

**Securing Women's Access to Land:
Linking Research and Action**

**Women's Gains from the Implementation of
Succession Law in Uganda:
Voices from Wakiso and Mpigi Districts
Final Report**

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Women's Gains from the Implementation of Succession Law in Uganda: Voices from Wakiso and Mpigi Districts

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EXECUTIVE SUMMARY

Poverty, particularly among female headed households, is strongly correlated with lack of access and ownership of productive resources. In the context of production lack of access to land and other natural community resources has been identified as a hindrance to alleviation of poverty in rural Africa. The marginalisation of women over ownership of land and other property has hampered efforts for poverty alleviation and the improvement of livelihoods. Uganda has exemplified this marginalisation of women for a long time, although the current institutionalisation of land reform makes inquiry necessary in order to determine whether it has caused change in women's status with regard to access and ownership. Land rights in Uganda are based on birth rights and traced through patrilineal descent, a tradition that is particularly observed in rural areas and also documented in the statutory laws. The primary laws related to inheritance in Uganda are the Succession Act (Cap 162) and the Marriage and Divorce laws (Cap 248-253) of 2000, which are enforced through the Administrator General's Act (Cap 157).

The Succession Act sets out the persons eligible for inheritance and their respective share entitlements. In an earlier evaluation of the effectiveness of the statutory law, the practices of the AG's office were studied, focusing on how it accords women their inheritance rights, and it was found that among the testate there were more cases in the central region than, say, in the western region, of females being bequeathed land and matrimonial homes. This is attributed to the fact that few of the deceased from other regions registered land in their portfolios. Besides, probate to administer estate is more likely to be granted to males than to females. On the other hand, among the intestate, females are more likely to become administrators of the estate of interest, which accords women more control over property that they participated in accumulating. On the whole, though, findings showed that more males obtained land (22%) than females (18%). But data held in cases at the AG's Office also shows that the AG grants a slightly higher proportion of money to female children (19%) than to male children (17%). Against this background, of a demonstration that women are beneficiaries, research is necessary to establish whether current land reform has necessarily granted women any more ownership rights than traditional practices have accorded them.

The overall objective of this study was to document any gains for women resulting from the statutory provisions of equal inheritance rights between men and women. The study was designed to achieve this by following up female clients of the Administrator General for insights into their experiences and thus an understanding of these gains from their perspective. Grounded in the women's experiences, the study findings would be the basis of recommendations that would enable implementing organisations to inform the on going reform process in Uganda. Key informant interview and focus group discussion were employed to collect data from selected women beneficiaries of the services in the Administrator General's office. The study sample also included other women and me, selected to contribute data because of their knowledge and understanding of the issue and in relation to their occupation.

Study findings indicate that 70% of the interviewed women were daughters to the deceased and were taking care of the homes visited. The study also established that 90% of the widows had died and those who were still surviving were very old. The data in this study indicates that 45% of the women whom the AG's office had granted letters of administration over property of the deceased still have the land, a percentage greater than that of men who still hold the land for which they were granted letters of administration, because the men have since sold most of the land. Similarly 60% of the women beneficiaries in the two targeted districts make decisions over the land that they were granted letters to administer.

LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights	
AG	Administrator General	
CAO	Chief Administrative Officer	
CEDAW	Convention on the Elimination of all forms of discrimination against women	
CSO	Civil Society Organisation	
DCAO	Deputy Chief Administrative Officer	
EASSI	East and Southern Africa Sub-regional initiative	
HIV/AIDS	Human immune virus /Acquired immune deficiency syndrome	
LC	Local Council	
MISR	Makerere Institute for Social Research	
NGO	Non-government Organization	
T/C	Town Council	
ULA	Uganda Land Alliance	
UMWA	Uganda Media Women Association	
SA	Succession	Act

1 INTRODUCTION

In Uganda, land is the major productive resource because the economy is largely dependent on agriculture. Out of an estimated 26 million people, over 86% live in rural areas and derive their livelihoods from subsistence farming. Women constitute 50.9% of the population and supply 70-80% of the agricultural labour force (Horn of Africa Food Security Country Report 2008). Yet, in spite of the fact that women supply the greatest proportion of the agriculture labour force, the land on which they work to produce is largely owned by men. Research has shown that the gender structure of land rights in Uganda varies across the country but is certainly highly unequal. Women's rights are generally restricted to access while men have ownership rights, which makes women's rights less secure than those of men. Statistics show that only 7% of women own land titles in Uganda (Nsamba-Gayiiya, 1999).

Lack of control over land reduces women's access to and control of the proceeds from agricultural production. While men can easily obtain loans with land as collateral, few women are able to secure loans from financial institutions because they do not have collateral. This imbalance in opportunities for access and control over productive resources and benefits is seen as a major underlying factor of poverty among women and of the failure of efforts for improvement of livelihoods. It has continued to affect women's status and decision making in society, as noted in the National Gender Policy (1997).

Since the major means of acquisition of land rights has been, over decades, inheritance (Mukwaya 1953; Sebina-Zziwa, 1995), an assessment of the practical gains of any provisions should take on board the functions of the AG. Examination of the AG's Office as the conduit of inheritance rights is a potential route to empirical evidence of the practice and effectiveness of statutory bodies in restoring women's rights to property and to land in particular. In 2007 the ULA commissioned a study on statutory laws and the realisation of women's property rights in Uganda, focusing on the provisions in the AG's Act (CAP 157). The study evaluated the effectiveness of statutory law and the practices of the AG's Office in protecting women inheritance rights. Analysis of archive information (1986-2005) revealed that the practice/incidence of will writing was low, and more prevalent among women (23%) than men (16%). Cases demonstrated that the AG was not discriminatory since there was limited discrepancy in the practices of the AG's Office between men and women inheritance rights. According to the ULA study, there is a growing number of women inheriting registered land through the AG's Office. It is, however, not clear whether the decisions of the AG are translated into women's control of this land. Based on these findings ULA decided to undertake the study reported here with the overall objective of documenting the experiences and gains of statutory provisions of equal inheritance rights between men and women. The specific study objectives were

- (i) to provide a forum for legal dialogue for men and women, as well as communities, on inheritance rights;
- (ii) to document views on the effectiveness of the AG's Office in executing cases involving property of the deceased;
- (iii) to document the women's experiences in securing, accessing and retaining land inherited through statutory structures, and
- (iv) to document women's views on the effectiveness of the provisions for equal succession rights between men and women as a guide to reform of the AG's Act and the SA.

In many communities of Uganda today it is presumed that women's rights to land are protected under customary arrangements and yet in such provisions most user rights to land are opposed to ownership rights. Thus in reality women have been marginalised for many years and only recent statutory reforms have reflected any conscious effort to provide the much desired protection. As such, there is justification for the specific legal provisions that have been put in place to give protection to their land rights. Women's rights to land ownership should be viewed in the broader perspective of equity, equality, human rights, good governance, poverty eradication and, indeed, development. In light of this the study reviews various statutory provisions that are relevant to succession as the subject matter in this analysis of women's gains from the implementation of succession laws.

While in Great Britain women's property rights are enforced through marriage law, the practice in Uganda neglects marriage rights: they are not rigorously enforced and are further weakened through the Succession Act (Cap 162), which provides for a granting of only 15% of the estate to the widow and accords more rights to children who are a product of the marriage contract. The same act accords equal rights to offspring of a person who dies intestate but leaves the male testator to distribute family property as he pleases. Many widows often become the victims of their own children, and sometimes the illegitimate children of their husbands from multiple relations as well as in-laws.

1.1 Background

Land rights in Uganda and particularly in rural areas are acquired through birth rights, and they are traced through patrilineal descent. Whereas some individuals acquire them before the demise of their benefactors, the majority acquires the rights through inheritance. The primary laws related to inheritance in Uganda are the Succession Act (Cap 162), the Marriage and Divorce laws (Cap 248-253), the Customary Marriage Registration Act, and the Administrator General's Act (Cap 157). The Succession Act (SA) sets out the persons eligible for inheritance and their respective share entitlements.

The SA 162 provides a definition of consanguinity or kindred that transcends gender/sex. These are persons related to the male deceased through parental and/or sibling ties who are bound to benefit from the estate of the deceased. The basis for distribution of the deceased's estate among them is the degree of relationship with the deceased. The widow/widower has a constant 15% of the share of the estate. The act defines children as lineal descendants and these include legitimate children arising out of a statutory marriage, illegitimate children arising out of casual relationships, and children adopted through recognised lawful adoption steps.

The SA recognises dependants as beneficiaries, among whom is a spouse (wife or husband), parent, brother, sister or grandchild, who at the time of death, was wholly or substantially dependant on the deceased. A spouse becomes a legal heir in the absence of ascertainable lineal descent ties other than marital contract. All of the above categories are accorded equal inheritance rights, regardless of sex. On the whole, the SA provides legal ground for equal inheritance rights between men and women kindred although there is usually preference for a male heir over female among relatives. Marriage laws are thus vital in the assessment of women's land rights because they are directly linked to inheritance entitlements.

The Administrator General Act (Cap 157) was enacted in 1933, and the GA's Office constitutes one of the departments in the Ministry of Justice and Constitutional Affairs. The Act relates to the administration of estates of deceased persons and is closely related with other Estates, Trusts and

Succession Laws (Cap 154- 165), particularly the SA (Cap 172) and the Marriage and Divorce Laws. The Administrator General Act (AGA) gives powers to the presiding officer and describes the circumstances under which his/her office may take over administration of an estate. The SA and AG's Office concern themselves with both testamentary and intestate succession cases. The AG implements the Succession Act. Ideally, information about the death and particulars of the deceased should be communicated to the AG through any person in the public service or of the rank of sub-county chief or an equivalent rank in any area of Uganda appointed by the Minister of Justice. In practice, however, relatives and/or other persons concerned report to this office the death and all other particulars of the deceased. The role of the AG is to ensure harmonious and legally acceptable distribution of the property among the deceased's next of kin. Thus the office also functions as a dispute resolution mechanism. The officer also assumes the responsibility of securing the deceased's benefits, such as gratuity and life insurance as well as paying off the deceased's debts.

The AG assumes power to administer a deceased's estate if the following circumstances pertain.

- a) When the deceased has left a will appointing the office to administer his/her estate
- b) When the deceased makes a will and does not appoint an executor
- c) When the persons named as executors in the will die before the testator or when they renounce that responsibility
- d) When the letter of administration (the legal document granting powers to authorised persons to take care of the deceased property) has not been obtained within two months from the death of the testator or,
- e) If the deceased died intestate.

The AG can also assume administration if a client brings his/her own claim to the office. Other responsibilities of the AG include keeping and accounting for every estate under his/her jurisdiction.

Currently ambiguity surrounds consideration of the impact of implementation of the provisions of the SA and other laws which have a bearing on women's inheritance rights. This is due to several factors some of which are directly related to cultural practices that favour boys over girls, including the perception of male children as more valuable since they perpetrate the lineage. It is due also to misinformation, especially since there are no structured activities aimed at educating the public about the AG's Office. It results also from outright corruption from which the AG's Office is not exactly free, as the testimonies of the women and sub-county chiefs show in this study. This study was conceived in response to this ambiguity and the broader context of concerns about poverty eradication and the empowerment of women. Specifically the study needed to assess women's gains in light of

- (i) Government's acknowledgement that one of the obstacles to poverty eradication is women's lack of productive resources (MFED-PEAP 2004/5-2007/8)
- (ii) the public outcry about the way the AG's office was serving the public, which led to the interdiction of the presiding officer in 2001
- (iii) the HIV/AIDS pandemic which has made widows and female orphans even more vulnerable in the face of inheritance disputes amidst discriminatory customary practices (EASSI 2003; Sebina-Zziwa 1998).

1.2 Research Methodology

Both quantitative and qualitative methods were employed to facilitate a reflection of the reality, considering that the relevant data occurs in both quantitative and qualitative forms. The qualitative methods allowed study participants to share their views freely. The researchers used various instruments to collect data. Data extraction forms were used to collect data from the two target districts' registry offices to identify potential interviewees. They used a questionnaire and a household interview guide to obtain information from the women who acquired services from the AGO Office. To collect data from sub-county chiefs who are responsible for handling cases from the AGO Office at the community level the researchers used a focus group discussion guide.

1.2.3 Scope of coverage and Selection of Participants

The research was conducted in the two districts of Mpigi and Wakiso in the central region of Uganda. Wakiso district has a population of 407,790 in 15 sub-counties and Mpigi has 957,280 people in 16 sub-counties (2002 Population Census). Study participants were engaged in narratives of their experiences of securing, accessing and retaining land and expression of their views on the services they obtained in the AGO Office.

Before coming up with a sample size the team analysed the records in the registry at the AGO office and discovered that Wakiso District registered the **third** highest number of cases handled by the AGO. It was further discovered that no cases for Wakiso district had been reported before 2003 when the district was created out of Mpigi district. It is because of this gap in data that Mukono district was replaced with Mpigi- out of which Wakiso district was carved. The aim of this substitution was to have continuous information. Also only concluded cases were considered and thus for Wakiso district, the period of interest was 2003-2008 and a total of 22 files were reviewed.

available for this period. while over the research period (200the second started recording cases from the AGO Office in 2003 two years after Mpigi had been split into the two districts of interest in this study. The files available for analysis in Wakiso spread over the period 2003-2008. However, since the cases from 2008 were still ongoing, the research team decided to review cases registered over the These were spread as shown in Table 1. The files available for analysis in Mpigi were from the period 1998-2008. However, analysis showed that no relevant information could be obtained from the files held for the period 1998-2002, the target years for comparison with the cases reviewed from Wakiso. Therefore, the team selected files for the years 2003, 2005, 2006, 2008 including strictly one file for each year. The relevant information was obtained from the years 2003, 2005, 2006 and 2007 since most of the cases in these files had been cleared and finally closed.

In a further step, based on the selected file cases, sub-counties were selected from the two districts to include those sub-counties in which the identified potential women participants resided.

Altogether 39 cases were identified for follow up in five sub-counties in Wakiso, including Busukuma, Ssisa, Nangabo, Wakiso Town Council and Kira Town Council. In Mpigi District, 23 cases were identified from 8 sub-counties including Maddu, Nkozi, Kiringente, Bbulu, Mutuba 1, Buwama, Kibibi and Mpigi Town Council.

In Wakiso, a total of 56 cases spreading over all sub-counties were selected for analysis, 10 cases from 2003 and 2004 since both years had fewer cases to sample from. The team then selected 20 cases from each of the years 2005, 2006 and 2007. In Mpigi, a total of 50 cases spread over all sub-counties were selected by the team for analysis.

Table 1: Number of Cases Identified for Follow-up in the Districts

	Wakiso District	Number of cases followed up	Mpigi District	Number of cases followed up
1	Makindye	4	Maddu	6
2	Nangabo	8	Nkozi	4
3	Busukuma	6	Kiringete	3
4	Nsangi	4	Bulo	2
5	Wakiso Town Council	16	Mutuba 1	2
6	Gombe	2	Buwama	2
7	Ssissa	5	Kibibi	2
8	Kakiri	4	Mpigi Town Council	2
9	Kira	4		
10	Katabi	3		
	Total	56		23

Source: Records at Wakiso and Mpigi Districts

1.3 Data Collection Methods

1.3.1 The data collection process

Out of the 600 cases analysed, 72 cases were from Wakiso, while 10 were from Mpigi. However, there was inadequate information to facilitate the tracing of respondents down to the community level. The research team identified only 8 cases that could be traced up to the community level, which were less than the intended sample size of thirty respondents. The team therefore decided to proceed to the district to ascertain what was contained in the records at that level, and to hold discussions with the district officials on how best the potential respondents could be located.

Equipped with a letter of introduction, the research team informed the CAO of what was planned for the district in the Uganda Land Alliance (ULA) and Uganda Media Women's Association (UMWA) project and sought permission to conduct activities in the selected sub-counties. The team also obtained the CAO's letter of introduction to the Sub-County Chiefs.

The team held discussions with the Deputy Chief Administrative Officers to introduce the project aims and objectives and were granted permission to access targeted respondents' information from the records offices.

Data obtained on the items in the key informant interview and focus group discussion was analysed to yield categories based on the themes of the study: the challenges met in executing tasks in resolving property of deceased males, views on the effectiveness of the AG's Office in executing cases; the women's experiences in securing, accessing and retaining land inherited through statutory structures; women's views on the effectiveness of the provisions for equal succession rights between men and women as a guide to reform of the AG's Act and the SA

1.4 Extracting data from district files

Studying the data on the files at the district registries, the research team determined the cases that should be used in the study and extracted relevant information on the potential women respondents,

entering it into forms designed for this purpose. A total of 130 cases was selected and analysed in both districts.

Formulating the interview guide and questionnaire

Before proceeding to the community to locate the selected women participants the research team, facilitated with technical support from MISR, developed an interview guide and a questionnaire. These were later used to collect information from the sub-county chiefs and the women in the two districts.

1.4.1 1.3.4 Briefing the sub-county chiefs

The team presented the letter of introduction from the CAOs to the Sub-county Chiefs and briefed them about the project. They discussed the activities planned for the selected sub-counties and target villages, requesting the Sub-County Chiefs to identify community guides who would guide the team around the villages. The Sub-County Chiefs in turn wrote letters introducing the research team to the Village Chairmen. In addition the chiefs identified community guides who guided the researchers in the targeted villages.

1.4.2 Obtaining data from selected study participants

The team met and interviewed the selected women at their residences, guided there and accompanied by the guides from the sub-county offices who introduced them to the village leaders and briefed them on the purpose of the study. Altogether the team located 24 homes of beneficiaries in Wakiso District and nine in Mpigi District. The team held discussions with persons who had obtained services from the AGØ Offices and had been granted letters of administration and specifically interviewed as key informants the women beneficiaries cited in the letters. A total of 23 beneficiaries were interviewed in Wakiso, 21 of whom were women beneficiaries from the AGØ office. In Mpigi District, a total of six women beneficiaries were interviewed.



Discussions with the local leaders in the homes of women participants in Wakiso District



1.5 Limitations

The team faced various challenges during the extraction of the information from the districts' records offices. There was no systematic recording of information, which made the data extraction exercise at that stage considerably difficult. Most of the cases on the files were still ongoing/not yet concluded, which reality dictated a ceiling on the number of cases that were followed up in the two districts. Some of the files, especially in Mpigi District, contained few recorded cases. Although some information contained on them was relevant, it was not satisfactory for constituting cases and therefore not much use for the team's purpose. This forced the team to exclude such files from the sample. The team therefore had to make the most of those files that they selected, to ensure maximization of the value of good data.

Some of the women participants' residences were deep in the villages and the team could not locate them. This was especially so in Mpigi and it diminished the sample size. Generally the rest of the homes were scattered and this cost the team a lot more time than had been budgeted. It meant investing less time in actual interaction in the interview.

Some respondents denied the research team permission to record their voices fearing that the recordings may be used in criminal dealings relating to land issues. Besides, some of the women respondents were too old to speak audibly and clearly enough for the interviews to make good recordings. This affected the quality of the recordings greatly. Further, some interviews were interrupted by the grandchildren of the target women during the interviews. This applied especially to the elderly who were not in position to give long interviews.

2 Presentation and Discussion of Findings

2.1 Effectiveness of the AG's Office

The AG's Office is the legal space in which the resolution of succession cases is determined, ideally with consultation of all concerned parties as well as documented evidence of the legitimacy of their claims. It was therefore necessary to establish the effectiveness of the AG's Office as the backdrop against which the women's gains should be appreciated. This evaluation is based on the views of sub-county chiefs because they are directly involved as actors in the processes that lead to settlement of the cases. The evaluation takes into account the relationship between the AG's Office and the sub-county chief's office, because this would either facilitate or frustrate the processes, and the challenges met in handling the cases, since these may partly explain the extent of gain for the women. This background will be particularly useful as part of the context of any recommendations for review of the implementation of the legal provisions meant to grant women effective control over land.

2.1.1 Relationship between sub-county chief's office and CAO's office

The AG's Office evidently draws some strength from the linkage between the CAO's office and the office of the sub-county chief, although the linkage is not quite as strong as it ought to be. This is based on the chiefs' description of the relationship between their office and that of the CAO. Twelve out of the 17 sub-county chiefs interviewed in the two districts described their work as administrative since they get their mandate and assignments from the CAO's office. All 17 explained that they follow the same procedure in handling the cases sent them from the AG's Office, following instructions from the CAO's office. Data shows that 12 out of the 17 chiefs interviewed described a cordial working relationship between their offices and the CAO's office. Their basis was the prompt communication from the CAO's office, which facilitates the functions of their offices, for when the CAO receives cases to be followed up from the AG's Office, he then writes to the chiefs commissioning them to arrange and meet family members or relatives of the deceased. They explained that the relationship between the two offices is basically of a boss and a subordinate whereby it is the duty of the chiefs to work on their assignments and deliver effectively to the CAO's office. Fourteen out of the 17 sub-county chiefs indicated that there is effective delegation of work with regard to cases at the AG's Office. They cited the CAO's practice of directly writing to them with instructions for necessary action once he receives cases from the AG's Office.

Yet some data is available as evidence that the relationship is not quite as strong as was claimed by the others. For instance, describing the relationship between the sub-county chief's office and the CAO's office, in as far as the work of the AG's Office is concerned, four of the chiefs said that the linkage is weak. They said that nothing much is done by the chiefs, especially after conducting the meetings with the family of the deceased and forwarding the report to the CAO's office. To them it is not enough that the process ends there because there should be a follow up mechanism, which should involve them until the end of the case. Three chiefs deferred from their colleagues on the point of delegation, explaining that effective delegation is sometimes recognised in an officer's facilitation of the whole process or of the assignments that are delegated, which is not the case at the CAO's office. This category of chiefs showed that one has to look for facilitation from elsewhere in order to do the tasks, which at times makes the tasks difficult and thus delays feed back. To

illustrate the sense of their claim, the chiefs explained that no provision is made for these activities in the district budget. Interestingly, all the chiefs are evidently affected by the ineffective delegation, in spite of the comment being raised by only three of them. The chiefs explained that delegation, rather than easing work, often delays it when, following the CAO's instructions to conduct family meetings in the community, they are sometimes forced to use their own money for transport but it is not refunded. They also cited instances of cases remaining unattended to for long times when they do not have any money to pay their fares.

2.1.2 Challenges in handling cases from AG's office

Apart from the related instances in 2.1.1, which came up with regard to the relationship between the CAO's office and the sub-county chief's office, the study participants described several challenges in the process of *handling cases from the AG's Office*. These include corruption, impersonation, delayed processing of cases, forgery, lack of feedback and wrong attitude, among others.

2.1.3 Corruption and selfish interests

Asked to explain the challenges they meet in executing tasks assigned by the AG's Office, five chiefs out of 17 cited corruption, explaining that this is with regard to the local leaders involvement. This, they said brings the AG's Office into disrepute and tarnishes the chiefs who relate directly with the communities in the sub-counties. In this regard, seven chiefs cited cases of impersonation that they had handled in 2009, in which persons not related to the deceased claimed to be relatives thereby creating big scandals for the chiefs although these had been resolved. This was a big issue in Wakiso.

The chiefs in both sub-counties pointed out that the task of identifying real family members is sometimes too challenging for them due to increased levels of moral degeneration among the people. Describing the extent of moral decay, the chiefs referred to the case of leaders at the level of local council who, because of their vested interests in matters of the deceased, connive with a few of the family members to impersonate the rightful beneficiaries, thereby being frustrating rather than helping to resolve cases.

Pursuit of personal gains was cited as a challenge by 11 chiefs who explained that nothing can be done in cases involving family members with selfish interests. This, they said, is beyond their control because it is not in the chief's mandate to come up with the ultimate solution and, say, tell the heir what to do with the properties, to ensure the benefit of all parties involved. The chiefs observed that it is true that in some instances the AG's Office distributes the property on the basis of personal interests, above all other considerations.

2.1.4 Forged and outdated wills

Forged wills are one of the greatest challenges described by the chiefs. Out of the 17 interviewed, 10 chiefs interviewed subscribed to the view that there is rampant forgery of wills. Quantifying the challenge, one chief from Wakiso said, 'for every 100 wills at least 50 may be forged'. Forgery makes the chief's work difficult because they have to commit more time to searching for information and deal with a lack of cooperation.

Related to the challenge of forged wills is that of documentation. Claimants sometimes fail to present the required documents, causing delays that make the chiefs seem inefficient. Five chiefs mentioned having handled cases in which the claimants to the estates of the deceased lacked the documents that would qualify them as beneficiaries of the estates. This came as a result of the

relatives not consulting relevant bodies when compiling information concerning property of the deceased and ending up with incomplete documents.

Apart from forgery, failure to update wills is a real challenge to the chiefs' work. Fourteen chiefs explained that many people never take off time to update their wills and by the time of their death some critical details have been left out of the important document. Such omission is a frequent source of misunderstandings among claimants. The chiefs cited instances of some children who, being born after the deceased has written the will, are not included in the testament. In other instances, the deceased may buy new property or sell the property already bequeathed in the will written before his/her death. The failure to update the will in this regard causes disagreement among the children of the deceased and other beneficiaries. Nine of the 17 chiefs referred to cases they had handled, in which some children were left out of wills, having been born out of wedlock. The chiefs explained that this challenge is common in situations where some children are not included in the will because they are unborn by the time of the deceased's death, which causes disagreements among the beneficiaries over the proportion of land or other property that such children should be given. Challenges are also experienced, as was testified by six out of the 17 chiefs, when family members disagree with heirs who want to take full control of the estate of the deceased, including in instances involving land that was not included in the will but discovered after the death of the deceased and is occupied by some squatters.

2.1.5 Delayed processing of documents in the AG's Office

Often the work in the AG's Office is characterised by delays in services and these frustrate the beneficiaries. Out of the 17 chiefs 11 mentioned that services from the AG take a long time. Besides they pointed out that the AG's office is far from the grassroots people in the communities and that this means one requires money for both transportation and processing of the required documents. These expenses are a burden to the service beneficiaries.

2.1.6 Clashes between traditional and conventional system

Though evidently smaller than other challenges, conflict between the traditional and non-formal system of inheritance on the one hand and the conventional system on the other is one of the challenges experienced by the chiefs. Four out of 17 explained that provisions in these two systems tend to contradict each other, often causing confusion among beneficiaries. The contradiction makes resolution of cases difficult because different parties prefer applying the system which favors their interest.

2.1.7 Lack of feedback from the AG

Although the chiefs are assigned work by the AG's Office, through the CAO, data suggests that the latter two do not provide timely feedback to them. All the interviewed chiefs in the two districts complained that after carrying out their task of meeting the families or relatives of the deceased and reporting back to the CAO's office, they do not receive feedback from CAO's office or the AGO and that there is no mechanism in the higher offices to enable this feedback. The chiefs therefore feel that communication regarding the cases is only one way and that this is inappropriate. Lack of feedback has resulted in complaints from the beneficiaries which have ultimately ended in bitter clashes over property distribution among the relatives.



Focus group discussion with sub-county chiefs in Mpigi District

2.1.8 Efforts for mitigation of the challenges

In documenting these challenges, it is fair to note that they do not pass without active attempts at mitigation. The research team encouraged the sub-county chiefs to explain how they have tried to resolve these challenges. Their explanations dwelt on delegation, consultation and perseverance.

Eleven out of the 17 chiefs interviewed mentioned consultation with local and opinion leaders on some of the challenges that they face. They cited instances of advice being given by the leaders on how to handle some complicated cases. Ten chiefs out of the 17 explained that sometimes they delegate work to parish chiefs. However, they also indicated that this cannot be done too often because the parish chiefs may not be well versed with legal issues and cannot handle cases where the arguments become so heated. All the chiefs said that they normally hold one meeting with the family members or relatives and document the findings which they forward to the CAO's office. But they added that in the case of significant disagreements among the family members, they reconvene meetings and make further attempts to resolve the disagreements.

2.2 Gains by Women

2.2.1 Limited enlightenment on rights

Data indicates divided opinion on whether there have been any benefits of women arising out of the implementation of the succession laws. While some chiefs claim there are no benefits, others claim benefits. The women seem to be so many challenges that if any their benefits are very limited indeed, counting basically only for some enlightenment on rights.

Seven out of the 17 chiefs were clear that the women have not benefited much from the AG's Office, citing various reasons. In these chiefs' view most of the deceased die intestate and many relatives are not willing to give women any property or even include them in the letters of administration. The chiefs assumed that women have lost because they have a weakness in matters of land administration and management and are ignorant about land issues due to the low levels of

educational they have attained. Some of the interviewees assumed that land matters are a male domain and as such women shy away and leave everything to God. This view demonstrates a reason why women may be marginalised: on the premise that they are unable to manage land, they are denied their rights to access and ownership, a situation that perpetrates traditional practice. This implies that while the women may be aware of the benefits that could accrue to them, and actually pursue matters in the AG’s Office, the male chauvinist view is so predominant over the process that the potential for women to gain wanes in the face of law reform.

However the other 10 chiefs claimed that women had benefited due to the changes that have instituted equal inheritance rights, which also reflect the broader trends in the nation, especially with the empowerment of women by the current regime. According to these participants women are increasingly becoming enlightened and are now aware of their rights unlike the situation was before. The chiefs attributed this awareness to efforts by CSOs/NGOs and other institutions including the sub-county chief’s office which have sensitised the women about the changes that have accorded them rights.

It should be said then that so far women may celebrate the creation of an enabling atmosphere with regard to their gaining information on their rights to access and own land. In as far as they should actually be able to use the information to secure land and hold it as theirs, there is no real gain yet.

2.2.2 Limited use of land and responsibility thereof

Study participants described the status quo of access and ownership in terms of who uses the land that has once been under dispute and who is in charge of it. Their responses are summarised in Table 3 and Figures 1 and 2, showing that children of the deceased have a lion’s share in both the use of and responsibility for the land, while grand children have a larger share than the widows in respect of use, and new land owners enjoy twice as much say as widows with respect to responsibility for the land. Squatters enjoy nearly as much say as the widows with respect to both use and responsibility for the land. This is in spite of the reform that may have uplifted the women’s status in matters of succession regarding land.

Table 2: Findings on use and responsibility for land

Category	Who uses the land	Who is in charge of the land
Children to deceased	17	14
Widows	3	3
Grand children	4	
New land owner	3	6
Squatter/tenant	2	2
Collective effort	-	4
Total	29	29

Source: Profile of

Figure 1: Use of Land

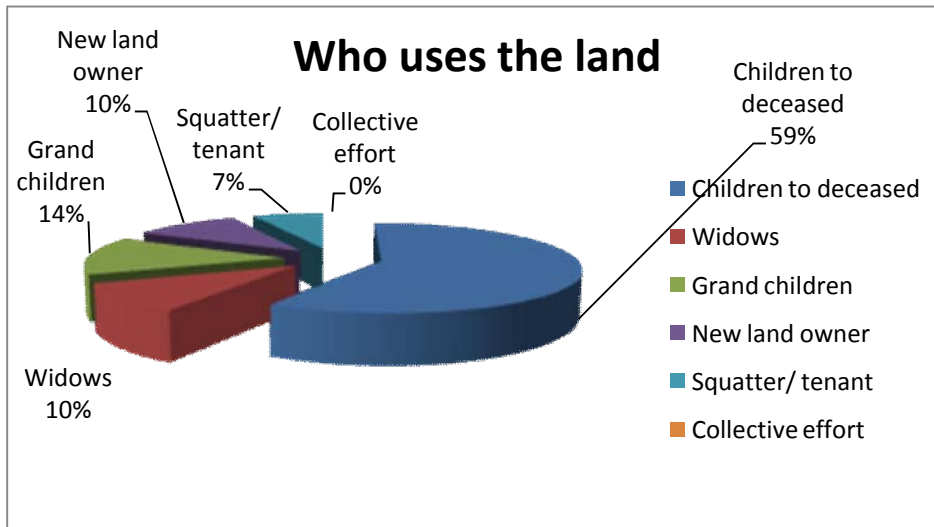
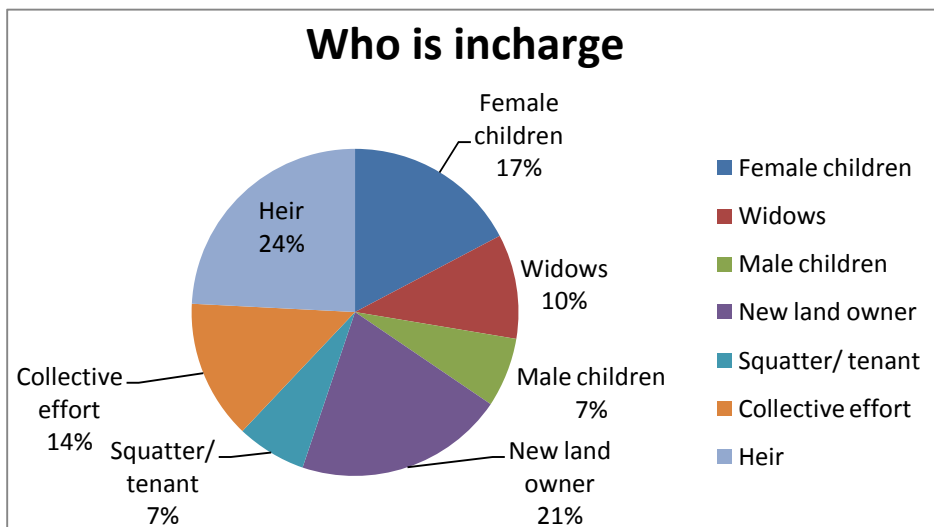


Figure 1 illustrates that 59% of the land is used by children, a very big proportion indeed, which is more than four times the proportion of 14% used by grand children and nearly six times that used by the widows, which stands at 10%. The widows' status in relation to use is shown to be only a little better than that of the tenants on the land, which stands at 7%. It is also shown to be precarious considering that the collective responsibility for the land is greater than the responsibility vested in the widows, a detail whose impact is rendered worse given that 14% of the land is, according to Figure 2, in collective use,.

Figure 2: Responsibility for the Land



That widows are in charge of only 10% of the deceased's land and heirs, who are always male, are in charge of more than twice the amount, while new owners take charge of twice as much as the widows clearly illustrates that the women have not made substantial gains, in spite of the equal inheritance rights accorded them by the laws. The status of female children in fact threatens a perpetration of the traditional practices of excluding women since the latter are granted responsibility for only 17%. Since the view that female children do not perpetrate the lineage still holds among communities, the safety of their share is easily rendered doubtful.

The status quo represented in the quantitative details above easily confirms the finding that women have gained benefits only in as far as they may have been enlightened on their rights to ownership. The atmosphere of enlightenment may presume empowerment for the women to pursue their rights and obtain and hold land that rightfully belongs to them. Otherwise, they gained very little that is measurable in tangible terms. That women beneficiaries of the AG's resolution of cases use only 10% and are similarly in charge of only 10% of the land implies that they cannot exercise much control over the land or improve their livelihoods, which implies maintenance of the status quo. This is a significant finding in the face of SA 162 and its non-discriminatory indications, and particularly the assertion that a constant 15% share of the estate of the deceased should go to the widow/widower. It raises questions of how the Act should be enforced to ensure effective implementation and change in the women's status. And enforcement should be reviewed especially with regard to the evidently still prevalent male dominance as well as the decisions and inheritance practices that are so firmly dependent on it.

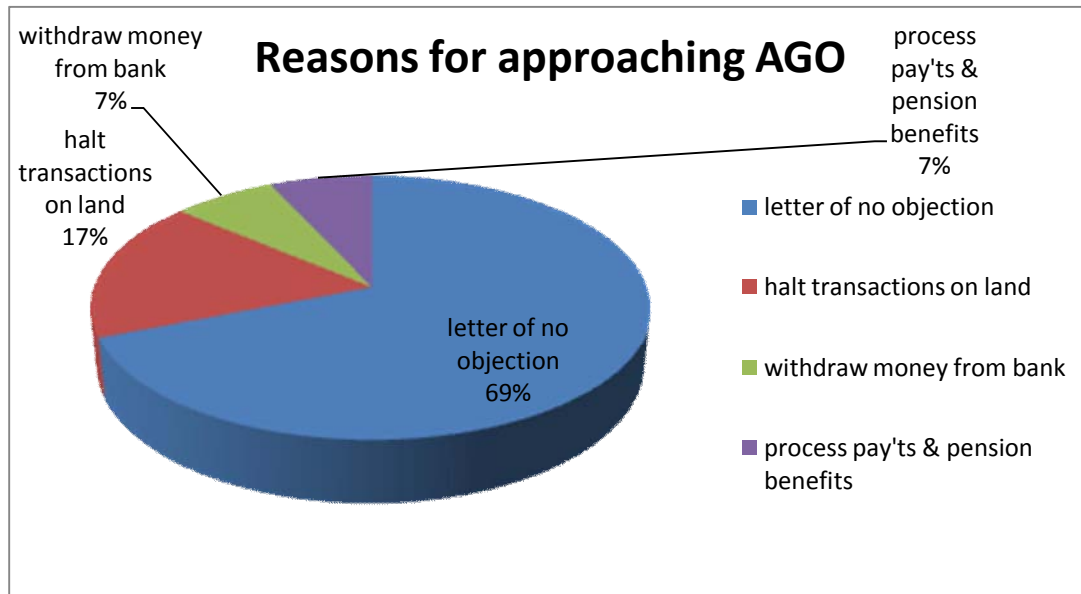
Assessment regarding enlightenment, as far as it may be demonstrated by women's participation in the resolution of cases involving the deceased's property and empowerment for pursuit of their rights, is supported by the data of women's access to and active exploitation of the services of the AG's Office. But it must be added that participation has not translated into actual power to own or even make decisions regarding use and other status over land. This reality is the subject of the next sub-section.

2.2.3 Women's real decision-making powers

Data of women's use of the AG's services is summarised in the reasons for their visits to the AG's Office. However, the value of this data should be appreciated in light of the foregoing analysis and further data illustrating the effectiveness of this office in resolving cases as well as details of who makes the final decisions.

Data in Figure 3 shows that a large majority of 68% of the study participants in the two districts reported that they went to the AG's Office to acquire letters of no objection and letters of administration in order to transfer all relevant documents from the names of the deceased to the names of those persons granted letters of administration. This suggests that a large number of women attempt to obtain legal status with regard to their access to and control over the land. A small proportion of 17% of the women participants reported going to the AG's Office to stop their relatives from transacting business on the land before it is legally distributed among all the beneficiaries. Only 6% of the interviewed women reported to have gone to the AG's Office in order to be granted authority to withdraw money from the deceased's bank account which they need in order to follow through the completion of full rites of burial. Some 6% of the interviewed participants went to the AG's Office to acquire letters that would facilitate the process of obtaining payments pertaining to the deceased's estate, or for them to be paid the deceased's pension benefits on behalf of the beneficiaries.

Figure 3: Reasons for Approaching the AG’s Office



In spite of the demonstrated awareness and active participation of the women, only 27%

of the reported cases had been concluded and 24% had not been concluded. Some of the would be beneficiaries of the latter category had, indeed, opted for recourse to other means of seeking justice in the AG’s Office. The delays in resolving cases, which were cited by the sub-county chiefs too, are suspect for delaying real changes in the administration of the laws that would grant the women a meaningful share of their rightful access to land and control over it.

Women’s status is further weakened in the face of the status enjoyed by children of the deceased, which gives them advantage over the widows. For instance, 72% of the study participants indicated that all the children are consulted to come up with a final decision concerning land. They make consultations with the whole family if one intends to use the land. 34% of the interviewed respondents mentioned that children of the deceased make the final decisions. The powerless position of the widows implies the absence of tangible gains for them in land matters.

2.4 Women’s experiences in securing, accessing and retaining land inherited through statutory structures

There were clear variations in the data regarding the process of obtaining audience at the AG’s Office and having one’s case processed and/or ultimately resolved. Some participants expressed positive opinions about their experiences with the office while others held negative views and suggested changes that would facilitate both the interaction between officers and clients and the processing of the cases. The description outlined here is based on the views of the women, most of

whom had engaged in the processes personally and others, especially the elderly, who had been represented or, at least, supported by children or grandchildren or other relatives.

Asked about the procedure of acquiring letters of no objection and letters of administration, 34% of the participants said it was all right and should continue. One beneficiary reported,

“We went to the AGO to change names in the titles from the deceased to ours and from there we went to the high court which made announcement. There after we shared the property and everyone is doing his/her work on the piece of land they acquired. We don’t have any problem and everyone is comfortable. We feel we were helped by the office and we just pray that it continues serving the people as it did to us when we went there.”

Another illustrated her experience with, “The AG himself came here and saw and then ruled the case and the children lost it.”

Measured against the other categories, this group seems to be a minority. The latter categories expressed dissatisfaction, showing that the process exposed them to great inconveniences at the least and injustice at the most.

The physical location of the AG’s Office in the city is an inconvenience to many beneficiaries of its services. It imposes transport costs above the administrative costs of, say, photocopying and related reproduction of documents.

Describing the processes in the AG’s Office, 41% of the participants mentioned that the operations take too long and are expensive. They referred to the “red tape” that characterizes the process, often causing some would be beneficiaries to give up. A large majority of 62% of the participants lamented that they often lacked the proper documentation to back them as rightful beneficiaries of the land that they laid claims to. The participants described the long queues and the protocol at the office, which make them anxious. These obstacles force those who can afford it to use middlemen to approach the officers on their behalf, and usually end up at the mercy of conmen who take their money.

Data also shows that a considerable number of women claimants cannot afford the charges required in the processing of cases. Altogether, 41% of the interviewed participants mentioned the prohibitive expenses, saying that a lot of money was required to process and obtain the letters of administration. These may be the relatively lighter grievances. On a more grievous note, the women cite injustice in relation to settlements involving family or even implying the AG’s responsibility.

One injustice cited by participants is the sale of land that they considered rightfully theirs without their consent being obtained. A significant proportion of participants, that is 55%, explained that the persons who acquired letters of administration went ahead and sold off the land without their legal consent or any consultation with them. In the case of one elderly widow, a participant said that a grandson had outwitted the widow and sold off a large proportion of land, often simply forcing her to endorse the sales with her thumb print, for instance

“He has sold the land and Nalule is only remaining in a house that was built in the land that she received as her share from the deceased. Due to the unplanned sells by

the grandson, Nalule, who now lives with a grand daughter with five children, hardly has any food to eat or any land to cultivate

Participants' description of their experiences highlights fear resulting from women's ignorance of their rights besides difficulties language and communication skills, which combine to form a complex barrier in the processing of claims. According to the participants, ignorant women do not know exactly what to say in the presentation of their claims. Some do not know how to express their claims, which disadvantages them a great deal. It is evident from the narratives of the women participants that sensitisation about inheritance rights has been inadequate, and that women have not been adequately targeted. In the dialogue between UMWA and ULA facilitators and focus group participants during the study, a facilitator asked what each of the participants knew about the succession law and the latter brought up various ideas. For instance, they mentioned the following requirements, functions and benefits.

the will

sharia law for Muslims

the succession law enabling people to distribute money and property of the head of the family

women don't own property

the inheritance law doesn't benefit everyone

the law is there to benefit the rich and not the poor

The ideas indicate that the women participants had little knowledge and understanding of the succession law. Some ideas are distortions of the law and some are directed by attitudes rather than knowledge.

Beneficiaries, especially the grassroots women, are intimidated by the language requirements at the AG's Office besides the structures there, and feel alienated and frightened. The participants therefore have opted to visit local offices which they feel they can access with ease.

The above data indicates that the SA has not really been implemented. Much as there is a statement of equal succession rights, actual practices among the grassroots communities represent a reality of potential women beneficiaries being defrauded by selfish individuals. This raises the question of how far the AG's Office goes in its pursuit of the women's interests. It is evident that the interests may be recognised and upheld by the AG but there is no real follow up to ensure what happens outside the office. The significance of this may be particularly felt in the case of elderly widows.

3 Recommendations

3.1 Dissemination of Laws and Sensitization

While some data on the gains of women suggests that they are aware of their rights, women participants' narratives of their experiences indicate limited information and knowledge and understanding of the succession law, which threatens failure of attainment of real gains for women. Women need to be sensitized about the Administrator General's Act Cap. 157, the Succession Act, the Marriage and Divorce laws, and the Inheritance law. Lobby groups, including media organizations, should work with, law reform agents, AG's Office to disseminate this critical information in an accessible form to target women at all educational and socio-economic levels as well as all faith groups and any other categories.

The manner and process of dissemination should take a leaf from other efforts at dissemination of legal and/or administrative information, such as the Popular Version of the Local Government Act of Uganda. Information should be provided in various local languages besides English in a form that can be easily distributed and handled in groups. This will facilitate women's efforts to interpret the laws and reclaim their land rights demand from their husbands, family and relatives and government authorities. They should, in addition, learn to make wills, understand what transpires when divorce occurs and the steps they should take in order not to lose out in matters concerning property ownership in the context of marriage and death.

Similarly, local authorities should be sensitised about the AG's Act, the SA, Marriage and Divorce Laws and the Inheritance law. This will enable them give the necessary support to the women who approach them with cases related to these laws, guiding them to interpret the laws and to understand the scope of their claims and potential gains.

In this context two specific references are made here to the content of the AG's Act Cap 157 and the Succession Act Cap 162. These references are used to illustrate the need for education as a support for women although in reality this support will extend to beneficiaries in other categories.

3.1.1 Notice of application for letters of administration to be given to Administrator General (Section 5, AG's Act Cap 157)

The provision in the first clause of this section of the AG's Act has great potential to support the widow should she seek to authorise someone to administer her late husband's estate, as long as she can prove that the AG or his/her agent has declined the responsibility. This would go a long way to prevent unscrupulous relatives or other parties from usurping the widow's power over property of the deceased. However, at the grassroots level, widows may not have the capacity to understand English or to interpret the formal register of the clause, and may therefore easily lose the intended benefits. This makes it necessary to build into the legal structures a facility for explaining to women in full and very clear detail, so that they are not easily overwhelmed by the deceased's relatives or other parties, who may gain an advantage of number against an individual or a few widows.

3.1.2 Grant to Administrator General may be revoked and grant made to other person. (Section 7, AG's Act Cap 157)

This is another clause that can make the rightful beneficiary very powerful, since they can cause the AG to revoke a grant of the deceased's property to an illegitimate person. And it can therefore be the basis of benefits for women, including widows, who might have become victims in the event of the miscarriage of justice when their rights to shares of the deceased's property were abused in the settlement of inheritance cases. Yet, it can not be taken for granted that widows, for instance, are aware of it or that they will pursue all the implications without requiring support to interpret the clause. Thus, the need for dissemination efforts to make the full meaning and implications of the AG's Act accessible for the women, especially those who are disadvantaged by physical distance from the AG's Office, illiteracy or other factors, or who may be outnumbered by relatives.

3.1.3 Distribution on the death of a male intestate (Section 27 SA, Cap 162)

In this section of the Act, provisions are made for the estate of person dying without a will (intestate) to be divided among certain classes of people, showing the manner of division. It makes reference to *capability* with regard to certain persons taking a proportion of the estate but does not define capability, either in this particular section, or in the section entitled Interpretation. Therefore, it is not clear exactly what constitutes "capable" in the case of, say, but where the intestate leaves no person surviving him capable of taking a proportion of his property under paragraph 1.ö, referring to the paragraphs that specify the proportions that will be taken by the customary heir, the wives, the dependant relative and the lineal descendants.

There is bound to be dispute over the interpretation of capability, raising questions of who determines the qualification of any person who falls within the classes specified but whose capability may be in question. Dissemination efforts should take care of this possibility and provide tangible solutions to this and other similarly tricky instances of interpretation.

3.1 Review of the Succession Act

Any endeavour for changing the status of women with regard to land and other property of the deceased must recognize the need for review of the Succession Act. The Act makes some helpful provisions but also presents some loopholes which could easily be exploited by illegitimate claimants. This section specifies some instances of such weaknesses. The weaknesses may be the basis for the grievances of the women who, as observed in the data, have failed to secure land due to the limited and responsibility for it and hence use of it.

3.2.1 Omission of a provision on distribution of a testate's property

The Act contains, in Part V, guidance on distribution of a person who has died intestate. This is a useful provision, considering the dispute that may arise over the deceased's property that necessitates arbitration, albeit its award of only 15% to the wives. However, the omission of a provision with regard to a testate's property presumes peaceful and easy settlement of such a matter, implying that the law invests a lot of faith in the deceased's will.

It is not quite true that the rightful female beneficiaries or, indeed, all the rightful beneficiaries of the testate's estate, are always treated with fairness and justice. Therefore, review of the SA should take into consideration the need to integrate a provision on distribution of the testate's

property. This should serve two benefits: a) ensure the public's recognition of the deceased's will as a legally binding document for as long as it satisfies all the legal requirements stipulated in the Act, and b) protect widows and other female beneficiaries against any possible defrauding by successor and other male aspirants for the property. The value of the will should be re-emphasized in light especially of the prevalent male dominance that has been exemplified in the data.

3.2 Omission of a provision on distribution of a testate's property (Part V-Distribution of an Intestate's Property)

Further significant omission is recognizable in Part V of the Act. While a provision is documented on "distribution on the death of a male intestate", the Act says nothing on distribution on the death of a female intestate. The omission suggests two scenarios: either the law has no interest in providing guidance over female's property, which implies that such estate needs no protection, or females do not own property that is worth inclusion. Either way, there is the possibility of the underlying influence of the diminutive cultural values that relegate females to positions of secondary importance and without property.

This particular omission suggests the possibility of some women losing land that they could have inherited from deceased female relatives. In this regard, review of the Act should be directed towards inclusion of a provision on distribution of the property of a female intestate.

3.2.3 Kindred or Consanguinity (Part III CONSANGUINITY, SA CAP 162)

Provisions on consanguinity seem to be a pivotal point in the SA. The Act provides for consideration of lineal and collateral consanguinity for purposes of succession, and indicates no distinction between those, in one category, who are related to the deceased by the full blood and those who are related by the half blood and those, in another category, who are born during the deceased's lifetime and those conceived in the womb at the date of death and subsequently born alive. This provision potentially grants freedom for persons of unlimited description to lay claims of rights to shares in the estate of the deceased, when they may not have contributed to the accumulation of the property in question. Indeed the data in this study indicates that kindred are often a leading element in cases where widows' and daughters' rights to shares in land belonging to the deceased are violated. Yet the Act, on the other hand, keeps the wife in a relatively secondary position in which she is awarded 15% of her deceased husband's property, regardless of the contribution she may have made to the accumulation of the property.

Given the sub-county chiefs' testimony of corruption at the AG's Office, and the significant proportion of women who fail to secure land acquired by succession, due to the unscrupulous undertakings of, for example, sons and grandsons, there is need to amend the clause on consanguinity, limit it to the marital contract to ensure less freedom for a large range of possible claimants to acquire the deceased's property ahead of the wife.

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ANNEXES

ANNEX 1

THE ULA AND UMWA COMMUNITY DIALOGUE RESULTS ABOUT LEGAL INHERITANCE RIGHTS (Have Women Benefited?)

Community dialogues were conducted in which the targeted women who sought services from the AGO shared their experiences. During the discussions it was realized that many of the women were frustrated with both the structures and systems in the AGO. In addition testimonies of women and men on property inheritance were acquired and this included; challenges encountered by women while demanding their property; and procedures on public access and use of the AGO as well as lessons and recommendations.

During the discussions Women were found to be the most affected as regards succession rights due to discriminatory cultural factors putting them into an inferior position to that of men. This was noted to be the major obstacle to women's rights to property inheritance.

In addition, the unfriendly environment at AGO was seen to be an alienating factor between the rural women and the services intended. Its location in the city, marble like structural appearance, the lifts, high costs alone; were highlighted as key hindering factors to the grassroots women; not accustomed to such environment. People with disabilities are especially affected.

THE MEDIA COMPONENT

Eighty two (82) people were brought together and brainstormed especially on the Law of Succession and the access/utilization of the AGO, and women formed part of these discussions. The dialogue which attracted the media such as NTV, WBS, Record TV, Super FM, Radio Simba, Mama FM, among others, got input from FIDA-Uganda and Stock Consult. Seventy six (76) participants of which 65 were women and the rest (11) men, came from Mukono, Nabbale, Bamunanika, Luweero, Kamuli, Mityana, Mpigi, Wakiso, Kawempe, Komamboga, Kisaasi, Kikaaya, among other villages.

The dialogue was formatted in such a way that the participants are recognized for what they are and were assisted from the knowledge level they were at. The facilitators therefore, started by establishing how much the participants knew about the Law of Succession, the AGO, those who had had contact with office maintaining challenges. Later the dialogue provided space for testimonies; to what extent women have benefited from AGO or the Law of Succession; participants were also sensitized on how the AGO operates. The barriers to women's access, control and ownership of their inherited property were also discussed and recommendations made.

Radio and Television Programs

Fifteen (15) programs on Mama FM and UBC were done and broadcasted. Two television programs on Record TV and a documentary were broadcasted. In all the media programs, local communities particularly women effectively participate. Opinion leaders such as local officials and religious people also participated in the panel presentation and various issues were discussed, some of which included inheritance and succession, Will making and its importance among others issues.

RESULTS

- Two planned meetings were held.
- One community dialogue attracting 76 participants was held. 65 women, 11 men attending. (12 villages and 5 districts represented).
- 15 radio programs were broadcast on 2 radio stations.
- 2 television talk shows were broadcast on Record TV.
- 4 television stations covered the community dialogue and broadcast news bulletins there.
- A documentary was done to air on WBS TV.
- Four television stations broadcast news pieces about the dialogue

OUTCOMES

The following outcomes were realized:-

- Following the television programs and UMWA interaction with the Administrator General's Office, a plan to host officials from this office, on Mama FM, has been agreed upon. It is expected that two programs per week for 3 months will be broadcast with the theme, "access and utilization of AG's office" on Mama FM.
- The atmosphere of suspicion that "welcomed" the UMWA officials by the AGO, at first is fading out. Now a friendly atmosphere is beginning to take shape, with the Deputy AG personally calling Mama FM for follow-ups on the subject.
- Following the community dialogue and the subsequent radio programs done on property rights, succession, and the role of the Administrator General, Mama FM has since then provided more air-time for such issues.
- The local people who participated in the dialogue, and later on, on the radio programs; have since then continued to search for information and help to overcome the hurdles they were formally experiencing with the office of the Administrator General.
- UMWA/Mama FM lately became a point of reference on land issues!! In only 30 days, UMWA had been approached by twelve members of the communities seeking for assistance. These were later linked to FIDA-Uganda, the area Local Councilors (LCs), and the Magistrates' Court in Entebbe.
- Community based organizations in Mukono, Bamunanika, Luweero and Wakiso have since then requested ULA & UMWA for sensitization sessions on rights, land, making of a will, the Law of Succession, property rights and the operations of the AGO.

ANNEX 2 SUMMARIES OF THE NARRATIVES

The narratives are a reflection of the selected women beneficiaries who were selected from the two districts. They are based on the detailed discussions that were conducted with seven women respondents who had interesting stories and experiences that were as a result of using the services of the AGO that the research team had to inquire about in detail for purposes of following up at a latter stage in order to inform the law reform process.

Zerena Namusoke (74) is a widow living in Wakiso Town Council, Kisimbiri Parish. She is one of the daughters of the late Mukasa Male and a beneficiary of the deceased's property; Following the death of her father Male Mukasa the process of administering the deceased's estate was presumed simple since he had left a will. (Our father made a good will the daughter confessed) The will clearly indicated the share each of the children should get, clearly indicating land distribution between them all;

The deceased was the King's minister, so the last funeral rite was to undergo a process through which all the clan leaders would announce the last funeral rite of the deceased at the different clan level, the king's office would subsequently grant permission to carry out the funeral of the deceased; '*Balutwala nebalwanjula nelusibulwa*' it was taken introduced to the king and permission was granted to go ahead with the last funeral rite.

After conducting the last funeral rite, it was agreed that property had to be shared by the children but the titles were still in the names of the deceased. It thus necessitated going to the Administrator General's Office (AGO) to change the names from those of the deceased to the heir. All the family members went to the AGO's office for this task. *We went to the AGO to change names in the titles from the deceased to ours and from there we went to the high court which made announcement. There after we shared the property and everyone is doing his /her work on the piece of land they acquired. We don't have any problem and everyone is comfortable. We feel we were helped by the office and we just pray that it continues serving the people as it did to us when we went there* Said the daughter.

Namyenya Mary (50) is a daughter to the late Salongo Serwange Paulo. She lives in Wakiso Town Council, Kisimbiri B Village, Kisimbiri Parish; She states that The deceased left a title with their paternal uncle, His two daughters were later to survey the land and distribute it among themselves.

Namyenya, her sister, and brother had a matrimonial home that was almost collapsing. It was located near their late brother's house that was built near the matrimonial home. The two sisters and the brother sat and took a decision to renovate the house, but never had enough money to get the work started;

They therefore chose to sell part of the land near the home, something that did not go well with their late brother's children. The grandsons reported Namyenya and her sister to the AGO without consulting any other authorities on how best to handle the matter. A move that was questioned by the AG through the local council. He even called the LC and asked him why the people skipped all the leaders down and went up to Kampala said Namyenya.

The AGO contacted Namyenya and her sister through the local council chairman to report to his office on an agreed date, which they did. They reported with their paternal uncle, who kept the will. The will was presented, and it was clear on who had to get what and where;

After the visit, the AG consulted the Local Council and set a date for visiting the disputed land and making a final ruling. The ruling was in favour of the two sisters. The grandsons were later forgiven by the aunties as they did not have a chance of looking at the will before and they were young and ignorant about the law and procedure. *“We did not have any more conflicts and the grandchildren were also satisfied. Even up to now the money that comes from the house is theirs and it is used to pay school fees for the young ones who are still in school and we even gave them the house. Said Namyenya”*. Namyenya and her sister were happy with the services of the AG since he took the initiative himself to visit the disputed land she said. *“The AG himself came here and saw and then ruled the case and the children lost it”*. However one challenge they faced is that after surveying the land it was verified at the district and it was found out that some unknown person leased part of their land out without their consent and the title was at the sub-county and not in Mengo land board. *“Then we asked our selves how he leased the land before telling us who are on the plot, Namyenya, her sister and one of the daughters are looking for the unknown person who leased their land.*

Kwebajira Christine (72) is a widow who lives in Busukuma Sub-County, Kinyogoga Village, Kiwenda Parish. She is a daughter to the deceased Sony Gutanamuka; Her story goes as follows:

By the time her father died in 1944 Christine was so young to comprehend what transpired during and after the death of her dad, but the father had left his property in the trust of her paternal uncle, who was entrusted with the responsibility of taking care of the children and working on the last funeral rites;

The uncle mistreated the children and delayed the last funeral rites process, but finally pressure from the relatives of the deceased compelled him to take quick action. *“ Then we had our parternal uncle who remained and this was a brother to our father and this uncle did not treat us well; even the last funeral took long to be held until people forced him said Christine”*. Unfortunately the deceased’s wife had acquired a child from another man before his death and this son was older than Christine. Therefore, the uncle installed an illegitimate son to the deceased as the heir, an act that was vehemently rejected by Christine. After a short period, the installed heir he disappeared after realizing that he was not the right person; Christine’s uncle also died leaving his own children on the land of her father, Christine later tricked these children and came back home to stay on her fathers land.

So Christine, who was by then without any child, took advantage and occupied the home where she lives to date. She found the house in a poor state and sold part of the land at the ancestral home to construct a new house;

She is in full control of the ancestral home. She acquired the title from the paternal uncle, and through the AGO changed the names from those of the deceased to hers, allowing her to make all decisions since the two sisters sold their share and are married;

Unfortunately, Christine later chose to sell off chunks of the land because she is now aged and can not do hard work to survive. However, she is ignorant about the law, because whoever buys land from her, processes a title on his own, a situation that is exposing Christine to losing all her land.*“There is a young man up there who bought ekibanja (a plot) up on the hill top and he takes care of me. I gave him two acres and to transfer the land ownership, I told him to make sure he gets the land title for his land and for the other person who bought part of the hill. But since he took the land titles to make those transfers, he has not retuned them back”*reported Christine.

By the time the research team visited her, she was in a worrisome state because the last person she sold land to, had taken her titles and failed to return them for a period of four months, yet he lives abroad.

Kevina Nalule (85) is a widow and daughter to Lule Daudi (RIP). She lives in Busukuma Sub-County, Nabitalo Village-Kiwenda Parish. She is one of the daughters who approached the AGO to acquire the letters of administration because she was included among those who acquired the letters of no objection; She went to this office twice since the period when her father died and when her brothers and sisters died.

She administered the estate with her brother (Heir) who later died. All the deceased children received their shares given in the will and most of them sold their land (plots);

Nalule went back to the AGO to have the names in the title from the changed form the deceased brother's into her to enable have full control over the land. Unfortunately she is too old to move alone. On her second visit, she went with a grand son who claims to be taking care of her health;

During the processing of the documents in the AGO, the grandson included his names on the titles of the land that belongs to Nalule. He has now taken advantage of keeping the titles and is selling off the land without first consulting Nalule. "Consult me how? I no longer know things" said Nalule; "Whenever he feel like, he informs Nalule but only after making the decision and giving her some little money out of the sell; " *For I just look on, I don't remember those things; its me who signs, he tells me, come and bring your thumbprint*"; *fell sick and lost sight so I was putting on thumbprints and I go with that*" said Nalule"

"He has sold the land and Nalule is only remaining in a house that was built in the land that she received as her share from the deceased. Due to the unplanned sells by the grandson, Nalule, who now lives with a grand daughter with five children, hardly has any food to eat or any land to cultivate".

Most of the land was sold off by the grandson since he has the titles to Nalule's land. This has not only almost left Nalule landless, but it has created conflicts between him and the grand daughter, who currently lives with Nalule. Despite the current poor home state Nalule expressed gratitude to the AGO because of the treatment she received when she went in the office for the second visit. Nalule says the process of accessing the office was simplified compared to the previous time when they required a lot of credentials.

Nampijja Joelia (60) lives in Mbizzinya and is a daughter to the deceased Nsereko Musa. By the time Mr. Nsereko passed away, Joelia was so young and she was living with a guardian, who later died. She neither had the opportunity of looking at the will nor understanding what it comprised of; "As you know, things when you are young, I saw things taking place but I was not understanding anything by that time I understood them later".

However, there is a sister of Joelia who was a bit older than her. This sister explained and gave details of the period when her father died. As Joelia grew up, she tried to trace the property of the deceased and in the process came to learn that the will got burnt in the ancestral home. Some papers were nonetheless discovered clearly indicating what the children were supposed to get; A few papers were discovered which indicated what the children were supposed to get.

This happened when Joelia and her children went to the Clan Leader, who showed them the heir to the father. What was unfortunate was that one of the young brothers to Joelia used to live in the matrimonial / family house, which at one point he sold off. Joelia reported that by the time the deceased died, Male the only brother, had not yet been born but he was in the womb. As such, in the blue prints discovered, his names were not indicated, meaning he did not get any land from the deceased;

The clan members sat and gave Male some land that belonged to one of the late brothers. Since Joelia was already married, Male took advantage of residing at the ancestral land and he sold it off before it was surveyed and fully divided amongst the children, an act that frustrated the daughters. He did this because he thought he was the automatic heir since he was the only remaining son.

Joelia reiterates that Male is not the heir because by the time the father died he was not yet born. *“By the time of the funeral, he was still I, the mothers stomach I know that. If he is denying, then we shall bring you about ten elders who even have grey hair and these will tell you the truth”*. Since he sold part of Joelia’s land, the latter reported him to the police in Buwama, and the case is being handled. *“I know where I was given, He sold some plots of my land and I took him to Buwama and filed a case against him and judgment was done and I won”* Joelia said the squatters Male sold the land to, were blindfolded, yet he is now aware of the new boundaries. *“The land was surveyed 3 times when we were fencing it, and it was Male himself who was showing the surveyors the land. We first surveyed the land and it was him showing the surveyors where the land passes then we again surveyed each of these children’s land it was Male again directing the surveyors where each land passes.*

We did it the third when he had not accepted, and it was him showing the surveyors, that you pass here and here. For the three times, and those ones (girls) were not around. Even if you call the surveyors they can tell you that surveying the land was done three times. Now the problem he has is that when people turn against him, he says those people stole my land” They have threatened to kill him if their land is taken away from them;

Joelia and the sister have made all efforts to ensure that they rescue their land that Male sold but all in vain. They have tried to organize avenues where they can hold meetings with the squatters and discuss their land issues, but Male has persistently dodged all the meetings despite summons from the clan leader. Till now that is the stand with the squatters occupying the land but the Joelia is not happy and she intends to pursue the issue till when it will come to an end with the expected justice. However, she is happy with the AGO because when they approached it they were helped and did not have any bureaucracy till when they got the letters of administration and the titles.

Sarah is a 32 year old daughter of the deceased Kakooza Samuel Sarah is one of the daughters received some property in Bwera on of the deceased property. To simply the distribution of his property among the children, the deceased left a will which had to be followed to ensure equal distribution but it was not followed as expected. The process of working on the letters of administration took a long process since the children were not bothered and they were still young. As they grew they realized the importance but waited till time poverty knocked on their doors thus contacting Sarah to lead the process which she did not agree to do. She declined to do so because the boys had earlier on sold part of the land with out her knowledge and this is what they wanted to do with the remaining land. In addition the boys wanted to acquire titles for the new land owners to whom they sold the land which seemed hard with out going through the AGO thus starting on the

process. When the boys contacted, she went and informed the paternal uncle whom the deceased left to take care of them about the boys intentions. The uncle took action and surveyed the land to ensure that it is well distributed but unfortunately he died before completing the whole process.

The deceased relatives took advantage of the sad situation to inter fear in the whole process thus taking most of the deceased property especially land yet the deceased clearly stated that no relative should inter fear. Unfortunately those who took the property of the children were aged, died but left the property with their children / relatives. Sarah is the only daughter left others sisters died, she is a widow and an orphan living with her children. She is contented with the little she has since she has some land where she can carry out her subsistence farming. She is living in her late husband's home and she is no longer bothered with the rest of their property.

ANNEX 3 THE COMMUNITY DIALOGUES

3.2.1 INTRODUCTION

UMWA in collaboration with ULA organized Radio and Television programs aimed at enhancing women's access and utilization of the AGO's office. A number of activities were planned to prepare for this event which included holding meetings, organizing community dialogues and preparing for radio and television shows. A community dialogue on legal inheritance rights at UMWA Training Centre, Kisaasi in 2009. The intention of this meeting was first for women to share knowledge on the succession law, to share their experiences about the Administrator General's Office (AGO), brainstorm on whether they have benefited from it, give testimonies on experiences and challenges encountered, and also to draw recommendations on how they can better benefit from the AGO.

By the end of this dialogue, participants agreed on the other available strategies and channels that can be used to follow up on those cases where they had felt defeated. These alternatives would also help them to handle similar situations.

Over 80 women and men from Kampala and neighbouring areas of Wakiso, Mityana, Luwero, Mpigi, Entebbe, Gayaza and Mukono among others; attended the dialogue. They included religious leaders, women members from Get Smart Rural women's Group and individuals. Also present were representatives from Women NGOs such as FIDA, and members from the media fraternity such as NTV, Record TV, WBS, Bukedde, New Vision, and Mama FM.

The dialogue mainly focused on the issues below:

- Sharing Knowledge on succession Law.
- Brainstorming on whether women have benefited from the AGO.
- Case studies on how women beneficiaries of the deceased property have interacted with the AGO and challenges encountered.
- Sharing experiences of women in securing and retaining property inherited through statutory structures.
- Barriers to women's access, control and ownership of inherited property such as land and estates among others.
- Procedures on public use of the AGO.
- Drawing recommendations on easier access and utilization of the AGO.
- Sharing lessons learnt from the dialogue.
- Way forward.

The media, particularly television and radio recorded women's voices and concerns which were later broadcast.

Sarah Tibaidhukira welcomed participants and firmly pointed out that the dialogue was a very critical one, as the succession issues concern all families and they affect the nation's development at large. She thus urged participants to be open and share all their experiences concerning succession for the benefit of all present.

The dialogue was conducted in Luganda, using participatory and interactive approaches. It also employed various adult education methods such as participatory dialogue, testimonies, questions and answers, case studies, brain storming, and intensive group discussions followed by plenary presentations and citation of most lessons learnt.

It should be noted that the dialogue was a very heated one as it evoked a lot of mixed emotions that were expressed by particularly those individuals mostly women; who felt disgruntled with the AGO. However a few isolated cases felt lucky for having managed to get help from the same office because they realized that they were only a few among the many to receive help. This report presents the highlights.

KNOWLEDGE ON THE SUCCESSION LAW

The facilitator (Sarah Tibaidhukira) opened up the discussion by assessing participants' knowledge on the succession law: She went ahead to ask what each of them knew about the succession law. Participants brought up a number of ideas about what they understood about the inheritance law.

The following is a reflection of participants' views:

- *One participant said that he understood inheritance to include the will*
- *Moslems recognize only the Sharia law to distribute property the rest don't apply to them.*
- *The inheritance law is only there to distribute money and property of the head of the family.*
- *Women do not own property.*
- *The inheritance law doesn't benefit every one.*
- *The law is only there to benefit the rich and not the poor.*

It was also observed that compared to men, women had little knowledge of the succession law. Men could at least mention a few sketchy ideas of what they knew or had heard about. Women on the other hand were not sure of what to say.

The factors responsible for this imbalance is attributed to particularly the unfair gender relations that occupy women for most of the day; and lose out on those opportunities where sensitization about basic human rights. Also pertinent, is the absence of grassroots sensitization and awareness creation about this law.

Response to the knowledge on succession Law

Basing on the participants' knowledge on the succession law, the facilitator (**Goretti Mayiga**) from **FIDA-Uganda** clarified on the issues that were raised. She reviewed some of the provisions within the succession law, in the highlights below:

She began by firmly stating that the constitution provides for equal rights between man and woman regarding property inheritance. Women can also make a will and assign their loved ones property as they wished. She went ahead to say that inheritance law applies to persons from 21 years of age and above. She also mentioned that the Islamic faith (Sharia law) is recognized by government.

She said that the law on inheritance provides that a will has to be fair and equal, and situations that lead to government's intervention, will give priority to only those people the deceased was responsible for (obligated to). Thus she urged participants to be mindful of their immediate responsibilities (dependants) when making a will.

In addition to the above, she pointed out that government through the succession law; is mandated to intervene with its formula of percentages, where property is distributed among family members.

This only applies when the deceased has left no will or when family members reject the will and it is declared invalid.

At this point she asked participants; to imagine a scenario about who would inherit the property in case a woman dies? Participants responded in favour of the children, only to be shocked by learning that the husband has a share of the deceased's property.

However she noted that women are faced with various obstacles which hinders their right to property. Factors noted included; domestic chores and cultural beliefs; women are not confident of themselves, even when women can obtain letters of administration and probate (the power of administration is given to the executioner by the government to distribute the property).

Reactions to the Succession Law Highlight

In response to the above insight, participants had the following concerns/questions:

- *When do we use the succession law?*
- *What could happen if one dies with out leaving behind a will?*
- *Should children of the female inherit property of their mother which she could have inherited from her father?*
- *What happens if one's will leaves out some of the dependants or obvious beneficiaries?*
- *What are the rights of non biological children to property inheritance?*
- *What can we do to prevent those people who use the dead person's thumbprint to forge a will?*
- *What if the deceased forgets to mention one of his debtors?*

One facilitator (Ms. Mayiga) clarified that there are two ways to handle such instances, namely:

Testate (where there is a will) and **Intestate** (where there was no will left behind). And if a will is rejected by family members, then the case falls under intestate category. Therefore, government through the AGO takes over the distribution of the deceased's property. This law only applies upon one's death.

She explained that any person 21 years and above can make a will distributing his/her property as he/she wishes. If the will is found to be fair, and therefore not contested, it is executed as it is. But if contested, the office of the Administrator General takes over the deceased's property. In this case it is likened to not leaving a will. Biological children are entitled to a percentage; likewise, dependants too are provided something. Children of a female can succeed their mother's property if the will is slated so. It is advised that creditors/debtors should have written agreements.

She also urged participants especially women to always be in charge even in times of grief and stand up to those opportunists; particularly relatives who upon the death of a male member of the family immediately demand for instance, car cards, land titles, keys and other things.

ANNEX 4

BRAINSTORMING ON WHETHER WOMEN HAVE BENEFITED FROM THE AGO AND CASE STUDIES ON HOW WOMEN HAVE BENEFITED FROM THE AGO AND CHALLENGES ENCOUNTERED

The objective of this session was to have an understanding of the experiences participants had with the AGO and share coping strategies. It was however found out that most of the participants have not benefited from this office, save for a few isolated cases of those who said that they managed to get help.

Below are the different testimonies shared:-

Justine Kizito in a very bitter mood strongly said that the AGO is of no help at all. She lamented about her 17 year old case with the AGO. She narrated a case of her late father who had named her the heir before he died, but has up to today failed to get justice. She went ahead to say that she had single-handedly nursed her father during his time of sickness, and he would always speak openly about her right to inherit his property upon death as a sign of gratitude. She claimed that the Administrator General (AG) connived with the clan members, who according to her were richer and powerful than her, and took over her estate. Up to now her file is not traceable. She also expressed uncertainty on what she could do next. Her relatives who were also present sounded disgusted and were considering giving up on the whole issue!

Eron Mubiru is also bitter with AGO. He says that he was unhappy about the location of this office away from the grassroot people. He wants it to be brought closer. He says the AGO has not been of help. The office is plagued with a lot of fraudulent claims by conmen. She said that it is very easy for wrongful people to win a case at the AGO because of corruption in this office.

Namuyomba Sarah from **Mulago**, said that she lost both the property of her late father and husband to people who claimed to have been officers from the AGO. To her this office is full of conmen.

Moses Kiweewa, Busukuma –Wakiso, said that the AGO is very distant from the intended beneficiaries. To him Mama FM undertakes a great job of guiding him and educating him and others on pertinent issues. So according to him, the radio is better than the AGO because it's nearer, therefore it's enough!

Senyondo Hamidu told fellow participants that he has an organization that gives services to property rights seekers. He said he started it after realizing loopholes within the AGO. He also observed that the AGO is far away from the people at the grassroots. He continued to ask as to how the AG could identify with the common people who are of low class. He went ahead by adding that this office only benefits the rich and the corrupt. He also argued that the religious law i.e. the Sharia law is better off than this office.

One participant also gave an example of his late sister who made a will in favour of her only surviving daughter. He came to discover that the succession law only provides one to be the heir of the deceased but not to inherit his/her not property. So up to date, his niece lost the case and all her late mother's property was taken by greedy clan members!

Another participant also noted that the AGO is full of corrupt officials. According to him, this office has been abused and is now compromised by many conmen around it

Nabukeera Aminah of Kommamboga central zone, in a very bitter mood, cited one incidence where she and others were issued with letters ordering them to vacate a certain plot where they were residing, or else provide proof of ownership of a 20- acre piece of land. She together with her colleagues approached the Deputy AG, who later called a meeting for the aggrieved parties. In the meeting she and her colleagues had to present the documents proving their ownership of the land, which they unfortunately didn't have. She went ahead to say that presently, the land has been graded by one tycoon. Who according to her connived with a non-area Resident District Commissioner (RDC). She also wonders how an outsider (RDC) can manage to interfere in matters outside his area of jurisdiction! She was also bitter with the area RDC who is simply looking on. So she urged concerned parties to go down to that area and help out the helpless people.

Salongo Kizza says the AG has not helped. He claimed that the AG is responsible for most of the conflicts that have emerged with in different communities in Uganda today! He went ahead to say that this office is only for the rich and powerful. He however urged government to set up offices at the local council to take charge of problems at the grassroots. He added that this will reduce on the number of conmen who have taken over the AGO.

Another example was given by one participant; about one **Nakayiza of Mulago Zone** who had her inherited property sold off by her step mother. The girl went to the AG, only to find a falsified will in this office. So it was hard for the girl to get back her land.

Another case was also presented about a man who had 3 wives; each had her own children. The house wife upon her husband's death; took up all the property, land title, the car and was the first to go to the AG to report the clan members. Who she alleged were forcefully taking her property. So the AG took the side of the woman against that of the clan members.

Nalongo Auma of Nabbaale sub county – Mukono district, associated the current property wrangles, to the failure of the AGO, which has not taken up its mandate of sensitizing people about its work and how this office can be accessed. She therefore urged the government to sensitize people especially at the grassroots about its operations and also to bring it closer to the people.

But according to **Rashida Kayiza**, a local woman activist from Nabbale S/C-Mukono; has together with her *Smart* group members stood up for their property rights and won various cases against property smugglers. She cited a case, where together with her fellow community members; they confronted one officer who claimed to be an agent from the AGO. She said that they tasselled with him and his colleagues ganged up against him; tied him up and took him to the police. She noted with satisfaction that up to today, he has never come back to threaten them!

Nakasujja Bongole Janet of Kitambuza-Kanyaya is an LC leader. She said that one can get help if one goes to the AG with all the required documents as proof!

She shared about a land dealer who issued eviction letters to all squatters who were occupying the land he had purchased. And for her, having got knowledge from UMWA's 'Get Smart' project she approached the LCs about the issue. She also advised her colleagues-the affected parties to do the same and also report to the AG.

She went ahead to say that the matter went as far as the Magistrate court in Nabweru. While there, she defended her case by especially pointing out that the accused had gone to an extent of using a mentally impaired person (caretaker of the land in question) as a witness.

In addition, she said that the land dealers had also claimed to be officials from the president's office. But she went ahead to Okello house to probe further if they were actually officials sent by the president as they claimed. She was glad to say that she won the case in the end! But applauded UMWA for having educated her together with her fellow Get smart group members about their rights through the Get Smart project.

Sarah Tibaidhukira, the facilitator also gave her own experience with the AGO. She said that for her, she got help from the AGO! Her husband died four years ago. She narrated that as her late husband was still being laid in the sitting room. Some of her in-laws took her son aside and demanded for the location of his father's car card and bank account details. She added that she had to be strong and brave at that trying time and had to get possession of all the important documents. She then had to get an LC letter, death certificate, and other necessary documents, which she later presented to the AG. She noted that although it took her about four months. She never had to pay any money to the AG, apart from the money for the newspaper announcement. She added that, having had full knowledge of all her late husband's property and documents helped her a great deal to win the case.

She however noted that, for one to benefit from this office. One needs to first of all be aware of its existence and physical location! She added that, although that situation of death of a loved one is such a trying moment, one seeking justice has to be strong and put grieving aside! She also warned that the whole process involves a lot of moving up and down but one has to be resilient.

She went ahead to say that the AG only helps if one has full knowledge of all the documents left behind by the deceased, the property/estates as well as their location. She added that the entire process has a lot of walking up and down and may take long, but in the end one can succeed.

She also warned participants that clan members won't rest! They will always surface even where one has won a case against them before. On the same note, she told participants that this very year, 2009; her in-laws once again wanted to confiscate her late husband's land some where in the village. But she again had to present the AG's letter of No Objection proving that she is the rightful owner of that land.

Procedures on Accessing or Utilization of the AGO

Goretti Mayiga a representative from FIDA Uganda led this session where she began with an insight into the operations and procedures of the AGO. It was such an eye opening session and participants were totally excited about receiving such useful information.

Below is a recap of her account:

She began with mentioning the physical location of the AGO Amam House, behind Central Police Station (CPS). She went ahead to inform participants to present their cases first of all to the LCs. However she noted that some people have given up hope quickly. Instead, she urged them not to lose hope easily but try again and use other channels. She also pointed out the existence of an office at every local police post that deals with property issues. Also advised participants that upon the death of their relatives; particularly spouses who left behind a will. They should sit together with the executor/overseer of the will and go to the AG, who issues a letter of No Objection. This letter she emphasized enables the family members and/or dependants to get an order to take the matter to court.

In addition, she also highlighted some of the offices that can help in this aspect; to include:

- FIDA ó Uganda
- Legal Aid Project
- The AGO in Kampala
- The District Chief Administrative Officer (CAO)
- Women's NGOs like FIDA, UMWA/Mama FM, UWONET, CEDOVIP, radio stations among others

Further still, she went ahead to enlighten participants of the steps and procedures on the public use of the AGO, as seen below:

Step 1: Reporting to LC

How can one access the AGO very fast?

One has to first of all report the death of a relative or loved one to the LC 1 with a copy of the death certificate at hand.

She however added that, one has to be in possession of the will and other important documents before proceeding to the AGO. At this point, she led participants into identifying contents of a properly made will.

Contents of a will

The facilitator sought for contributions from participants on the contents of a properly made will. The participants mentioned most of the contents of a will. These were then discussed together in plenary and a few gaps were observed. Basing some of the gaps that, the facilitator then guided participants on how to make a will as below.

A will should be made in at least three (3) copies. The following contents matter:-

- Date of making the will.
- Name of the owner of the will.
- Age of the owner of the will.
- Name of partner/spouse.
- Number of children of the owner of the will (also stating children outside marriage or relationship).
- Should state that this is my last will (to rule out any other will(s) that my have come before that).
- Physical Address of the owner of the will.
- All particulars (including ancestral background i.e. clan, ancestral lineage etc.).
- Physical location of official residence of the owner of the will.
- A detailed list of property and estates the owner of the will (where and how much).
- List of all biological children.
- Spouse/all spouses.
- List all dependants.
- Clearly state the Guardian and his roles who will be the caretaker of the deceased's dependants and his property.
- Clearly state the Executioner (who should have no attachment whatsoever to the family). But sometimes it's advisable to choose a partner! Who will take charge of distributing the property/estates.

- State the length of time you have spent with the partner(s) and number of children you have had together.
- Then distribute the property/estates, clearly stating who is taking what.
- Mention all debts and debtors of the owner of the will, if any.
- Wishes i.e. time and place of burial, how you wish your last funeral rites to be handled etc.
- There should be at least two (2) witnesses to sign the will. These should not have any share on the deceased's property.
- Also mention the person you have left the will with, as well those who have copies of the same will.
- When making a will, one should be fair, just and truthful.
- A good will should be made by a person with sound mind.
- A will can be made in any language and order does not matter.
- The law provides that the will should be made in secret. Thus it should not be made in the presence of a partner, children or any other person of interest.
- People should consider up right people to be present when making a will.
- It doesn't matter who writes the will as long as the owner is present, and of a sound mind and approves of it.

She urged both men and women present during this workshop to inform their colleagues back home to always make their will in private

She also advised women to start writing wills and learn how to fight and demand for their property, including that which they have contributed to during their marriages or relationships. She also urged the women present to change their approach of demanding their property and instead use a non aggressive language! After making the will and death occurs;

Step 2: Filing a case with the AGO

- The will is read to the rest of the family and is agreed upon according to the deceased's wishes
- Next step is to go to the AGO and open up a file or follow up an existing file. At the AGO, family members will present the LC letter and death certificate
- Then they all sit with the AG and agree on the distribution of the property

Step 3: Family meeting

At this point she cautioned people to learn to sit together with the family members and tell them about details of their property/riches before they die so as to avoid wrangles for the bereaved.

When is the family meeting called?

She made it clear that the AGO bases on the information given to him by those who approached him (may be family members or relatives or any other person interested in the property); whether rightful beneficiaries or not. And normally the notice of this meeting is announced privately at the AGO and not made public. So it is common to find people concerned not aware of these eventualities.

The AG then calls a family meeting for all family members. She went further to explain that at this point, **Letters of administration** can be used only if there are misunderstandings with the will, thus making the will invalid. Otherwise, the AG will then discuss the contents of the will; together with the family. She also noted that, **letters of administration** are given to at least two or three executors. And if the dependants are below 18 years of age, the AG then takes over power to distribute the property.

Step 4: The Probate

After the **letter of No Objection** is issued to the family members and it seeks court order to take over power to distribute the deceased's property.

Court gets involved with the Letter of No Objection. (Normally a notice appears in any news papers of choice and the petitioner(s) is responsible for payment of this advert. The **Probate** or the power of administration is given to the executor by the government to distribute the property.

However, for estates below 50 million Uganda shillings, the family has to report to the matter to the chief magistrate and for those above 50 million Uganda shillings, the case is handled by the high court plus the Administrator General (AG).

After probate, the guardian is authorized to distribute the property amongst family members and afterwards give a full report to the AG, on how the distribution was done.

Reactions to the above briefing

After that insight, participants expressed the following concerns:

One participant asked whether the AG has the authority to distribute property without hearing both sides of the story!

The facilitator responded that sometimes concerned parties don't approach the AG but have a tendency of using middle men; yet the AG bases his case on the claims of those who approached him. Therefore, she urged participants to be vigilant, fight on and not to give up until justice is done.

Another participant asked: If one makes a will and commits suicide the next day, what happens?

Then it is disqualified because it means the will was made not in the right state of mind.

Nalongo Auma sought clarity about what happens if one partner dies in case unofficial marriages like cohabitation especially among the youth?

It was clarified that the law doesn't recognize cohabitation. But they can agree with clan members to share the property equally. And if children are involved, then the property becomes theirs. However, she advised cohabiters to always share their property when they are still alive so as to check on such misunderstandings.

One participant also gave a warning that some people have gone to an extent of using the dead person's thumbprint to forge wills.

The facilitator also at this point also pointed out the types of marriages that are legally recognized. These include:-

- Customary marriage, particularly with proof of an introduction certificate and a letter from the girl's parents.
- Religious marriage, i.e. church and mosque.
- DC/CAO (government), normally performed in civil courts.

She noted that the 4th type, which is **Cohabitation**, is still debated under the Domestic Violence Bill and not yet fully recognized by the law.

Mrs. Sekaggya from Kasala Kyabakadde, Nabbale S/C –Mukono district said that she is an orphan, and presently living on her late brother's land. She lamented that she was undergoing fear towards her sister-in-law; (who is also the heir to her late brother's land). She went ahead to say that the accused denied her access to or use that land. She also added that the accused went to an extent of destroying all her crops and even attempted to poison her food. She wondered what she could do especially considering the fact that she was restless at the time and scared that the accused might try to kill her again.

Betty Mugambwa also from Nabbale S/C –Mukono district sought clarity about what would happen, if the guardian fails to fulfil his duties?

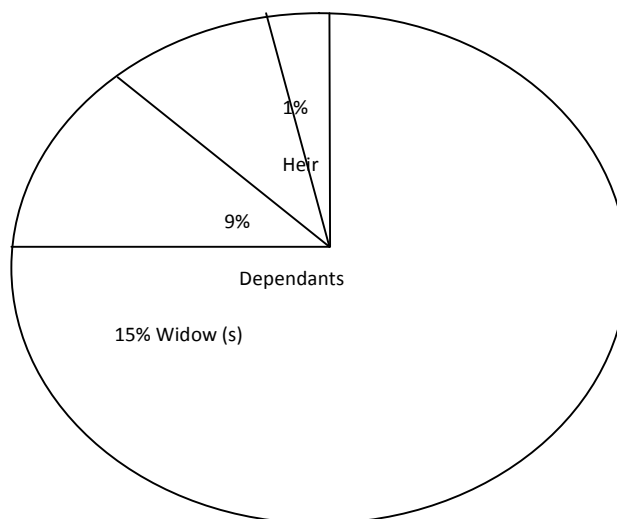
The facilitator clarified that the property then goes to the rightful owners. However, the aggrieved here is free to take the guardian to court. She noted that -this in law is called **intermeddling in the process**. Concerning a guardian's abandonment for duty, family members can sit and choose through consensus another upright person to take over that role

This session also revealed a lot of emotions among participants and some like Mrs Sekaggya felt they needed more guidance. However they were urged not to hesitate to approach those legal practitioners present at the time after the workshop.

The Succession Law Formula on Property/Estate Distribution

Goretti Mayiga shared stated that for situations where there is no will left behind; the succession law then takes over full authority to distribute the property among family members.

She explained this using the diagram below:



She went ahead to clarify that if it is a wife who dies:

- 75% goes to the children
- 15% to the husband
- 9% to the dependants i.e. grand parents, sister, brother, parents, niece or nephew and others
- 1% to the heir

If a man dies:

- 75% goes to all the children
- 15% to all the women i.e. it is shared equally among all the women
- 9% to the dependants
- 1% to the heir

Again she explained that if a person dies with out leaving behind biological children then:

- 75% goes to wife or spouse
- 15% to family relatives
- 9% to the dependants
- 1% to the heir

She however noted that for people who die without making a will and they leave no biological children behind. Then their property goes to his/her immediate relatives or those people he has been living with before death. She added that, in case the person leaves no will, then the government formula applies.

Reactions to the presentation

One participant sought clarity about whether those children (especially those by the woman) from the previous marriage/relationship are entitled to any property?

The facilitator clarified that children from a previous marriage/relationship also are recognized as dependants. She however urged participants to ensure that they clearly spell out the shares such children have (if any) in the will; to rule out likely misunderstandings.

Another participant who pointed out that she was not legally married, asked what she could do since her in-laws took over her late husband's property!

The facilitator cautioned her that first of all the law will seek to establish whether she was legally married or not. However she reminded participants that brothers/sisters to the deceased are just encroachers but are not legally recognized as rightful owners of the deceased's property/estate!

One Sarah Nakyeyune also sought clarity; where in her situation she did not get any share of her late father's property, yet the will clearly stated her as part of the dependants. She added that she presented her case to the clan members who advised her to consult her matrilineal relatives.

In reaction to this the facilitator asked participants to advise her. They debated on a number of possibilities and finally advised her to take the case further to the AGO.

Nagaya Willy enquired about what would be his wife's share in case he died only after spending five months in that relationship?

The facilitator clarified that, the wife in that case is entitled to a share of the property left behind. She also pointed out that if the wife has documents proving her ownership of that property, she can stand a better chance. Again she appealed to the cohabiters to endeavour to share their property when they are still alive, so as to check on such likely misunderstandings.

Another participant imagined a scenario and enquired about what would happen if a man who has been involved with about five different women each with her own children. That he happens to die but the last wife he has been living with, has no children with him, but has contributed a lot to the home.

Also here, the facilitator stressed that all his children irrespective of mother; have equal rights. The five wives have to share the 15%. But she noted that, this only applies where there was no will left behind. Regarding the current wife's contribution to the home, she can only claim for that property for which she has proper documents bearing her names and not reading "Mrs" so and so.

She concluded the session by imploring all women present during this workshop to ensure that they have all their properties acquired written in their own names; and not to use their husbands' names.

She also listed some of the organizations that women can approach to seek justice. These include:

- The AGO in Kampala
- The District Chief Administrative Officer (CAO)
- Women's NGOs like FIDA, UMWA/Mama FM, UWONET, CEDOVIP, radio stations among others

BARRIERS TO WOMEN'S ACCESS, CONTROL AND OWNERSHIP OF INHERITED PROPERTY

During this session, participants were asked to share some of the obstacles they have experienced as regards access to, control and ownership of inherited property.

Below is what emerged:-

The unfriendly environment at the AGO

The physical location of the Administrator General's Office within the city was noted not to be friendly and convenient for most of the women and men from the grassroots. Meeting the costs in terms of transport to and from the city, other administrative costs were presented as major problems.

The long lines and lots of protocol at the AGO was also pointed out as a limiting factor. This to women is not favourable as they are responsible for meeting their domestic chores. So those who can afford end up using middle men to approach the officers on their behalf and in the process; they end up being conned of money.

Officers within the AGO need articulate people and are not patient with a lay woman straight from the village who does not know how, where or who to approach. In the end women stated that they feel alienated and scared. On top of that the structural appearance of this office was pointed out to be an intimidating factor to the rural women who are not accustomed to such buildings. They however opted for local offices which they can access with ease.

Corruption also at the AGO was categorically pointed out among most officials at this office. Women and men bitterly noted that many conmen have posed as agents from this office even at the grassroots and robbed them of money as well as property claiming to know or holding positions of responsibility at AGO.

Cultural Factor

The cultural practice of wife inheritance is an obstacle to women's inheritance and ownership of property. This is because the tradition looks at the woman as an object that can be passed on from one man to the other. Thus not having any right to inherit or own property.

Women also have a tendency of bringing along their relatives after their husband's death. This is not tolerated by in-laws. In addition cultural practices also give unequal opportunities resulting from culture which forbids the girl child to inherit property

Male children on the other hand take the law in their hands by treating their relatives any how especially after learning that they are heirs to their father's property.

The multiple gender roles of women deny them time to seek justice on property and other needs. This compromises them since travelling to and from the AGO in Kampala requires a lot of time, which most women don't have.

Ignorance

As a result of lack of access to educative opportunities on rights, women said they do not have information they therefore expressed fear of approaching such big offices because they cannot stand and express themselves. Yet such offices have time for only articulate people who can present their cases well.

Sensitization to people at the grassroots are not enough and do not target women. Women thus showed ignorance on knowledge of the succession law and other basic rights.

Poor Systems and Political Interference

Systems at almost all levels of administration were noted to be bureaucratic with a lot of protocol, thus making the whole process of access to justice a long and tiresome one!

A lot of political interferences from political figures within the different localities were put forward as another obstacle people meet as they claim their property. Most of these individuals were pointed out to be using their political positions to intimidate victims to property smugglers.

Poverty

The growing chain of poverty among most rural dwellers has also made access to justice even further away from them. The process requires money to cover transport costs, paying for newspaper adverts and other costs; which to a low income dweller becomes unaffordable. It would thus be a good intervention if the AGO opened up branches at different locations

Biblical reasons

Once again the biblical provision that upon creation gave the man a superior position to that of the woman; was also highlighted to cause obstacles to access and ownership of inherited property among women.

Also *moral decay* was brought forward as parents have tended to neglect duty of proper child upbringing. This was noted to be responsible for a number of cases where people have resorted to treating property victims the way they feel. Women and men were also noted to be irresponsible especially when they bring along their lovers to use the property of their deceased husbands.

Lack of assertiveness and stamina

Women lack stamina. They cannot assert themselves even when they are hurt or exploited. This is explained by cultural upbringing expecting women to be submissive.

Drawing recommendations on public use of the AGO

The workshop succeeded in understanding the procedures required to seek justice from the AGO as well as other local centres. The following recommendations were drawn:

- The AGO should be decentralized and extended to the LC level for easy access to all.
- People in administrative positions should learn to be empathetic to those who seek justice.
- There is a need to sensitize grassroots women about the AGO i.e. its physical address, operations and the right procedures to follow.
- Communities should be sensitized to do away with bad and oppressive cultures to particularly women's rights and adopt good cultures that promotes all people equally.
- Women should adopt a culture of registering all their property in their own names and not those of their husbands.
- Women should learn how to question their husbands about property/estates before hand.
- Women should learn to be faithful and take charge of the property entrusted to them.
- Parents should start giving equal opportunities for both boys and girls.
- UMWA and partners should bring such educative workshops closer to the people at the grassroots.
- UMWA should also invite the AGO to be present in events regarding succession and property rights.

Sharing lessons learnt from the dialogue

Participants were after the highly heated discussion asked to share in plenary what they had learnt from this dialogue. The following lessons are highlighted:

- Participants learnt that they should learn to put aside grieving and immediately process their claims to the AG.
- Partners/spouses should be open to each other regarding property/estates, and also involve their children in these issues.
- Women should learn to exhibit vigilance and determination, so as to prove that they are able to take charge of the property entrusted to them. They should desist from selling off the deceased's property, even if they have the AG's letter of No Objection.

- Cohabiters should also learn to share their property among themselves while they are still alive. And also involve relatives beforehand.
- People in high offices should learn to be empathetic and tolerant to people who approach them for support.
- The biggest population, especially women lack information on the law. They exhibit lots of misconceptions which should be demystified.

THE MEDIA COMPONENT

UMWA in collaboration with ULA organized radio and television programmes aimed at enhancing women's access and utilization of the Administrator General's Office. (AGO) A number of activities were undertaken including planning meetings, community dialogues and radio and television programmes were conducted.

Community dialogues:

Eighty two (82) people were however brought together and brainstormed especially on the Law of Succession and the access/utilization of the AGO, and women formed part of these discussions. The dialogue which attracted the media such as NTV, WBS, Record TV, Super FM, Radio Simba, Mama FM, among others, got input from FIDA-Uganda and Stock Consult. Seventy six (76) participants of which 65 were women and the rest (11) men, came from Mukono, Nabbale, Bamunanika, Luweero, Kamuli, Mityana, Mpigi, Wakiso, Kawempe, Komamboga, Kisaasi, Kikaaya, among other villages.

The dialogue was formatted in such a way that the participants are recognized for what they are and were assisted from the knowledge level they were at. The facilitators therefore, started by establishing how much the participants knew about the Law of Succession, the AGO, those who had had contact with office maintaining challenges. Later the dialogue provided space for testimonies; to what extent women have benefited from AGO or the Law of Succession; participants were also sensitized on how the AGO operates. The barriers to women's access, control and ownership of their inherited property were also discussed and recommendations made.

The dialogues were an eye opener to most participants. Most participants said they did not know about the Law of Succession, where and how the AGO operates or is located.

Participants were now able to know how the law treats the deceased's property; how to write a will. Participants were made aware that a man or a woman of 21 years and above can make a will to avoid issues that would arise when they pass on.

Poverty and unfriendly environment at the AGO were specially singled out as major hindrances to women effectively utilizing the AGO. They reasoned that women cannot afford to pay for newspaper adverts for the AGO to mention the family meeting to settle issues to do with the deceased's property. (Currently a quarter page in any of the papers costs Ug Shs 540,000 ó 1,950,000!).

Lack of information, heavy workload, and intimidation from men, or male relatives coupled with a negative culture that still treats women as minors, were also singled out as other barriers against women in terms of benefiting from what is rightfully theirs.

Participants recommended for decentralization of the AGO to sub-county level; nationwide campaigns on the law, rights and the AGO, women being specifically targeted.

Radio and Television Programs

Fifteen (15) programs on Mama FM and UBC were done and broadcast in the month of November. Two television programs on Record TV and a documentary were broadcast. In all the media programs, local communities particularly women effectively participate. Opinion leaders such as local officials and religious people also participated in the panel presentation and various issues were discussed, some of which included inheritance and succession, Will making and its importances among others issues.

RESULTS

- Two planned meetings were held.
- One community dialogue attracting 76 participants was held. 65 women, 11 men attending. (12 villages and 5 districts represented).
- 15 radio programs were broadcast on 2 radio stations.
- 2 television talk shows were broadcast on Record TV.
- 4 television stations covered the community dialogue and broadcast news bulletins there.
- A documentary was done to air on WBS TV.
- Four television stations broadcast news pieces about the dialogue

OUTCOMES

The following outcomes were realized:-

- Following the television programs and UMWA interaction with the Administrator General's Office, a plan to host officials from this office, on Mama FM, has been agreed upon. It is expected that two programs per week for 3 months will be broadcast with the theme, "access and utilization of AG's office" on Mama FM.
- The atmosphere of suspicion that "welcomed" the UMWA officials by the AGO, at first is fading out. Now a friendly atmosphere is beginning to take shape, with the Deputy AG personally calling Mama FM for follow-ups on the subject.
- Following the community dialogue and the subsequent radio programs done on property rights, succession, and the role of the Administrator General, Mama FM has since then provided more air-time for such issues.
- The local people who participated in the dialogue, and later on, on the radio programs; have since then continued to search for information and help to overcome the hurdles they were formally experiencing with the office of the Administrator General.
- UMWA/Mama FM lately became a point of reference on land issues!! In only 30 days, UMWA had been approached by twelve members of the communities seeking for assistance. These were later linked to FIDA-Uganda, the area Local Councilors (LCs), and the Magistrates' Court in Entebbe.
- Community based organizations in Mukono, Bamunanika, Luweero and Wakiso have since then requested ULA & UMWA for sensitization sessions on rights, land, making of a will, the Law of Succession, property rights and the operations of the AGO.

The following are recommendations for:

(a) Access and Utilization of the AGO:-

- A nationwide education and sensitization campaign be designed and implemented. Radio is seen as an ideal medium to concentrate on this. Community drama is also viable.
- Women are particularly in need of information on rights, and laws. Therefore, special awareness and capacity building campaigns and programs should be designed to address this.
- There is need to have a simple booklet on how the AGO operates. What are the steps, the basics for one to access AGO?
- The office of the Administrator General, need to be closer to the people. Sub-County level would be ideal. But even then, the office needs more human and financial resources to be able to serve the people better.
- As already described in the Community Dialogue Report, it remains the responsibility of the AGO to get rid of corrupt practices within their domain. It is important that they do some damage control.
- Organizations interested in promoting the women's rights should be seen to be working together more without competing among themselves.

APPENDIX 1:

Wakiso district is located in the Southwestern part of Uganda from the capital city of Kampala with an estimated population of 957,280 people (2002 population census results).

The district has a total of 15 Sub-Counties among which nine Sub-Counties were selected to be part of the study areas because they had a representative number of possible women for following up during the study based on the data at hand and on analysis that was conducted in the district records registries. The selected Sub-Counties include: Wakiso T/C, Nangabo, Busukuma, Kiira, Ssisa, Nsangi, Gombe, Kakiri, Katabi and Makindye. Among the nine Sub-Counties, five were selected based on the number of cases that were worthy following up compared to the four Sub-Counties that had a few case worth following. The five Sub-Counties with the highest number of worthy cases were selected for follow up and these were; Wakiso Town Council (16 cases), Nangabo (8 cases), and Busukuma (6 cases), Ssisa (5 Cases) and Kiira (4 Cases).

Mpigi District

Mpigi district is one of the 48 districts of Uganda that were decentralized under the then Resistance Council Statute No. 15 of 1993. It is situated in the central region of the country, often referred to as Buganda region. It borders with the districts of Wakiso in the North East and East. The district has an estimated population of 407,790 people (Population census 2002). It has a total of 16 Sub-Counties among which eight Sub-Counties were selected to be part of the study areas because of having a number of cases worthy following up. The selected Sub-Counties included: Maddu, Nkozi, Kiringente, Bulo, Mutuba 1, Buwama, Kibibi and Mpigi Town Council.

Unlike in Wakiso district where the cases worthy following up were concentrated in five Sub-Counties, this was not the case in Mpigi district. The cases in this district were spread all over the Sub-Counties, leaving the researchers with no option but to go to all Sub-Counties to follow up the 23 cases from the district records.

In total 62 targeted women beneficiaries were interviewed but 29 cases were identified as appropriate to the objectives of the research.

Wakiso district was carved out of Mpigi district. The district was created in 2000 and started receiving cases from the Administrator General's Office in 2003. Before then, the cases were handled by the Chief Administrative Officer (CAO's) office in Mpigi district.

This was also one of the reasons why Mpigi district was included on the project area so as to enable the team trace some of these cases handled before 2003.

Twenty-nine (29) beneficiaries of the AGO services were interviewed in the two districts to establish how the practices of the AGO translate into women's control and ownership of land. In addition, two (2) Chief Administrative Officers from the two respective districts and nine (9) Sub-County Chiefs were interviewed on their roles and perspectives of how women beneficiaries of land through the AGO accessed and retained their inherited land.

DESCRIPTION OF THE DATA COLLECTING INSTRUMENTS

The research team developed several instruments that enabled it to collect the required information from the targeted groups of people. The instruments included the following:

An interview Guide

An interview guide was developed and used to collect information from the identified women for the study in the two targeted districts. The interview guide included the following variables: The personal profile (Age and relationship to the deceased), Gender of beneficiaries, Relationship of the beneficiaries to the deceased, Who is in charge of the land acquired, Who is using the land, Reasons for going to the AGO, Whether the case was concluded or not, Person who makes final decisions over the land, challenges faced, Views on how the AGO handles cases and how services of the AGO can be improved.

3.3 Figure 4 Questionnaire used to collect information that was used for the study

PARTICULARS OF THE RESEARCHER		
Name of Researcher		
Date of interview		

LOCATION OF THE ESTATE				
Sub county				
Parish				
village				
PARTICULARS OF THE RESPONDENT(S)				
			Tel:	
1. Full names	2. Sex 1. Male 2. Female	3. Age	4. How were you related to the deceased? 1. widow(er) 2. son 3. Daughter 4. father/mother 5. Grandson 6. sister/Brother 7. Parent 8. Other (indicate)	5. Tel contact
PARTICULARS ABOUT THE DECEASED				
6. ¹ Full names				
7. Age at death				
8. Sex				
9. Religion				
10. Was the deceased married in church/civil court?				
11. When did XXXX die?				
12. What was the cause of death?				
13. Did XXXX leave a will? (circle one)		1. Yes 2. No		

¹ Women's gains from implementation of succession law in Uganda. Voices from Wakiso and Mpigi district

14. Full names (begin with 1 st respondent)	15. Sex 1. Male 2. Female	16. Age	17. How were you related to the deceased? 1. Son 2. Father/Mother 3. Grandson 4. Sister/brother 5. Parent 6. other	18. Tel Contact
All the widows (begin with one in church/court)				

19. How many pieces of land did the deceased have?

20. Give details about the land

Pi ec e N o.	21. Location	22. How big? (record as stated)	23. Who is in charge of this piece? 1. Children Male 2. Children female 3. all children 4. Widow (s) 5. Parents 6. Son to deceased 7. Other(specify)	24. Who is currently using this piece of land? 1. children male 2. children female 3. All children 4. widow (s) 5. Parents Others (specify)
1.				
2.				
3.				
4.				
5.				

INTERACTION WITH OFFICE OF THE ADMINISTRATOR GENERAL

25. What was the reason for approaching the AGO?

26. What is the case file number assigned to your case at the AGO?

27. Has the case been concluded? 1. Yes 2. No

28. Please explain why you think so.

29. Who is currently in position to make final decisions over the estate? (Full names)

30. How is s/he related to the deceased?	1. Child Male	
	2. Child Female	
	3. All children	

	4. widow	
	5. Parents	
	6. Others (Specify)	
31. What are your views on how the AGO handles cases like yours?		
32. What do you think should be done differently by the AGO in handling of cases (services)?		

Focus Group Discussion (FGD)

A focus group discussion guide was developed and used to collect information from the Sub-County officials. The FGD guide was used to interview nine Sub-County Chiefs from the two districts. The FGD guide included the following variables: The relationship between the chief and that of the CAO in handling cases from the AGØ office, Period when the chiefØ office started handling cases from the AGØ office, Procedure used to handle cases from the AGØ office, How women have benefited from the AGØ office, Challenges faced in handling cases from the AGØ office, Measures in place to mitigate the challenges, Monitoring and feedback systems in place for the AGØ office, What can be done to improve the chiefØ officeØ handling of the cases from the CAOØ office and the AGØ office.

THE ULA & UMWA FOCUS GROUP DISCUSSION GUIDING QUESTIONNAIRE THAT WAS USED TO INTERVIEW THE CHIEFS IN THE TWO DISTRICTS

1. What is the relationship between your offices and that of the CAO and the AGØS ?
2. When did you start handling cases from the AGØS office ?
3. What steps /Procedure do you use when handling the cases from the CAOØS office ?
4. Do you think women have benefited from your services in as far as the deceased distributed property in particular land is concerned ? If yes how how ? If no why ?
5. What challenges do you face during the execution of your tasks at all level ?
6. What measures have you put in place to over come the challenges you are facing ?
7. Do you have a monitoring system for the cases that you handle ?
8. Do you get feed back after your intervention ?
9. How do you rate the relationship between your officers, that of the CAO and the AGØS ?
10. What do you think can be done different to improve on your services and those of the AGØS office ?
11. Do you have any question for the research team ?

In-depth interview guide

An in-depth interview guide was developed, which was used to collect information from district officials in the two districts. The in-depth interview guide was used to collect information from the Chief Administrative Officers of the two study districts. The in-depth interview guide included the following variables: The relationship between the CAO's office and that of the AG, Period when the CAO's office started handling cases from the AG's office, Procedure used to handle cases from the AG's office, How many women have benefited from the CAO's office and the AG's office, Challenges faced in handling cases from the AG's office, Measurements in place to mitigate the challenges, Monitoring and feed back systems in place for the AG's office and what can be done to improve the chiefs office handling of cases from the CAO's office and the AG's office.

THE ULA & UMWA INDEPTH INTERVIEW GUIDE USED TO INTERVIEW THE CHIEF ADMINISTRATIVE OFFICERS IN THE TOW DISTRICTS

1. What is the relationship between your office and that of the AG?
2. What is the relationship between your office and that of the sub-county chiefs?
3. What is the role of your office regarding the mandate of the AGO?
4. What steps does your office take when your office receives communication /letters form the AGO?
5. Have the women I the communities / at grass root benefited from the AGO and your office services? If yes how? If no why?
6. What challenges does your office face when executing tasks from the AGO?
7. What measures have you put in place to overcome the challenges?
8. What can be done differently to improve the AGO services?

RESULTS FROM THE QUESTIONNAIRE USED IN THE COMMUNITIES

Reasons for approaching the AGO:

20 respondents interviewed in the two districts reported that they went to the AGO to acquire letters of no objection and letters of administration in order to change the names of the deceased from all relevant documents to the names of those persons granted letters of administration.

Halting transactions on land:

5 respondents opted to go to the AGO to stop their relatives from transacting business on the land before it is legally distributed among all the beneficiaries.

Withdrawing money from the Bank and processing:

2 respondents reported to have gone to the AGO in order to be granted authorization to withdraw money from the deceased's bank account to utilize it and finish the deceased graves and other went in this office to acquire letters to help them process

Processing payments and pension Benefits:

The results indicate that 2 out of the 29 respondents went to the AGO to acquire the letters that would help them to process payments and pension benefits of the deceased on behalf of the beneficiaries.

Cases concluded:

It was realized that eight cases had been concluded and seven had not been concluded and some of these opted for other means in the process of seeking justice in the AGO.

Persons who make the final decisions concerning the land:

21 out of the 29 respondents mentioned that all the children are consulted to come up with a final decision concerning land. They make consultations with all the whole family if one intends to use the land.

10 out of the 29 respondents mentioned that children (of deceased) make the final decisions.

3.4 Challenges faced with the AG

None:

19 out of the 29 respondents mentioned that the procedure in the AGO's office of acquiring the letters of no objection and the administration letter was fine.

Sale without consent:

16 out of the 29 respondents mentioned that the persons who acquired letters of administration went ahead and sold off the land without their consent or without consulting them.

Process expensive:

12 out of the 29 respondents mentioned that much money was required to process and acquire the letters of administration.

Lack of proper documentation on land:

18 out of the 29 respondents mentioned that there was no proper documentation to back them as beneficiaries of their land.

Views on how AGO handles Cases:

Intervention helpful:

24 out of the 29 respondents mentioned that the intervention was helpful.

Operations take long and are expensive:

12 out of the 29 respondents mentioned that the operations in the AGO take long and are expensive.

How AGOS services can be improved:

Reduce bureaucracy:

25 respondents out of the 29 mentioned that the process of acquiring the letters of administration should be shortened. This can be done by ignoring the 'Red tape'

Local language should be used:

22 respondent out of the 29 respondents interviewed mentioned that there is need to use all languages to enable the illiterate to state their claim.

No necessary changes: 10 respondents out of the 29 mentioned that the process was fine and it did not need reform

Reduce amount required:

12 respondents out of the 29 interviewed mentioned that there is need to reduce on the money that is requested for in the different transactions.

The interview guides (Transcribed pieces of recorded narratives)

Interview guides were used to collect narratives from the identified women. Narratives were collected from seven women respondents in both districts. The respondents were selected from the 17 women who were followed up by the team to their location. The selection of the women to collect narratives from was based on the interesting testimonies that the women gave during the interviews that were conducted using the interview guides. The variables considered in the interview guide included: Challenges to the women's control of the inherited land, Parties threatening their access and control, Plots to deny women their land rights (Access and Control), Who are the collaborators in denying women their rights, Defense mechanisms (Agency), Supporting entities (Persons and institutions), and outcome of the case.

Procedure for selecting the rightful beneficiaries for the research

The research team paid courtesy call / visits to the CAO's offices and held discussions with the Deputy Chief Administrative Officers. The aim of the visits was to introduce the project, its aims and objectives. In addition, the visits were also aimed at building a working relationship between the district and the two organizations that are carrying out the research.

Discussions were also held with the Deputy Chief Administrative Officer (DCAOs) of Wakiso and Mpigi who briefed the team on the relationship between her office and the Administrator General's Office, and the general operations of the office regarding succession issues. The DCAOs authorized the team to access the information and to work with the Records Offices where the relevant information was obtained. Further discussions were held with the four Records Officers in each district to establish the best way of identifying the possible respondents that would be traced in the community from the district records.

Based on the discussions the team had with the Records Officers, it was realized that it would not be easy to locate the sample cases obtained from the AG's office in the district records due to the manual filing system. These initial visits were followed by consultations with MISR where it was agreed that the research team embarks on fresh analysis at the district to identify the additional possible respondents in order to increase the sample size. It was also decided that at the time of tracing the respondents, the team would also include the cases analyzed from the original study that was conducted by ULA.

Sample selection criteria

In Wakiso, the research team selected a criteria basing on the numbering of the cases as follows;

- 2003 & 2004: The team selected every 12th case in each of the file i.e. 12, 24, 36, 48, 60, 72, 84, 96, 108, & 120.
- 2005 ó 2007: We randomly selected 5 files per year and out of these files, we selected the 25th number from each of the files i.e. 25, 50, 75, 100.
- Where there wasn't enough documentation on the selected cases, the researcher used his/her discretion to select the next/ nearest relevant case either before or after.

In Mpigi, the research team used a criteria basing on the numbering of the cases where every 5th case in each of the file was selected i.e. 5th, 10th, 15th, 20th, 25th, 30th cases respectively.

Below is the tool that was used to obtain the people who were selected for the study from the district records office.

3.5 Figure 5; THE DATA CAPTURING TOOLS USED AT THE DISTRICT

File Volú í í í í í í í í í . Date openedí í í í í í í í í í .. Date closedí í í í í í í í í í ..

Record No.	Name of deceased	Reported date of death	Sex
S/C	Parish	village	
Remarks: (Availability of widow, No. of children, any girls? AG's decision:			

File Vol# _____ Date opened _____ Date closed _____

Record No.	Name of deceased	Reported date of death	Sex
S/C	Parish	village	
Remarks: (Availability of widow, No. of children, any girls? AG's decision:			

Phase II:

Record No.	Name of deceased	Reported date of Death	Sex
S/C	Parish	Village	
Particulars of beneficiaries Surviving biological children (indicate Ages):			
Particulars of other dependants: (sex and relationship to deceased)			
Particulars of deceased's Estate/ land			
Name and Contact of person granted letters of administration.			

Phase II:

Record No.	Name of deceased	Reported date of Death	Sex
S/C	Parish	Village	
Particulars of beneficiaries Surviving biological children (indicate Ages):			
Particulars of other dependants: (sex and relationship to deceased)			
Particulars of deceased's Estate/ land			
Name and Contact of person granted letters of administration.			

The table below shows the categories of the participants interviewed in the two districts and their totals

Category	Wakiso District	Mpigi District	Total	
Chief Administrative Officers (CAOøS)	1	1	2	
Chiefs	3	6	9	

Women Beneficiaries	16	13	29	