

Land Reform and Investments in Agriculture for Socio-Economic Transformation of Uganda

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I. Background

1. Uganda, with a per capita Gross National Income (GNI) of US\$ 510 (Atlas method, current prices) in 2013 and with 22 percent of her population living below US\$1.25 per day as of 2013, has prepared a development vision, the so-called Vision 2040, with the aim to graduate into a lower middle income country by 2017, then progressing to an upper middle income category by 2032 and attaining a target of US\$9500 (current prices) in 2040, with only 5 percent of her population living below the poverty line (The Republic of Uganda Undated). This is a 30-year vision, from 2010 to 2040, in which it intends to increase its per capita income by nearly a factor of 20. Is this achievable, and what would it take to achieve it?

2. It is certainly achievable, and countries like China did much better than that even when it started from a poorer resource base. It increased its per capita GNI by a factor of 28 from US\$220 (current prices) in 1983 to US\$6065 (current prices) in 2013, within a period of 30 years. Mind you, China did it without the benefit of a rich agricultural resource base and without oil, both of which are not in short supply in Uganda. In principle, if China was able to increase its per capita GNI 28 times in 30 years growing at an annual average rate of about 10 percent, there is no reason why Uganda should not be able to grow hers by 20 times in 30 years (Table 1).

Table 1: GNI per Capita of Uganda and China over 30 Years (Atlas method, Current US\$)

	30 Year Period	Base Year	End Year	Multiplication Factor
China	1983-2013	220	6065	28
Uganda	1983-2013	163	510	3
	2010-2040	470	9500	20

Source: World Bank, World Development Indicators.

3. Well, it is easier said than done, given Uganda's history. In the last 30 years from 1983 to 2013, Uganda increased its GNI per capita from US\$163 (current prices) to US\$510 (current prices), a multiplication factor of 3 compared to 28 for China and 20 in Uganda Vision 2040. It is clear that, even when one selects a period when Uganda's economy performed best over 20 years – for example 1992 to 2012 – the average annual economic growth was about 7 percent which was short of the 8.2 percent required to achieve Vision 2040. The only time that Uganda showed a glimpse of the potential to achieve the target was during FY03/04 –FY07/08 when it registered an average annual growth rate of 8.7 percent, but this could not be sustained in the last 5 years as the economic growth rate declined to 5.8 percent during FY08/09-FY12/13 (World Bank 2014a).

4. Underlying Uganda's economic under performance is one key factor that could also play an important role in achieving Vision 2040 if it can be turned around, namely, the poor performance of the agricultural sector which grew by an average annual growth of 2.6 percent in the last decade (2000-09) and 1.5 percent per annum in the 3 years from 2010 to 2012, significantly below the population growth rate of 3.2 percent and much lower than the performance of other East African countries (Table 2). Uganda's agricultural growth has been even far lower than the 6 percent growth target set in the Comprehensive African Agriculture

Development Program (CAADP) Compact and in Uganda's National Development Plan 2010-2015 (The Republic of Uganda 2010). It is therefore going to be a great challenge for Uganda's policy makers to revamp agriculture's growth to achieve the Vision 2040 growth target of 5 percent, notwithstanding the fact that the country has the highest agricultural potential in East Africa.

Table 2: Agricultural GDP Growth Rates for Selected Eastern African Countries, 2000-2012

	2000-2009	2010-2012
Ethiopia	6.6	6.3
Tanzania	4.6	3.9
Kenya	2.3	4.6
Uganda	2.6	1.5

Source: World Bank, World Development Indicators

5. To grow agriculture, Uganda must raise her agricultural productivity which is much below its potential. For example, crop yields on farmers' fields are less than one third of those at research stations (Table3), and close to the 25 percent estimated for Sub-Saharan Africa (SSA) (Deininger et al. 2011).

Table 3: Uganda's crop yields at research stations and farmers' fields (kgs/ha)

Crop	On farmers' fields*	On research stations**	Farmers /Research Station Yield Ratio
Maize	1,676	5,000	0.34
Beans	560	3,000	0.19
Groundnuts	636	3,000	0.21
Bananas	1,872	4,500	0.42
Coffee	369	3,500	0.11

Note: *Median yield from the 2005/06 UNHS III; ** this data is from MAAIF.

Source: Uganda Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) (2010) and The Third Uganda National Household Survey 2005/2006 (UNHS III 2005/06).

6. While the direct causes of low agricultural productivity vary among the SSA countries, an underlying cause is poor land governance (Byamugisha 2013). For example, in Uganda, empirical studies have shown that agricultural production lost due to land disputes is very considerable, ranging from 6 to 37 percent, meaning that agricultural land with conflict has 5-37 percent lower productivity (yields) than those without conflicts (Deininger and Castagnini 2006; Mwesigye and Matsumoto 2014). And yet, land disputes are wide spread in Uganda, conservatively estimated to affect about 7 percent of agricultural landholdings (2005/06 UNHS). Considerable agricultural production is also foregone as a result of: (i) landlessness and land-poverty as people willing and able to do agricultural work have no land or little land to work with; (ii) under-used or unused private and communal lands due to poor land access and land administration policies; and (iii) inefficiently used or unused government land due to poor land management policies. For Uganda to boost its agricultural production, transform its economy and achieve its Vision 2040, it must embark on land reform with urgency. Even with Uganda's good prospects for oil production, land reform will still be a necessary part of a package of agricultural sector reforms needed to off-set the adverse oil-induced Dutch Disease effects on agriculture's

terms of trade (vis-à-vis the oil and non-tradable sectors) and competitiveness (Corden and Neary 1983).

7. The rest of this paper is organized as follows. Section 2 discusses the status of land governance in Uganda and how it affects the country's agricultural and economic performance while Section 3 discusses global experiences with land reform in selected countries especially in East Asia. Section 4 presents a land reform program with land policy actions to transform Uganda's agriculture and the national economy. Section 5 discusses the impact of land reform on investments and socio-economic transformation while Section 6 concludes the paper.

II. Land Governance and Binding Constraints to Agricultural and Socio-Economic Performance

8. Uganda's land sector was among the last to enter the rehabilitation phase¹, which began in 2005 with implementation of the 10-year Land Sector Strategic Plan (2001-2011) (Ministry of Water, Lands and Environment 2002), supported by a World Bank-funded Second Private Sector Competitiveness Project (World Bank 2004); the rehabilitation phase has reached a much advanced stage for cadastral surveying and title registration but is still in early stages especially for topographic surveying and mapping, physical development planning (land use planning) and property valuation. While the Constitution of 1995, the National Land Use Policy of 2008, the National Land Policy of February 2013, the Land Act 1998 (as amended) and other land-related laws have provided a decent policy and legal platform to drive land sector rehabilitation and considerable achievements have been made especially in land registration, much still remains to be done especially to address a number of problems which have bedeviled land governance and held back the performance of the agricultural sector and the overall economy. In this section, we discuss nine of the most binding land-related constraints to Uganda's agricultural and socio-economic performance.

1. A Prevalence of Land Disputes.

9. According to the 2005/06 UNHS III, 6.5 percent of all agricultural land parcels had disputes. This is an understatement. In fact, in the last 5 years, land disputes especially over boundaries, inheritance, encroachment and eviction have increased to nearly epidemic levels, attracting questionable and sometimes overlapping and conflicting government responses. Each and every other day, there are stories in Uganda's newspapers of families being wiped out over land disputes, clans fighting each other and government functionaries bickering on who has the mandate to adjudicate land cases.

10. Land disputes are prevalent all over the country, but the hot spots seem to be in the following areas: (i) the central region and Kibaale on mailo land with its overlapping rights of landlords and lawful and bona fide occupants (Deininger and Ali 2008); (ii) the Albertine, West Nile, Acholi, Karamoja and other oil and mineral-rich regions where frictions between investors

¹ The country's rehabilitation began in 1986, after a prolonged period of poor governance with military regimes and civil wars which destroyed the economy, infrastructure and institutions during 1971-1985. Rehabilitation for most of the sectors has already been completed, but not for the land sector.

and local communities, and land disputes associated with speculative land buying have escalated (Otim and Mugisa 2014); (iii) the post-conflict northern region (and Teso sub-region) where traditional systems of land administration were weakened by the conflict at a time when demands for land from returning internally displaced people (IDPs) and from investors have risen rapidly (Human Rights Focus 2013; World Bank 2009); (iv) sub-regions with many immigrants, especially in Bunyoro, where an influx of non-indigenous people has weakened and challenged traditional systems of land administration (Mwesigye and Matsumoto 2014); and (v) selected areas especially in Acholi, Elgon and Karamoja sub-regions where the gazetting of land by Uganda Wildlife Authority (UWA) has been contested by local communities who have not been effectively engaged in the policy change processes (Rugadya, Nsamba-Gayiiya and Kamusiime 2014) .

11. With district land tribunals no longer functional except in law and with the judiciary and local land administration offices all operating below capacity primarily due to budget constraints, land disputes have flourished and incurred a heavy toll on agricultural production. For example, according to an empirical and rigorous study undertaken by Deininger and Castagnini (2004) covering the whole country, 5-11 percent of agricultural production is lost due to land conflicts. These results were validated by an equally rigorous recent study by Mwesigye and Matsumoto (2014) which covered the whole country with the exception of the conflict-affected northern region; this study found that plots of agricultural land with conflicts had 20 percent lower yields than those without conflicts and, where conflicts resulted in eviction, those plots had 37 percent lower yield than their counterparts without conflicts. For mailo land predominant in central region and Kibaale where there are overlapping rights between the landlords on one hand and lawful and bona fide occupants on the other, a study by Deininger and Ali found that up to 25 percent of agricultural productivity is lost due to land conflicts (Deininger and Ali 2008). These empirical studies clearly demonstrate that land disputes have had a significant adverse impact on agricultural production and, through spill-over effects, on economic performance.

2. Increasing Landlessness, Encroachment and Living in High Risk Areas

12. According to 2005/06 UNHS III, about 79 percent of Uganda's agricultural households owned land (national average was 2 ha), with 53 percent also engaged in agriculture under land use rights. While these figures have a considerable error margin partly due to the confusion on the part of questionnaire respondents whether to interpret access to communal land and mailo land occupancy (lawful and bona fide) as ownership, at least they tell us that land use rights whether exercised through short term rental or longer term access instruments (eg.bona fide/lawful occupancy on mailo land), are important because they provide land access for at least half of the agricultural households who either own inadequate land or no land at all. While no data is available on landlessness, defined here as people who neither own land nor have long term use rights to it, there are reliable indications that landlessness and land poverty (having inadequate land for the family) have been increasing and reached a level that should be of national concern. In the absence of statistics on landlessness, let us look at two indicators.

13. **Encroachers on Protected Land.** The first indicator is the number of people encroaching on protected conservation lands. In 2010, the National Forestry Authority (NFA) estimated that 300,000 people were living illegally as encroachers in the central government

forest reserves countrywide (Watasa 2010); today, the number of encroachers is likely to be even higher, in the range of 500,000. Considerable encroachment has also been taking place in wild life protected areas and in wetlands. Surveys conducted in 1996 by the then Ministry of Tourism, Wildlife and Antiquities revealed over 65,000 people illegally residing inside national parks and wildlife reserves (Uganda Wildlife Authority 2000); with population pressure, the number is likely to have increased to around 100,000. In the case of encroachment into wetlands, statistics on the number of encroachers is unknown but it is a serious problem; the Commissioner for Wetlands was quoted in the New Vision of February 3, 2010 saying that nationwide, wetland cover had declined from 37,575 square kms in 1994 to 26,308 square kms in 2008, representing a loss of about 25 percent of the total wetland coverage over the 15 year period. Even without including an unknown number of encroachers on wetlands, the total number of encroachers on protected rural lands is estimated to exceed 600,000. It should also be noted that this number of encroachers does not include those on private land, such as Kabaka's land, who are many and growing in numbers especially since the 2010 Land (Amendment) Act was passed.

14. **People Occupying “High Risk Areas”.** The second indicator of landlessness is the occupation of “high risk areas” that are prone to disaster. According to the then Uganda minister for Disaster Preparedness, countrywide, about 500,000 people were estimated in 2010 to be living in “high-risk areas” mostly on Mount Elgon, Mount Rwenzori and Kigezi sub-region (The Daily Monitor, Tuesday March 11, 2010). For example, in 1997, 2010 and 2012, landslides killed 48, 365 and 100 people respectively, in Bududa District in Mbale sub-region (Inter Press Service, July 12, 2012). The people living in these high risk areas are living there, not out of choice, but out of desperation, and hence fit the broad label of landless.

15. Altogether, the people encroaching on protected areas plus those living in “high risk areas” are estimated at 1.1 million. While these people are not landless in the technical sense, they fit the bill of landless, and it is in the national interest to provide them alternative land for resettlement.

16. **Land Poverty – Not Enough Land to Commercialize and Get Out of Poverty.** There are many other people who, although not landless, do not have enough land to get them out of poverty, leave alone to engage in commercialized agriculture which is the main option to grow out of poverty. Due mainly to population pressure, Uganda's national average agricultural landholding has been declining. For example, since 1992/93, it declined from 2.0 ha to 0.9 ha in 2004/05 (Table 4).

Table 4: Average Agricultural Holding, 1992/93-2004/05

Year	1992/93	1995/96	1999/00	2004/05
Area (hectares)	2.0	1.6	1.6	0.9

Source: UNHS various issues.

17. And this has not only caused land fragmentation but also reduced opportunities for many agricultural households to move out of subsistence agriculture and out of poverty. A World Bank study estimated that a median poor agricultural household cultivates 1.6 acres (0.6 ha) of agricultural holding and would need an additional 0.6 acres (0.24 ha) to have 2.2 acres (0.9 ha) necessary to engage in commercial agriculture and out of poverty (Table 5) (Zorya et al. 2011).

Table 5: Distribution of area under cultivation across region and poverty status, acre/HH

Region	25 th percentile		Median		75 th percentile	
	Poor	Non-Poor	Poor	Non-Poor	Poor	Non-Poor
Central	0.8	1.0	1.5	2.1	2.8	4.1
Eastern	1.0	1.3	1.8	2.5	3.0	4.5
Northern	0.7	1.0	1.5	2.0	3.0	4.1
Western	0.9	1.1	1.6	2.1	3.0	3.9
National	0.8	1.0	1.6	2.2	3.0	4.1

Source: Zorya et al. 2011. Computations were based on data from 2005/06 UNHS III.

18. According to data from the 2005/06 UNHS, 58 percent of Uganda's farms, corresponding to about 2.4 million agricultural households, are small and up to 1 ha which is the bare minimum required to specialize and to move up the ladder into commercial farming (Table 6). While a number of factors including lack of output markets and poor tillage equipment may contribute to the prevalence of small farms, the most binding constraints are lack of agricultural land and poorly functioning rental markets. If the government is serious about commercializing agriculture currently being carried out by 58 percent of the farms in the country and involving 2.4 million agricultural households (as of 2005/06), this could be achieved by distributing up to 0.6 acres to each household, for a total of 600,000 acres or about 250,000 ha.

Table 6: Distribution of farm size in Uganda, percent from total

Agro-Ecological Zones	Small (up to 1 ha)	Medium (from 1 to 5 ha)	Large (above 5 ha)
Eastern Highlands	53%	43%	3%
Karamoja Drylands	73%	25%	2%
L. Albert Crescent	51%	44%	4%
L. Victoria Crescent	66%	30%	3%
Mid-Northern	62%	35%	2%
Southern Drylands	56%	38%	5%
Southwest Highlands	55%	40%	4%
West Nile	66%	30%	4%
Western Highlands	63%	34%	3%
National	58%	38%	4%

Source: Zorya et al., 2011. Calculations based on the 2005/06 UNHS III.

This amount of land is not very large; as we will see in the next section, it can be obtained from the current stock of government land and former public land. In addition, more land could be made available through invigorating land rental markets, currently in abyss, to tap into privately owned land.

3. Wasting and Abusing Government and Former Public Lands

19. Notwithstanding the growing landlessness and land poverty, there is a lot of government and former public land that is being underused and, some of it, abused. Such land is in two categories: (i) the former government ranching schemes, with a total land area estimated at nearly 277,000 ha; and (ii) government farms.

20. **Former Government Ranching Schemes.** Notwithstanding the growing landlessness and land poverty, there are about 277,000 hectares of agricultural land which was originally occupied by five (5) government ranching schemes, namely (in their order of size), Masaka, Ankole, Bunyoro, Singo and Buruli ranching schemes (Table 7). These ranching schemes were started in the 1960s when the government created “government ranches” out of communal grazing land with the objective of promoting commercial ranching. Five ranching schemes were created, and big chunks of land were allocated to 207 individuals and small companies at the expense of local communities which lost their customary land rights over their communal grazing areas. These ranches were allocated in square miles, at least 2 square miles each, with the majority being between 3-5 square miles while a few were as big as 10 square miles (2600 ha); for example, there was a ranch in Buruli ranching scheme which was 3,050 hectares (11.78 sq. miles). Those who lost their customary land rights ended up as squatters on the same ranches.

21. In the early 1990s, there was a ranches restructuring program in which some of the land was allocated to squatters, but the majority remains undistributed and poorly utilized. In addition to these 5 government ranching schemes and the associated land, in the 1970s and 1986-1995, large chunks of land (1-5 square miles each) were leased to individuals and companies by government although an estimate of the total amount of this land is unavailable. But, altogether, including the former government ranching schemes, the total amount of land easily exceeds 300,000 hectares.

Table 7: Former Government Ranching Schemes

Name of Ranching Scheme	No. of Ranches	Total Size of Scheme	
		Ha	Sq. miles
Masaka Ranching Scheme	59	83,283.70	321.56
Ankole Ranching Scheme	50	65,083	251.29
Bunyoro Ranching Scheme	37	46,843	180.86
Singo Ranching Scheme	34	46,019.98	177.68
Buruli Ranching Scheme	27	36,140	139.95
Total	207	277,369.68	1071.34

Source: Compiled by the Author from Various internal Government Records

23. There are two serious policy issues regarding these government and former public lands. **First**, the lands occupied by these farms are grossly underused or outrightly unused at a time when there is no land for more than one million landless or land poor Ugandans and little land to meet demand from commercial investors. **Second**, while all this land was allocated to individual and company ranchers under leasehold, some of it is being converted from leasehold to freehold illegally without complying with conditions prescribed in article 28 of the 1998 Land Act, especially the conditions that: (i) there be no customary tenants on the land at the time of acquisition of the lease or, if they were there, that they were duly compensated; (ii) all development conditions and covenants have been complied with; and (iii) the conversion would be limited to one hundred hectares unless it was verified by the district land board to be in public interest to exceed that amount. Moreover, in order to avoid the mandatory payment for land in excess of 100 hectares and its appraisal by the chief government valuer, some lessees have been sub-dividing their land to ensure that the parcels submitted for conversion are less than 100 hectares each. This illegal conversion was implicitly acknowledged by the National Land Policy of February 2013, especially non-compliance with the condition that no customary tenants be on the land at the time of lease acquisition; and the NLP recommends against conversion from leasehold to freehold until arrangements are in place to ensure it is done according to the law. However, no action has been taken to stop the conversion although media reports have been carrying rumors of an informal moratorium on government land transactions.

24. **Government Farms.** The government is also holding large chunks of rural land, as farms, which is either unused or grossly underutilized. For example, there are large prison farms in Kasese District (Mubuku Prison Farm and Ibuga Prison Farm), in a district where land scarcity is high. In addition, the government still has large chunks of land in the Northern Region (e.g. Maruzi Ranch in Lango sub-region) which were set aside in the 1960s for government ranching/farming. Some of these government ranches do not have a single animal. And many of them have been encroached upon. Even some lands occupied by government research stations have been encroached upon and have been used haphazardly.

25. **What should be done to these former government ranching schemes, government farms and other former public lands to maximize their efficiency?** **First**, there is a need for urgent action to stop the abuse of these lands, especially the conversion from leasehold to freehold, as advocated by the National Land Policy (The Republic of Uganda 2013). This requires a moratorium to be placed on the conversion from leasehold to freehold until new measures are put in place to implement the National Land Policy. **Second**, an independent audit or Commission of Enquiry should be undertaken on the former government ranching schemes and all large chunks of government and former public lands that are used by government agencies or have been leased out since the 1960s to ensure they are operating efficiently and within the law and to recommend corrective actions. **Third**, an inventory should be undertaken of all rural government land, starting with government farms, to establish their boundaries, area and status of occupation and to register them in the name of the relevant government agency with a view to establishing a land information system to support management decisions for these

lands. **Fourth**, the relevant provisions of the National Land Policy should be implemented with urgency.

26. And **fifth**, to ensure their efficient and equitable use, all former public lands and government-owned rural land should be prioritized for transparent allocation to the land poor and landless who are in millions. Distributing land to small farmers is economically justifiable given that Uganda's small farms are more efficient than the larger scale farms. A study by the World Bank (Zorya et al. 2011) found that Uganda's small farms are clearly much more productive than the larger-scale farms, with a systematic inverse relationship between farm size and crop income per acre; overall, the difference between small and large farms is huge (Table 8). From the table, it is clear that smaller farms produce the largest return per acre (net of traded inputs). At the national level, the crop income per acre for small farms is 3 times bigger than that of the large farms. The difference in income generation is the largest in the high potential agricultural areas of West Nile, Western Highlands, and Lake Victoria Crescent. Except the mid-Northern region, the large farms in Uganda are very inefficient in using their land, in spite of having more land with good soil compared to small farms. And the inverse relationship between farm size and crop income per acre (agricultural productivity) is generally consistent with international empirical findings except where there are economies of scale such as in marketing and processing and for plantation crops like sugarcane and oil palm where large farms do better (Byamugisha 2014).

Table 8: Median crop value-added per acre of cultivated land by farm size in Uganda, US\$ per acre

Agro-Ecological Zones	Small	Medium	Large
Eastern Highlands	147,192	57,982	56,554
Karamoja Drylands	12,937	4,900	-441
Lake Albert Crescent	206,981	120,756	53,999
Lake Victoria Crescent	198,800	157,647	34,113
Mid-Northern	53,333	44,393	88,300
Southern Drylands	239,466	156,476	47,784
Southwest Highlands	198,794	146,705	81,823
West Nile	108,353	54,685	11,310
Western Highlands	270,517	187,714	40,863
National	165,363	118,953	39,202

Note: Net crop value-added is defined as the value of output *minus* value of purchased inputs.

Source: Zorya et al., 2011. Calculations based on the 2005/06 UNHS III.

4. Underutilizing and Scrambling Over Communal Lands

27. While many Ugandans, in millions, have little or no agricultural land especially in Kigezi and Bugisu sub-regions, there are many communal lands that are underused especially in northern Uganda, with a low population density. And most of these lands are suitable for agriculture. While the underutilization of land, especially in Acholi and Lango sub-regions, was accentuated by the Lord's Resistance Army (LRA) conflict and the escalation of land disputes following the end of the conflict, an underlying reason is that there are no well-functioning land sales and rental markets that can help transfer land into the hands of those who can use it efficiently. According to the UNHS 2005/06, only 6 percent of the land in Northern Region is

acquired through purchase (and the majority through inheritance), a very low number compared to Central and Western Region where the majority of the land is acquired through purchase. The lack of land markets results not only in the underuse of land but also the absence of investors that would otherwise bring in technology and processing and marketing services. Apart from the underutilization of land, a more immediate concern is the scramble for communal lands especially in northern Uganda mainly caused by rapidly rising agricultural land values, the rush to cash-in from discoveries of oil and minerals and the perception that the unused lands are available for the take especially since they have no registered owners. And the scramble has caused a lot of land conflicts between households, families, clans, tribes, districts and even with and between government institutions and corporate bodies (Otim and Mugisa 2014).

28. While many interventions are needed to address the underuse and the scramble over communal lands, a key intervention is to organize communal groups into legal entities as communal land associations, demarcate the boundaries of their land and register their rights. Such an intervention would not only reduce land disputes and protect land rights of local communities but it would also provide a smooth avenue for increased use of and investment in land negotiated directly between local communities and investors as has been done successfully in the *ejidos* of Mexico (Byamugisha 2013). Given that the Uganda National Land Policy and the 1998 Land Act (as amended) provide for registration of communal groups and their land, and also given that hundreds of communal land associations have already been organized and some have been registered, the challenge now is to scale it up. Funding has already been obtained through a World Bank-funded project to support the initiative (World Bank 2013a). The government should prioritize implementation of the project to ensure timely support for scaling up registration of communal lands.

5. Discriminating Against Women and Youth in Accessing Land

29. Like in many of the African countries, customary practices in Uganda have locked the vast majority of women out of owning or inheriting land contrary to the provisions in the 1995 Constitution, the 1998 Land Act (as amended) and the February 2013 National Land Policy. In systematic land titling pilots that were conducted by the government in Ntungamo, Iganga and Mbale districts, it is estimated that only 20-25 percent of land was registered jointly or in the names of women (Ogaro 2011). Discriminating against women in land ownership is not only unjust but it also deprives the country of substantial agricultural and economic benefits. For example, improving access to productive resources such as fertilizer and land in Africa can improve women's agricultural yields by 10 to 30 percent (Byamugisha 2013) while in Uganda, it can help wipe out the 17 percent edge that men have over women in terms of value of agricultural output (World Bank 2014b). The gender bias against women in land ownership can be corrected as Ethiopia and Rwanda have proven in their recent land legal reform and land certification programs (Byamugisha 2013) and Uganda's National Land Policy has the right recommendations including: (i) making legal provisions for spousal co-ownership of family land and matrimonial home; (ii) implementation of a matrimonial property legislation, similar to the long standing Marriage and Divorce Bill 2009, that aims to protect interests of spouses; (iii) amending the Succession Act (cap 162) to provide for the right to succession and inheritance of family land by women as was attempted in the pending Succession Act 2011; and (iv) waging formidable sensitization and public awareness campaigns on discrimination against women

regarding land ownership and use. The challenge is implementation and this requires a strong political will.

30. Uganda's youth, who constitute a large proportion of the population, are also locked out of land ownership, and yet they have the education and energy to drive the commercialization of Uganda's predominantly subsistence agriculture. The youth access land through their parents, mainly through inheritance and often after their parents are dead. By this time, the youth have lost their energy and entrepreneurship. Parents delay providing land ownership to their children not because they do not like them but because they want to use it as leverage to extract old-age support from their children. This can only be overcome in a fundamental way through introduction of pension or social welfare support for the elderly to replace expectations of support from their children. In addition, legal provisions can also help including amending the Succession Act (cap 162) to provide for the right to succession and inheritance of family land by children and to wage sensitization and public awareness campaigns on discrimination against children. The proposed measures are also contained in the National Land Policy; the challenge again is implementation.

6. Underutilizing Land Owned by Cultural and Religious Institutions

31. Cultural and religious institutions own a lot of land, mostly granted to them by the colonial administration. Among the cultural institutions, it is the kingdom of Buganda that owns the majority of land although some of it has not been returned by the Government of Uganda. Under the Buganda Agreement of 1900, the kingdom of Buganda alone was granted about 1,000 square miles of land, including 350 for the Kabaka, equivalent to about 260,000 hectares, currently administered by the Buganda Land Board². As for the churches, the missionary societies in Buganda were granted 92 square miles, equivalent to 23,828 hectares, under the 1900 Buganda Agreement, and more land was granted subsequently by the colonial land administration to the churches as the missionaries gained national coverage. While no authoritative studies have been undertaken to determine if these lands are used efficiently, anecdotal reports and casual observations indicate that many are encroached upon, underused and, in the case of land of religious institutions, in need of demarcation and registration, similar problems that are encountered by government-owned lands. Similar to government lands, these lands are not used to their full potential.

32. Should it be a national concern that land of cultural and religious institutions is not used to full potential? The answer is yes, because land is an important national resource which, if not fully utilized, holds back the country's development, regardless of who owns it. It is therefore in the national interest that land belonging to these institutions be fully utilized, a similar concern we should have on government and individually owned land alike. So, what can be done about it? The least that can be done is for government to provide financial and technical assistance to cultural and religious institutions to undertake an inventory of their lands including demarcating and registering them, and to develop guidelines for their efficient allocation and use. This would not be a unique intervention. For example, the government of Ghana has provided financial and technical assistance to traditional authorities, funded by the World Bank, to demarcate boundaries of traditional lands (so-called Stools and Skins land), register them and to establish Customary Land Secretariats, similar to the Buganda Land Board, to administer these lands

² Much less land was granted to Ankole, Toro and Busoga kingdoms under their respective agreements.

(World Bank 2003; World Bank 2011). There is no reason why the government of Uganda should not provide similar assistance to the Buganda Land Board and religious organizations to improve management of their lands, learning from Ghana's experience.

7. Inadequate Land Administration Services Especially Land Dispute Resolution, Valuation and Land Use Planning

33. Much of Uganda's land administration and management infrastructure, systems and services are still going through rehabilitation and modernization after many years of neglect. While cadastral and registration services have reached advanced levels of computerization and decentralization to zonal levels, their outreach are still limited, with the majority of the districts having no land registrars and no institutions in place to record customary tenure rights at sub-county level as required by the Land Act 1998. Nevertheless, the future looks bright with plans and funding in place to have completely modernized cadastral and land registration systems in all zonal centers of the country within the next 5 years. While much progress has been made in land registration resulting in a reduction of time to transfer property from 227 days in 2007 to 47 days in 2013 (World Bank 2013b), little has been done to improve and modernize land disputes resolution, valuation and land use planning services.

34. **Land Disputes Resolution Services.** Formal institutions to resolve land disputes are supervised by the Land Division of the High Court which, like other areas of the judiciary, is understaffed and under-budgeted (Daily Monitor June 12, 2014). Immediately under the High Court are District Land Tribunals which ceased to exist in 2006 (and sub-country land tribunals which never took off) and whose work was taken over by the magistrates' courts. Lowest but not least important in the chain are the Local Council Courts which are very close to the people, handle cases at no cost, and are the courts of choice for the common man but are manned by unpaid people who do their best but lack incentives and facilitation to perform. In areas of the country with hot spots of land conflicts, such as the post-conflict areas of Acholi and Lango sub-regions, the oil and mineral-rich Albertine and Karamoja sub-regions, and the mailo/tenancy dominated central region and Kibaale, the country can ill afford to have a vacuum of land dispute resolution institutions since the informal customary institutions cannot cope with the relatively big and many land cases found in these regions. There is therefore a need to build on World Bank support, contained in a recently approved project (World Bank 2013a), to improve and modernize the formal land dispute resolution institutions and their interface with the informal customary institutions.

35. **Property Valuation Services.** Another area of weakness in land administration is property valuation which is essential especially in assessments of compensation related to government acquisition of land for public projects especially infrastructure that is key to achieving Vision 2040. Land-related government revenue cannot be fairly and effectively assessed and collected without revamping valuation services. Similarly, the private sector requires support in terms of developing globally accepted valuation standards and professionals. The country only realized recently and belatedly that the old-generation of valuers trained in Nairobi need to be replaced sooner than later by equally trained and experienced valuers if the country's economic growth is to be sustained. The valuation systems, data bases and services, both public and private, need to be revamped to address demand; so are the standards and regulations. More resources and political will are needed to get out of this hole.

36. **Land Use Planning Services.** The need for improvement and modernization is even greater for physical development planning which is dysfunctional both in terms of preparing up-to-date plans and to implement them. Literally, Uganda's whole population of 36 million people is living in unplanned settlements in both rural and urban areas. But not all is lost. The last 5 years have witnessed concerted effort in preparing a national land use plan, enacting a new physical planning law and taking new initiatives to especially handle new challenges including rapid urbanization and responsible development of oil and mineral resources.

8. Poorly Functioning Land Sales and Rental Markets

37. When operating at their best, land markets play an important role of moving land from less to more efficient users. And if financial markets were developed and working efficiently, even the poor could borrow money, buy land and use it to move out of poverty. While financial markets in Uganda are not developed enough to serve the poor, Uganda's land markets are operating well enough in some regions to deliver land to those that have money. For example, according to the 2005/06 UNHS III, most of the agricultural land acquisitions in central and western regions and, to a less extent, in eastern region (39%) are undertaken through purchases, notwithstanding that only 5 percent of Uganda's rural land is registered. In northern region, however, only 6 percent of the land is delivered through purchase largely because the vast majority of the land -- over 90 percent at least in the Acholi sub-region -- is communally owned (Human Rights Watch 2013) and cannot be sold to people from outside their communities although it could be rented out if registered. For the same reasons that land sales markets are limited, it should be expected that land rental markets are extremely thin in the northern region. Elsewhere in Uganda, land rental markets are more active although they have been significantly undermined by government interventions to enforce a marriage between landlords and tenants by occupancy especially on mailo land. For example, while the share of agricultural households renting land had increased from 13 percent in 1992 to 36 percent in 1999 (Deininger and Mpuga 2003), it plunged to 17 percent by 2007 (Baland et al. 2007), and it is likely to have dropped even further after the 1998 Land Act was amended in 2010 to crack down on evictions of tenants by landlords. This is bad news for the agricultural poor and for the commercialization of agriculture.

38. Land rental markets are a low cost mechanism, requiring limited capital expenditure, to transfer land to the landless, the land poor, migrants, and young farmers; to provide them with an opportunity to learn, practice, or strengthen their skills in farming; and to help them move up the ladder toward landownership. For example, land rental markets have a long history in West Africa and have often provided a means to access land for commercial production (such as for cocoa farming in Ghana) (Amanor and Diderutuah 2001) and to equalize farming operations (Estudillo, Quisumbing, and Otsuka 2001). Evidence from the Republic of Sudan indicates that land rental markets transfer land to smaller producers (Kevane 1996) while case studies across SSA suggest that land rental markets have a positive impact on equity, being beneficial to the poor and women (Place, 2002). There are also examples where land rental markets also have enhanced efficiency by transferring land from less to more productive users thereby raising overall productivity. In China, rental activity contributed to occupational diversification and was estimated to have increased productivity by about 60 percent, one-third of which accrued to landlords and two-thirds to tenants (Deininger and Jin 2009). In Vietnam, both rental and sales

markets were found to have an unambiguously positive impact on productivity (Deininger and Jin 2003).

39. Land rental markets are also important in driving labor mobility and enhancing the structural transformation of economies. For example, during the 1980s and 1990s, hundreds of millions of people migrated from agricultural to non-agricultural areas of China and Vietnam, associated with the transformation of their non-farm economies. While this migration was driven by economic opportunities outside agriculture, there is evidence that it was facilitated by the emergence or strengthening of land rental and sales markets, underpinned by institutional strengthening of land rights. In Viet Nam, strengthened land tenure security led to an increase in the incidence of migration by households from 29% in 1993 to 64% in 1998 (Deininger and Jin 2003). In rural China, strengthened land tenure security permitted existing landowners to rent their land to others and to migrate to the booming coastal areas and cities where they found more attractive wages. The share of migrants in the labor force increased from 5 percent in 1988 to 17 percent in 2000, or a total of 124.6 million people; that figure is expected to increase to 200 million by 2020 (Zhai, Hertel, and Wang 2003, and Deininger and Jin 2007). The rapid migration led to a structural transformation of the economy, with the share of agriculture in total employment declining from 70 percent in 1978 to 50 percent by 2000 (Johnson, 2000). The role of land rental markets in driving structural transformation of the economies of China and Viet Nam should form a good lesson to guide the structural transformation of Uganda's economy in the Vision 2040. **The question is what can be done to make it happen?**

40. At least two factors are critical for land rental markets to effectively provide land access to those who need and can use it best, to enhance productivity and incomes, and to enhance structural transformation of Uganda's economy. The first factor is land tenure security. There is enough evidence to demonstrate that improved land rights, through introduction of long term leases and/or certification of land rights, have increased land rental activity in a number of countries, including China, Vietnam, Ethiopia, the Dominican Republic, and Nicaragua (Deininger and Feder 2009). In SSA, studies conducted in Ethiopia found that land certification programs in 1998-99 and 2003-05 resulted in higher rental market activities (Holden, Deininger, and Ghebru 2009; and Deininger, Ali, and Alemu 2011). The second factor is avoidance or elimination of controls and restrictions on land rental markets. Experience in Uganda and Ethiopia suggests that even well-intended government controls and restrictions on land rental markets meant to avoid exploitation of poor people can end up harming them (Byamugisha 2013). We have already documented in this paper that severe controls on rent and on the eviction of tenants have driven landlords out of land rental markets in Uganda during the last 15 years; in Ethiopia, restrictions on land rental markets in all regions except Amhara have reduced the opportunity for more productive land uses (Holden, Deininger, and Ghebru 2009). It is clear therefore that, to boost land rental markets and their developmental benefits, it is important for Uganda to accelerate land reforms that strengthen land tenure security and eliminate restrictions on land rental markets.

9. Disorderly Urbanization and Proliferation of Informal Settlements and Slums

41. According to the International Conference on Population and Development Beyond 2014 (2012), 12 percent of Uganda's population lived in urban areas in 2010; and of those urban

population, 60 percent lived in slums. Urbanization is growing rapidly in Uganda and as in Africa as a whole (UNFPA 2011). While fast urbanization and the proliferation of slums in particular, pose management challenges, it is beneficial to agricultural development in at least two aspects. **First**, it creates a market for agricultural produce thereby accelerating the process of commercialization of agriculture. **Second**, it also aids commercialization of agriculture by freeing up agricultural land which becomes available to enable expansion and specialization in production. Urbanization can only spark these processes if land markets are operating effectively to facilitate orderly and efficient urbanization, through intensive use of land in urban areas, while also permitting agricultural households to rent in and out their land so that they can move freely between urban and rural areas if and when they need to. This is precisely how things worked out in China and Viet Nam thereby unleashing unprecedented growth in agriculture and economic transformation (see Section 3).

42. While Uganda's National Land Policy aspires for such an efficient urbanization, its land rental markets in rural areas and the land markets in urban areas are not fluid enough to make it happen. As was described in the previous section, government interventions on mailo land to control evictions of tenants by occupancy, have considerably undermined the operation of land rental markets. Similarly, government handling of urban land, especially the allocation of government land to investors without using competitive mechanisms and at times giving it away free without using transparent procedures, greatly undermines land markets. It is important that the provisions of the National Land Policy for management of government land are implemented following the espoused principles of accountability, transparency and competitive allocation. Similarly, in regard to handling private land in urban areas, the National Land Policy has very good provisions that should enable the government to ensure an affordable supply of land and a framework for regularization of land tenure for dwellers in urban slums and informal settlements, including promotion of public-private partnerships and facilitating negotiations between registered land owners and dwellers in slums and informal settlements. Uganda can learn from similar initiatives in Kenya and Lesotho which are at a more advanced level in terms of regularizing land tenure in urban informal settlements (Byamugisha 2013).

III. Experiences of Land Reform and Impacts on Agriculture and Economic Transformation

43. There is a long history of land reforms and their impacts on agricultural and economic transformation. They have been mainly of two varieties. The first variety is that of redistributive land reform primarily inspired to address social and economic injustices associated with unequal ownership of land and landlessness as was done in East Asia after the second world war and has been attempted in Latin America and Southern Africa more recently (Binswanger-Mkhize, Bourguignon, and van den Brink 2009). However, the reforms that redistribute land have also strong efficiency and poverty reduction justifications. For example, there is ample empirical evidence confirming impact of better land distribution on growth and poverty reduction. Cross-country regressions by Birdsall and Londono (1997) found a significant negative impact of the initial unequal asset distribution on subsequent economic growth, while research by Deininger and Squire (1998) found such an impact to be particularly severe for the poor. A review of land redistribution in Malawi found that poor households that had been allocated land and support for its development increased their incomes very significantly (Tchale 2014).

44. The second variety of land reforms are those centered around reforming land administration, primarily aimed at increasing land tenure security and efficiency in land administration. Examples of such reforms include: (i) the break-up of collective farming in China and Viet Nam in 1978 and 1988, respectively; (ii) systematic land titling to document land rights of individuals and groups as was done in countries such as Thailand and recently in Ethiopia and Rwanda; and (iii) re-engineering and computerizing land administration processes and work flows to increase transparency and efficiency in land administration as is being done in Uganda and Ghana (Byamugisha 2014).

45. In this section, we undertake a selective review of some prominent land reforms with a view to highlighting the nature of the reforms and the impacts on agriculture and national economies. We will start with the land reforms in Japan, Korea and Taiwan, China which were undertaken immediately after the Second World War, under external pressure from the USA; and we will end with the land reforms in China and Viet Nam which followed the break-up of collective farming in those two countries in 1978 and 1988, respectively. These countries and their land reforms were selected because they are good cases to demonstrate the type of impacts that land reforms can have on socio-economic transformation. And, in these countries, land reforms were undertaken far enough in the past to allow their impacts to be realized, assessed and reported.

46. **Japan.** The land reform program of Japan imposed a ceiling on land holdings of one hectare. The landowners were compensated in cash and development bonds. In the course of the reform, the tenants and agricultural workers were given full ownership rights for the holdings they had previously cultivated and received a subsidized mortgage. Labor productivity increased annually by 5 per cent and productivity by 4 per cent between 1954 and 1968. After declining by 50 percent in 1945, Japan's economy grew incredibly fast and uninterrupted at a real rate between 5 and 15 percent a year from 1946 to 1973, one year before the advent of the first oil crisis (Maddison 2003). While the growth was driven by many factors, land reform played an important role in driving agricultural modernization and establishing a firm platform from which to embark on industrialization, democracy and sustainable peace (ANGOC and ILC 2005). Key factors for the success of the land reforms were an existing well-developed agricultural extension service, land records and an efficient bureaucracy.

47. **Taiwan.** In Taiwan, the land reform was imposed by the Nationalist Government, which had just been exiled from mainland China. The new government thus had no ties, nor any obligation toward the local indigenous landowners. Also important were accurate land tenure data and a non-indigenous bureaucracy. Land ownership ceilings were fixed at one hectare. The former landowners were compensated in industrial bonds, which they invested in the urban-industrial zone (ANGOC and ILC 2005). From 1953 to 1964, the agriculture sector grew by 4.6 percent per year, and provided a platform for economic transformation from agriculture to an industry-based economic tiger (Ho 1966).

48. **South Korea.** A ceiling on all individual holdings was set at three hectares of good cropland, and land in excess of this ceiling was distributed in units of one hectare to former tenants. This low ceiling enabled nearly 76 per cent of the total agricultural households to own land for the first time. In the course of the reform, 65 per cent of the agricultural land was

redistributed (ANGOC and ILC 2005). A critical factor to successful implementation of the land reforms in South Korea was the development of local village governments which were assigned the responsibility for land administration including land reforms which were implemented along with and as part of the agricultural and rural development program. However, due to the outbreak of the Korean War, full implementation of land reforms was not realized until after the end of the Korean War in 1953. Combined with other agricultural and rural development initiatives, land reforms led to an annual average growth rate of almost 4 per cent over the 10 years after 1953. Overall economic growth averaged about 5 percent in the first 10 years (1954-63) before doubling to nearly 10 percent per year in the sub-sequent 10 years (1964-73) to the first oil crisis (Frank, Kim and Westphal 1975). Korea continued its fast development into an economic tiger and has been transformed from a poor country to a high income industrialized country within one generation.

49. **Viet Nam.** Land reform in Viet Nam, especially the freeing up of agricultural land markets, has been termed one of the most radical land reforms in modern times (Ravallion and van de Walle 2008). The first major step was taken with the introduction of 1988 Land Law. That law called for individual households to be assigned the use rights to some 80 percent to 85 percent of the country's agricultural land area – comprising about 4 million hectares. In the initial phase of implementation, farm households were granted conditional rights to use private land for a period of 10-15 years. However, the land remained the property of the state to be reverted to government control when a household moved or stopped farming. This limited the potential effectiveness of the reforms since they ruled out the possibility of trading tenure rights thus forestalling the development of a land market. In 1993, the government took the second big step towards privatization of land rights with the introduction of a new land law and issuance of land use certificates. Although land still remained the property of the state, under the new law usage rights could legally be transferred, sold, leased, bequeathed and used as collateral for loans. The duration of tenure rights was extended to 20 years for the production of annual crops and to 50 years for perennials. The granting of private and marketable land rights was followed by one of the most ambitious land titling programs ever attempted in the developing world at that time both in scale (nearly 11 million land certificates had been issued to rural households by the year 2000) and the speed with which it was implemented—within 5 years (Do and Iyer 2008).³

50. Studies based on Living Standards Surveys, found that these land reforms had positive impacts on agricultural productivity, created more off-farm employment and facilitated labor mobility (Deininger and Jin 2003; Van de Broeck, Newman and Tarp 2007; Markussen, Tarp and Van den Broek 2011). The primary impact was from strengthening land tenure security indicated in an increase from 25% in 1993 to 88% in 1998 in the share of land held under long term use rights which got registered. The gains in land tenure security increased not only investment and production incentives but also participation in rental markets which quadrupled from 3.8% in 1993 to 15.8% in 1998 and resulted in an increase in the incidence of migration by households from 29% in 1993 to 64% in 1998 as it made it easier and safer for landowners to rent their land to others and migrate to cities where they found wages to be more attractive.

51. The land reforms in Viet Nam resulted in an impressive growth of agricultural output, transforming Vietnam from a food-deficit country into a food-surplus country. Rice production

³ This record of massive registration of land rights within a limited time was later beaten by Ethiopia, which issued 20 million certificates (without a cadastral map) in 2003-05, and by Rwanda in 2009-12 which completed a country-wide cadastral mapping and adjudication for 10.3 million land parcels although certificates were issued for only 70 percent of the parcels (Byamugisha 2013).

increased from 12 million tons in 1981 to 22 million tons in 1992, from Viet Nam importing 600,000 tons of rice in 1986 to becoming the second biggest rice exporter in the world. In addition, there was a significant increase in the areas under industrial/commercial crops including rubber, coffee, tea, coconut, fruits and vegetables, while the area under low value crops such as cassava and sweet potatoes declined. The agricultural sector grew by at least 4 percent most of the period after the reforms although it has slowed down to 3.5 percent since around 2006. Growth in the agricultural sector and flexibility in land and labor markets became a springboard for high growth in the economy since the 1990s dramatically reducing agriculture's share in GDP, increasing food security and reducing poverty from 58 percent in the 1990s to less than 13 percent in 2010 (Son et al. 2006).

Table 9: China and Viet Nam - Average Annual Agricultural GDP Growth (%), 1970-2012

Years (1970-2012)	70-78	79-84	85-90	91-95	96-00	01-05	06-12
China	2.7	7.4	3.8	4.2	3.4	3.9	4.5
Viet Nam	N.A	N.A	2.7	4.1	4.4	4.0	3.5

N.A – Not Available

Source: World Bank, World Development Indicators

52. **China.** When the Peoples Commune system with its collective farming, introduced in 1950s, failed to deliver growth in agriculture, China initiated land reform in 1978 to speed up agricultural development and rural transformation. **First**, it introduced the household contract responsibility system which gave the farming families use rights over the land they cultivated; **second**, it abolished the organizational system of the Peoples Commune which had proven to be inefficient in production; and **third**, it developed new rural economic organizations. The results of the reforms were impressive. While agriculture had grown by an average of 2.7 percent per year from 1970 to 1978, it more than doubled to 7.4 percent per year from 1979 to 1984, following the land reform; it slowed down thereafter to around 4 percent (Table 9). At the same time, the per capita net income of farmers rose from 134 to 601 yuan, representing an annual increase of 13.5 per cent between 1978 and 1989, which led to investments in nonagricultural activities, the establishment of small rural enterprises and the creation of nonfarm employment (ANGOC and ILC 2005). While annual agricultural growth slowed down to around 4 percent after 1984, the momentum for economic transformation had already taken root and it caused a rapid expansion of secondary (manufacturing) and tertiary (services) sectors, resulting in a relative decline in agriculture. Whereas in 1978, agriculture accounted for 28.1 per cent of China's GDP, by 2006 this had fallen to 11.8 per cent, and in the same period, the percentage of the employed population engaged in farming declined from 70.5 per cent to 42.6 per cent (Ministry of Agriculture of China 2009).

53. The key drivers of economic transformation were increased land tenure security and increased fluidity in land and labor markets. For example, when land tenure security was strengthened by breaking up collective farming and allocating land to farming families, followed by the elimination of administrative reallocation of agricultural land and introduction of land use certificates for long term leases, these measures increased production and investment incentives which resulted in greater production and family incomes. Because non-agricultural sectors grew even faster and offered prospects for higher wages, these land reform measures permitted

existing landowners to rent their land to others and migrate to the booming coastal areas and cities where they found wages to be more attractive. This increased the share of migrants in the labor force from 5% in 1988 to 17% or a total of 124.6 million migrants in 2000, with an expected increase to 200 million in 2020 (Hertel and Zhai 2004; Deininger and Jin 2007). Gains in productivity of land use through land rental was estimated at 60 percent (Deininger and Jin 2007). The impact of land reform on poverty reduction was even more dramatic. The percentage of people living in extreme poverty declined from 84 percent of the population in 1981, the highest in the world at that time, to about 3 percent in 2013.

IV. A Ten-Point Program of Land Reform for Uganda's Socio-Economic Transformation

54. For Uganda to boost its agricultural growth, transform its economy and achieve its Vision 2040, it needs to undertake land reform with urgency. It can draw inspiration from East Asian countries such as Japan, South Korea and Taiwan which, after the Second World War, undertook major land reforms that became a catalyst for major economic transformation and development within one generation, as described in the previous Section. Also China and Viet Nam undertook major land reforms in 1978 and 1988, respectively, with similar impacts; the reforms contributed to major socio-economic transformation and an unprecedented reduction in poverty within a 25-30 year time frame, similar to the one of Uganda Vision 2040.

55. The type and magnitude of land reform that Uganda needs to take has been informed by the analysis of Uganda's land governance situation in Section II and by global experience discussed in Section III. This paper suggests a ten point program of land reform, summarized in Table 10, to be implemented over 10 years. Details of the policy actions are discussed in the rest of this Section.

Table 10: Key Land Policy Actions for Uganda’s Socio-Economic Transformation

	Land Reform Objectives	Land Policy Actions
1	Increase land for the landless, land poor and investors for agricultural commercialization	<ul style="list-style-type: none"> • Redistribute government and former public land not critical for use in producing public goods and services • Remove restrictions on land rental markets including revoking the Land (amendment) Act 2010 • Impose a land tax on unused land above 10 hectares • Promote direct land deals between formal community groups and investors
2	End discrimination against women and Youth	<ul style="list-style-type: none"> • Strengthen gender equality through: improving laws including a new Marriage and Divorce Bill 2009 and amending the Succession Act; waging sensitivity and public awareness campaigns on discrimination against women; and ensuring that land titling programs are structured in favor of joint or single registration by women • Strengthen access of youth to land through: promoting early inheritance of land from parents by introducing social welfare support and pension programs for the elderly; amending the Succession Act to provide for succession and inheritance of family land by children; and waging sensitization and public awareness campaigns on discrimination against children
3	Resolve land disputes effectively and efficiently	<ul style="list-style-type: none"> • Eliminate overlapping rights on registered lands through a re-design of the Land Fund to expedite and cost-effectively buy-out residual rights of registered owners • Fill institutional vacuum in hot spots especially northern & Albertine regions • Build competent formal institutions and eliminate overlap in responsibilities – provide adequate staff and budget to the judiciary and train judges; facilitate LC courts; revive land tribunals; and empower traditional institutions • Manage expropriations prudently - update compensation law; pay fair and full compensation, resettlement and restoration of livelihoods; adhere to the principle of eminent domain; fight corruption such as underpayment and no or delayed payment for compensation
4	Secure communal lands and end local land grabbing	<ul style="list-style-type: none"> • Use systematic approach to organize & formalize communal groups starting with Acholi, Lango, Karamoja & Teso sub-regions • Demarcate & register their lands • Establish a government institution to provide technical advisory services to the formalized communal groups
5	Improve the management of government and former public lands	<ul style="list-style-type: none"> • Put an end to the free land bonanza • Use transparent and competitive processes to allocate unused land to the poor and to investors, respectively • Inventory, survey and register all public lands

		<ul style="list-style-type: none"> • Undertake an independent audit on ownership and use of land in former government ranching schemes and other leased former public lands to ensure efficient use and compliance with the law • Impose a moratorium on conversion of leasehold to freehold until concerns about sub-version of the law are addressed • Redesign the Land Fund to operate along efficiency and poverty reduction principles
6	Secure individually owned lands	<ul style="list-style-type: none"> • Use systematic titling approach with a spatial framework based on low-cost simple technology and “general boundary” principles for low-value rural land • Use systematic titling based on a detailed survey of boundaries for semi-urban and high-value rural lands
7	Facilitate better management and use of land owned by cultural and religious institutions	<ul style="list-style-type: none"> • Wage sensitivity and awareness campaigns to register all parcels and sub-divisions and to update information on current occupancy and use • Facilitate improved management through state funding of technical assistance and training
8	Improve functioning of land sales and rental markets	<ul style="list-style-type: none"> • Introduce a tax on unused land above 10 hectares • End the practice of allocating free land to investors • Scrap Land (Amendment) Act 2010 that has driven land owners out of rental markets • Accelerate the formalization of communal groups and registration of their communal lands
9	Improve and modernize land administration services including land dispute resolution, valuation and land use planning	<ul style="list-style-type: none"> • Use current funding from World Bank to leverage more funding to modernize all land administration services • Increase accountability and efficiency for critical land administration services through institutional reforms that provide land agencies with autonomy in management and financing using retained funds as Ghana and Kenya have done
10	Improve urbanization and regularize land tenure in informal settlements	<ul style="list-style-type: none"> • Allocate urban government land transparently using competitive processes to avoid distorting land markets • Apply physical development planning regulations consistently, predictably and transparently to avoid distorting land markets • Promote regularization of tenure of squatters on public land while facilitating negotiations between landlords and squatters to promote public private partnerships and regularization of tenure on privately held land in line with the National Land Policy • Upgrade infrastructure services as part of an integrated package with physical planning and regularization of land tenure

1. Increasing land for the landless, land poor and investors for agricultural commercialization

56. Uganda faces a challenge of providing land to more than 1 million households of landless people, including those encroaching on protected lands and cultivating in high risk areas; furthermore, to commercialize agriculture and move out of poverty, about 2.4 million agricultural households (as of 2005/06) currently practicing subsistence agriculture on less than one hectare (2.2 acres) need up to 0.6 acres of additional land for each household, for a total of 600,000 acres or about 250,000 hectares. Apart from these two groups (the landless people and land poor people), land is needed for investors especially the type that can help integrate subsistence farmers into the agricultural value chain in processing and marketing.

57. At least 4 policy actions are needed to make the required land available. The **first** policy action is to grant to the landless and land poor land from former government ranching schemes, government farms such as Maruzi Ranch, Mubuku & Ibuga prison farms and other poorly used government and former public lands; each beneficiary should receive free of charge, on average, 1-3 hectares depending on the business plan and productivity of land. In return and to maximize productivity on the redistributed land, the beneficiaries should be required to contribute funds to cover surveying costs and the costs of agricultural inputs for the first two years. It makes sense to redistribute these government and former public lands to small farmers because, given global experience and as demonstrated in Table 8, they are more efficient than large farmers and are best positioned to use these lands more efficiently than current users. Countries like Brazil and Malawi have had good experiences with this kind of land reform (Tchale 2014). The **second** is to promote land rental markets by removing market restrictions including scrapping the Land (Amendments) Act 2010 which has driven landlords out of land rental markets. The **third** is to impose a land tax on unused agricultural land above a certain threshold, such as 10 hectares, following similar initiatives in Brazil, Colombia, Jamaica, St. Lucia, Namibia, South Africa, Japan and USA (Childress et al. 2009). The **fourth** is to promote direct contracting of communal land between investors and formal community groups after organizing them into communal land associations as required by the 1998 Land Act (as amended).

2. Ending discrimination against women and youth

57. Discrimination against women and youth in terms of secure access to land is not only a violation of their human and constitutional rights; it also robs the country of an opportunity to gain from the contributions that women and youth would otherwise make to the economy (see Section II above). Policy actions are therefore urgently needed to end the discrimination against women and youth in securely accessing land if and when they need it. To end such discrimination against women, the following policy actions are needed: (i) improving laws including passing a new Marriage and Divorce Bill 2009 and amending the Succession Act (cap 162) to ensure equal access to land for women through marriage and divorce, as widows and through inheritance; (ii) waging sensitivity and public awareness campaigns on discrimination against women; and (iii) ensuring that land titling programs are structured in favor of joint or single registration by women.

58. To ensure that the youth, with their education and energy, are empowered and enabled to drive the commercialization of agriculture, the following policy actions are needed to enhance their access to land: (i) promoting early inheritance of land from parents by introducing social

welfare support and pension programs for the elderly so that parents do not hold back land as old age security; (ii) amending the Succession Act (cap 162) to provide for succession and inheritance of family land by children; and (iii) waging sensitization and public awareness campaigns on discrimination against children and youth.

3. Resolving land disputes effectively and efficiently

58. Land disputes in Uganda have flourished, incurred a heavy toll on agricultural production and threatened social stability. To resolve them effectively and efficiently, at least four policy actions are needed. The **first** policy action is to address conflicts between landlords and tenants by eliminating overlapping rights on registered lands. A key necessary intervention is to redesign the Land Fund to expedite and cost-effectively buy-out residual rights of registered owners, compensate landlords at less than market price to discount for the sharing of rights with tenants (by occupancy) and to manage the Land Fund as a comprehensive poverty reduction program that complements the use of land with other agricultural inputs and technology. The **second** is to fill an existing institutional vacuum in hot spots, especially in northern Uganda, Karamoja and Albertine region, with formal land institutions including fully staffed and budgeted zonal and district land offices as well as Area Land Committees and Local Council Courts. The **third** is to build competent formal institutions for land dispute resolution and to eliminate overlap in their responsibilities. This should include: (i) providing adequate staff and budgets to the judiciary and to train judges; (ii) facilitating Land Area Committees and Local Council Courts; (iii) reviving district land tribunals; and (iv) empowering traditional institutions. The **fourth** policy action is to manage land expropriations prudently including: (i) updating the compensation law to keep pace with innovations in land policy including customary tenure; (ii) paying fair and full compensation including resettlement and restoration of livelihoods; and (iii) adhering to the principle of eminent domain to apply strictly only to land takings in public interest; and (iv) fixing deficiencies in governance such as underpayment and delayed or no payment of compensation.

4. Securing communal lands and ending local land grabbing

59. Communal lands, especially in northern Uganda, have become magnets for investors and local land grabbers alike due to the prevalence of large chunks of unused albeit claimed lands at a time when land values have gone up due to rising global investor interest in agricultural land. As they are not documented, these communal lands have become vulnerable to land grabbing and associated disputes which are not conducive to investment. To promote investment and productivity while protecting the land rights of local communities, at least two policy actions are needed in the way of securing communal land rights and abetting land grabbing. **First**, communal land-owning groups need to be organized and formalized into Communal Land Associations, with priority given to those in Acholi, Lango, Karamoja and Teso sub-regions. And **second**, lands belonging to Communal Land Associations should be demarcated and registered, taking advantage of World Bank funding. And **third**, a government institution should be established to provide technical advisory services to Communal Land Associations to enhance management capabilities of their land especially the management of transactions within communities and with outside interests especially investors.

5. Improving the management of government and former public lands

60. The government has been holding land that has been underused, inefficiently and unfairly allocated, some given away to so-called investors for free, and others such as the former government ranching schemes leased out to recipients who have not complied with lease conditions, with others illegally converting leasehold to freehold; in short, government and former public lands have been misused, mismanaged and abused. To improve the management of these government and former public lands so as to maximize their contribution to agricultural production and economic transformation, at least 5 policy actions are needed. The **first** policy action is to put an end to allocating land free of charge to investors, a practice that is rare even in socialist countries where land is owned by the state. There is no evidence globally that free land allocations alone have a significant positive effect on investment; nor is there any evidence in Uganda that it has made a positive contribution to investment. It should therefore be put to an end as it has distortionary effects on land markets, discriminates among investors, attracts unworthy investors and has been subjected to abuse in Uganda. The **second** policy action is to use transparent and competitive processes to allocate land to the poor and investors, respectively. The **third** policy action is to inventory, survey and register all government and former public lands with a view to developing an information system to support land allocation and management decisions (Ahene and Byamugisha 2014); such an information system should be electronically linked to the Ministry of Lands' Land Information System (LIS) which was developed in 2013 (Cheremshynskyi and Byamugisha 2014).

61. The **fourth** policy action is to undertake an independent audit (or Commission of Enquiry) into the allocation and use of land in former government ranching schemes and other leased government and former public lands since independence, similar to Kenya's Commission of Inquiry into Illegal and Irregular Allocation of Public Land (Republic of Kenya 2004). The objective of the audit would be to establish irregular and illegal allocation and use of government and former public land with a view to recommending measures to address the irregularities and illegalities and to improve efficiency and equitable use of the land. The **fifth** policy action is to impose a moratorium on conversion of leasehold to freehold until concerns about subversion of the law are addressed. And the **sixth** policy action is to redesign the Land Fund to operate along efficiency and poverty reduction principles with due consideration to adequate provision not only of land but also other agricultural inputs, technology and marketing services.

6. Securing individually owned lands

62. As only about 5 percent of rural land and nearly 20 percent of total land in Uganda is registered, much of the land especially in rural and peri-urban areas is undocumented, informally administered and thus vulnerable to land grabbing and expropriation without adequate compensation. Such a situation is not conducive for investment by local landholders nor by investors. There is therefore a need to accelerate the documentation of land rights to address the vulnerabilities, provide investment incentives and facilitate use of land as collateral to obtain greater and cheaper credit (Deininger and Feder 2009). Based on African and global experience with land registration including Uganda's own piloting of systematic land titling (Byamugisha 2013), two policy actions are required.

63. The **first** policy action is to scale up land titling using a systematic land titling approach that deploys a spatial framework based on low-cost simple technology and "general boundary" principles for low value rural land as Rwanda has recently done to complete titling for the whole

country. The **second** policy action is to scale up land titling using a systematic land titling approach based on a detailed survey of boundaries for peri-urban and high-value rural lands in a similar but improved fashion as the systematic land titling pilots completed a few years ago in some parishes in Ntungamo, Mbale, Iganga and Kibaale districts (Ogaro 2011). Plans are underway to scale up land titling in Uganda to issue nearly one million land titles within five years, with support from the World Bank (World Bank 2013a). It is critical that the indicated systematic land titling approaches be prudently applied and periodically evaluated with a view to using them to complete titling the whole country within ten years.

7. Facilitating better management and use of land owned by cultural and religious institutions

64. Cultural and religious institutions in Uganda own a significant proportion of the country's land, part of which was allocated to them by the colonial administration. This land has potential to boost the country's agricultural production and the economy as a whole. The full potential of this land has not been exploited and a significant part of it has been encroached upon or is unused. To maximize its contribution to Uganda's socio-economic transformation while also recognizing that this is private land, at least two policy actions are needed. The **first** policy action is to wage sensitivity and awareness campaigns to demarcate and register all parcels and sub-divisions of these lands, especially land owned by religious institutions, and to update information on current occupancy and use. The **second** policy action is to strengthen the management of these lands through state funding of technical assistance and training using donor funding and experiences of development partners such as the World Bank in Ghana (World Bank 2003; World Bank 2011).

8. Improving the functioning of land sales and rental markets

65. Global experience indicates that land markets, especially for renting land, are important in moving land from less to more efficient users; and land rental markets in particular are critical to providing land access to the landless and land poor and to facilitate movement of labor from agriculture to other sectors and back to agriculture, if necessary, in pursuit of higher returns to labor as evidenced in China (Zhai, Hertel and Wang 2003; Deininger and Jin 2007) and Viet Nam (Deininger and Jin 2003). The movement of labor is a driver of economic transformation; and so are land rental markets, to the extent they facilitate movement of labor. To improve the functioning of land sales and rental markets, at least 4 policy actions are needed. The **first** policy action is to introduce an agricultural tax on unused land above a certain threshold, such as 10 hectares, as other countries, such as South Africa, Namibia, Jamaica, Colombia, Brazil, St. Lucia, Japan and USA have done. The **second** policy action is to put an end to the practice of allocating free land to investors because it does not work, is economically counterproductive and is not backed up by international experience. The **third** policy action is to scrap the Land (Amendment) Act 2010 that has driven landowners out of the land rental markets while not meeting its objective of stopping land evictions. A solution to land evictions should address the fundamental causes, and not the symptoms, by restructuring and enhancing the Land Fund to eliminate the overlap in the land rights enjoyed by registered land owners and tenants by occupancy. The **fourth** policy action is to accelerate the formalization of land-owning communal groups into Communal Land Associations and to demarcate and register their lands as provided for in the Land Act 1998 (as amended).

9. Improving and modernizing land administration services including land dispute resolution, valuation and land use planning

66. While much progress has been made in modernizing cadastral surveying and land registration services and plans are underway to improve the other land administration services, special attention is needed to improve and modernize land disputes resolution, valuation and land use planning

services which are significantly lagging behind. At least two policy actions need to be taken to improve and modernize land administration services including land dispute resolution, valuation and land use planning services. The **first** policy action is to use current funding from the World Bank to leverage more funding necessary to support modernization of all land administration services. The **second** policy action is to undertake institutional reforms to increase accountability and efficiency for critical land administration services by providing land agencies with autonomy in management and financing using retained funds from land-related transaction taxes and charges as Ghana (World Bank 2011) and Kenya (United Republic of Kenya 2010) have legislated and are following up to implement.

10. Improving urbanization and regularizing land tenure in informal settlements

67. Urbanization and the proliferation of slums in Uganda are on a fast pace as elsewhere in Africa. While urbanization in particular aids agricultural development in terms of providing a market for food and an outlet for the agricultural landless, this can only happen in an economically beneficial way if it is effectively managed. The proliferation of slums in particular poses a challenge for poverty reduction programs. While Uganda has fallen much behind in managing urbanization and the proliferation of slums, its National Land Policy is progressive and supportive in addressing the problem. Hence, the government can build upon it by taking a number of policy actions to improve urbanization and, more specifically, regularize land tenure in slums and informal settlements.

68. The **first** policy action is to allocate urban government land transparently using competitive processes to avoid distorting land markets. The **second** is to apply physical development planning regulations consistently, predictably and transparently to avoid distorting land markets. The **third** is to promote regularization of tenure of squatters on public land while facilitating negotiations between landlords and squatters to encourage public private partnerships and regularization of tenure on privately held land in line with the National Land Policy. And the **fourth** is to upgrade infrastructure services as part of an integrated package with physical planning and regularization of land tenure. This package of policy interventions, while relatively new to Uganda, has already been piloted in some other countries such as Lesotho and Tanzania and have been found promising, and are being scaled up there and in Kenya as well (Byamugisha 2013); Uganda can learn from the experiences of these and other countries to ensure faster and better results.

V. Impact on Investment, Productivity and Socio-economic Transformation

69. Land reforms that increase land tenure security through documentation of land rights and reduction of land disputes provide incentives to farmers to invest in land improvements and developments on land. Empirical evidence of the positive impact of increased land tenure security on investment has been identified in China (Jacoby, Li, and Rozelle, 2002), Thailand (Feder *et al.*, 1988), Latin America (Deininger and Chamorro, 2004, and Fort, 2007), and Eastern Europe (Rozelle and Swinnen, 2004). More recently in Africa, the evidence on the impact on investment by land tenure security through registration of land rights has been found in Ethiopia by Deininger, Ali and Alemu (2011b) and in Rwanda by Ali, Deininger, and Goldstein (2011). As land disputes and associated land tenure security reduce agricultural productivity in the whole of Uganda by 5-11 percent and in the mailo land of central region and Kibaale by up to 25 percent, a major reduction in land disputes and associated increases in land tenure security would result in a similar turn-around in productivity and the associated investments and economic growth.

70. Similar improvements in land tenure security through land titling would increase the collateral value of land thereby resulting in farmers gaining access to more and cheaper long term credit which they can use to increase investment as was empirically found in Thailand (Feder *et al.* 1988). While such an impact of land tenure security on increased credit and subsequent investment in Uganda would be limited by the relatively low level in development of financial markets, such a constraint would be significantly reduced in the longer term framework thereby resulting in a greater impact on investment by land reforms that increase land tenure security and the collateral value of land. In addition to increases in investments associated with land tenure security and collateralized credit, land tenure security would increase investment in large scale commercial agriculture while also safeguarding the land rights of local communities (Deininger *et al.* 2011). The impact on investment, productivity and economic growth would increase significantly.

71. Land reforms have an impact not only on investment, productivity and growth but also on socio-economic transformation. When land markets are reformed to operate fluidly and there are economic opportunities to explore, people either sell or rent out their land and move from farming to other sectors where there is a higher return to labor. For example, as discussed in earlier sections, hundreds of millions of people migrated from agricultural to non-agricultural areas of China and Vietnam during the 1980s and 1990s, associated with the transformation of their non-farm economies. While the migration was driven by economic opportunities outside agriculture, there is evidence that it was facilitated by the emergence or strengthening of land rental and sales markets, underpinned by institutional strengthening of land rights. In Viet Nam, strengthened land tenure security led to an increase in the incidence of migration by households from 29% in 1993 to 64% in 1998 while, in rural China, strengthened land tenure security permitted existing landowners to rent their land to others and to migrate to the booming coastal areas and cities where they found more attractive wages. The share of migrants in the labor force in China increased from 5 percent in 1988 to 17 percent in 2000, or a total of 124.6 million people, with an expectation to increase to 200 million by 2020. The rapid migration led to a structural transformation of the economy, with the share of agriculture in total employment

declining from 70 percent in 1978 to 50 percent by 2000 (Johnson, 2000). Similarly, land reforms after the Second World War in Japan, South Korea and Taiwan led to a rapid growth in agriculture accompanied by an even faster pace of industrialization thereby resulting in a relative decline in agriculture in terms of contribution to GDP and total employment. In Uganda, fluidity in land markets, especially land rental markets, would be expected to lead to similar socio-economic transformation as was realized in Japan, South Korea and Taiwan after the Second World War, and in Viet Nam and China in the last 30 years.

VI. Conclusions

69. Poor land governance, especially lack of land tenure security and inadequate access to land for women, the youth, the landless and the land poor, is a drag not only on agricultural productivity but also on increasing agricultural production through area expansion. Unless it is addressed through a major land reform, agricultural growth in Uganda will remain below potential and Uganda will be unable to achieve the 6 percent CAADP target and the 5 percent target of Vision 2040. Land reform will also be needed to facilitate the mobility of land and labor resources into areas and activities where they can earn the highest return, and catalyze socio-economic transformation as it happened in Japan, South Korea and Taiwan (China) after the Second World War, and in China and Viet Nam in the last 25-30 years.

70. Even if Uganda's oil sector were to boom and generate major economic growth, it would depress the terms of trade of agriculture (*vis-à-vis* the oil and the non-tradable sectors) and its competitiveness as is typical of the Dutch disease phenomenon first articulated and modelled by Corden and Neary (1983); the depression would undermine further the growth of Uganda's agricultural sector and its potential contribution to poverty reduction. Should the oil boom materialize as anticipated, it is critical that land reform becomes a major part of the agricultural reform package to turn around agriculture's competitiveness to off-set the potential Dutch disease effects of the oil boom.

71. This paper has articulated a ten-point program of land reform to boost agricultural growth, enhance socio-economic transformation and help to achieve Uganda's Vision 2040 (See Table 10). Its implementation, over 10 years, requires political will and leadership complemented with support from development partners. Given its potential to transform Uganda's agriculture and its economic development prospects, land reform deserves everyone's support for action now, and not tomorrow.

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