The Protection of Rights to Customary Land Ownership in Acholi Region: The Case of Youth in Acholi

Youths in attendance at the Land Awareness Week session at Bana Village, Amuru District. The community lives in fear of losing their land to investors and above all have lost trust in their leaders as well as fellow community members.

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Acknowledgement of Author

This report was authored by Mr. Robert Kakuru for Trócaire Uganda as part of the overall research project on customary land practices in Acholi.
**Table of Contents**

ACKNOWLEDGEMENTS .................................................................................................................. - 2 -

Acknowledgement of Author ........................................................................................................ - 3 -

I) Executive Summary .................................................................................................................... - 9 -

II) Scope and Methodology .......................................................................................................... - 9 -

III) Key findings ............................................................................................................................. - 10 -

IV) Summary Recommendations .................................................................................................. - 10 -

1. Introduction and General Background .................................................................................... - 10 -

   1.1 Background ........................................................................................................................... - 10 -

   1.2 Context of the Study .............................................................................................................. - 11 -

   1.3 Defining Youth in Global and National Contexts ................................................................ - 12 -

   1.4 Understanding Land Rights .................................................................................................. - 13 -

   1.5 Why the focus on the youth in this study? ........................................................................... - 14 -

   1.6 Purpose of the Study ............................................................................................................. - 15 -

   1.7 Objectives of the study ......................................................................................................... - 15 -

   1.8 Methodology ........................................................................................................................ - 16 -

   1.9 Scope of the Study ................................................................................................................ - 17 -

2. Literature Review ..................................................................................................................... - 18 -

   2.1 Understanding of the Customary Land Tenure System ....................................................... - 18 -

   2.2 Youth Involvement and Participation in Customary Land Rights ....................................... - 21 -

   2.3 The Barriers to the Youths’ Access, Control and Use of Customary Land ......................... - 23 -

   2.4 Enhancing the Youth Position in the Acholi Customary Land Tenure System ...................... - 26 -
2.5 Summary ........................................................................................................................................... - 27 -

3. Research Findings ................................................................................................................................... - 29 -

3.1 Youth Land Rights in Acholiland .......................................................................................................... - 29 -

3.1.1 Youth understanding of Customary land tenure system ..................................................................... - 30 -

3.2 Land Ownership and Control .................................................................................................................. - 32 -

3.3 Access to and utilization of land ................................................................................................................ - 33 -

3.4 Role of the Youth in the Management and Use of Land in Acholi region ............................................ - 35 -

3.5 Youth rights to Customary and Communal land in Acholiland ............................................................. - 35 -

3.6 Youth utilisation of land ............................................................................................................................ - 37 -

3.7 Role of Youth in land related internal problems and conflicts ................................................................. - 38 -

3.8 Land related Challenges affecting the Youth in Acholiland ................................................................... - 39 -

4. Recommendations by Youth for Strengthening Security of Tenure of Customary land in Acholiland ........................................................................................................... - 42 -

4.1 Recommendations for Youth ................................................................................................................... - 42 -

4.2 Recommendations for the Acholi Community ......................................................................................... - 42 -

5. Study Strengths and Weaknesses ............................................................................................................... - 44 -

5.1 Study Strengths ........................................................................................................................................ - 44 -

5.2 Study Limitations ..................................................................................................................................... - 44 -

6. Conclusions and Recommendations .......................................................................................................... - 45 -

4.1 Conclusion ................................................................................................................................................ - 45 -

4.2 Recommendations ................................................................................................................................... - 46 -
7. References ............................................................................................................................................ 48


8. Annex I: Interview guide for Youth FGDs.............................................................................................. 51
List of Figures and Tables

Figure 1: Gender Distribution of Respondents................................................................. 22
Figure 2: Gender Distribution of Respondents by Chiefdom........................................ 23
Table 1: Total Number of FGDs.................................................................................. 16
Table 2: Key Informants Interviews............................................................................. 17
Table 3: Access to and Utilization of Land................................................................. 34
List of Abbreviations

ALC: Area Land Committees

CCO: Certificate of Customary Ownership

DGF: Democratic Governance Facility

FGD: Focus Group Discussion

JASLF: Joint Acholi Sub Region Leaders Forum,

KII: Key Informant Interview

MLHUD: Ministry of Lands, Housing and Urban Development

UBOS: Uganda Bureau of Statistics
I) Executive Summary

The report is an analysis of access to customary land rights in intricate realities, a case of the youth land rights in Acholi sub-region in Northern Uganda. It is a postulate to enhancing the inclusion of youth in customary land rights research in Northern Uganda by Trócaire Uganda. This report presents field based findings of a study that focused on youth understanding and perception of, and participation in the Acholi customary land tenure system. The study sought to explore the level of understanding, participation and involvement of the youth in the access, control, management, and administration of the Acholi customary land, and the manner in which the youth participated in the organization, management and administration of customary land in Acholi sub-region. It is worth noting that over 90% of Acholiland remains overwhelmingly under customary, kin-based communal control and management, vested in, organized, and managed by patrilineal clans or sections of clans, with provisions to accommodate outsiders of various categories to share in the use of the land. However, there are limited sources that describe youth views and participation in this land tenure system, both in academic and applied documentation—a gap this research sought to fill, in part.

II) Scope and Methodology

The investigation was carried out across 14 chiefdoms that included Lira Palwo and Paluti-Kwong in Agago District; Pawel and Pabbo in Amuru District; Patiko in Gulu District; Labongo and Cwa in Kitgum District; Lokung and Palabek Kal in Lamwo District; Bwobo-Manam and Koch in Nwoya District; Purangain Omoro and Pader Districts; and Pajule in Pader District. The study covered all the eight political-administrative districts of the sub-region.

The study is a progressive lap that builds on the pilot phase research done earlier, jointly by the Joint Acholi Sub-regional Leaders’ Forum (JASLF) and Trócaire. A report entitled “Piloting the Protection of Rights to Customary Land Ownership in Acholiland” was produced from the initial study. During the phase 1 study, Trócaire developed five data collection tools to research and model approaches for the protection of customary land rights. In this second phase, these pre-existing tools were adapted, modified, streamlined and applied to capture more elaborately the opinions, views and perceptions of the youth, and to ensure they can be monitored, measured and evaluated against.

The study was largely qualitative in nature, exploring and describing the experience, involvement, role, and perception of the youths on customary land management in the Acholiland. The study relied on customized tools, and mixed gender focus group discussions (FGDs) of 12-15 participants to generate the data. Extensive consultations were done through FGDs, with youth representatives drawn across all the specified chiefdoms. Out of the 5,138 research participants, 198 were reached through the youth Focus Group Discussions at chiefdoms. Of these, more than half, 59% (n=116) were male and 41% (n=82) were female. Purposive key informant interviews were done with pre-selected political, opinion and administrative leaders at various levels to elicit their views on youth-cantered issues on communal customary land. Use of secondary data derived from various relevant sources
was also made, particularly focusing on youth land rights in customary land tenure contexts. The study was done jointly by JASLF and Trócaire. Data was collected by 14 teams of field researchers (1 male, 1 female) who conducted the interviews at the 14 research sites/chiefdoms, and also transcribed the data, and a researcher consultant was provided with the data for analysis. A content-driven and thematic approach were used in the analysis of the qualitative data.

III) Key findings

Acholi has no individualized customary land ownership, all land is customarily held for the benefit of present and future generations. From the youth Focus Group Discussion FGD in Lokung chiefdom in Lamwo District, it was said that the control, management, and administration of customary land is structured beginning from higher authority of the Paramount chief of Acholi, then to the Lokung chiefdom head, “Rwot moo of Lokung”, clan leader (ladit kaka), head of extended family (ladit Dogola), the head of a homestead (ladit ot / won ot); down to the eldest or preferred son the family.

Many youth across chiefdoms, believe that they are not adequately catered for in the ownership of customary land. The youth are regarded as children, and excluded at meetings and other processes regarding customary land management. Where they are involved, the youth believe their views are largely disregarded. Generally, the youth also acknowledged that land access rights are primarily for the descendants (grandchildren) to particular groups of people or families that existed in the foretimes and had settled in the particular lands.

The youth themselves further pointed out that youth want a life that they have not worked for, and often express the greed to sell land, a trend that is exerting a lot of pressure on the customary land. It was said that youths normally have high unsustainable ambitions, citing examples of youth who sell land to buy “boda-boda”, or to drink alcohol and womanize, practices which they said had made some families to become landless.

IV) Summary Recommendations

The key recommendations include; (i) Scale up awareness of the youth about customary and communal land tenure systems to enhance their appreciation and more meaningful involvement in customary land governance and rights protection. (ii) Explore, develop and implement customary tenure sensitive, culturally acceptable measures that strengthen security of land and use among the youths. (iii) Acholi customs should be construed as transformational and adaptive, to respond and provide redress to the peculiar land rights of the youth in the sub region. (iv)The elders should be supported to document the ownership and utilization of customary land so that they do not depend on the oral tradition. (v) Institute measures for more recognition and protection of the land rights of youth with disabilities at family and community levels. (vi)Engage stakeholders to promote equalized land rights for female and male youths at both family and community levels.

1. Introduction and General Background

1.1 Background
Land security in many parts of Uganda, but especially the Northern region, has become a critical concern. Land issues in the Northern region, the Acholi sub-region in particular, have over the last ten years become a centre of attention for many actors locally and internationally, in the aftermath of the Lord’s Resistance Army (LRA) insurgency. This attention and response has partly been driven by the existing, experienced and forecast multi-level conflicts over land, as a result of the prolonged massive displacement of rural populations in the region, and the resultant social structural disorientation upon return and resettlement. The internal displacement also caused a total breakdown of the social and intra-communal support structures and systems. Indeed, despite the general return and resettlement of the population, as well as the peace, recovery and development interventions in the region, the land question in the region remains fragile and continues to cause distress among sections of communities. It is still an ongoing concern that more effective and lasting solutions in respect to land rights should be devised to guarantee a more sustainable and durable social order and peace and development in the region. The JASLF and Trócaire particularly recognise that strategies that generate productive, sustainable use of land in ways that will promote broad-based development and improved livelihoods need to be first investigated and then established.

1.2 Context of the Study
Since 2015, JASLF and Trócaire Uganda have been implementing interventions for instituting the protection of rights to customary land in Acholi. This has been through research, participation, consultation and advocacy—cantered on enhancing the protection, control and access to customary rights to land. Particular emphasis has been on the marginalised sections of communities including women, youth, persons with disability, women and child headed families.

This study was undertaken, as part of a broader research piece on the protection of rights to customary land ownership which aims to generate evidence-based documentation of how Acholi customary communal land is organised, managed and administered, and to inform options for instituting and enhancing the land rights and tenure system. This is one of the progressive span of research that JASLF and Trócaire has instituted towards developing a deep and evidenced based understanding of traditional land rights management systems and how they have evolved during the recent conflict and the subsequent economic development in Acholiland, and then situating this within the context of competing narratives from customary and written law to develop culturally appropriate and context-specific legal frameworks and social forums to uphold the protection of land rights.

This study builds on a previous study conducted in 2015-16, which sought to better understand not only the core principles and practices of the Acholi customary land tenure but also the complex local level variations that exist across the sub region. While the pilot phase research extensively explored issues of customary land tenure, land rights and the social structural systems around land management and administration, it was limited in its coverage of the critical demographic strata— especially the youth. The
pilot phase however recognized this, and made a recommendation for further field study with a deeper focus on the youth in the context of customary land rights. In this light, this study particularly focused on the youth, broadly exploring the experiences, understanding, perceptions and participation of the youth with customary land rights in Acholiland. It further explores the extent of youth involvement in decision making structures and deducing the level of understanding amongst the youth on customary land, as well as discerning how issues such as migration, employment and sustainable livelihoods affect their land rights. The study also covers in reasonable detail, how the dynamics of gender and disability related to youth affect the land rights of this crucial demographic, and how the specific protection needs of this group can be realized within the tradition of customary land. The essence is to ensure that the continuous search for more sustainable and judicious options and opportunities for youth customary land rights protection take into consideration the structural vulnerabilities of the youth.

1.3 Defining Youth in Global and National Contexts

There is no one size fits all definition of who a youth is in Uganda. This is because of the multifarious definitions of youth that exist within the Ugandan society. Apart from using age cohorts, youth in all socio-cultural contexts is best understood by social construction, as a period of transition from the dependence of childhood to adulthood’s independence. UNESCO has adopted this definition to take “Youth” as a period of transition from the dependence of childhood to adulthood’s independence and awareness of our interdependence as members of a community. This definition recognises that Youth is a more fluid category than a fixed age-group.

The UN has specifically endorsed a fixed age definition, largely for statistical purposes and consistency, capping youth as those persons between the ages of 15 and 24, acknowledging and recognising the varied contextual definitions across member states. Uganda’s National Youth Council Act that derives its authority from the Constitution of Uganda defines a youth as any person between the age of 18 and 30 years, (National Youth Council Act Cap 319). However, other policy documents offer different understandings. The National Youth Policy defines youth as “all persons, female or males aged 12 to 30 years, undergoing a period of great emotional, physical and psychological changes that require societal support for a safe passage from adolescent to full adulthood (Ministry of Gender, Labour and Social Development, 2001). There has also been a popular misrepresentation of youth, often portrayed as persons between the age of 18 and 35. This is largely due to the more popularized political prescription of the age of thirty-five, below which a person cannot contest for the presidency or a chairperson of a regional government in Uganda. Also to note, in Uganda, a person below 18 years cannot vote, acquire a driving licence and own a piece of say freehold land. All these are real markers of how adulthood and capacity is indicated/measured.
There is a notable existence of internal contradictions or competing definitions of youth, that pits the government view contained in legal and policy texts against the socially constructed definition of youth. In many traditional communities, youth are defined in terms of societal expectations and responsibilities. Therefore, apart from using age cohorts, youth in all socio-cultural contexts is best understood by social construction, as a period of transition from the dependence of childhood to adulthood’s independence.

But there are also varied prescriptions of age caps for defining youth (if the definition is based on age); ranging from the age of 15 and 35. As earlier noted, The United Nations provides a universal definition of the youth as those persons between the ages of 15 and 24 years, without prejudice to other definitions by the Member States. The African Youth Charter (cantered on the Constitutive Act of the African Union) defines the youth or young people as persons between the ages of 15 and 35. These variations in the definition of youth reflect that the definitions change with circumstances, especially with trends in the demographic, financial, economic and socio-cultural settings.

In this study, JASLF and Trócaire adopt the United Nations definition of youth to mean persons between the ages of 15 and 24 years, considering it the period that signals maturity and the building of skills and knowledge that in readiness for integration into the economic, social and political spheres of life.

1.4 Understanding Land Rights

Land rights refer to the inalienable ability of individuals to freely obtain, utilize, and possess land at their discretion, as long as their activities on the land do not impede on other individuals’ rights (Adi, 2009). This is not to be confused with access to land, which allows individuals the use of land in an economic sense like farming (ibid). Land rights address the ownership of land which provides security and increase human capacities (ibid). Landesa argues that although the law may advocate for equal access to land, land rights in certain countries, cultures may hinder a group’s right to actually own land (Hanstad, 2010). Therefore, in contexts such as Uganda’s, whereas laws are important, they must delicately be backed up or balanced by cultural traditions and social acceptance. Hanstad further argues that the law may provide access to land, however, cultural barriers and poverty traps limit minority groups’ e.g. youth’s ability to own land and or make decisions concerning access to and use of land. In order to reach equality, these groups must


obtain adequate land rights that are both socially and legally recognized, which this study set out to buttress.

1.5 Why the focus on the youth in this study?

From a global perspective, a report by UN-Habitat (2013) indicated that there were more than 1.2 billion youth in the world, the largest number of youth ever to have existed. It is estimated that as many as 60 percent of all urban dwellers will be under the age of 18 by 2030. This urban demographic “youth bulge” represents both a challenge as well as an untapped potential in moving the land rights and tenure security agenda forward. Youth are increasingly mobile, social and creative in a rapidly transforming world. This means that needs and attitudes toward land are changing too (Bennell, 2007). Consequently, understanding the needs, experiences and perspectives of youth in relation to the broad spectrum of land rights, not only customary land rights, is a precondition to strengthening youth and land interventions and broadly, the role of youth in development.

Uganda’s population was at 34,634,650 according to the 2014 population census, and was estimated at 36.6 million in mid-2016. In 2014, children below 18 years made up 55 percent of the population. With a high population growth rate of 3 percent per annum, Uganda is going through a young population bulge with over 70% percent of its population below the age of thirty. The country has one of the most youthful populations in the world—with 47.9 percent of its population being below age 15, and 22.5 percent between 18 and 30 years. This, on one hand is an opportunity to turn the youth into a demographic dividend, but on the other hand, the high child-dependency ratio is a barrier to faster socio-economic transformation and development of the country.

Land is a basic resource in Uganda, whose economic and social livelihood is primarily agri-based. Land is the basis of income, sustenance, and identity for the majority of Ugandans. This is true in many parts of the world. Youth (18-30 years) represent approximately 21 percent (close to 7 million) of the population and they comprise about 64 percent of the unemployed persons in Uganda (Uganda Bureau of Statistics (UBOS, 2012). The Ugandan population to a large extent is comprised of a high and increasing cohort of young people. For development, the country is at a

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real defining moment where the youth have to be turned into an advantage for the country to enjoy the benefits that accrue from a large population while overcoming the burdens of the current dependency-riddled age structure.

Acholi Sub-region, has an area of 28,000 square kilometres occupied by over 1.4 million people (Hopwood and Atkinson, 2015). The youth make up a majority of the Acholi, as is true with Uganda’s population (up to 70% depending on how “youth” is defined). Youths living within Acholiland constitute approximately 17.3% aged 0-14 years and 30% aged between 10 and 24 years, of which half fall between 15-24%—against a total population of 1.47 million making up 4.4 percent of the country’s population as at 2014.6

In the initial research, the subject of youth in relation to customary land rights in Acholi was specifically identified as an important component that requires more extensive research. Consequently, this study was undertaken, building strongly on the pilot phase, with an exclusive focus on the youth, to fully understand and appreciate youths’ experiences and perspectives on the organisation, control, and management of customary land in Acholiland.

1.6 Purpose of the Study

The study was intended to provide an elaborate in-depth understanding of the status quo, in as far as how the existing traditional customary land tenure systems accommodate youth interests in the access, use, ownership, control and management of customary land; as well as devise mechanisms through which youth perspectives, roles and interests can best be accommodated to foster sustainable development, taking into consideration the emerging issues such as youth employment, urbanization and increasing population, among others.

1.7 Objectives of the study

Specifically, the objectives of the study were to:
1. Explore the understanding and appreciation of the youth of the customary land tenure system in Acholi sub-region.
2. Examine the extent of youth involvement and participation in the management and administration of customary land in the Acholi sub region.
3. Assess the barriers to the youths’ access, control and use of customary land in Acholi sub-region.
4. Provide recommendations for enhancing the youth position in the Acholi customary land tenure system in evolving development contexts.

1.8 Methodology

The study built on the pilot phase research done earlier, jointly by the Joint Acholi Sub-regional Leaders’ Forum (JASLF) and Trócaire. For the initial study, Trócaire had developed five data collection tools to research and model approaches for the protection of communal customary land. In this second phase, these pre-existing tools were adapted, modified, streamlined and applied to capture more elaborately the opinions, views and perceptions of the youth, and to ensure they can be monitored, measured and evaluated against.

This study was largely qualitative, and relied on further customized data collection tools to generate the data. Extensive consultations were done through Focus Group Discussions (FGDs), with youth representatives drawn across the 14 specified chiefdoms. The target youth included those with leadership mandates in the various spheres and those with no leadership roles.

Focus Group Discussions

A total of 14 Focus Group Discussions were conducted with youth. The study was qualitative in nature, and, using the further customized data collection tools, relied majorly on mixed gender focus group discussions (FGDs) of 12-15 participants to generate the data. Extensive consultations were done through FGDs, with youth representatives drawn across all the specified chiefdoms. Use of secondary data derived from various relevant sources was also made, particularly focusing on youth land rights in customary land tenure contexts.

Table 2: Total Number of FGDs

<table>
<thead>
<tr>
<th>District</th>
<th>Number of FGDs</th>
<th>Chiefdom</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agago</td>
<td>2</td>
<td>Paluti Kwong</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lira Palwo</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Amuru</td>
<td>2</td>
<td>Pabbo</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pawel</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Gulu</td>
<td>1</td>
<td>Patiko</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Kitgum</td>
<td>2</td>
<td>Cwa</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Labongo</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Lamwo</td>
<td>2</td>
<td>Lukung</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Palabek Kal</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Nwoya</td>
<td>2</td>
<td>Bwobo Manam</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>
The methodological approach encouraged free dialogue and information sharing during the FGDs, and it was deliberate that males and females were engaged separately to encourage their unhindered participation and free expression.

The Research Approach

The study was done jointly by JASLF and Trócaire. Data was collected by 14 teams of field researchers (1 male, 1 female) who conducted the interviews at the 14 research sites/chiefdoms, and also transcribed the data, and a researcher consultant was provided with the data for analysis. Thematic and content analysis techniques were used for data analysis. Prior to data collection, research assistants were trained on the application of the customized research tools. Quality assurance was guaranteed by engaging experienced researchers on the subject to review and update the data collection tools, train data collectors, and superintend data analysis processes.

1.9 Scope of the Study

The study aimed at enhancing the inclusion of the youth in customary land rights research in Acholi sub-region. The investigation was carried out across 13 chiefdoms that included Lira Palwo and Paluti Kwong in Agago district; Pawel and Pabbo in Amuru district; Patiko in Gulu district; Labongo and Chua in Kitgum district; Lokung and Palabek Kal in Lamwo district; Bwobo-Manam and Koch in Nwoya district; Puranga in Omoro and Pader districts; and Pajule in Pader district. The study covered all the eight political-administrative districts of the sub-region.
2. Literature Review

2.1 Understanding of the Customary Land Tenure System

Customary land tenure covers 75% of land in most African countries (Chirayath et al, 2016). Over 70% of land in Uganda falls under customary land, while the owners are entitled to customary land tenure and boundaries are usually determined by specific landmarks such as trees, rivers and hills. The owners of customary land are entitled to Certificates of Customary Ownership (CCO). However, most of the owners are reluctant in obtaining the certificates, and very few have obtained them. A study commissioned by the Joint Acholi Sub-regional Leader’s Forum and Trócaire (2016) established that 90% or more of land in Acholi was customary, communal land, vested in and belonging to recognized patrilineal kinship groups – clans (kaka) or sub-sections of clans. However, the particular meaning and understanding of such (non-individuated) customary land in different clans varied in the research sample. Human Rights Focus (2013) had also earlier recognized that over 90% of land in Acholi is customary, and under communal control/ownership. These communal land owners are variously understood as clans, sub-clans or extended families. While a very small portion of land falls under the freehold and leasehold tenure system, such cases are primarily within town centres (Human Rights Focus, 2013). Despite such an enormous coverage, customary land is defined differently by different scholars and organizations.

The Land Act 1998 officially recognizes customary tenure, and defines it as a system “providing for communal ownership and use of land...in perpetuity”. The Land Act also recognizes that subdivisions of customary land may be recognized as belonging to a person, a family, or a traditional institution. Thus, customary tenure is defined in such a way as to leave open the possibility of individualized property. This characterization is in line with the Acholi concept of land ownership, in which land is vested with the clan, and is held in trust for future generations. User rights, ownership, control, and transfers are all subject to the superior right of the family, group, clan or community. The clan elders decide who should be allocated land and for what purposes, and the clan leadership must approve any transfers of clan land (i.e. through sale or lease). Under this system, both men and women have user rights to land, subject to the approval of and long-term well-being of the clan. The Land Act provides for the formalization of customary land rights, and in section 6, lays out the procedures by which “any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land”. Under customary law, all land is vested in the clan and is held in trust not only for the benefit of the living but for future generations. Traditionally, clan leaders – hereditary head of the clan, clan elders, and almost exclusively men – make decisions about how, to whom, and for what purposes clan land is allocated.
Section 3 of the Land Act defines ‘customary tenure’ as follows:

“Customary tenure is a form of tenure applicable to a specific area of land and a specific description or class of persons; Subject to section 27, governed by rules generally accepted as binding and authoritative by the class of persons to which it applies; Applicable to any persons acquiring land in that area in accordance with those rules. Subject to section 27, this land is characterized by local customary regulation; Applying local customary regulation and management to individual and household ownership, use and occupation of, and transactions in, land; Providing for communal ownership and use of land; In which parcels of land may be recognized as subdivisions belonging to a person, a family or a traditional institution; and which is owned in perpetuity,” owned by or vested in the local or central government of Uganda.

According to Human Rights Focus, (2013) customary land refers to the land which is owned by a particular group of people (family, clan, tribe, community), that is used and managed under regulations agreed upon by the group-customary law. Part 1 (c) of the Principles and Practices of Customary Tenure in Acholiland defines Customary land to mean land in Acholiland that is not registered under the Registration of Titles Act or officially registered under the Registrar of Titles Act.

In Acholiland, customary land 'ngom kwaro' is mainly communally owned with access based on the membership of a community, clan, or family. Traditionally customary land in Acholi is used for the purpose of hunting, grazing, cultivation, settlement and other purposes.\(^7\) The use of the land is usually overseen by elders, clan heads or other assigned committees to ensure the rights of the entire group are being honoured and is governed by customary law (Human Rights Focus, 2013). Customary law is considered to be ‘informal’ and not codified or documented with the agreed upon conditions and rules are passed orally from generation to generation (ibid). Although customary laws are recognized by courts of law in Uganda, the Constitution and Land Act were or are yet to deliver strengthened customary land security, in part because of the costs and difficulties of establishing land administration bodies at very local levels (ibid). Although not explicitly documented, the youth were/are part and parcel of the traditional community hence their customary land rights were/are also protected by customary law.

\(^7\) See Sections 1(l) and 3(1) of the Land Act Cap. 227 (as amended).
In Africa, protecting and enforcing customary land rights can be best done by passing laws that elevate existing customary land claims up into nations' formal legal frameworks and make customary land rights equal in weight and validity to documented land claims (Knight, 2010). Before they can be protected against outsiders, customary land rights must be recognized under national law. In any case, to allow customary land systems to flounder in the realm of illegality deprives the poor of state sanction for and protection of their customary rights (ibid). Indeed, today, the Government of Uganda recognizes four land tenure systems as provided for under article 237 (3) of the 1995 Ugandan Constitution (amended) as well as section 3 of the 1998 Land Act (amended): (i) Mailo Land tenure system (in Section 1(t) and 3(4) of the 1998 Land Act) (ii) Freehold tenure system (Section 1(p) and 3(2) of the 1998 Land Act) (iii) Leasehold tenure system (Section 1(s) and 3(5) of the 1998 Land Act as amended. Freehold Tenure System) (iv) Customary land tenure (Sections 1(l) and 3(1) of the 1998 Land Act). This legal recognition of customary tenure and the provision for local-level land administration accompanying it won initial praise and optimism from a number of African land experts (Wiley, 2000). Although all the above did not give a direct reference to the youth, in this study, a direct focus was made in the context of youth. It should be noted that despite the legal recognition of customary land tenure and rights in Uganda, in practice, these rights have not been fully protected. Indeed, some communities in Acholiland have, in the recent years, been unscrupulously losing their land to grabbers.

International law, the laws of Uganda and Acholi traditional customs provide for equal rights to land ownership either individually or in association with others (Article 26(1) of the Constitution). While no international right to land is explicit in the international legal framework, the necessity of providing access to land in order to facilitate the realization of human rights has been considered in several international principles and interpretive documents. In particular, explicit rights to land have been developed in two key areas of international human rights law, the rights of indigenous people and the rights of women. Convention 169 on Indigenous and Tribal Peoples establishes the right of indigenous peoples in independent countries to “exercise control, to the extent possible, over their own economic, social and cultural development,” in a number of areas. The Convention includes a section on land, and requires States Parties to identify lands traditionally occupied by indigenous peoples and guarantee ownership and protection rights. Land rights are also entrenched in the international legal framework on women’s rights. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) requires that State Parties “shall ensure women the right to equal treatment in land and agrarian reform as well as in land resettlement schemes. This protects female youth from any form discrimination in access and ownership of customary land.
It is notable that whereas land rights are not explicitly and fully developed in international legal frameworks and core human rights instruments, the human rights frameworks clearly dictate that human rights be applied non-discriminatory and equally for all people.

In Northern Uganda, the overall ownership of land lies with the clan as an entity and rights and responsibilities are delegated to the clan, and its members or individuals, whether male or female. In the same way women, children and persons with disability have equal rights to land.

### 2.2 Youth Involvement and Participation in Customary Land Rights.

The literature on the youths’ involvement in customary land rights is thin. Despite the increasing visibility of youth in the sustainable development discourse, their role within the land sector is unclear. While property rights and economic opportunities are expanding for youth, land is largely seen as an adult privilege (UN-HABITAT, 2011). Part of the resistance to improving youth access to land stems from the construction of youth as a problematic, transitional and ill-defined category. Dominant societal attitudes expect youth to wait until adulthood before asserting their land rights. Alternatively, youth are expected to access land through adults or compete in the skewed land markets (ibid). Kamete (2008) argued that in practice, youth are invariably ignored on land use consultations. Where avenues exists to incorporate youth concerns, the land governance processes are often legalistic, opaque and dominated by economic interests that tend to alienate youth and their needs.

Hopwood and Atkinson (2013) contends that during the time of the Lord’s Resistance Army (LRA) in Acholi, population growth, movement, and fragmentation of communal land undoubtedly occurred, albeit, land rights in Acholi continued to be organized on a communal tenure; with land rights organized at the clan (kaka), sub-clan (doggola-kaka), or extended family (dog gang or dog ot) levels (ibid). Atkinson et al (2017), add that these communal land rights were organized and managed by the hereditary head of each clan, assisted by clan elders. At the same time, however, farming frequently involved cooperative, communal village-clan labor, rotating among household plots, while hunting and herding also included cooperative labor (ibid). This literally meant that customary land rights – including the youths’ – were and largely continue to be subservient to the rights of clan elders, since the clan elders were/are the key decision makers.

It has been shown that ‘the concept of ownership of land in the indivuated sense is largely not applicable to the Acholi customary and communal land. The said ownership must be contextualized within the traditionally known norms and customs that land is owned for the perpetual benefit of the present and future generations, and must not be sold to the detriment of generations.’ (Acholi Kingdom, Key Informant).
A study by Burke and Omiat (2011) identified some facilitators to participation and involvement in customary land rights. Among them were; functioning traditional and local council courts, awareness of customary land rights, community’s strong preference to solve land issues at local levels as well as significant respect amongst the community for Local Council II (LCII) and traditional leaders in solving land disputes. Juxtaposed to this, the legal status of local council courts being ambiguous; considerable confusion concerning procedures; courts and institutional bodies responsible for land; significant disparities in costs associated with accessing justice, and little knowledge amongst the community of statutory and customary land laws were found to be critical deterrents to participation in customary land management. Although not context specific, these facilitators and barriers were also relevant to the context of the youths’ enjoyment of customary land rights in Acholi sub region.

Sait et al (2013) claimed that like adults, youth have a strong interest in land ownership. However, youth access to land, particularly ownership, has to be understood within a cross generational framework, where family and wider kinship norms are influential, but that sometimes this negates the role of the youth. While children access property through family or guardians, older youth- as young adults- theoretically possess the independent legal capacity to acquire land in their own names (Siraj Sait and etal 2013). Youth seek land ownership for a variety of reasons which could differ in rural and urban contexts. These may include land as an asset or for renting out, for livelihood or business space, for housing and shelter but also for wider socio-cultural needs as land has a greater developmental role for younger people (bid).

Land has more than a material or utilitarian aspect for youth. For many, their relationship with land is intertwined with their pursuit of identity, community and cultural expression. Socio-cultural meaning of land varies across the diverse categories of youth. It has a different meaning depending on if you are a young man or woman; if it is customary or indigenous land it is imbued with sacred or cultural dimensions and land means fundamentally different things to the young farmer, pastoralist or urban dweller. Youth are one of the largest demographics within numerous if not all vulnerable groups such as refugees, widows, street youth, HIV positive and orphans, youth with disability.

In many societies, one of the main means for youth to access land is through inheritance. With urbanization and shifts from the extended to nuclear family, it is unclear how inheritance and customary land tenure practices are evolving. Increasing impoverishment of rural families has led to selling of family land that would have otherwise been inherited by the next generation. A recurring question is how youth are impacted by the alienation of family land, especially in light of other research which has noted that youth seem to be more interested in investing in
education and other non-land wage employment as they are focused on opportunities in the cities.

Burke and Omiai (2011) noted that while neither statutory nor customary mechanisms are without weaknesses, they continue to function and resolve the majority of land disputes to the satisfaction of all parties involved. The traditional leaders generally have the trust of the community, a sound knowledge of the situation and the immediate actors involved, and are well positioned to engage in Alternative Dispute Resolution (ADR). Where this fails, they are well placed to document existing boundaries and the relationship between the parties to the dispute that can be used in evidence in statutory courts (ibid).

The customary land management social structures are, however, not without fault. In the first phase of the JASLF/Trócaire study, it was revealed that despite the positive role of cultural leaders in customary land management, there were harsh criticism of some of these same leaders, ranging from complaints about local leaders being involved in corruption and bribery, insincerity during mediation, and that elders are not seen as truthful on land boundary issues, sometimes speaking in favor of those with money. In some chiefdoms, nepotism was also cited as a reason why conflicts were not resolved faster and more fairly.\(^8\)

It was also revealed that in a majority of chiefdoms, the lack of community respect for and trust in the *Rwot* and other cultural leaders during mediation, and many youths' failure to listen to elders' advice were prevalent challenges in customary land management.

### 2.3 The Barriers to the Youths’ Access, Control and Use of Customary Land

Today, there are more than 1.2 billion youth in the world, the largest number of youth ever to have existed. It is estimated that as many as 60 percent of all urban dwellers will be under the age of 18 by 2030 (Bennell, 2007). Population pressures—including a youth bulge in many developing countries—are reducing land availability (Jayne et al., 2010; Muyanga & Jayne, 2014 and Kosec, et al, 2017. Pessimistic views on inheritance prospects may push some youth to delay entering the labour force. Understanding how land inheritance impacts such decisions is critical for understanding the likely impacts of demographic and technological changes on development and youth access to land rights (Kosec, et al, 2017) in Acholi sub region.

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\(^8\)Piloting the Protection of Rights to Customary Land Ownership in Acholiland: A Research Project of the Joint Acholi Sub-regional Leaders ‘Forum (JASLF) and Trócaire, June 2016.
According to the Joint Acholi Sub-regional Leader’s Forum and Trócaire (2016), land in rural Acholiland remained overwhelmingly customary, kin-based communal land vested in, organized, and managed by patrilineal clans or sections of clans, with provisions to accommodate outsiders of various categories to share in the use of the land. In this study, it was observed that such land ownership arrangement could be both advantageous and disadvantageous to the Youth. Advantageous, in a sense that youth can freely access land as clan members, and guided by elders. The youth’s access and control of land can be undermined by elders’ interests, since they are seldom part of decision making processes. The patrilineal nature of land ownership can also negatively affect female youths’ access and control of land.

The Joint Acholi Sub-regional Leaders’ Forum (JASLF) and Trócaire study further revealed that although, the customary tenure system was incorporated into the 1995 Constitution of Uganda alongside the then existing freehold, leasehold and mailo basically in Buganda region, the necessary structures like a separate customary land registry and guidelines to operationalize registering and administering land under customary tenure have not been put in place. In this study, it can be observed that the absence of such structures and guidelines can be a very big challenge to the Acholi communities. Such challenges permeate to the youth for posterity purposes. Indeed, a study by Kamete identified lack of security of tenure as one of the most land challenge facing youths. Lack of tenure security and appropriate land reforms bypassing youth can trigger conflicts between the elders and the youths. In many parts of the world, landlessness and lack of economic opportunities among rural youth is a primary cause for migration to urban areas which in turn links to pressures for housing, tenure insecurity, and the increase in informal settlements (Kamete, 2008). Where avenues exist to incorporate youth concerns, the land governance processes are often legalistic, opaque and dominated by economic interests that tend to alienate youth and their needs. Tenure security for the youth is about ensuring that there are appropriate and affordable tenure options available. No single tenure option has been able to respond to the needs of all groups in society, which is why recognizing a continuum of land rights is of critical importance to advancing tenure security for all (ibid).

In a study on Land Disputes in Acholiland, Mercy Corps (2011), identified a number of barriers like; (i) Misinterpretation of customary land laws: Decades of displacement has eroded people's understanding of customary law while some youth born in the camps have no knowledge on how land is traditionally governed. (ii) Weak institutions: Given the complexity of land matters in northern Uganda and the number of amendments to land laws, many leaders lack the knowledge and resources needed to successfully resolve land conflicts. As there are many institutions mandated to deal with land conflict that have both similar and diverse roles, at times some leaders don’t know their limitations and fail to work with others therefore overstepping their
roles. (iii) Defiant nature of some youths: Camp life eroded some cultural values, resulting in the failure of some youth to listen and respect the guidance of elders. Some youth also quickly resort to violence when facing conflict while at times elders also manipulate them to do so.

Knight (2010) argued that in Africa, the issue of how best to increase the land tenure security of the poor, like the majority of youth in Acholi, and protect the land holdings of rural communities has been brought to the fore due to increasing land scarcity caused by population growth, environmental degradation, climate change, and violent conflict. According to UN Habitat (2013), lack of security of tenure is one of the most contentious issues facing youth. Lack of tenure security and appropriate land reforms bypassing youth can trigger conflicts with youth who can become in the forefront as rebels and victims. Landlessness and lack of economic opportunities among rural youth is a primary cause for migration to urban areas which in turn links to pressures for housing, tenure insecurity, and an increase in informal settlements.

Wily and Mbaya, (2001) observed that the initial optimism for this far-sighted Land Act with respect to customary land tenure was short-lived, and hardly came to fruition. The practical implementation of this law was overwhelmed from the start by the massive financial costs needed to create and support the required institutional capacity and effective structures on the ground (Palmer, 2000). In addition, dismantling the former land administration mechanisms created a vacuum, while “[i]nadequate attention was paid to the very significant regional differences in land tenure and land use . . . which, in turn, called for different implementation strategies and arrangements; [and] some areas were urgently in need of the land tenure reforms, others were not” (Wily & Mbaya, 2001). This also called for different strategies to ensure youth inclusion in customary land management in all regions especially Acholi. In agreement with Atkinson et al, (2017), the financial and capacity problems apparent from the outset of the passage of the 1998 Land Act hitherto plague Uganda’s Ministry of Lands, Housing and Urban Development. The Ministry for Lands is under resourced/funded (0.1% of the national budget), which translates into substandard performance (MLHUD, 2013). In consonance with the above, the findings by Byakagaba and Twesige (2013) were astounding, “the provisions of the law relating to communal tenure have largely remained unimplemented. The government has not put in place the necessary structures and guidelines to operationalize registering and administering land under communal tenure” (2013, p. 3).

Conflict associated with land has increased substantially following the return of peace to the Acholi Region with the return of Internally Displaced People (IDP), population growth, and increases in the value of land. The land related conflicts have been compounded by demographic distortions associated with the protracted civil conflict. The area is heavily dependent on agriculture and conflict related to land access seriously threatens to undermine development and
the social, political and economic stability of the Acholi Region (Burke, and Omiat (2011). This also undermines the significant efforts in mainstreaming youth rights in customary land management in the sub region.

A study done by Mercy Corps on land conflicts and markets in Acholiland in 2011 for instance revealed that cash sales of land had increased in frequency since the end of the war. It was reported that conflicts arose when one family member sold the land without the consent of his relatives, and further that youth were most likely to sell family land without permission, pocketing the proceeds for their own use. At the time, this trend was thought to be related to the perceived reluctance of many youth to return to the agricultural livelihoods of their parents.9

Youth is a transitional phase and youth’s relationship to land needs to be addressed in this light. Land is a limited and valued commodity which youth are often expected to access through adults, or to wait for until they themselves are adults. It is resource base for basic human rights such as food, shelter and prosperity. Youth are also one of the preeminent users of public space; space which they often have little say over in regards to its development or usage. Because of the value attached to land in societies, it has often been guarded as an area where only adults can participate and influence.

2.4 Enhancing the Youth Position in the Acholi Customary Land Tenure System

The findings of the study by Burke, and Omiat (2011) underscored the need to resolve the legal status of the local councils; strengthen their knowledge of the relevant laws and procedures of arbitration; provide them with more detailed evidence compiled by the traditional leaders; and formalize their interaction with superior courts to make them more effective and address issues of corruption. Similarly, The Global Land Tool Network cited in UN-HABITAT (2011) proposed a set of interlocking proposals to enhance youth involvement in customary land acquisition and management. Some of these include: Promoting a global youth and land agenda to mainstream youth issues in the land sector; Supporting land policy development for youth by carrying out youth audits of existing policies and programmes and provide technical assistance to governments and other stakeholders; Revisiting land for youth perspectives and review the extent to which existing tools and models accommodate youth land needs; Developing a multi-pronged youth strategy acknowledging the complex links between land and other development issues by involving a variety of development actors with specific youth mandates; Adopting an inter-generational approach to youth land rights; Promoting the inclusion of youth as

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beneficiaries, partners and leaders in the land sector; Building the capacities of youth to realise their land; Identifying priority youth target groups for programmes based on gaps, youth demands, available expertise and potential impact.

Knight, (2010) argues that land tenure systems must be based in the lived phenomenological realities of the people, as practiced daily on the ground. In her study, titled; Statutory Recognition of Customary Land Rights in Africa (2010), Knight, reiterates salient suggestions that governments should:(i) Make customary land rights equal in weight and stature to "formal", certified land rights; (ii) Establish genuine tenure security by placing land ownership in the people themselves, vest ultimate land rights to the land in communities, and create an enforceable fiduciary duty between local land management bodies and community members (the land holders);(iii) Explicitly protect the land claims of vulnerable groups like youth and establish their right to hold or own land; (iv) Define "custom" very flexibly so as to be non-exclusionary and to allow for evolution, flexibility and adaptability over time; (v) Be explicit and clear regarding rights of rural communities vis-à-vis the state or external agents, or for the protection of vulnerable groups, leaving no room for interpretations that can weaken these protections; (vi) Establish procedures for documenting and protecting community lands as a whole first to protect the meta-unit from encroachment, then slowly - over time and according to landholders' volition – allow for documentation of family and individual lands; (vii) Create local land administration and management structures that are highly accessible and leverage local individuals' intimate knowledge of local conditions, establish free or low cost land management systems; (viii) Make customary land transactions legal and enforceable, with a clear system of judicial appeal from the lowest level to the highest court.

2.5 Summary
The literature reviewed, much of it recent, lacks a specific focus on the youth in relation to their customary land rights. A majority of the youth have continued to have and experience limited influence on customary land, as it’s a preserve for the elders. Notably, the issues and the solutions being identified by youth are not being sufficiently integrated in the mainstream policies and programmes, as well as customary land management, given the “inflexibility/inelasticity” of many customs. In many Sub-Saharan countries, youth are part of different stakeholder groups; policy makers, professional bodies and civil society. However, customary land is often seen as an adult only issue, and its management remains unresponsive to youth’s needs and rights. In order to build on the momentum and to be able to move from...
individual’s action to change towards a youth responsive land sector at scale, there is a need to strengthen the knowledge base and to broaden the understanding of how youth’s land rights and needs are intricately linked to sustainable development in rural and urban areas.
3. Research Findings

3.1 Youth Land Rights in Acholiland

This section generally presents the field findings of the study, together with the analysis of the rights of, position held by the youth in the access, ownership, utilization, control, management and administration of land in the Acholi sub-region. The findings and analysis are presented along with different forms of land tenure and how the land policies are impacting on the youth usage of land. The challenges associated with the customary land tenure in Acholiland, and recommendations for strengthening the security of tenure for the youth are also presented.

Figure 1: Gender distribution of youth respondents

Out of the 5,138 research participants, 198 were reached through the youth Focus Group Discussions at chiefdoms. Of these, more than half, 59% (n=116) were male and 41% (n=82) were female.
Figure 2: Graph showing gender distribution of youth participants at FGDs conducted at chiefdoms

As illustrated in the above graph, the FGD at Pajule chiefdom in Pader district had a bigger proportion of male respondents than females while only Bwobo Manam and Cwa chiefdoms in Nwoya and Kitgum districts had an equal number of both male and female respondents in the FGD. Overall, the number of male respondents was higher than females in most locations.

3.1.1 Youth understanding of Customary land tenure system

The study sought to establish whether the youth have sufficient knowledge of the customary land tenure system in Acholiland. Study findings showed that the youth were soundly aware of the existing tenure system and they could ably define what customary land means, in Acholiland. There were only very small variations in the explanatory responses of some youths. The youth across all chiefdoms defined customary land as land acquired from ancestors or grandparents to the present generation and is passed on to the incoming generations. It was further defined as land that was never bought and therefore should never be sold. It is purposely for settlement, family raising and animal rearing.

“Customary land is land which has been occupied by our great ancestors and later inherited by us and this type of land has no land title and it is not supposed to be sold, for example, Kal customary land”(Youth FGD, Koch chiefdom, Nwoya District).
“Customary land according to youths of Cwa chiefdom in Kitgum District is the land inherited from generation to generation and that is why it is called “ngom kwaro” Kwaro means “forefathers”, so generally, it means the land that was occupied by the forefathers and now it passed on to children” (FGD Cwa chiefdom, Youth-Kitgum District).

The youth were also able to discern Communal land, which they described as the pieces of land that are preserved for collective community use, are administered without boundary, and can be accessed and used by anybody for the benefit of the community, and in most cases, it is at some distance from homesteads, and mostly used for grazing, hunting, communal cultivation and other communally shared purposes. According to the youths of the Cwa chiefdom, communal land is meant for grazing (olet), hunting (tim dwar) and communal cultivation (aker), and this land is communally ‘owned’ and managed by head of chiefdom (Rwot moo).

Some misrepresentations were also noted. “Customary land is the type of land that is owned by certain group of people (clan) that no one has full rights to it and can’t be sold; for example ngom kwaro koyo where he resides from can’t be given to investors and no one can give it out till consent is sought”. This incorrect explanation came from a Youth FGD Pajule chiefdom, Pader District, signalling the reality that some youth could not precisely differentiate customary land and customary communal land.

The slight variations were recorded with some youth indicating that customary land is a land that someone has bought, bore children and raised them in; it is passed on to children when the parents die. While the primary principle is that customary land is freely inherited and held under the clan in perpetuity, some youth understood it as land bought or sold to someone for cultivation, cattle grazing, and brickmaking. This was picked from some youth in Lokung chiefdom, Lamwo District. The understanding that this is land bought may not be far-fetched, as indeed, some sources have indicated that some people sell the land without the knowledge or consent of their relatives and clan heads. However, the submissions reflected a rather hazy, indistinct understanding of customary land by some youth.

It was clear that the youth could ably distinguish between the customary land tenure and other tenures, with minor mix ups. They understood that customary land has been inherited from the past generations and is preserved for the present and future generations. The youth understood that customary land management largely revolved around patri-lineal and patri-local inheritance of land, predominantly inherited, controlled and managed along male lineages. The youth understanding of the patterns of use of customary and communal land were strongly akin across all the chiefdoms. The youth further understood that even though homesteads (families) resided,
used and permanently owned customary land plots, they are not expected and did not have the right or authority to sell this land. The families live on the land for the perpetuity of the present and future members of the family.

3.2 Land Ownership and Control

In exploring the youth understanding of land ownership, control and administration of land, a number of questions were asked as to who, in their opinions and experiences, controls, manages and administers customary and communal land and how this is done. Clear guidance was provided to research assistants to probe for respondents’ understanding of the organizational structure in the land management and how this worked in practice.

It was expressed by the youth across chiefdoms that land in Acholi has no individualized ownership but is held for the benefit of present and future generations. From the youth FGD in Lokung chiefdom in Lamwo District, it was said the control, management, and administration of customary land is structured beginning from the higher authority of the Paramount chief of Acholi, then to the chiefdom head “Rwot moo Lokung”, to the clan leader (Rwot kaka), then the head of extended family (ladit dogola) and then to the head of a homestead (Won gang/ Ladit ot); and finally down to the eldest or preferred son of the family. The control, administration and management of this land cascades at various levels—chiefdom, clan, extended family and homestead—and clear succession is embedded at each of these levels.

“The Rwot Moo specifically has overall control over customary and communal land in his area of jurisdiction although some powers are delegated to the land protector (rwot kweri), clan leader, and clan land chairman at household level. The Rwot moo works hand in hand with the structure of Rwot kweri, Rwot okoro, the chiefdom executive members, and even the local council 1 of the area is involved in settling land disputes,” Youth FGD in Lokung chiefdom, Lamwo district.

The demarcation of the land is basically through mapping, planting trees at boundaries, evidence of grave yards, old homestead sites (wiiobur), big trees such as tamarind, and buried big stones. People have lived to know and respect these marks, and they are often referred to when matters arise. At clan level, the clan leaders and elders usually know the customary land boundaries of that particular clan, for example, an elderly person in the extended family the ‘Rwot kweri’ is selected to manage the land for that particular clan.

The management of the land has evolved as a collective, communal responsibility as illustrated by the youth from Palabek Kal chiefdom, Lamwo District. They expressed a rather complementary structure where customary land is controlled, managed and administered by a selected elder from the clan; by a head of hunters for hunting grounds; clans that use the land for everyone –
for instance kal clan and palony would have one person who knows the boundary to protect on behalf of the others; the chief of that area; the chairperson (s) of the different clans controls the land and the children, youths, women, elders and everyone who lives in that place ensures it is protected. The chiefs of the clans manage customary land and they should be mature persons, not youth or children who can easily be compromised.

The *Rwot kweri* and chiefs of the clans manage communal land, knowing the boundaries of land of different clans. The youth also asserted that communal land is also preserved by the neighbours who know the boundaries and where each user stops, without interfering with or encroaching on communal lands. The youth also indicated that government (including Local Governments) also protects those in the land, although with no direct role in management and administration of the land.

Apart from the custom and tradition based structures, the youth pointed out Local Councils (LCs), and political administrative structures such as Area Land Committees (ALCs), Sub-county chiefs, Town Clerks and Local Governments among the administrators of the land in the sub-region.

The youth recognized the fact that under customary land tenure, the idea of “ownership” is not applicable. Land is held, controlled, managed and administered in trust for the present and future generations. There are complex systems of changing principles and often negotiable practices around the use of various land-based resources by different classes of land-holding community members.

In practice, there are numerous mechanisms that the youth identified through which the controllers, managers and administrators of land perform their roles. At the various levels, meetings are held whenever there are matters touching land—such as issues of or conflicts over inheritance, irregular disposal, encroachment, death of family heads among others. Usually, the members of the clan, extended family or homestead (depending on the level at which the matter is) come together and discuss the matter, a decision is taken and the assigned leader at that level is tasked to implement the decision.

### 3.3 Access to and utilization of land

In this study, questions about access and utilization of land probed the category of people with rights to settle in, utilize or own customary and communal land in Acholiland. Specific emphasis was put on exploring the categories of people or groups with rights to settle in, utilize, own and sell land, and whether all these categories include the various classes of youth.

Generally, the youth acknowledged that land access rights are primarily for the descendants (grandchildren) of particular groups of people or families that existed in the foretimes and had settled in the particular lands. The descendants have the right to settle, utilize and own
customary and communal land as inheritors. The youth respondents specifically identified the following persons/groups as entitled to access, live and utilize customary clan lands:

Table 3: Access to and Utilization of Land

<table>
<thead>
<tr>
<th>Settle</th>
<th>Utilize</th>
<th>Control Over Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Married men</td>
<td>• Married Men</td>
<td>• Married men</td>
</tr>
<tr>
<td>• Widow and widower</td>
<td>• Widows and widower</td>
<td>• Widows and Widowers</td>
</tr>
<tr>
<td>• Unmarried Women</td>
<td>• Unmarried women</td>
<td></td>
</tr>
<tr>
<td>• Divorced women</td>
<td>• Divorced women</td>
<td></td>
</tr>
<tr>
<td>• Friends and visitors</td>
<td>• Friends</td>
<td></td>
</tr>
<tr>
<td>• Refugees</td>
<td>• Refugees</td>
<td></td>
</tr>
<tr>
<td>• Young girls and boys</td>
<td>• Young girls and boys</td>
<td></td>
</tr>
</tbody>
</table>

In essence, all categories of people specified above can settle and utilize the customary land. They settle on plots allocated by the clan head. They cannot however settle on the communal land which is preserved for collective use. Control of customary land is however limited to married men, widows and widowers. All people settled on the land are able to use that land, whether male, female, youth, young, old or disabled. It should be noted that land rights refer to the inalienable ability of individuals to freely obtain, utilize, and possess land at their discretion, as long as their activities on the land do not impede on other individuals’ rights. This is not to be confused with access to land, which allows individuals the use of land in an economic sense. Land rights address the ownership of land which provides security and increased human capacities.

It emerged in all youth FGDs that; ‘small portions of land are allocated to persons with disabilities within the family members due to the fact that their ability to manage large tracts of land is perceived to be limited.’ This finding corresponds with that of the pilot phase which also found that despite being recognized, the disabled children in families were less entitled to land than the able-bodied children. It therefore follows that despite being entitled to equal land rights, persons with disabilities are not being accorded their full rights due to societal perceptions and prejudices.

Access, settlement and utilization of land by the youth was guaranteed since they are in their ancestral homes. The youth were often ready to guard their clan land from ‘foreigners’ who come and irregularly settle on and utilize their land. This was more so for the vast communal lands.
It was also said that anyone who comes to buy or rent the land through proper negotiation and approval by clan leaders and family elders also has a right to settle in and use the land. When the parents die, the land goes to the children and their children’s children and the trend continues. While the youth thought this system was fair, they cited instances of where there were no sufficient guarantees to protect the land rights of children who lost parents at a young age and were unable to defend their rights. It was said such children had lost land at the hands of other family members and dishonest clan leaders.

### 3.4 Role of the Youth in the Management and Use of Land in Acholi region

Field findings indicated that land in Acholi is majorly owned by elders of the different clans together with the family heads and they have full control, management and administration of customary land. The youth revealed that they are invariably ignored on land use and control. They (youth) noted that whereas avenues such as youth own meetings, meetings with clan leaders and informal engagements existed to incorporate youth concerns, the land governance processes are often legalistic, opaque and dominated by economic interests that tend to alienate youth and their needs.

The youth used land for different purposes, including farming, cultivation, brick laying, animal rearing, wood cutting (for timber and charcoal), marram mining, commercial farming (especially cotton growing), tree planting and hunting. Others hired out land for income.

The role of the youth in the management of land was limited, as it is chiefly the responsibility of the traditional structures of the paramount chief, chiefs, elders, clan leaders and family heads. All the youth interviewed felt unfairly left out of the land management affairs.

### 3.5 Youth rights to Customary and Communal land in Acholiland

On the subject of youth rights to land, the study sought to understand the real and perceived experiences of the youth on access, utilization and ownership of customary and communal land in their respective chiefdoms, clan or elsewhere. The questions were based on the understanding that, like adults, youth have a strong interest in land and home ownership for various reasons.

> “The youth rights are not being considered anywhere as the ownership and use of customary land in such a way that our elders do not consult us when they want to sell or give away the land simply with the reasons that we are still young and these lands have been given to them by their elders”, (FGD, female youth, Agago District).
The common responses from the youth were that the youth rights and interests to customary land have been greatly undermined. The youth indicated they have been neglected on the issues of the customary land, and there has not been ample opportunity and ‘authority” to say anything as pertains the use and ownership of customary land. The findings indicated that this situation was worse for female youth.

The youth of Pawel chiefdom, Amuru District revealed they had limited access to land rights because they are less involved in land affairs, and are considered to be young. The majority of the youth (male) said they ‘own’ through inheritance upon the death of their fathers. They also showed that they usually “participated when there were land disputes”, mainly to defend the land interests of their clans. Youth get rights to use land from their parents when they come of age and marry a wife for the case of male children, then your parents apportion you a piece of land to start up, put a house and start cultivating.

The youth are often allocated land by their fathers or elders to build or cultivate on, and in some instances, given their inheritance shares if their fathers have become old. However, while they had the right to settle and use the land, they did not have the right to individually own or personalise it. It was revealed by the youth of Lokung chiefdom, Lamwo District, that there is usually suspicion and fear among the elders that the youth could sell off the land, if allocated to them, for dubious reasons such as drinking and womanizing. More often, the youth were not involved in the meetings of elders and clan leaders, and decisions regarding land.

Girls particularly expressed the desire to be given land to cultivate, and, in the case that they divorced and returned to their fathers, where they could settle. A female youth in Cwa chiefdom, Kitgum District said that; ‘as women, they are not allowed to own land because they are meant to leave their fathers’ house and go to their husbands’ houses and get their land from there. She said this is unfair because females are also human and should also have the same land rights as male youths.’

“We have limited rights on land as youth because we have to consult elders first before we involve ourselves in land issues”, noted youth of Puranga chiefdom, Omoro District.

It was noted that youth access to land, and particularly ownership, in Acholiland is influenced by wider norms and customs, as well the communities’ perception of the youth. While the Acholi acknowledge the youth as the preservers and joint protectors of the land and other resources thereon, the involvement of the youth in the regular land administration and management decision making processes is limited. The youth indeed acknowledged being expected by their communities (clans) and called upon to defend their land in case of any potential or real threat of irregular grabbing.
3.6 Youth utilisation of land

The study further sought to explore how the youth use or utilize the customary land to which they are entitled access. Across all the chiefdoms, customary land is predominantly used for agriculture—mainly crop production—as the major source of livelihood. A range of uses of customary land by the youth were identified, and these included:

- Subsistence and commercial farming (crop cultivation and animal rearing)
- Fish farming
- Settlement/building, raising children
- Business activities
- Brick laying
- Tree planting
- Wood cutting for timber and charcoal
- Mining marram
- Hiring / renting out
- Burial
- Dam constructions
- Building markets and schools

Some of the specific uses of customary land are: homesteads and burial grounds, farmlands and spiritual sites. However, these were not mentioned by the youth. Instead the youth were quick to identify activities like wood cutting for timber and charcoal, brick laying and mining marram, which are relatively new concepts due to current developments as mentioned above. This could potentially signify the knowledge gap between elders and the youths regarding customary land use and the intrinsic values attached to land.

It can be noted that most of the uses of customary land are not sharply distinct. The basic variation is there is customary land that has restricted access and ‘ownership’ and customary communal lands which are collectively accessed and used for activities such as grazing, hunting, collective commercial cultivation, wood cutting for timber and charcoal, brick laying, marram mining, among others.

In Acholi, customary land is majorly for agriculture/farming, animal rearing, settlement, and business activities. Some people also do give such land out for renting to private individuals to use it for cultivation, majorly commercial farming, brick laying and tree planning, among others. This, however, is rare for youth who hardly have any control over land. The land related customs
and traditions grant lesser, rights to female youth than male youth, while women’s land rights are normally gained through marriage.

### 3.7 Role of Youth in land related internal problems and conflicts

In any society, conflict is certain. Land related conflicts, explicit or subtle, have afflicted numerous societies. For the Acholi sub-region, the displacement of virtually the entire rural population on account of the LRA insurgency for over twenty years made land conflicts inevitable and real. Regardless of this, it is natural that conflicts are an ongoing concern in every society, for many reasons. In this study, the interest was to understand the specific positive and negative roles of the youth in internal (clan or family based) problems and conflicts. The youth were asked what they considered their involvement to be in internal problems or matters concerning customary land; how they were involved. Specific examples were sought.

As expected, the youth acknowledged the existence of problems related to land in their localities, and that they were involved, in varied perspectives and with varied roles. In times of land problems, the youth are expected, relied on and mobilized to protect the clans’ land being it customary or communal, depending on the scale of the threat or problem. Although not profoundly, the youth generally indicated they were involved in:

- Attending meetings to ascertain boundaries
- Voicing out grievances
- Making contributions on cases in courts
- Mobilization of fellow youth representatives to participate in land issues at clan level to ward-off conflicts
- Organizing youth own meetings to generate agendas to present to bigger meetings of elders and clan leaders
- Defending land through violent fights when the problem presents with violence

For youth to be involved in problem or conflict processes and before resorting to violence, they usually meet with the chiefs, clan chairs and elders, to ascertain the validity of the land disputes in question and seek the consent of elders on the retaliatory actions. “As male youths of Chua, we are involved in some stages of problems. Like for instance the recent fight between Okol and Pachua clan over the hunting ground (aker), as youths we participated in the fights and during mediation meetings organized by the RDC and Rwot of Chua, we were used as mobilisers” said a youth from Chua chiefdom, Kitgum District. Another youth from the same locality stressed that “they (youth) are allowed to give their decision during the mediation meetings but important decision are made by elders”.

- 38 -
It was however noted that the mechanisms of youth involvement were neither formal nor systematic, but they were not left out. The youth also take interest to inquire how the customary land was treated, and how land issues were culturally solved by their forefathers. They took interest in witnessing the boundaries of family and clan land, believing that they will help in future if conflicts over boundaries arose. The youth further indicated they preferred traditional customary mechanisms of solving land issues because they understood or perceived formal court processes as lengthy and as only perpetuating lasting enmity rather than resolving issues. “We always try to advise our elders to use dialogue other than court because the outcome of court is not always desirable but it can create an everlasting enmity between the conflicting parties”, said a male youth, 26, from Lira Palwo in Agago District.

Sometimes, the youth offered peer advice against land problems and conflicts, and encourage peaceful means of resolving conflicts. “We also advise ourselves through jokes like when we are playing cards we do insult our colleagues that we have heard them fight over land we always advise them to go and use peaceful means to settle that conflict”, male youth, 30, Lira Palwo chiefdom, Agago District.

The youth told of the negative influence of money in escalating land problems and conflicts in the sub-region, where the wealthy influence leaders and elders to make unfair decisions. “Money has suppressed the voice of youth in most cases because most youth do not have the money needed to solve problems of land conflict, because of this, the leaders have been bribed, but youth can follow the procedure of going through local leader’s peacefully”, said a youth from Puranga chiefdom, Pader District.

It was generally noted that the youth were active participants in the management of land related problems at family and clan level. They participated in both positive and negative options for problem solving, and usually consulted elders before they took any course of action. However, across many chiefdoms, the youth are passive participants, simply listening to the elders, rather than actively taking part in discussions and decision making.

### 3.8 Land related Challenges affecting the Youth in Acholiland

“Youth do not know much about customary land especially their ownership, acquisition and utilization”, said a male youth, 24, of Lira Palwo chiefdom, Agago District. “We do not know steps to take when handling land disputes of customary nature that is why we fall victims of circumstances”, said a female youth, 26, of Lira Palwo, Agago District.
In exploring the land related challenges affecting youth, the respondents were asked to reflect on the foregoing discussions and issues about customary land, and to make out what they thought were the most challenging to them as youth. The responses of the youth across chiefdoms were telling of the numerous challenges, ranging from security of tenure to structural management, and administrative weaknesses that significantly impair the youth rights to land. The two quotations above reveal that knowledge and understanding among the youth about customary land tenure systems were still inadequate, yet this is the beginning of youth consciousness, meaningful involvement and enhancing their stake in land related issues. The youth felt they had not been adequately given the rights to own customary land by their parents, and this limited their potential to transform their lives. “The youth have not been given the rights to own customary land by our parents, we do not know whether they want us to first get old then they give it to us”, said Okidi Patrick, male youth, 25, of Lira Palwo chiefdom, Agago District. This was the general sense of many youth across chiefdoms, believing that they are not adequately catered for in the early ownership of customary land. The youth are regarded as children, and excluded at meetings and other processes regarding land management. Where they are involved, their views are largely disregarded. This was said to have contributed to the youth’s lack of knowledge on land boundaries in their localities, and the resultant conflicts and inability of the youth to protect their land upon the demise of their fathers. In some instances, the family heads and elders fail to demarcate and allocate land to youths in a timely manner, often leading to continuous land conflicts among them at family level. The youth observed that the population increase in the sub-region was continuously making land more and more limited. They related this scarcity to the increased child birth rate from the time of displacement and encampment due to the war. In a related way, polygamy was also cited as a challenge, where many children in the family mean smaller portions of land allocated to them. The youth are often stopped from selling land in case they had problems that required money. While this is justified by the customary norms for preserving land for generational security of tenure, it is usually a cause of distress among not only the youth but also adult land owners who face various socio-economic strains. Female youths are not given opportunity to own land if they are not divorced. According to respondents, the female children are isolated when it comes to handling land issues, and that this is largely due to cultural stereotypes. It was reported as worse for women who produce children when unmarried, whose children are denied land ownership in the case of death of the fathers before the children were brought to their fathers’ homes. Land grabbing, encroachment, and undue as well as unapproved sale of customary land due to too much love for money by the fathers, elders were also cited as challenges to youth rights to land. The respondents reported that these vices were on the increase in the sub-region.
The youth also castigated their counterparts who want a life that they have not worked for, and often express the greed to sell land, a trend that is exerting a lot of pressure on the customary land. It was said that youths normally have high unsustainable ambitions, citing examples of youth who sell land to buy “boda-boda”, or to drink alcohol and womanize, practices which they said had made some families become landless.

Some orphaned youth who lose their parents at an early stage are manipulated by self-seeking relatives to grab or sell their land, and end up helplessly losing their land. Because land ownership is associated with marriage, the youth respondents reported that this practice had promoted early marriages for some male youths so as to be allocated land.
4. Recommendations by Youth for Strengthening Security of Tenure of Customary land in Acholiland

The following recommendations were generated from the youth respondents when asked what, as youth, they thought could be done to strengthen the security of customary and communal land in Acholiland for them, and generally for Acholiland.

The recommendations have therefore been categorized respectively for youth and the general community.

4.1 Recommendations for Youth

For youth, the Youth recommended that:

1) They should be intensely sensitized on the benefits, implications and shortfalls of customary land tenure for them to understand it and play their part.
2) They should be mainstreamed in the management, protection and maintenance of customary land. This is much to do with the social and cultural structural adjustments to accommodate the youth in a changing and dynamic situation
3) The elders should involve youth in the discussions and management processes related to customary land, especially as it pertains to the ownership and utilization of customary land.
4) The youth should be supported to engage in productive livelihood ventures that don’t threaten land through sale, lease or temporary hiring.
5) Parents, elders and clan leaders should stop discrimination of the female children in land access rights.

4.2 Recommendations for the Acholi Community

For the Acholi community generally the Youth recommended:

1) The communities in Acholi should be sensitized about the importance of keeping customary and communal land for themselves rather than giving it out for sale.
2) The elders should document the ownership and utilization of customary land so that they do not depend only on the oral tradition.
3) Mechanisms to enhance legal ownership for individuals should be devised, without compromising the progressive customary value and protection attached to land. Communities in Acholi should be sensitized on how to acquire customary land certificates which should be issued with the involvement of customary land management leadership.
4) The Rwot (Chiefs) together with clan elders should be given the power to set bylaws on the use of customary and communal land use by the clan members.

5) A specific body should be established to help demarcate and mark the boundaries. By this, every clan and chiefdom should have their land certificate to enable them know the size of their land and to enhance their security of tenure.

6) Some youth proposed a break up of the communal land system. They argued that land should be given to each individual to manage other than leaving it to be managed as communal land. This is a clear indicator of the declining cultural norms, change in youth value systems and priorities.

7) The government should sensitize administrators and leaders in the new administrative units (especially new Districts and sub-counties) because the youth are taking advantage of the authority of such units to sell off land to acquire temporary, unsustainable assets like boda-bodas which are prone to accidents and loss of life.

8) Develop clear regulations for access and user rights for communal land, in the face of the increasing threat of external encroachers who graze on these lands.

9) The chiefdom and clan members should be sensitized and educated on more productive and sustainable use of customary and communal land, and how they empower their communities to apply this knowledge and skills.

10) Selling land should be barred completely in Acholi, and land management should be taken back to the various structures like the sub clans and cascaded upwards accordingly. This will ensure that those who would like to get land in Acholi will first get the sub clan to give permission, in that way, the local community will be aware of anyone coming to settle on their customary land.

11) Communities should stop cutting boundary trees but rather plant more trees as a way of protecting and preserving their land.

12) Population control measures such as family planning should be enhanced for the sustainable availability of land to contain population increase.
5. Study Strengths and Weaknesses

This study has a number of strengths and weaknesses as presented here below.

5.1 Study Strengths

The research is a step in the continuous search for prudent responses to challenges associated with customary land ownership, security of tenure, youth’s socio-economic empowerment, and striking a delicate balance between traditional and cultural norms with customary and or statutory land rights. The study was a build-up of evidence based response to clarifying the youth roles and responsibilities in customary land management, access, use and control. The study further contributes to mainstreaming youth in on-going research and discourse towards inclusive customary land rights. The study contributes to a coordinated and multi-stakeholder owned process of engagement towards a comprehensive and more sustainable land tenure reform that could overcome pre-existing challenges.

The study was ground breaking in the context of Youths’ access to customary land rights. Further focus would be on emerging developments and prevailing discussions towards balancing cross generational security of tenure and recognized land rights for the youth. Beyond youth, there are also other fragile categories of customary land rights holders that as well deserve attention. These include; women, orphans and youth with disabilities. This study points to the realization that while there is a rich, generic literature on customary land rights, the literature that specifically focuses on youth and customary land is still limited.

5.2 Study Limitations

There were no key informants outside the youth to triangulate the youths’ responses on youth position and roles regarding customary land.

There is rich generic literature on customary land rights but limited on the youth specific focus. This study therefore relied largely on the generic literature.

The consultant further noted that the transcription of data was not meticulously conducted as most of the field researchers did not indicate the sex of the respondents. Consequently, a proper gender disaggregation of the quotes and verbatim statements used could not be done.
6. Conclusions and Recommendations

4.1 Conclusion
The following conclusions are made in light of the findings and discussion.
Youth in Acholiland have a good understanding and appreciation of customary and communal land in their sub-region, and also at their chiefdom, clan and family level. Control, management and administration of customary and communal land in Acholiland has traditionally been made an adult-only issue, significantly disregarding the involvement, participation, opinions and interests of the youth. Despite the national, international and global evolution, recognition and transformation of the position of youth in the development agenda, the pace of this course has not fully taken root. The role of the youth in the control, ownership and management and use of land in Acholi region is, in many aspects, watered down. Land in Acholi is majorly controlled by elders of the different clans together with the family heads, and they have notable control over it.

The conception and application of customary rules, principles and practices in respect to customary and communal land across the various chiefdoms in Acholiland are largely connected, but with some variations, which calls for a focused understanding and appreciation of such distinctions and appropriately sensitive responses. It was reported that customary tenure is associated with some problems such as failure to provide security of tenure for land owners; the fact that youth have no rights over the land, it impedes development since it does not allow the advancement of land markets, through which, those who need land for development can acquire it.

The study findings reveal that it is just a few of the youth who can claim ownership and these are mostly youth headed households. The majority of the youth are using land without exclusive ownership rights. This does not only limit their investment on the land but also the access to loans secured against land title deeds. It was further noted that the youth rights toward customary land have perpetually been undermined and the youth have been neglected on the issues of the customary land by not being given any authority to say anything pertaining to land use and ownership.

There is often significant variation in how customary land rights of girl children, women and the disabled are accorded.
Ultimately, customary and communal land in Acholi sub-region is an important asset and has a prominent connection to the norms, customs, and socio-economic values with the people. Land in this sub-region, as elsewhere, plays a special role in the daily livelihood and the general social structure of the majority of the households. However, placed in the context of broader development demands, this land tenure system potentially impedes opportunities and benefits for many, including the youths.
4.2 Recommendations
From the research findings, the following recommendations were made. Notably, these recommendations are mutually interdependent.

1. Scale up awareness of the youth about customary and communal land tenure systems to enhance their appreciation and more meaningful involvement in customary land governance and rights protection. Communities in Acholi should for example be sensitized on how to acquire customary land certificates which should be issued with the involvement of customary land management leadership.

2. The communities, especially the youth in Acholi sub region, should be sensitized about the importance of keeping and using customary and communal land to ‘ourselves’ rather than give it out for sale, alternatively, excess land not under use can be leased or hired out to benefit the community instead of leaving it idle and prone to land grabs.

3. Explore, develop and implement customary tenure sensitive, culturally acceptable measures that strengthen individual security of land ownership and use. Land rights should provide inalienable ability of the youth and other individuals to freely obtain, utilize, and possess land at their discretion, as long as their activities on the land do not impede on other individuals’ rights.

4. Acholi customs should be construed as transformational and adaptive, to respond, and provide redress to the peculiar land rights of the youth in the sub region.

5. Broadly, Acholi customs cannot be oral in perpetuity. Specifically, the elders should be supported to document the ownership and utilization of customary land so that they do not depend on the oral tradition. This will serve as points of reference for the youth. Where applicable and necessary, abridged versions of such points of reference should be produced. It would be a good idea to enrich and concretise Trócaire and Partners’ efforts demonstrated in the current document — Principles Practices, Rules, and Regulations of Customary Land Management and Administration.

6. Institute measures for more recognition and protection of the land rights of youth with disabilities at family and community levels such as documenting these rights in customary land management practices, and actual monitoring of land allocation to youths with disabilities.

7. Develop and integrate measures that ensure guaranteed participation of the youth in the management, control and administration of land.
8. Engage stakeholders to promote equity in land rights for female and male youths at both family and community levels.

9. Strengthen the capacity of state institutions to promote and protect the youths’ right to customary land, through clearly stipulated principles and guidelines.

10. Respect and strengthen the capacity of clans, and chiefdoms, to promote an inclusive customary land management, mechanisms, systems, and practices that take into consideration the peculiar needs and interests of youth.

11. There is need for clearly stipulated guidelines for lease of land for any purposes by the clans and families.
7. References


Centre on Housing Rights and Evictions, (2009), Housing and Property Restitution for Refugees and Displaced Persons, 3-5.


8. Annex I: Interview guide for Youth FGDs

“Instituting Protection of Rights to Customary Land Ownership in Acholiland”

Field Research Component – Phase II (2017)

TOOL THREE (A):

SPECIAL INTEREST GROUP FOCUS GROUP DISCUSSION WITH YOUTHS

[Carefully identify the Youth as a special category from the Chiefdom and mobilize them from adjacent Parishes to participate in 3 separate FGDs of 12 respondents each. Work with the community mobilizer to select and invite youths from the categories listed in B below. You may consider combining some categories if in your judgment they are comfortable sharing information together. Note: remember that even with Youth as a special interest group, they are not homogenous and have differences, and thus if included in the same FGD one should ensure participation and voices of each category are heard and noted.]

A. Definition of the Youth (NYP 2001): all 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.

B. The categories of Youth respondents may include:-
   - Young men and women from indigenous, ethnic and minority groups;
   - Migrants;
   - Refugees and Internally Displaced Persons (IDP);
   - Lesbian;
   - Gay;
   - Bisexual;
   - Transgender and Intersex (LGBTI);
   - Youth living with HIV;
   - Youth with disabilities or living in conditions of poverty and/or conflict;
   - Young religious discrimination, sex workers and drug users;
   - those facing domestic and sexual violence;
   - widowed young women;
   - LRA returnees;
   - Former child mothers;
   - Young women entering into forced marriages or victims of human trafficking into slavery of sex industry.
C. **Seeking Consent:** It is best to think of consent as an ongoing process, in which you remind respondents of the possible future uses of the information they give you as appropriate, and in which respondents can opt out whenever they wish. Respondents should have a right to remain anonymous and to have their rights to privacy and confidentiality respected. In this participatory work with communities, it may not be realistic to undertake to protect the identities of those taking part, and so do not suggest that you could. Then respondents can decide for themselves what they say and what they don’t say. **Once consent is verbally granted, proceed.**

D. Start Time: ________________

E. End Time: ________________

F. Use a separate sheet in the next page to register the participants.
SPECIAL INTEREST FOCUS GROUP DISCUSSION WITH YOUTHS AT CHIEFDOM LEVEL

ATTENDANCE SHEET

CHIEFDOM NAME: ___________________ Venue: _______________ Date: ______ Researchers: 1) ___________________

Sub-County(s): ____________________ 2) ___________________

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Number of Female Youth: ___________  Number of Male Youth: ___________

- 53 -
Guide Questions to be administered at Youth Special Interest FGDs:

1. **Opening Questions**

   (i) What is your understanding of Customary Land? What is your understanding of Communal land? [*I ngec mamegwu, Ngom Kwaro obedo gin ango? Ngom alwak kono obedo ngo?*]

   (ii) In your opinion, who controls, manages and administers customary and communal land and how is this done? (*Ka ingecwu, anga onyo ngo ma gwoko, loyo dok doro ngom kwaro ki ngom pa alwak?*) [probe for organizational structure in the land management and how this works in practice to their knowledge]

   (iii) What category of people have rights to settle in, utilize or own Customary and communal land? [Probe for the categories of people who have rights to settle in, utilize, own and sell of land. Probe further whether all these categories include the various categories of youth]

2. **Key Questions**

   (i) As youths, how do you assess your rights to customary and communal land within your Chiefdom, Clan or elsewhere? Give examples. (*Macalo, bulu, wun uneno ningning kit ma twerowu tyer kwede i ngom Kwaro ma i Ker Kal eni, onyo Kaka wu onyo kamukene? Mi labol*)

   (ii) How is land allocated to you, by who? [*Ngom kwaro unongo ningning? Anga ma poko/miyo?*]

   (iii) How do you use or utilize the customary communal land to which you have right and access? [*Ngom kwaro ki ngom alwak ma wutyer iyer ki tweroni utiyo kwede ningning?*][Probe for cultivation, animal husbandry, business activities, grazing, wood cutting, playground, hire out, commercial farming, etc]

   (iv) As Youth, what do you consider are your involvement in internal problems or matters concerning customary communal land? How do you do this? Give examples. [*Ka peko me lok pa ngom tyer, wun wudonyo iyer ningning. Mii labol*]

   (v) Of all the things we have discussed today about customary communal land, what are the most challenging to you as youth?

   (vi) What recommendation(s) can you give to strengthen the security of customary and communal land in Acholiland for your group?

3. What other comments or recommendations can you give to strengthen the security of customary communal land in Acholiland?

**Thank You for your active participation!!**