



Tanzania Youth Land Rights Assessment

From 1990s to 2020

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TABLE OF CONTENTS

1.0.	INTRODUCTION	3
1.1.	Who are considered to be youth in Tanzania?	4
2.0	YOUTH LAND RIGHTS ASSESSMENT IN TANZANIA.....	6
2.1	Overview.....	6
2.2	Policy and Legal Frameworks Pertaining to Youth Land Rights.....	7
2.3	Mechanisms for Youth Access to Land	12
2.4	Key Barriers to Youth Land Rights/Access in Tanzania	14
3.0	POTENTIAL OPPORTUNITY FOR YOUTH IN TANZANIA.....	18
4.0	POLICY ACTIONS TO INCREASE YOUTH ACCESS TO LAND	19
5.0	KEY PROGRAMMING ACTIONS FOR LANDESA.....	20

1.0. INTRODUCTION

For the past three decades Tanzania has passed through different development paradigms characterized by the launching of several initiatives, plans and programs geared towards poverty reduction and transforming the country's economy to an inclusive and diversified semi-industrialized economy. Key development strategies and plans include the National Strategies for Growth and Poverty Reduction I and II (NSGPR I 2005/06-2010/11 and NSGPR II 2010/11-2014/15), National Five Year Development Plan I and II (FYDP I 2010/11-2014/15 and FYDP II 2015/16-2020/21); the National Strategy for Youth Involvement in Agriculture (NSYIA), Vision 2025, Tanzania Social Action Fund (TASAF)¹ etc. All initiatives, plans and programs recognize agriculture as the backbone for the country's economy, contributing more than 25 percent to the GDP,² producing more than 70 percent of the country's food, and employing more than 65 percent of youths in Tanzania.³ Considering the fact that land is key in agricultural productivity, policy reforms have been made to ensure that land rights and tenure security are protected for different groups, enabling them to engage in agriculture. However, little attention has been given to youth⁴ land rights, even though youth constitute the largest population and provide a potential for transforming the agriculture sector in Tanzania and Africa in general.

In Africa, people below the age of 35 constitute about 65 percent of the population, and nearly 50 percent are under the age of 19.⁵ According to the United Nations, about 226 million youth aged 15-24 lived in Africa in 2015, representing nearly 20 percent of Africa's population,⁶ and accounting for one fifth of the world's total youth population of 1.2 billion people.⁷ The number of youth increases if people aged below 35 are included, making up to three quarters of Africa's population.⁸

In Tanzania, the Integrated Labour Force survey of 2014 provides that the total youth population aged 15-35 years is comprised of 14.8 million persons, of whom 12.5 million or 84.5 percent is economically active and 2.3 million or 15.5 percent of youth are economically inactive. The overall youth labour force participation rate constitute 84.5 percent in which rural areas lead with the highest

¹The Tanzania Social Action Fund that has a component on livelihood enhancement which aims at contributing to building the foundation for graduation out of poverty by enhancing households abilities to support themselves through strengthened and diversified livelihoods.

² http://www.usa-journals.com/wp-content/uploads/2015/06/Chongela_Vol37.pdf

³ The Integrated Labour Force Survey of 2014 (NBS)

⁴ youth aged 15-35 years of age as per the National Youth Development Policy

⁵ <https://www.un.org/en/ecosoc/youth2014/pdf/summary.pdf>

⁶ <https://www.un.org/en/africa/osaa/peace/youth.shtml>

⁷ <https://www.ifad.org/en/youth>

⁸ <https://www.un.org/en/africa/osaa/peace/youth.shtml>

share of 89.3 percent, followed by other urban areas with 81.3 percent, and the Dar es Salaam region which has the least youth labour force participation rate of 71.0 percent. The gender disparity shows that male youth have a slightly higher labour force participation rate than that of females with 86.3 and 82.8 percent respectively.⁹

Given the regional and Tanzania's statistics, youth provide a potential for socio-economic transformation provided that there is an enabling environment that allows for proper foundations and equal opportunities for young people to thrive and reach their full potential as drivers for inclusive sustainable development in the region as well as at country levels. Conducive environment includes enabling youth participation in informal and formal decision-making and policy-making processes; promoting and advancing youth access and acquisition of productive resources; favorable policy frameworks; access to ICT services, gender mainstreaming, and peace and security.

The purpose of this research is to assess the situation of youth land rights as provided in different existing policy and legal frameworks, plans, programs, strategies, initiatives and literatures to identify the strength and weaknesses of those rights, gaps and provide recommendations for enhancing and strengthening youth land tenure rights in Tanzania therefore, the assessment is based on desk research.

This assessment focuses on the period of 1990's to 2020 because during this period the government of Tanzania underwent major policy and legal reforms to provide for the administration and management of the land sector and tenure security for land rights holders. This work will primarily inform Landesa's advocacy work on policy and legal reforms, engagement with policy makers, youth, development partners and CSOs working on land rights and youth matters.

This assessment includes sections that define youth in Tanzania; the youth land rights assessment in Tanzania, including policy and legal frameworks pertaining to youth land rights; mechanisms for youth access to land; key barriers to youth land rights in Tanzania; potential opportunities for youth access to land; and policy recommendations and programming to increase youth access to land.

1.1. Who are considered to be youth in Tanzania?

According to the National Youth Development Policy of 2007, youth are defined as young men and women from the age group of 15 to 35. The policy adopts the definition of the African Youth Charter,

⁹ The Integrated Labor Force Survey of 2014 (NBS)

which defines youth as those people between the age of 15-35.¹⁰ The United Nations defines youth as a person aged between 15 to 24 years, whereas the Commonwealth Youth Program has adopted the age category of 16 to 29. Some critics argue that defining youth based on this narrower age group, especially ages 15-24, poses the danger of excluding a larger segment of youth.

The 15-35 age bracket includes youth in various situations, locations and stages of life, such as rural versus urban youth, married and unmarried youth, employed versus unemployed, migrant, self-employed, farmers versus non-farmers, educated and uneducated, pastoral/agro-pastoral youth, youth-headed households, those still in school at primary, secondary and university education, divorced and widowed; those that are parents; and so forth. All youth groups are differently affected based on their life experience and social status. We would like to acknowledge that youth in Tanzania like many other youths around the globe face similar challenges when it comes to defining who are youth?

An age-based definition¹¹ of youth does not recognize the inherent and varied characteristics of youth that in turn define the challenges youth face in accessing land and land governance spaces. Existing policies on youth also typically concentrate on the future perspective; that is, youth are discussed as “future adults” and even “future human capital,” and, of course, generally youth is considered as a transitional phase to adulthood.¹² Therefore, one needs to understand that age does not itself define need; youth is not a homogenous demographic. Youth needs vary according to social status, sex, location, etc. The boundaries of youth are culturally and socially determined and may change over time, so, youth responsive policies should be dynamic or regularly review to ensure they respond to the current needs of youth. Moreover, child and adult policies will impact youth, thus, they should be linked to youth responsive policies, in order to enable recognition of youth as important part of the community.¹³

The emphasis on youth land rights and access to land is founded on various land needs such as: i) economic rights: land for livelihoods, workplace, economic assets, income generation, renting, markets/shopping, accessing services, and skills training; ii) social rights: land for shelter and family life, education recreation, open spaces, parks, and health; iii) cultural rights: land and public space for

¹⁰ https://www.un.org/en/africa/osaa/pdf/au/african_youth_charter_2006.pdf

¹¹ Fairle, K. et al (2015). Promoting Youth Responsive Land Policies – An Action-Oriented Research and Intervention. Presented at the World Bank Conference

¹² Ibid page 6

¹³ Ibid page 6

community events, religious practices, entertainment, and cultural/art events and political rights.¹⁴ Therefore, youth land-responsive policies should not only attempt to benefit youth but should also be youth-driven.

2.0 YOUTH LAND RIGHTS ASSESSMENT IN TANZANIA

2.1 Overview

The quest to advance secure land tenure rights in Tanzania has taken many facets in different government phases since independence. Various land reforms have been undertaken to ensure that the groups of people previously marginalized and discriminated against were given their land rights. In particular the 1990s land reforms, which began with the Presidential Commission on Enquiry into Land Matters of 1992, led to the promulgation of the National Land Policy of 1995. Two major pieces of legislation followed: the Land Act no.4 to provide for land management and administration of land tenure, and the Village Land Act no. 5, to provide for management of village land, both of 1999. The major triumphant feature in this reform was the inclusion of equal rights between men and women to access, own, use, control, and make decisions about land and its produce. However, these frameworks do not contain youth-specific provisions, nor do they recognize youth challenges on accessing land in Tanzania.

With changing trends that call for inclusive socio-economic development, youth have been identified as key drivers for economic transformation in many countries. In Tanzania, youth engagement in agriculture is considered vital, given the fact that youth form the largest part of the population and labour force in the country.¹⁵ For Tanzanian youth to fully engage in agriculture, improved access to productive resources is critical; access to land and security of tenure could be one of the strategies to attract youth engagement in agriculture.

Several policies, plans, strategies, initiatives, programs and projects were reviewed to ascertain the extent to which youth land rights have been included and secured, and to identify gaps and opportunities. The documents consulted include the United Republic of Tanzania Constitution of 1977; Tanzania Development Vision 2025 (1999); the National Five Year Development Plan II 2016/17- 2020/21; and Sector Policies and programmes such as Youth Development Policy (2007), National Agriculture Policy (2013), National Employment Policy (2008), The National Strategy for

¹⁴ Ibid page 7

¹⁵ The Integrated Labour Force Survey of 2014

Youth Involvement in Agriculture (2016-2021), The National Land Policy of 1995 (NLP), the Village Land Act no.5 and the Land Act no 4 (both of 1999), Sustainable Development Goals (SDGs, 2015-2030), the Draft National Land Policy of 2018 August Version and Land Tenure Support program and Land Tenure Assistance Project. We also reviewed different literatures pertaining to youth matters, such as land, agriculture inclusion, employment, etc. However, there is very little literature that links youth and land rights.

2.2 Policy and Legal Frameworks Pertaining to Youth Land Rights

This part reviews the existing policy and legal frameworks pertaining to youth land rights and related sectors, such as agriculture, employment, etc., to assess how far they have included youth land rights and existing mechanisms for youth access to land.

2.2.1 The Constitution of the United Republic of Tanzania of 1977

The constitution lays a foundation for Tanzania's policy and legal frameworks on land access for Tanzanian citizens. Article 9 of the Constitution accords the same opportunities to all citizens. Article 12 also declares that all human beings are born free and are all equal. The right to property is provided for in Articles 24 and 24(1), which hold that every person has the right to own property and protection of his/her property. Although not explicitly stated in the Constitution, it can be rightly construed that youth and land rights are recognized and covered under the "all citizens, all human beings, and rights to own and protection of his/her property".

2.2.2 Tanzania Development Vision 2025

The Tanzania Development Vision 2025 provides for the national long-term objectives that the country seeks to attain. These include high quality livelihood, peace, stability and unity, good governance, a well-educated and learning society and a competitive economy capable of producing sustainable and shared benefits. The state commits to ensure wider participation of men, women, youths and the entire citizenry in activities that enable the realization of the Vision through affirmative action programmes that provide special support in promoting the participation of all indigenous people in the wealth creation and ownership process.

2.2.3 The Sustainable Development Goals

The Sustainable Development Goals (SDGs)¹⁶ also known as Agenda 2030, are an inter-governmental agreed set of targets relating to international development which replace the Millennium Development Goals (MDGs). SDGs are considered as a blueprint for peace and prosperity for people and the planet, now and into the future. SDGs recognize that ending poverty in all its forms and dimensions requires strategies that improve health and education, reduce inequality, and spur economic growth, while at the same time tackling climate change as well as working to preserve the world's oceans and forests. Like other nations, Tanzania is committed to the implementation of the SDGs collaborative partnership with other countries and stakeholders.

Goals 2 and 8 are mainly relevant for the inclusive development for the agricultural sector and notably have specific targets on youth. Goal 2 of the SDGs commits to “achieve food security and improved nutrition and promote sustainable agriculture,” while Goal 8 commits to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.” Under Goal 8, there are two targets that focus on youth, namely, target 8.5, which aims to achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value by 2030; and target 8.6 which aims, by 2020, to substantially reduce the proportion of youth not in employment, education or training.

However, there are no specific indicators and targets for secure land rights for youth, as there are for other groups.

2.2.4 The National Five Years Development Plan 2016/17-2020/21

The National Five Years Development Plan (FYDP II) provides for the direction of the country in five years with the objectives amongst others to (i) accelerate broad-based and inclusive economic growth that reduces poverty substantially by allowing shared benefits among the majority of the people through increased productive capacities and job creation, especially for the youth and disadvantaged groups. The FYDP II identifies lack of land titles for women and youth as one of the challenges and puts in place strategic interventions for flagship projects such as identifying and surveying agricultural land, continuing with surveying the land and providing titles, and improving use of technology.

¹⁶ <https://sustainabledevelopment.un.org/sdgs>

The aim is to increase the number of land titles to farmers and increasing youth engagement in agriculture by identifying, titling, and surveying agricultural land and linking youth with financial institutions and promoting use of technology so that youth can make long-term investments in agriculture.

2.2.5 The National Agricultural Policy (2013)

The National Agriculture Policy (NAP) aims at developing a competitive, efficient, and profitable agriculture sector that contributes to the improvement of the livelihoods of Tanzanians and attainment of broad-based economic growth and poverty alleviation. The policy provides direction for the creation of an enabling environment to attract youth involvement in the agricultural sector to reduce rural-urban migration, which is dominated by youth migrating to urban areas to look for jobs/employment. The NAP includes a section on Employment and Decent Work in Agriculture, with a strong focus on youth. NAP acknowledges the fact that youth provide opportunity for increased economic development through their involvement in agriculture, which appears to be the main economic activity in rural areas let alone in emergent urban farming.

Further, the policy recognizes the main challenges affecting youth participation in agricultural development, such as difficulties in obtaining loans to finance long-term agriculture, limited access to productive resources, limitations on equity of resource allocation and capital accessibility, etc.

The NAP outlines the Government's commitment to facilitate youth involvement in agriculture by facilitating access to productive resources including labour saving technologies such as mechanization equipment, surveyed land, irrigation infrastructure, and promoting a conducive environment for youth to settle in rural areas through promotion of rural development. The plan also accounts for the ministry responsible for jobs, the Prime Ministers, Works, Youth, Employment and People with Disability, to sensitize, attract and empower youth to undertake rural jobs, including agriculture.

2.2.6 The National Youth Development Policy 2007

The policy aims at empowering, facilitating and guiding youth and other stakeholders in the implementation of youth development issues.¹⁷ The policy directs government in collaboration with other stakeholders to provide an enabling environment for youth to effectively participate in

¹⁷ The National Youth Policy of 2007 para. 2.4

agriculture¹⁸. The policy encourages youth participation in social, political and economic development of the society, even though youth have limited access to land ownership, and customary practices continue to discriminate against young girls to own and inherit land. Also, limitations on equity resources allocation and capital accessibility for youth development restrict and affect their effective participation in economic activities. Policy statements emphasize on the Government's commitment to promote equitable access to land and other resources allocation especially to rural youth.¹⁹

2.2.7 The National Employment Policy 2008

The National Employment Policy (NEP) aims to enhance skills and competencies for those in the formal and informal sector, especially in rural areas; promotes the goal of decent and productive employment as a national priority and enables all participants in the labour force to gain productive and full employment, and promotes equal access to employment opportunities and resources endowments for marginalized and vulnerable groups, including youth and people with disabilities.

2.2.8 The National Strategy for Youth Involvement in Agriculture 2016-2021

The 5-year National Strategy for Youth Involvement in Agriculture (NSYIA) 2016-2021 seeks to empower youth to participate fully in the agricultural development and contribute to national economic growth. The Strategic Objectives (SOs) include: Facilitating youth land acquisition and accessibility for agricultural investment (SO #1); enhancing youth-led mitigation and adaptation to climate change and variability (SO # 6); promoting decent work for youth in the agricultural sector (SO #9); and mainstreaming cross-cutting issues in youth involvement in the agriculture sector such as rural-urban migration and land shortages.

The strategy notes the following challenges facing youth, including: existing policy and legal frameworks restrict youth accessibility and acquisition of land for diverse reasons; lack of finance to buy land or collateral to enable them to secure loans from financial institutions to acquire land. The challenges are also intensified by inadequate enabling land laws, regulations and by-laws; land use conflicts and prolonged land titling procedures that cause delays in issuance of title deeds for agricultural investment; absence of detailed land use plans at district and village levels; and insecurity

¹⁸ The national youth Policy of 2007 ,para 2.3

¹⁹ The National Youth Policy of 2007, para 3.4

of agricultural land. These challenges make farming less attractive to youth, who often migrate to urban areas to conduct petty unproductive businesses and involvement in crimes.

The strategy pledges the Government's commitment to ensure equal access and acquisition of land for youth (both boys and girls) or youth groups, or equal participation in agriculture between men and women. The target is to allocate land to 1000 youth working in collaboration with the Ministry of Lands, Housing, Human Settlement and Development (MLHHSD), Local Government Authorities (LGAs) and Village governments to priorities allocation of land to youth.

2.2.9 The National Land Policy of 1995 (NLP), the Village Land Act, No.5 and the Land Act, No 4 both of 1999

The NLP aims to promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without upsetting or endangering the ecological balance of the environment. The Land Act (LA) 1999 provides for land administration and land tenure in Tanzania, whereas the Village Land Act (VLA) 1999 provides for management and administration of land in villages, and other related matters. These are main instruments that provide for land rights and tenure systems in the country, and in case of inconsistencies with any written law the LA and VLA prevails, and such law ceases to be applicable on land matters.

However, these frameworks do not specifically integrate youth land rights, nor do they recognize youth challenges in accessing and acquiring land for productive purposes, exacerbated by stringent customary practices that limit youth access to land in customary settings and semi-urban areas, unfavorable policy frameworks, land use conflicts, long process for titling, and lack of information places youth in the uncertainty of not knowing how to access land without waiting for their inheritance rights. Limited youth access to land diminishes opportunities for effective youth participation in socio-economic development.

There has been initiative by the government to address the challenges, for example the review of the National Land Policy of 1995, where in 2016 the government tabled the Draft National Land Policy 2016 (DNLP), which had shortcomings on youth land rights.

The DNLP did not incorporate youth tenure rights as it did for other groups even though youth constitute about 84.5 percent of labour force as per the 2014 Integrated Labour Force Survey. The

draft policy development presented a unique opportunity for the Government of Tanzania to advance gender equitable youth access to land to boost rural youth employment, control rural-urban migration, and enhance Climate Smart Agriculture, agricultural productivity and national food security and to harmonize policy frameworks pertaining to youth land access and acquisition.

To fully integrate youth issues in the national land policy, a deliberate youth lens acknowledging Tanzanian youth as a distinct population category with unique land rights needs and challenges should be applied to ensure that the complex institutional, legal, programmatic, individual, familial, and community barriers to youth access to land are addressed comprehensively. Through the DNLP, specific steps could be developed to enhance youth access to village and family land, peri-urban land, and unused state land. The DNLP should also promote active youth participation in land governance systems to ensure that the land and agricultural needs of youth are fully captured from the youth themselves.

Young peoples' participation in farming in Tanzania will boost rural youth livelihoods and help transform and modernize the agricultural sector. For this to happen, the Tanzanian National Land Policy should articulate a youth land rights framework that, if implemented, could facilitate gender equitable youth access to land across Tanzania, and guarantee youth land rights protection. Given secure land rights, access to agricultural finance and modern agricultural technologies, rural Tanzanian youth will be motivated to engage in commercial farming and be less inclined to migrate to cities in search of limited formal employment opportunities.

Therefore, the DNLP could prove a valuable instrument to launch a new effort to identify and address land rights pertaining to youth.

2.3 Mechanisms for Youth Access to Land

Informal land transactions (e.g. periodic borrowing of land from family members for farming or any other use), land purchase, inheritance, general or village land allocation are the common mechanisms for obtaining land in formal and informal settings.²⁰ Other avenues include gifts, squatting and lease/rental.²¹ The country's policy and legal frameworks recognize these avenues as formal

²⁰ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania;

²¹ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania;

mechanisms for obtaining and accessing land in the country for all groups.²² However, each of the mechanisms pose some limitations to youth access to land as explained below;-

- i. **Land Purchase and rental**²³ consists of obtaining land by way of sale or rental from informal or formal land market. Accessing land through this avenue presents constraints like lack of resources to buy or rent land, and the inability for youth to access credit/finance to buy or rent land due to stringent banking conditions, which require among other things the use of collaterals. Inadequate proper land market information also restricts youth from accessing land through sale or rental particularly those with resources to do so.
- ii. **Allocation**²⁴ consists of granting of land by municipal or village authorities. Allocation processes are sometimes competitive for which youth fail to cope with due to resource limitations. Failure to meet costs associated with land allocation could be another challenge for youth to access land through land allocation. Yet there are no specific policy provisions on prioritization of youth needs during land allocation.
- iii. **Inheritance**²⁵ involves succession of the properties of the deceased to legal heirs. The Tanzania legal system allows for application of customary law on inheritance matters, which mostly limit and discriminate against youth, especially girls. Challenges include the length of time it takes for youth to realize their inheritance rights, and that youth find themselves in no position to choose the size, quality and location of the land. Apportionment of family land to youth while parents are still alive could be an option to assist youth to get access to land instead of waiting for inheritance.
- iv. **Gift**²⁶ includes the transfer of land “*intervivos*” meaning between the living. Obtaining land through this avenue is based on love and affection, and parties must demonstrate good faith. This is not a reliable mechanism because it is based on willingness of the person to give out land as a present, of which youth have no control of another person’s feelings.

²² The Land Act no 4 of 1999, the Village Land Act no.5. of 1999, the Probate and Administration of Estates Act cap 352;

²³ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania;

²⁴ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania; Urban Solution (2012): Housing Study - Tanzania, page 20; and FAO (2002), Land Tenure and Rural Development

²⁵ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania; Urban Solution (2012): Housing Study - Tanzania, page 20; and FAO (2002), Land Tenure and Rural Development

²⁶ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania;

- v. **Family land allocation**²⁷ consists of land that is allocated to another person for use.

2.4 Key Barriers to Youth Land Rights/Access in Tanzania

The assessment came up with key issues and challenges to youth land rights/access in Tanzania:

i. Unfavorable land tenure systems and customary practices

The land policy and legal frameworks do not provide safeguards for youth land rights. The absence of youth-specific provisions in land policies poses a threat of exclusion of youth matters in land planning, governance and implementation processes. Unharmonized policies and strategies pertaining to land and youth is also another challenge that limits youth access to land. For instance, the National Strategy for Youth Involvement in Agriculture of 2016-2021²⁸ directs all local government authorities to set aside land for youth groups that are interested in agribusiness whereas the governing land policies and laws are silent on the same. These uncoordinated policies and efforts could lead to confusion among youth actors and youth themselves.

On the other hand, customary practices discriminate against youth from accessing land. Youth are not considered important members of the society because they're not given opportunities to participate in the governance and development of their communities.²⁹ Youth are also perceived as a source of free labour by their families and elders, and most of the time are not empowered to access or acquire land or resources for independent production opportunities.³⁰

ii. Inadequate youth participation in decision making and policy making processes;

Inadequate participation of youth in policy processes, and in informal and formal land governance decision making bodies further hampers youth land rights. Decisions made at the national and strategic level on youth matters do not consider youth input, and therefore they do not address the fundamental and underlying issues that prevent productive livelihood opportunities³¹. For example,

²⁷ USAID (2016) Country Profile: Land Tenure and Land Rights in Tanzania;

²⁸ The National Strategy for Youth Involvement in Agriculture 2016-2021

²⁹ Mahjabeen. H, 2015: Youth Employment in Tanzania: Taking Stock of Evidence and knowledge gaps

³⁰ Mahjabeen. H, 2015: Youth Employment in Tanzania: Taking Stock of Evidence and knowledge gaps

³¹ Mahjabeen. H, 2015: Youth Employment in Tanzania: Taking Stock of Evidence and knowledge gaps

the exploitation and lack of empowerment in decision making and participation processes presents further constraints to realizing productive opportunities for employment.³²

It is therefore important for stakeholders to increase youth participation in domestic and policy processes and promote the importance of young people's decision-making role³³. This allows people and policy makers to address the specific challenges youth face, share their ideas, and enhance their social and political capital at both local and national level.³⁴

iii. Overdependence on inheritance

Traditionally, majority of youth access or obtain land through inheritance of family lands. However, inheritance often takes too long to realize, and it limits the size, quality and location of the land that the youth can inherit. Additionally, customary practices and social norms discriminate against girl's inheritance rights, as girls are placed in the 3rd degree of inheritance and for the clan land, girls can only use such land without selling it.³⁵ Daughters are also sometimes deprived of their inheritance right based on the notion that they will be married to other families from which they will then gain access to land which is not always the case because once they are married they only get access to usufruct rights only. ³⁶ These archaic customs largely contribute to loss of interest in rural life and agriculture and foster rural -urban migration for youth to seek employment opportunities.

iv. Lack of legal protection and inadequate information for youth land rights

Legally, access to land is equal between men and women.³⁷ However, there are no specific provisions on youth land rights, which places youth at disadvantaged positions when it comes to accessing land and other resources for them to engage in agriculture.³⁸ Therefore there is a need to enact special legal provisions for youth in land policies and laws in order to enable the youth to have access to land and secure tenure rights.

On the other hand, information on land matters and different initiatives are available in government offices of which youth have limited access and there is less effort to inform the public and raise

³² Mahjabeen. H, 2015: Youth Employment in Tanzania: Taking Stock of Evidence and knowledge gaps

³³ <https://www.ifad.org/en/youth>

³⁴ <https://www.ifad.org/en/youth>

³⁵ Local Customary Law (Declaration) (No. 4) Order (G.N. No. 436/1963)

³⁶ <https://www.diva-portal.org/smash/get/diva2:1081194/FULLTEXT01.pdf>

³⁷ Section 3(1) (d) and section 3(2) of the Village Land Act no. 5 of 1999, and section 1 (1) (c) of the Land Act no. 4 of 1999

³⁸ African Natural Resources Centre (AfDB), Report on Tanzania: Review of Land System to Support the Creation for an Enabling Environment for Agricultural Transformation

awareness on the initiatives and opportunities available for young people to engage in.³⁹ Limited literatures and scattered information on youth land rights contributes to youth inability to protect and claim their land rights as well as pursue productive opportunities. Capacity and awareness creation to youth and regular information sharing could enable youth gain broader knowledge and understanding of their land rights and different productive opportunities.

v. Lack of youth engagement in land allocation and land use planning programs

With the current wave of repossessing idle land/farms by the government of Tanzania, there is a need to have clear provisions or directives for youth allocation of land regarding redistribution processes of such lands. From 2017 to date, the government embarked on repossessing idle/ abandoned land that would be distributed to people who would use it.⁴⁰ Following the order by the president, the Minister for Lands, Housing, and Human Settlement repossessed about 15,000 hectares of sisal farms from private investors, which was planned to be distributed to 16,450 villagers in ten (10) villages for farms and housing, among others uses.⁴¹ Distribution provisions are not clear on youth allocation to such land, and youth lack resources to access land where such distribution mechanisms are competitive in nature. To increase the number of youths with land and engagement in agriculture, a priority could be given to youth.

Whilst youth involvement in land allocation and land use planning is limited and not clearly provided, the Government of Tanzania increasingly prioritizes proper administration and land management through pilot land use programs implemented by the government itself and others through development partners and civil society organizations such as the Land Tenure Support Program (LTSP)⁴² and the Land Tenure Assistance (LTA) project.⁴³ The LTSP was implemented in Malinyi,

³⁹ Food Agriculture and Natural Resources Policy Analysis Network (FANRPAN): Current and Emerging Youth Policies and Initiatives with a Special Focus and Links to Agriculture; Tanzania (Mainland) Case Study, 2012

⁴⁰ Tanzania President Orders Repossession of 14,000 Acres in Tanga <https://allafrica.com/stories/201708040208.html>

⁴¹ Tanzanian Government Repossesses 15,000 Hectares of Sisal Farms from Private Investor http://www.xinhuanet.com/english/2019-08/30/c_138351941.htm

⁴² Funded by Swedish International Development Cooperation Agency (SIDA), Department of International Development (DFID)UK, and Danish International Development Agency (DANIDA), aimed at supporting more transparent, efficient and better resourced land sector in order to ensue current and future demands for land leads to beneficial and outcomes for rural Tanzanian population(2015-2019)

⁴³ Funded by USAID Feed the Future Tanzania, the Land Tenure Assistance (LTA) project aimed at reducing land tenure-related risks and lay the groundwork for sustainable agricultural investment for both small holders and commercial investors throughout the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) and in the value chains of focus for Tanzania's Feed the Future Program

Ulanga and Kilombero districts in Morogoro region, where by 2017, 25 percent of land parcels were owned by women in their individual capacity, 16 percent owned jointly with partners and 39 percent owned by men.⁴⁴ We could not access how many youths were issued Customary Certificates of Right of Occupancy (CCROs) from this disaggregation. Whereas the Land Tenure Assistance (LTA) Program assisted villagers in Mbeya and Iringa to conduct land use planning and issue CCROs using the Mobile Application to Secure Tenure (MAST), LTA issued 31,765 CCROs to villagers where 3,720 of CCROs were issued to youth.⁴⁵ The project defined youth as those aged between 15 and 29; this categorization leaves out a bigger component of youth, particularly those falls within 30 to 35 years of age.⁴⁶ Therefore, it is important to increase youth involvement in land allocation and land use planning programs starting from program design, implementation and monitoring stages in order to ensure that youth land rights interests are effectively incorporated into programs.⁴⁷

vi. Lack of finance to buy or rent land

Lack of financing and inability for youth to access finance in local banks and microfinance poses another challenge⁴⁸ to youth access to land. Access to credit is constrained by restrictive bank lending conditions such as high interest rates and collateral requirements⁴⁹ because most banks regard youth as the riskiest group to offer credit, leaving many unqualified for loans.⁵⁰ Affirmative actions to increase access to secure land by youth as well as to resources such as finances should be put in place.⁵¹ Alternatively, banks could have programmes to support youth to get access to land and finance.⁵²

vii. Undeveloped land market

There is a very limited formal land sales market in Tanzania, and little information is available regarding its operation due to several reasons, such as the small percentage of registered land, and most of what is registered is in urban areas; therefore most land transactions occur on the informal market.⁵³ In rural areas, land sales were historically conducted between members of families or clans; landholders tended

⁴⁴ Land Tenure Support Program (LTSP) CSOs Evaluation report 2017

⁴⁵ Land Tenure Assistance Project Report.

⁴⁶ The National Youth Development Policy of 2007

⁴⁷ Land Tenure Support Program (LTSP)- CSOs Evaluation Report 2020

⁴⁸ Ibid pg. 22

⁴⁹ http://esrf.or.tz/docs/PB%20No.11_2017.pdf

⁵⁰ Ibid pg. 22

⁵¹ African Natural Resources Centre (AfDB), Report on Tanzania: Review of Land System to Support the Creation of an Enabling Environment for Agricultural Transformation

⁵² Ibid pg. 54

⁵³ Urban Solution (2012): Housing Study -Tanzania, page 20

not to sell rights to buyers from outside the village. However with the growing commoditization of land, the informal market has expanded due to the increasing demand for land in productive areas.⁵⁴ In some cases, investors and land speculators follow formal procedures to obtain land rights, but in many cases buyers proceed informally, negotiating with traditional village authorities and government bodies, with the transaction evidenced by an informal deed signed by representatives of the official or traditional village authorities.⁵⁵

Lack of resources and capacity for government and local government authorities with mandate on land administration and delivery has led to inefficiencies in creation of formal land market, hence the informal land market takes precedent over formal land market.⁵⁶ In such circumstances where youth have resources to access land, sales and rental markets are not well developed to accommodate their needs.

3.0 POTENTIAL OPPORTUNITY FOR YOUTH IN TANZANIA

Despite the challenges, there is also potential opportunities for youth in Tanzania that could facilitate access to land and engagement in productive activities. The following could play as entry points for youth.

i. The National Strategy for Youth Involvement in Agriculture 2016-2021;-

This is a strategic intervention by the government of Tanzania to increase youth involvement in agriculture to create employment opportunities for youth while transforming the country's economy into a middle-income economy. All local authorities in the country are instructed to designate and allocate agricultural land for youth groups with interest in agriculture, and to prioritize youth during land allocation. Youth are also argued to organize themselves into formal groups so that they can access land for agricultural activities. Apart from facilitating access to land for agricultural investment, the government also intends to connect youth with financial institutions to access finances. This is a very important opportunity for youth, particularly those interested in conducting agriculture. To improve upon this effort, there should mechanisms to ensure youth are not taken advantage of by financial institutions.

⁵⁴ Urban Solution (2012): Housing Study -Tanzania, page 20

⁵⁵ Ibid page 20

⁵⁶ Ibid page 17

ii. The fastest growing Information, Communication and Technology (ICT) sector

With the rapid development of Information, Communication, and Technology (ICT) that has exposed rural youth into a fast-moving world, even those who wish to engage in agriculture would want to practice modern agriculture that use more technical skills and less energy to produce.⁵⁷ Research show that youth aged 18-25 have mobile phone internet access (57 percent) at nearly triple the rate of those aged 56 and above who are about 20 percent.⁵⁸ Information Communication Technology (ICT) facilitates access to updated weather forecasts, market price information and offering tips on best practices.⁵⁹ Of recent we witnessed land use planning activities being conducted using mobile application technology, for example the MAST application under the Land Tenure Assistance project implemented in Iringa and Mbeya regions.⁶⁰ Therefore, coupled with secure land rights for youth, ICT offers an opportunity for youth to engage in modern agriculture and take part in land use planning and allocation programs.

4.0 POLICY ACTIONS TO INCREASE YOUTH ACCESS TO LAND

The challenges elaborated in this work need a holistic approach in addressing them; therefore, increasing youth access to land, improving access to finance so that youth can acquire land through sale or rental, and technical assistance to enable youth to acquire entrepreneur skills to be able to invest in their land could guarantee youth access to land and involvement in agriculture. Land policy reforms provide for improvement of the existing situation. The following are the suggested policy actions.

- i. **Undertake policy review with a youth lens to develop youth land-oriented policies that contain specific provisions on prioritization of youth on land allocation.** State land allocation to youth could be the reliable mechanism of land acquisition for youth, unlike the other mechanisms. Therefore, improvement in the land delivery mechanisms, particularly land allocation mode by (i) providing capacity building to local government authorities mandated with land allocation to enhance their understanding of youth land rights; (ii) engagement of youth in land use and allocation programs; (iii) prioritization of youth in land allocation; and

⁵⁷ Food Agriculture and Natural Resources Policy Analysis Network (FANRPAN): Current and Emerging Youth Policies and Initiatives with a Special Focus and Links to Agriculture; Tanzania (Mainland) Case Study, 2012

⁵⁸ <https://www.landesia.org/press-and-media/fact-sheet-youth-land-rights/>

⁵⁹ <https://www.landesia.org/press-and-media/fact-sheet-youth-land-rights/>

⁶⁰ <https://www.dai.com/our-work/projects/tanzania-feed-future-tanzania-land-tenure-assistance-lta>

- (iv) allocation of sufficient resources for the land use and allocation processes so that youth wouldn't have to worry about the associated costs, to name a few. The revised policies could also link youth land access to other related sectors like agriculture, ICT, entrepreneurship skills, employment, etc; and encourage youth participation in land governance bodies and policy decision making processes both at community and national level.
- ii. **Improve the land market.** Tanzania's land market is characterized by unregulated transactions and informalities, hence limiting youth access to land through sale or rental because sales and rentals are not well developed. The ACET 2017⁶¹ report notes that land sales and rental markets exist in East and Southern Africa, but they are largely informal and flawed. In Tanzania, most land transactions are informally conducted as sale and rental prices are negotiated between the parties; there is no guiding regulations to that effect, and land market information is inadequate to enable youth access to land. Therefore, improving the land market is key to enable youth access to land through this avenue.
 - iii. **Facilitate youth access to finance.** Among the limitations for youth access to land are lack of resources to buy or rent land and inability to access finance from financial institutions to buy or rent land due to collateral conditions; and the negative perception by banks and financial institution on youth being perceived as a risky group. Government strategic actions are required, such as linking youth to financial institutions for credit; facilitate youth access to land for collaterals; design programs in collaboration with banks to facilitate access to land, finance, and entrepreneurship skills for youth to successfully invest in their land and be able to repay the loans provided to them. The government could negotiate with financial and credit institutions for special interest rates for youth, the rate could be lower compared to the normal lending interest rate depending on the type of the loan.

5.0 KEY PROGRAMMING ACTIONS FOR LANDESA

Landesa should continue influencing and supporting law and policy reforms that are responsive and inclusive of the needs of youth access to land. Reforms will guarantee recognition, promotion and mainstreaming of youth land rights into programs.

⁶¹ African Center for Economic Transformation

- i. Expand the assessments to other related sectors, for instance youth land rights and climate change adaptation; youth involvement in agriculture and land rights; youth access to finance, entrepreneurship skills, ICT and land rights; and expand to field research to capture youth voices in their real settings.
- ii. Develop, publish and disseminate blogs, policy briefs on the need of youth land-responsive policies, information briefs and the Know Your Right Guide on youth land rights;
- iii. Provide technical support around youth land rights mainstreaming into programs and policies; and conduct capacity strengthening support to government institutions, particularly the Ministry of Lands, Housing and Human Settlement Development; The Prime Minister's Office, Labour, Youth, Employment, and People with Disability; and Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDEC) etc.
- iv. Conduct capacity development and awareness creation trainings, workshops, dialogues, and convenings on youth land rights to youth and youth groups and local government authorities

About Landesa

Landesa is an international non-governmental organization that fights rural poverty and provides opportunity and security for women and men through the power of land rights. Insecure land rights are a leading factor in extreme poverty, food insecurity, gender inequality, conflict, environmental destruction, and sluggish economic growth. Landesa has partnered with governments and civil society to develop pro-poor and gender-sensitive laws, policies and programs to help secure land rights for more than 180 million families in over 50 countries. Headquartered in the United States, it maintains offices in China, India, Liberia, Myanmar, and Tanzania.

Landesa established its official Tanzania registration and office presence in 2017. The office is registered as an International Non-Governmental Organization (INGO) under the Non-Governmental Organization Act of 2002, in November 2018. To respond the growing demands, we have offices in Dar es Salaam and Dodoma region. Since establishing our presence in Tanzania, we

have implemented several projects which have impacted the lives of Tanzanians, men and women and youth.

The Landesa Tanzania program focuses on a specific set of thematic program areas, which have been recognized as priorities for Tanzania's development. Our privately and publicly funded programs and projects focus on women land rights; youth land rights; responsible investment in property and land; urbanization; land use planning; conflict and climate change as cross-cutting theme.

Our Tanzania based program staff lead activities focused on capacity development and knowledge creation; research; partnership and collaborations; and offer technical expertise to several government ministries, institutions and NGOs on the above-mentioned land rights related thematic areas. To achieve the desired organizational goals, our approach includes organizing workshops, convenings, webinars, trainings, dialogue, media programs/engagement (both at national and international level), publication of policy briefs, information briefs, blogs, and papers. Further, we participate in different policy review processes especially for the policies that affect women and land rights for rural women, men and youth. To draw lessons and best practices on advancing land rights and women land rights, we participate in regional and global discussions, convenings and conferences.