually live,
- Land that the family farms or that provides the family's main livelihood or income,
- Land which is treated as family land according to the norms, customs, traditions or religions of the family.
- Every spouse has the right to have access to and live on family land.
- A spouse shall in every case have a right to use family land and give or withhold his or her consent to any transaction that may affect his or her rights.)

According to the 2004 Land Act Amendment, before Gilbert could sell, rent out, or give any family land to anyone, Mary would need to provide written consent if she agreed. The registrar of titles (or the Recorder in case of customary land and tenancy by occupancy) cannot register any land transaction without spousal consent.

- The consent must be given prior to the transaction, be of the spouse's free will, and must be put in writing.

- Written consent must be given within six weeks from the day the application for consent is received.
 - If the spouse does not give consent, the transaction cannot be legally registered or documented.
 - In cases where there is more than one spouse with an interest in the same piece of land, they must all give consent.
 - If the person who wants to make the transaction feels that her/his spouse is unreasonably denying consent, s/he may appeal to the Land Tribunal.
 - The Land Tribunal will require the spouse to show cause as to why s/he is denying consent and will rule as to whether or not consent is required for the particular case.
4. What contributions has Mary made for each of the pieces of land? (**Answer:** Mary has been the main person farming and has used money she earned from selling produce and millet beer to help buy the last piece of land.)
 5. What contributions has Gilbert made for each of the pieces of land? (**Answer:** Gilbert has cleared them, helps Mary sometimes with the farming, and used earnings from working in the shop to help buy the last piece of land.)

CASE STUDY Part 3

Neither Mary nor Gilbert wants to sell any of their land outright. Mary especially does not want to lose any land because it will help provide her family with more food and more income. Plus, she is thinking of buying some small animals like goats and chicken, they need somewhere to let them graze. Gilbert says to Mary, “Let’s rent out a portion, about one-third of the newer plot to this man for a year.” Mary agrees to try this arrangement.

Discussion: Making and Documenting Land Transactions

1. How will the parties agree on which portion of the plot will be rented? (**Possible answers:** they could do a survey, use landmarks, draw a map, or have other people witness the boundaries.)
2. What kind of documentation might they draw up? (**Answer:** A rental agreement or other contract.)
3. Whom can they ask to draw up the agreement or to help them draw it up? (**Answer:** District Land Board or District Land Office, Recorder, a CLV, a lawyer, others?)
4. Do you think both Gilbert’s names and Mary’s names should be listed on the document as the owners who are renting it out? Why or why not?

CASE STUDY Part 4

Years pass, and Mary and Gilbert continue to rent out a portion of the land to Moses. Moses and his wife come from town every weekend to farm. Mary and Gilbert use the rental income to pay school fees for Samuel, Tom, the twins, and Sara, Yona and Tom who have now grown up. Rose never went back to school.

Unfortunately, war breaks out in Northern Uganda, and Gilbert and his family move to an IDP camp where they live for the next 10 years. While there, Gilbert falls terminally ill and passes away. When the war is over, Gilbert’s family returns to their village and tries to reclaim their land. Unfortunately, they find that Moses has encroached on it and made the piece he was renting bigger and now there is only a very small piece left. The boundary markers (trees) have been cut down. To make matters worse, Moses now refuses to pay rent, he says that he has lived on the land for a long time and he even stayed when they went to the IDP camp; it is now his. He insists that this is what the law says.

As Samuel is now a grown man, he takes a portion of the family land as his own. Peter and Paul are now also young men, they too take portions of the land so that they can marry wives and build houses. Rose, who got married while in the IDP camp, moves to another village with her husband. Mary and the younger children are now left with very little land on which to live.

Discussion: Land Dispute Resolution and Succession

1. How much land should the boys take for their portions? Can that land come from the homestead or the additional purchased piece of land, or both?
2. Who should decide the size of their portion?
3. What might have happened if Gilbert had left a Will? (**Answer:** Gilbert could have said in his Will what piece of the land he would leave to Samuel, to any other or his children, or to Mary. However, his Will cannot go against any legal rights that Mary would have as a joint owner of the land, especially if her names are on the documents.)
4. After all the boys have taken their share, do you think there will be enough land for Mary, the younger children to live on? Do you think Rose and Sara will ever get a share of the land? Could things have been different if Mary and Gilbert had engaged in family planning and had a smaller family?
5. Can Mary solve her boundary dispute with Moses? Is Moses correct in saying that the land is now his? Who can she go to for help? What can she use to show the original boundaries?

What the Law Says:

The Succession Act describes how a deceased person's property may be distributed after death and to whom it may be distributed. In 2007, the Constitutional Court ruled that several provisions of the Succession Act to be against the Constitution and are null and void because they treated women and men differently. One part of the Succession Act that was declared invalid is Section 27 that describes how a deceased male's estate should be distributed if he did not make a Will. Another part of the Succession Act that was declared invalid is Schedule 2 that said widows cannot stay in the home where they lived with the deceased if they remarry.

Even though the Constitutional Court ruled that parts of the Succession Act are no longer valid because they discriminated against women and treated women and men differently, no new laws have been written to guide how to distribute property of the deceased. Until new laws are written, people should strive to ensure that sons and daughters are treated equally in inheritance, that husbands and wives are treated equally in inheritance, and that spouses and children receive sufficient amounts to be able to care for themselves.

Sections of the Succession Act that are still valid say that:

- Jointly owned assets go automatically to the surviving partner at death. This is because property owned jointly has unity of title, time and possession. It cannot be divided so that the beneficiaries of the deceased can have a share. However, the case is different with "*property held in common*," which means that although people hold the property together, each person knows how much held in common is divisible, and upon death, the beneficiaries of the deceased person can take over the share of the deceased. The deceased can also distribute his share by Will.
- A spouse and any children under the age of 18 if male and 21 if female and unmarried who were normally resident with the deceased prior to his/her death are entitled to occupy the residence. For widows and children living in a house that belonged to the deceased, the residence is counted separately from the other property to which the children or wives may be entitled.

Based on these sections, whom the land should go to depends on how Mary and Gilbert held the land when Gilbert was alive. If they held the land together as a whole, it belongs to Mary, and she can decide how much to give to Samuel. If they held the property "in common" so that each had a share, Gilbert's share can be distributed to his heirs and Mary still holds all of her share. It is important that friends or spouses who acquire property together, such as land, clearly decide if they wish to hold the property jointly or in common.

The house Mary lives in is not counted as part of Gilbert's estate to be distributed. She and the children may stay there.

Section 27 of the Succession Act was declared invalid. It gave rules for how much different heirs should receive. Even though the rules are no longer in effect, you may use them as a starting point for a discussion with the audience on how much they think Mary, Samuel, Peter, Paul, Rose, Sara, Yona and Tom should receive from Gilbert's estate. Remind the audience about the law requiring women and men and sons and daughters to be treated equally.

Discussion on Land Conflicts

1. Where can Mary go for help concerning her boundary dispute with Moses? (**Answer:** A CLV, other mediators, local chairpersons or other local officials, LC courts, legal aid clinics, clan meetings, others?)
2. If from the beginning, Mary's names were either on the rental document as an owner or on the title to the land as an owner, how might that help her? (**Answer:** If Mary was listed as an owner on either document, it shows that she is the rightful owner of the land, regardless of whether her husband is alive. A court and the government must acknowledge Mary's rights as owner.)
3. What are some of the unique land problems facing Northern Uganda after the long war and displacement? What can be done about them?

CASE STUDY Part 5

Some months ago, Heritage Oil started sinking Oil Wells about 5 miles from Mary's land. They cleared away a huge section of the grassland, and dust filled the air and the river from which the people in Mary's village usually fetch their water. The river has become very muddy and the water is unusable.

Moreover, the area where they cleared included Rose' husband's land. Rose' husband James was assured that he would be compensated, but it has been six months since they lost their land and he has not heard anything. James has been to the District Chairman, the Land Office and the Resident District Commissioner to ask about his compensation but they keep telling him to "come back tomorrow." He has heard a rumor that the compensation was paid but "eaten" by the District Leaders. James' brother Martin works in the District Finance Office and he is the one who told James. Martin has warned James not to breathe a word about it, otherwise Martin can lose his job or be victimized in other ways.

Discussion on Expropriation:

1. What do you think will happen to Mary and her family in the next few years?
2. Do you think Mary will be able to stay on her land? Why or why not?
3. Suppose that Rose was not yet married and had remained single for many years. Do you think that Rose will still be able to use her mother's land before she is married? Why or why not? What about after she is married?
4. How can communities affected by oil exploration protect themselves from exploitation and protect their communities from environmental degradation?
5. How does the law protect whistleblowers who reveal corruption?
6. How can CLVs help their communities to demand transparency and accountability from their leaders?

14. Role Playing Exercise: Resolving Land Disputes

Materials needed:

- A Table, Chairs, Flip Charts, Markers

Characters:

- The Chief, elders and community members of the Bakowu Clan
- Mr Kumesh Patel a Hotel Investor /Business Man
- The District LC 5 Chairperson
- The District Land Surveyor
- Officials from “Save Our Forests” (SOF) NGO
- Community Legal Volunteers (CLVs)

The Problem/ Land Dispute

The Bakowu Clan have occupied the land in and around Ekisaka Forest since time in memorial. They grow bananas, coffee, maize and beans.

The Bakowu were surprised to wake up one morning and find that graders had come and cleared away a large part of the forest. In the process, some members of the community lost their crops which were destroyed by the graders. A nearby stream/river which they use for water was soiled and the villagers could not use the water. Altogether, an area of 10 acres was cleared.

Community members have learnt that the land had been given to Mr Kumesh Patel a Hotel investor to develop an eco-friendly hotel in the area which would bring in tourists and increase incomes in the District.

The Various Scenes of the Skit

Part One: The Scene outside the District Chairperson’s office:

A) Guidelines to the Community Members and the SOF NGO

- The scene outside the Chairperson’s office is chaotic. The community want the investor to stop his hotel project.
- The NGO SOF is completely opposed to the new development and has mobilised members of the community to confront the Chairperson of the District Land Board and the LC V District Chairperson to protest. They have placards and posters such as “*save our forests*” “*stop land grabbing*,” “*Stop Corruption*” etc. They should cause great commotion as they shout and protest the new developments.

Part Two: The Scene inside the Chairperson’s office:

The District Chairperson calls the meeting to order and asks each of the concerned parties to narrate their part of the story.

B) Guidelines to the SOF NGO Chairperson

- The SOF Chairperson talks about the importance of forests and safeguarding the environment. He shows the permit which was given to SOF by the District Land Board to use the forest for nature walks and educational activities. He/she then gives community members opportunity to complain about the losses they have suffered as a result of the grading. It is clear some of them are telling lies as the total area they claim to have cultivated exceeds the actual total that has been graded. One member even claims his hut/house was destroyed whereas it is known that no one lives in the forest.
- Meanwhile, SOF claims that they too have a permit over the same area of land to use that part of the forest for educational activities. SOF runs nature walks through the forest to

teach school children and other members of the public about the uses of different plants and the importance of forests to the environment.

C) Guidelines to the District Land Board

- The District Land Board maintains that Mr Kumesh Patel was only given authority to clear a part of the forest which was not being used and which had no crops growing on it.

D) Guidelines to Mr Kumesh Patel the Hotel Investor

- Mr Kumesh Patel shows the chairperson and the community members at the meeting proof that he had correctly applied for and was granted a 99 year lease for the land and that he paid a fee of 50 million shillings for the lease.
- Mr Kumesh Patel insists that the land was properly surveyed before the lease was granted and that the part he cleared was the one which was surveyed by the District Land Surveyor.

E) Guidelines to the District Land Surveyor

- The District Land Surveyor informs the meeting that Mr Kumesh Patel showed him a letter from the RDC which said that Mr Kumesh Patel was authorised to develop the land near the river running through the forest as a tourist eco-friendly hotel to put the district “*on the map.*”

All the other remaining parties concerned can give their side of the story at the meeting.

F) Guidelines to the Community Legal Volunteer CLV

The Community Legal Volunteer steps in after all have had their say to clarify the correct position and the way forward i.e.

- The CLV Developments must stop until all the parties claims including Mr Kumesh Patel’s claims have been verified and all losses have been ascertained by an independent committee and compensation given to those who have genuinely suffered losses e.g. loss of their crops and future earnings that they would have accrued if they had not lost their crops.
- The river should immediately be cleaned up to restore the community’s water source.
- An environmental impact assessment should be completed and Mr Kumesh Patel must reassure the District that the development will restore the environment by planting trees and the Hotel’s plans should be publicised to ensure their eco-friendliness.
- Concludes by inviting the community to a land rights public education event.

15. List of Laws Relevant to Legal Aid Service and Land Rights in Uganda

The Constitution of the Republic of Uganda 1995
The Registration of Titles Act, 1924, Cap 230
The Administrator General's Act Cap 157
The Advocates (Amendment) Act 2002
The Advocates (Legal Aid to Indigent Persons) Regulations, S.I No. 12 of 2007.
The Advocates (Pro-bono Services to indigent Persons) Regulations, S.I No. 39 of 2009.
The Advocates (Student Practice) Regulations, S.I 70 of 2004.
The Advocates Act, Cap. 267
The Anti-Corruption Act, 2009
The Customary Marriage (Registration) Act, 1973, Cap 248
The Distress for Rent (Bailiffs) Act, 1933. Cap 76
The Divorce Act, 1904, Cap 249
The Domestic Violence Act, 2010
The Equal Opportunities Commission Act No. 2 of 2007
The Inspectorate of Government Act, 2002
The Kampala City Council Authority Act, 2010
The Land Act 1998
The Land (Amendment) Act, 3/ 2001, 1/2004, 2010
The Law Development Centre Act, Cap. 132.
The Leadership Code Act, 2002
The Local Governments Act, 1997, Cap 243
The Local Governments (Amendment) Act, 2005
The Magistrates Courts (Amendment) Act, No. 7 of 2007
The Magistrates Courts Act, 1971, Cap 16
The Marriage Act, 1904, Cap 251
The Marriage and Divorce of Mohammedans Act, 1906, Cap 252
The Mortgage Act, 8/2009
The Mortgage Regulations, SI No. 2 of 2012
The National Environment Management Act, 1998 Cap 153
The National Forestry and Tree Planting Act No. 8 of 2003
The Penal Code Act, 1950 Cap. 120
The Penal Code (Amendment) Act, No. 8 of 2007
The Police (Amendment) Act, 2006
The Poor Persons Defense Act, Cap. 20.
The Succession Act, 1906, Cap 162
The Uganda Wildlife Act, 1996 Cap 200.
The Whistle Blowers Protection Act, 2010

List of Applicable National Plans and Policies

Justice Law and Order Sector Strategic Investment Plan 2012/2013-2016/17
National Environment Policy
National Gender Policy, 2007
National Land Policy, 2010
National Legal Aid Policy 2013
National Oil and Gas Policy, 2008
National Population Policy 2008
National Strategy to fight corruption and rebuild ethics and integrity in Uganda 2008-2013
National Youth Policy, 2001
Uganda National Development Plan 2010/11-2014/15

International and Legal Instruments

The African Charter on Human and Peoples' Rights, 1986

The Convention on the Elimination of All forms of Discrimination Against Women, 1979

The International Covenant on Civil and Political Rights, 1966

The International Covenant on Economic, Social and Cultural Rights, 1966

The Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, 2004

The Universal Declaration of Human Rights, 1948

Nairobi Action Plan on Large Scale Land-Based Investments In Africa, 2011

16. Glossary

As a Community Legal Volunteer, you might come across words and phrases in your work which you do not understand. Below is a list of some common legal words. If you come across a word that is not on this list, you can consult a Law Dictionary or even an ordinary English Dictionary or your supervisor.

Action	Case, cause, suit or controversy disputed or contested before a court.
Administrator	One who manages the estate of a person who dies without a will.
Affidavit	A voluntary, written, declaration of facts, confirmed by oath of the party making it before a person with authority to administer the oath.
Agent	A person who is employed by another (called the Principal) to act on their behalf in a contract.
Allegation	A statement of the issues in a written document (a pleading) which a person is prepared to prove in court.
Alternative Dispute Resolution (ADR)	A process by which parties can settle a dispute without a full, formal trial. Methods include mediation, conciliation, arbitration and settlement, among others.
Appellate court	A court having jurisdiction to hear appeals and review a lower court's decisions.
Arbitration	The hearing of a dispute by an impartial third person or persons whose award the parties agree to accept.
Arbitrator	A private, disinterested person chosen by the parties in arbitration to hear evidence concerning the dispute and to make an award based on the evidence.
Assault	A threat to inflict injury on someone with an apparent ability to do so. Also, any intentional display of force that would give the victim reason to fear or expect immediate bodily harm.
Assignment	The transfer to another person of an interest in any property, real or personal.
Attachment	Taking a person's property to satisfy a person's debt by court order.
Attest	To witness any act or document e.g. a signature to witness a Will.
Bail	Money or other security (such as a bail bond) provided to the court to temporarily allow a person's release from jail and assure their appearance in court. "Bail" and "Bond" are often used interchangeably.
Battery	The actual striking of another person.

Beneficiary	Someone named to receive property or benefits in a Will. In a trust, a person who is to receive benefits from the trust.
Bequeath	To give a gift to someone through a Will.
Bequests	Gifts made in a Will.
Bona fide	In good faith.
Breach	The breaking or violating of a law, right or duty, either by an act or omission; or the failure to carry out any condition of a contract.
By-laws	Rules, subordinate to legislation, made by a Local Authority such as a Sub-County or Village Council for the regulation, management or administration of an issue or problem which concerns that local authority.
Capacity	Having legal authority or mental ability to enter a contract, sign a document or testify in court. Adults must be of sound mind. Children and mentally ill or mentally disabled persons do not have capacity under the law.
Cause of action	The fact or facts which give a person a right to remedy in court.
Caveat	In land law, a person with an interest in land (mortgage, easement, etc) may lodge a document called a caveat with the Land Registrar, which notifies or cautions others, such as prospective buyers, of the interest.
Chambers	A Judge's/Magistrate's private office. A hearing in chambers takes place in the Judge's/Magistrate's office outside of the presence of the public.
Civil	Relating to private rights and remedies sought by civil actions as contrasted with criminal proceedings.
Civil action or Suit	An action brought by a party to enforce or protect private rights.
Codicil	An amendment to a Will.
Common law	Law established by subject matter heard in earlier cases. It is also called case law.
Complainant	The party who complains or sues; one who applies to the court for legal redress. See <i>plaintiff</i>
Contract	An agreement between two or more persons to do or not to do a particular thing made by word of mouth or in writing. It is enforceable by law.
Co-ownership	When two or more people own land at the same time. They are either joint tenants or tenants in common.
Covenant	An agreement creating an obligation contained in a written document. It may restrict an act or use, such as keeping pigs or operating a business from a house, or it may require an act, such as keeping a property in a good state of repair.

Deed	A document in writing, which testifies the agreement of parties, and is signed, witnessed, and delivered.
Defendant	The accused person/the person against whom the case is brought.
Easement	A right enjoyed by the owner of land to do something on another person's land, e.g. right of access, right to water, etc.
Encumbrances	Rights, charges or interests over the owner's land in favor of another person, e.g. a Bank with a mortgage over a dwelling house.
Estate	The whole of one's possessions, especially all the property and debts left by one at death.
Executor	The person appointed by a person making a Will to administer the estate or property of the deceased.
Ex officio	By virtue of a person's official position.
Expert witness	A person with a special skill, technical knowledge or professional qualifications whose opinions are admitted as evidence; this is contrary to the general rule of evidence that mere opinions are irrelevant.
Injunction	An order of court requiring a person to do, or refrain from doing a particular thing.
Intestate	When a person dies without leaving a Will.
Joint tenancy	The ownership of land in common by several persons where there is a right of survivorship, e.g. on the death of one joint owner the land vests in the survivors.
Lease	A grant of possession of land to last for a period of years or other defined period.
Legacy	A gift of personal property by Will.
Lessee	One to whom a lease is granted, i.e. a tenant.
Lessor	One who grants the lease, i.e. the landlord.
License	A permission to be on another person's land.
Litigation	Legal proceedings.
Mortgage	A loan of money advanced to purchase property, where the property (title to the property) is given as security for a loan.
Mortgagee	The lender.
Mortgagor	The borrower.
Plaintiff	One who brings an action or cause to the court.

Tenants in common

Where two or more persons are entitled to land and they have undivided possession, i.e. no one person has a right to exclusive possession of any part of the land. These persons have to be of the utmost good faith.

Adapted from:

- Unison Open College, Housing Law Glossary of Legal Words and Phrases
- US District Court of New York Website, Glossary of common legal terms