



YOUTH AND LAND GOVERNANCE IN UGANDA: ISSUES AND RECOMMENDATIONS

2023

Partners

National Land Coalition Uganda

National Land Coalition Uganda (NLC) is a multi-stakeholder platform which brings together various local and international organisations, private sector and research institutions working on land and natural resource governance in the Uganda. It has a membership of over 35 organizations. The coalition is hosted by Land and Equity Movement in Uganda (LEMU). LEMU manages the NLC grants and hosts the NLC secretariat. The goal of the coalition is to promote people centred land governance through policy and practice change in adherence to Uganda's Vision 2040.

Uganda Community Based Association for Women and Children Welfare (UCOBAC)

Uganda Community Based association for Women and Children Welfare (UCOBAC) is a non-governmental organization in Uganda whose mission is to improve welfare of vulnerable women and children in Uganda using community-based initiatives.

UCOBAC is a member of the International Land Coalition (ILC) which aims at promoting people centred land governance. At regional level, UCOBAC is engaged in ILC's Commitment Based Initiative (CBI) – 4 which focuses on policy, law reform and practice advocacy aimed at creating an African society where women and girls enjoy de facto and de jure rights on land and land-based resources including equal representation in related decision making. At National level, UCOBAC is a member and chair of ILC's National Land Coalition (NLC) in Uganda which is an advocacy platform for collaborative and multi stakeholder engagement for influencing land policy and law reform, formulation and implementation. UCOBAC is also the thematic lead of the Gender, Land, and other Vulnerable Groups thematic area of the NLC.

Youth Plus Policy Network Uganda (YPPN)

The Youth Plus Policy Network Uganda (YPPN) is a non-profit organization that was established in 2015. YPPN is a youth-led network which aims to promote and advocate for the inclusion of young people in policy development and implementation processes in Uganda. The organization was founded by a group of young people who felt that their voices were not being heard in policy debates and decision-making processes. YPPN's vision is to create a world where young people are actively engaged in policy development and implementation processes. YPPN's mission is to mobilize and empower young people to influence policy processes at all levels. The organization aims to achieve this mission by engaging in research and advocacy, building the capacity of young people to engage in policy debates, and promoting youth-led policy initiatives. YPPN is a member of ILC's NLC.

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Executive Summary

This position paper details the situation analysis of youth in land Governance in Uganda. The paper highlights the specific aspects hindering ownership, control and utilization of land for the youth and proposes policy practice recommendations to address this issue. Given the approach of the assignment being desk review based, Uganda Community Based Association for Women and Children Welfare (UCOBAC) and Youth Plus Policy Network Uganda relied heavily on existing literature review addressing the issue at hand.

Youth land rights are often overlooked and their role in decision making processes hardly recognized. These vulnerable people are usually denied rights or have very limited rights. These include denial of access to land and people trespassing onto their land due to their vulnerability.

Yeboah et.al (2019) contends that access to land and subsequent security of tenure are fundamental for young Africans to engage in farming and will significantly shape their livelihood options. Uganda's population especially the rural based citizens predominantly engage in agriculture to support their livelihoods; this makes land a key productive natural resource to which all persons irrespective of their socio-economic characteristics need to have access to for survival. In Uganda, intergenerational struggles between the youth and elders are witnessed in social, political and economic spheres, (The Observer, 2015). A number of cross-cutting issues interact with practices, systems, institutions, communities and individuals during land governance. Many of these issues do not directly relate to land but present challenges for land governance. Such issues include: ethnicity, gender, youth participation, climate change and environmental protection, among others.

Access to land is often cited as one of the barriers that restricts the ability of young people to be productive participants in the agricultural system. Most governments in Africa, have laws & customs governing access to land, and these legal statutes do not consider or protect the land rights of the youth. Rural youth in Africa have traditionally acquired land through inheritance under customary tenure systems. However, there are limited sources that provide a framework for youth views and participation in land governance, both in academic and applied documentation a gap this analysis sought to assess, in part. This will go a long way in proposing ways to promote inclusion of the youth access, utilization, control and management of land rights and programming in Uganda.

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List of acronyms

ALC	Area Land Committee
CESCR	Committee on Economic, Social and Cultural Rights
DLB	District Land Board
FAO	Food Agricultural Organization
NLC	National Land Coalition
SDGs	Sustainable Development Goals
IANYD	Inter-Agency Network on Youth Development
ILC	International Land Coalition
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
UBOS	Uganda Bureau of Statistics
UCOBAC	Uganda Community Based Association for Women and Children Welfare
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization.
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN	United Nation
VGGTs	Voluntary Guidelines on the Responsible Governance of Tenure
WHO	World Health Organization
YPPN	Youth Plus Policy Network

CHAPTER 1: INTRODUCTION

1.1 Background

The NLC Uganda Strategy prioritizes youth as one of the vulnerable sections of the Ugandan society with unique needs in the context of land governance. Besides being the largest demographic, youth are also energetic and can provide critical labour force needed to enhance agricultural productivity in an agrarian country like Uganda. However, youth's land rights remain a mystery in Uganda owing to several social, economic and political factors.

It is against this background that UCOBAC, as the Lead Partner for the Working Group on Gender, Land, and other Vulnerable Groups at NLC Uganda undertook this research. The paper analyses the nexus between youth and land governance in Uganda. It is arranged in four chapters. The first chapter is introductory in nature and provides the context, objectives, and research methodology. Chapter two traces the theoretical and legal basis of youth and land governance in Uganda, and places emphasis on the human rights angle to these claims. It also discusses the significance of youths' land rights and highlights some of the challenges youth encounter when asserting their rights. The third chapter identifies some emerging issues and proposes a raft of policy and practice recommendations for the attention of various stakeholders.

1.2 Context of the Study

Across the world, the estimated population of youth (15-24 years) stands at 1.2 billion which accounts for 16% of the global population.¹ Existing literature suggests that 87% of the world's youth "live in developing countries."² Demographic estimates in Africa signify that 70% of the continent's population are below 30 years. And by 2020, with a median age of 19.7, "Africa's population is already the youngest" globally.³ This is reflective of the context in Uganda too. With an estimated total population of 49,698,911 people and a median age of 16.7 years,⁴ Uganda is arguably one of the youngest countries on earth.⁵ It is estimated that on the whole, 76 percent of the population is below 30 years of age.⁶ Unlike the United Nations, Uganda's threshold for youth is all young persons, female, and male aged 18-30 years.⁷

In a largely agrarian country like Uganda, access to, use and control over land becomes critical for young people in their attempts at earning a living in agriculture especially in the

¹ UNESCO, 'UNESCO with, by and for Youth' (*UNESCO*, 2020) <[² Priscilla Li Ying and Isidora Markicevic, 'How Responsive Is Your Land Programme To the Needs of Youth? Guidebook on the GLTN Youth and Land Responsiveness Criteria.' 44.](https://www.unesco.org/en/youth#:~:text=According to the World Youth,a priority group for UNESCO.>.</p></div><div data-bbox=)

³ By Camilla Rocca and Ines Schultes, 'Africa's Youth: Action Needed Now to Support the Continent's Greatest Asset' 1.

⁴ Worldometer, 'Uganda Population (LIVE)' (*Worldometer*, 2023) <[⁵ United Nations, 'Common Country Analysis-Uganda' 1.](https://www.worldometers.info/world-population/uganda-population/>.</p></div><div data-bbox=)

⁶ *ibid.*

⁷ Ministry of Gender Labour and Social Development, 'National Youth Action Plan' 57.

rural areas.⁸ Besides being a prerequisite for engagement in agriculture, land is also an inherent source of food security and income generation.⁹ With their energy, zeal and innovation, youth can be highly productive and effective in national development and socio-economic transformation given access to productive resources such as land, finance, digital and other technology related resources, both in rural and urban areas. Whereas several other sectors have significantly progressed in advancing youth-inclusive decision making and policy development, there exists a huge room for improvement in the land sector in as far as advancing the interests of youth is concerned.¹⁰ Available literature indicates that in Uganda, the land rights of the youth are “often overlooked and their role in decision making processes is hardly recognised.”¹¹

This publication explores the intersection between youth and land governance in Uganda. It clarifies the conceptual and normative underpinnings of youth and land governance as well as shines a light on the unique challenge’s youth encounter in their quest for their land rights and participation in related governance processes. It ends with proposals for policy and practice reform addressed to various actors.

1.3 Research Objectives

The objectives of the study are to:

1. To examine the conceptual and legal basis of youth and land governance.
2. To highlight the barriers to enjoyment of land rights and inclusion of youth in land governance in Uganda.
3. To identify key stakeholders and influencing opportunities for enhancing youth-inclusive land governance.
4. To propose recommendations for advancing youth-inclusive land governance in Uganda.

1.4 Research Methodology

The study adopted a qualitative methodology which entailed a desk review of primary legal texts and secondary literature on youth, land rights and land governance. It reviewed literature on the conceptual understanding of land governance and the need for inclusion of youth. It highlighted the various relevant legal and policy frameworks as well as the obstacles hindering youth participation in land governance. The research reviewed various human rights texts including United Nation (UN) Declarations, Conventions, and other human rights instruments. Secondary data was sourced from academic books and journals, websites as well

⁸ Charlotte Geomans, ‘Access to Land’, *Youth and agriculture: Key challenges and concrete solutions* (FAO 2014).

⁹ *ibid.*

¹⁰ Li Ying and Markicevic (n 2).

¹¹ John Bosco Otim, George William Itiamat and John Ilima, ‘AN ASSESSMENT ON ENHANCING AWARENESS OF LAND RIGHTS OF THE YOUTH IN ACHOLI SUB REGION’ (2017).

as government and civil society reports, and publications. All the diverse materials provided a strong theoretical, legal, practical and contemporary footing to the report.

CHAPTER 2: YOUTH AND LAND GOVERNANCE: CONCEPTUAL AND LEGAL LENS.

Peace, economic dynamism, social justice, tolerance, all these and more depend on tapping into the potential of youth.

António Guterres
Secretary General, United Nations¹²

This chapter examines the concept and legal framework of youth and land governance from a global, regional and national lens. The analysis outlines supportive provisions for youth inclusion generally and in the land sector specifically. It will make a case for youth land rights and highlight the discrepancy between the normative aspirations and the lived reality of youths in Uganda in the last section.

2.1 Revisiting the Concept of Land Governance and Youth

Most, if not all the contemporary global challenges have a strong land dimension. Whether it is climate change, food insecurity, violent conflicts, rapid urbanisation, etc., a land angle -- access, sustainable use, tenure insecurity, weak institutions, among others, -- is oftentimes a central issue therein.¹³ As such, land has increasingly become an important governance issue which merits attention. Broadly speaking, governance deals with the exercise of political and administrative power for managing public affairs.¹⁴ Through governance, “citizens articulate their interests, exercise their legal rights and obligations and mediate their differences”.¹⁵ This implies that several state and non-state actors play various roles in the process of governance e.g. land management institutions, cultural entities, judicial bodies, legislatures, etc. Some of the several attributes of good governance include transparency, as well as inclusion and non-discrimination. It therefore follows that in the land sector, land governance connotes the “policies, processes and institutions by which land, property and natural resources are managed.”¹⁶ It deals with the rules, processes and institutions for decision making on land rights including enforcement and dispute resolution.¹⁷ Good land governance is underpinned by several principles including: civic engagement and public participation;

¹² UN Department of Economic and Social Affairs, ‘Safe Spaces Offer Security and Dignity for Youth, and Help Make the World “Better for All”’ (*United Nations*, 2018) <<https://www.un.org/uk/desa/safe-spaces-offer-security-and-dignity-youth-and-help-make-world-better-all>>.

¹³ David Palmer and others, ‘Towards Improved Land Governance’ (2009) 11.

¹⁴ UN Habitat, ‘Tools to Support Transparency in Land Administration’ 205.

¹⁵ *ibid.*

¹⁶ Stig Enemark, Robin McLaren and Paul van der Molen, ‘Land Governance in Support of the Millennium Development Goals’, *FIG Policy Statement* (World Bank; International federation of Surveyors 2009).

¹⁷ FAO, ‘Land Governance and Planning’ (*Land & Water*, 2020) <[3](https://www.fao.org/land-water/land/land-governance/en/#:~:text=Land governance concerns the rules,interests in land are managed.>.</p></div><div data-bbox=)

and equity, fairness and impartiality.¹⁸ This implies that all people, including youth, have a right to participate in land governance and are entitled to fair and equal treatment in the process. Land governance is further about “establishing a strong relationship between people and land.”¹⁹ As such, youth, as demographic, have a critical role to play in land governance. But what does it mean to be a youth?

The United Nations conceptualises youth as “a period of transition from dependence to independence and autonomy.”²⁰ However, various UN agencies use different age categorisations for youth. For example, 15-24 years by UN Secretariat, UNESCO and ILO; 15 – 32 years by UNESCO; 10-19 years: adolescent, 10-24 - young people and 15-24: youth by UNICEF, WHO and UNFPA); child until 18 years by UNICEF.²¹ These different age cohorts are generally used for evaluating the needs of young people so as to design appropriate interventions. This is critical as it recognises the non-homogenous nature of youth. Continentally, the African Youth Charter²² takes a more numerical approach and describes youth and young people as “every person between the ages of 15 and 35 years”. Uganda’s policy acknowledges youth as a phase of life characterised by “great emotional, physical and psychological changes that require societal support for a safe passage from adolescent to full adulthood.”²³ Like the UN, beyond the age categorization, the definition of youth underscores the vulnerable state that they find themselves in whilst transiting in their life.

Generally, youth is a phase characterised by discrimination based on age which limits the ability of those in the relevant age brackets to achieve their full potential. Literature generally acknowledges that youth are creative, dynamic, and have participated, contributed to, and accelerated reforms in the governance arena.²⁴ However, they also contend with discrimination and exclusion which hinders their participation governance affairs.²⁵ This is equally true in the land governance field. Land in Uganda, like in many parts of Africa, is generally an affair for the elderly as activities like agriculture are predominantly done by an “aging farming population”.²⁶ Yet, because of their numerical dominance, it is not far-fetched to assert that land governance affects youth comparatively more than any other demographic in the country. It is therefore ironic that the participation of youth in land governance remains peripheral yet they stand to be disproportionately affected by any decisions made on land.

To further understand the intricacies of youth participation in land governance, it is critical to first examine the applicable legal framework. This is the focus of the next section.

¹⁸ Wael Zakout, Babette Wehrmann and Mika-Petteri Törhönen, *Good Governance in Land Administration: Principles and Good Practices* (The World Bank, FAO 2006).

¹⁹ Enemark, McLaren and Molen (n 16).

²⁰ OHCHR, ‘Human Rights of Youth’ 1.

²¹ UN Youth, ‘Definition of Youth’ 1.

²² African Union Commission, ‘African Youth Charter’ 1.

²³ Ministry of Gender Labour and Social Development, ‘National Youth Policy’.

²⁴ United Nations, ‘Youth, Political Participation and Decision-Making’.

²⁵ *ibid.*

²⁶ The Independent, ‘Access to Land, Capital Hampering Youth’s Involvement in Agri-Business’ [2021] *The Independent*.

2.2 Legal, Policy and Institutional Framework for Youth and Land Governance

This section is divided into three parts: global, regional and national. It will examine the various legal texts at those levels that support youth's participation in land governance as well as their rights to land. From the outset, it is critical to note that land and youth inclusion are distinct human rights issues. While there is no express right to land under international human rights law,²⁷ supportive provisions can be discerned from the various rights related to property, housing, food, health, among others. On the other hand, inclusion enjoys strong normative backing as will be explained subsequently.

At the international level, the rights of youth as a category of people are enshrined in various international human rights law instruments. Under the Universal Declaration of Human Rights (UDHR), Article 1 affirms the inherent nature of human rights for all. Article 7 forbids any form of discrimination while article 17 provides for everyone's right to own property singly or with others. Article 25 provides for everyone's right to a "standard of living adequate for the health and well-being" of themselves or their family. Article 27 recognises the right to freely participate in the cultural life of the community. While the cited provisions of the UDHR do not explicitly mention youth, the recognition of rights for "all" or "everyone" as well as the outlawing of discrimination can be used to justify youth inclusion in public affairs. Similarly, the rights related to property ownership, adequate standards of living and participation in cultural life have a strong land undertone while the rights on participation in public affairs provide a ground for engagement in land governance. A quick glance at the International Covenant on Economic, Social and Cultural Rights (ICESCR) shows similar provisions. There's a prohibition against "discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2.2); a duty to "ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights" (Article 3); the right to adequate standard of living (Article 11); and the right to participate in cultural life (Article 15a). Like UDHR, these provisions too facilitate participation and guarantee rights which are dependent on land. Equally, the International Covenant on Civil and Political Rights (ICCPR) contains provisions for equality of men and women (Article 3); right to life and survival (Article 6); the right to be recognised as a person (Article 16); right to participate in public affairs (Article 25); and the right to enjoy culture (Article 27). Like the UDHR and ICESCR, engagement in public affairs, rights related to association, cultural life and survival, among others have a strong relationship with land and its governance. Other international instruments with some provisions advancing youth rights include: International Convention on the Elimination of All forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); and the Convention on the Rights of

²⁷ Jeremie Gilbert, 'Land Rights as Human Rights: The Case for a Specific Right to Land' (2013) 10 SUR: International Journal on Human Rights 115.

Persons with Disabilities (2006). From all the above instruments, it is deductible that international human rights law provides a strong normative inspiration and guidance for the inclusion of youth in public affairs including land governance. However, in spite of the above supportive provisions, it has been noted that oftentimes, youth are a forgotten lot in the UN human rights architecture.²⁸ As such, it is important to advance youth's rights by among other things, mainstreaming them into the existing mechanisms like treaty-based monitoring and the charter-based systems. Recently, the UN Committee on Economic, Social and Cultural Rights (CESCR) issued General Comment²⁹ No. 26 (2022) on Land and Economic, Social and Cultural Rights. Among other things, the General Comment clarified the obligation of States to ensure non-discrimination and equality in land matters. It also highlights groups or persons requiring particular attention to include women and indigenous persons. Since youth are the majority globally, it means they constitute most of the women and indigenous groups. The General Comment also roots for participation and consultation in decision making on land which provides a fertile ground for youth inclusion in land governance.

Over the years, several initiatives have been rolled out to support youth inclusion in governance issues. For example, the World Programme of Action on Youth (1996) identified 15 priority areas for youth, namely: education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women, full and effective participation of youth in the life of society and in decision-making; globalization, information and communications technology, HIV/AIDS, armed conflict, and intergenerational issues.³⁰ Nearly half of these areas have a land dimension. More importantly, there is a clear priority area on youth inclusion in public affairs which can include land governance. Furthermore, in 2013, the UN Secretary General established the Office of the Secretary General's Envoy on Youth and in 2017, appointed an Envoy on Youth to work towards "making the UN a home to the youth of the world."³¹ The core mandate of the office is to "highlight issues specifically relevant to young people, enhance the UN response to the needs of young people, and advocate for the promotion and protection of their needs and rights, as well as to bring the UN's work on youth closer to young people."³² Similarly, the UN Inter-Agency Network on Youth Development (IANYD) was formalised to coordinate and strengthen UN's work on youth development and policy by "strengthening collaboration, creating coherence and enabling exchange among all relevant UN entities."³³ These are all avenues which can be explored to advance issues of land rights for youth including their participation in land governance.

²⁸ European Youth Forum, 'The United Nations and Youth Rights' (*PROMOTING YOUTH RIGHTS: How to harness the power of human rights instruments*, 2017) <<https://tools.youthforum.org/youth-rights-info-tool/the-united-nations-and-youth-rights/>>.

²⁹ Committee on Economic Social and Cultural Rights, 'General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights'.

³⁰ United Nations, 'World Programme of Action for Youth' 75.

³¹ United Nations, 'The Secretary-General and Youth' (*Office of the Secretary General's Envoy on Youth*) <<https://www.un.org/youthenvoy/>>.

³² European Youth Forum (n 28).

³³ UN Department of Economic and Social Affairs, 'UN Inter-Agency Network on Youth Development' (*Youth*) <<https://www.un.org/development/desa/youth/what-we-do/un-inter-agency-network-on-youth-development.html>>.

Additionally, several development frameworks have embraced both youth and land governance. For example, while the Sustainable Development Goals (SDGs) recognises the centrality of land to realization of SDGs 1 (no poverty), 2 (zero hunger), 5 (gender equality), 11 (sustainable cities and communities) and 15 (life on land),³⁴ the framework also roots for inclusion of youth. The SDGs appreciate youth as a “major force for sustainable development and key agents for social change, economic growth and technological innovation.”³⁵ The recognition of the role of youth in sustainable development as well as the fact that land is a critical factor in the realisation of most SDGs naturally creates the need for youth-inclusive land governance. Another framework is the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) developed by Food and Agricultural Organisation (FAO) in 2012. The VGGTs seek to promote food security based on several principles including non-discrimination, participation and consultation as well as equity and justice. Naturally, these bring in vulnerable and indigenous groups which include youth and women.

Regionally, several human rights texts, conventions, declarations and programmes in Africa provide for both youth inclusion and land governance. The African Charter on Human and People’s Rights provides for a plethora of rights related to equality (Article 3, 19); information (Article 9); participation government, access to public services and public property (Article 13); property (Article 14); existence (Article 20), among others. Whereas most of these rights have a land angle, there are express rights on non-discrimination and participation in governance which can include the land sector. The Constitutive Act of the African Union³⁶ recognises the youth as a segment of the society upon which strengthened ties and cohesion in Africa can be realised. Additionally, it reaffirms one of the AU’s objectives of promoting “democratic principles and institutions, popular participation and good governance”.³⁷ The AU further developed the African Youth Charter as a political and legal framework to guide and design youth activities within the continent. The Charter contains several rights which relate to youth, land and governance some of which include: freedom from non-discrimination (Article 2); expression (Article 4); property (Article 9); development (Article 10); youth participation (Article 11); poverty eradication and social integration (Article 14); sustainable livelihoods and youth employment (Article 15); and health (Article 16). Other rights relate to environment, culture, leisure and recreation, among others. It is again evident that land has a strong undertone in all the ambitions spelt out in the Charter. Suffice to note is that the Charter provides more elaborate guidance on the issue of youth participation and proposes a raft of measures to be undertaken by States. These include: creation or strengthening of relevant platforms for participation, equal access to decision making platforms, prioritise youth inclusion and advocacy in programmes, access to

³⁴ Land Portal, ‘SDG Land Tracker’ (*Land Portal Foundation*, 2023) <<https://landportal.org/book/sdgs>>.

³⁵ UN Department of Economic and Social Affairs, ‘Four Things You Need to Know about Youth and SDGs’ (*UN Department of Economic and Social Affairs*, 2020) <[³⁶ African Union, ‘Constitutive Act of the African Union’.](https://www.un.org/en/desa/four-things-you-need-know-about-youth-and-sdgs#:~:text=Youth are a major force,Development Goals (SDGs) forward.>.</p></div><div data-bbox=)

³⁷ Article 3 (g)

information, provision of technical and financial support, among others. These measures cut across and can be deployed in the land sector as well to strengthen youth participation.

Other youth-related initiatives at the AU include the Youth Decade Plan of Action, and the Malabo Decision on Youth Empowerment which are being implemented through the AU Agenda 2063. The Agenda recognises that the continent “has the youngest population in the world with more than 400 million young people aged between the ages of 15 to 35 years.”³⁸ This creates the need for more social and economic investment so as to improve their development in the region. A quick look at all these development initiatives reveals a strong role that land plays and justifies the need for youth inclusion in land governance since they are the predominant demographic.

At the national level, the Constitution of Uganda 1995 as amended under (Articles 32-36) highlights the rights of marginalized groups to include women, children and persons with disabilities. Article 237 of the Constitution provides that all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the land tenure systems that include; customary, freehold, mailo, and leasehold. However, there is no evidence to show that youth rights are provided for. Furthermore, the Constitution under Articles 238 – 240 specifically, establishes the land administration structures which include the Uganda Land Commission and the District Land Boards. However, these provisions also do not have specifically provide for youth as the case is for women. The implication of the non-inclusion of youth from land management structures is that it restricts their ability to voice their concerns, interests, and aspirations related to land governance. Youth bring fresh ideas, innovative thinking, and a unique perspective on land management excluding them from decision-making processes, poses a risk of mislaid potential contributions and innovative approaches towards sustainable land use, conservation, and development. Furthermore, Uganda, like many countries, faces challenges of youth unemployment, excluding them from the land management structures limits their access to agricultural or natural resource-based livelihood opportunities.

The District Land Boards (DLBs) are established under the Land Act Cap 227 under Section 56 to oversee the management of land at the district level. They are also charged with the management of public land, the approval of land transactions, and the establishment of community land management committees. The Land Act further provides for the Area Land Committees under Section 64 whose mandate is to manage and resolve disputes over land at the local level. The composition of ALCs includes five members appointed by the District Land Board.

The Constitution (1995): Recognizes the local government system and specifically, under Article 129 (1) (d) empowers Parliament to make laws that establish other courts besides the mainstream courts. Section 4 of Local Council Courts (LCC) Act provides for the membership and composition of the executive committee at both the parish and village

³⁸ African Union, ‘Youth Development’ (*African Union*, 2023) <<https://au.int/en/youth-development>>.

administrative unit to comprise 10 members who include a secretary for youths to ensure that the needs of youth are well represented.

Additionally, there are various policies that provide for the youth participation and representation. These policies include

- i. National Land Policy
- ii. National Youth Policy 2016
- iii. National Youth Action Plan

The National Youth Policy (2001) defines a youth as all young persons; female and male aged 12 to 30 years. This is a period of great emotional, physical and psychological changes that require societal support for a safe passage from adolescent to full adulthood. The definition does not look at youth as a homogeneous group with clear cut age brackets but rather as a process of change or a period of time where an individual's potential, vigor, adventurism, experimentation with increased risks and vulnerabilities show themselves in a socially meaningful pattern³⁹.

The National Land Policy 2013 clarifies the rights of ethnic minority tribes, pastoral communities, women and children, dwellers in informal settlement as well as other vulnerable groups. However, there is no mention or specific focus on the rights of youth to access and ownership of land. Most Ugandan youth live in rural areas and engage in subsistence agriculture where they earn their livelihood. However, the majority lack requisite skills, competencies and agricultural related infrastructure to effectively participate in agri-business.

The Judiciary plays a critical role in the resolution of land disputes and the protection of land rights in Uganda. The Judiciary is composed of various courts, including the Supreme Court, Court of Appeal, Constitutional Court, High Court and the Magistrates' Courts. The mandate of the Judiciary includes adjudication of land disputes and the protection of land rights. While there are no specific provisions for youth inclusion in the Judiciary, the Constitution of Uganda provides for the protection of the rights of all citizens, including youth.

Over all, the National Youth Council plays a critical role in advocating for the inclusion of youth in national policies and programs, building the capacity of young people, promoting youth participation in governance processes, and collaborating with other stakeholders to advance youth rights. These efforts are essential in ensuring that youth voices and their priorities are catered for which is crucial for their economic and social development.

³⁹ IBID

2.2 Why Youth's Land Rights Matter

By 2030, the target date for achievement of the United Nations Sustainable Development Goals (SDGs), the number of youths is projected to grow by 7 percent, to nearly 1.3 billion. Despite these numbers' youth remain marginalized in formal policymaking and in informal, cultural decision-making where older men remain predominant⁴⁰. For example, there are myths that equate the youth to children who do not have land rights and can only be recipients of land through inheritance and upon marriage and that land is just a commodifiable resource to be transacted if needed rural land is becoming increasingly transacted. In the case of families and their neighbors, transactions are often local and in the recent decades, involving city dwellers and foreigners purchasing customarily communal resources from witting or unwitting chiefs, there is a creeping realization in the countryside that land transactions may technically be legal but may lack full transparency within the cultural norms of a given society, undermining communities and youth in particular who depend on functioning customary institutions.

Land rights are critical for youth because they provide a foundation for their economic and social development. Youth participation in land governance can contribute to the broader development agenda of the country by promoting economic empowerment, social environmental sustainability, and political participation. It is therefore important to promote youth land rights and ensure that young people have access to and control over land, particularly in rural areas where land is a critical resource for livelihoods and economic growth. According to a report published by Oxfam⁴¹ it highlighted the inequality in Land use, Management and Governance and how it affects the youth who are already vulnerable and marginalised in the community hence stressing the need to make youth land rights a priority.

It has been noted that customary land system offers few options for youth to own land while their parents are still alive⁴² and sub-divided plots among siblings are often too small to support viable livelihoods. Discriminatory cultural barriers, social norms and customary rights make it even more difficult for young women to access land.

2.3 Barriers to Youth's Land Rights in Uganda

Youth in Uganda face a number of challenges in pursuing their land rights and participating in decision-making processes on land. Many researchers point to lack of secure land rights as the number one reason youth have not engaged in land governance discourse⁴³. These include;

Many youths are not aware of their land rights and the processes involved in acquiring and securing land tenure. This lack of information can make it difficult for young people to assert their rights and participate in decision-making processes.

⁴⁰ <https://chemonics.com/blog/6-myths-about-youth-and-land>

⁴¹ <https://www.oxfam.org/fr/node/11477>

⁴² <https://www.landesia.org/wp-content/uploads/Youth-Issue-Brief-FINAL.pdf>

⁴³ <https://www.landesia.org/wp-content/uploads/Youth-Issue-Brief-FINAL.pdf>

Youth often lack access to the resources needed to pursue their land rights, such as legal representation, financial resources, and information on land laws and policies. This makes it difficult for them to navigate the complex land governance system and assert their rights.

In many communities, cultural norms and practices discriminate against young people, particularly young women, in relation to land rights. These norms may limit young people's ability to inherit land or acquire land through other means, or restrict their participation in decision-making processes on land. It is important to note that youth mainly receive land through gifts or inheritance in most cultures. Land is passed on through a male lineage most times upon marriage they are expected to first marry before their parents can give them land to raise a family.

Youth often have limited opportunities to participate in decision-making processes on land due to age restrictions, limited representation in land governance structures, or lack of awareness about the importance of youth participation.

Land disputes and conflicts are prevalent in Uganda, particularly in rural areas. Young people may be more vulnerable to land disputes due to their limited access to resources and lack of experience in navigating the legal and administrative systems. Access to land justice is a process which enables people to claim and obtain justice through formal or informal institutions of justice, and in conformity with human rights standards.⁴⁴ While justice is the amount of fairness that people experience and perceive when they take steps to solve disputes and grievances.⁴⁵ Whereas Uganda is a signatory to a number of international and regional instruments that seek to guarantee access to justice as an alienable right to Ugandans and has introduced policies and domestic legislation that seeks to regulate or promote access to justice for various groups including youth, women among other categories. The access to justice scenario in Uganda remains very grim.

Many youths in Uganda have limited or no access to justice remedies. The justice system has been found to be complex to navigate, expensive and in many cases incapable of producing fair outcomes that reflect the needs of the citizens it is meant to serve. Formal justice systems have only played a marginal role, with only a small minority of justice problems ending up in courts which are mainly out of reach both physically and economically.

According to the 2016 Report published by the Hague Institute for the Internationalisation of Law (HiiL),⁴⁶ nearly 9 out of 10 Ugandans required access of some kind to the justice system, but their needs were not met. Of the 9 people that needed help, 3 of them gave up and their problems were not resolved. This was due to lack of knowledge, power or money, or some combination of the three. Accessing justice is a significant challenge for young people

⁴⁴ LASPNET, Access to justice for the poor, marginalised and vulnerable people of Uganda, 2015.

⁴⁵ Ibid

⁴⁶ HiiL Report: Justice Needs in Uganda 2016

in Uganda⁴⁷. Despite important progress in recent years, in many cases prevention, protection, rehabilitation and reintegration are not fully realised for youths who come into contact with the law. The processes of interacting with the justice system can be immensely frightening and damaging for youth victims and witnesses, as well as those accused of crimes and offences. This is aggravated by the commercialised nature of justice, fuelled by the high costs of getting legal representation, court fees and charges arising from corruption tendencies in the Justice, Law and Order Sector (JLOS) institutions.

CHAPTER 3: TOWARDS YOUTH INCLUSIVE LAND GOVERNANCE IN UGANDA

The previous chapters have demonstrated that the challenges faced by young people in accessing and owning land in Uganda are not just limited to individual factors such as limited access to finance or weak legal frameworks. Rather, there are systemic lapses in land governance and decision-making processes that perpetuate discrimination and marginalization of young people when it comes to land ownership and access. These systemic issues include traditional customs and practices that favour older members of the community,

Weak and poorly enforced legal frameworks, and limited youth participation in decision-making processes. Addressing these systemic issues requires a comprehensive approach that involves not only addressing individual factors but also promoting youth participation in decision-making, strengthening legal frameworks, and increasing awareness and education on land rights. By doing so, we can achieve greater equity and inclusiveness in land governance, which is crucial for the development and wellbeing of young people in Uganda.

3.1 Emerging Issues

There are several issues related to youth inclusive land governance that may not be receiving serious attention. These include the following;

Many of the existing land governance frameworks in Uganda are not designed to be youth-friendly, which limits the ability of the youth to participate in decision-making processes and access land resources. The legal frameworks should explicitly recognize and promote the inclusion and participation of youth in decision-making processes related to land management. This however, is not the case in some policy and legal frameworks like the Constitution of the Republic of Uganda 1995 as amended, the Land Act Cap 227, The National Youth Council Act, National Youth Policy and the National Youth Action Plan among others do not expressly and specifically provide for youth participation in the land governance structures.

Gender inequalities persist in land governance, affecting both young women and men. Discriminatory cultural norms, limited access to land, and unequal inheritance rights pose specific challenges for young women in accessing and controlling land resources. Addressing

⁴⁷ <https://www.laspnet.org/joomla-pages/reports/access-to-justice-report>

gender disparities in land governance is crucial for promoting equal opportunities and empowering young women in Uganda.

Rapid advancements in technology, including digital platforms, satellite imaging, and mobile applications, present opportunities for youth engagement in land governance. Embracing digital tools can enhance access to land information, facilitate youth participation, and support sustainable land management practices. Usage of mobile phones, especially ones that access the internet, varies significantly by age group: those aged 18-25 have mobile phone internet access (57%) at nearly triple the rate of those aged 56 and above (20%). Additionally, 86% of those 56 and above never use the internet, greatly limiting the potential rate of ICT adoption for the older age groups that control the majority of farmland. These statistics, in addition to higher levels of education for the younger generations, suggest youth are better positioned to realize the full range of benefits ICTs can bring, yet youth are increasingly turning away from agriculture.⁴⁸ However, challenges such as limited digital literacy and connectivity in rural areas need to be addressed to fully harness the potential of technology.⁴⁹

Uganda is one of the world's youngest countries, and is situated in the continent most vulnerable to climate disruptions. Worsening droughts and flooding are exacerbating pre-existing socioeconomic challenges such as youth underemployment, food insecurity, and inadequate social protection. They often lack the financial resources to absorb shocks caused by climate disruptions. Youth in Uganda are witnessing the impacts of climate change and environmental degradation, which have significant implications for land governance. Changing weather patterns, deforestation, soil erosion, and other environmental challenges affect land productivity and livelihoods. Young people are increasingly recognizing the importance of sustainable land management and conservation practices to mitigate climate change and protect the environment.

The lack of secure land tenure rights often makes the youth vulnerable to land disputes, eviction, and land grabbing. Traditional and informal land tenure systems, as well as weak implementation of land laws, can undermine the security of youth land rights. Insecure tenure inhibits long-term planning, investment, and access to credit for youth in land-related ventures. And for those youth (mostly young men) who can inherit land, inherited land parcels are often of poor quality and too fragmented to support a sustainable income. According to the Uganda Bureau of Statistics, it was noted that only around 50% of Ugandans have access to land, with notably fewer than 50% of women owning land, resulting in a structural bottleneck that inhibits their ability to participate effectively in the agricultural sector. Many Ugandan youth face challenges in accessing land for agricultural and other productive purposes. Foreexample inheritance practices, population growth, and land subdivisions often lead to land fragmentation, where landholdings become smaller and fragmented among family members, this fragmentation reduces the economic viability of land for agricultural purposes, making it harder for youth to access and utilize land effectively, additionally, powerful individuals or corporations engage in land grabbing or land speculation, acquiring large chunks of land for commercial purposes, often at the expense of local communities and small-scale farmers, including youth. The increasing population, urbanization, and traditional land tenure systems often result in limited land

⁴⁸ <https://landportal.org/blog-post/2021/02/could-youth-land-rights>

⁴⁹ <https://www.landesa.org/wp-content/uploads/Youth-Issue-Brief-FINAL.pdf>

availability for young people. This hinders their ability to engage in farming, entrepreneurship, and other land-based economic activities.

The high levels of youth unemployment in Uganda contribute to rural-urban migration, as young people seek economic opportunities outside the agricultural sector. This demographic shift has implications for land governance, as it affects land use patterns, exacerbates urbanization pressures, and poses challenges for sustainable land management in both rural and urban areas. This was explicitly cited in the Uganda Bureau of Statistics, statistical abstract of 2021 which highlighted the youth unemployment rate standing at 13.0%⁵⁰.

Addressing these emerging issues requires comprehensive approaches that involve legal reforms, inclusive policies, youth participation, capacity building, and targeted support programs. By recognizing the unique challenges faced by young people in land governance and actively involving them in decision-making processes, Uganda can promote sustainable land management, enhance youth livelihoods, and ensure intergenerational equity.

3.2 Influencing Opportunities

There are several avenues available for championing the issues related to youth inclusive land governance in Uganda. Which include the following examples:

Advocacy for increased budgetary allocations towards youth inclusive land governance can be done through engaging government budget processes such as budget consultations, budget hearings, and budget implementation reviews. Through platforms like Civil Society Budget Advocacy Group (CSBAG) whose mandate is to work towards ensuring that resource mobilization, allocation and utilization is inclusive for a transformed Uganda. Advocacy can also be done through engaging in legal and policy reform processes, such as the review and amendment of existing laws and policies to address youth-related issues in land governance. Forexample Parliament should enact the National Youth Act to give context to the lived experiences of the youth.

The existence of advocacy platforms and international spaces. These include the National Land Forum, Youth district parliaments and centres, International Youth Day among others which can be used as avenues for raising awareness and sharing pertinent information on the issues related to youth inclusive land governance. This can be used as avenues for policy and legal influencing, supported by national and regional organisation like IGAD Land and Youth program, and the different line ministries.

Digital technologies and innovations can be leveraged to deliver information to youth and engage with them in a more interactive and interesting way. For example, social media, which allows easy and ubiquitous connection of youth, can be used to reach out to and share information with a large number of young people in an effective and efficient way and make young people's communication with governments more accessible and convenient⁵¹. This should be supported by the Ministry of Information, Communication and Technology.

⁵⁰ Ibid

⁵¹ UN DESA Policy Brief No. 149: Promoting Youth Participation in Decision-Making and Public Service Delivery through Harnessing Digital Technologies

Capacity building and training programs can be organized to equip young people with the skills and knowledge needed to participate in land governance processes effectively. It is essential to engage various stakeholders, including government agencies, civil society organizations, and the private sector, in these advocacy efforts to create a comprehensive approach to addressing the challenges faced by young people in land governance.

3.3 Recommendations

To address the issues of youth land governance and inclusion in Uganda, a range of stakeholders need to be involved, including government, civil society organizations, the private sector, and young people themselves. The following key strategies should be employed to address these issues:

- The government of Uganda should review and amend existing land laws and policies to ensure that they promote youth land rights and facilitate their participation in decision-making processes.
- There is need to build the capacity of the youth and knowledge on leadership and skills on lobby, fundraising and advocacy to navigate the complex land governance systems and effectively participate in decision-making processes. This can be done through joint effort from the government and civil society organization.
- Youth deserve a voice in decision-making; there is need to engage young farmers, youth leaders and youth-led organizations to enhance youth participation in land governance processes and ensure the development and implementation of youth responsive policies, laws, and institutions. This can be done by both government and civil society organisations.
- Multi-stakeholder partnerships should be formed to promote youth land rights and facilitate their participation in decision-making processes. Focus should be put on collaboration between government, civil society organizations, the private sector, Academia, researchers and the youth themselves.
- Efforts should be made to address discriminatory cultural norms and practices through deliberate social norms transformative approaches to change the narrative to enable the youth to have access, use, control, ownership and management of land and their participation in decision-making processes.

These changes are possible across Africa and specifically in Uganda, if innovative and promising collaborative initiatives continue to advance rural youth access to land through intergenerational transfers, sharecropping, allocation of public or community land, land purchase and rent, and improving the enabling environment for youth engagement in land administration and governance processes.

Conclusion

In conclusion, youth land governance and inclusion are critical issues in Uganda. Despite the existence of policy and legal frameworks implementation has been weak and uneven

regarding youth inclusion in the land governance systems. Youth face numerous challenges when it comes to accessing and owning land, including cultural norms, limited access to information and resources, and discrimination. Without action the alarming trends of youth exclusion in the land governance systems will continue if deliberate action is not taken to unlock their potential. Stakeholders must prioritize this issue in national development plans and allocate sufficient resources to support initiatives that address the challenges faced by youth. It is also essential to engage with key stakeholders, including government officials, policymakers, and traditional leaders, to raise awareness about the importance of youth land governance and inclusion.

Building the capacity of youth-led organizations and other civil society groups to advocate for youth land rights and participation is also crucial in fostering partnerships and collaborations among stakeholders working on youth land governance and inclusion issues. Ultimately, promoting youth land governance and inclusion is not only a matter of social justice and human rights but also critical for achieving broader development goals in Uganda.

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