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**AN ASSESSMENT ON ENHANCING AWARENESS OF LAND RIGHTS OF THE YOUTH IN ACHOLI SUB
REGION**

**A RESEARCH REPORT PRESENTED DURING THE NORTHERN UGANDA LAND PLATFORM MEETING
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i | Assessment of Access, Utilisation and Management of land among youth in Acholi sub region,
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Acknowledgement of Authors

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ACRONYMS:

CSO:	Civil Society Organisation
DGF:	Democracy Governance Facility
DOK:	Diocese of Kitgum
FGD:	Focus Group Discussion
IDP	Internally Displaced Person
JALF:	Joint Acholi Leaders Forum
KII:	Key Informant Interview
LHG:	Land Holding Groups
TECOMA:	Teso Enterprise Consulting and Marketing Association

Executive Summary

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

TECOMA Uganda conducted this research in order to gain a better understanding of the factors and dynamics of issues surrounding land access, utilization and management in Acholi sub region. It is intended to generate findings that will inform CSOs, the Government and key community leaders to mainstream land rights of the youth in their agenda and provide concrete recommendations that will enhance awareness of land rights of the youth. The report was presented to the Northern Uganda Land Platform for sharing and commenting in order to understand the land rights awareness, access and utilisation among the youth in Northern Uganda. Data was collected in June 2017 among 120 respondents randomly selected in Gulu, Omoro, Nwoya and Kitgum districts. Focus group discussions and key informant interviews were also conducted within each district. Funding for this project was provided by Trócaire with support from DGF. This report provides a brief background on Acholi region and the districts where this study occurred. The report identifies the objectives of this assessment, as well as the quantitative and qualitative methods used. The key findings are highlighted and explained. Recommendations on strategies that should be implemented to strengthen land rights of the youth and diminish disputes and land conflicts in the region are provided.

Key findings from the baseline survey highlighted below reflect the views of survey participants, community leaders, and government officials. A Summary of the research findings is as follows:

- (i) Over 81% of youth were aware of existing land laws and policies but did not know how and to what extent the laws and policies protect their land rights.
- (ii) Regarding the extent to which the land rights of the youth are protected, 80% agreed that youth have rights to access, utilize and manage land. During the focus group discussions, high consensus that youth land rights are protected through customary land tenure system was reached at. However it was also observed that the existing legal and policy frameworks do not explicitly spell out specific emphasis on land rights of the youth.
- (iii) State and non-state institutions dealing with land matters exist in the Acholi sub region and they play diverse roles and responsibilities. The institutions identified during the study

included the Human Rights Commission, UN Women, FOWODE, Justice and Peace Commission, ARLPI, District Land Boards, Local councils, Human Rights Focus, ACORD, RWOT KWERI, LWF, World Vision, DOK, FIDA, ZOA, JALSF, Magistrate and other Courts. The roles these institutions play in the region are cross cutting and include but not limited to; Land rights awareness, Advocacy on land rights, Women in leadership including women's land rights, Land conflicts and dispute resolution, Sub Judicial role especially when the dispute has failed to be solved at the customary level, Dispute resolution, referral, mapping and boundary demarcation, Advocacy and resource mobilisation.

- (iv) The factors hindering ownership, control and utilization of land for the youth, include; cultural factors especially the male dominance and ownership of land after marriage, unclear boundaries caused by prolonged civil war that made people stay longer in IDP camps, restrictive land tenure system and structure that does not allow alternative tenure systems, inadequate capacity building frameworks/platforms by both civil, political and traditional leaders and economic disadvantage are critical hindrances to ownership, control and utilization of land for the youth
- (v) There is little variance on opinions about factors impeding protection of land rights. Some of the impeding factors included; (a) Weak Gov't authority (21.4%), (b) unclear land policies and other legal land frameworks (25%) (c) lack/poor enforcement, (21.4%) (d) Corruption (21.4%), (e) lack of capacity to enforce the legal frameworks (7.1%) and others like (f) poor traditions and culture (3.6%).

1. Introduction

1.1 Overview

Trócaire with support from the DGF is implementing a project entitled “Instituting the protection of rights to customary land ownership in Acholiland.” The project aims at strengthening the security of customary and communal land tenure in Acholi land through piloting new approaches based on research, consultation and advocacy. The project seeks to address four objectives: (i) to conduct research to better understand customary land administration in Acholi land; (ii) to increase awareness of agreed upon legal instruments for protection of communal customary land; (iii) to Map the boundaries of selected Land Holding Groups (LHG) and initiate registration of communal customary land with these groups (Clans); and (iv) to strengthen the organisational capacity of JASLF and enhance interagency coordination.

Findings under the previous project indicated that the youth, people with disabilities and other vulnerable groups were represented and/or that their roles and rights were respected under the traditional structures. It was however revealed that there are instances of vulnerable people being denied rights or having limited land rights.

1.2 Purpose of the Research

The purpose of the research was to;

- Identify barriers to the inclusion of youth and persons with disability in the attainment of their land rights.
- Generate findings that will inform CSOs, the Government and key community personnel to mainstream youth and disabled persons land rights in their agenda.
- Provide concrete recommendations that will enhance awareness of land rights of the youth and persons with disability.

1.3 The specific objectives of the research;

- To conduct a study to inform the extent to which the land rights of the youth are protected.
- To identify specific aspects hindering ownership, control and utilization of land for the youth.
- To identify key institutions and their roles in enhancing the land rights of the youth

2. Literature Review

2.1 Legal frameworks on land in Uganda

The national youth policy (2001) defines a youth as all young persons; female and male aged 12 to 30 years. This is a period of great emotional, physical and psychological changes that require societal support for a safe passage from adolescent to full adulthood.

The definition does not look at youth as a homogeneous group with clearcut age brackets but rather as a process of change or a period of time where an individual's potential, vigor, adventurousness, experimentation with increased risks and vulnerabilities show themselves in a socially meaningful pattern.

This research was done under the guidance and consideration of the following legal frameworks and other research reports in the area of land management in Uganda;

- The 1995 Constitution of the Republic of Uganda (Cap 4. Clauses 32-36) do highlight the rights of marginalized groups, women, children and persons with disabilities but does not explicitly point out the rights of the youth.
- National land policy 2013 clarifies the rights of ethnic minority tribes, pastoral communities, women and children, dwellers in informal settlement as well as other vulnerable groups. However there is no mention or specific focus on the rights of youth to access and ownership of land
- The Land Act Cap 227. Subject to article 237 of the Constitution, all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the land tenure systems that include; customary, freehold, mailo; and leasehold.
- The Land (Amendment) Act 2004 An Act to amend subsection (6) of section 98 of the Land Act, 1998 to extend the time limit in which Magistrates' Courts and Local Council Courts are authorised to continue dealing with land disputes pending before them prior to the commencement of the Land Act, 1998, so as to enable them to continue to deal with them until completion.

2.2 Land tenure systems in Acholi.

The 1995 Constitution of the Uganda under Article 237 states that all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the following land tenure systems - customary; freehold; mailo; and leasehold. In Acholi over 90% of the land is held under customary land tenure system and managed in accordance with the Acholi customs and practices. Whereas Acholi customs and practices in land tenure management are well known amongst the Acholi elders, their understanding and clarity within post war era is not as clear as it is with the pre-war era. This situation has been brought about by over 20 years of insecurity and the effects of displacement coupled with the lack of written Acholi customs and practices in land tenure management. In Acholi, land tenure rules are categorized into (1) Arable land, (2) Communal clan land, and (3) unallocated or unused land. Arable land is apportioned, or "individualized" by the clan to a household head, normally at the time of marriage. The head of the household is almost always male. Communal land is defined as "land over

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which more than one family has rights and which is managed by people chosen by the clan, on behalf of the clans and unallocated land is land that the head of the household keeps for his own personal use.” is that over which more than one family have rights and which is managed by elected people chosen by the clan, on behalf of the clans. This consists of grazing land; hunting grounds, dancing grounds, market places, playing grounds, forests, ceremonial land and other land of a similar nature. The ‘Ker Kwaro Acholi’ which is the traditional institution for Acholiland have recorded rules governing customary tenure in Acholiland in the form of the Principles, Practices, Rights and Responsibilities (PPRR) that stipulates guidelines for ownership, use and management of customary tenure in Acholi.

3. METHODOLOGY

3.1 Methodological Framework

In order to gain a comprehensive understanding of youth land rights with regard to access, utilization and management in Acholi sub region, a combination of quantitative and qualitative research techniques were used during the study. Data collection was carried out in the districts of: Gulu, Omoro, Nwoya and Kitgum in June 2017. The sites were purposively chosen in order to encompass the various types of land use in Acholi sub region, their geographical distribution and the prevalence of land conflicts at the community level. The District of Amuru which is marred by intense land conflicts was not selected due to the current violent land conflict taking place in the District. The aspects of; Relevance, Effectiveness, Efficiency, Sustainability and Participation were critically considered during this research period. A number of generic questions were raised in each area in order to support the identification of appropriate tools and instruments for data collection. These generic questions were developed from the specific objectives of the assignment (see annex 1)

3.2 Quantitative Methodology

A quantitative survey was conducted for individual interviews. The questions asked sought to find out respondent’s perceptions of land access, utilization and management, and personal demographics. Stratified random sampling was utilized to administer the survey questionnaires during the study period. Within the selected district strata, two sub counties were randomly selected and 28-30 participants in each district participated in the survey (see annex 2). These sub counties included; Patiko and Bungatira in Gulu, Bobi and Palaro in Omoro, Koch Goma and Alero in Nwoya and Labbongo Akwang and Labongo Layamo in Kitgum Districts Overall, 114 youths from four districts were interviewed (61 males and 53 females). On average, 28 youths from each district were interviewed.

3.3 Qualitative Methodology

Quantitative data was supplemented with qualitative data collected through Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs). Within each district surveyed, KII’s were held with groups of youth, clan leadership, local government staff as well as political leaders. Each KII took between 30-45 minutes. Each FGD consisted of between 8-10 participants and a total of 12 FGDs were conducted. Interviews with key informants were also conducted within each district. Key informants included local authorities, traditional and religious leaders. A total of 24 KIIs were

conducted. The categories of respondents across districts included youth leaders, traditional and religious leaders, household, political and administrative leaders and the business community. The categorization of KII and FGD participants by gender and districts is shown in the table below.

Table 1: Gender composition of FGD participants

District	Female	Male	Total
Gulu	11	32	43
Omoror	12	19	31
Nwoya	7	19	26
Kitgum	8	84	22
Total	38	84	122

Source; Field data 2017.

Table 2: Gender composition of KII participants

District	Female	Male	Total
Gulu	1	2	4
Omoror	2	4	6
Nwoya	4	6	10
Kitgum	2	2	4
Total	9	15	24

Source; Field data, 2017.

4. KEY FINDINGS

4.1 Introduction

The research involved interviews, focus group discussions and KIIs with all the targeted stakeholders in the targeted Districts. The findings are presented and discussed as per specific objectives set for this research. This section focuses on the sample profile, the extent to which the land rights of the youth are protected, aspects hindering ownership, control and utilization of land for the youth and identifies key institutions and their roles in enhancing the land rights of the youth.

4.2 Sample Profile

This section presents a brief biographic profile of the sampled youth, including information on their age, gender, marital status and educational status. The profile illustrates the general background of those interviewed and places the study into context.

Overall, 114 youths from four districts were interviewed (61 males and 53 females). On average, 28 youths from each district were interviewed -see Table 3 below.

Table 3: Survey Participants by District and Gender, June 2017

District	Males	Females	Total
Gulu	14	11	25
Kitgum	17	18	35
Nwoya	16	20	36
Omoror	6	12	18
Total	53	61	114

Source; Field data, 2017

4.3 The extent to which the Land Rights of the Youth are protected

From the FGD conducted with youths in all the selected districts, a majority of the respondent's view that youth have rights to access, utilize and manage land. This corresponded with survey data, where 82.3% (n=93) of respondents reported having a right to own land as compared to 17.7% (n=20) who indicated that youth do not have any right to own land giving a ratio of 4.7:1. There was consensus among the youths that youth land rights are protected through the customary land tenure system as was highlighted in the FGD's with the youth. However the KII respondents highlighted that the existing legal and policy frameworks do not explicitly spell out specific emphasis on youth land rights. Findings also indicated that most of the youth were aware of existing land laws and policies including the Constitution of the Republic of Uganda, the Land Act 1998 and the Uganda Land policy 2013. They did not however know how and to what extent the laws and policies protect their land rights. In the FGD held at Akwang Sub County participants had this to say;

“My name is Akello (not real name). Yes I know that there are laws like the constitution of Uganda and they say it states that land belongs to all of us. But I do not know how I can use this book to support me in accessing my late father’s land because my paternal uncles are saying I do not have a share because I am a girl.”

Similarly in Nwoya District, Komakech a school drop-out stated that;

“Yes we agree that laws like the Land Act exist. These documents are found in the sub county and all our councillors have. But it is sad that even our leaders cannot explain to us how these laws protect our rights to own and use land”

4.3 Aspects hindering ownership, control and utilization of land for the youth

4.3.1 Land ownership

The research sought to establish whether the Youth had any rights to land ownership or not. The findings indicated that land in Acholi sub region is held under customary land tenure system. From the FGD held in Ker Koch Goma chiefdom, the Chief had this to say;

“For us here in Ker Koch Goma chiefdom and Acholi as a region, 90% of land is held under customary land tenure system. The land is under the control of the family head and all the members of the family including the youth jointly own and access land for cultivation. Land is owned through inheritance. However there are a few individuals who own land on a leasehold basis. The land tenure system does not change even when outsiders come to own land on a leasehold basis”

When asked about the kind of rights the youth perceived they have, most respondents (76.8% n=73) reported having the right to farm, followed by (10.5% n=10) reported the right to develop. Those who said they had the right to graze were (7.4% n= 7) while the youth who reported they had a right to sell were (4.2% n=4). The least was the right to lease out represented by (1.1% n=1).

Table 4: Perceived Rights to Ownership of Land among Youth.

Land Right	Frequency (n)	Percent
Right to sell	4	3
Right to farm	73	63
Right to graze	7	6
Right to develop	10	9
Right to lease out	1	1
Others	21	18

Total	116	100
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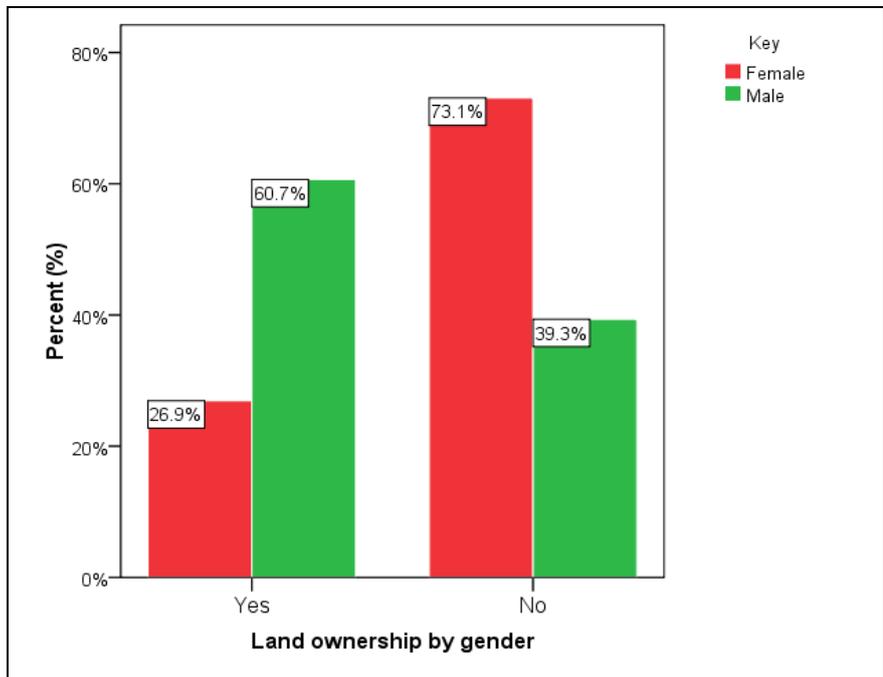
Source; Field data, 2017

From the KII held Koch Goma the clan chief stated that; “All the family members have the right to live and farm on their homestead, family and farming land. All kaka (clan) members, irrespective of their status, age or gender, have rights to enjoy their customary land rights. However no single person in the family has absolute right to sell or lease out family land”.

Land ownership of youth by Gender. As shown in Figure 1 below, about 61% (n=37) of male youth respondents reported owning land, and 26.9% (n=14) of all female youth respondents owned land. From the findings it was also indicated that most female youth (73.1) did not own land as compared to (39%) of the male youth who did not own land. In a FGD held at Akwang Sub County one female youth reported that;

“In our community, female youths are the most affected when it comes to land ownership. The community does not recognize us the girls because they expect us to get married and get land from our husband’s homes. It is even worse for some of us who return from our marriages because our family members do not allow our children to cultivate any piece of land because they say our children don’t have a right of land from the grandparents. We have actually been chased and we rent in trading centres now”

Figure 1: Land Ownership Disaggregated by Gender



Land ownership by marital status.

Of all the respondents who owned land, a majority (76%, n=38) are married whereas the youth who were single but own land were (20.0%). Ownership was least among the divorced and widowed youth represented by only (2.0%) (See table 5 below). This is indicative of a strong positive correlation between land ownership and marital status.

Because of limited time during the researchers could not probe further on this strong positive correlation. A further study to confirm this correlation is therefore recommended.

Table 5: Land Ownership disaggregated by marital status

Ownership			Marital Status			
			Single	Married	Divorced	Widowed
Do you own land?	Yes	Number	10	38	1	1
		%	20.0%	76.0%	2.0%	2.0%
	No	Number	36	27	0	0
		%	57.1%	42.9%	0%	0%
Total		Number	46	65	1	1
		%	40.7%	57.5%	0.9%	0.9%

Source; Field data, 2017

Land ownership by level of education.

The data collected suggests that the level of education attained appears to have a significant bearing on land ownership. As shown in table 6 below, the findings indicate that respondents who attained primary education and owned land were 18 (35.3%) whereas those who did not own land were 21 (33.3%). Those who had attended secondary education and owned land were 15 (29.4%) while those who did not own land were 29 (46.0%). Respondents who had attended tertiary education and owned land were 14 (27.5%) whereas those who did not own land were 11 (17.5%). The respondents who had attained university education as well as those who did not attend any formal education and owned land were 2 (3.9%) whereas those who did not own land were 1 (1.6%). These findings imply that those respondents who had attained more formal education were more vulnerable in regard to land access, utilization and management. According to the KII and FGD discussions conducted, it was reported that the youth who stay longer in school delay to get married and therefore do not have rights to own land.

In a FGD held at Bobi Sub County, David (Not real name) had this to say; *“I am a student at Islamic university but I am worried that I may not have a share of land at our home because my young brother who did not progress with formal education have got married and they have been given their pieces of land to cultivate. In our clan the people who have not got married don’t have a right to own land”*.

Table 6: Land Ownership Disaggregated by level of education

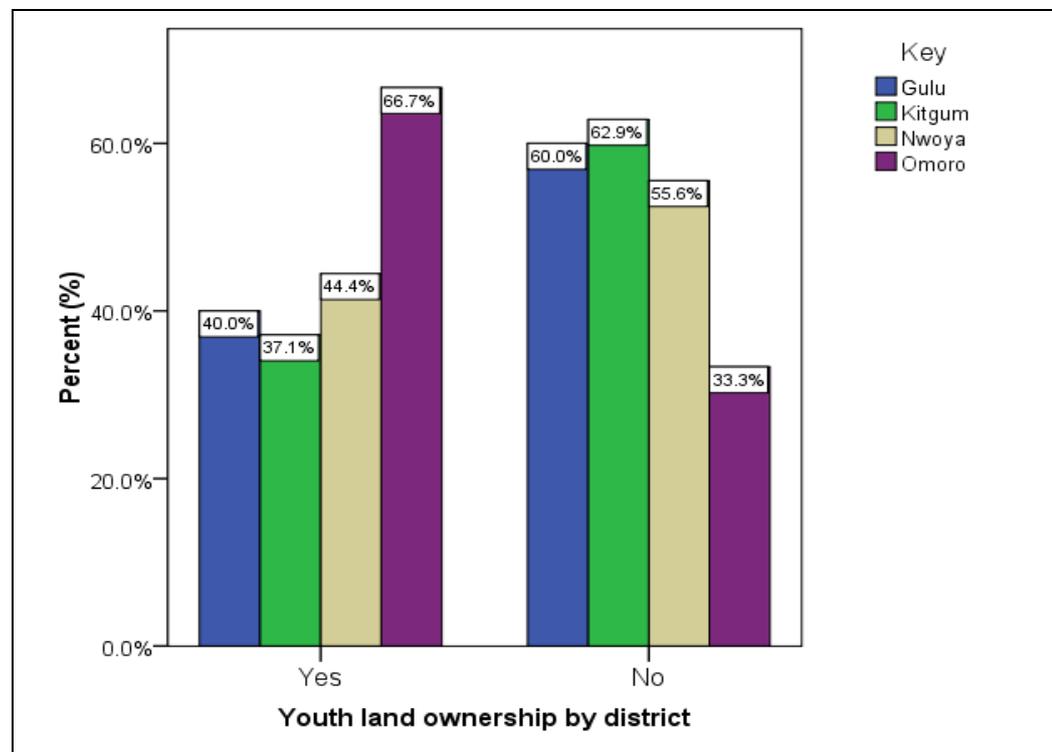
Ownership	Response		None	Primary	Secondary	Tertiary	University
Do you own land?	Yes	Number	2	18	15	14	2
		%	3.9%	35.3%	29.4%	27.5%	3.9%
	No	Number	1	21	29	11	1
		%	1.6%	33.3%	46.0%	17.5%	1.6%
Total	Number	3	39	44	25	3	
	%	2.6%	34.2%	38.6%	21.9%	2.6%	

Source; Field data, 2017

Land Ownership of Youth by District.

The research carried out a comparative study of land ownership among the youth by district. It was found out that the majority of the youth in Omoro (66.7%) owned land. The least district where youth owned land was Kitgum reporting only (37.1%) as shown in figure 2 below. This could be as a result of land actors like; Human rights commission, Action Aid and Justice and Peace Commission that are very active on land matters in Omoro district. However in Kitgum there is a very high population against small land available for cultivation.

Figure 2: Land Ownership Disaggregated by District



Source; Field data, 2017

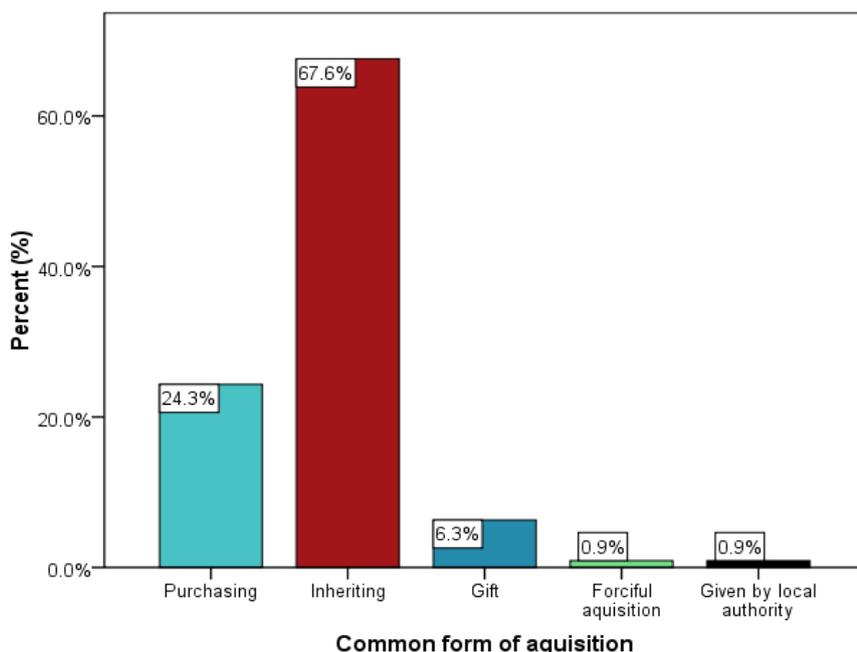
4.3.2 Access to land

The research sought to identify specific aspects hindering ownership, control and utilization of land for the youth. KII and FGD for the youths held reported that; cultural factors for example male dominance on land ownership after marriage, unclear boundaries, restrictive land tenure system and structure, inadequate capacity building frameworks/platforms, and economic disadvantage were critical factors hindering ownership, control and utilization of land among the youth. A female participant from Omoro had this to say;

“I was forced to get into a marriage in 1996 when my father died because I hoped to support my brothers who were still at school. But when my husband was killed in 2000 I decided to come back home because my husband’s brothers rejected me. To my surprise even my brothers and uncles say I don’t have a share of land at my paternal home where I was born and that I should take my children elsewhere to settle but not in their land”

The study further sought to understand forms of land acquisition, land management and stakeholders influencing land distribution in order to have a better understanding of factors hindering ownership control and utilization of land among the youth. As seen from the figure 3 below, most of the respondents (67.6%, n=75) reported that *“inheriting”* is the most common form of land ownership. The other common form of acquisition is *“purchasing”*, represented by (23.4%, n=27). This form of land acquisition occurs mostly when people outside the clan come and seek to purchase land. In this case the consent of the clan is sought and such persons are allowed to buy land. Tables 7 and 8 below show the disaggregation of ownership by gender and district.

Figure 3: Forms of land Acquisition among Youth



Source; Field data, 2017

Table 7: Common Forms of Acquisition by Gender

Form of acquisition	Response	Female	Male	Total
Purchasing	Number	10	16	26
	%	38.5	61.5	100
Inheriting	Number	36		
	%	48	52	100
Gift	Number	5	2	7
	%	71.4	28.6	100
Forceful acquisition	Number	1	0	1
	%	100	0	100
Given by local authorities	Number	0	1	1
	%	0	100	100
Total	Number	52	58	110
	%	47.3	52.7	100

Source; Field data, 2017

Table: 8 Common Forms of acquisition by District

Form of acquisition	Response	Gulu	Kitgum	Nwoya	Oromo	Total
Purchasing	Number	3	11	8	5	27
	%	11.1	40.0	29.6	18.5	100
Inheriting	Number	20	21	24	10	75
	%	26.7	28.0	32.0	13.3	100
Gift	Number	1	2	3	1	7
	%	14.3	28.6	42.9	14.3	100
Forceful acquisition	Number	0	0	0	1	1
	%	0	0	0	100	100
Given by local authorities	Number	0	1	0	0	1
	%	0	100	0	0	100
Total	Number	24	35	35	17	111
	%	100	100	100	100	100

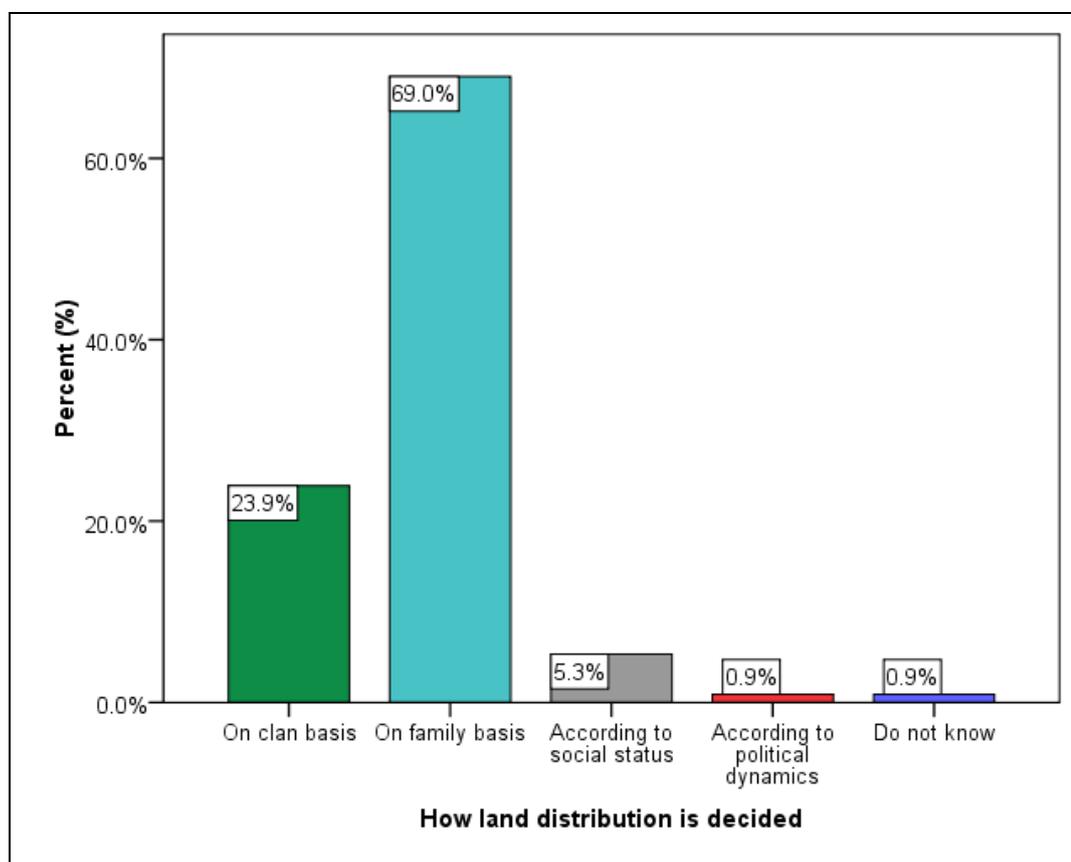
Source; Field data, 2017

4.3.3 Management/Utilisation of land

With regard to decision making on land distribution, most respondents (69%, n=78) agreed that land distribution is decided on a family basis, and 23.9 % (n=27) agreed that land distribution decisions are made on a clan basis. These results are in strong agreement with the experiences reported during the FGD and KII. For instance, a participant of one of the FDGs conducted in Koch Ongako Sub County in Omoro district said; *“When we returned to our land after insurgency, my paternal uncles had wanted to sell our land to a politician saying that our late father did not have a portion allocated to him and wanted to chase us away. But our land was saved when our clan leaders intervened. Now we are managing our land ourselves with guidance from our clan head”*

Also from figure 4 below, very few respondents (0.9%) agreed that political influences and interferences play a role on land distribution.

Figure 4: Levels of decision making during land distribution



Source; Field data, 2017

Over 86% of female respondents agreed that land distribution decisions are made on family and clan basis. The same view is shared by male respondents, where 90% were in agreement that distribution is decided based on family and clan dynamics as shown in the graph below.

Table 9: Land Distribution Decision Disaggregated by Gender

Land distribution decision	Response	Female	Male	Total
On clan basis	Number	16	11	27
	%	59.3	40.7	100
On family basis	Number	34	43	77
	%	42.2	55.8	100
According to social status	Number	2	4	6
	%	33.3	66.7	100
According to political dynamics	Number	0	1	1
	%	0	100	100
Do not know	Number	0	1	
	%	0	100	
Total	Number	52	60	112
	%	46.4	53.6	100

Source; Field data, 2017

Land Distribution Decision Disaggregated by District

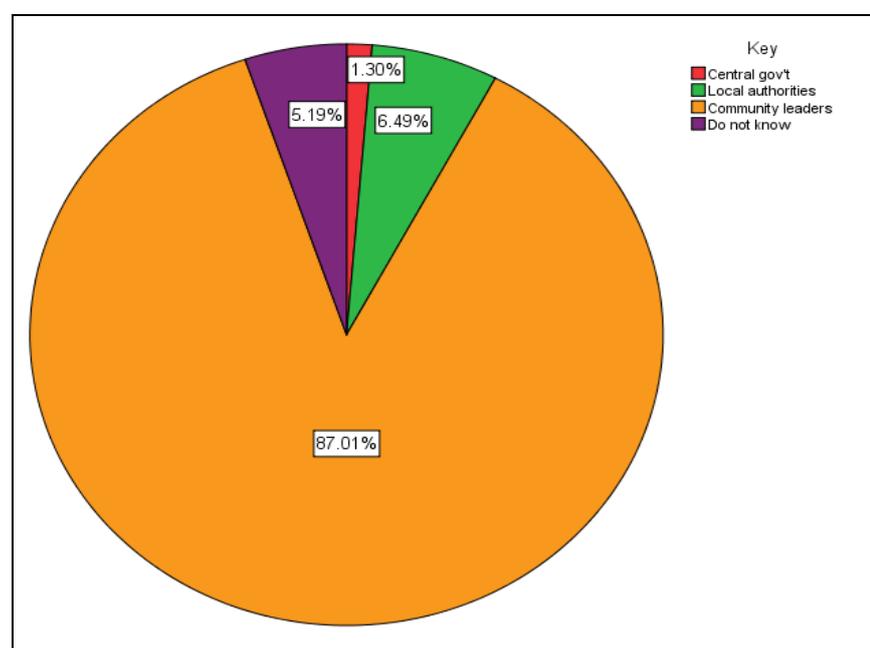
During the study, 87% (n=89) of respondents stated that the key influencers of land distribution are community leaders; 6.1% said it is the local authorities; and 1.3% stated that central government influences distribution. About 5.2% (n=4) of respondents, of which half were females and the rest were males, did not know who the influencers in land distribution are in their communities. In the FGD and KII conducted during this study, little variance on opinions about factors impeding protection of land rights was reported. Findings showed that most respondents (25%) reported unclear land policies, followed by (21.4%) who reported weak Gov't authority, lack/poor enforcement and corruption respectively while lack of capacity to enforce the existing legal frameworks was represented by (7.1%) and the least (3.6%) reported others impediments.

Table 10: Land Distribution Decision Disaggregated by District

Land distribution decision	Response	Gulu	Kitgum	Nwoya	Omorro	Total
On clan basis	Number	6	10	7	4	27
	%	22.2	37.0	25.9	14.8	100
On family basis	Number	19	22	25	12	78
	%	24.4	28.2	32.1	15.4	100
According to social status	Number	0	2	3	1	6
	%	0	33.3	50.0	16.7	100
According to political dynamics	Number	0	1	0	0	1
	%	0	100	0	0	100
Do not know	Number	0	0	0	1	1
	%	0	0	0	100	100
Total	Number	25	35	35	18	113
	%	22.1	31.0	31.0	15.9	100

Source; Field data, 2017

Figure 5: Stakeholders influencing land distribution



Source; Field data, 2017

4.4 Key Institutions and their Roles in Enhancing the Land Rights of the Youth.

From the FGD, KII and stakeholders meetings held during the research period, participants reported that there were a number of institutions that were involved in land rights issues in the region. However it was noted that there were no specific programmes that these institutions had in place focusing on enhancing the land rights of the youth. Below is a list of the institutions and their areas of focus.

Table 11: Key Institutions and their Roles

Institution	Area of Focus
Human Rights Commission	Land rights awareness
UN Women	Advocacy on land rights
FOWODE	Women in leadership including women land rights
Justice and Peace Commission	Land rights awareness
ARLPI	Land conflicts and dispute resolution
District Land Boards	Sub Judicial role especially when the dispute has failed to be solved at the customary level
Local councils	Dispute resolution and referral
Human Rights Focus	Human rights
ACORD	Land rights
RWOT KWERI	Dispute resolution
LWF	Land rights awareness
World Vision	Land rights awareness
DOK	Land rights awareness
FIDA	Advocacy on land rights for women
ZOA	Mapping and boundary demarcation
JALSF	Advocacy and resource mobilisation

Source; Field data, 2017

5. Conclusions and Recommendations

5.1 Conclusions

Survey data collected suggests that there is a need for awareness creation on land rights across Acholi sub region in order to safeguard rights and minimize land disputes. Most of survey participants were unaware of legislation governing the access, utilization, and management of land. This signifies the need for increased public awareness of land legislation. There could also be need to review the customary law in a consultative process that ensures it is brought in line with present day contexts and caters for the needs of youth. Some of the points that may need to be touched upon by the review process include clarification of the role of the youth in land access, utilization and management. The customary land tenure system in itself is a challenge to land access, control and utilization among the youth. This is because the system entrusts management of land to the clan and family. As a result the young people have little access, utilization and management of land.

Parallel systems of law appear to be active, with traditional elders referred to as RWOT Kweri governing land disputes by customary law, the local courts by civil law, and traditional leaders through the clan and customary laws and regulations. Formal courts are often viewed as corrupt and slow and the youth do not get access to justice. Alternatively, traditional elders play a large role in resolving land disputes. Given the important roles the informal dispute resolution systems play, careful attention must be given to them during any attempt to implement and enforce legislation.

5.2 Recommendations

Based on the data collected, the following recommendations can be made:

1. Create awareness among the youth on various provisions in the land laws and policies pertaining to land ownership, use and access. This can be through sensitisation programs, initiatives to educate youth on their rights should be provided, as well as information on who to contact in case their rights have been violated.
2. Implement public awareness campaigns. In conjunction with implementing land legislation, public awareness campaigns should be enacted. Disseminating knowledge will enable custodians of land under customary land tenure system to know their customary rights. The campaigns could also serve as a means to rebuild public confidence in the traditional land tenure system.
3. Provide traditional and other community leadership with training. Data from the study found that traditional and religious leaders play key roles in handling land disputes. Providing training on land legislation will allow for alternative dispute resolution that is mindful of state legislation. While training may not result in local leaders abandoning customary law, they might adapt a legislative system as another alternative.
4. Safeguards must be developed to prevent corruption at all levels. This should be through promotion of networking and collaboration of both state and non state actors in the area of land.

5. Simplification, translation and implementation of land legislation. Data indicated that the vast majority of participants are aware of existing land legislation. It is recommended that the land laws and policies be translated into local language in order to facilitate easy understanding and interpretation of these legal frameworks among local communities. Implementing the land laws and policies is anticipated to reduce the number of land disputes between the youth, families and the community at large. There is also need to popularize the traditional systems by massive awareness creation and supporting the traditional mechanisms through financing of their awareness and education programmes.
6. There is need to review the customary laws so as to identify possible gaps and potential inconsistencies with the statutory law.
7. There is also need to review the customary law and ensure that it provides clarity on the role of youth in decision making more especially in areas regarding land access, control and utilisation.

Endnotes & Citations

Land Act Cap 227 AS Amended.

Ministry of Finance, Planning, and Economic Development, Population Secretariat website. Available at: <http://www.popsec.org>.

Principles and Practices of Customary Tenure in Acholiland, Acholi and English version, June 2008.

Registration of Titles Act CAP 1924

Succession (Amendment) Act section 27(1) (B).

Asiimwe, J. and O. Crankshaw (2011), "The impact of customary laws on inheritance: A case study of widows in Urban Uganda," 3(1) Journal of Law and Conflict Resolution 7-13.

The Constitution of the Republic of Uganda 1995, Art 237(3).

The Land (Amendment) Act (2001) (Uganda). This amendment made minor changes to section 98 to allow an extended time limit for courts to dispose of land disputes pending before them prior to the entry into force of the 1998 act.

The Land (Amendment) Act (2004) (Uganda). This amendment introduced extensive changes to certain provisions of the Land Act (1998). Where relevant to this legal analysis, these changes are referenced in footnotes. The 2004 amendment changed, repealed, or added the following sections: 1, 3-9, 14, 28, 30-34, 37-41, 52, 57, 59, 63, 64, 68, 74-87, 89, 91, 93, 95, miscellaneous amendments, and amendments to the Registration of Titles Act (1924).

The Land (Amendment) Act (2010) (Uganda). This amendment introduced extensive changes to certain provisions of the Land Act (1998). Where relevant to this legal analysis, these changes are referenced in footnotes. The 2010 amendment changed, repealed, or added the following sections: 31, 32A, 35, 59, and 92.

The World Bank, Food and Agriculture Organization, and International Fund for Agricultural Development (2009) Gender in Agriculture Sourcebook, The World Bank: Washington, DC.

The Uganda National Land Policy, 2013.

Annexes

Annex 1 – Terms of Reference

TERMS OF REFERENCE

Brief Overview of the Project

Trócaire with support from the DGF is implementing a project entitled “Instituting the protection of rights to customary land ownership in Acholiland.”

The project aims at strengthening the security of customary and communal land tenure in Acholiland through piloting new approaches based on research, consultation and advocacy.

The project seeks to address four objectives: (i) to conduct research to better understand customary land administration in Acholiland; (ii) to increase awareness of agreed upon legal instruments for protection of communal customary land; (iii) to Map the boundaries of selected Land Holding Groups (LHG) and initiate registration of communal customary land with these groups (Clans); and (iv) to strengthen the organisational capacity of JASLF and enhance interagency coordination

Background of the assignment.

Land rights of the youth and persons with disability are often overlooked and their role in decision making processes hardly recognised. These vulnerable people are usually denied rights or have very limited rights. These include denial of access to land and people trespassing onto their land due to their vulnerability.

Findings under the previous project have indicated that the youth, people with disabilities and other vulnerable groups are represented and/or that their roles and rights respected under the traditional structures, it however revealed instances of vulnerable people being denied rights or having limited land rights.

There is therefore need to ascertain the extent to which the youth and persons with disability are involved in decision making processes, deduce the level of understanding amongst the youth and persons with disability on customary communal land and discern how issues such as dispute resolution, migration, employment and sustainable livelihoods affect the rights of the youth and persons with disability.

A Northern Uganda Land Platform will be organised on this specific topics of most marginalised which will focus on the youth and people with a disability. This meeting will have one paper focused on land and the youth and one paper on land and people with a disability.

Objective of the assignment.

To conduct a study to inform the extent to which the land rights of the youth/persons with disability are protected.

To identify specific aspects hindering ownership, control and utilization of land for the youth and people with disability.

To identify key institutions and their roles in enhancing the land rights of the youth and persons with disability.

To generate findings that will inform Government, CSOs and key community personnel on the need to mainstream vulnerability in their agenda.

To develop a summary report on youth/disability and land rights.

To translate the summary report in Acholi and Iteso languages.

To present the research findings at the Northern Uganda Land Platform meeting.

Purpose of the Research

Identify barriers to the inclusion of youth and persons with disability in the attainment of their land rights.

Generate findings that will inform CSOs, the Government and key community personnel to mainstream youth and disabled persons land rights in their agenda.

Provide concrete recommendations that will enhance awareness of land rights of the youth and persons with disability.

Develop a report, translate and disseminate it among partners.

Present the findings of the study at the Northern Uganda Land Platform meeting.

Deliverables

Design a clear work plan indicating the methodologies, tools, timelines etc. that will be used in the consultancy.

Hold a consultative workshop with key stakeholders.

Collection of data from the identified target groups.

Develop a draft report.

Translate the report in Acholi and Iteso.

Present the summary report at the Northern Uganda Land Platform meeting.

Expected Outputs with indicative deadlines

Consultative meeting conducted. (8th June)

Data collection tools developed. (9th June)

Data collected from target groups. (10th - 15th June)

Summary report developed (19th June)

Summary report translated and printed (23rd June)

Summary report presented at the NULP meeting. (29th June)

Methodology

The research process will be led by the consultant who will work closely with the Trócaire Policy and Advocacy Manager and M&E Manager to develop the tools/methodology.

Scope of the Assignment

The research analysis will target the land rights of the youth/land rights of persons with disabilities.

The consultancy will include a consultative meeting with key stakeholders such as the state and non- state land sector actors, the youth and disabled persons organisations.

Timeframe

The research will ideally commence on 6th June and the summary report should be available by 23rd June. It is expected that a maximum of 15 consultant days will be required.

Indicative budget available

The consultant should clearly state the consultancy fees per day for the 15days of the consultancy.

The budget should be in Ugandan Shilling and Euro

Consultancy Profile

The consultant (s) should have the following experience and skills:

At least 10 years' experience of working on Land rights of the youth/persons with disability.

At least 5 years' experience in research and policy analysis of land laws in relation to the youth/persons with disability.

Knowledge of Resource Rights programming especially land and the most vulnerable.

Strong background and experience of working in Uganda and/or East Africa. Knowledge of Acholi and Teso sub-regions are an added advantage.

Experience of producing high quality reports.

Ability to work to demanding deadlines.

Application Procedures

The consultant is expected to submit a concept note to undertake this consultancy. The concept note should include:

A CV and profile of the consultancy firm/individual(s).

An understanding and interpretation of the terms of reference – a summary of approach and methodology outlining how the assignment will be conducted.

A financial component stating consultancy fees in Euro and UGX.

Annexes - CVs of the key experts and references; a copy of a report done by the consultant on a similar assignment

Application should be submitted as soon as possible but not later than 09:00 EAT 2nd June 2017 through email to recruitmentuganda@trocaire.org with the name of the consultancy clearly indicated on the subject line – Consultancy for DGF Programme

If the consultant does not follow the above s/he will be automatically eliminated from the process. The TOR may be revised before the consultancy contract is signed.

Annex 2 Research Tools

Focus Group Discussions

I am _____, a Researcher/ consultant.

Trócaire is undertaking a research leading to generation of information on **Enhancing Awareness of Land Rights of the youth in Uganda.**

You have been select to provide information that will enrich the research. I therefore kindly request you to respond to the questions in a frank and exhaustive manner.

Your responses will be treated with the highest degree of confidentiality and used only for purposes of this study.

Thank you very much for giving me your precious time and co-operation. I greatly appreciate your help in furthering this research endeavour.

Questions:

What is your understanding of Customary Land?

Are you aware of the customary land access, utilisation and management? Explain in detail. (Probe for more answers)

Explain your involvement in decision making in regards to access, utilisation and Management of customary/communal land in your District?

Are you aware of the existing legislation and policies related to access to land? If yes, give specific ones related to youth.

Identify challenges you have faced in accessing, Utilising and managing land. Give a detailed explanation of the incident you experienced related to accessing land, utilising it and managing it.

Suggest ways the above challenges can be solved.

What are the mechanisms used to ensure your rights, concerns or interest relating to customary land is addressed?

Identify institutions that are responsible in addressing your concerns or interests relating to customary land in your District. Specify their names and the roles they play.

Give recommendations regarding land rights of the youth

THANK YOU.

Key Informant Interview Guide

I am _____, a Researcher/ consultant.

Trócaire is undertaking a research leading to generation of information on **Enhancing Awareness of Land Rights of the youth in Uganda.**

You have been select to provide information that will enrich the research. I therefore kindly request you to respond to the questions in a frank and exhaustive manner.

Your responses will be treated with the highest degree of confidentiality and used only for purposes of this study.

Thank you very much for giving me your precious time and co-operation. I greatly appreciate your help in furthering this research endeavour.

BIODATA

District:Designation: Organisation: Age:Sex:.....

Questions

Describe communal/ customary Land ownership in your area. Explain in detail how Customary and Communal land are acquired?

Who are entitled to or have rights to ownership and utilization of customary/communal land?

Do youth know and understand their rights, and what would be the ways to promote and protect their land rights?

Give laws, policies, by-laws and ordinances in your community/district that you are know you know

What roles do you play to ensure youth land rights are protected?

What is the role of your District Lands Offices in ensuring youth equitably access customary and communal land?

Who manages customary and communal land? How is it managed? (Probe if youth take part in management of the land)

Are youth culturally accepted to own, utilize customary land?

Explain the challenges, issues or problems related to Land ownership, utilization and management that affect youth in your District.

Give a ways or solving the above mentioned challenges that affect youth in relation to land rights

Are there organizations or institutions protecting and promoting rights of youth (probe for land rights specific institutions/organizations)

Give recommendations the project can take on to ensure land rights for youth are preserved.

Consultative Meeting Questions

Identify ways to promote inclusion of the youth access, utilization and management of communal and customary land in your District

Give a list of key institutions and detail the roles each institution play in managing communal and customary land in your District

What are the challenges that hinder access to communal and customary land by the youth?

Suggest/ recommend the best ways to solve the above mentioned challenges

Land Rights Research Questionnaire

A RESEARCH ON ENHANCING AWARENESS OF LAND RIGHTS OF THE YOUTH, JUNE 2017

LAND RIGHTS SURVEY QUESTIONNAIRE.

Enumerator's name: Enumerator's code:

Date of interview: .../.../..... Report number:

Region name: District name: County:

Sub county: Parish:.....village name:.....

Good morning/Good afternoon. My name is _____ from _____. We are conducting a survey for Trocaire Uganda on land rights and related issues for youth. The survey will help agencies better plan their activities in the future to respond to and mitigate land conflict, as well as policy makers to put in place policies for the better regulation and administration of land. This is purely for research and we are not going to ask your name. All your answers will remain completely confidential.

Would you be willing to contribute to this study by answering the interview for about 15 minutes?

1. No
2. Yes

[A] BIO DATA

1. Gender of respondent:

1. Female
2. Male

2. Age of respondent: _____

3. Marital status of respondent:

1. Single
2. Married
3. Divorced
4. Widowed

5. Respondent's level of education

1. None
2. Primary
3. Secondary
4. Tertiary
5. University

[B] OWNERSHIP OF LAND

6. Do you own land?

1. Yes
2. No

7. If you own land, how did you acquire it?

1. Bought it
2. Inherited it
3. Got it as a gift
4. Received it as payment
5. Given by the government

6. I grabbed it

8. What is the most common form of land acquisition in your community?

1. Purchasing
2. Inheriting
3. Gift
4. Forceful acquisition
5. Given by local authority
6. Other (specify) _____

9. How is land distribution decided in your community?

1. On clan basis
2. On family basis
3. According to social status
4. According to political dynamics
5. Do not know

10. Who are the most influential figures in land distribution decisions in your community?

1. Central government
2. Local authorities
3. Community leaders
4. Religious leaders
5. Politicians

11. What is the land ownership status of youth in this community?

1. 75% or more own land

2. About a half own land
3. 25% or less own land
4. None of them own any land

12. Is there land that is considered communal land in your area?

1. Yes
2. No
3. Do not know

12(b). If there is, who manages the communal land?

1. Central government
2. Local authorities
3. Community leaders
4. Religious leaders
5. Do not know

14. Do you agree that land should be set aside as communal land?

1. Yes
2. No

14(b). If you agree, what in your opinion is the best use of community land?

1. Common grazing land
2. New settlements
3. Charcoal production
4. Communal water source
5. To build public facilities

6. Others (specify)

15. Are youths allowed to own land?

1. Yes
2. No

15(b). If youths are not allowed to own land, what is the reason?

1. They are not allowed to inherit
2. They are represented by male family members
3. They are economically disadvantaged
4. They are not willing to own land

16. Which group in the community is the most affected by land ownership problems?

1. Youth
2. Disabled
3. Returnees
4. Women
5. The poor

16(b). Why is this group particularly affected by land ownership issues?

1. Social segregation
2. Low socio-economic status
3. Cultural factors
4. Other (specify) _____

17. Do people have the right to own land in your community?

1. Yes

2. No

17(b). If yes, what rights are attached to land ownership in the community?

1. Right to sell

2. Right to farm

3. Right to graze

4. Right to develop

5. Right to lease out

6. Right to bequeath

7. Right to use land-based resources

8. Right to use for religious purposes

9. Other (specify) _____

17(c). If no, what prevents the establishment of strong land rights?

1. Weak government authority

2. Lack of land policies

3. Lack of land policy enforcement

4. Corruption

5. Nepotism

6. Other (specify) _____

18. Are you aware of any laws that govern the transfer, utilization, and management of land?

1. Yes

2. No

18(b). If yes, are they enforced?

1. Yes
2. No
3. Do not know

18(c). If not, what is preventing land rights laws from being better enforced in this community?

1. Weak government authority
2. Lack of land policies
3. Lack of land policy enforcement
4. Corruption
5. Nepotism
6. Lack of capacity to enforce
7. Other (specify) _____

[C] ACCESS, UTILIZATION AND LAND CONFLICTS

19. Do youths have access to land in your area?

1. Yes
2. No

20. Have you ever been involved or currently involved in any form of land conflict in your area?

1. Yes
2. No
3. Currently involved

21. Do you know of any person involved in any land conflict?

1. Yes
2. No

22(b) If yes,

(i) what was/is the conflict about?

1. Trespass
2. Charcoal production
3. Land enclosure
4. Use of resources
5. Fraudulent eviction

(ii) When did it happen?

1. 1 year ago
2. 6 months ago
3. 3 months ago
4. Do not know

(iii) Who were the parties involved?

1. Ordinary civilians
2. Government
3. Clan / groups
4. IDPs/ returnees
5. Others (specify) _____

(iv) What did the conflict result to?

1. Violence
2. Armed violence

3. Deaths
4. Peaceful resolution
5. Compromise
6. Other (specify) _____

(v) Which conflict resolution system did you or the person use?

1. Traditional elders
2. Courts
3. Religious leaders

23. How often do people in this community rely on traditional elders and religious leaders to solve land conflict?

1. Very often
2. Not often
3. Fairly often

24. How would you judge the effectiveness of the traditional elders and religious leaders' intervention?

1. Generally satisfied
2. Very unsatisfied
3. No opinion

25. How often do people in this community rely on courts to solve land disputes?

1. Very often
2. Not often
3. Fairly often

26. How would you judge the effectiveness of the courts?

1. Generally satisfied
2. Very unsatisfied
3. No opinion

27. In your opinion, in which area is land conflict predominant?

- 1. Write out name of subdivision _____
- 2. Do not know

28. Why are the conflicts predominant in the area?

- 1. Scarcity of resources
- 2. Clan dominance
- 3. Weak government
- 4. Presence of IDPs
- 5. Abundance of resources
- 6. Do not know

29. In your opinion, who are the main victims of land conflicts?

- 1. Minority clans
- 2. Returnees
- 3. Women
- 4. The poor
- 5. Others (specify) _____

30. What recommendations can you propose to reduce land conflicts in your area?

- 1. Clear land policies
- 2. Enforcement of land policies
- 3. Establishment of the land dispute court
- 4. Establishment of land management committee at the district level

Other recommendations, (Please specify)

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