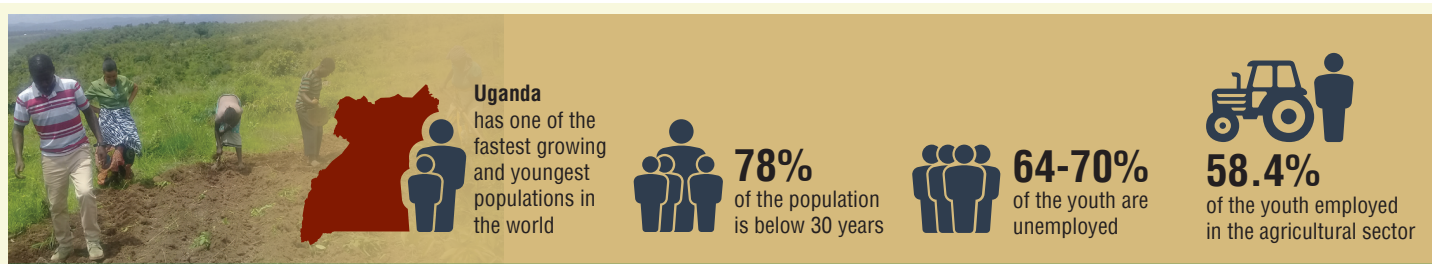


Implication of limited access to and control over land on youth participation in agriculture



Key Message

The Government of Uganda through policies, strategies and laws such as the Land Act (1998) and its 2004 and 2010 amendments, the Constitution of Uganda (1995), the National Land Policy (2013), National Development Plan II-NDPII (2015/16-2019/20), Vision 2040, among others has made endeavors to streamline the land process and secure the tenure, ownership and access of land for use in development and settlement.

However, this has not adequately addressed the issue of land access, ownership and security of tenure with increasing landlessness and land poverty, underutilization and scrambling over communal lands, discrimination of women and youth in accessing land; inadequate land administration services especially

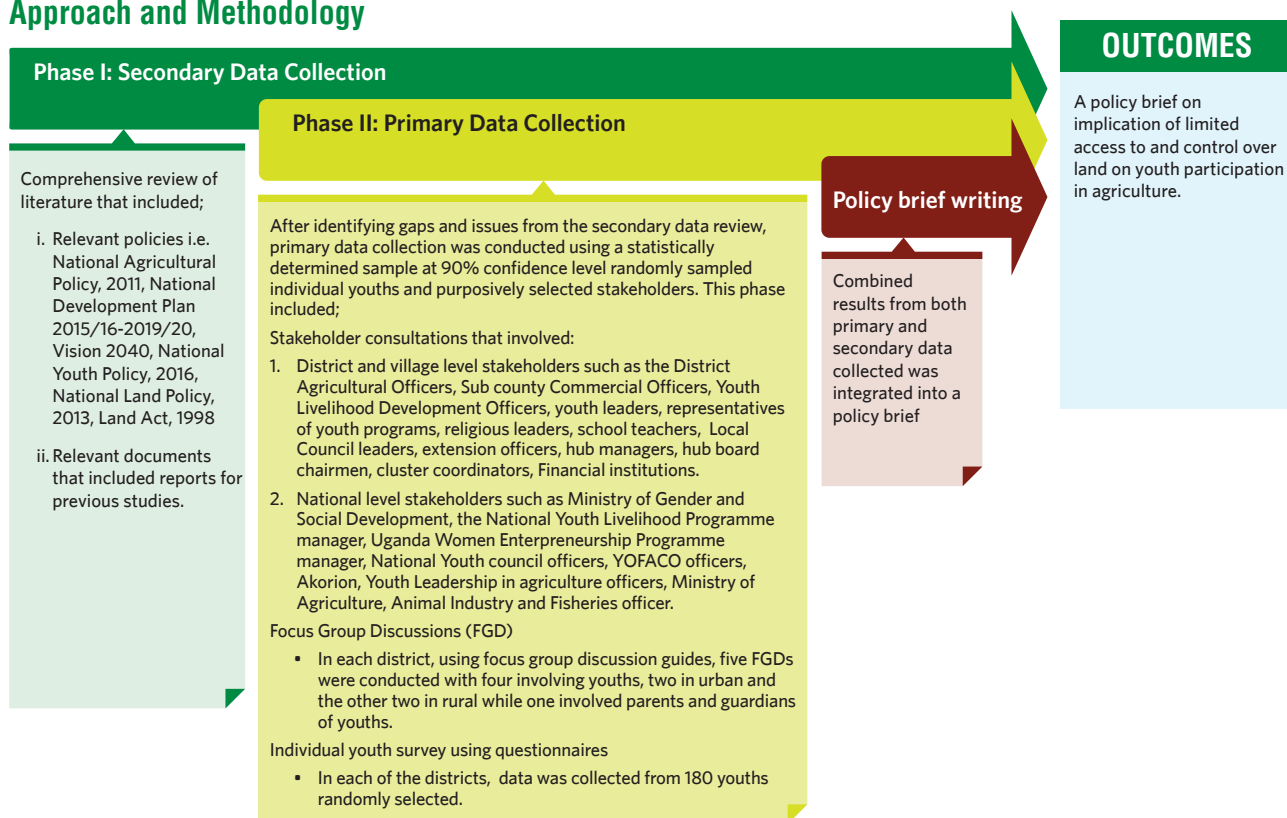
land dispute resolution, poorly functioning land sales and rental markets (NDP II). This is attributed to inadequacy of existing policies and legislation (with limited focus on enabling youth access and control), poor policy implementation, lack of intersectoral coordination and cooperation, inadequate awareness, corruption, unclear processes, increasing pressure on land as a result of population growth, disorderliness in most of the country's land registries with cases of double certificates of title over the same piece of land, long time of conveyance observed, political interference (The Monitor, 2017) and inadequate institutional capacity. This affects engagement and investment in developmental projects such as commercialization of agriculture, for instance by youths and thus calls for policy interventions to reduce or mitigate these issues as suggested in this brief.

Gap/Issue	Recommendations	Government Role	Role of EAYIP and other non-state actors
Long process of legalizing land.	<ul style="list-style-type: none"> National Land Policy reform to shorten the process of legalizing land. Reactivate and reinforce the subcounty and parish Land committees. 	Fast track the recommendations.	Advocacy.
Public unawareness about the land legislation and rights.	Sensitization and public awareness campaigns.	Provide resources and support for sensitization.	Sensitization of the public especially youths.
Discrimination against youths and women in access and ownership of land.	<ul style="list-style-type: none"> Sensitization and public awareness campaigns Amend the Succession Act (cap 162) to provide for the right to succession and inheritance of family land by women as was attempted in the pending Succession Act 2011 and right to succession and inheritance of family land by children. 	Provide resources and support for sensitization.	Awareness campaigns especially targeting parents, cultural and community leaders.
Insecure tenure: Majority of the land is not registered and is untitled.	<ul style="list-style-type: none"> Sensitization especially among the "lawful and bonafide occupants" to get certification of occupancy as well as those under customary tenure to obtain certification. Reactivate the subcounty and parish Land committees. Reservice the Land Fund as provided in the Land Act. 	Provide the funding, support and the regulatory mechanisms.	Advocacy and sensitization of the public especially youths and their parents on land legalization processes.
Inadequacy of land available to youths- Missing focus on youth access to land.	<p>Policy reform: to set aside land for youth development projects such as agriculture per district and sub county.</p> <p>Promoting constructive partnerships between youth associations and the District Local Governments or religious institutions to avail land for block farming by the youth.</p>	Direct and mandate the District Land Board to allocate land for youth development projects since it is in charge of holding and allocating land not owned by anyone in the district.	<p>Advocacy.</p> <p>Provide institutional support for creating and managing partnerships.</p>

Background

Uganda has one of the fastest growing and youngest populations in the world with about **78%** of the population below the age of thirty (Ahaibwe et al, 2013) and **20.6%** between **15 and 24 years** (UBOS, 2016). This section of the population faces a major challenge of unemployment estimated at **64% to 70%** with about **400,000** youths released annually into the job market to compete for approximately **9,000** available jobs (Magelah and Ntambirweki-Karugonjo, 2014). The agricultural sector is a potential sector to combat this challenge since it employs approximately **58.4%** of the youth (Deloitte, 2016; UNCDF, 2016) and majority of the youth reside in rural areas where the potential for creating employment lies in enhancing rural farm and non-farm activities (MoFPED, 2011). However, one of the factors reported to curtail youth engagement in agriculture is limited access to productive resources (Konrad-Adenauer-Stiftung & Young-Leaders-Think-Tank, 2015). Of these productive resources, land was mentioned as a key determinant of participation in agriculture. The issue of access to and control over land still lingers although several policies and legislations have been enacted and established, this could be due to inadequacy of existing policies and legislation (with limited focus on enabling youth access and control), poor policy implementation, lack of intersectoral coordination and cooperation, inadequate awareness and information, corruption, unclear processes, increasing pressure on land as a result of population growth, inefficiency, disorderliness in most of the country's land registries with cases of double certificates of title over the same piece of land, long time of conveyance observed, political interference.

Approach and Methodology



Magnitude of the problem

Land serves more than just a productive asset and is often used as preferred collateral in the credit market. Despite the government effort to streamline land related matters (through the National Land Policy), land tenure issues continue to impede many youths from engaging in agriculture, with the majority of youth using land without exclusive ownership rights. For instance, Ahaibwe et al., (2013) reveals that 67% of the land owned by farmers in Uganda is under customary tenure systems, and about 70% of the youth headed households use land under this tenure system. This is confirmed by the Vision 2040 that mentions that only 20% of the land in Uganda is titled and 80% is under customary tenure system. This not only limits their investment on the land but also their access to finance secured against land title deeds. The inability by youths to strengthen their investment position in the agriculture is a catalyst to the push factors of the youth out of agriculture (Konrad Adenau Stiftung, 2015). Kilimo Trust (2017) reveals that about 83% of the youths interviewed in Bugiri, Amuria, Luwero, Wakiso, Ngora and Kiboga had access to land for use in agriculture, however, they had limited control over this land since most of this land is either owned by parents or hired.

Youths attributed the limited access and control over land to the following;

▶ Long process of legalizing ownership of land.

A stakeholder in Amuria District reported that farmers have not taken the process of registering and acquiring land titles seriously but still if this is taken serious, the youths may not have the resources to follow up on land title processing since it requires a lot of paper work, time and is bureaucratic.

▶ Gender discrimination against youths and women in owning and inheriting land: World Bank (2014) reports that improving access to land by women in Uganda can help wipe out the 17% edge that men have over women in terms of value of agricultural output.

Stakeholders in Ngora and Amuria Districts, reported that in Teso Sub region, the cultural practice frustrates youth participation in agriculture since land is mostly allocated to men preparing to marry

but those who are not are supposed to keep working for the family. Meanwhile, for the girls, they are not supposed to be allocated land in their families as they believe that their land lies where they are going to get married.

Similar voices were echoed from the stakeholders from other districts such as Wakiso, Kiboga Luwero and Bugiri.

▶ Insecure tenure- Evictions from land:

A stakeholder from Luwero District reported that land grabbing is on rise because of corrupt officials that take advantage of the fact that majority of people in Uganda have not legally registered their land thus have no titles.

Godfrey, a young farmer from Ngora reported that ownership of land in the entire village where he resides is being claimed by the church, yet they have lived there for generations- so the people in the community do not have much land to use in agriculture.

▶ Limited available land leading to land fragmentation:

Among the interviewed youths, each had access to less than 2 acres of land for use in agriculture.

Lutaya Dauda, a youth from Luwero district reported that most of the land in the district had been subdivided into small plots for sale to people to construct residential houses, which takes up most of the land that was previously allocated to agriculture.

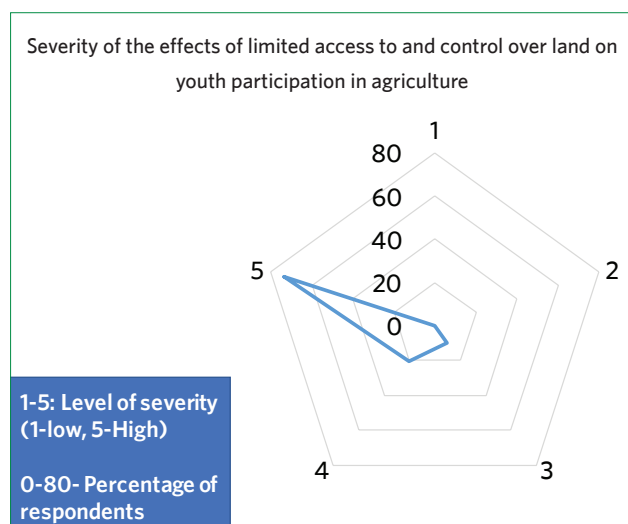
▶ Other factors included unawareness of the youths about their land rights, corruption, land legalization process and legislations as well as reluctance of parents to pass on land ownership to their children.

Some of the interviewed parents voiced that they delay transferring land ownership to their children for fear of them selling it off land to purchase boda bodas.

The limited access to adequate land and control over land was reported to have significant effect on accessing and utilization of other productive resources/assets such as finance, adoption of agricultural mechanization and has resulted into prioritization



of early maturing crop enterprises by the youth. To understand the relative importance youths attach to land, most of the youths interviewed and stakeholders consulted responded that land access and ownership severely affects extent of youth participation in agriculture.



Source: Kilimo Trust (2018)

Responses from youths, key informants and focus group discussions indicate that improved access to and control over land will result into increased production, use of mechanization which in turn increases profits. Large farm sizes are reported to make farming much more economically viable for the farmers by enabling them to reap economies of scale and bring in use better and cost-effective technologies (Ahaibwe et al., 2013).

National policies, plans and laws relevant to land, youths and agriculture

The Constitution of Uganda 1995 vests land in Uganda in the citizens to be owned under freehold, mailo (quasi-freehold), leasehold and customary tenure as well as provides for exceptions under which a person can compulsorily be deprived of his or her property specifically land and these include public safety, public order, morality and for health reasons. Article 26 provides for the right to own property by an individual or a group and Article 237(4) empowers all Ugandan citizens owning land under customary tenure to acquire certificates of customary ownership in respect of their land in a manner prescribed by legislation.

National Land Policy, 2013: bases on two major objectives that is: (i) to re-orient the land sector in national development by articulating management coordination between the land sector and other productive sectors in the economy; and (ii) to enhance the contribution of the land sector to the social and economic development of the country. It recognizes four land tenure systems that include customary, mailo, freehold and leasehold considering the rights of both owners and occupants. The policy highlights the importance of equal access and ownership of land for men, women and children. The key issues outlined in the policy include: creation of a customary register to facilitate registration of customary rights; enhancing control and strengthening women's and children's land rights; decentralization of land services by bringing land services

nearer to the populace to make them more efficient, cost-effective and accessible; reinstitution of administrative Land Tribunals to handle escalating land conflicts and land evictions; legal recognition of the dual operation of both customary system and statutory system in land rights administration as well as land dispute resolution and land management by empowering customary authorities to perform their functions. However, the gap exists in the missing focus towards youths as well as the poor implementation of the core strategies and objectives.

National Land Act, 1998, Amended in 2010: This Act was passed to provide for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental. The Land Act (1998) prioritized the security of tenure of the lawful or bonafide occupants of mailo land, freehold or leasehold land and decentralized land administration to District Land Boards and other district and sub-county structures, namely the District Land Office and Land Registry, the District Land Tribunal and the Sub-County Land Committee however, due to cost implication and resource constraints, these were limited to district level. The 2004 amendment focused on the protection accorded to women and the family. This act establishes customary tenure, like freehold tenure, to entail ownership of land in perpetuity and reiterates the constitutional right of individuals, families or communities owning land under customary tenure to apply for a certificate of customary ownership in respect of their land and recognizes customary rules as authoritative only if they are in line with the rights of women, children and persons with disabilities (PWDs), as set out in Section 27 of the Act. Despite of this inclusion, women and youths are still discriminated and majority of the land under customary tenure is not registered. The Land Act also established the Land Fund under Section 41 to, among others, to increase security of tenure among land occupants through purchase of ownership rights however, the fund has not been sufficiently and regularly stocked and at the same time there are claims that the little which has been deposited in the fund has only benefited the few selected without transparent criteria (Nakayi, 2017). The provisions in this Act have not increased resilient to and reduced cases of land grabbing in the country.

The National Youth Policy, 2016 is the country's main policy that explicitly targets youth and provides strategies towards addressing their key issues as well as engagement in national development. The goal of this policy is to provide a framework for harnessing the full potential of the youth for improved productivity and equitable socio-economic and political development; this is to be achieved through these objectives, i) to improve youth accessibility to quality services, ii) to enhance the productivity and employability of youth for sustainable livelihood, iii) to promote equitable participation in decision-making processes that impact on youth and community at all levels and iv) to promote effective coordination and programming of youth interventions at all levels. In regard to land access, the policy does not include strategies to enable youth access and use land as one of the key productive resources.

Vision 2040: sets out the goals and targets to be achieved to realize the desired socioeconomic transformation in Uganda. The vision is "A trans-formed Ugandan society from a peasant to a modern and prosperous country by 2040". It envisages changing from a predominantly low income to a competitive upper middle-income country within 30 years and reach a per capita of USD 9,500 by 2040. The Vision recognizes agriculture as a strategic opportunity that needs to be harnessed by strengthening the relevant

fundamentals capable of maximizing returns to the economy. It aspires to transform the agriculture sector from subsistence farming to commercial agriculture. The vision acknowledges land use and management as one of the fundamentals for achieving the transformational goal. Although it does not explicitly mention how youth engagement and access to productive resources is to be achieved, some of its strategies target improvement of access to land such as making land reforms to facilitate faster acquisition of land for agricultural commercialization among other developments; the freeing up land for mechanized and commercial agriculture; ensuring reversal of land fragmentation; computerization and automation of the Land registration system; activation of land tribunals to provide redress for people or organizations that will feel aggrieved in land matters and addressing challenges faced by women, the minority groups and other marginalized groups in accessing and using land for production through land reforms and domestic relations laws and programmes. However, implementation of these strategies has been weak with land disputes escalating as well as fragmentation and other related issues.

National Development Plan II (2015/16-2019/20): aims for Uganda to attain middle income status by 2020 through strengthening the country's competitiveness for sustainable wealth creation, employment and inclusive growth. One of its priority areas is promoting sustainable land use and soil management. It acknowledges the fact that there is discrimination of women and youth in accessing land in the country and security of land access is important as a pre-condition for the expansion of production and diversification of economic opportunity. In regard to streamlining the land legalization process, through this plan, Government will, in addition to providing highly reliable land information, ensure the land market operates formally and uniformly throughout the country, land acquisition is driven purely by market forces, within the framework of the zoning laws and with minimum distortion, a nationwide systematic land demarcation and survey program is conducted that will formally title the remaining 80% of the land, mostly under customary tenure system, a planned urbanization policy will be pursued to bring about better urban systems that enhance productivity, liveability and sustainability while releasing land for commercial agriculture.

National Agriculture Policy, 2011: The overall objective of the policy is to promote food and nutrition security and household incomes through coordinated interventions that focus on enhancing sustainable agricultural productivity and value addition, providing employment opportunities, and promoting domestic and international trade. This policy acknowledges the need for youth participation in agricultural programs and this is to be actualized through community mobilization and empowerment. One of the objectives of the policy is to ensure sustainable use and management of agricultural resources under which land use in agriculture is to be promoted.

The major gaps in these policies and legislations are the fact that they do not specifically target youth and youth interventions even in their strategies except for the National Youth Policy, 2016; there has been poor implementation of the set strategies which could be a factor of inadequate resources and institutional capacity, poor intersectoral coordination, and general system inefficiencies.

Conclusion

Limited access to and control over land is a major constraint to youth participation in agriculture that severely affects their output, scale of production and extent of involvement in agriculture. Addressing this challenge is likely to enhance youth participation in agriculture and this requires both government, private sector and individual interventions. This is one of the areas where EAYIP can intervene especially through policy advocacy and sensitization.

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